

ARTICLE IX

PROCEDURES

DIVISION 9000. PURPOSE

The purpose of this Article is to establish the procedural requirements for: the review of zoning change and map amendment requests, requests for floating zones and conditional uses, site plan review, variances, beneficial use standards and procedures, building permits, and the treatment of nonconforming uses.

DIVISION 9100. ZONING CHANGE AND MAP AMENDMENT PROCEDURES

All applications for rezoning of land, either through a map amendment or by amending the text of the Zoning Ordinance, shall follow the provisions of this Section and shall comply with the Comprehensive Plan. For a floating zone request, the provisions of this Section and Sections 9144 and 9145 shall be carried out together.

SECTION 9110. TEXT AMENDMENTS

The approval of text amendments by the County Commissioners shall be preceded by a finding that a change meets the required tests and is needed for one of the following reasons:

- A. The use desired is not covered in the text of the Ordinance but is acceptable because:
 - 1. The use proposed is in accordance with the purpose of the zoning district; and,
 - 2. There are similar uses in the district; and,
 - 3. The intensity of use proposed is consistent with other uses in the district. In demonstrating this, building volume ratios, site volume ratios, and landscape volume ratios of the proposed use and existing uses in the area shall be compared. The County Board of Commissioners, upon recommendation by the Planning Commission, shall adjust the intensity, landscaping, and other criteria to ensure that consistency is maintained within the district.

- B. New conditions have arisen that have not been addressed in the Ordinance. These new conditions must be one of the following:
 - 1. The Comprehensive Plan has been amended, and the Zoning Ordinance needs to be brought into conformity with the Plan.

2. Changing market or other conditions require new forms of development or new procedures to meet these changing needs.
 3. New methods of development or providing infrastructure makes it necessary to alter the Ordinance to meet these new conditions.
 4. Changing governmental finances requires amending the text of the Ordinance to be in keeping with the needs of government to provide and afford new public services.
- C. After experience with the regulations, adjustments are needed to achieve the desired objectives. The amendment request must come either from staff recognized problems that need to be corrected or from developers or others experiencing trouble making the regulations work.

SECTION 9120. MAP AMENDMENTS

The approval of map amendments by the county Commissioners shall be preceded by a finding that a change meets the required tests and is needed for one of the following reasons:

- A. The Comprehensive Plan has been amended and the Zoning Map needs to be brought into conformance with the revised plan; or,
- B. A mistake was made in mapping the original Map. That is, an area is, and has been, developing in a manner and purpose different from that for which it was mapped. It must also be demonstrated that this result was not intended, since the County may have intended to stop an undesirable land use patten from spreading; or,
- C. Conditions have changed, such as new roads or utilities investments, making another location more favorable for development; or
- D. Growth rates have changed, thereby increasing the need for development in the County.

SECTION 9130. PROCEDURE FOR MAP AND/OR TEXT AMENDMENTS

- A. General
 1. The County Commissioners may change, amend ,or supplement any regulation, district boundary, or classification of property established by this Ordinance or amendments thereof by satisfying these requirements:
 - a. Public necessity, convenience, general welfare, or good zoning practice requires that a chance be made.

- b. The change, amendment, or supplement must be received by the Planning Commission.
 - c. The change, amendment, or supplement is subject to the procedure set forth in this Article.
 - d. The change, amendment, or supplement may be initiated by resolution of the County Board of the Commissioners, by motion of the Planning Commission, or by a petition of any property owner or contract purchaser addressed to the County Board of Commissioners.
2. The County Board of Commissioners hereby express recognition of the fact that sections of Williamson County are changing from a rural to a residential, commercial, industrial, or other character, and have in the official Comprehensive Plan anticipated and sought to direct such growth along desirable lines until the year 2005. Inevitably, no plan can be perfect or everlastingly valid. The Commissioners therefore anticipate that the Comprehensive Plan will need to be amended at least every five (5) years from the date of adoption or subsequent comprehensive amendments thereto, as contemplated and authorized by Section 3-303 of Article 13 Tennessee Code Annotated, and that the Zoning Map must also be comprehensively amended from conformity with such Comprehensive Plan. Such Comprehensive amendments shall occur within six (6) months of the adoption of an amendment to the Comprehensive Plan.

B. Applications

1. Applications for any change, either of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the County Planning Commission at its public office. Applications shall be on such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record.
- a. Any person or persons desiring a change in the zoning classification of property shall file with the application a statement giving the names and addresses of adjacent property owners to the Planning Commission.
 - b. Each application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.
2. Applications for either amendments of the text or requirements of this Ordinance, shall likewise be submitted to the County Planning Commission on forms

prescribed by it and shall be verified by the person or persons preparing said amendments.

3. Applications for either rezoning or text amendments shall not be withdrawn from consideration by the Planning Commission after notice has been given as required by Subsection D.
- C. Fees. Each application for an amendment or change to the Zoning Map, except those initiated by the Planning Commission, shall be accompanied by either a check payable to the Trustee of Williamson County or a cash payment, in the amount established by the County Commission. This is to cover the approximate procedural costs of the application. Under no condition shall said sum, or any part thereof, be refunded for failure of the amendment or change to be enacted into law.
 - D. Planning Commission Public Hearing and Recommendations. Before submitting its recommendations on a proposed amendment to the County Commissioners, the Planning Commission shall hold at least one (1) public hearing thereon. Notice of each hearing shall be given to all adjacent property owners (taken from the tax rolls) by placing the notice in the United States mail at least ten (10) days before the date of the hearing. The notice shall state the place and time at which the proposed amendment to the ordinance (including text and maps) may be examined. When the Planning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the County Commissioners and submit a report detailing the recommendations and how they meet the regulations set forth in the Zoning Ordinance.
 - E. County Board of Commissioners Public Hearing. After receiving the Planning Commission's certification of recommendations on a proposed amendment, but before adoption of such amendment, the County Commissioners shall hold a public hearing.
 1. Notice of the time and place of the public hearing shall be given at least thirty (30) days prior to that date, and the notice shall be given in one (1) publication in a newspaper of general circulation in the county. In addition, notices shall be sent by the United States mail, as specified in Subsection C of this Section.
 2. A sign providing notice of the time, place, and subject of the proposed amendment available through the Planning Department shall be posted by the petitioner in a prominent location on the subject property at least thirty (30) days prior to the meeting
 3. Neither an application for rezoning or text amendment nor the recommendations of the Planning Commission shall be withdrawn from consideration of the Commissioners after notice has been given as required by this Section.
 - F. Decisions. After holding the public hearing, the County Board of Commissions shall consider such recommendation and vote on the adoption of the proposed amendment.

The proposed amendment shall become effective with a favorable vote by a majority of the total membership of the County Commissioners and the approved amendment shall be published in a newspaper of general circulation in the County.

- G. Failure to Notify. The intention of the Subsection is to provide due notice of proposed zoning changed to all persons who may be interested in or affected by the changes. Failure to notify, as provided in Subsections D and E above, shall not invalidate any recommendation of the Planning Commission, provided that such failure was not intentional. The intention of this Subsection is to provide, as well as possible, due notice to persons substantially interested in a proposed change, that an application to make a change in the Zoning Maps or regulations set forth in this Ordinance, is pending before the Planning Commission.
- H. Repeat Applications. Whenever any petition for an amendment, supplement, or change of the zoning or regulations herein contained (or subsequently established) has been denied by the County Commissioners, no new petition covering the same property (or the same property plus any additional property) can be filed with, or considered by, the Commissioners until one (1) year had elapsed from the date of the filing of a previous petition.

SECTION 9140. FLOATING ZONE PROCEDURES

All applications for the rezoning of land to a designated floating zone shall meet the standards for such rezoning, the procedures for first and second readings of this Section, and the procedural requirements established for a rezoning. The first and second reading procedures establish a two-stage adoption process requiring the rezoning to be approved on a first reading for conformance to the Comprehensive Plan and general requirements of this Section. The second reading requires the completion of a final plan and verification that all requirements have been met prior to the approval of the second or final reading of the rezoning. In addition to the procedures of this Article, any floating zone request that does not conform to the Comprehensive Plan must, simultaneously with the approval of the first reading, meet the requirements of Section 9120 for map amendments.

