

**CHAPTER 12  
ADMINISTRATION AND ENFORCEMENT**

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**14.1201. Organization and Purpose**

- A. The administration and enforcement of this ordinance is hereby vested in the following offices of the government of the City of Lebanon.
  - 1. The Office of the Chief Building Official or Authorized Representative
  - 2. The Office of the Planning Director
  - 3. The Board of Zoning Appeals
  
- B. It is the purpose of this chapter to set out the authority of each of these offices and then describe the procedures and substantive standards with respect to the following administrative functions:
  - 1. Issuance of Permits
  - 2. Issuance of Use and Occupancy Permits
  - 3. Variances
  - 4. Conditional Use Permits
  - 5. Amendments

**14.1202. Duties of the Chief Building Official**

The Chief Building Official shall enforce the terms of this ordinance and in addition thereto and in furtherance of said authority shall:

- A. Issue all building permits, and make and maintain records thereof;
- B. Issue all use and occupancy permits, and make and maintain all records thereof;
- C. Conduct inspections of buildings, structures, and uses of land to determine compliance with the provisions of this ordinance;

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- D. Provide information to the public on provisions of this ordinance as requested;
- E. Receive, file and forward to all necessary agencies all applications for conditional uses;
- F. Receive, file and forward to the board of zoning appeals all applications for variances or other matters, on which the board is required to pass under the provisions of this ordinance.

**14.1203. Duties of the Planning Director**

The Planning Director shall:

- A. Maintain permanent and current records of this ordinance, and subsequent amendments, including, but not limited to, all maps, amendments, conditional uses, variations, appeals and applications therefore.
- B. Initiate, direct and review, from time to time, a study of the provisions of this ordinance, and make reports of the recommendations to the Lebanon Planning Commission.
- C. Analyze and report on all requests for amendments to the Lebanon Planning Commission and City Council.
- D. Make analyses and recommendations to the board of zoning appeals on all requests for variances and conditional use permits.

**14.1204. Powers of the Chief Building Official Regarding the Issuance of Permits**

- A. The Chief Building Official shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the building official to approve any plan or issue any permits as certificates of occupancy for any excavation or construction until appropriate site plans have been approved by the Planning Commission.
- B. Under no circumstances is the building official permitted neither to make changes in this ordinance nor to vary its terms and provisions in carrying out his duties.
- C. The building official shall not refuse to issue a permit when conditions imposed by this ordinance have been met by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

## **14.1205. Building Permits and Certificates of Occupancy**

### **A. Building Permits Required**

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the Chief Building Official.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the city unless the application for such permit has been examined by the Chief Building Official indicating that the proposed building or structure complies with all the provisions of this ordinance and the adopted building code. Any building permit or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

### **B. Site Plan Required for Building Permits**

All applications for building permits shall be accompanied by a site plan meeting the requirements herein and with sufficient copies to provide for staff and Lebanon Planning Commission distribution; provided however, that a site plan is not required when an existing building is converted from one permitted use to another permitted use and no additional construction is required and that no additional impervious surfaces are added to the site. With the exception of one- and two-family dwellings and other structures in subsection (1) below which may be approved internally by staff, the site plan for all buildings shall be approved by the Lebanon Planning Commission prior to the issuance of the building permit. The approval of any site plan shall lapse at the end of three (3) years if construction has not been initiated, and a new submission will be required meeting all zoning requirements including any amendments since the original approval. Minor amendments to an approved site plan may be approved internally by staff.

All site plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g. site layout and drainage by civil engineers, boundary surveyors,).

#### **1. No Site Plan Required**

Single-Family Dwellings, Two-Family Dwellings, non-habitable improvements (air conditioners, dog houses etc.) and improvements that are not under a roof (uncovered decks, patios etc.)

#### **2. Minor Site Plan Required**

A development qualifies for a minor site plan when one of the following criteria is met:

a. Residential development containing three (3) or four (4) dwelling

units.

- b. Any addition to a commercial building that is less than 25% increase in the area under roof and where the total addition is under 5,000 square feet.
- c. A new drive thru pattern is not proposed.

The Planning Director or Engineering Director may elect to send any minor to Planning Commission.

The following items are required of a minor site plan:

- a. The actual shape, location, and dimensions of the lot.
- b. The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structure already on the lot.
- c. The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.
- d. Internal parking, traffic flow and property access.
- e. Method and location of stormwater runoff control.
- f. Location and Dimensions of Existing and Proposed Utilities (including service line and public mains).
- g. Such other information concerning the lot or adjoining lots as may be essential for the determining whether the provisions of this ordinance are being observed.

3. All Other Buildings, Structures, and Activities

All site plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g., site layout and drainage by civil engineers, boundary surveyors,)

- a. The actual shape, location, bearings, and dimensions of the lot.
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structure already on the lot.
- c. The existing and intended use of the lot and of all such building

or other structures upon it, including the number of dwelling units the building is intended to accommodate.

