

ORDINANCE 2021-16

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING SECTION 14-67, REGARDING DEFINITIONS, SECTION 14-72(a), REGARDING BUILDING PERMIT FEES, SECTION 50-29(a), REGARDING FEES FOR PLANNING COMMISSION SUBMITTALS AND SECTION 78-26(d) REGARDING FEES CHARGED FOR HOME OCCUPATIONS 78-59(b) REGARDING FILING FEES FOR BOARD OF ZONING APPEALS REVIEW, SECTION 78-87(d) REGARDING PROCEDURES FOR ZONING DISTRICT CHANGE AND CREATION OF A NEW SECTION 78-90 REGARDING PROCEDURES AND FEE FOR ANNEXATIONS

BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That section 14-67 of Chapter 14, Article III, of the Code of Ordinances of the City of Brentwood shall be amended by adding the following text to the end of the section, with the remainder of the section to remain unchanged:

Valuation means the estimated total cost of building construction, including all electric, mechanical, plumbing and permanently fixed equipment. It is not meant to determine market value of a structure. Total valuation includes design fees but does not include land price of site development costs.

SECTION 2. That section 14-72 of Chapter 14, Article III, of the Code of Ordinances of the City of Brentwood shall be amended by deleting the text in its entirety and replacing with the following:

Sec. 14-72. Building permit fees.

Schedule of Permit Fees

- (a) *New Single-family Residential Building permit fees.* Building permit fees shall be based on the total construction valuation of the structure as established in Table One below. The fees will be determined using the total square footage and square footage costs in accordance with the International Code Council's (ICC) – Building Valuation Table. For verification purposes, the construction valuation for new single-family residential structures shall be based on \$130.00 per square foot of building Areas that are proposed to remain unfinished such as basements, detached garages, accessory structures, etc. shall be assessed at a rate of \$25.00 per square foot for all unfinished areas within new single-family residences in lieu of the finished floor space charge.

TABLE ONE -- BRENTWOOD BUILDING PERMIT FEE (BBPF)	
TOTAL VALUATION	BUILDING PERMIT FEE
\$2,000.00 and less	No fee, unless inspection required, in which case a \$25.00 fee shall be charged
\$2,001.00 to \$15,000.00	\$60.00 for the first \$2,000.00 plus \$5.50 for each additional thousand or fraction thereof up to and including \$15,000.00
\$15,001.00 to \$50,000.00	\$131.50 for the first \$15,000.00 plus \$3.75 for each additional thousand or fraction thereof up to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$262.75 for the first \$50,000.00 plus \$3.75 for each additional thousand or fraction thereof up to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$450.25 for the first \$100,000.00 plus \$2.75 for each additional thousand or fraction thereof up to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$1,550.25 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof up to and including \$1,000,000.00
\$1,000,001.00 and up	\$2,550.25 for the first \$1,000,000.00 plus \$1.00 for each additional thousand or fraction thereof

- (b) *Other Building permit fees.* All other separate/individual residential building permit applications/types submitted for improvements will be based upon the construction valuation, as defined in Section 14-67. Building permit costs for accessory structures, swimming pools, building additions, basement build-outs, remodels, renovations, decks, covered porches, garages or other types of structures shall be based upon the fees shown in Table One as applied to the actual valuation of the work to be performed as established by contract or other proof satisfactory to the building official.
- (c) *Commercial Building permit fees.* The total valuation for commercial structures shall be based on the building construction valuation as applied using the BBPF table. Additional documentation may be required when the submitted construction valuation is in question.
- (d) The schedule of Building Valuation Data is developed by the International Code Council (ICC) and updated in February and August of each year. Revisions to the Building Valuation Data adopted by Ordinance 2021-16 shall be adjusted annually to account for building valuation cost inflation on January 1st of each year. The adjusted valuation schedule, with fee amounts rounded to the nearest five-dollar increment, will be adopted by the Board of Commissioners via resolution by December 1st of each applicable year to become effective on January 1st of the following year.
- (e) *Moving of buildings or structures.* For the moving of any building or structure, the fee shall be \$250.00.
- (f) *Demolition of buildings or structures.* For the demolition of any building or structure, the fee shall be \$250.00.
- (g) *Starting work without permit.* Where work for which a permit is required by this Code is started or proceeded prior to obtaining the permit, the fees herein specified shall be doubled, provided

that such doubled fee shall not be less than \$100.00. Payment of a doubled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

