

**Land  
Development  
Ordinance**

**EFFECTIVE 7-1-24**

**All Aboard  
Comprehensive Update**



# LAND DEVELOPMENT ORDINANCE COMPREHENSIVE UPDATE

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## ARTICLE 1 GENERAL PROVISIONS

### 1.1 Authority, Applicability, Select Provisions, and Effective Date

- 1.1.1 Authority and Title. The action of the Town of Thompson’s Station, Tennessee in the adoption of this Land Development Ordinance (LDO) is authorized under the State of Tennessee, Title 13, and later as amended. This Ordinance shall be known as the *Town of Thompson’s Station Land Development Ordinance* and shall be referred to as the LDO throughout this Ordinance and in other Town rules, regulations, policies, documents, and specifications.
- 1.1.2 Zoning Enactment. For the purposes cited above and for the general purposes of promoting the health, safety, and general welfare of the citizens of the Town of Thompson’s Station, the Board of Mayor and Aldermen hereby ordains, adopts and enacts this ordinance in its entirety, including text, map, and all regulations. This Ordinance shall apply to land within the corporate limits, as shown on the official Zoning Map.
- 1.1.3 Subdivision Enactment. Having adopted a Major Thoroughfare Plan for the jurisdictional area, and filed a certified copy of the plan with the Williamson County Register of Deeds (hereinafter, referred to as “county register”), as required by Tenn. Code Ann. § 13-4-302, and having held a public hearing as indicated in Article 3, of these regulations, the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to adoption of these Regulations.
- 1.1.4 Jurisdiction. These zoning, subdivision regulations, development regulations, and stormwater regulations shall apply to all properties located within the corporate limits of the Town of Thompson’s Station, Tennessee. No land shall be developed and/or subdivided within the jurisdictional area until: the developer/subdivider submits necessary plans and plats, as required by these regulations; obtains Planning Commission approval of such documents; the documents comply with all requirements of these regulations; appropriate permits have been issued; and, in the case of plats, the approved final plat is filed with the Williamson County Register of Deeds, as applicable.
- 1.1.5 Severability. Should any provision of this be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this Ordinance as a whole or any part hereof except that specific provision which was the subject of the declaration.
- 1.1.6 Construction of the LDO. The following general rules of construction shall apply to regulations governing the LDO:

- a. Numerical metrics shall take precedence over graphic metrics.
  - b. The diagrams and illustrations within this ordinance, unless specifically noted as advisory, are considered regulatory in nature and are legally binding.
  - c. The definition of a term, as defined in the LDO, shall take precedence over the definition of the same term elsewhere in the Town of Thompson’s Station Municipal Code and/or any other Town laws, regulations, specifications, or outside source unless required by law.
- 1.1.7 Defined Terms. Terms used throughout this Ordinance may be defined in Subsection 1.3 Definitions. Subsection 1.3 contains regulatory language that is integral to the LDO. Those terms not defined in Subsection 1.3 shall be accorded their commonly accepted meanings and as defined/interpreted by the Town Planner.
- 1.1.8 Concurrency. The LDO shall follow concurrency with the policy established by the *All Aboard General Plan* and the *All Aboard Major Thoroughfare Plan* (together: Policy Plans). A policy change to the LDO Text or the Zoning Map that is not consistent and concurrent with the All Aboard Plans shall require a revision to that policy in the All Aboard Plans prior to enactment of the LDO text amendment or the Zoning Map. Annexations, Rezoning, Plats, and/or Planned Development Plans shall be consistent with the policy of the adopted General Plan and Major Thoroughfare Plan. Applications that are not consistent with the Town’s Policy Plans should be disapproved by the TSPC and/or BOMA, as applicable.
- 1.1.9 Repealer. All prior Zoning Ordinances and Zoning Maps previously enacted are hereby repealed.
- 1.1.10 Interpretation. If any provision of this Ordinance conflicts or is inconsistent with another provision herein, or another applicable ordinance, the more restrictive provision (i.e. the provision that imposes more stringent regulations, standards, or conditions upon a use, development, or permit) shall govern and control. Interpretation shall be per the Implementation Officer, as per Section 6.1 of this Ordinance.
- 1.1.11 Effective Date. This Ordinance shall take effect from and after the effective date of its passage and publication, as required by Town Code, the public welfare demanding it.

**1.2 Intent and Purpose**

- 1.2.1 The intent and purpose of this Ordinance shall be to promote the public health, safety, and general welfare of the Town of Thompson’s Station, referred to as “the Town”, and the residents thereof. The standards, regulations, and districts, taken together as a unified development code, as herein set forth have been designed to:
- a. Secure safety from fire, flooding along natural watercourses, and other dangers;

- b. Provide adequate light and air;
- c. Ensure the orderly development of the Town;
- d. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- e. Foster convenient, compatible, and efficient relationships among land uses;
- f. Protect the historic resources of the Town of Thompson's Station;
- g. Preserve and protect existing trees and vegetation, floodplains, stream corridors, scenic views, water quality, wildlife habitat, gateways, corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
- h. Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities;
- i. Lessen congestion in the Town's transportation network;
- j. Promote a balanced supply of residential, commercial, institutional, and other land uses that is compatible with adjacent land uses and has good access to transportation networks;
- k. Preserve the character and quality of residential neighborhoods;
- l. Encourage innovation in residential development and redevelopment that meets the demand for housing with a greater variety in the type and design of dwellings;
- m. Provide equal opportunity in housing to sustain economic diversity in our community and provide for the disabled;
- n. Enhance the quality of development through superior building and site design;
- o. Conserve the value of buildings and land;
- p. Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and Town-wide needs; and
- q. Ensure that service demands of new development will not exceed the capabilities of existing roads, utilities, or other public facilities and services.
- r. That new developments and redevelopments will support each other with a continuous network of thoroughfares and blocks forming continuous urban fabric within the Town.
- s. That the landscaping in each zoning district reflects its character, from regular and compact in the highest-intensity/density zoning districts to natural in the lowest intensity/density and rural zoning districts.
- t. That trees, shrubs, and ground cover consist of native species appropriate to expected climactic conditions.
- u. That the need for irrigation be minimized and that native plants be utilized in all developments and redevelopments.
- v. That landscaping provides adequate shade and buffering.

- w. That parking lot landscaping break up large expanses of pavement, create shade, buffer views of parking lots from adjacent thoroughfares and developments and enhance the overall appearance of each project.
- x. That signs provide property owners and occupants an opportunity for effective identification and identification of goods sold or produced or services rendered.
- y. That signs reflect the character of their zoning districts and the Town.
- z. That signs be designed so not as to distract motorists or demand excessive attention.
- aa. That signs protect pedestrians and motorists from injury and property damage wholly or partially caused by cluttered, distracting, poorly constructed, or poorly maintained signs.
- bb. That adequate provisions for light and air, access, open spaces, drainage, and private property utilized by the public;
- cc. That economy in governmental expenditure and adequate reimbursement of the Town for services performed;
- dd. That safe, convenient transportation of people, goods and vehicles is established and maintained;
- ee. That coordination of land development in accordance with orderly physical patterns as stated in adopted plans and policies is sustained;
- ff. That the transportation system should provide vehicular and multimodal mobility without compromising livability and pedestrian safety;
- gg. The transportation system should enable and prioritize mobility by transit, cars, bicycles, and pedestrian modes as appropriate to each zoning district. These modes shall have priority over vehicle dominant strategies when considering design, operations or maintenance of the public Thoroughfares; and
- hh. That the natural beauty of the Town be maintained by ensuring that proposed grading shall result in the minimum possible disturbance of the terrain and natural features necessary for development.
- ii. That development within the Town must be in harmony with its surroundings and with the general purpose and intent of this LDO.

### 1.3 Definitions

This Section provides definitions for terms in this ordinance that are technical in nature or that otherwise may not reflect a common usage of the term. Interpretations of the definitions and terminology that are either within this section or not included will be made by the Town Planner.

**Access:** the place, means or way by which pedestrians and vehicles shall have adequate ingress and egress to a property.



**Accessory Business:** An incidental business located within a primary business.

**Accessory Dwelling Unit (ADU):** a rental dwelling unit not greater than 900 square feet, sharing ownership and utility connections with a principal building; it may be within an accessory building or within the principal building. (Syn: ancillary unit)

**Accessory Structure:** a detached, subordinate building or structure, the use of which is clearly incidental and related to a principal building or use of the land, and which is located on the same lot as that of the principal building or use. Accessory structure shall be designed to have low flood damage potential and shall offer minimum resistance to the flow of floodwaters. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters. Any accessory structure shall require a permit if it is over 200 square feet.

**Accessory Use:** a use of a building or land that is incidental to the primary use of the building or land on the same project site.

**Act:** the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C 4001-4128.

**Addition:** any walled and roofed expansion to the perimeter or height of a building.

**Administrative Decision:** any decision at the discretion of the LDO Administrator or his/her designee.

**Adult Oriented Establishment:** shall have the same meaning as the term “adult-oriented establishment” as used in T.C.A. § 7-51-1102, and, in construing the term, the definitions contained in T.C.A. § 7-51-1102, subsections (1) through (6) and (9) through (26), are likewise incorporated by reference into and made a part of this ordinance; provided that the definition in subsection (1) defining “adult bookstore” shall be amended by deleting “principal and predominate” and replacing it with “significant or substantial”; subsection (2) defining “adult cabaret” shall be amended by deleting “principal use” with “substantial use”; subsection (3) defining “adult entertainment” shall be amended by deleting “principal or predominant theme” and replacing it with “significant or substantial theme”; and subsection (23) defining “sexual encounter center” shall be amended by deleting “primary” and replacing it with “substantial.”

**Agricultural Use:** the use of land for the primary purpose of profiting from the raising, harvesting, and selling crops or livestock, including but not limited to, livestock and poultry.

**Alley:** a public or private thoroughfare, or access easement, designated to be a secondary means of vehicular access to the rear or side of properties; an Alley may connect to a vehicular driveway located to the rear of lots providing access to accessory buildings, service areas and parking, and containing utility easements.

**Amphitheater:** an unroofed or partially enclosed area for public or private use.

**Amenity:** a physical characteristic of a development that provides a direct benefit to the community.

**Amusement Center:** a facility that offers entertainment or games to the general public for a fee, such as a billiard hall or bowling alley.

**Animal Hospital:** an establishment which provides care and treatment of animals. Treatment may include medical and surgical procedures and short term boarding for convalescence.

**Antique Store:** a store which sells or consigns to sell goods that are generally considered to be the quality of another age and deemed to be a collectible item.

**Appeal:** a request for a review of the town planner's interpretation of any provision of this Ordinance or a request for a variance.

**Applicant:** duly authorized representative of the subject property or project.

**Arcade:** a frontage encroachment wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line.

**Architect:** An architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Tenn. Code Ann. Title 62, Chapter 2 to practice in Tennessee.

**Area of Shallow Flooding:** areas designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood-related Erosion Hazard:** land which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**Area of Special Flood Hazard:** see Special Flood Hazard Area.

**Assisted Living Facility:** an establishment, complex or distinct part thereof that accepts primarily aged persons for services including room and board, assistance with non-medical activities of daily living, administration of typically self-administered medications, and medical services subject to the limitations of these rules.

**Attic:** the interior part of a building contained within a pitched roof structure.

**Auction:** any sale of tangible goods/products by an auctioneer.

**Automotive Uses:** such uses that include, in whole or in part, the servicing, repairing, maintaining, storing or refueling of automobiles or any similar, motorized vehicle.

**Avenue:** A limited distance, free-movement thoroughfare connecting civic locations within an urbanized area. Unlike a boulevard, its length is finite and its axis is terminated. An avenue may be conceived as an elongated square.

**Awning:** a fixed or movable shading structure, cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions. Awnings are typically used to cover outdoor seating for restaurants and cafes.

**Base flood:** the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

**Basement:** the part of the building that is partially or wholly beneath the grade of the primary structure. The basement may be completed as a livable space.

**Bed and breakfast:** a residence in which overnight accommodations and meals are provided to guests for compensation.

**Bicycle Lane:** a dedicated lane for cycling within a thoroughfare, demarcated by striping.

**Bicycle Route:** a thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

**Bicycle trail:** a bicycle way independent of a vehicular thoroughfare.

**Block:** the aggregate of private lots, open space, passages, alleys and rear lanes, circumscribed by thoroughfares, railroad rights-of-way, or waterways, or a combination of such.