Commentary: The two-stage approval permits the developer to secure zoning and then go to the expense of land development and architectural plans needed to secure building permits, after having determined that the County will rezone a property if the developer meets the requirements of this Article.

SECTION 9141. APPROVAL OF FIRST READING

The first reading approval of map amendment for a designated floating zone shall be pursuant to all procedures of this Ordinance for a zoning change. The approval shall be granted only upon the finding that all conditions required by Section 9144 and other provision of this Ordinance can be met. Approvals shall not be granted if any condition of Section 9144 is not met.

SECTION 9142. LEGAL STATUS OF FURST READING APPROVAL

The approval of first reading of any proposed reading for a designated floating zone under the provisions of this Ordinance shall allow the landowner to proceed with other development activities, such as subdivision or land development approval and construction of roads or other improvements, as if the zoning change had been finally granted, for a period of two (2) years from the date of the first reading approval. All governmental reviews shall be based on the fact that rezoning has been approved and that final action awaits only the submission of a final land development plan that meets all requirements imposed at first reading. No zoning amendment or map amendments shall, during the life of the agreement, alter the vesting of rights granted by the first reading approval.

SECTION 9143. APPROVAL OF SECOND READING

The County Commissioners shall approve on second reading all applications that have received a first reading approval within the two (2) year vested rights period, provided the applicant demonstrates that all provisions of Sections 9144 and 9145 and all other requirements of this Ordinance have been met. Any denial of approval of second readings shall be accompanied by written report from the Planning Director as to the conditions that have not been met. Before voting to deny such an application, the petitioner shall be given fifteen (15) days notice that the Planning Director has submitted a report recommending denial and given an opportunity at a public meeting of the County Commission to present his side of the case. If the County Commission finds that the application is not in compliance with the provisions of this Ordinance, they shall deny such an application.

SECITON 9144. FIRST READING REQUIRMENTS FOR FLOATING ZONES

All rezoning of land to the Restricted Single-Family (RS) or Urban (U) District shall require the Planning Commission and County Commission to find that the following standards have been met.

A. Urban (U)—Residential Uses

1. The area requested for the Urban (U) District shall be consistent with the Williamson County Comprehensive Plan as an appropriate area for urban uses.
2. A mechanism shall be proposed to ensure that all or a portion of the units built become available to house-holds or individuals with limited incomes, and that the units not be converted to meet higher income markets, To ensure that this occurs, one of the following mechanisms shall be used:
 - a. The units shall be owned, operated, or managed by a private nonprofit sponsor; or

- b. The units shall be subsidized by County, State, or Federal housing programs; or,
 - c. The developer shall demonstrate that no premium is being paid for the land conditioned on the rezoning, and increased density is being translated into lower unit costs.
3. The maximum unit size shall not exceed the sizes listed in the following table:

Table 9144

Type of Project	Efficiency	One Bedroom	Two Bedroom	Three Bedroom	Three Bedroom
Apartment	500 sq ft	700 sq ft	850 sq ft	900 sq ft	900 sq ft
Townhouse, Duplex, Atrium	-	-	900 sq ft	1100 sq ft	1250 sq ft
All Single-Family Detached	-	-	950 sq ft	1150 sq ft	1400 sq ft

B. Urban (U)—Nonresidential Uses

- 1. The area requested for the Urban (U) district shall be consistent with the Williamson County Comprehensive Plan as an appropriate area for urban uses.
- 2. All impacts on the roads, water and sewer facilities shall be reviewed and compared with the County's and/or utility district's capital program; and if there is a shortfall between needs and ability of the County to meet them, a method of getting the needed improvements completed shall be proposed.

C. Restricted Single-Family (RS) District

- 1. A mechanism shall be proposed to ensure that all or a portion of the units build become available to households or individuals with limited incomes, and that the units not be converted to meet higher income markets. To ensure this occurs, the developer shall demonstrate that no premium is being paid for the land conditioned on the rezoning, and the increased density is being translated into lower unit costs.

2. The area proposed for the Restricted Single-Family (RS) District shall be located on 30 to 45 minute soils.
3. Lots located within proposed areas potentially containing eight (8) or more dwelling units shall provide setbacks equal to that of adjacent zoning districts.

SECTION 9145. SECOND READING REQUIREMENTS FOR FLOATING ZONES

All second reading approvals of designated floating zones in the Urban (U) district shall meet all the standards of Section 9144 for said use and, in addition, meet the following requirements.

A. Urban (U) and Restricted Single-Family (RS) Districts

1. Prior to the approval at second reading, a final development plan approved by the Planning Commission together with all required performance bond for the completion of improvements shall be submitted.
2. Signed agreements or other proof availability to low-income residents shall be submitted. All cost data shall be updated based on the final design of the project.
3. Plans of the buildings with application for building permits shall be submitted and approved by the Planning Commission.

DIVISION 9200. ZONING CERTIFICATE AND SIGN PERMIT PROCEDURES

SECTION 9201. PURPOSE

This Division sets forth the procedures required for obtaining zoning certificates and sign permits.

SECTION 9210. ZONING CERTIFICATE REQUIRED

A. A zoning certificate must be obtained from the Planning staff before:

1. A development permitted by this Ordinance, including accessory and temporary used, may be established or changed.
2. A structure may be erected, constructed, reconstructed, altered, razed, or removed.
3. A building may be used, occupied, or altered with respect to its use after the effective date of this Ordinance.

B. Existing Nonconforming Buildings. Nonconforming buildings existing at the time of enactment of this Zoning Ordinance shall apply within twelve (12) months for a zoning certificate. Upon written request from an owner, agent, or contract purchaser, the

Planning Director or designee shall issue a zoning certificate for any building or premises lawfully existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms with the provisions of this Ordinance.

- C. The applicant must comply with all the terms of this Ordinance. Nothing herein shall relieve the applicant of the responsibility of seeking any additional permits required by any applicable statute, ordinance.

SECTION 9220. APPLICATION REQUIREMENTS FOR A ZONING CERTIFICATE

- A. No application for a zoning certificate shall be accepted by the Planning staff until the following requirements are met:
1. If the development requires a conditional use permit, then the application for a conditional use permit shall be made at the same time or prior to application for a zoning certificate.
 2. * If the development requires special use approval by Board of Zoning Appeals, application for such may occur concurrently with this application for Zoning Certificate, or as soon as a finding is made by Planning Staff that such is appropriate.
 3. If the development is required to develop pursuant of plat of subdivision, then the development must have received and properly recorded a finally approved plat.
 4. The application must be complete pursuant to the requirements of the Section and all processing fees established by Williamson County have been paid in full.
- B. Application Forms and Supporting Information

The property owner requesting a zoning certificate for any development other than a single residential unit (see Section 9220 C.) shall apply in writing, using a form supplied by the County. The applicant shall file four (4) copies of this form with the Planning staff. The application shall include the following information:

- 1.* The tax assessment card on record with the Assessor of Property's office.
2. A map (or maps) of the subject property showing:
 - a. The property's boundaries;
 - b. Total acreage;*

- c. Location, width, and name of all existing or previously platted streets, railroad and utility rights-of-way;
 - d. Parks and other public open spaces, or permanent easements, and municipal boundary lines within five hundred (500) feet of the property; and
 - e. The location of existing sewers, water mains ,culverts , and other underground facilities within the tract, indicating pipe sizes, grades, and manholes.
- 3.* A statement of the proposed use, together with a site plan of the layout of the layout of the proposed development drawn to scale showing the location and exterior dimensions of all existing and proposed buildings and uses in relation to parcel and street lines.
- C. Application Form and Supporting Information for a Development Consisting of one (1) Residential Dwelling Unit.

The property owner requesting a zoning certificate shall apply in writing, using a form supplied by the County. The applicant shall file four (4) copies of this form with the Planning Staff. The application shall include the following information:

- 1.* The tax assessment card on record with the Assessor of Property's office.
 - 2. A map (or maps) of the subject property showing:
 - a. The property's boundaries;
 - b. Total acreage;
 - c. Location, width, and name of all existing or previously platted streets, railroad and utility rights-of-way;
 - d. The location of existing sewers, water mains, culverts, and other underground facilities within the tract, indicating pipe sizes, grades, and manholes.
- D. If the proposed development is a part of a plat of subdivision, or has been issued a conditional use permit, then the plat, or conditional use permit, together with any covenants, condition or other restrictions related thereto, shall be submitted as a part of the application.