- (h) *Plan-checking fees.* When the valuation of any proposed commercial or service institution construction exceeds \$1,000.00 and a sealed plan is required to be submitted, a plan-checking fee shall be paid to the building official before issuance of the building permit. The plan-checking fee shall be equal to one-half of the building permit fee amount.
- (i) *Foundation permit.* A foundation permit may be issued separately from the building permit in instances where the building official determines that it will not affect the overall approval of the site plan and issuance of the building permit. A nonrefundable permit fee of \$250.00 shall be paid before the foundation permit is issued for a commercial or service institution project and may not be applied toward any other fee requirements.
- (j) *Grading permit.* A grading permit for residential, commercial, and service institution properties may be issued prior to issuance of a building permit if the building official determines that the grading of the site will not adversely affect the issuance of a building permit. A nonrefundable grading permit fee of \$250.00 for the first acre and \$25.00 for each additional acre shall be paid before the grading permit is issued. Except in the case of engineered site development plans required by the planning commission for residential lots, grading permit fees may be applied toward subsequent building permit fee requirements; provided, however, the applicant for a grading permit for a residential lot permit may receive a \$150.00 reimbursement if the initially submitted plans are complete and require no additional plan review by the city.
- (k) *Re-inspection fee.* A re-inspection fee of \$50.00 shall be assessed when a second inspection is scheduled, and the contractor is not ready. Each additional re-inspection required under the same permit when the contractor is not ready for the inspection shall be assessed an additional \$50.00 above the previous assessment (e.g. the third re-inspection shall cost \$100.00, the fourth re-inspection \$150.00, the fifth re-inspection \$200.00, etc.) This fee must be paid prior to the next inspection being conducted on the property.
- (l) *Window and Door Replacement.* Permits for replacement of windows and doors will be based upon valuation with a permit fee cap of \$100.00.
- (m) *Solar Panel Installation fee.* A \$100.00 plan review permit issuance and final inspection fee shall be required .
- (n) *Residential Generator Installation.* A \$100.00 plan review fee is required to confirm the location of the unit and confirm clearance requirements from openings (air intakes, operable windows, etc.).

SECTION 3. That section 50-29(a) of Chapter 50, Article II, of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

Sec. 50-29. Fees.

- (a) In order to have an item appear on the planning commission agenda, the following fees shall be paid at the time of submission:
 - (1) Preliminary plan or revised preliminary plan, \$350.00 filing fee plus \$50.00 per affected lot.

- (2) Preliminary plan or revised preliminary plan for properties zoned OSRD or OSRD-IP, \$600.00, plus \$50.00 per affected lot.
- (3) Final plat, \$350.00 filing fee plus \$50.00 per lot.
- (4) Resubdivision \$350.00 per plat plus \$50.00 per affected lot
- (5) Site plans, revised site plan, \$350.00 filing fee plus \$50.00 per acre or fraction thereof.
- (6) Commercial master plan approval, \$350.00 filing fee plus \$50.00 per lot.
- (7) Minor site plan alteration, \$350.00 filing fee.

SECTION 4. That section 78-26(d) of Chapter 78, Article I, of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

Sec. 78-26. Limitations on home occupation uses.

- (d) Fees charged for home occupation permit applications, home occupation renewals and merchandise sale permit applications shall be as follows:
 - (1) For home occupation permit applications reviewed only by the planning and codes department pursuant to section 78-27, the applicant shall pay \$30.00 at the time the application is submitted.
 - (2) For home occupation permit applications reviewed by the board of zoning appeals, the applicant shall pay a one-time fee of \$150.00.
 - (3) For renewal of previously approved home occupation permits, a fee of \$20,00 shall be paid at the time of renewal.
 - (4) For merchandise sales conducted pursuant to section 78-29, the applicant shall pay \$100.00 at the time the merchandise sale application is submitted; provided, however, that the fee shall be waived for a merchandise sale application which is considered by the board of zoning appeals at the same time the home occupation permit application is initially considered. Applications for merchandise sales held after the home occupation permit has been granted shall be accompanied by the required \$100.00 fee.