- d. Topographic features (contours not greater than two (2) foot intervals).
- e. Location of all driveways and entrances.
- f. Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities.
- g. Location of all accessory off-street loading berths.
- h. Location of open space and outdoor storage areas.
- i. Proposed ground coverage, floor area, and building heights.
- j. Position of fences and walls (materials specified).
- k. Landscape Plan

1. The Landscape Plan shall reflect the developer's, builder's, or property owner's best effort to utilize landscaping in order to soften the impact of development and help blend new development into Lebanon's existing landscape. The Plan shall illustrate full compliance with the requirements of this Section for new construction and proportional compliance for additions.

## 2. Landscape Plan Requirements

- a) A separate Landscape Plan shall be submitted at a minimum scale of one (1) inch equals fifty (50) feet. The Landscape Plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications clearly describing material installation, planting mixtures, mulch, material depth, and other necessary information. The Landscape Plan shall correspond with a phasing plan for the development if phasing is proposed. The following elements shall be shown on the landscape site plan:
  - b) Zoning of site and adjoining properties;
  - c) Existing and proposed contours at two (2) foot intervals or less;
  - d) Boundary lines and lot dimensions;
  - e) Date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for creating the landscape plan;

- f) Location of all proposed structures and storage areas;
- g) Drainage features and 100-year floodplain, if applicable;
- h) Parking lot layout including parking stalls, bays, and driving lanes;
- i) Existing and proposed utility lines, and easements;
- j) All paved surfaces and curbs;
- k) Existing trees or natural areas to be retained;
- l) or existing vegetation intended to be credited toward meeting minimum requirements, the delineation, calculations, and language describing plan for protection during construction;
- m) Planting details, specifications, and installation information for plant materials, soil preparation, mulches, edging, etc.;
- n) Proposed plant material;
- o) Language and calculations that indicate overall minimum requirements;
- p) Illustration indicating compliance with visibility at intersection requirements;
- q) Proposed phasing for the implementation of the plan; and
- r) Plant schedule (see below). The schedule must accurately reflect the landscape plan.
  - i. The schedule shall be divided according to type of plant material: existing and proposed trees (broken into categories of type of shade trees, evergreen trees, accent/ornamental trees, etc.), shrubs, groundcovers, turf types, including any seed mixes.
  - ii. Plant name abbreviation (if used), plant name (common name, botanical name and variety), and exact quantities of each plant shall be included on the plant schedule.
  - iii. The schedule shall indicate the size of plants. Size shall be expressed in terms of size of container (five (5) gallons for shrubs, one (1) gallon for perennials and groundcovers), height of plant (for evergreen trees), or caliper of tree (for deciduous trees).
  - iv. Plant spacing for shrubs and groundcovers must be indicated (for example: "four (4) feet on center – triangular spacing").

3. Approval of the Plan

- a) Reviews of Landscape Plans shall be conducted by the Planning Director. The Planning Director will make a report to the Planning Commission, and the Planning Commission will approve, deny, or ask for the plan to be revised and/or resubmitted to meet the requirements. If, in the opinion of the Planning Commission, the submitted Landscape Plan does not satisfy the requirements of this section, then within 30 days from the Planning Commission's decision, an applicant may appeal in writing to the Board of Zoning Appeals for review and decision.

4. Compliance with the Plan

- a) A field inspection of plant materials will be conducted prior to the issuance of a Certificate of Occupancy. If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:
  - i. Property owner provides irrevocable letter of credit for the Codes Department;
  - ii. The amount of the letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a 10% contingency cost, as shown on the submitted landscape plan; and
  - iii. The cost of the landscaping shall be certified by a landscape contractor.
- l. Location of utilities (sanitary sewers, storm sewers, water mains and sizes, and fire hydrants).
- m. Location, type, and size of proposed signs.
- n. Proposed means of surface drainage.
- o. Location of all easements and rights-of-way.
- p. For any site subject to flooding, the limits of floodway and fringe areas, the regulatory flood elevation and regulatory flood protection elevation, and the minimum first floor elevation.
- q. The stamp and name of the registered engineer, architect, landscape architect, or surveyor preparing the plan.
- r. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

s. Circulation Plan

1. A Circulation Plan shall be submitted.
2. The Circulation Plan shall address street connectivity, pedestrian access and circulation, emergency and service vehicle access, drive-through circulation, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future “cut-through” traffic is likely, and similar issues.
3. The Planning Commission may waive the requirement for a Circulation Plan on a case-by-case basis in the event that a new development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