E. Temporary or Accessory Uses

The Planning staff shall be supplied with a sufficient factual basis in order to determine whether or not the proposed development complies with this Ordinance applicable to temporary and accessory uses.

1. If the use is to be established simultaneously with a principal use, then all information required in this Section must be submitted.
2. If the use is to be established at any other time than when the principal use is established, then the Planning staff may establish requirements governing the application information needed for the zoning certificate.

F. If the development is required by this Ordinance to submit to site plan review, then the approved site plan shall be made a part of the application and shall suffice as the statement of proposed use required by this Subsection.

SECTION 9230. PROCEDURE FOR A ZONING CERTIFICATE

Applications for a zoning certificate shall be reviewed by the Planning staff for compliance with this Ordinance.

A. Timeframe for Review

1. Developments consisting of a single lot of record, a single dwelling unit, or a single nonresidential unit shall be reviewed within three (3) days after acceptance of the application by the Planning staff and the applicant shall be informed whether or not the application has been granted.
2. Developments consisting of more than one lot, use, or structure shall be reviewed in as timely a manner as possible. The application must be reviewed, however, within 30 days after acceptance of the application and the Planning staff shall inform the applicant whether or not the application has been granted.

B. Applications Granted. The Planning staff shall issue a zoning certificate which shall state on its face; "This certificate does not signify building codes review or approval nor subdivision review or approval and is not authorization to undertake any work without such review and approval where either is required. Before any structure to which this certificate is applicable may be occupied or used for any purpose, a certificate of occupancy must be obtained."

C. Application Denied. The Planning staff shall state the specific reasons and shall cite specific Chapters, Articles, Divisions, and Sections of the Ordinance upon which denial is based. If relief of such denial would be available by special permit or variance, the

Planning staff shall so state and shall refer the applicant to the appropriate sections of this Ordinance.

- D. Application Continued. In cases where review by the Planning Commission, and /or Board of Zoning Appeals, is mandated by rules and regulation contained herein, the application for Zoning Certificate shall be considered continued until such a time that a decision is rendered by the bodies noted above. Upon the rendering of a decision by those bodies, Planning Staff will act on the application the basis of that decision.

SECTION 9240. SIGN PERMIT REQUIRED

Unless specifically exempted by Division 8100, no sign shall be erected, altered, or relocated after the effective date of this Ordinance until a sign permit has been secured from the Planning staff. Sign permits shall be renewed prior to their expiration dates as specified below.

- A. Permits for each sign, except temporary signs, shall expire on 31 December of the third year following the year of issuance. All renewals of such permits shall be for three (3) years.
- B. Permits for temporary sign shall expire ninety (90) days from the date of issuance of such permit unless otherwise provided by Division 8100.

SECTION 9250. APPLICATION REQUIREMENTS FOR A SIGN PERMIT

All applications for sign permits shall be made in writing on a form supplied by Williamson County and shall contain or have attached thereto the following information:

- A. Name, address, and telephone number of applicant.
- B. Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.
- C. Two blueprints or ink drawings of the plans, specifications, and method of construction and attachment (i.e., either to a building or in the ground) of all proposed signs.
- D. A copy of the zoning certificate issued to the use (s) to which the sign is related, together with a complete copy of the application required for that zoning certificate. If the use for which a permit is sought was existing at the effective date of this Ordinance, then the Planning staff shall specify the information required to show full compliance with the sign regulations of this Ordinance.
- E. In no event shall information not required by this Section or an application for a zoning certificate be required by the Planning staff.

SECTION 9260. PROCEDURE FOR A SIGN PERMIT

Applications for sign permits shall be reviewed for compliance with this Ordinance by the Planning staff. Within two (2) days after acceptance of the application, the Planning staff shall inform the applicant whether a sign permit has been granted and the actual permit shall be issued in a timely manner.

DIVISION 9300. CONDITIONAL USE PERMIT PROCEDURE

- A. Application. Applications for a conditional use shall be submitted simultaneously with an application for a building permit and, with the exception of clear cutting, shall contain all the information required for site plan review by Section 9501.
- B. Processing by Planning Director. Applications for a conditional use permit shall be processed by the Planning Director as follows:
 - 1. Copies of the application shall be distributed to the Directors of all affected Departments.
 - 2. Public Hearing
 - a. A public hearing shall be held by the Planning Commission after a public notice has been published in a newspaper of general circulation for at least ten (10) days prior to the date of such hearing.
 - b. A sign providing notice of time, place and subject of the proposed Conditional Use, available through the Planning Department, shall be posted by the petitioner in a prominent location on the subject property at ten (10) days prior to the meeting.
 - c. Notification of adjacent property owners shall provide the time, place and subject of the Conditional Use application sent out at least ten (10) days before the meeting.
 - d. Recommendations. No later than ten (10) days prior to the date set for the hearing on the application, the Planning Director and each official or consultant to which the application has been referred shall file a written report thereon with the Planning Commission. These reports shall state the recommendations for changes in the plans as submitted and the conditions for approval, if any, necessary to bring the proposed plan into compliance with any applicable ordinance or regulation or to eliminate any adverse effects of the proposed development on those aspects of the general health, safety, and welfare of the community for which such official or consultant has special responsibility.

3. Decision. Within thirty (30) days of the public hearing on the application, unless an extension of this time is agreed to by the applicant, the Planning Commission shall make a finding of fact, pursuant to Section 9310, and render a decision either to grant the application for a conditional use permit, grant it subject to conditions, or deny it. Failure of the Planning Commission to act within this time period shall constitute an approval of the application. The application shall be denied if the Planning Commission finds any of the standards in Section 9310 are not met.
4. Conditions and Restrictions. The Planning Commission may impose conditions and restrictions on the approval of the application to ensure that the proposed use and development have minimal adverse effects on the general health, safety, and welfare of the County. All conditions imposed upon any conditional use permit approval, with the exception of conditions made applicable to such approval by the express terms of this Ordinance, shall be expressly set forth in the resolution granting such conditional use permits.

SECTION 9310. GENERAL STANDARDS FOR CONDITIONAL USES

No application for a conditional use permit shall be approved unless the Planning Commission shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Williamson County Comprehensive Plan, this Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the County.
- B. The proposed location of the proposed use shall be consistent with policies, map, or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the County.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, including environmental impacts, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development.
- D. The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in Division 5200.

Where any improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by Williamson County to service the development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

- E. The adverse impacts of the development, after taking into consideration any proposal by the applicant and any conditions that might be imposed by the Planning Commission pursuant to the provisions of this Ordinance to ameliorate them, shall not outweigh any public or private benefits of the proposal and shall not be detrimental to the overall public health, safety, and general welfare.

SECTION 9320. CONDITIONS ON CONDITIONAL USE APPROVALS

Every conditional use permit shall be conditioned upon the proposed development fully complying with all requirements of this Ordinance and, where applicable, with the County Subdivision Regulations. The Planning Commission may also attach any other conditions deemed appropriate to the granting of approval including conforming to a specific site plan. The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance (see Division 4500).

DIVISION 9400. SPECIAL USE PERMIT PROCEDURE

- A. Application. Applications for a special use permit shall be submitted simultaneously with an application for a building permit and, with the exception of clear cutting, shall contain all the information required for site plan review by Section 9501, except for Group Homes operated by the Department of Corrections.*
- B. Processing by the Board of Zoning Appeals. Applications for a special use permit shall be processed by the Board of Zoning Appeals as follows:
 - 1. Copies of the application shall be distributed to the Directors of any affected Departments.
 - 2. Public Hearing
 - a. Notice. A public hearing shall be held by the Board of Zoning Appeals after a public notice has been published in a newspaper of general circulation for at least ten (10) days prior to the date of the hearing, a sign supplied by the Planning Department posted on the property at least ten

(10) days prior to the meeting and adjacent property owners sent notification of the meeting at least ten (10) days prior to the meeting.

