

**A RESOLUTION AMENDING THE WILSON COUNTY ZONING ORDINANCE**

**WHEREAS**, Wilson County Government seeks to protect the general health, safety, and welfare of the public at large, and;

**WHEREAS**, the current version of the Wilson County Zoning Ordinance was passed and adopted in January 22, 1990 for the purposes of carrying out the above stated intent, and;

**WHEREAS**, the current Zoning Ordinance went into effect on March 5, 1990, and;

**WHEREAS**, the need has arisen to provide additional protections for Wilson County

Residential structure inhabitant, neighboring property owners, the general public, regarding health and safety and general welfare; and

**WHEREAS**, the zoning Ordinance seeks to provide certain economic and social advantages that result from and orderly and planned use of the land resources within Wilson County for the benefit of those who reside in Wilson County; and

**WHEREAS**, a public hearing was held before the County Commission on \_\_\_\_\_ regarding this matter;

**NOW THEREFORE BE IT RESOLVED** that the following section and related amendments be amended to the Wilson County Zoning Ordinance as follows:

4.50.03 DEVELOPMENT REQUIREMENTS, Paragraph H entitled PERMITTED LOCAL OPEN SPACE USES; Add the following language to the end of the section:

3. Any pools and pool houses built using this provision of the zoning ordinance must be designed, built/installed to *ANSI/NSPI-1 1991 American National Standard for Public Swimming Pools* specifications. A letter of plans acceptance from the General Environmental Health Division of the Tennessee Department of Health must be submitted to the county building inspector prior to a building permit being issued for any pool proposed under this provision. Furthermore, a copy of the public pool permit from the General Environmental Health Division of the Tennessee Department of Health must be submitted prior to issuance of a certificate of compliance by the building inspector.

4. A Tennis Court, Soccer Field, Baseball field, softball field, or basketball court built using this provision must be designed and installed to standards set forth in *American Institute of Architects Time Saver Standards*. An affidavit must be provided by the contractor/installer that this requirement has been met prior to release of any surety held by the county for such work.

5. A Playground built using this provision must be designed and built to public standards; *Consumer Product Safety Guideline ASTM F1487, Public Use Playground Standard*; with a minimum capable load of 20 children. An affidavit must be provided by the contractor/installer that this requirement has been met prior to release of any surety held by the county for such work.

6. Pedestrian Walkways built to ADA standards for a public walkway. An affidavit must be provided by the contractor/installer that this requirement has been met prior to release of any surety held by the county for such work.
  7. A clubhouse with a minimum square footage of 1500 square feet of heated area or 20 square feet of heated space per lot in the subdivision, whichever is greater. The maximum size of any Clubhouse structure shall be 3000 square feet of heated area.
  8. Other improvements of a passive or active nature may be reviewed for potential approval by the planning commission on a case by case basis. In such instances, the planning commission may place additional requirements for affidavit or certification of such improvements at some generally acknowledged standard of quality for that particular type of improvement. This provision is being included in the interest of public health safety and general welfare of the future residents of this development, as well as, the public at large.
- I. Surety for Installation and completion of Common Open Space amenities/improvements or required public facilities.

When work on open space improvements is incomplete at time of subdivision recording, A Form of Surety shall be required by the Wilson County Planning Commission and/or the Wilson County Commission for Installation and completion of Common Open Space/amenities/improvements. This surety will be held by the Building Inspector's Office until such time as the open space/amenities/improvements or required public facilities are installed and approved by Wilson County Government or until such time as a year has passed without visible progress towards adequate installation and completion of said improvements and development. If the latter occurs, the Building Inspector may at their discretion seek direction from Wilson County legal counsel and begin the process of cashing the surety presented. Surety must be submitted to the Building Inspectors office prior to recording of plats for each respective section of a Cluster or open space development as outlined herein.

Regulations regarding posting of Surety are as follows:

- 1) Wilson County currently accepts two forms of surety: Irrevocable Letters of Credit or Certified Cashiers Checks from a bank or other accredited financial institution.
- 2) All forms of surety must be cashable at a counter in Wilson County, Tennessee or in a County adjacent Wilson County, Tennessee.
- 3) All forms of surety must be valid for a period of not less than one year and, in the case of Letters of Credit, must be automatically renewable at a stated time for a like period of time unless the developer gives notice within thirty (30) days of the renewal date that the developer does not wish for the Letter of Credit to be renewed.
- 4) Only Originals of all forms of surety will be accepted by the Building Inspector's Office.

Section 5.5 - 113 Dedication of Public Facilities

The Wilson County Planning Commission and the Wilson County Commission may, as a condition of approval and adoption, in accordance with the final development plan, require that suitable areas for streets, public rights of way, schools, parks, and other public facilities be set aside, constructed, improved and/or dedicated for public use at time of subdivision plat recordation.

**SECTION 2**

If any part of this resolution is deemed to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this regulation which is not of itself invalid or unconstitutional.

**SECTION 3**

The above listed amendments shall take effect upon approval of this amendment; the general welfare of the public requiring it.

Date of Approval: March 16, 2009

Sponsor \_\_\_\_\_

Co-Sponsor \_\_\_\_\_

Resolution # 09-3-4