t. Building Plan

1. The Building Plan shall reflect the developer's, builder's, or property owner's best effort to promote and enhance a high quality built environment. The Plan shall illustrate full compliance with the requirements of this Section.
2. Building Plan Requirements
  - a. Applicants shall submit a Building Plan with the following information:
  - b. Elevation (to scale) of each building façade that faces or is visible from a public street, private street, or open space;
  - c. The amount of transparency as measured by dividing the area of windows and doors by the total façade area of a street-facing story; and
  - d. List of proposed exterior materials keyed to or noted on each elevation.
3. Approval of Plan
  - a. The review of a Building Plan shall be conducted by the Planning Department. The Planning Department will make a recommendation to approve, disapprove, or ask for the plan to be revised and resubmitted to meet the requirements. The applicant may appeal a decision of the Planning Commission to disapprove the Building Plan in writing to the Board of Zoning Appeals for review and decision.
4. Compliance with Plan
  - a. A field inspection will be conducted to confirm compliance prior to the issuance of a Certificate of Occupancy.



u. Lighting Plan

1. The Lighting Plan shall reflect the developer's, builder's, or property owner's best effort to ensure outdoor lighting promotes adequate safety and security while reducing its impact on adjacent properties and roadways. The Plan shall illustrate full compliance with the requirements of this Section.

2. Lighting Plan Requirements

a. When required, the applicant shall provide a lighting plan that indicates the location, height, and design of all exterior lighting; and a photometric plan indicating foot candles at property lines. The Lighting Plan may be included as part of other required plans of the submittal.

3. Approval of Plan

a. The review of a Lighting Plan shall be conducted by the Engineering Department. At a minimum, Lighting Plans must meet the Middle Tennessee Electric Membership Corporation standards and any subsequent amendments and be approved by the Lebanon Planning Commission. The Engineering Department will make a recommendation to approve, disapprove, or ask for the plan to be revised and resubmitted to meet the requirements. The applicant may appeal a decision of the Planning Commission to disapprove the Building Plan in writing to the Board of Zoning Appeals for review and decision.

4. Compliance with Plan

a. A field inspection will be conducted to confirm compliance prior to the issuance of a Certificate of Occupancy.

4. Certificate of Occupancy Required

No building or an addition constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a certificate of occupancy has been issued by the Chief Building Official.

5. Application for Certificate of Occupancy

Every application for a building permit shall be deemed to be an application for a certificate of occupancy. Every application for a certificate of occupancy for a new use of land where no building permit is required shall be made directly to the office of the Chief Building Official.

6. Issuance of Certificate of Occupancy

The following shall apply in the issuance of any certificate of occupancy.

a. Permits Not to be Issued

No certificate of occupancy shall be issued for any building, structure or part or for the use of any land, which is not in accordance with the provisions of this ordinance.

b. Certificate of Occupancy for Existing Buildings

Certificates of occupancy may be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this ordinance.

c. Temporary Certificate of Occupancy Permits

Nothing in this ordinance shall prevent the issuance of a temporary certificate of occupancy permit for a portion of a building or structure in process of erection or alternation, provided that such temporary permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.

d. Permits for Dwelling Accessory Buildings

Buildings accessory to dwellings shall not require a separate certificate of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the site plan and when completed at the same time as such dwelling.

7. Final Inspection

No certificate of occupancy for a building, structure, or an addition thereto, constructed after the effective date of this ordinance, shall be issued until construction of the building and on-site improvements have been completed and inspected by Chief Building Official, Planning Director, and Director of Public Works as appropriate.

Additionally, the licensed professional that prepared the plan shall certify to the Planning Director that the final construction including all site improvements is in conformity with the plans and specifications which were approved and upon which the building permit was based.

**14.1206. BZA - The Board of Zoning Appeals**

**A. Creation of Board of Zoning Appeals**

The board of zoning appeals as created by 1968 Code § 11-201 and amended by Ordinance 83-501 shall continue in effect as appointed.

**B. Vacancies and Removal**

Vacancies of said board shall be filled for the unexpired term of those members whose position has become vacant by appointment of the Mayor with confirmation by the City Council. A member may be removed from such board for continued absences or just cause by action of the Mayor and City Council after proper hearing.

**C. Advisory Opinions**

The Lebanon Planning Department and/or the Planning Director may submit an advisory opinion to the board on any matter which may come before the board. The opinion shall be made a part of the official record of the board.

**D. Powers of the Board**

The board is hereby vested with the powers to:

1. Hear and decide appeals where it is alleged in writing by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Chief Building Official or other administrative official in carrying out or enforcement of any provision of this ordinance;
2. Hear and act upon applications for variances in accordance with TCA § 13-7-207 (3) and Section 14-1207 of this chapter to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property;
3. Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in Section 14.1208 of this chapter or for interpretations of the official zoning map;
4. Hear and decide all special questions or other matters referred to it on which it is required to act under this ordinance.

**E. Election of Officers**

The board shall elect from its members its own chairman and vice-chairman, who shall serve for one year and may upon election serve succeeding terms.