- b. Recommendation. No later than ten (10) days prior to the date set for the hearing on the application, each official or consultant to which the application has been referred shall file a written report thereon with the Board of Zoning Appeals. These reports shall state the recommendations for changes in the proposed plans as submitted and the conditions for approval, if any, necessary to bring the plan into compliance with any applicable ordinance or regulation or to eliminate any adverse effects of the general health, safety, and welfare of the community for which the official or consultant has special responsibility.
3. Decision. Within thirty (30) days of the public hearing on the application, unless an extension of this time is agreed to by the applicant, the Board of Zoning Appeals shall make a finding of fact, pursuant to Section 9410, and render a decision either to grant the application for a special use permit, grant it subject to conditions, or deny it. The failure of the Board of Zoning Appeals to act within this time period shall constitute an approval of the application. The application shall be denied if the Board of Zoning Appeals finds any of the standards in Section 9410 are not met.
4. Conditions and Restrictions. The Board of Zoning Appeals may impose conditions and restrictions on the approval of the application to ensure that the proposed use and development have minimal adverse effects on the general health, safety, and welfare of the County. All conditions imposed on any special use permit approval, with the exception of conditions made applicable to the approval by the express terms of this Ordinance, shall be expressly set forth in the resolution granting the special use permit.
5. For Group Homes operated by the Department of Corrections, the Planning Commission shall review applications for permits and make a report to the County Commission. The County Commission will then hold a public hearing and either grant approval, disapprove or approve the application with conditions. The procedure for public notices will be the same as described in Section 9130.*

SECTION 9410. GENERAL STANDARDS FOR SPECIAL USES

No application for a special use permit shall be approved unless the Board of Zoning Appeals specifically finds the proposed special use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Williamson County Comprehensive Plan, this Ordinance, and any other

plan, program, or ordinance adopted, or under consideration pursuant to official notice by the County.

- B. The proposed location of the proposed use shall be consistent with policies, map, or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the County.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, including environmental impacts, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development.
- D. The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in Division 5200.

Where any improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by Williamson County to service the development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

- E. The adverse impacts of the development, after taking into consideration any proposal by the applicant and any conditions that might be imposed by the Board of Zoning Appeals pursuant to the provisions of this Ordinance to ameliorate them, shall not outweigh any public or private benefits of the proposal and shall not be detrimental to the overall public health, safety, and general welfare.

SECTION 9420. CONDITIONS ON SPECIAL USE APPROVALS

Every special use permit shall be conditioned on the proposed development fully complying with all requirements of this Ordinance and, where applicable, with the County Subdivision Regulations. The Board of Zoning Appeals may also attach any other conditions deemed appropriate to the granting of approval including conforming to a specific site plan. The violation of any condition contained in a special use permit shall be a violation of this Ordinance (see Division 4600).

DIVISION 9500. PROCEDURE FOR SITE PLAN REVIEW

This Division sets forth the procedure for site development plan review and approval for resource conservation developments, planned resource conservation developments, and nonresidential developments. This procedure shall be followed by all applicants.

SECTION 9501. FILING AN APPLICATION FOR SITE PLAN REVIEW

The owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representative, shall, prior to the time of application for a building permit, file an original application and a sufficient number of copies, as determined by the Planning Department, with the Planning Director or a designee on forms provided by the County. (For twin house units, single commercial uses, and industrial uses on a lot where the building will cover ten percent or less of the lot, see Section 9502.)

At this time, the person filing the application must also pay any filing fee set by the County Board of Commissioners and must file a sufficient number of copies of the preliminary or final site development plan, as determined by the Planning Department.

The site plan shall be drawn to scale not less than 1"=100' (unless otherwise requested by the Planning Director) and shall show the following information:

A. General Matters

1. A small location "key" map showing the tract and illustrating its relationship to the nearest major street intersection and adjacent streets.
2. North arrow and scale of drawings.
3. Title block including the name and address of the development and the developer, architect's/engineer's seal, date, and date of all revisions.
4. Property lines, existing and proposed right-of-way lines, with metes and bounds (bearing and distances) indicated, and building or setback lines.
5. Existing and proposed easement lines and dimensions, with owner's name, and description of facilities located therein.
6. Location and size of all existing and proposed structures, and other improvements, including, but not limited to, buildings, existing and proposed parking areas, streets, walkways, drainage structures, utility poles, fences, retaining walls, etc., on the property.
7. The description of the general use for which the structure is intended.

8. The number of employees on the largest work shift; for places of assembly, the maximum capacity of the meeting or assembly space.
9. Ownership, land use, and zoning of adjoining properties.
10. Submission of permits or other records proving that the proposed use is located on a legal lot.
11. Design of all exterior signs, their location and size (both ground and attached signs), and illumination technique.
12. Location and intensity (in candlepower) of all exterior lighting, including height and spacing of all lighting standards.
13. Location of outside refuse collection areas and type of screen.
14. The following information as part of the legend:
 - a. Gross square footage of all building structures;
 - b. Type and size of all trees and shrubs used in landscaping of the site if not noted elsewhere on the plan;
 - c. Present zoning of the subject tract;
 - d. Percentage of green space per lot not occupied by buildings, structures, or paving.

B. Drainage Matters

1. All existing or proposed ponds, lakes, basins, rivers, streams, and other bodies of water, and the disposition thereof (recreational, retentive, etc.).
2. Existing and proposed storm sewers to serve the site.
3. The nearest available sanitary sewer and an indication of the sanitary sewer district or sewer company to serve the project.
 - a. In cases of land disposal systems, refer to process outlined by Williamson County Regulations for Wastewater Treatment and Land Disposal Systems dated April 12, 2000 and as subsequently amended.
4. Existing and proposed major drainage facilities, such as bridges, culverts, channels, creeks, etc.

5. The limits of the one hundred (100) year floodplain zone (if applicable).
6. All stormwater management calculations necessary to determine the proper facilities.

C. Circulation, Parking and Landscaping Matters.

1. The internal and peripheral vehicular circulation showing:
 - a. Curb cuts required to provide ingress and egress to and from adjacent streets.
 - b. The existing width and proposed widening of all existing adjacent streets and rights-of-way (including the number and width of lanes and any island or medians).

NOTE: New easements and right-of-way dedications may be required in conjunction with the proposed development, and must be shown and dimensioned on the plan.

- c. All entrances on opposite sides of existing adjacent streets within the frontage of the development.
- d. The width and location of all internal drives, aisles, parking, and loading spaces.
- e. The location of all islands and medians.
- f. The location and dimensions of all existing and proposed curbs.
- g. The number of parking and loading spaces.
- h. The location of spaces to be used for outdoor vehicular and equipment storage, and the location of screening, existing and proposed.
- i. Proposed landscaping shall illustrate all proposed deciduous and evergreen trees, ground cover, and other landscaping elements.

D. Site Grading Matters

1. Existing and proposed contours referenced to U.S.G.S. data at two (2) foot intervals, for the subject property, extending at least fifty (50) feet off-site. Contour intervals other than the above may be required depending on topography of the site. Existing contour lines shall be differentiated from that of proposed

contour lines. A varied frequency of contours and spot elevations may be required.

2. Two (2) cross sectional profiles (taken perpendicular to each other), showing proposed structures and proposed and existing grades through the center of the property.

E. Proposed Activities

1. In single lot developments, approximate location of buildings and other structures, as well as parking and loading areas, shall be indicated. In multiple lot developments, conceptual location and configuration of buildings, common ground areas, open space areas, major utility easements, and stormwater retention areas shall be indicated.
2. Preliminary plans for sanitation and storm drainage facilities.
3. Proposed land uses, lot area, building size, height, and yard requirements.
4. Proposed landscaping, lighting, and screening plans.
5. Proposed development phasing schedule.
6. A color photograph or rendering of the proposed building(s) as viewed from the front of the lot at the street lot line, together with elevation views of the remaining sides of the building(s), sufficient to render judgment as to the appearance, massing, relationship to the site, etc., of the proposed construction.

F. Existing Natural Resources

1. Approximate location of all isolated trees having a trunk diameter of sixteen (16) inches or more, and all tree masses--showing the extent of the tree canopy area.
2. A survey of the site showing all the natural resources listed in Section 7110.