SECTION 5. That section 78-59(b) of Chapter 78, Article II, Division 2 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

Sec. 78-59. Powers; filing fees for agenda items.

- (b) At the time of filing of an appeal or a request for a special exception or variance to be considered by the board of zoning appeals, a filing fee shall be paid as set forth below, except that the fee shall be waived for any governmental agencies.
 - (1) Administrative review (to be reimbursed if administrative decision is overturned),
filing fee\$250.00
 - (2) Special exceptions, filing fee \$250.00
 - (3) Variances, filing fee \$250.00

SECTION 6. That section 78-87(d) of Chapter 78, Article II, Division 4 of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

- (d) *Signs.* Official city rezoning signs shall be posted on each street frontage of the property stating the current zoning, the requested zoning change, and dates of the community meeting and public hearing. Such signs shall be located five feet from the street right-of-way or 15 feet from the edge of the pavement and shall be a minimum of four square feet in size, with no element

higher than six feet from grade. To ensure proper visibility, the planning and codes department shall place the sign. Such signs shall be erected a minimum of 15 days prior to the required community meeting by City staff and shall be removed within five days following the public hearing before the board of commissioners.

SECTION 7. That Chapter 78, Article II, Division 4 of the Code of Ordinances of the City of Brentwood shall be amended by adding a new a section 78-90 to read as follows:

Sec. 78-90 Procedure for annexations.

- (a) *Contents of an annexation request.* Any request for annexation shall be submitted to the planning director and shall include the following:
 - (1) A completed, notarized Petition for Annexation, which must be signed by all owners of the property, provided that if any interest in the affected property is owned by a corporate entity, limited partnership, governmental entity or nonprofit organization, such form shall be signed by a duly authorized official of such owner. The planning and codes director shall prescribe the format of such form.
 - (2) A current legal description of the affected property,
 - (3) A concept development plan that complies with the technical requirements of the requested zoning district showing the property boundaries and area in sufficient detail and accuracy as determined by the planning director so as to clearly delineate the area to be annexed.
 - (4) A map and information regarding the physical characteristics of the surrounding area within at least 250 feet of the development.
 - (5) An application fee of \$1,000.00 shall be required with the initial submittal of the Petition for Annexation.
- (b) *Agenda scheduling.* No request for annexation of property change shall be considered by the board of commissioners until the request is deemed complete by the planning and codes director. When an application for an annexation is complete, consideration shall be scheduled on the agenda of the board of commissioners for review. If a request for annexation is deemed incomplete by the planning and codes director, he shall notify the parties making the request of the need for additional information. Until deemed complete by the planning director, a request shall be held in abeyance and not submitted to the board of commissioners for consideration.
- (c) *Correction of errors.* In the event a minor error, as defined in this subsection, is discovered in the description of the location, boundaries or size of property which has been annexed pursuant to this section, a corrected description may be substituted with the approval of the planning and codes director. The corrected description shall thereafter serve as the basis for delineating the area which has been annexed. An error shall be considered a "minor error" if the erroneous description and the corrected description differ by no more than one acre in total area, and any minimum amount of land required under the applicable zoning district is maintained. An error other than a minor error, as defined herein, shall require such corrective action by the board of commissioners and planning commission as deemed necessary by the city attorney.

SECTION 8. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 9. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 10. That this ordinance shall take effect on September 1, 2021, or upon publication of notice of final passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED: 1st reading 06-28-2021

2nd reading 08-23-2021

PUBLIC HEARING

Notice published in: Williamson A.M.

Date of publication: 08-01-2021

Date of hearing: 08-09-2021

PLANNING COMMISSION 08-02-2021

NOTICE OF PASSAGE

Notice published in: Williamson A.M.

Date of publication: 08-29-2021

EFFECTIVE DATE 09-01-2021

DocuSigned by:

Rhea E. Little, III

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MAYOR

Rhea E. Little III

DocuSigned by:

Holly Earls

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RECORDER

Holly Earls

Approved as to form:

DocuSigned by:

Kristen L. Corn

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CITY ATTORNEY

Kristen L. Corn