The board shall elect a secretary who may be a member or such other person from city staff as the board and Mayor shall approve. It shall be the duty of the secretary to keep all records, conduct official correspondence, and supervise the clerical work of the board. The Mayor may provide such other assistance as is necessary.

**F. Conflict of Interest**

Any member of the board who shall have direct or an indirect interest in any property which is the subject matter of or affected by, a decision of the board shall be disqualified from participating in the discussion, decision, and proceedings of the board in connection with the subject matter. The burden for revealing any such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

**G. Meetings of the Board**

Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

**H. Rules and Proceedings of the Board**

The board shall adopt rules for the conduct of its meetings. Such rules shall at a minimum require that:

1. The presence of three (3) members of the board shall constitute a quorum. The concurring vote of at least three (3) members shall be necessary to deny or grant any application before the board;
2. No action shall be taken by the board on any case until after an opportunity for public comment and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation before the date set for a public meeting and a sign posted on the subject area of the application with a contact phone number. Written notice adjoining property owners should be sent in time to give notice of the meeting at which the action is to be heard. No appeal should be considered and heard by the board unless such appeal shall have been filed within the time frame as established by the published calendar;
3. The board may call upon any other office or agency of the city government for information in the performance of its duties, and it

shall be the duty of such other agencies to render such information to the board as may be reasonably required;

4. Any officer, agency, or department of the city or other aggrieved party may appeal any decision of the board to a court of competent jurisdiction as provided for by state law;
5. In any decision made by the board on a variance the board shall:
  - a. Indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as “in the interest of public health, safety and general welfare”;
  - b. In cases pertaining to hardship, specifically identify the hardship warranting such action by the board;
  - c. Any decision made by the board on a conditional use permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as “in the interest of public health, safety and general welfare” and shall state clearly the specific conditions imposed in granting such permit;
  - d. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the board, good and sufficient cause being shown;
6. At the public hearing of the case before the board, the appellant shall appear in his/her own behalf or be represented by counsel or agent. The appellant’s side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other. Re-hearings may be granted by a majority vote of the board when it is alleged that there was error or mistake in the original facts or upon introduction of new information not available at the original hearing. A vote of the board shall not be reversed on the same set of facts.

#### **I. Stay of Proceedings**

An appeal shall stay all proceedings in furtherance of the action for which an appeal is made, unless the Chief Building Official certifies to the board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the Chief Building Official, and on due cause shown.

**J. Liability of Board Members and City Employees**

Any board member or city employee charged with the enforcement of this ordinance, acting for the city in the discharge of his/her duties, shall not thereby render him/herself liable personally, and he/she is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member or city employee charged with the enforcement of any provision of this ordinance shall be defended by legal representation furnished by the city until the final termination of such proceedings.

**K. Right to Entry Upon Land**

The board, its members, and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

**L. Fee**

Any application for a hearing before the board shall be accompanied by a nonrefundable fee in an amount established by the City Council to partially defray the cost of processing.

**M. Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official**

In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

**14.1207. Zoning Variances**

The board of zoning appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

**A. Application for Variances, Notice of Hearing**

A written application for a variance shall be filed with the board by the property owner or his/her designated agent on forms provided by the board or by letter, and the application shall contain information and exhibits as may be required under Section 14.1205(B) of this chapter. No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Section 14.1206(H)(2) of this chapter.

**B. Notice to Affected Property Owners**

It shall be the general rule of the board that reasonable efforts shall be made to contact and notify interested parties, who in the opinion of the board, may be affected by any matter brought before the board. In all cases all owners of record of adjoining property, including those separated by a public way from the premises in question shall be notified.

**C. Standards for Variances**

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance;
4. Financial returns only shall not be considered as a basis for granting a variance;
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts;
7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

**D. Nonconformity Does Not Constitute Grounds for Granting of a Variance**

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

**E. Prohibition of Use Variances**

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the district.

**F. Conditions and Restrictions by the Board**

The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 14.1207(C) above to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances.

**G. Variance Appeals**

Any person including any agency of the city government aggrieved by a decision of the Board of Zoning Appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

**14.1208. Conditional Use Permits**

**A. Conditional Uses**

The Board of Zoning Appeals may hear and decide, in accordance with the provisions of this ordinance, requests for conditional use permits. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by TCA § 13-7-207.

**B. Application for Conditional Use Permit, Notice of Public Hearing**

The application for a conditional use permit shall be made by the property owner or designated agent and filed in writing with the board and shall contain information and exhibits as may be required under Section 14.1205.B of this chapter or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Chapter 9, Section 902. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing



shall be held in accordance with Section 14.1206(H)(2) of this chapter.

### **C. Requirements for Conditional Use Permit**

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out in this Section in order to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this ordinance. The board may establish expiration dates for the expiration of any conditional use permit as a condition of approval. A permit may be transferred to another owner or type of use without a rehearing before the board provided that previously approved conditions can be met.

