

ARTICLE X.

ADMINISTRATION

DIVISION 10000. PLANNING COMMISSION

SECTION 10010. APPOINTMENT*

The Planning Commission of Williamson County, established heretofore in accordance with the Tennessee Code Annotated, is hereby reestablished and confirmed. The number of members on the Planning Commission, their terms of office, succession, removal, filling of vacancies, and their powers and duties, shall be as provided in the Tennessee Code Annotated.

SECTION 10020. POWERS AND DUTIES

- A.* The County Planning Commission's duty is to recommend to the County Board of Commissioners the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein. The Planning Commission shall:
1. Prepare preliminary reports and hold public hearings thereon before submitting a final report. The Board of County Commissioners shall not hold its public hearings or take action until it has received the final report of the Planning Commission.
 2. After the adoption of such regulations, restrictions, and boundaries of districts, the Planning Commission may recommend to the County Board of Commissioners amendments, supplements, changes, or modifications.
 3. Conditional Uses. The Planning Commission shall have the power to hear and decide applications for conditional uses, on which the Board is authorized by this Ordinance to pass. In considering an application for a conditional use, the Planning Commission shall follow the procedures for the review of conditional uses as described in Division 9300.
- B. The Planning Commission, with the approval of the County Board of Commissioners, may contract with professional consultants, regional planning commissions, State agencies, or the federal government for local planning assistance.

DIVISION 10100. STAFF

SECTION 10101. COMMUNITY DEVELOPMENT DIRECTOR*

- A. Appointment. The office of Community Development Director is hereby established. The Development Director shall be appointed by the County Executive in consultation with a committee of not less than two members of the Planning Commission as appointed by the Chairman of the Planning Commission. The Development Director shall possess a broad background in governmental management which should include specific experience in planning and enforcement. Incumbent should also possess proven ability to relate equally to citizens' groups, and representatives from development interests.
- B. Powers and Duties. The Community Development Director shall manage and administer the County's efforts and responsibilities in planning, engineering, licensing of buildings, and codes and zoning enforcement. He shall also perform such other duties as may be directed by the County Executive and the Planning Commission.

SECTION 10110. PLANNING DIRECTOR*

- A. Appointment. The office of Deputy Director of Development for Planning is hereby established and confirmed under the title of County Planning Director. The Planning Director will be appointed by the Community Development Director, and shall have, at minimum, an equivalent of a Master's Degree in Planning or equivalent experiences/qualifications.*
- B. Powers and Duties. Duties of the Planning Director are to interpret and administer the provisions of this Ordinance and its administrative provisions and the Subdivision Regulations. The Planning Director shall be responsible for assembly of the agenda for the Planning Commission and the presentation of staff comments. The incumbent shall also assist in the preparation of the agenda items for the Board of Zoning Appeals.

The incumbent will also perform such other duties as may be assigned by the Community Development Director.

SECTION 10120. BUILDING AND CODES DIRECTOR.*

- A. Appointment. Appointment of the office of Deputy Director of Development for Building and Codes is hereby established and confirmed as Building and Codes Director. The incumbent, as designated by the Community Development Director, shall administer and

enforce this Ordinance and Subdivision Regulations. Qualifications shall include significant experience in working with the Southern Building Codes.

- B. Powers and Duties. The Building and Codes Director shall be responsible for the granting of permits for all building governed by the provisions of this Ordinance and the Subdivision Regulations, as well as the issuing of appropriate certifications that they are ready for occupancy. The Building and Codes Director shall assist in preparing staff work for the Board of Adjustments and Appeals agenda items, and insure that he or a member of his staff attends all Board meetings. Incumbent will also be responsible for the collection of all fees and taxes authorized by the County Commission as may pertain to the permitting and occupancy of applicable buildings.

The incumbent will also perform such other duties as may be assigned by the Community Development Director.

SECTION 10130. COUNTY ENGINEER*

- A.* Appointment. The office of Deputy Director of Development for Engineering is hereby established and confirmed under the title of County Engineer. The County Engineer will be appointed by the Community Development Director and shall possess, at minimum, a Bachelor's Degree in Civil Engineering and two (2) years of experience in municipal or equivalent employment.
- B. Powers and Duties. The duties of the County Engineer include the review of construction and drainage plans for subdivisions and formulation of recommendations for the Planning Commission, the monitoring of subdivision construction, and working with the Highway Department in the preparation of specifications for construction bids. Incumbent or authorized staff member will attend all Highway Commission meetings.