**Block face:** the aggregate of all the principal frontages on one side of a block.

**Board:** the Board of Mayor and Aldermen of the Town of Thompson's Station.

**Boarding House:** an establishment other than a motel or hotel that provides lodging and meals for a definite time frame for compensation.

**Bond:** An instrument with a sum of money fixed as a penalty, binding the party(s) to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance and maintenance by one or more of the parties of certain acts. As used in these regulations, the term bond may include a variety of financial instruments including performance bonds, letters-of-credit, escrow accounts and similar sureties. Such surety instruments shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations.

**Boulevard:** A long-distance, free-movement thoroughfare traversing an urbanized area. A boulevard often includes a wide median and a wide public frontage and there for a wide right-of-way. Slip lanes are often provided to separate public frontages from the higher speed lanes.

**Breakaway wall:** a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Buffer:** any natural or undeveloped area of land which provides a separation between uses.

**Buffer yard:** a combination of setback and a visual buffer or barrier. It includes a yard or area together with; berm construction, planting, fencing or acceptable combination thereof.

**Building:** any permanent structure having a roof and walls used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind.

**Building height:** the vertical extent of a building measured in stories.

**Building permit:** an official document or certificate issued by the Town authorizing the construction of a building.

**Building Site:** A portion of the building envelope where a house or building may be constructed, including five (5) feet beyond the outer extremities of the building footprint. This area is sometimes referred to as the building pad.

**Bulb-out:** a curb extension typically occurring at intersections, extending the line of curb into a vehicular lane.

**Cash Escrow:** As used in these regulations the term “cash escrow” can refer to two types of performance guarantees. A true cash escrow is cash that is beyond the reach of the persons who are guaranteeing performance of specific work subject to an escrow agreement. A second form is an irrevocable standby letter of credit as defined herein below.

**Canopy:** a small roof or awning structure that is attached to the wall and extends over an area designed to provide a shaded area.

**Carport:** A roofed structure with at least two open sides to provide shelter for a vehicle located on a residential lot.

**Caretaker:** a person residing on a property whose responsibility is to supervise and maintain the property in which he/she resides.

**Civic:** the term defining not-for-profit organizations dedicated to arts, religion, culture, education, recreation, government, and transit.

**Civic Building:** a building operated by one or more civic organizations.

**Clinic:** a place where medical services are rendered as an outpatient service.

**Commercial Use:** the term collectively defining a land use that includes workplace, office, retail, personal service, hospitality, medical, and lodging functions.

**Commercial Space:** the total amount of area including all usable square footage for office and retail purposes, including ancillary areas such as restrooms, mechanical equipment and storage rooms subject to applicable state and local codes.

**Commercial Street:** a local, slow-movement thoroughfare suitable for high-intensity urban areas. Commercial streets are urban in character, supporting parallel or angled parking on both sides and narrow lanes appropriate for a commercial environment.

**Common Destination:** an area of focused community activity, usually defining the approximate center of a pedestrian shed. It may include without limitation one or more of the following: a civic space, a civic building, a commercial center, and may act as the social center of a neighborhood.

**Common Yard:** a planted private frontage, visually continuous with adjacent yards, wherein the facade is set back from the frontage line.

**Condominium Subdivision:** The subdivision of property through the establishment of a condominium or horizontal property regime.

**Consignment Sale:** a sale of items in which a third party plans and holds a sale for goods owned by other people in order to split the profits of the sales.

**Construction Plans:** The maps, drawings, site layout, utility locations, and/or specifications accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with requirements of the Planning Commission. Construction Plans are administratively approved.

**Convalescent Care Facility:** a facility that provides lodging which includes nursing and custodial care on a 24-hour basis for unrelated individuals due to illness, physical infirmities or advanced age.

**Commission:** the Planning Commission of the Town of Thompson's Station.

**Common Area:** an outdoor area designated and intended for the enjoyment of use by residents or other members of a controlling association.

**Corner Lot:** a lot or parcel of land abutting two (2) or more thoroughfares at their intersection, or two (2) parts of the same thoroughfare forming an interior angle of less than one hundred thirty-five (135) degrees.

**Critical Lot:** any lot that has constraints to typical development including, but not limited to, soil conditions, slope, presence of sinkholes or any other features that would affect site design.

**Crop Production:** Commercial agricultural land uses including the production of field crops, flowers, fruits, grains, ornamental crops, vegetable and other similar products along with crop production activities, such as preparation and harvesting.

**Cul-de-sac:** a street or road designed to remain permanently closed at one end by use of a bulb design for turn around.

**Curb:** the edge of the vehicular pavement that may be raised, usually incorporates the drainage system.

**Curb Return Radius:** the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking along the curb.

**Daycare, Adult:** a facility operated to provide services to ten (10) or more adult recipients, for more than three (3) hours per day but less than twenty-four (24) hours per day, by a provider of such services who is not related to such adult, pursuant to an individualized plan of care designed to maintain or restore each adult's optimal capacity for self-care through medical or social services.

**Daycare, Child:** Any facility operated by a person, social agency, corporation or institution, or any other group which receives a minimum of eight and a maximum of 12 children (and up to three additional school-age children who will only be present before and after school, on school holidays, on school snow days, and during school summer vacation) for less than 24-hours per day for care outside their own homes, without transfer of legal custody.

**Daycare, Home:** a daycare facility that is operated by the provider from their residential dwelling.

**Density:** the total number of residential units permitted on a gross acre of land.

**Design Professional:** a licensed professional responsible for creating the plat or plan submitted to the Town for a type of development/submittal, as specified by this Ordinance. It is a minimum expectation of the Town that any Design Professional submitting to the Town is aware of the standards, regulations, processes, and procedures of this Ordinance, the Town Code, all Town specifications, and the Land Development Manual.

**Design Speed:** the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement.

**Detention Pond:** a pond constructed for the temporary storage and gradual release of water runoff.

**Developer:** The owner of land proposed to be subdivided or his authorized representative.

**Development:** any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

**Development Agreement:** A legal document specified for certain developments as specified by Section 2.4.9.

**Deviation:** A proposed variation from the standards, specifications or other provisions of this ordinance.

**Dripline:** the outermost edge of the tree's canopy.

**Drive:** a thoroughfare along the boundary between an urbanized and a natural condition or civic zoning district, usually along a stream, park, or topographical change. One side has the urban character of a street or boulevard, while the other has the qualities of a road, with naturalistic planting and rural details.

**Driveway:** a paved or unpaved path of travel for a vehicle connecting the public right-of-way or private street to a private residence or nonresidential use.

**Easement:** the right to use private property for specific and limited purposes, including but not limited to, utilities, telecommunications, drainage, landscaping and roadways.

**Ecosystem:** The interacting system between biological resources and the physical environment.

**Effective Turning Radius:** the measurement of the inside curb return radius taking parking lanes into account.

**Electrical and Communication Service Lines:** Electrical and communication systems serving limited geographic areas of residential neighborhoods and providing service directly to a residence or group of residences and not designed to provide service more than one-half mile or transmit service for street lighting.

**Elevated building:** a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**Elevation:** an exterior wall of a building not along a frontage line. See facade.

**Emergency Flood Insurance Program or Emergency Program:** the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**Encroach:** to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

**Encroachment:** any intrusion into a required setback, a public right-of-way, or an easement.

**Endangered/threatened Flora:** Plant species that are in danger of extinction throughout all or part of their range, or are likely to become endangered in the near future. The Tennessee Natural Heritage Program, Rare Plant List, is a comprehensive listing of endangered/threatened species in Tennessee and shall be used as a reference for purposes of this Ordinance.



**Engineer:** An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Tenn. Code Ann. Title 62, Chapter 2 to practice in Tennessee.

**Equal Degree of Encroachment:** The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

**Erosion:** the process by which the surface of the ground is worn away by the movement of wind, water or ice.

**Escrow:** A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the governing body.

**Equestrian Facilities:** commercial facilities for horse ranches, riding schools and academies, horse expedition, and similar uses.

**Equipment Rental:** a retail establishment selling or renting machinery or tools for construction or farming such as augers, cranes, earth movement equipment, tractors, backhoes or any other similar equipment.

**Erodible Slope:** Any area of incline, whether natural or man made, which lacks sufficient vegetation to prevent instability and erosion and are therefore subject to erosion.

**Excavation:** the removal or relocation of soil, sand, gravel or rock.

**Exception:** a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

**Exhibition Center:** a large building designed for holding exhibitions.

**Existing Construction:** any structure for which the “start of construction” commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community’s participation in the NFIP.

**Existing Manufactured Home Park or Subdivision:** a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community’s participation in the NFIP.

**Existing Structures:** see existing construction

**Expansion to an Existing Manufactured Home Park or Subdivision:** the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the



construction of streets, and either final site grading or the pouring of concrete pads).

**Facade:** the exterior wall of a building that is set along a frontage line.

**Fence:** a permeable metal or wooden wall, independent of a building.

**Fill:** materials (such as soil, gravel, rock, or clay) deposited with the intent of increasing the surface elevation.

**Final Subdivision Plat:** The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the commission, is recorded with the county register of deeds.

**Financial Services:** An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. Excludes check cashers or short term loans as defined by non-banking financial services.

**Financial Services, Non-banking:** Pawn shops (brokers), Title Pledge Lenders, Check Cashing and Deferred Presentment services.

**Flood or Flooding:** a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland waters and / or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Elevation Determination:** a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**Flood Elevation Study:** an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**Flood Hazard Boundary Map (FHBM):** an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**Flood Insurance Rate Map (FIRM):** an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**Flood Insurance Study:** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**Floodplain or Flood Prone Area:** any land area susceptible to being inundated by water from any source (see definition of "flooding").

**Floodplain Management:** the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Flood Protection System:** those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodproofing:** any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

**Flood-Related Erosion:** the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**Flood-Related Erosion Area or Flood-Related Erosion Prone Area:** a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**Flood-Related Erosion Area Management:** the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

**Floodway:** the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway Fringe:** The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

**Floor:** the top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Food Truck:** licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately-owned lot where food items are sold to the general public. For purposes of this definition, temporary is defined as no longer than 6 months, unless part of an approved Site Plan.

**Forecourt:** a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

**Freeboard:** a factor of safety usually expressed in feet above a flood level for purposes

of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, block- age of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

**Frontage:** the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

**Frontage, Building:** the linear distance of an exterior building wall of a ground floor.

**Frontage, Street:** the portion of a lot or parcel which borders a public street.

**Frontage, Buildout:** the percentage of the lot width that is occupied by the building facade within the first lo layer.

**Frontage, Line:** a lot line bordering a public frontage.

**Functionally Dependent Use:** a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities but does not include long-term storage or related manufacturing facilities.

**Gallery:** a private frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

**Garage:** a building either detached or attached to a primary building designated for the use of parking vehicles.

**Garage/Estate Sale:** the sale of personal property, such as household items, clothing, etc. conducted on the premises of a personal residence. All goods should be the personal property of the resident/occupant.

**General Plan:** the General Plan of the Town of Thompson’s Station that refers to the goals and policies for the development and maintenance of the Town outlined by the Board of Mayor and Aldermen. The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdic- tional area and meeting the provisions set forth in Tenn. Code Ann. §§ 13-4-201 through 13-4-203.

**Generational Farm:** a parcel of land containing at least five (5) acres used for the primary purposes of agriculture, horticulture, floriculture, or viticulture that also includes the residence or residences of owners located on such land. To qualify as a generational farm shall have been in a single family for at least three generations.

**Golf Course:** An area of land for playing golf with at least nine holes that may include a driving range, putting green and other ancillary uses to support the golf course, such as beverage and food concessions, comfort stations, restaurant and related retail establishments not intended to serve the needs of the general public.

**Grade:** The slope of a public way or a site specified in percentage terms.

**Grading:** the process of excavation or fill or a combination thereof.

**Green:** a civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages.

**Group Home:** any home in which eight (8) or fewer unrelated persons with disabilities reside, and may include three (3) additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home and that are classified as “single family residence” under Tenn. Code Ann. 13-24-102 et seq. Does not include residences operated on a commercial basis or for persons that do not qualify as “individuals with a disability” as defined by the above statute.

**Guesthouse:** a detached accessory building that may have bathroom facilities but may not have any kitchen facilities located on the same site as a primary residence which will provide a temporary residence for the occupants of the house or their guests.