### **D. General Requirements**

A conditional use permit shall only be granted provided the board makes specific findings that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
2. Will minimize adverse effects to other property in the area in which it is located;
3. Is within the provisions of "Conditional Uses" as set forth in this Ordinance; and
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and meets the specific standards below.
5. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

### **E. Specific Standards for Community Facility Activities**

In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit shall be granted for the community facility activities specified below only when the standards established in this section are met as part of the condition for issuing the permit in the applicable zone districts.

1. Special Conditions for Administrative Services
  - a. There must be a demonstrated need for such activities to serve

the neighborhood or the total community.

- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply.
- d. Fencing, screening, and landscaping shall be provided as required by Chapter 8, Section 14.805 to protect surrounding properties and reduce any potential adverse impact.
- e. The site, landscaping and architectural plans shall be approved by the Lebanon Planning Commission.

## 2. Special Conditions for Personal and Group Day Care Facilities

The special conditions listed below only apply to day care facilities as defined. For purposes of this ordinance, day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than eight (8) children including children living in the home.

Day Care Center - includes day care for more than eight (8) pre-teenage children in any kind of building

- a. Day Care Home
  - i. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
  - ii. All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size and sewer is not available. The Fire Department shall approve the facility for safety.
  - iii. All requirements of the State of Tennessee that pertain to the use shall be met.
  - iv. An outdoor play area of at least fifty (50) square feet per child in size shall be available and shall be fenced.
  - v. Fencing, screening, and landscaping shall be provided as required by Chapter 8, Section 14.805 to protect the surrounding area.
  - vi. A site plan shall be submitted in conjunction with the application for a conditional use permit.

b. Day Care Center

\*No such facility shall be permitted on a zone lot in a residential district unless such lot contains twice the lot area requirements of the district except in the RR district where the minimum lot size shall apply.

- i. No such facility shall be located on a minor residential street. Locations shall be limited to collector or arterial streets specified on the official major thoroughfare plan.
- ii. In commercial districts the side and rear yard requirements of the adjoining residential district, whichever has the highest standards, shall apply.
- iii. A fenced outdoor play area shall be provided of at least fifty (50) square feet per child.
- iv. All bulk and space regulations of the district shall be met.
- v. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver children. The facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.
- vi. All public utilities and sanitary sewers shall be available at the site and connected.
- vii. All regulations of the State of Tennessee that pertain to the use shall be met.
- viii. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facilities.
- ix. Fencing, screening, and landscaping shall be provided as appropriate as required by Chapter 8, Section 14.805 to protect the surrounding area as well as the facility.
- x. A site plan shall be submitted in conjunction with the application for a conditional use permit.

3. Secure Personal and Group Care

- a. All bulk regulations of the district shall be met.
- b. The requirements of the accessory off-street parking regulations of this ordinance shall apply.

- c. All regulations of the Federal Government and the State of Tennessee shall be met.
  - d. No facility shall be located within 500 feet of a residence, public school or a daycare when measured from the front door to front door in a straight line.
  - e. No facility shall be located on a platted lot directly adjacent to a residence a public school or a day care.
4. Special Conditions for All Other Personal and Group Care Activities
- a. All bulk regulations of the district shall be met.
  - b. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
  - c. All regulations of the State of Tennessee shall be met.
  - d. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility shall be approved by the Lebanon Planning Commission taking into account the above conditions as well as any other pertinent factors.
5. Special Conditions for Community Assembly
- a. No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts.
  - b. All bulk regulations of the zone district shall apply.
  - c. Except for temporary non-profit festivals, fencing, screening, and landscaping shall be provided as required and meeting the standards of Section 14.805.
  - d. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
  - e. All public utilities and sewage disposal shall be available to the site and connected.
  - f. The site and/or architectural plans shall be approved by the Lebanon Planning Commission taking into account the above conditions.
  - g. The conditional use provisions of this Section do not apply to religious activities, which are permitted in any district by right

but subject to the requirements of Chapter 12, Section 14.1205(B).

6. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district.
- b. All bulk regulations of the zone district shall apply.
- c. The off-street parking requirements of this ordinance shall apply.
- d. Fencing, screening, landscaping shall be provided as required by Section 14.805 to protect the surrounding area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties within the surrounding area.
- f. The site and architectural plans shall be approved by the Lebanon Planning Commission taking into account the above conditions.

7. Special Conditions for Community Education

- a. No such facility shall be permitted on a zone lot unless such lot contains twice the lot area requirements of the zone district.
- b. The traffic generated by such facility shall be safely accommodated along the streets that will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Health Care

a. Minimum Lot Area:

No health clinic shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the district, whichever is greater.

- b. All other regulations of the zone district shall apply.