The incumbent will also perform such other duties as may be assigned by the Community Development Director.

- C. Additional Duties and Responsibilities related to floodplains.
1. Review of all zoning certificates to assure that the requirements of this Section have been satisfied, and that proposed building sites will be reasonably safe from flooding.
 2. Advise the applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such

permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings.
5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed.
6. When flood-proofing is utilized, the County Engineer shall obtain certification from a registered professional engineer or architect.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the County Engineer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article X.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the County Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of Section 7111.
9. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

SECTION 10140. COMPLIANCE DIRECTOR*

- A. Appointment. The office of Deputy Director of Development for Compliance is hereby

established and confirmed under the title of Compliance Director. The Compliance Director will be appointed by the Community Development Director, and shall have a minimum of two years experience in planning and/or codes enforcement.

- B. Powers and Duties. The Compliance Director shall be responsible for enforcement of all zoning and subdivision regulations requirements, working closely with the County Attorney in developing procedures to improve compliance. The Codes Compliance Director shall also prepare the agenda of the Board of Zoning Appeals and supervise the maintenance of records thereto.

The incumbent will also perform such other duties as may be assigned by the Community Development Director.

DIVISION 10200. BOARD OF ZONING APPEALS

- A.* Appointment. The Board of Zoning Appeals of Williamson County, established heretofore in accordance with the Tennessee Code Annotated, is hereby reestablished and confirmed as a Board of five (5) members. Their terms of office, succession, removal, filling of vacancies, and their powers and duties, shall be as provided in the Tennessee Code Annotated. One (1) member, but not more than one (1) member of the Board of Zoning Appeals, may be a member of the Williamson County Commission, and one (1) member, and no more than one (1) member, shall be a member of the Williamson County Regional Planning Commission.
- B.* Applications, Appeals, Hearings, and Stay of Proceedings
 1. Applications. An application is made to the Board of Zoning Appeals in cases where the Board has original jurisdiction under the provisions of this Ordinance. An application may be made by any property owner or contract purchaser, or by a governmental officer, department, board or bureau. The application shall be filed with the Clerk of the Board of Zoning Appeals, with a copy to the Planning Director or a designee.
 2. Appeals. An appeal to the Board of Zoning Appeals may be made by any person, or by any officer, department, board or bureau of Williamson County aggrieved by any decision of the Planning Director or Building and Codes or a designee. An appeal must be made within thirty (30) days of the decision being appealed by filing a notice of appeal, specifying the grounds thereof, with both the Development Director or a designee and the Board of Zoning Appeals. The Compliance Director or a designee shall forthwith transmit to the Board of Zoning

Appeals all the papers constituting the record upon which the action appealed from was taken.

3. Fees. A filing fee to be determined by the Board of County Commissioners shall accompany each application or appeal to the Board of Zoning Appeals.
4. Hearings. The Board shall fix a reasonable time for the hearing of the application or appeal; shall give at least ten (10) days notice of the time and place of the hearing in a newspaper of general circulation in the County and to the parties in interest and adjacent property owners. At the hearing, any party may appear in person or by agent or attorney.
- 5.* Stay of Proceedings. An appeal shall stay all proceedings further the action appealed, unless the Compliance Director or a designee certifies to the Board, after notice of appeal shall have been filed with the Development Director, that by reason of facts stated in the certificate a stay would, in the Director's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted either by the Board of Zoning Appeals or by a court of record, on application, after notice to the Development Director or a designee and on due cause shown.
6. Action of the Board. In exercising its powers, the Board may, in conformity with the provisions of statute and of this Ordinance, reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination appealed. The Board may then issue the order, requirement, decision, or determination as ought to be made; to that end the Board shall have all the powers of the officer from whom the appeal is taken.
7. Repeated Applications. If an application or appeal is disapproved by the Board of Zoning Appeals, thereafter the Board shall not be required to consider another application or appeal for substantially the same proposal, on the same premises, until one (1) year after the date of disapproval. If an appeal to the Board is perfected and the public hearing advertised, and thereafter the applicant withdraws the application or appeal, the applicant shall be precluded from filing another application or appeal for substantially the same proposal on the same premises for six (6) months.
8. Court Review. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Appeals may appeal the same to the Chancery Court of Williamson County. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take

evidence or appoint a reference to take such evidence as it may direct. This evidence shall be reported to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may take action as provided for in TCA 27-9.