**Hamlet:** a community type structured by a short or standard pedestrian shed oriented toward a common destination such as a general store, meeting hall, schoolhouse, and/or church. A hamlet takes the form of a small settlement standing free in the countryside. (Syn: cluster)

**Height:** See building height.

**Highest Adjacent Grade:** the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**Highway:** a rural and suburban thoroughfare of long distance and high vehicular speed and capacity. A highway should be relatively free of intersections, driveways, and adjacent buildings. This type is allocated to the more rural transect zoning districts (T1, T2, and T3).

**Highway, Limited Access:** A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the trafficway, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

**Historic Structure:** any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on the Tennessee inventory of historic places and determined as

eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

- d. Individually listed on the Town of Thompson's Station, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - i. By the approved Tennessee program as determined by the Secretary of the Interior or
  - ii. Directly by the Secretary of the Interior.

**Home Occupation:** the use of a residential dwelling and/or accessory structure by permanent residents for business activities that does not affect the primary use or residential character of the property.

**Hotel:** a facility in which lodging accommodations are provided for compensation with access primarily from interior hallways.

**Horizontal Property Act:** "The Tennessee Horizontal Property Act", as codified in Tenn. Code Ann. Title 66, Chapter 2 which permits the development of attached dwellings, such as condominiums.

**Horticulture:** The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees.

**Industrial:** the function associated with a business or activity involving manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, and other business serving primarily industrial needs.

**Inn:** a boutique-style Hotel.

**Intersection:** a thoroughfare junction where two or more thoroughfares meet or cross and the preferred location for pedestrian crossings. Intersections are characterized by a high level of activity and shared use, and should be multimodal and deserving of special design treatments.

**Interpretive Center:** facility for the education of the public related to conservation, history, agriculture, or other similar resources.

**Invasive Plant Species:** Introduced (exotic) plant species that are not native to Tennessee and may be invasive or possess the characteristics to become invasive and cause damage to native plant communities. This includes both established and emerging threats as indicated by the Tennessee Invasive Plant Council (TNIPC) and/or the Land Development Manual.

**Irrevocable Standby Letter of Credit:** An irrevocable standby letter of credit is a commitment from a financial institution to pay an agreed sum of money to a third party in compliance with the terms of the letter.

**Junk yard:** business involving the collection and storage of scrap materials.

**Kennel:** an establishment where animals are temporarily boarded for compensation.

**Kitchen:** a room used for cooking and the preparation of meals, which includes a range/stove or oven or utility connections for such appliances, a dishwasher, refrigerator, microwave, and sink. A single kitchen is permitted in single family dwelling units.

**Land Surveyor:** A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Tenn. Code Ann. Title 62, Chapter 18 to practice in Tennessee.

**Landscape Architect:** A landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Tenn. Code Ann. Title 62, Chapter 2 to practice in Tennessee.

**Landscape Surface Area (LSA):** The portion of a lot not covered by impervious surface that is available for accommodating landscape material. LSA is a minimum standard that is part of the bulk standards per Zoning District.

**Large Format Retail:** Retail sales uses located in one structure in excess of seventy-five thousand (75,000) square feet gross floor area, whether on a single lot or contiguous lots owned or operated as associated, integrated or cooperative business enterprises.

**LDO Administrator:** the member of Town Staff designated by the Town Administrator to be the custodian, caretaker, and overall administrator for the LDO and all functions, activities, standards, specifications, and processes contained therein. (Syn. Town Planner)

**Legal, Non-Conforming Lot:** a parcel which was lawfully established, formed or subdivided and is not inconsistent with the zoning standards in which it is now located. (AKA Lot of Record)

**Legal, Non-Conforming Use:** a use or activity which was lawfully permitted prior to the adoption of an ordinance modification which prohibited the use.

**Levee:** a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**Levee System:** a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Light Trespass:** Light that falls beyond the property it is intended to illuminate.

**Liner Building:** a building specifically designed to mask a parking lot or a parking structure from a frontage.

**Livery Stables:** property used for the boarding of livestock, including horses, mules, etc.

**Lodging:** a building function available for daily and weekly renting of bedrooms.

**Lot:** A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the

purpose, whether immediate or future, of transfer of ownership, or for building development.

**Lot, Corner:** A lot situated at the intersection of two (2) thoroughfares.

**Lot Coverage:** the percentage of a lot that is covered by buildings and other roofed structures. See also Landscape Surface Ratio.

**Lot Improvement:** Any building, structure, place, work of art, or other object or improvement of the land on which such items are situated constituting a physical betterment of real property, or any part of such betterment.

**Lot Line:** the boundary that legally and geometrically demarcates a lot.

**Lot Width:** the length of the principal frontage line of a lot.

**Lowest Floor:** the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**Major Thoroughfare:** roads designated in the Major Thoroughfare Plan which have the primary purpose of carrying traffic through the Town's transportation system.

**Major Thoroughfare Plan:** The Town's adopted transportation plan that provides guidance and policy to the community, property owner, Town Staff, the Planning Commission, and the Board of Mayor and Aldermen. The Major Thoroughfare Plan (MTP) also contains the functional classification(s) of streets within the Town, which are referenced in various LDO standards.

**Manufactured Home Park or Subdivision:** a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufacturing:** premises available for the creation, assemblage and/or repair of artifacts, using table- or floor-mounted electrical machinery or artisanal equipment, and including their retail sale.

**Master Sign Plan:** A comprehensive sign plan intended to guide the development, installation and maintenance of signs for a commercial center of one or more lots with a minimum of five tenants or for sites greater than five acres with multiple road frontages.

**Maximum Density:** the maximum number of housing units permitted per acre of gross lot area on a single lot including adjustments for other functions. See density and base density.

**May:** permissive

**Mean Sea Level (MSL):** the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes



of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**Meeting Hall:** a building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of 10 square feet per projected dwelling unit within the pedestrian shed in which it is located.

**Microbrewery:** is an establishment where beer and ale are brewed in small quantities, typically in conjunction with a restaurant, bar, or tavern use.

**Microdistillery:** is an establishment where the production of grade spirit alcohol in small quantities, typically in conjunction with a restaurant, bar, or tavern use.

**Mixed Use:** multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by warrant.

**Modular Housing:** a dwelling unit that is factory built and designed to be placed on a permanent perimeter foundation.

**Mounted:** attached, affixed to a structure or supported by a structure.

**Model Home:** a residential dwelling unit that is temporarily displayed for purposes of example for available house plans within a particular subdivision.

**Motel:** a facility in which lodging accommodations are provided for compensation with direct access from the parking area.

**National Geodetic Vertical Datum (NGVD):** as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**Native Plant Species:** Plants that occur naturally in an area where they evolved without human introduction or manipulation.

**Natural Vegetation:** plants, grasses, shrubs or trees native to Middle Tennessee.

**Neighborhood Multipurpose Field:** a civic space type for structured recreation and stormwater management. It may be spatially defined by landscaping rather than building frontages.

**Net Lot Area:** the area of a lot within the frontage lines, excluding any portions of street rights-of-way or other required dedications.

**New Construction:** any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

**New Manufactured Home Park or Subdivision:** a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of



concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

**Nonconformity:** an existing function, structure, lot or site improvement that is in compliance with the zoning regulations that were applicable to it when it was established, and for which all required permits were issued, but which does not conform in whole or in part to the regulations of this Section. Such nonconformity is legal and may continue except as regulated by this Section.

**Notice of Violation (NOV):** a written summary of violation(s) to any portion of the LDO that may be issued to a property owner by the LDO Administrator, the Building Official, or any other authorized Town Staff.

**North American Vertical Datum (NAVD):** as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**Nursing Home:** a facility which provides nursing care and related medical services on a 24 hour basis.

**Office:** premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

**Offsite:** Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

**One Hundred-Year Flood:** See base flood.

**Open market building:** a covered space where buyers and sellers convene for the sale of goods; a market- place.

**Open Space:** any property designated or intended for the preservation of land and passive recreational land uses.

**Outdoor Entertainment:** temporary events located within an outdoor amphitheater area or park for the purpose of entertaining the general public, such as concerts, festivals and other similar uses. May be approved as part of a Temporary Use, subject to TSPC approval.

**Outdoor Storage:** the keeping of materials, goods or vehicles on site for a time frame exceeding 24 hours.

**Park:** a civic space type that is a natural preserve available for passive recreation.

**Parking Facilities:** public or private areas assigned for parking, including at grade parking and parking structures.

**Parking Lane:** A vehicular lane designated and used for parking motor vehicles.

**Parking, Shared:** off street parking facilities that are shared by multiple uses in proximity to one another.

**Parking Structure:** a building containing one or more stories of vehicular parking above or below grade.

**Parkway:** A highway designed in conjunction with naturalistic landscaping, including a variable-width median. A parkway should include a wide right-of-way landscaped on both sides of vehicular lanes.

**Passage:** a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

**Path:** a pedestrian, equine, or bicycle way traversing a park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network. (AKA Side Path)

**Pedestrian Crossing:** an area designated for pedestrians when traversing a thoroughfare. Pedestrian crossings shall be striped and indicated by signage.

**Person:** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**Personal Service:** an establishment providing services, such as hair and beauty, dry cleaning and tailoring, photography studios or other similar services. These establishments may also offer retail products for the services provided.

**Planned Development Plan:** a vesting document that is part of the development review process specified in Section 2.4.4.

**Planning Commission:** The Thompson's Station Planning Commission (TSPC).

**Plant and Forest Nursery:** An operation for the cultivating, harvesting and sale of trees, shrubs, plants, flowers and other landscape materials.

**Planter:** the element of the public frontage which accommodates street trees, whether continuous or individual.

**Plateline:** The point at which any part of the roof structure touches or bears upon any external wall.

**Playground:** an open space designed and equipped for the recreation of children.

**Plaza:** a civic space type designed for civic purposes and commercial activities in the more urban transect zoning districts, generally paved and spatially defined by building frontages.

**Porch:** An open air room appended to a building, with floor and roof but no walls on the sides facing frontages.

**Preliminary Plat:** The preliminary written and graphic documents described in these regulations, that indicate in a conceptual form the proposed pattern of open spaces, streets and building lots within a subdivision .

**Premise(s):** A tract of land together with any buildings or structures which may be located thereon.

**Principal Building:** the main building on a lot, usually located toward the frontage.

**Principal Entrance:** the main point of access for pedestrians entering into a building.

**Principal Frontage:** the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. See frontage.

**Private Frontage:** the privately held layer between the frontage line and the principal building facade.

**Private Street:** Streets not dedicated to and maintained by a government entity.

**Public Frontage:** the area between the curb of the vehicular lanes and the frontage line.

**Public Improvement:** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

**Public Way:** Any publicly owned street, alley, sidewalk, or right-of-way which provides for movement of pedestrians or vehicles.

**Public Use Land:** any land that is determined by the Board of Mayor and Aldermen to provide community benefit to the Town. (AKA: Civic Space, Open Space, Parkland)

**Pushcart:** any rubber-wheeled vehicle or portable cart used for displaying, keeping or storing any article by a vendor or peddler (other than a motor vehicle, bicycle or trailer) which may be moved without the assistance of a motor and which does not require registration by the state department of motor vehicles, and from which prepared food, fruit, merchandise, drink, and flowers may be sold.

**Queue:** a temporary waiting area for vehicles obtaining a service, food, or similar activity.

**Ramble:** an open space located in the middle of a block. While public, the space is an amenity largely utilized by the properties surrounding the space.

**Reach:** A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area or natural obstruction.

**Reasonably Safe from Flooding:** base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**Recreation, Active:** leisure activities that require the development of a site, such as sports fields, swimming pools, etc.

**Recreational Facility:** a land use which includes, but is not limited to parks, swimming pools, etc.

**Recreational Vehicle:** a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or

permanently towable by a light duty truck; designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreation, Passive:** leisure activities that require little to no alteration or formal development of a site for public or private enjoyment.

**Regulatory Floodway:** the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Regulatory Flood Protection Elevation:** The elevation not less than one (1) foot above the water surface profile associated with the Regulatory Flood.

**Religious Institution:** A church or place of worship or religious assembly. A religious institution may include related facilities such as a meeting hall, day care and administrative offices. A religious institution may also include a private school if permitted by approval of a special use permit as specifically provided for in this ordinance.

**Renovation:** means physical improvements that increase the value of the real property.

**Residential Space:** the total amount of area including heated living area and garage space measured in square feet inside a dwelling unit subject to applicable state and local codes.