- c. There shall be provided along the entire site boundaries fencing, screening, and landscaping as required in Section 14-805.
- d. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties within the surrounding area.
- e. All public utilities and sewage disposal shall be available to the site and connected.
- f. The site and/or architectural plans shall be approved by the Lebanon Planning Commission taking into account the above conditions.
- g. The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use and be subject to all other provisions of the zoning district:
  - i. Community Facility Activities
  - ii. Commercial Activities
    - Convenience Sales and Services
    - Automotive Parking
    - Food Service
    - Medical Service

8. Special Conditions for Intermediate and Extensive Impact

- a. The location, size, and design of such facilities shall be such that the proposed development shall be as compatible as possible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements of the parking table shall apply or shall be determined by the board taking into account characteristics of the use.

- e. There shall be provided along the entire site boundaries fencing, screening, and landscaping as required in Section 14.805.
- f. The site plan for such facilities shall be approved by the Lebanon Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

**F. Specific Conditions for Commercial Activities**

A conditional use permit shall not be granted for the commercial activities specified below unless the conditions established therein are met as a part of the conditions for issuing such permit in the applicable districts.

- 1. Special Conditions for Consumer Repair
  - a. The operation of any such repair or servicing activity shall be done within completely enclosed buildings, and no outside storage shall be permitted.
  - b. The operation of the activity shall not include the storage or use of flammable, explosive, or toxic materials or liquids.
- 2. Special Conditions for Mini-Warehouses

Mini-warehouse, as defined, may be included as a general personal service subject to the following standards:

- a. The location, size, and design of such facility shall be compatible with development in the surrounding area;
- b. There shall be provided along the entire site boundaries fencing, screening, and landscaping in accordance with Section 14.805. When the outdoor storage of boats, campers and trailers is to be accommodated on the site, the fencing and screening heights shall be increased to completely screen from public view the boats, campers, and trailers
- c. The use of buildings in which the exterior facade is of one hundred (100) percent metal construction shall be prohibited with the buildings which face a street having a minimum of fifty (50) percent brick or stone;
- d. All parking areas and driveways shall be paved;
- e. All buildings shall be separated by a minimum of twenty (20) feet;

- f. The setback for such activities shall be a minimum of sixty-five (65) feet;
- g. An apartment on site may be permitted for security purposes;
- h. The maximum size of an individual storage unit shall be five hundred (500) square feet;
- i. The facilities shall be designed to prohibit the use by and generation of heavy or semi-truck vehicles.

3. Special Conditions for Extended Stay Hotels or Motels

An Extended Stay Hotel or Motel shall comply with the following Conditions:

- a. Such facility shall not exceed three (3) stories in height and shall have no more than 20 rooms for each acre of land.
- b. Such facility shall include a 24-hour daily attendant at the front desk.
- c. Each guest room shall have a minimum of three hundred twenty-five (325) square feet per room.

4. Special Conditions for Adult Entertainment Activities

- a. By virtue of the adoption of this ordinance, the Lebanon City Council finds that adult entertainment activities, by their very nature, historically have been accompanied by secondary effects that are detrimental to the public health, safety, morals, and welfare. These secondary effects include a wide range of criminal and other unlawful activities such as prostitution, narcotics and liquor law violations, breaches of the peace, assaults, sexual conduct involving physical contact between patrons or between entertainers and patrons and employment of or service to minors. The secondary effects also adversely impact residential neighborhoods, viable business districts and can cause declines in property values. These special conditions are necessary to ensure that adult entertainment activities are located a reasonable distance away from places where minors regularly gather, to protect the character of residential areas from the secondary influences, to protect the economic vitality of nearby businesses and to avoid concentration of adult businesses.

In the consideration of an application for a conditional use permit for an adult entertainment activity the board of appeals shall take the above findings of fact into account.



- b. No adult entertainment activity shall be located within one thousand (1,000) feet of a residentially zoned district, the property line of a lot devoted to a residential use, church, day care facility, public library, private/public educational facilities that serve students ages seventeen (17) or younger, funeral home/parlor, public park, any business licensed or permitted to sell beer or intoxicating liquors or any other adult entertainment activity or use. The distance requirement specified herein shall be measured in a straight line from and to the nearest roofed structure of the respective premises without regard to intervening structures or objects.
  - c. A certified and signed survey prepared by a licensed surveyor or engineer showing distance measurements in accordance with b. above to all listed uses shall be submitted with any application for a conditional use permit for an adult entertainment activity.
  - d. No adult entertainment activity shall be conducted in any manner that permits the observation of any activities inside a building used for adult entertainment purposes from outside the building.
5. Special Conditions for Group Assembly Activities
- a. The location, size, and design of such facilities shall be situated so that the proposed development shall not adversely impact the development within the surrounding area.
  - b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
  - c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
  - d. The site plan for such facilities shall be approved by the Lebanon Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

- ii. The minimum setback of all structures from all public roads shall be one hundred (100) feet.
  - iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
  - iv. Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Residential streets should be protected and not used as a main entrance.
  - v. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
  - vi. Any lighting provided at such facilities shall be designed in accord with Chapter 8, Section 14-806.
  - vii. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, gift or souvenir shops, and similar activities.
6. When an application for a Group Assembly permit includes a private campground, the following standards shall be met:
- a. Such campground shall have on-site management;
  - b. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten (10) percent of the area of the park or one (1) acre whichever is smaller;
  - c. Such campground shall meet the following standards:
    - i. Minimum size - ten (10) acres.
    - ii. Maximum density – ten (10) campsites per gross acre.