SECTION 9502. FILING A SIMPLIFIED SITE PLAN

A simplified site plan may be filed for twin house units, institutional residential uses, single commercial uses, or industrial uses on a lot where the building will cover ten (10) percent or less of the lot. A simplified site plan is required for proposed additions which cover more than ten (10) percent of the lot area.

- A. Application Approval. The simplified site plan shall be approved by the Planning staff upon provision of all information listed below and concurrence of all appropriate agencies.

- B. Requirements. The simplified site plan shall contain the following information:
1. Number of units and square feet of use proposed.
 2. Boundary drawing of the lot or area involved.
 3. Present record owner of the property.
 4. Approximate location of the vehicular entrance to the site.
 5. Method of handling and approximate location of water and sewer (septic) facilities.
 6. Location, dimension, height, and setback of all existing and proposed buildings.
 7. Location of parking area(s) and number of stalls required.
 8. Proposed use of the structural addition (if applicable).
 9. General location of landscaping, buffer areas, and screening.
 10. Drainage facilities and calculations which ensure proper stormwater management.

SECTION 9503. PROCESSING OF PRELIMINARY AND FINAL SITE PLAN REVIEW APPLICATIONS

Applications for preliminary or final site plan review shall be processed by the Planning Director or a designee as follows:

- A. Preliminary Site Plan
1. Copies of the application shall be distributed to the Environmental Department and other agencies as needed.
 2. The proposed plan shall be examined as to its compliance with the laws and ordinances of the County.
 3. The proposed project shall be submitted to the Planning Commission at least 21 days prior to the date of the next scheduled meeting of the Planning Commission.
 4. No later than ten (10) days prior to the date set for the Planning Commission meeting on the application, the Planning Director or a designee and each official or consultant to which the application has been referred shall file a written report thereon with the Planning Commission setting forth the recommendations for

changes in the plans as submitted and the conditions for approval, if any, necessary to bring the plans into compliance with any applicable ordinance or regulation or to eliminate any adverse effects of the proposed development on those aspects of the general health, safety, and welfare of the community for which such official or consultant has special responsibility.

5. Decision. Within thirty (30) days of the Planning Commission meeting on the application, unless an extension of this time is agreed to by the applicant, the Planning Commission shall render its decision either to grant the application for preliminary site plan approval, grant it subject to conditions, or deny it. The failure of the Planning Commission to act within this time period shall constitute an approval.
 - a. If the Planning Commission finds that the preliminary site plan does not conform to the standards set forth in Section 9504, then the Planning Commission may impose conditions regarding approval of the final development plan which it determines will adequately safeguard the standards set forth in Section 9504 and any other conditions which the Planning Commission determines necessary to preserve property values and the public welfare.
 - b. If the Planning Commission finds that a deficiency in the preliminary site plan cannot be adequately provided for on the site, then the Planning Commission shall deny preliminary site plan approval.
 - c. A Preliminary Site Plan approval shall be valid for two (2) years for residential uses and one (1) year for non-residential uses.

B. Final Site Development Plan

1. Application.
 - a. If the preliminary site plan is approved by the Planning Commission, the developer shall submit a final site development plan to the Planning Director at least twenty-one (21) days prior to the next scheduled meeting of the Planning Commission. This plan shall reflect compliance with the conditions contained in the approval of the preliminary site development plan.
 - b. The developer may simultaneously apply for appropriate building permits, however, no building permits shall be issued unless a finding of compliance with this Ordinance and any amendments or supplements thereto is made by the Planning Commission and the Planning Director pursuant to this Section.

- c. If subdivision is required, a final plat of sub- division must be filed concurrently with the final site development plan.
2. Review by Planning Director. The Planning Director or a designee shall review the final site development plan for compliance with the authorizing ordinance. Upon finding of compliance, the Chairman of the Planning Commission and the Planning Director or a designee shall so note upon the final development plan, which shall include the date of said finding.
3. Recording Requirements. When a Final Site Plan is approved, the Planning Director or designee shall record the approved final site development plan with the Williamson County Planning Department within thirty (30) days of the approval and shall keep approved site plans on record in the Department. The Final approval for any site plan shall be valid for six (6) months. If construction has not commenced by that time, a reapproval by the Planning Commission or staff (as appropriate) will be required.
4. Procedure for Amendment of Conditions or Plans. In order to amend a recorded approved final site development plan, the procedure, subject to the same standards of review required for site plan approval (Section 9504), shall be as follows:
 - a. Submitting an Amended Site Plan. The property owner or authorized representative shall submit an amended final site development plan together with a filing fee to the Planning Commission for review and decision. The Planning Commission shall then evaluate the request for consistency in purpose and content with the nature of the proposal as initially approved.
 - b. Amendment is Not Significant. If the Planning Commission determines that the proposed amendment to the final site development plan is not significant, the Planning Commission shall, within sixty (60) days of receipt of said proposed amendment(s), approve or disapprove said amendment(s) in accordance with the procedures set forth in Section 9503(A)(5). If approved, the amended plan shall be recorded with the Williamson County Planning Department within thirty (30) days of approval.
 - c. If the Planning Commission determines that the proposed amendment to the final site development plan is significant, the Commission shall review the matter in accordance with the proceedings specified in Section 9503 and according to the standards set forth in Section 9504, prior to making a decision as to whether or not to approve the amendment. If approved, the amended plan shall be recorded with the Williamson County Planning Department within thirty (30) days of approval.

- C. Trust Indenture/Homeowners Association Requirements. Whenever an applicant files an application for a site to be developed and the site is to be subdivided into two (2) or more individual lots and/or common areas are present, the applicant shall submit a proposed trust indenture as to all the land within the site and shall include the following:
1. Board of Trustees. The trust indenture or homeowners' association shall provide for the appointment of a Board of Trustees to be selected by the owners of the site in an equitable manner. The Board of Trustees shall be charged with the duty, under this Ordinance and under the trust indenture, to maintain all streets, common areas, and any other areas or structures for the common use of the tenants or owners or property within the site.

The Board of Trustees shall provide an equitable means of assessment against all land within the tract, with the exception of lands dedicated to public use, to ensure that the above described areas and structures shall be maintained in compliance with the Ordinances of the County. These areas and structures shall be maintained in a manner that they will remain attractive and useful to the owners and tenants of property within the site and shall not be injurious to the health, safety, and welfare of residents of surrounding areas or be detrimental to property values of land and improvements within the site or in surrounding areas.
 2. The trust indenture or homeowners' association shall provide that the conveyance or change of ownership or lease of any part of the tract shall be subject to the terms of this Ordinance and the trust indenture. The power conferred on the Board of Trustees by the indenture to comply with the provisions of this Ordinance may not be abrogated.
 3. Approval by the Planning Commission. The trust indenture shall be approved by the Planning Commission upon advice from the Planning Commission Attorney and shall be recorded with the Register of Deeds of Williamson County, prior to the final approval of any site plan or subdivision as defined by this Ordinance, and prior to the issuance of any building permit. The trust indenture shall contain a provision that no substantive change shall be made in the terms of provisions of the trust indenture without the approval of the Planning Commission.
- D. Guarantee of Improvements. All required on-site and off-site improvements shall require the posting of a performance bond under the following requirements:
1. The applicant shall post a performance bond at the time of the application for site plan approval in an amount estimated by the Road Superintendent and County Engineer as sufficient to secure to Williamson County and/or utility districts the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements required pursuant to these regulations, including all necessary off-site improvements. The performance bond can be secured by a

Letter of Credit, a certified check from an approved financial institution, or an insurance bond. Additionally, the Planning Commission shall consider previous performance and/or maintenance by the developer in its deliberations to grant a waiver.

