

SUBMITTAL REQUIREMENTS FOR SPECIAL EXCEPTIONS

- _____ 1. **Both application forms** must be filled out completely, including all contact information for all parties listed. The **property owner must sign** the application, or the written and **signed certification** of the owner permitting a representative to sign on the owner's behalf must be on or with the application **and be notarized**.

- _____ 2. A **written description** of the proposal, along with a justification letter explaining how the project is compatible with the surrounding area, is not detrimental to the safety and welfare of the community, and will not cause a nuisance or be injurious to the adjacent properties.

- _____ 3. A **label matrix and a copy of the label matrix** containing property owners' names and addresses within two hundred (200) feet of the site.

- _____ 4. A **plan** showing the location and intended uses of the site, the existing land uses within two hundred (200) feet, the names and addresses of adjacent property owners with zones listed, and all other items required on a site plan or preliminary or final plat according to submittal.

- _____ 5. **Fee** of \$100.00.

- _____ 6. **10 copies of the site plan** of the property (to scale) showing all setbacks, yards, transitional buffers, and all other information required per site plan specifications found in Section 3.110 of the Zoning Ordinance.

- _____ 7. A digital version of the Special Exception plan on **Compact Disc (CD)** or **emailed** to the City Planner.

- _____ 8. **Meet the deadline** by submitting at the office of the City Planner by 2:00 pm on Monday, four weeks prior to the planning commission meeting. The **Submittal Log Book** must be filled in by the applicant/representative/runner in order for a submittal to be considered as meeting the deadline.

- _____ 9. The above application must be **supported by any other information** or data as might be deemed necessary by the La Vergne Board of Zoning Appeals.

- _____ 10. **Any submittal without all of the above information will not be accepted by the City of La Vergne for processing.**

X.

Date:

Signature of City Planner verifying that all submittal requirements have been met

8.060. Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Codes Enforcer to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. Criteria For Review

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangement has been made concerning all the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case off fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Item 1 above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the Items in 1. and 2. above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. All items required on a site plan or preliminary or final plat according to submittal.

C. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

D. Validity of Plans

All approved plans, conditions, restrictions, and rules made apart of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all items.

E. Time Limit

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

F. **Specific Standards for Day Care Centers**

1. No such facility shall be permitted on a lot unless such lot contains at least one half acre.
2. A fenced outdoor play area shall be provided of at least 200 square feet per child or 2,000 square feet whichever is greater.
3. All bulk and space regulations of the district shall be met.
4. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver children. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.
5. One accessory off-street parking space for each five children accommodated shall be provided.
6. All public utilities and sanitary sewers shall be available and connected at the site.
7. All regulations of the State of Tennessee that pertain to the use shall be met.
8. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facilities.
9. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area as well as the facility.
10. A site plan shall be submitted in conjunction with the application for a conditional use permit.

4.090. Development Standards for Automobile Wrecking, Junk and Salvage Yards.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitos may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve ((12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking. As regulated in Article IV, Section 4.010.
- F. Ingress and Egress. The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. Application for Automobile Wrecking, Junk, or Salvage Yard Permit. **No person shall own or maintain an automobile wrecking, junk, or salvage yard within La Vergne until he has secured a permit from the La Vergne Board of Zoning Appeals.** An application for said permit shall be filed in accordance with Article VIII, Section 8.060, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in Section 8.060.