**Residential Use:** characterizing premises available for long-term human dwelling. Residential uses have definitions applicable to ownership and definitions applicable to building type as follows:

**Residential Ownership:**

**Apartment:** Any residential building containing four or more residential units for occupancy of four separate families living independent of one another with the individual units leased to occupants.

**Condominium:** A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code, which provides the mechanics and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal.

**Fee Simple:** A form of absolute ownership that is free of any other claims against the title such as a single family detached property.

**Residential Building Types:**

**Multifamily attached/Apartments:** This residential building type is urban in character and frequently is a multi-story building. It is a single use residential building.

**Duplex:** Two (2) dwelling units sharing a detached building, each dwelling unit provides a residence for a single family.

**Live Work:** A unit consisting of a commercial and residential function. The

commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry.

**Mixed Use Building:** Residential use combined with commercial use within the same building through superimposition or adjacency. This building type is urban in character and frequently is a multi-story building with residential uses above commercial uses. Residential uses within a mixed use building shall not exceed 75% of the total use except within the G3 sector.

**Single-family Detached:** A building used as a residence for a single family. This is a general term and may apply to a house or a townhouse with fee simple ownership.

**Townhouse:** A single-family attached dwelling that shares a party wall with another of the same type and occupies the full frontage line.

**Resubdivision:** A change in a map of any approved or recorded subdivision plat altering the lots incorporated within the confines of the original plat.

**Retail:** characterizing premises available for the sale of merchandise and/or food service.

**Retail Frontage:** a frontage designated on a regulating plan that requires or recommends the provision of a shopfront, encouraging the ground level to be available for retail use. See special requirements.

**Retirement home:** age restricted housing units designed to meet the needs of persons 55 years and older.

**Ridgeline:** the crest or line of the hill that connects the two highest points.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a public way crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another similar use. The usage of the term “right-of-way”, for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels. Syn: ROW

**Riverine:** relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Road:** a conveyance, typically public.

**Rooming house:** a residential structure with rooms available for renting for a definite time frame however no dining facilities are available to tenant.

**Same Ownership:** Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner,

associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Secondary Frontage:** on corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first layer is regulated.

**Sediment:** solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

**Sedimentation:** the process of forming or settling out of transported soil particles. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a degree and for a period of time sufficient to allow the particles to settle out of suspension, or when the degree of slope is lessened to achieve the same result.

**Senior Housing:** dwellings, either single-family or multi-family, specifically designed for and occupied by persons 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

**Setback:** The distance between the face of a building and the nearest property line.

**Shall:** mandatory.

**Shopfront:** a private frontage conventional for retail use with substantial glazing wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

**Sidewalk:** the paved section of the public frontage dedicated exclusively to pedestrian activity. Syn: walkway, side path

**Sign:** any identification, description, illustration, or device, illuminated or non-illuminated, that is visible from a public right-of-way or is located on private property and visible to the public and which directs attention to a product, place, activity, person, institution, business, message or solicitation, including any permanently installed or situated merchandise, with the exception of window displays, and any letter, numeral, character, figure, emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information. (See additional signage definitions in Article 5)

**Slip Lane:** an outer vehicular lane or lanes of a thoroughfare, designed for slow speeds and separated from inner lanes that carry higher speed traffic. Syn: access lane, slip road

**Solar Collection System:** a panel or solar energy device which is utilized for the collection, storage and distribution of solar energy resources.

**Solar Farm:** energy generation facilities utilizing a solar collection system for the primary purpose of converting solar energy to electricity.

**Special Exception:** a ruling that would permit a practice that is not consistent with a specific provision of this ordinance but is justified by its Intent.

**Special Flood Hazard Area:** the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**Special Hazard Area:** an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**Special Requirements:** provisions for a-grid, b-grid, required retail frontage, build-to lines, terminated vistas, or cross block passages on a concept plan.

**Square:** a civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally disposed.

**Start of Construction:** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/ or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State Coordinating Agency:** the Tennessee State Department, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**Stoop:** a private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

**Story:** a habitable level within a building by which height is measured, excluding an attic or raised basement.

**Stream:** an area where surface water has produced a water course or channel for the passage of water over time either year round or intermittent.



**Street:** a local thoroughfare of low speed and capacity, and flexible in the types of public frontages they support. Syn: road

**Streetscreen:** a freestanding wall built along the frontage line, or coplanar with a facade. Syn: streetwall

**Structure:** Anything constructed above or below ground, including a gas or liquid storage tank, as well as a manufactured home.

**Subdivider:** Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

**Subdivision:** the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Tenn. Code Ann. § 13-4-301)

**Subdivision, Major:** a subdivision of a lot, tract, or parcel into five (5) or more lots.

**Subdivision, Minor:** a subdivision of a lot, tract, or parcel into no more than four (4) lots.

**Substantial Damage:** damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**Substantial Improvement:** any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the initial improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Substantial Modification:** alteration to a building that is valued at more than 50% of the



replacement cost of the entire building, if new.

**Substantially Improved Existing Manufactured Home Parks or Subdivisions:** the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Swale:** a low or slightly depressed natural area for drainage.

**Terrace:** A frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment.

**Third Place:** a term used in the concept of community building to refer to social surroundings separate from the two usual social environments of home and work-place. Criteria for a third place include the following: highly accessible, proximate for many within walking distance, involve regulars, and inexpensive food and drink. Coffee shops and cafes are often used as a neighborhood's third place.

**Thoroughfare:** a way for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and the public frontage.

**Thoroughfare Network:** an interconnected network of vehicular, pedestrian and bicycle mobility.

**Tow yard:** an outdoor storage yard for vehicles on a temporary basis.

**Town:** the Town of Thompson's Station, Tennessee.

**Town Planner:** See LDO Administrator.

**Turning Radius:** the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

**Utility Equipment:** Includes poles, support towers, wires, conductors, circuits, guys, stubs, platforms, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, appliances, attachments and appurtenances used or useful in supplying electrical, natural gas, water, communication or similar associated services to areas within the planning region of the Town.

**Variance:** is a grant of relief from the requirements of this ordinance.

**Vehicular Lane:** the portion of a thoroughfare which is occupied by vehicles, usually the moving lanes and parking lanes. The vehicular lane together with the walkway and associated planting strips comprise the right-of-way.

**Violation:** the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development

without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided. (AKA Notice of Violation)

**Water surface elevation:** the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Wireless communications facilities:** a tower, pole or similar structure that supports any telecommunications antenna operated for commercial purposes.

**Woodlands:** an area characterized by dense and extensive tree cover.

**Walkway:** the portion of the thoroughfare dedicated exclusively to pedestrian activity. The walkway includes sidewalks and the planting areas of the streetscape. Syn. Sidewalk, Side path

**Zoning Map:** the official map or maps that are part of the Thompson's Station Zoning Ordinance and delineate the boundaries of individual zoning districts.

## ARTICLE 2 APPROVAL AUTHORITY AND PROCEDURES

### Purpose

The purpose of this article is to identify the authority of the review and decision-making bodies in the development review procedures. This article also defines the

### 2.1 Decision-Making and Review Bodies

Table 2-1 provides a summary of all Decision-Making and Review Bodies included within the scope of the LDO within the Town.

Table 2-1	REVIEW AUTHORITY ROLE			
	Staff	Planning Commission	Board of Mayor and Alderman	Board of Zoning Appeals
Annexation	R	R	D	
Interpretation	D			A
Policy Plan	R	R	D	
Rezoning	R	R	D	
Planned Development Plan	R	R	D	
Preliminary Plat	R	D		
Major Final Plat	R	D		
Minor Final Plat	D			
Site Plan	R	D		
Sureties for Public Improvements	R	D/R	D	
Development Agreement	R		D	
Accessory Structure Permit	D			
Building Permit	D			
Land Development Permit	D			
Fence Permit	D			
Miscellaneous Permit	D			
Swimming Pool	D			
Temporary Use Permit	R	D		
Special Exception	R			D
Special Use Permit	R		D	
Variance	R			D
Key: R= Review/Recommendation D= Decision-maker A= Appeal				

**2.1.1 Board of Mayor and Aldermen (BOMA)**

**Powers and Duties**

In addition to any other authority granted to the BOMA by Charter, Ordinance, or State Law, the BOMA shall have the following powers and duties related to this ordinance:

**a. Policy Plan Text and Map Amendments**

To initiate or enact amendments to the General Plan, Major Thoroughfare Plan, the Sewer Collection Network Plan, and other policy plans.

**b. Land Development Ordinance Text and Zoning Map Amendments**

To enact amendments to this Ordinance text and the Zoning Map.

**c. Planned Developments**

To hear, review, and make decisions on applications for Planned Development Plans (PDP) pursuant to this Ordinance.

**d. Accept Performance and Dedication of Public Improvements**

To hear, review, and make decisions on the performance and dedication of public improvements made as part of private development after action by the TSPC on the established securities pursuant to this Ordinance.

**e. Development Agreements**

To hear, review, and make decisions on Development Agreements pursuant to this Ordinance.

**f. Special Permits**

To hear, review, and make decisions on Special Permits pursuant to this Ordinance.

**2.1.2 Thompson’s Station Planning Commission (TSPC)**

**Membership, Powers, and Duties**

Pursuant to the provisions of the Tenn. Code Ann. §§ 13-7-205 through 13-7-207, there is hereby created and maintained the Thompson’s Station Planning Commission, hereinafter referred to as the TSPC. The TSPC shall consist of seven (7) members and shall be appointed by the Mayor. The terms of membership shall be five (5) years. Terms shall be arranged so that the term of one (1) member shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The TSPC shall have the following powers and duties under this Ordinance:

**a. Policy Plan Amendments**

To hear, review, and make recommendations on amendments to the General Plan, Major Thoroughfare Plan, or related policy plans pursuant to this Ordinance.

**b. Land Development Ordinance Text and Zoning Map Amendments**

(i) To initiate amendments to the text of this Ordinance or the Zoning Map.

- (ii) To hear, review, and make recommendations to the BOMA on applications for amendments to the text of this ordinance or zoning map amendments pursuant to this Ordinance.

**c. Planned Developments**

To hear, review, and make recommendations to the BOMA on applications for Planned Development Plans (PDP) pursuant to this Ordinance.

**d. Development Review**

To review and make recommendations or decisions, as applicable, on certain applications for Policy Plans, Annexations, Rezoning, Site Plans, Preliminary Plats, Final Plats, and PDPs, pursuant to the applicable subsections of this Ordinance.

**e. Subdivision Regulations Modification of Standards**

Under rare circumstances, the TSPC may modify the strict compliance of the Subdivision Regulations in Article 3, if requested by the applicant. If the TSPC finds that a Subdivision Regulations variance from these regulations is warranted, the TSPC shall make a finding of fact that granting such a modification shall not have the effect of nullifying the general intent and purpose of these Article 3 regulations. Where the TSPC concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve such a modification to these Article 3 regulations.

**f. Surety for Public Improvements**

- (i) To hear, review, and decide appeals of administrative decisions regarding extension, reduction, or release of a Surety pursuant to this Ordinance.
- (ii) To review a Surety that has been in place for a certain duration pursuant to this Ordinance.
- (iii) To call a Surety pursuant to this Ordinance.
- (iv) To made recommendations to the BOMA related to the acceptance of the performance and the acceptance of the dedication of public improvements pursuant to this Ordinance.

**g. Review of Projects by Other Governmental Agencies**

To review and make decisions on applications for public improvement projects by other governmental agencies pursuant to this Ordinance.

**h. Other**

To exercise such other powers, and perform such other duties, as are provided by law.

**i. Bylaws**

The TSPC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

### **2.1.3 Board of Zoning Appeals (BZA)**

#### **Membership, Powers, and Duties**

Pursuant to the provisions of the Tenn. Code Ann. §§ 13-7-205 through 13-7-207, there is hereby created and maintained the Thompson's Station Board of Zoning Appeals, hereinafter referred to as the BZA. The Board shall consist of five (5) members and shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The terms of membership shall be five (5) years. Terms shall be arranged so that the term of one (1) member shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The BZA shall have the following powers and duties under this ordinance:

#### **a. Appeal of Administrative Decisions**

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the LDO Administrator or other Town Staff in carrying out or enforcing any provision of this Ordinance, and for interpretation of the Zoning Map pursuant to this Ordinance.

#### **b. Variances**

To hear and decide applications for variance from the terms of this ordinance where:

- (i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to pursuant to this Ordinance.