2. Such performance bond shall comply with all statutory requirements and shall be satisfactory as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission and incorporated in the bond, and shall not exceed one (1) year from date of final approval. The performance period, the period before going on a Maintenance Bond, shall be two (2) years and the bond shall be reviewed as to progress at least once a year by the Planning Commission.
 - a. The Planning Commission may extend the completion date set forth in the bond for a period of one (1) more year.
 - b. Any extension of the performance period may necessitate an increase in the bond amount. In no event will the amount of the original performance bond be reduced.
3. Failure to Complete Improvements
 - a. Where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Williamson County Planning Commission may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.
 - b. Further, the Williamson County Planning Commission shall notify the Building and Codes Director that the performance bond for the subject site is in default and request that no additional building permits be issued for remaining lots in the subject site. The Planning Commission shall also issue a notice that the subject site is in default. Said notice shall be recorded in the Registers Office of Williamson County, Tennessee. In the event the subject site is thereafter found not to be in default for any reason, prompt notice shall be given to the Building and Codes Director and recorded in the Registers Office of Williamson County, Tennessee.

SECTION 9504. STANDARDS FOR SITE PLAN REVIEW

- A. Planning Commission Review. The Planning Commission shall examine all plans, documents, and exhibits pertaining to proposed structures for general conformity with the style and design of surrounding structures to ensure that the project is conducive to the

proper architectural development of the County. This development review will be based on information provided by the developer as required in Section 9501 and shall be examined for appropriate project timing relative to initiation and completion of all construction.

- B. Reasons for Denial. The Planning Commission shall deny site plan approval if the plan:
1. fails to meet the standards of this Ordinance;
 2. substantially increases traffic hazards and congestion due to the location or orientation of curb cuts or the layout of internal circulation;
 3. contains a layout of buildings, parking, roads, and utilities that substantially increase fire, health, or other public safety hazards;
 4. contains landscaping that subverts the intended buffering and character values of screening uses from roads or neighbors;
 5. causes stormwater drainage or pollution to be substantially increased.

DIVISION 9600. PROCEDURE FOR VARIANCES

- A. Application. An application from any property owner, including a tenant, or by a governmental officer, department, board, or bureau, shall be filed with the Planning Director and reviewed by the Board of Zoning Appeals.
- B. Filing.
1. The Planning Director or designee shall inform an applicant, or interested party, of the procedure to apply for a variance.
 2. The applicant shall complete the required forms, providing all information requested by the form, and any additional information that is reasonably necessary as requested by the Planning Director.
 3. The Planning Director shall transmit the completed application form, along with all County documents on the matter, to the Board of Zoning Appeals.
- C. Fee. Each application for a variance from the Zoning Ordinance shall be accompanied by a fee payment, as set by the County Commissioners, to cover the cost of the procedure.

D. Public Hearings.

1. The Board of Zoning Appeals shall hold a public hearing as provided in this Division. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application and shall give the following notices:
 - a. At least ten (10) days notice, by mail, prior to the hearing date, to all parties of interest (adjacent property owners of record as listed in the records of the County Tax Office) of the time, place, and purpose of the public hearing.
 - b. At least ten (10) days notice shall be given of the time, place, and purpose of such hearing in a newspaper of general circulation in the County.
2. At the Hearing, any party may appear, in person or by agent or attorney.

E. Stay of Proceedings. An application for a variance shall stay all proceedings furthering enforcement of any sections of the Zoning Ordinance from which the applicant is requesting a variation, unless the Planning Director certifies to the Zoning Board of Appeals, after notice of application shall have been filed with the Planning Director, that by reason of facts stated in the certificate, a stay would, in the Planning Director's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Zoning Appeals or by a court of record, on application, after notice to the Planning Director and on due cause shown.

F. Board of Zoning Appeals' Decision. The Board of Zoning Appeals shall issue a report containing a finding of facts and a decision either granting or denying the variation.

G. Repeated Applications. If an application is disapproved by the Board of Zoning Appeals, thereafter the Board of Zoning Appeals shall not be required to consider another application for substantially the same proposal, on the same premises, until after one (1) year from the date of the disapproval.

If, upon reapplication, the Board of Zoning Appeals' original decision is modified or reversed, the Board of Zoning Appeals shall provide a written record of its findings of facts indicating the reasons for modification or reversal.

SECTION 9601. GENERAL STANDARDS FOR VARIANCES

A. General

Where by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or special condition of

such piece of property in question, such as the presence of unique vegetation, the literal enforcement of the requirements of this Ordinance would make it exceptionally difficult, if not impossible, to comply with the exact provisions of this Ordinance and would cause unwarranted hardship and injustice, unnecessary to carry out the purpose and intent of this Ordinance, the Board of Zoning Appeals shall have the power upon appeal in specific cases, filed as provided in Section 10040 to authorize such variance from the terms of this Ordinance as will not be contrary to the public interest and will relieve such hardship, so that the purpose and intent of this Ordinance shall be observed and substantial justice done.

1. No variance in the provisions or requirements of this Ordinance shall be authorized by the Zoning Board of Appeals unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:
 - a. There are exceptional or extraordinary circumstances or special conditions applying only to the property in question.

By virtue of unique or special conditions, it is impossible to place a use on the property that is permitted in the property's district. If these conditions apply generally to other properties in the same zoning district, then a special condition does not exist.
 - b. Substantial property rights enjoyed by other property owners in the same zoning district and in the same vicinity cannot be enjoyed by the applicant. This condition does not, however, permit a variance for uses that are prohibited in the district.
 - c. The authorization of a variance will not be of substantial detriment to adjacent property and will not be contrary to the purpose of this Ordinance.
 - d. The variance will not entirely void the environmental provisions of Divisions 7100 and 7200.

2. No grant of a variance shall be authorized unless the Board of Zoning Appeals specifically finds that the condition or situation of the specific piece of property for which a variance is sought--one or the other, or in combination--is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations, to be adopted by the Board of County Commissioners as an amendment to this Ordinance.

B. Conditions of Approval. In authorizing a variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the interest of furthering the purposes of this Ordinance and in the public interest. In authorizing a variance, with

attached conditions, the Zoning Board of Appeals shall require such evidence and guarantee or bond as it may deem necessary to ensure compliance with the attached conditions

- C. Limited Effect of a Variance. Where the Board of Zoning Appeals approves a variance application or appeal under these regulations, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it may already have had. Granting of a variance shall neither qualify any adjacent property for any special treatment such as a variance, nor shall there be another substantial change of use without approval of the Board of Zoning Appeals.
- D. Scope of Granting a Variance. The ability to grant relief with a variance is limited. The Board of Zoning Appeals does not have the authority to grant a change in zoning by permitting uses that are not permitted in the district, or by altering the maximum intensities of the district, except as permitted in this Section. The Board of Zoning Appeals does not have the power to rule on a contention that the Ordinance provisions represent a taking or deprive a landowner of all beneficial use of a property (see Division 9700).

DIVISION 9700. DEPRIVATION OF BENEFICIAL USE

In the event that a landowner believes all beneficial use of a property has been denied, then the procedures of this Division shall be used prior to seeking relief from the courts.

SECTION 9701. PURPOSE

The purpose and intention of the Williamson County Board of Commissioners is that all landowners enjoy a beneficial use of their property, provided such use does not require a public subsidy to protect the property, its structures or inhabitants from damages, or provide relief from such damages that might reasonably be anticipated if the owner were permitted to build in that location. The procedures set forth in this Section are intended to permit landowners who believe they have been deprived of all beneficial use of their land to apply to the County Board of Commissioners for relief sufficient to provide a beneficial use of the land.

SECTION 9702. APPEAL PROCEDURE FOR RELIEF

- A. Application. Applicants shall apply to the Director of Planning who shall ensure that an applicant has submitted all the required information for an appeal for relief. Within ten days of receipt of a completed application, as outlined below, the Director of Planning shall place the application upon the agenda of the next meeting of the County Board of Commissioners.
- B. Requirements. Required application information:
 - 1. Property owner's name and address.

2. Legal description and street address of the property.
 3. Documentation of the date and purchase price of the property.
 4. Description of the physical features present on the site, its total acreage, and the present use of the property.
 5. Description of regulations and uses permitted which are alleged to result in an elimination of all beneficial use of the property together with all appraisals, studies, and other supporting evidence and any actions taken by the County.
 6. Description of the use which the landowner believes represents the minimum beneficial use of the property and all documentation, studies, and other supporting evidence.
- C. If the issues raised in the application are such that the County Board of Commissioners determines that a Hearing Officer should fully investigate the facts and prepare a report of his findings and conclusions to the Commissioners, then the Commissioners may direct the County Executive to appoint a special Hearing Officer, and the matter may be deferred until completion of the hearing as set out below, and upon appointment the Director of Planning shall forthwith transmit the application to the Hearing Officer.