- iii. Sanitary facilities, including flush toilets and showers - within three hundred (300) feet walking distance of each campsite.
  - iv. Potable water supply - one spigot for each four (4) campsites.
  - v. Trash receptacle – adequate to serve the entire campground.
  - vi. Parking – one (1) space per campsite.
  - vii. Picnic table – one (1) per campsite.
  - viii. Fireplace or grill - one (1) per campsite.
  - ix. Administration or safety building – open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.
- d. Such campground shall meet the following design requirements:
- i. A bufferyard that will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
  - ii. Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas, or similar activities.
  - iii. Each campsite shall have a minimum setback of twenty-five (25) feet from any exterior boundary line.
  - iv. Each campsite and all other buildings shall have a minimum setback from any public road of fifty (50) feet.
  - v. Each separate campsite shall contain a minimum of 3,200 square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the road-way providing access).

- vi. Each campsite shall be directly accessible by an interior travel way. All such travel ways shall be paved.
- vii. All interior roads shall be a minimum of ten (10) feet wide for one-way traffic and eighteen (18) feet wide for two-way traffic.
- viii. Each campground shall provide a trailer dump station for the disposal of holding tank sewage

7. Deferred Presentment Services

- a. At least 500 ft. from the nearest residential district
- b. At least 1320 ft. from any other deferred presentment service, bank, credit union, or financial institution.

8. Automotive Repair and Cleaning which includes:

Automotive Repair and Cleaning

Auto Cleaning and Detailing Services  
Auto Engine Repair and Replacement Shops  
Auto Glass Repair and Replacement Shops  
Auto Inspection and Diagnostic Services  
Auto Paint and Body Shops  
Auto Towing Services  
Auto Transmission Repair Shops  
Car Washes  
Compressed Natural Gas (CNG) Station  
Gasoline, Diesel Fuel, and Oil Sales and Services for Cars and Trucks  
of All Sizes  
Radiator and Muffler Shops  
Tire Retreading and Repair Shops

- a. Minimum Size of lot 1.5 acre
- b. Landscaping and screening plan shall be required. The facilities must be screened along front, side, and rear lot lines. The landscaping and screening plan shall include trees that are at least 7ft tall. At least 50% of the trees need to be evergreens. Bushes or shrubs that are at least 3ft in height at time of planting and must be planted linearly every three feet on center.
- c. No flat roofs

**G. Specific Standards for Agricultural and Extractive Activities**

A conditional use permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Crop and Animal Raising

- a. This shall apply to the keeping of farm animals only.
- b. Provided however, that hog pens and confinement chicken houses with more than fifteen (15) chickens shall be prohibited.
- c. Minimum lot size shall be three (3) acres for keeping, raising, or grazing horses, cattle, goats, or sheep.
- d. This shall not be construed to include any kind of confined animal feeding operation.

2. Special Conditions for Plant and Forest Nurseries

- a. The minimum lot size shall be twice the district requirement.
- b. Any buildings shall be appropriately screened from adjoining residential property.
- c. Off-street parking shall be provided adequate for the size of the operation.

**H. Specific Standards for Residential Activities**

A conditional use permit shall not be granted for the residential activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Semi-Permanent Residential

- a. Off-street parking shall be provided in the amount of one (1) space for each rooming unit plus two (2) spaces for the use.
- b. Fencing, screening, and landscaping may be required by the Lebanon Planning Commission based on the location of the building with relation to adjacent buildings to protect adjoining uses.
- c. All public utilities and public sewer service shall be available.
- d. The building shall be first approved for such use by the Lebanon Fire Department.

- e. The site plan for such activity shall be approved by the Lebanon Planning Commission.

## 2. Bed and Breakfast Homestay

- a. The owner of the property or the business owner must reside permanently in the home. If two (2) or more owners own equal shares, at least one (1) of the owners shall reside permanently in the home.
- b. A maximum of one (1) off-street parking space shall be provided for each guest room. The design of the parking spaces and their number and location shall also take into account the owner's parking spaces. Fencing, screening, and landscaping may be required to buffer and protect adjoining properties. Large expanses of paved area shall be avoided. No more than two (2) such spaces shall be located in the front yard.
- c. A maximum of four (4) guest rooms shall be available for rent, and such rooms shall not occupy more than fifty (50) percent of the total habitable floor area. A guest register shall be maintained and made available to the Building Inspector or other enforcing officer.
- d. Meal service shall be limited to breakfast and shall be restricted to overnight guests only. No cooking facilities shall be available in any guest room.
- e. No exterior structural or architectural alterations or expansions, other than those necessary to ensure the safety of the building, shall be made to the building for the purpose of providing a bed and breakfast homestay.
- f. The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days.
- g. The building shall comply with the International One and Two-Family Dwelling Code and shall be inspected prior to occupancy by the Chief Building Official and the Fire Chief or other enforcement officials. In the event the home is a historic building the board may consider the varying the strict application of the code requirements as long as the safety of the guests is not compromised.
- h. One (1) sign may be permitted in accordance with the Lebanon Sign Ordinance.