C. Powers of the Board of Zoning Appeals

1. Administrative Errors. The Board of Zoning Appeals shall have the power to hear and decide appeals alleging error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Ordinance.
2. Special Uses. The Board of Zoning Appeals shall have the power to hear and decide applications for special uses, on which the Board is authorized by this Ordinance to pass. In considering an application for a special use, the Board shall follow the procedures for the review of special uses as described in Division 9400.
3. Variances. The Board of Zoning Appeals shall have the power to authorize, upon appeal, in specific cases, such contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

DIVISION 10300. INTERPRETATIONS

SECTION 10310. PURPOSE

The provisions of this Division are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this Ordinance, the zoning map which it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to provide a simple, yet circumscribed procedure for overcoming the inadvertent rigidities and limitations inherent in the promulgation of finite use lists in a world characterized by infinite permutations of essentially similar uses.

SECTION 10320. AUTHORITY

The Planning Director or a designee may, subject to the procedures, standards, and limitations set forth in this Section, render interpretations of any provision of this Ordinance or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this Ordinance.

SECTION 10330. PROCEDURE FOR INTERPRETATIONS

- A. All applications for an interpretation of any provision of this Ordinance, the Zoning Map, or any rule or regulation adopted pursuant to this Ordinance shall be submitted in writing to the Planning Director or a designee on a form supplied by Williamson County. No fee shall be required in connection with any such request. Each application shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request of an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Planning Director shall receive any further facts and information judged by the Planning Director to be necessary for a meaningful interpretation of the provision in question.

Since the information required for interpretations involving land uses is different from the information required to render other types of interpretation, additional information is required for land use interpretations. Land use interpretations are generally tied to a specific property and the specific land use proposed to be permitted; other interpretations are not tied to a specific piece of property, but should apply uniformly to all properties. Therefore, applications for a land use interpretation shall contain at least the following information and documentation, in addition to the information required above:

1. The applicant's name, address, and interest in the subject property.
2. The owner's name and address, if different from the applicant's and the owner's signed consent to the filing of the application.
3. The names and addresses of all professional consultants advising the applicant with respect to the interpretation.
4. The street address and legal description of the subject property.
5. The zoning classification and present use of the subject property.
6. A complete description of the proposed use.
7. The uses permitted by the present zoning classification which are most similar to the proposed use.
8. Documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

9. Any other information or documentation as the Planning Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- B. Interpretation by the Planning Director. Within thirty (30) days following the receipt of a completed request or application for interpretation, the Planning Director shall mail a written copy of interpretation to the applicant. The Planning Director shall state the specific precedent, reasons, and analysis on which the interpretation is based. Failure of the Planning Director to render an interpretation within this time period, or a longer period of time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation. The Planning Director shall keep a copy of each interpretation on file and shall make a copy of each interpretation available for public inspection during reasonable hours.
 - C. Appeal. Appeals on interpretations rendered by the Planning Director pursuant to this Section may be taken to the Board of Zoning Appeals as provided in this Article.

SECTION 10340. STANDARDS FOR INTERPRETATIONS

- A. The following standards shall govern both the Planning Director and the Board of Zoning Appeals' decision on appeals from the Planning Director's interpretation:
 1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Board of Zoning Appeals on an application for amendment to the Zoning Ordinance or the Zoning Map.
 2. No interpretation shall permit a land use listed as a permitted or conditional use in another district if the use is not listed as permitted in the subject property's district.
 3. No interpretation shall permit a land use in a district unless evidence is presented which demonstrates that the land use will comply with each use limitation established for the particular district.
 4. No interpretation shall permit a land use in a particular district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in the district or permitted or conditionally permitted in a less restrictive district.
 5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a permitted use, then an

interpretation permitting such use shall be conditioned on the issuance of a conditional use permit pursuant to this Ordinance.