In the event that the County Commission determines that the issues raised in the application do not require full investigation and a report, then the Commission shall utilize the deprivation standards outlined in Section 9703 below, and either deny the application, or grant relief in accordance with Section 9704, below.

- D. Establishment of Hearing. Upon receipt of the application from the Director of Planning, the Hearing Officer shall notify by registered mail the petitioner, the Director of Planning, and the County Attorney of a hearing which shall be held within thirty (30) to sixty (60) days of the receipt of the complete application.
- E. Hearing. The Hearing Officer shall hold a hearing on the petition for relief. The petitioner shall present the case and the County Attorney may present a rebuttal case. All evidence presented shall be under oath and the parties shall be permitted to cross-examine witnesses. The Hearing Officer shall take sworn testimony and evidence concerning the standards in Section 9703 as to whether the applicant has been deprived of all beneficial use of the property and the degree of relief needed to provide the landowner with a beneficial use of the land. The County shall also present evidence as it desires in this matter.
- F. Findings of the Hearing Officer. Within fifteen (15) days after the close of the hearing, the Hearing Officer shall prepare a recommended finding of facts and a proposed order for the County Board of Commissioners. If the Hearing Officer finds that the applicant

currently has a beneficial use of the land, the order shall recommend denial of the request for relief. If the Hearing Officer finds that the applicant has been denied all beneficial use of the land, then the Hearing Officer shall recommend a use that permits a beneficial use and results in a minimum change from the regulations as they apply to the property pursuant to the standards in this Section. The Hearing Officer's report shall be in writing and shall detail the basis of the conclusions from the record of the hearing.

- G. County Board of Commissioner' Action. The Board of Commissioners shall, upon the receipt of the Hearing Officer's report at least ten (10) days prior to the next regularly scheduled meeting, place the report on that agenda. The County Board of Commissioners may approve the findings of fact and proposed recommendation, or they may attach conditions, modify, or reverse.
- H. Appeal. The decision of the County Board of Commissioners is appealable to a court of record.

SECTION 9703. DEPRIVATION STANDARDS

In determining if an applicant has been deprived of all beneficial use of the land in question, the Hearing Officer or reviewing body shall take into account the following factors:

- A. Diminution in Value. The value of the land without the regulations which caused the applicant to apply for relief as compared to the value of the land with the regulations as applied. A mere diminution in value does not deprive the owner of a beneficial use. The diminution must be so drastic as to effectively deprive the owner of any significant use or enjoyment of the land.
- B. Common Land Uses. Any use of the land that is common in the County, even if it does not involve development, shall be considered a beneficial use of the land.

Commentary: If a landowner can engage in a use of the land which is common to the County, then the landowner has not been deprived of beneficial use.

- C. External Costs
 - 1. The amount or nature of any subsidy that may be required by government, neighbors, purchasers, tenants, or the public at large shall be considered in determining if the remaining use is beneficial.
 - 2. Any other adverse effects on the County and its residents shall be considered.

SECTION 9704. GRANTING OF RELIEF

- A. If, and only if, the finding is that a landowner has been denied all beneficial use of a property, then relief shall be granted.

B. In granting relief, the landowner shall be given the minimum increase in intensity or other possible concessions from the regulations in order to permit a beneficial use of the land. (The highest use or even an average or generally reasonable expectation is neither required nor intended.) The following guidelines shall be used for determining the minimum beneficial use of a parcel and, therefore, the amount of relief to be granted a landowner in order to reach that minimum.

1. A minimum beneficial use of the land should be one that does not have any governmental subsidy attached to the long term safe occupation of the site. If such a subsidy is needed, then that should be reflected by lowering the intensity that is considered minimum beneficial use.
2. If a use enjoys a governmental subsidy over and above the land use regulations, then that subsidy should be reflected by lowering the intensity that would otherwise be considered a minimum beneficial use.
3. The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it can not safely accommodate development with normal grading and clearing practices, then this fact shall lower the intensity of use that is considered a minimum beneficial use.
4. The degree to which extraordinary site preparation costs are needed to safely build on a property should also be used to decrease the intensity of the minimum beneficial use.
5. In determining beneficial use, the potential for damages to either residents or property shall be assessed. The need for a governmental subsidy to future landowners shall be considered and the cost of such subsidies shall be deducted from the otherwise established minimum beneficial use.
6. A use common to the County, although it may not involve further development of the land, is considered a beneficial use. Attention shall also be given to land uses that are considered to be lowest in the County but still provide an occupation and living within the County. These land uses, as well, shall be considered beneficial uses.
7. Expectations shall, in general, not be considered. Only if expectations are backed by investments substantially above the cost of the land and normal planning investments shall they be considered.

DIVISION 9800. ISSUING PERMITS AND LICENSES

All departments, officials, and public employees of Williamson County who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building, or purpose if the same would be in conflict with provisions of this Ordinance. All zoning certificates and building permits shall be revocable, subject to continued compliance with all requirements and conditions of this and other applicable laws and regulations. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

SECTION 9801. BUILDING PERMITS

- A. Need for a Building Permit. A building permit must be issued, along with a zoning certificate if necessary, by the Building and Codes Director or a designee before a property owner can:
1. locate, erect, or begin construction, reconstruction, extension, conversion, or structural alteration of any building or structure;
 2. construct a well or sewage disposal system, other than the reconstruction, placement, or extension of any existing well or sewage disposal system;
 3. use or permit the change of use of any building, structure, or land.
- B. Application. Application for a building permit shall be made by the landowner, contract purchaser, or their attorney or agent to the Building and Codes Director or a designee. Every application for a building permit shall:
1. be accompanied by a drawing approximately to scale;
 2. the size and location on the lot of every existing building and structure;
 3. the location, outlines, and dimensions of the proposed building or structure and its driveways;
 4. the existing and intended use of the premises and of each building or part thereof;
 5. any other information with regard to the lot and its neighboring lots, buildings, and uses, as may be necessary to determine and provide for the administration and enforcement of this Ordinance.

- C. Issuing a Building Permit. The issuance of a building permit shall show that the building or other structure or part thereof and the proposed use thereof, or the proposed use of the land or premises, conforms with the provisions of this Ordinance. The Building and Codes Director or a designee shall issue a building permit, if found to the Director's satisfaction that the building, structure, premises, and proposed use thereof conform with all the requirements herein set forth. No building permit shall be issued until:
1. All necessary approvals have been issued for water supply, sewer or septic tanks, and driveways.
 - 2.* A copy of the Zoning Certificate indicating approval of the proposed use.
 3. The necessary site plans and plats of subdivision have been fully approved relative to any new nonresidential development, resource conservation development, planned resource conservation development, or other subdivision or form of development.
 4. Guarantee of Improvements. Unless otherwise provided in the conditions of a development approval, no building permits, or permits authorizing the occupancy or use of a building, facility, commercial establishment, or service concern shall be issued until required related off-site or on-site improvements are constructed or a performance bond, escrow, or other acceptable instrument approved as to form by the County Attorney is posted guaranteeing the improvements.
 - a. Building permits or other authorizations may be issued by the Building and Codes Director or a designee to permit the completion of required related off-site improvements pursuant to this Section.
 - b. The provisions of the County's subdivision regulations respecting the installation of guarantee of subdivision improvements and the inspections thereof together with the permits and fees required therefor shall be applicable to the installation or guarantee of improvements under this Section.
 - c. If an approved development is developed in sections, this requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.
 - d. Required related off-site improvements may include, but are not limited to, streets, sidewalks, sanitary and storm sewers, street lights, and street trees.

D. Commencement of Construction

1. No work shall begin before the issuance of a building permit.
2. No construction work shall be started before the lot and the location of the proposed building or other improvement has been staked out on the ground for inspection by the Building and Codes Director and Planning Director or a designee.

E. Expiration. A building permit issued in accordance with the provisions of this Ordinance shall become void six (6) months after the date of its issuance, if the construction for which it was issued has not been started or construction has not been continuous.