#### **c. Special Exceptions**

To hear and decide special exceptions for certain uses, as outlined by this Ordinance.

#### **d. Bylaws**

The BZA shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Ordinance.

## **2.1.4 Community Development Department**

### **General Authorization and LDO Administrator Designation**

The Community Development Department, under the supervision of the Community Development Director, is authorized by the BOMA to interpret, enforce, and administer this Ordinance. The Town Planner is the LDO Administrator, unless otherwise provided by the Town Administrator and/or this Ordinance.

### **Powers and Duties**

In addition to the jurisdiction, authority, and duties that may be conferred upon the Community Development Department by other provisions of this Ordinance and general or special law, the Community Development Department shall have the following jurisdiction, powers, and duties under this ordinance:

#### **a. Interpretations**

To render interpretations of all provisions of this Ordinance, including, but not limited to, interpretations of the text of this Ordinance; interpretation of the Zoning Map, and determination of whether an unspecified use falls within a use classification or use group allowed in a Zoning District.

#### **b. Development Review**

To review and make decisions on certain applications for Annexation, Rezoning, Site Plans, Preliminary Plats, Final Plat, Development Plans, and Development Agreements pursuant to the applicable subsections of this Ordinance.

#### **c. Sureties and Performance Agreements**

To review and make decisions on Sureties and Performance Agreements, and maintenance obligations pursuant to Subsection 4.11, Surety for Public Improvements.

#### **d. Permits**

To review and issue applications for Permits pursuant to this Ordinance.

#### **e. Administer Ordinance**

To establish and keep the Land Development Manual in order to provide for the submittal requirements, schedules, and standard operating procedures for all development types, processes, and procedures specified in this Ordinance. And to review and make recommendations to the BOMA, the TSPC, and the BZA on applications for development approval considered by those bodies, and to take any other actions necessary to administer the provisions of this Ordinance.

#### **f. Provide Expertise and Technical Assistance**

To provide expertise and technical assistance to the BOMA, the TSPC, the BZA, property owners, business owners, residents, and stakeholders within Town.

#### **g. Enforcement**

To enforce all provisions of this Ordinance.

## 2.2 General Development Review Requirements

The requirements of this section shall apply to all development review applications and procedures subject to development review under this ordinance, unless otherwise stated.

### 2.2.1 Authority to File Applications

- a. Unless otherwise specified in this Ordinance, development review applications may be initiated by:
  - (i) The owner of the property that is the subject of the application; or
  - (ii) The owner's authorized agent.
- b. When an authorized agent files an application under this Ordinance on behalf of a property owner, the agent shall provide a Property Owner's Affidavit, which shall bind all decisions, and related conditions of approval, to the owner of the property.

### 2.2.2 Application Submittal Schedule

The schedule for the submission of applications in relation to scheduled meetings of the decision-making bodies shall be established by each decision-making body's Bylaws or other regulations and maintained by the Town Staff and made available to the public.

### 2.2.3 Application Contents

#### a. Submittal Requirements

Applications required under this Ordinance shall be submitted in a form and in such numbers as established by the Town Staff in the Land Development Manual and made available to the public.

#### b. Submission of Fees

Applications shall be accompanied by a fee as established by the BOMA.

#### c. Complete Application Determination

Town Staff shall only initiate the review and processing of applications submitted under this Ordinance, if such application is complete as outlined in the Land Development Manual and as determined by Town Staff.

## 2.3 Public Notification

Applications for development approval shall comply with the Tenn. Code Ann., Town Code, and provisions of this Ordinance for public notification.

### a) Content

Notices for public meeting or hearings, whether by publication or mail, shall, at a minimum:

- (i) Identify the address or location of the property subject to the application.
- (ii) Specify the date, time, and place of the public meeting or hearing.
- (iii) Describe the subject property(ies) involved by street address, tax map/parcel



number, and/or the nearest street, and project area (acreage).

- (iv) Describe the nature, scope, and purpose of the application or proposal.
- (v) Identify the location (e.g., Town Hall, Community Development Office, etc) where the public may view the application and related documents.
- (vi) Include a statement that the public may appear at the public meeting or hearing, be heard, and submit evidence and written comments with respect to the application.
- (vii) Include a statement describing where written comments will be received prior to the public meeting or hearing.

b) Timing of Adequate Notice

Public Notice through an agenda shall be per the Tenn. Code Ann. and Town Code. Written or mailed notice, where required, shall be postmarked at least twenty-one (21) calendar days prior to the Planning Commission or Board of Zoning Appeals meeting, as applicable.

c) Written & Mailed Public Notice Required

Particular Public Notice is required for an Annexation, Rezoning, Preliminary Plat of 25 or more lots, a Planned Development Plan of any size, a Special Exception, or a Variance with the following requirements:

- (i) Adjacent property owners within 1056 feet of the subject property shall be sent notice by first class mail.
- (ii) The applicant for the request shall be responsible for this particular Public Notice and shall provide a signed Public Notice Affidavit providing assurance that the Public Notice is accomplished per this Ordinance.

d) Notification Signs

For an Annexation, Rezoning, Preliminary Plat, or Planned Development Plan, a sign shall be posted on the subject property in such a manner to be easily visible from a public ROW at least twenty-one (21) calendar days prior to the Planning Commission meeting. The sign shall be placed by the applicant after it is reviewed and approved by Town Staff. Annexation signs shall be per TCA requirements. The applicant shall provide a signed Public Notice Affidavit providing assurance that the Public Notice is accomplished per this Ordinance.

**2.4 Specific Development Review Procedures**

**2.4.1 Policy Plan Adoption and Amendments**

a) Purpose and Scope

This subsection sets forth the procedure to follow when an applicant wants to request an amendment to the adopted General Plan, Major Thoroughfare Plan, or other Townwide policy plan.

b) Applicability

The General Plan and Major Thoroughfare Plan shall be the primary policy plans covered under this subsection. The BOMA may send the TSPC additional policy plans for review and comment from time to time.

c) Initiation

An application for a Policy Plan Amendment may be initiated by the BOMA, the TSPC, or Town Staff.

d) Procedure

(i) Step 1- Preapplication Meeting with Town Staff

- a) The applicant shall schedule a preapplication meeting with Town Staff, if applicable.

(ii) Step 2- Policy Plan Amendment Application and Staff Review

- a) The applicant shall submit an application in accordance with this Ordinance and as specified in the Land Development Manual.
- b) Town Staff shall review the application in accordance with this Ordinance and as specified in the Land Development Manual and make a recommendation to the TSPC and BOMA to adopt the Amendment, adopt with Amendment with changes, or deny the Amendment.

(iii) Step 3- TSPC Review and Recommendation

- a) The TSPC shall review the request according to the submittal deadlines and meeting schedule, as specified in the TSPC Bylaws.
- b) The TSPC shall make a recommendation onto the BOMA to approve the Amendment, approve the Amendment with changes, or deny the Amendment.

(iv) Step 4- BOMA Review and Decision

- a) The BOMA shall review the request after a recommendation is made by the TSPC.
- b) The BOMA shall make a decision to approve the Amendment, approve the Amendment with changes, or deny the Amendment.

e) Approval Criteria

Recommendations and decisions on Policy Plan Amendments shall be based on consideration of the following criteria:

- (i) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the adoption of the Policy Plan;
- (ii) Whether the proposed amendment is consistent with the guiding principles of the Policy Plan;
- (iii) Whether and the extent to which the proposed Policy Plan Amendment addresses a demonstrated community need;
- (iv) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;
- (v) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural and built environments, including air, water, noise, stormwater management, wildlife habitat, water quality, vegetation, drainage, streets, and other engineering design;
- (vi) Whether the proposed Policy Plan Amendment is compatible with existing and proposed uses surrounding the subject property, and the proposed design and land uses are appropriate for the land, or the proposed land use amendment will maintain or improve compatibility among uses and will ensure efficient development within the city; and
- (vii) Whether the proposed Policy Plan Amendment will result in a logical and orderly development pattern.

#### 2.4.2 Annexation

##### a) Purpose and Scope

This subsection sets forth the procedure to follow when an applicant wants to request an Annexation into the Town. Town Staff shall prepare a Plan of Services to accompany an Annexation request.

##### b) Initiation

Pursuant to the Tenn. Code Ann. § 6-51-101 *et seq.*, an application for an Annexation shall only be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance.

##### c) Procedure

- (i) Step 1- Preapplication Meeting with Town Staff
  - a) The applicant shall schedule a preapplication meeting with Town Staff.
- (ii) Step 2- Application and Staff Review
  - a) The applicant shall submit an application in accordance with this Ordinance and as specified in the Land Development Manual.
  - b) Town Staff shall review the application in accordance with this Ordinance

and as specified in the Land Development Manual and make a recommendation to the TSPC and BOMA to approve the Annexation and Plan of Services or to deny the Annexation and Plan of Services.

(iii) Step 3- Joint Workshop with TSPC and BOMA

The applicant shall present their annexation at an informal public conceptual project workshop with the TSPC and BOMA. Town Staff shall schedule the workshop. The applicant shall provide Town Staff with a brief overview of the annexation application. The TSPC and BOMA may offer the applicant initial, informal reactions to the application. These comments shall be advisory only and shall in no manner commit or bind the TSPC or BOMA to any proposal or element thereof.

(iv) Step 4- TSPC Review and Recommendation

- a) The TSPC shall review the request according to the submittal deadlines and meeting schedule, as specified in the TSPC Bylaws.
- b) The TSPC shall make a recommendation onto the BOMA to approve the Annexation and Plan of Services or to deny the Annexation and Plan of Services.

(v) Step 5- BOMA Review and Decision

- a) The BOMA shall review the request after a recommendation is made by the TSPC.
- b) The BOMA shall make a decision to approve the Annexation and Plan of Services or to deny the Annexation and Plan of Services.

d) Approval Criteria

Recommendations and decisions on Annexations shall be based on consideration of the Town's Annexation Policy, the Williamson County Growth Plan, the General Plan, the Major Thoroughfare Plan, other applicable policy plans, or this Ordinance, any application may be denied by the BOMA if not in conformity with the same.

**2.4.3 Rezoning**

a) Purpose

This subsection sets forth the procedure to follow when an applicant wants to request a Rezoning to the Thompson's Station Zoning Map.

b) Initiation

An application for a Rezoning may be initiated by the BOMA, TSPC, Town Staff, property owner, or other party with authority to file an application pursuant to this Ordinance.

c) Procedure

The review of a Rezoning shall be considered as an Ordinance per Town Code and shall

be as follows.

- (i) Step 1- Preapplication Meeting with Town Staff
  - a) The applicant shall schedule a preapplication meeting with Town Staff.
- (ii) Step 2- Neighborhood Meeting
  - a) The applicant shall be required to hold at least one formal neighborhood meeting prior to the Planning Commission submittal of a formal application for a Rezoning.
  - b) The applicant shall perform the following:
    - i. Provide appropriate notice to Town Staff of the neighborhood meeting, including the time, date, and location of the meeting.
    - ii. Conduct the neighborhood meeting in proximity of the location of the proposed development.
    - iii. Provide a written summary of the meeting as part of the Rezoning submittal, to include special notice to the concerns of the neighboring property owners raised at the neighborhood meeting.
    - iv. With Permission of the Town Planner, the applicant may hold the neighborhood meeting after the formal application of the Rezoning, but the meeting shall occur prior to the TSPC meeting to review the Rezoning.
- (iii) Step 3- Joint Workshop with TSPC and BOMA

The applicant shall present their project at an informal public conceptual project workshop with the TSPC and BOMA. Town Staff shall schedule the workshop. The applicant shall provide Town Staff with a brief overview of the project (existing conditions, project size, project scope, open space, development intent, etc). The TSPC and BOMA may offer the applicant initial, informal reactions to the project plans. These comments shall be advisory only and shall in no manner commit or bind the TSPC or BOMA to any proposal or element thereof.
- (iv) Step 4- Application and Staff Review
  - a) The applicant shall submit an application in accordance with this Ordinance and as specified in the Land Development Manual.
  - b) Town Staff shall review the application in accordance with this Ordinance and as specified in the Land Development Manual and make a recommendation to the TSPC and BOMA to approve the Rezoning or to deny the Rezoning, based on concurrency with the Town's Policy Plans.
- (v) Step 5- TSPC Review and Recommendation

- a) The TSPC shall review the request according to the submittal deadlines and meeting schedule, as specified in the TSPC Bylaws.
  - b) The TSPC shall make a recommendation onto the BOMA approve the Rezoning or to deny the Rezoning. Any recommendation for denial shall be based on specific and enumerated failures to comply with the Town's Policy Plans and/or other issues arising from the specific proposed Rezoning.
- (vi) Step 6- BOMA Review and Decision
- a) The BOMA shall review the request after a recommendation is made by the TSPC.
  - b) The BOMA shall make a decision to approve the Rezoning or to deny the Rezoning. If the TSPC makes an unfavorable recommendation, a two-thirds (2/3) majority vote of the BOMA is required to approve the Rezoning.

d) Approval Criteria

Recommendations and decisions on a Rezoning shall be based on consideration of the following criteria:

- (i) In order to receive approval, the applicant shall provide the following:
  - a) Policy Plan and Ordinance Consistency**
    - i. Whether the proposed Rezoning is consistent with the Town's Policy Plans;
    - ii. Whether the proposed Rezoning is consistent with the purpose of this Ordinance;
    - iii. Whether the proposed Rezoning will result in deleterious impacts to the Town's natural or built environment;
    - iv. Whether the proposed Rezoning will ensure efficient development within the Town; and
    - v. Whether the proposed Rezoning will result in a logical and orderly development pattern.
    - vi. Whether the proposed Rezoning is in harmony with the surrounding property.