6. Any land use permitted or other interpretation rendered pursuant to this Section shall fully comply with all requirements and standards imposed by this Ordinance.
- B. **Effect of Favorable Use Interpretation.** No interpretation finding a particular land use to be permitted or conditionally permitted in a specific district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of Williamson County or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, zoning certificates, conditional use permits, special use permits, building permits, and certificates of occupancy.
- C. **Limitations on Favorable Use Interpretations**
1. No interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall be valid for a period longer than one (1) year from the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
 2. An interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall be deemed to authorize only that particular use at that particular location for which it was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six (6) consecutive months or more.
- D. **Annual Report.** The Planning Director shall keep a record of each interpretation rendered and shall make an annual report of all interpretations to the Williamson County Board of Commissioners. The report shall include any recommendations that this Ordinance, the Zoning Map, or any rules and regulations applying thereto, be amended to add new provisions or new uses to the various use lists established by this Ordinance.

SECTION 10350.* CONSIDERATION OF RECOMMENDATIONS BY WILLIAMSON COUNTY BOARD OF COMMISSIONERS*

The Williamson County Board of Commissioners shall give consideration to the aforementioned annual report, with its recommendations, from the Development Director and Planning Commission, as to whether or not to amend the Zoning Ordinance, Zoning Map, or any rules or regulations applying thereto.

- A. Any amendments deemed necessary shall be adopted pursuant to Division 9100: Text or Map Amendment Procedures.
- B. If, within one (1) year following the receipt of the Development Director's and Planning Commission's recommendations, the Williamson County Board of Supervisors fails to adopt an ordinance or map amendment with respect to any interpretation included in the recommendations, then the following shall apply to all further interpretations:
 - 1. No similar use interpretation shall be given in the future.
 - 2. Any use authorized pursuant to an interpretation, but not yet established or under construction, shall not be established.
 - 3. Any use authorized and established pursuant to an interpretation shall be allowed to continue, but shall be subject to all applicable provisions of the Ordinance.

Commentary: The intent of this Division is to give landowners and the County some flexibility when dealing with new or unfamiliar land uses. If, however, an interpretation is given by the Planning Director but not adopted by the County Commission within the given period of time, the interpretation shall be construed as being incorrect. Therefore, the interpretation shall not be used again; and any uses given that interpretation but not yet established shall lose that interpretation, since it was given incorrectly.

SECTION 10360. SCHEDULE OF FEES.*

Rezoning Request (except for request from Staff of County Commissioner)	\$100.00
Simplified Site Plan Review for Commercial and Institutional Uses up to 5,000 square feet	\$ 15.00
All Other Simplified Site Plans Reviews	\$ 50.00
Site Plan (either Preliminary or Final)	\$ 10.00 per 1,000 sq. ft. for commercial or industrial uses
	\$ 10.00 per dwelling unit for residential uses
All Applications to the Board of Zoning Appeals	\$ 30.00

AMENDMENTS

ARTICLE X

<u>Section/Division</u>	<u>Date</u>	<u>Book/Page</u>	<u>Topic</u>
10110A	06-20-88	13/635	Staff
10200B-4	06-20-88	13/640	BZA
10360	09-19-88	14/66	Fees
10360	03-20-89	14/194	Fees
10101	11-20-89	14/392	Staff
10010	11-20-89	14/393	Planning Commission
10110	11-20-89	14/393	Staff
10120	11-20-89	14/393	Staff
10130	11-20-89	14/393	Staff
10130	11-20-89	14/394	Staff
10140	11-20-89	14/394	Staff
10200A	11-20-89	14/394	BZA
10200B-5	11-20-89	14/394	BZA
10350	11-20-89	14/394	Authority
10350	11-20-89	14/395	Authority
10350	02-20-90	14/469	Fees
10200	10-12-92	15/394	BZA
10200	06-10-96	17/291	Court Review
10130	07-11-05		Additional Duties and Responsibilities related to floodplain