F. Fees. A filing fee shall accompany each application for a building permit, in such amount as may be determined by the Board of Commissioners.

DIVISION 9900. NONCONFORMING USES

Any lawful use of land or structures or any structure, existing at the date of passage of this Zoning Ordinance, or subsequent amendment thereto, and located in a zone in which it would not be permitted as a new use or structure under the terms of this Zoning Ordinance, is declared to be a legal nonconforming use.

Except as otherwise provided in this Article, any legal nonconforming lot, use, sign, or structure may be continued so long as it remains otherwise lawful. All nonconforming uses shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Division.

The burden of establishing that any nonconforming use is a legal nonconforming use, as defined by this Division, shall, in all cases, be upon the owner of the nonconforming use and not upon the County.

A. Definitions

1. Nonconforming Lots. A lot which is nonconforming, but legally recorded prior to the effective date of this Ordinance, shall be deemed a legal nonconforming lot, and may be used for any principal use permitted in the zone in which the lot is located, provided:
 - a. the nonconforming lot is of a size and design to meet the minimum requirements of the County Environmental Department regulations for wells and septic systems if the use which is to be put on the lot is to be served by an individual well or septic system;

- b. the setbacks comply with the setbacks of the NC District which is closest to the nonconforming lot's size;
 - c. if the proposed use is to be a single residential dwelling unit of any of the types specified in Article VI, to the extent that the lot is physically unable to meet the open space or natural resource protection requirements, these requirements shall be met to the maximum extent possible given the size of the lot.
- 2. Nonconforming Uses/Structures. Construction of any project which received site plan approval consistent with the Ordinance in place prior to the date of the adoption of this Ordinance shall be deemed a legal nonconforming use provided:
 - a. construction begins within two (2) years of the date of the adoption of this Ordinance; or
 - b. construction receives a Certificate of Exemption from the Planning Commission based upon a site plan submitted in accordance with the Ordinance in effect prior to the adoption of this Ordinance within two (2) years of the date of the adoption of this Ordinance.

B. Amortization Schedule

- 1. Nonconforming Uses. Within eighteen (18) months following the adoption of this Ordinance, the Planning Director shall develop a register of all nonconforming uses. The date of this register shall be used for all amortization schedules, and the uses listed therein will be used to determine which uses were made nonconforming due to the adoption of this Ordinance.
- 2. Nonconforming Signs. Within six (6) months following the adoption of this Ordinance, the Planning Director or a designee shall develop a register of all nonconforming signs. The date of this register shall be used for all amortization schedules, and the signs listed therein shall be used to determine which signs were made nonconforming due to the adoption of this Ordinance.

C. Enlargement or Extension

Nonconforming uses shall not be enlarged more than 25 percent or extended unless such alteration will bring the structure and use into full compliance with all requirements of this Ordinance. Nonconforming signs and nonconforming extraction or disposal uses, however, may not be expanded in any manner.

- 1. Normal maintenance and incidental repair of a legal nonconformity shall be permitted, provided that this does not violate any other Section of this Ordinance.

2. Nothing in this Division shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition. Such restoration shall not be in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed structures or signs.
 3. Nothing in this Division shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces, as long as no structural alteration or enlargement of such structure is involved.
 4. Nothing in this Division shall be deemed to prevent a single-wide mobile home from being replaced with a double-wide mobile home.
 - 5.* The enlargement or expansion of any non-conforming use now classified as requiring a conditional use approval must be reviewed under the conditional use criteria at a public hearing at the Planning Commission.
- D. Change in Location. A nonconforming use or sign shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district into which it is being relocated.

SECTION 9901. TERMINATION OF NONCONFORMING USES

- A. Termination by Damage, Destruction, or Change of Use
1. Damage or Destruction. If a nonconforming use or structure is destroyed, or partially destroyed, to the extent of more than seventy-five (75) percent of the replacement cost, and is not rebuilt within eighteen (18) months, then the structure or use shall not be rebuilt, restored, or reoccupied for any purpose unless it shall thereafter conform to all regulations of this Ordinance.
 2. Change of Use.
 - a. A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located except as provided in this Section.
 - b. A nonconforming use may not be changed to an extraction or disposal use. A nonconforming extraction use may not be changed to a nonconforming disposal use or vice versa.

- c. No use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Ordinance. This subsection shall prevail over any other provisions of this Ordinance that may be interpreted to the contrary.
- d. An ongoing business that is a nonconforming use that was previously zoned for Commercial use may apply to the Planning Commission for a change of use to another Commercial use as allowed in the Crossroad Center zoning district. This will require conditional site plan approval by the Planning commission and shall meet the performance standards of the Crossroad Center district.

B. Termination by Modification. Application for a building permit to modify a nonconforming use shall be conditioned on the nonconforming use meeting the following standards:

- 1. When the nonconforming status is a result of exterior lighting, landscaping, buffering, or parking which does not comply with all the requirements of this Ordinance, the nonconformity shall be required to comply with all such regulations to the fullest extent possible.
- 2. If the nonconformity is the result of a nonconforming sign, then conformance shall be required.

C. Termination by Abandonment

- 1. Any nonconforming use which has ceased for three (3) years or greater shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and shall be completely terminated.
- 2. Nonconforming extraction or disposal uses shall not be permitted to renew operations once the use is discontinued for six (6) months or more.
- 3.* A non-conforming mobile home which has ceased for six (6) months or longer shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and shall be completely terminated.

SECTION 9902. TERMINATION OF NONCONFORMING SIGNS

Nonconforming signs shall not be changed, expanded, or altered in any manner which would increase the degree of nonconformity, prolong the useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

A. Immediate Termination. The following signs or sign features shall be terminated within six (6) months after the effective date of the register of nonconforming signs required in Section 9900(B), except as otherwise expressly permitted by this Ordinance. Termination of the nonconformity shall consist of removal of the sign or its alteration to fully eliminate all nonconforming features:

1. flashing signs;
2. animated and moving signs;
3. signs which obstruct free ingress to or egress from a fire escape, door, window, or other required access way;
4. signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on streets and roads within the County; and
5. signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located.

B. Termination by Damage or Destruction. Any nonconforming sign damaged or destroyed, by any means, to the extent of one-third (.333) of its replacement cost, shall be terminated and shall not be restored.

C. Termination by Change of Business. Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in text of the sign.

D. Termination by Amortization*. Any nonconforming sign not terminated pursuant to any other provision of this Ordinance shall be terminated no later than the date stated below:

Value of Sign*	Time Period for Termination of Nonconformity**
\$0 to \$3,000	3 years
\$3,001 - \$5,000	5 years
\$5,001 or more	10 years

* Based on original cost or estimated value as shown on building permit.

** Effective date January 1, 1992

- E. Termination by Abandonment. Any nonconforming sign structure, the use of which as a sign is discontinued for a period of ninety (90) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Ordinance. Abandonment shall, in this Section, mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

Any period of discontinuance caused by government actions, strikes, material shortages, or Acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Section.

AMENDMENTS

ARTICLE IX

<u>Section/Division</u>	<u>Date</u>	<u>Book/Page</u>	<u>Topic</u>
9400A	06-20-88	13/635	Special Use Procedures
9130B-1a	06-20-88	13/640	Public Notices
9130E-2	06-20-88	13/640	Public Notices
9300B-2a	06-20-88	13/640	Public Notices
9600D	06-20-88	13/640	Public Notices
9300B-2b&c	06-20-88	13/640	Public Notices
9400B-2a	06-20-88	13/640	Public Notices
9503C-3	06-20-88	13/640	Covenants
9901	09-19-88	14/65	NonConforming Uses
9503A-5c	11-20-89	14/392	Site Plans
9503B-3	11-20-89	14/392	Site Plans
9900C-4	11-20-89	14-392	NonConforming Uses
9902D	11-12-91	15/140	Amortization Schedule
9220A,B,C	11-08-93	16/169	Application Requirements for Zoning Certificate
9230	11-08-93	16/169	Procedure for Zoning Certificate
9801C	11-08-93	16/169	Building Permits
9900C	11-08-93	16/169	Nonconforming Uses
9901C	11-08-93	16/169	Termination of Non- conforming Uses
9910	07-11-05		Deleted 9910