**b) Infrastructure and Public Facilities Impacts of the Rezoning**

Whether the proposed Rezoning includes satisfactory information related to the impacts on the availability and system performance of:

- i. The Town's Transportation Network;
- ii. The Town's Sewer Collection System and Capacity or other

- proposed wastewater system;
- iii. The Water System of the HB&TS Utility District;
- iv. The Williamson County School District;
- v. The Town's Park and Recreation System; and
- vi. Police, fire, and emergency response facilities.

#### **2.4.4 Planned Development Plan**

##### **a) Purpose**

This subsection sets forth the procedure to follow when an applicant wants to request Planned Development Plan (PDP). The PDP process is the Town's form of a Planned Unit Development and consists of a review procedure that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with master planned developments by:

- (i) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and subdivisions standards that were designed primarily for individual lots;
- (ii) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (iii) Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site including, but not limited to, trees, historic features, streams, hillsides, and floodplains;
- (iv) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
- (v) Allowing deviations from certain zoning and subdivision standards that would otherwise apply if not contrary to the general spirit and intent of this ordinance.
- (vi) Providing an overall development that is unique, distinctive, and representative of the character of the Town.
- (vii) Creating a development that elevates the overall built environment of the Town.
- (viii) Permitting only those developments that are in harmony with the surrounding area; with this Ordinance; and with all other rules, regulations and policies of the Town.

##### **b) Scope**

- (i) The PDP review process consists of a Planned Development Plan submittal that is reviewed and approved by the BOMA, after a recommendation from the



TSPC.

- (ii) The procedures set forth in this subsection do not constitute a Rezoning. Uses shall be determined through the application of base zoning districts. Applicants in the PDP process may simultaneously request a Rezoning, pursuant to the requirements of this Ordinance.

c) PDP Project Requirements

- (i) An applicant may choose to initiate a PDP application for a project of any size and in any zoning district.
- (ii) A PDP application shall be required for project meeting any one of the following criteria:
  - a) The Project is in a D2, D3, T3, T4, T4O, T5, SP, TC, or PN zoning district.
  - b) The project is 250 or more contiguous acres.
  - c) The project is 150 or more dwelling units.
  - d) The project contains 75 or more attached dwellings.
  - e) The project contains any townhomes.

d) Permitted Uses

The uses allowed within a PDP shall be based on the permitted uses within the base zoning district on the site.

e) Initiation

An application for a PDP may be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance.

f) Procedure

Review of a Planned Development Plan shall occur according to the steps outlined in this subsection. The BOMA shall consider a PDP through a resolution. Revisions to existing developments within an SP, TC, PN, or any other previous Planned District shall follow this process, except that if any property is added to the development, a rezoning shall also be required per the SP, TC, or PN zoning. In the T4, T4O, and T5 districts, a single-use, fully nonresidential common development may submit a PDP as a specific site plan that functions as the site plan/construction documents for the development, provided all site plan/construction document details are provided with the PDP submitted for TSPC and BOMA review, per subsection 2.4.4(h)(i). below.

- (i) Step 1- Preapplication Meeting with Town Staff
  - a) The applicant shall schedule a preapplication meeting with Town Staff.
- (ii) Step 2- Neighborhood Meeting
  - a) The applicant shall be required to hold at least one formal neighborhood

meeting prior to the TSPC submittal of a formal application for a PDP.

- b) The applicant shall perform the following:
  - i. Provide appropriate notice to Town Staff of the neighborhood meeting, including the time, date, and location of the meeting.
  - ii. Conduct the neighborhood meeting in proximity of the location of the proposed development.
  - iii. Provide a written summary of the meeting as part of the PDP submittal, to include special notice to the concerns of the neighboring property owners raised at the neighborhood meeting.
  - iv. With Permission of the Town Planner, the applicant may hold the neighborhood meeting after the formal application of the PDP, but the meeting shall occur prior to the TSPC meeting to review the PDP.

(iii) Step 3- Joint Workshop with TSPC and BOMA

The applicant shall present their project at an informal public conceptual project workshop with the TSPC and BOMA. Town Staff shall schedule the workshop. The applicant shall provide Town Staff with a brief overview of the project (existing conditions, project size, project scope, open space, development intent, etc). The TSPC and BOMA may offer the applicant initial, informal reaction to the project plans. These comments shall be advisory only and shall in no manner commit or bind the TSPC or BOMA to any proposal or element thereof.

(iv) Step 4- Application and Staff Review

- a) The applicant shall submit an application in accordance with this Ordinance and as specified in the Land Development Manual.
- b) Town Staff shall review the application in accordance with this Ordinance and as specified in the Land Development Manual and make a recommendation to the TSPC and BOMA to approve the Development Plan, approve the Development Plan with contingencies, or to deny the Development Plan.

(v) Step 5- TSPC Review and Recommendation

- a) The TSPC shall review the request according to the submittal deadlines and meeting schedule, as specified in the TSPC Bylaws.
- b) The TSPC may make alterations, additions, or modifications to the PDP application and/or impose conditions or contingencies that are reasonable and based upon the provisions of this Ordinance, included 2.4.4(a). The TSPC shall ultimately make a recommendation onto the BOMA regarding the PDP, as follows: 1) approve the PDP, 2) approve the PDP with

contingencies, or 3) to deny the PDP.

(vi) Step 6- BOMA Review and Decision

- a) The BOMA shall review the request after a recommendation is made by the TSPC. The PDP shall be considered by resolution for one reading by the BOMA. If a PDP accompanies a Rezoning request, the PDP Resolution shall be considered on the same BOMA Agenda as the Public Hearing for the Rezoning.
- b) The BOMA may make alterations, additions, or modification to the PDP application and/or impose conditions or contingencies that are reasonable and based upon the provisions of this Ordinance, included Section 2.4.4(a). The BOMA shall ultimately make a decision to: 1) approve the PDP, 2) approve the PDP with contingencies, or 3) deny the PDP.

g) Approval Criteria

Recommendations and decisions on a PDP shall be based on consideration of the following criteria:

(i) The applicant shall perform the following:

a) Policy Plan and Ordinance Consistency

- i. Whether the proposed PDP is consistent with the Town's Policy Plans;
- ii. Whether the proposed PDP is consistent with the purpose of this Ordinance;
- iii. Whether the proposed PDP will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife habitat, water quality, and vegetation;
- iv. Whether the proposed PDP will ensure efficient development within the Town;
- v. Whether the proposed PDP will result in a logical and orderly development pattern; and
- vi. Whether the proposed uses are permitted within the applicable zoning districts.

b) Design

- i. The proposed PDP illustrates a design that supports and is consistent with the Town's Policy Plans.
- ii. The proposed PDP will provide community amenities to support the public health, safety, and general welfare including, but not limited to, land dedicated for safety-service purposes, additional park and

- recreational facilities, additional open space, and non-vehicular connections (e.g., greenways/bike paths/hiking trails) to benefit the community.
- iii. The development is comprehensively planned and integrated, compact, and linked by pedestrian and vehicular connections to surrounding properties (where appropriate and feasible).
  - iv. The development includes innovative design elements that ensure the proposed PDP fits within the character of the Town.
- c) Infrastructure and Public Facilities Impacts
- i. The proposed PDP demonstrates a safe and adequate on-site transportation circulation system that is integrated with the off-site circulation system of the Town.
  - ii. The proposed PDP provides for sufficient pedestrian and vehicular connections between residential and nonresidential uses and with the planned on-site open space and recreational uses.
  - iii. The proposed PDP will have adequate off-site facilities for potable water supply, sewage disposal, electrical supply, fire protection, and streets.
  - iv. The proposed PDP will be conveniently located in relation to schools and to emergency services.
  - v. The improvement standards applicable to the public facilities that will serve the site comply with relevant Town standards and regulations.
- d) Open Space
- i. The proposed development meets and/or exceeds the open space standards established in Section 5.5, Open Space Standards, regarding required types and minimum area of open space.
  - ii. Residents of the PDP will have sufficient access to usable recreation areas and open space that is convenient and safely accessible.
- e) Sectioning of the Development
- i. The proposed PDP includes a Sectioning Plan for the development, if appropriate, with the necessary components to insure protection of natural resources and the health, safety, and welfare of the Town, and its residents.
  - ii. If development of the PDP is proposed to occur in Sections, then legal assurance shall be provided, in a format suitable to the Town Attorney, that project improvements and amenities that are

necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first Section of the project, or, if this is not technically feasible, then as early in the project sectioning as is technically feasible.

h) Effect of PDP Approval on Project Entitlements and Design

- i. The project entitlements, the density and/or intensity approved by BOMA in the PDP, shall be subject to the application of the development standards of this Ordinance and any conditions of the approved PDP. If, upon the application of the development standards and the conditions of the approved PDP, the applicant cannot achieve the maximum approved entitlements, the applicant shall be confined to the entitlements achieved from the application of the standards in this Ordinance and any conditions of approval.
- ii. The applicant may not apply for a Variance in order to achieve the maximum allowable entitlements or any other standard in this Ordinance after approval of the PDP. If a standard approved with the PDP cannot be achieved, the applicant may resubmit a revised PDP for Town consideration.

i) Site Plan/Construction Documents Review Required/Final Plat

Upon final approval of the PDP and resolution of any conditions of approval or other contingencies, the applicant shall be required to submit an application for review of either a Site Plan or Construction Documents, as applicable, in accordance with this Ordinance. A final plat shall be required if the project is being subdivided.

In the T4, T40, and T5 districts, a single-use, fully nonresidential common development may submit a PDP as a specific site plan that functions as the site plan/construction documents for the development, provided all site plan/construction document details are provided with the initial PDP submitted for TSPC and BOMA review.

j) Modification of Development Standards

As stated in Subsection (1), the PDP process is intended to encourage innovative land planning and design. In order to achieve the purpose and intent of a PDP, an applicant may request Modifications of the Development Standards (MOS) of this Ordinance. Modifications of Development Standards shall be reviewed by the BOMA as part of the PDP review, which may grant the MOS as requested, grant the MOS with modifications, or deny the MOS. However, in order to protect the overall purposes of this ordinance, the following standards shall not be modified through the PUD procedure: Floodplain and floodway standards; Ridgeline and Hilltop Protection Standards; and steep slope and critical lot standards.

k) Vesting and Time Limit of Approval

Approval of a PDP constitutes a vested preliminary development plan approval, per Tenn. Code Ann. § 13-4-310.

l) Amendments or Revisions to an Approved PUD, SP, or PDP

The following subsections provide the framework for revisions or amendments to PUDs, Specific Plans, or PDPs. For any form of a PUD approved prior to [effective date of this Ordinance], this subsection shall be the governing review process, as they were originally approved by BOMA, with review from the TSPC.

i. TSPC and BOMA Review

The items below are considered deviations from an approved PUD, SP, or PDP of record and require approval of a revised PDP by the TSPC and the BOMA. These items relate to overall entitlements for a common development. These items are:

- a) Overall entitlements for the development are increased i.e. the total number of dwelling units or amount of non-residential square footage is increased.
- b) The total gross amount of open space is decreased by more than 10%. However, all plans shall provide, at a minimum, the amount of open space required by this Ordinance.
- c) The number of external access points, the street network, or streets identified in the Major Thoroughfare Plan are substantially changed and impacts the project, as approved.
- d) The revised plan must be submitted if there is a change to a BOMA condition that impacts the physical character of the development. For example, a change to a specific condition regarding placement/materials of an aspect of the development. If the condition does not address a construction related condition for example a condition for monetary set-aside, only the request need be considered.
- e) Any revision that requires a Modification of Standards or that requires a change to a Modification of Standards previously approved for the development. However, Design Modifications, as described in Section 5.3.11 of this Ordinance, may be granted by the TSPC as part of the Site Plan review process.

ii. TSPC Review

The items below, in each case, are considered deviations approved PUD, SP, or PDP of record and require approval of a revised PDP by the TSPC. These items relate to the conceptual layout of a development. A PDP revision shall not be submitted in conjunction with a Site Plan. These items are:

- a) A change within any section of the overall development to increase density or intensity of more than 30%, or the number of stories is changed within a particular section of the development and such revision impacts a particular aspect of the project established by the PDP.

