



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter XII - Planning and Zoning

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Planning and Zoning - Historical Notes

The acts summarized below relate to zoning and the establishment of planning agencies in Davidson County and are on longer effective. Also listed are acts that repeal prior acts without adding new substantive provisions.

1. Acts of 1909, Chapter 97, Chapter 273, declared it to be unlawful for a coal yard or lime business to be conducted in a residential area of Davidson County unless written consent had been obtained by the business from adjoining property owners. A residential section was any street where the majority of improved properties were used for residences. If at the time of passage of the act, a coal yard or lime business was in operation in a residential area, the business had to obtain the written consent of the residents or cease to operate the business in that area. A fine of \$5.00 a day was established for violations.
2. Private Acts of 1939, Chapter 473, Page 1512, provided that in Davidson County the Quarterly Court could regulate, in those portions of the County outside of municipalities, the location, size, and height of buildings and other structures, the percentage of lot which could be occupied, the size of yards, courts, and other open spaces, and the uses of land, buildings, and structures, for trade, industry, residence, or recreation. The act established a County Board of Zoning Appeals consisting of five members. No more than one member to be from the same civil district. Members would be paid \$10 per day, not to exceed twenty days per year. It allowed the County Court the option of establishing the position of building commissioner, the appointee to be in charge of issuing building permits. The County Court was limited to the appropriation of no more than \$5,000 per year to enforce any resolution adopted pursuant to the act. See Davidson County v. Rogers, 184 Tenn. 327, 198 SW2d 812 (1947); and Davidson County v. Harmon, 200 Tenn. 576, 292 SW2d 777 (1956). In the first case, a resolution of the County Court pursuant to the zoning act was held to be constitutional. In the second case, the Court held the zoning act could not be enforced by the County against the State to stop construction of a State building which violated the zoning plan.
3. Private Acts of 1941, Chapter 389, Page 1311, authorized the Quarterly County Court of Davidson County to adopt and establish an official uniform system for house numbers along public streets and thoroughfares in the unincorporated areas of the County. The system would be prepared and presented for approval by the County Planning Commission.
4. Private Acts of 1947, Chapter 288, Page 1163, amended Private Acts of 1939, Chapter 473, above, by requiring any person desiring to appeal a ruling of the Building Commissioners to pay to the Commissioner a fee of \$10. The limitation of \$5,000 placed on appropriations to enforce the act was removed.
5. Private Acts of 1947, Chapter 670, Page 2791, amended Private Acts of 1939, Chapter 473, above, by adding a new paragraph which defined the non-residential uses of property classified and zoned as residential. It allowed non-business greenhouses, nurseries, and stables, and allowed small signs for doctor's offices, among other things. The act was repealed in 1955.
6. Private Acts of 1951, Chapter 246, Page 676, amended Private Acts of 1939, Chapter 473, above, by repealing and removing Section 13 of the act which required that before a resolution could be adopted by the County Court regarding zoning, the magistrate in whose district the change would take effect must have voted in favor of the said resolution.
7. Private Acts of 1953, Chapter 368, Page 1260, required the Quarterly County Court of Davidson County to appropriate from the ordinary funds of the County the sum of not less than \$50,000, annually, to finance the operations of the Davidson County Planning Commission. The funds were to be used by the Regional Planning Commission of Davidson County in the performance of its duties, including the enforcement of zoning regulations. Any surplus funds so appropriated and unexpended by the Planning Commission at the end of a fiscal year would be applied to the reduction of subsequent annual appropriations.
8. Private Acts of 1955, Chapter 305, Page 1020, repealed Private Acts of 1947, Chapter 670, above.

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