## 3. Chicken Houses

- a. Chicken houses shall be located in the rear yard a minimum of ten (10) feet from any property line.
- b. A plot plan shall be submitted showing the location of all buildings on the lot.
- c. The maximum number of chickens housed in a chicken house shall be fifteen (15). Roosters are prohibited.

#### **I. Specific Standards for Floodway and Flood-fringe Districts**

1. A conditional use permit shall not be granted for any use requiring such a permit until the Board of Zoning Appeals has:
  - a. Reviewed the contents of the plan required by Chapter 9, Section 14.902 (D) (2) (a);
  - b. Made such determinations as required by Chapter 9, Section 14.902 (G) (1) where necessary;
  - c. Considered all relevant factors specified below; and
  - d. Attached such conditions as it deems necessary for the protection of the public health, safety, and welfare.
2. Factors Upon Which the Decision of the Board shall be Based:

In its review of any conditional use proposed for location within any area subject to flood, the board shall consider all relevant factors specified in Chapter 9 of this Title, and;

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.

- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwater expected at the site.
- l. Such other factors which are relevant to the purposes of this Title.

### 3. Conditions Attached to Conditional Uses

Upon consideration of any conditional use proposed for location within any area subject to flood, the board may attach such conditions to the granting of such use as it deems necessary to further the purposes of this Title. Among such conditions, without limitations because of specific enumeration, may be included:

- a. Modification of waste disposal and water supply facilities.
- b. Limitations of periods of use and operation.
- c. Imposition of operations controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- e. Flood proofing measures such as those set forth in Chapter 10 of this Title.

### **J. Conditional Use Permit Appeals**

Any person or agency of the city government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction.



**14.1209. Amendments**

**A. General**

1. The City Council may, from time to time, amend this Title by changing the boundaries of districts or by changing any other provisions whenever they find the public necessity, convenience, and general welfare require such amendment.

2. Initiation of Amendment

Amendments may be initiated by the City Council, Lebanon Planning Commission or by an application of one or more owners of property affected by the proposed amendment.

3. Application for Amendment Fee

An application by an individual for an amendment shall be accompanied by a fee in an amount as established by the City Council payable to the City, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the adopted land use plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with application.

4. Review and Recommendations by the Lebanon Planning Commission. The Lebanon Planning Commission shall review and make recommendations to the City Council on all proposed amendments to this Title. The review and recommendations of the Lebanon Planning Commission shall be based upon the land use or general plan for the area as adopted and such other considerations as the Lebanon Planning Commission finds to be applicable to the case.

5. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this ordinance prior to enactment by the City Council. Notice of such hearing shall be displayed as follows:

Notice in a newspaper of general circulation within the city shall be published at least fifteen (15) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification and it may contain a graphic illustration of the area.

6. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map that is a part of this ordinance, the planning director shall cause such amendment to be placed upon the zoning map noting there on the ordinance number.

7. Effect of Denial of Application

Whenever an application for an amendment to the text of this Title or for change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:

- a. Upon initiation by the City Council or Planning Commission;
- b. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- c. When the previous application was denied for the reason that the proposed zoning would not conform to the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.

**14.1210. Remedies and Enforcement**

**A. Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Chief Building Official. The Chief Building Official shall record properly such complaint, immediately investigate, and take action as provided in this ordinance.

**B. Penalties for Violation**

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall be punishable as provided for by law. Each day such violation exists shall be deemed a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participated in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**C. Remedies**

In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building or other structure or land is or is proposed to be used in violation of this ordinance, the Chief Building Official or other appropriate authority of the city government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land. Where a violation of these regulations exists with respect to a building or other structure or land, the Chief Building Official may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re-establishment of service be withheld there from until such time as the building or other structure or premises are no longer in violation of these regulations, and each such utility or department shall comply with such request.

**14.1211. ADA Reasonable Accommodations**

**A. Requesting Reasonable Accommodations from the Zoning Code**

Any request for reasonable accommodations as it pertains to the City's Zoning Code must be requested by completing the ADA Reasonable Accommodation from the Zoning Code Request Form. This form will be reviewed by the Planning Director. Any appeals to the Planning Director's decision can be filed with the Commissioner of Public Services.