- b) Any removal of tree protection areas shown as preserved on the PDP; the removal of trees that establish a desired buffer for particular resources, water bodies, or adjacent properties.
  - c) A reduction of more than 10% in open space within a section of development that alters the character of the development in that section. For example, a reduction in the overall number of pocket parks in one of the residential sections of a development.
  - d) Any revisions to drainage, streets, or other engineering design changes that alter items approved in the PDP, including significant changes in traffic circulation.
  - e) Any change that could potentially create adverse impacts on stormwater management.
- iii. Town Staff Review
- a) Any item not specifically addressed in the subsections above may be revised by Town Staff. Town Staff may elect to send any change to a SP, PUD, or PDP to either TSPC and/or BOMA based on a full review of the revised PDP.

### **2.4.5 Preliminary Plat**

#### a) Purpose and Scope

This subsection sets forth the procedure to follow when an applicant wants to request Preliminary Plat approval from the Town.

#### b) Applicability

- (i) A Preliminary Plat shall be required for:
  - a) A major subdivision, which is any subdivision of five (5) or more total lots (including the parcel being subdivided); or
  - b) Any subdivision with either newly proposed public roadways or extensions of public roadways.

#### c) Initiation

An application for a Preliminary Plat may be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance. A Sewer Availability Letter and a Waster Availability Letter shall be included for any and all Preliminary Plats submitted for Town review.

#### d) Procedure

- (i) Step 1- Preapplication Meeting with Town Staff
  - a) The applicant shall schedule a preapplication meeting with Town Staff, if applicable.
- (ii) Step 2- Application Submittal and Staff Review



- a) The applicant shall submit an application and plat in accordance with this Ordinance and as specified in the Land Development Manual.
  - b) Town Staff shall review the application and plat set in accordance with this Ordinance and as specified in the Land Development Manual.
  - c) Town Staff shall make a recommendation to the TSPC to approve the Preliminary Plat, to approve Preliminary Plat with contingencies, or deny the Preliminary Plat.
- (iii) Step 3- TSPC Review and Approval of Preliminary Plat
- a) The TSPC shall review the request according to the submittal deadlines and meeting schedule, as specified in the TSPC Bylaws.
  - b) The TSPC shall make a decision to approve to approve the Preliminary Plat, to approve the Preliminary Plat with contingencies, or deny the Preliminary Plat.
- e) Approval Criteria
- Recommendations and decisions on a Preliminary Plat shall be based on consideration of the following criteria:
- (i) That the proposed development is consistent with all the requirements of this Ordinance and other related Codes and Ordinances enforced by the Town;
  - (ii) That the proposed development is in compliance with the Zoning District;
  - (iii) That the proposed development meets all requirements or conditions of any applicable development approvals (e.g. self-imposed conditions, contingencies of approval of the vesting plan, etc).
- f) Vesting and Time Limit of Approval
- Approval of a Preliminary Plat constitutes a vested preliminary development plan approval, per the Tenn. Code Ann. § 13-4-310.

**2.4.6 Site Plan & Construction Documents**

- a) Purpose and Scope
- This subsection sets forth the procedure to follow when an applicant wants to request Site Plan or Construction Documents approval from the Town.
- b) Applicability
- (i) Site Plan review and approval shall be required for all multifamily and nonresidential development prior to the issuance of a Land Development Permit or Building Permit. Site Plans shall require TSPC approval.
  - (ii) Construction Documents review and approval shall be required after the approval of a Preliminary Plat and/or PDP approved in accordance with this Ordinance prior to this issuance of a Land Development Permit. Construction

Documents shall be approved administratively by Town Staff and shall not require TSPC review or approval.

c) Initiation

An application for Site Plan/Construction Documents may be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance. A Sewer Availability Letter shall be included for any and all Site Plans submitted for Town review.

d) Procedure

(i) Step 1- Preapplication Meeting with Town Staff

a) The applicant shall schedule a preapplication meeting with Town Staff, if applicable.

(ii) Step 2- Application Submittal and Staff Review

a) The applicant shall submit an application and plan in accordance with this Ordinance and as specified in the Land Development Manual.

b) Town Staff shall review the application and plan set in accordance with this Ordinance and as specified in the Land Development Manual.

c) For Site Plans, Town Staff shall make a recommendation to the TSPC to approve the Site Plan, to approve the Site Plan with contingencies, or deny the Site Plan.

d) For Construction Documents, Town Staff shall approve the Construction Documents, approve the Construction Documents as noted, or deny the Construction Documents.

(iii) Step 3- TSPC Review and Approval of Site Plans

a) For Site Plans, the TSPC shall review the request according to the submittal deadlines and meeting schedule, as specified in the TSPC Bylaws.

b) The TSPC shall make a decision to approve the Site Plan, to approve the Site Plan with contingencies, or deny the Site Plan.

(iv) Step 4 for Site Plans- Surety for Public Improvements for Site Plans

a) If applicable, the applicant shall complete and dedicate public improvements prior to the issuance of a Building Permit according to the requirements of this Ordinance.

(v) Step 4 for Construction Documents- Prerequisites to Staff Approval

a) Prior to final approval by Town Staff for Construction Documents, the owner/applicant shall:

1) Secure approval of the Development Agreement for this proposed Subdivision, per the requirements of this Ordinance.

2) Pay the Sewer Development Impact Fee, per Town Code.

e) Approval Criteria

Recommendations and decisions on Site Plans/Construction Documents shall be based on consideration of the following criteria:

- (i) That the proposed development is consistent with all the requirements of this Ordinance and other related Codes and Ordinances enforced by the Town;
- (ii) That the proposed development is in compliance with the Zoning District;
- (iii) That the proposed development meets all requirements or conditions of any applicable development approvals (e.g. self-imposed conditions, contingencies of approval of the vesting plan, etc).
- (iv) Construction Documents shall have an approved Development Agreement, this Ordinance.

f) Vesting and Time Limit of Approval

- (i) Approval of a Site Plan constitutes a vested preliminary development plan approval, per the Tenn. Code Ann. § 13-4-310.
- (ii) Approval of Construction Documents constitutes securing permits and commencement of site preparation for a Preliminary Plat, which is considered a preliminary development plan per Tenn. Code Ann. § 13-4-310.

g) Permits Required

A Site Plan, after receiving TSPC approval, shall be required to receive a Land Development Permit and a Building Permit. Other permits may be required by Town Staff, as applicable.

h) Amendments to Approved Plans

- (i) Site Plans may be amended by Town Staff, if the Town Planner determines that the change is minor; however, a change to increase the number dwellings by more than 10% and/or increase nonresidential building square footage by 10% shall require approval by the TSPC. Amendments reviewed by the TSPC shall follow the submittal requirements, listed above in this subsection.
- (ii) Construction Documents may be amended by Town Staff, per the Land Development Manual.

**2.4.7 Final Plat**

a) Purpose and Scope

This subsection sets forth the procedure to follow when an applicant wants to request Final Plat approval from the Town.

b) Applicability

- (i) A Final Plat shall be required for:
  - a) A minor subdivision, which is any subdivision of four (4) or less total lots. A minor subdivision, including the original parcel being subdivided, shall not be required to submit a Preliminary Plat or Construction Documents, unless otherwise determined by the Town Planner.
  - b) Any subdivision with either newly proposed public roadways or extensions of public roadways.
  - c) Any subdivision that received Preliminary Plat approval by the TSPC.
  - d) Any development that includes four (4) or more lots as part of the common development that received PDP approval by the BOMA.

c) Initiation

An application for a Final Plat may be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance. A Sewer Availability Letter and Water Availability may be required by Town Staff prior to application for Town review. A Final Plat that does not have available sewer or water shall be denied by the TSPC.

d) Procedure

- (i) Step 1- Preapplication Meeting with Town Staff
  - a) The applicant shall schedule a preapplication meeting with Town Staff, if applicable.
- (ii) Step 2- Application Submittal and Staff Review
  - a) The applicant shall submit an application and plat in accordance with this Ordinance and as specified in the Land Development Manual.
  - b) Town Staff shall review the application and plat set in accordance with this Ordinance and as specified in the Land Development Manual.
  - c) Town Staff shall make a recommendation to the TSPC to approve the Preliminary Plat, to approve Final Plat with contingencies, or deny the Preliminary Plat.
  - d) The Town Engineer shall issue the amounts for sureties to be posted for public improvements:
    - 1) Roadways, sidewalks, drainage, and stabilization shall be placed under a Roadways, Drainage, and Erosion Control (RDEC) surety.
    - 2) Sewer shall be placed under a Sewer surety.
    - 3) The Town Engineer may elect to split individual aspects of public improvements into individual sureties (e.g. Traffic Signal, On-site Wastewater Treatment Facility, etc).

- (iii) Step 3- TSPC Review and Approval of Final Plat
  - a) The TSPC shall review the request according to the submittal deadlines and meeting schedule, as specified in the TSPC Bylaws.
  - b) The TSPC shall make a decision to approve to approve the Final Plat, to approve the Final Plat with contingencies, or deny the Final Plat.
  - c) The TSPC, as part of the approval of any Final Plat, shall also approve sureties for all public improvements, as recommended by the Town Engineer.
- (iv) Step 4- Recordation of the Final Plat
  - a) The applicant shall resolve to the approval of Town Staff any contingencies of approval and post all approved sureties prior to the submittal of a Final Plat mylar to the Town for signatures.
  - b) The applicant shall obtain all required signatures from all outside agencies/jurisdictions and others, as may be required to sign a Plat Certificate by this Ordinance.
  - c) After all outside signatures have been obtained, the applicant shall return the Final Plat mylar to Town Staff. The Town Planner shall obtain any necessary signatures from the Town Engineer, Town Administrator, and/or other Town Department Heads, as applicable. The Town Planner/Planning Commission Secretary shall be the final signatory to the Final Plat mylar and shall only sign the appropriate Plat Certificate after all other signatures have been affixed to the Final Plat mylar.
  - d) After the Town Planner/Planning Commission Secretary signs the Final Plat mylar, Town Staff shall notify the applicant that the Final Plat mylar is ready to be recorded. It shall be the responsibility of the applicant to record the Final Plat mylar with the Williamson County Register of Deeds.
- e) Approval Criteria
 

Recommendations and decisions on a Final Plat shall be based on consideration of the following criteria:

  - (i) That the proposed development is consistent with all the requirements of this Ordinance and other related Codes and Ordinances enforced by the Town;
  - (ii) That the proposed development is in compliance with the Zoning District;
  - (iii) That the proposed development meets all requirements or conditions of any applicable development approvals (e.g. self-imposed conditions, contingencies of approval of the vesting plan, etc).
- f) Vesting and Time Limit of Approval

Approval of a Final Plat constitutes a vested final development plan approval, per the Tenn. Code Ann. § 13-4-310. All vested development rights of the developer terminates once construction is completed and all public improvements are dedicated and accepted by the Town.

### g) Permits Required

Any development on lots approved through a Final Plat shall be required to receive a Land Development Permit and a Building Permit. Other permits may be required by Town Staff, as applicable. Upon recording of the Final Plat, lots may be sold and building permits may be issued, subject to any applicable conditions. The public roadway improvements shall be adequate and safe for vehicular access by the prospective occupant and by police, fire, and emergency equipment prior to the issuance of a building permit. The drainage infrastructure shall also be in place, in accordance with the approved Construction Plans, to manage stormwater and protect prospective occupants from potential stormwater hazards. Before a Certificate of Occupancy will be granted, all required water service lines, sewer service lines, street name signs, and traffic signs must be installed.

### h) Amendments to Approved Plats

- (i) Amendments to Final Plats mended by Town Staff, if the Town Planner determines that the change is minor; however, a change to increase the number dwellings by more than 10% and/or increase nonresidential building square footage by 10% shall require approval by the TSPC. Amendments reviewed by the TSPC shall follow the submittal requirements, listed above in this subsection.
- (ii) Construction Documents may be amended by Town Staff, per the Land Development Manual.

### i) Administrative Plats

Town Staff may administratively review and approve a final plat that is:

- (i) A 1-lot subdivision
- (ii) A combination plat of existing, approved lots
- (iii) A plat the revises an existing easement
- (iv) A plat to revise existing lot lines

## 2.4.8 Permits

The following Permits shall be required, as specified by this Ordinance and, as applicable, the Town Code:

### a) Building Permit

A Building Permit shall be required for any structure, as defined by this Ordinance. Applicants shall submit according to the Town's Codes and Permits Standard Operating Procedure. Building Permits shall be issued by Town Staff.

b) Accessory Structure Permit

An Accessory Structure Building Permit shall be required for any accessory structure, as defined by this Ordinance. Applicants shall submit according to the Town's Codes and Permits Standard Operating Procedure. Accessory Structure Permits shall be issued by Town Staff.

c) Retaining Wall Permit

A Retaining Wall Building Permit shall be required for any retaining walls that are four (4) feet or higher, as measured from the bottom of the footing. Applicants shall submit according to the Town's Codes and Permits Standard Operating Procedure. Retaining Wall Permits shall be issued by Town Staff.

d) Swimming Pool Permit

A Swimming Pool Permit shall be required for any pool, as defined by this Ordinance. Applicants shall submit according to the Town's Codes and Permits Standard Operating Procedure. Swimming Pool Permits shall be issued by Town Staff.

e) Land Development Permit

A Land Development Permit (LDP) shall be required:

- (i) For any land disturbance of 5,000 square feet or more.
- (ii) For disturbance associated with approval of any Site Plan or Final Plat approved by the Town or associated agency/jurisdiction.
- (iii) TDEC approval for any land disturbance over one (1) acre, or such other acreage as determined by TDEC, shall accompany any application for a Land Development Permit.

LDPs shall be issued by Town Staff for any development or redevelopment, as approved through this Ordinance. Applicants shall submit for a LDP according to the Town's Land Development Manual. LDPs may not be required for individual lots within a common development covered by an active and validly approved Preliminary Plat or PDP, as these individual lots are also covered by a LDP for the entire common development.

f) Sign Permit

A Sign Permit shall be required for signs, as specified by this Ordinance. Applicants shall submit according to the Town's Land Development Manual. Sign Permits shall be issued by Town Staff, unless otherwise specified by this Ordinance.

g) Driveway Permit



A Driveway Permit shall be required for (1) any new driveway cut or (2) an extension of a driveway or driveway pad in a residential subdivision, as specified by this Ordinance. Applicants shall submit according to the Town's Land Development Manual. Driveway Permits shall be issued by Town Staff. A separate and simultaneous Driveway Permit shall not be required along with the submittal of a Building Permit, as the Building Permit review and approval shall include final approval of the driveway location.

h) ROW Permit

A ROW Permit shall be required for any cut, excavation, or encroachment of any permanent pipe, structure, or other element into the Town's ROW, as specified by this Ordinance and Town Code. Applicants shall submit according to the Town's Land Development Manual. ROW Permits shall be issued by Town Staff.

i) Fence Permit

A Fence Permit shall be required for any fence within the Town. All Fences shall comply with the standards of this Ordinance.

No fence shall:

- (i) Be permitted to encroach into Right-of-Way or areas dedicated/reserved for Right-of-Way.
- (ii) Conflict with a sight triangle, sight visibility distance, or intersections, driveways, or any point of ingress/egress.
- (iii) Block access within an access easement.
- (iv) Encroach into drainage easements, swales, or other stormwater areas/devices, unless sufficient mitigation measures are included (such as shadow boxes, flap gates installed to open with the flow of drainage, or gaps in the fencing).
- (v) Encroach into any utility easement without the approval of the easement holder.

Applicants shall submit according to the Town's Land Development Manual. Fence Permits shall be issued by Town Staff.

j) Temporary Use Permit

A Temporary Use Permit (TUP) shall be required for ancillary and intermittent use within the Town. A TUP shall require review and approval the TSPC. The TSPC shall each of the consider following impacts to the property, and surround properties, during the review of the TUP:

- (i) Site layout as it related to the permanent use(s) and overall site access/accessibility.
- (ii) Traffic control plan to ensure a safe temporary event.

- (iii) Parking control plan to ensure there is no impact from parked vehicles to public roadways or neighboring properties.
- (iv) Overall impact to the property including consideration of hours of operation, noise, safety of the patrons and participants, sufficient and sanitary restroom facilities.

k) Miscellaneous/Remodel Permit

A Miscellaneous/Remodel Permit (MRP) shall be required for alterations to the mechanical, plumbing, electrical, overall footprint, or structural components of an existing structure. Note: a permit shall not be required for a basic 1:1 fixture swap and intermittent use within the Town. Applicants shall submit according to the Town's Codes and Permits Standard Operating Procedure. Miscellaneous/Remodel Permits shall be issued by Town Staff.

#### 2.4.9 Development Agreement and Public Infrastructure Protection Plan

a) Development Agreement

No land disturbance, construction, or installation of infrastructure, including but not limited to public roadways, drainage or wastewater infrastructure, may be installed prior to the approval of a Development Agreement. An applicant may begin preliminary site development and grading/land disturbance work only after:

- a. Preliminary Plat approval, per this Ordinance;
- b. Construction Documents approval, per this Ordinance;
- c. Development Agreement approval, per this Ordinance;
- d. The issuance of a Land Development Permits, per this Ordinance.

Following the approval of the Preliminary Plat, per the requirements of this Ordinance, a draft Development Agreement shall be prepared by the Town Planner. The draft development agreement shall substantially conform to the Development Agreement contained in Appendix A of this Ordinance and shall incorporate by reference both the approved plat, including any conditions/contingencies on said approval, and the approved Construction Documents. The draft Development Agreement shall require that construction methods and materials meet or exceed minimum standards established by the Town.

The Town Planner shall send the draft Development Agreement to the applicant for approval. Upon acceptance and signature of the agreement by the applicant, the proposed Development Agreement shall be forwarded to the Board of Mayor and Aldermen for consideration at its next regularly scheduled meeting.

The Development Agreement shall be approved by the BOMA prior to final approval of the Construction Documents and is a prerequisite to the issuance of a Land Development Permit.

b) Public Infrastructure Protection Plan Requirement

The development of any property in the Town may involve instances where contractor, developer, or other parties cause damage outside of normal use to the public infrastructure located in proximity to the development (e.g. hauling or otherwise moving equipment, spills of concrete, paint, oil or any other debris which damages the public right-of-way and related infrastructure, or results in cleanup costs for the Town). Such repair and restoration to the original condition of the effected infrastructure shall be the responsibility of the developer. On any property where development or redevelopment occurs where a plat or site plan is required prior to construction, a public infrastructure protection plan and agreement shall be required. The public infrastructure protection plan shall show:

- (a) The size, shape, and location of the development;
- (b) The proposed location of all construction entrance(s), including temporary graveled surfacing, and culverting when drainage facilities, drainageways, etc. are traversed, and routes to be used by any and all personnel engaging in construction activities;
- (c) The public infrastructure in proximity to the development that will be affected by the development, as determined by the Town; and
- (d) The surveyor's or engineer's stamp that prepared the plan.

A public infrastructure protection plan agreement shall be required and is a contract between the Town of Thompson's Station and the developer or applicant as a guarantee that the developer or applicant shall be responsible for the cost to replace and repair any damage caused to any public infrastructure maintained by the Town, and the agreement shall require the developer or applicant to post an appropriate surety. See Appendix B, Public Infrastructure Protection Plan Agreement.

### **2.4.10 Variance**

#### a) Purpose and Scope

This subsection sets forth the procedure to follow when an applicant wants to request a Variance related to the Zoning standards of this Ordinance.

The purpose of a Variance is to:

- (i) Provide limited relief from the Zoning requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance.
- (ii) Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

#### b) Applicability

A Variance shall comply with the specific review procedures in this subsection.

#### c) Initiation

An application for a Variance may be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance.

d) Procedure

- (i) Step 1- Preapplication Meeting with Town Staff
  - a) The applicant shall schedule a preapplication meeting with Town Staff, if applicable.
- (ii) Step 2- Application Submittal and Staff Review
  - a) The applicant shall submit an application and plan, if applicable, in accordance with this Ordinance and as specified in the Land Development Manual.
  - b) Town Staff shall review the application and plan, if applicable, set in accordance with this Ordinance and as specified in the Land Development Manual.
  - c) Town Staff shall make a recommendation to the BZA to approve the Variance, to approve the Variance with conditions, or deny the Variance.
- (iii) Step 3- BZA Review and Approval of Variance
  - a) The BZA shall review the request according to the submittal deadlines and meeting schedule, as specified in the BZA Bylaws.
  - b) The BZA shall make a decision to approve the Variance, to approve the Variance with conditions, or deny the Variance.

e) Approval Criteria

The BZA may authorize a Variance only in accordance with the following criteria:

- (i) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
- (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
- (iii) Where such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance and the Zoning Map.
- (iv) Self-imposed hardships, monetary concerns, or other actions taken by the applicant that are not specifically related to the physical nature and condition of the lot shall not be grounds for a Variance.

f) Effect and Time Limit of Variance

- (i) The issuance of a Variance shall authorize only the particulars of the request, as approved.
- (ii) The approved Variance shall run with the land and shall not be affected by a change in ownership.
- (iii) The issuance of a Variance shall not result in an action that has the effect of allowing a use or use regulation not otherwise permitted in the applicable base zoning district. Any action that has in effect changed the district shall be deemed to be a violation of this subsection and shall be of no force and effect.
- (iv) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and issued within one (1) year of the date of BZA approval. Otherwise, the Variance shall become invalid.

#### **2.4.11 Special Exception**

##### **a) Purpose and Scope**

This subsection sets forth the procedure to follow when an applicant wants to request a Special Exception for a land use, as permitted in the Zoning standards of this Ordinance.

The purpose of a Special Exception is to:

- (i) Provide additional review of a land use identified in the Permitted Use Table.
- (ii) Provide the Board of Zoning Appeals to review the particulars of a given use at a specific location to determine under what conditions a Special Exception may be granted.
- (iii) Provide for sensitivity for particular land uses in particular Zoning Districts to ensure compatibility with adjoining property owners.

##### **b) Applicability**

Special Exceptions shall comply with the specific review procedures in this subsection.

##### **c) Initiation**

An application for a Special Exception may be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance.

##### **d) Procedure**

- (i) Step 1- Preapplication Meeting with Town Staff
  - a) The applicant shall schedule a preapplication meeting with Town Staff, if applicable.
- (ii) Step 2- Application Submittal and Staff Review
  - a) The applicant shall submit an application and plan, if applicable, in accordance with this Ordinance and as specified in the Land Development Manual.

- b) Town Staff shall review the application and plan, if applicable, set in accordance with this Ordinance and as specified in the Land Development Manual.
  - c) Town Staff shall make a recommendation to the BZA to approve the Special Exception, to approve the Special Exception with conditions, or deny the Special Exception.
- (iii) Step 3- BZA Review and Approval of the Special Exception
- a) The BZA shall review the request according to the submittal deadlines and meeting schedule, as specified in the BZA Bylaws.
  - b) The BZA shall make a decision to approve to approve the Special Exception, to approve the Special Exception with conditions, or deny the Special Exception.
- e) Approval Criteria
- The BZA may authorize a Special Exception only in accordance with the following criteria:
- (i) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and
  - (ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and
  - (iii) Where such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance and the Zoning Map.
  - (iv) Self-imposed hardships, monetary concerns, or other actions taken by the applicant that are not specifically related to the physical nature and condition of the lot shall not be grounds for a Variance.
- f) Effect and Time Limit of Variance
- (i) The issuance of a Variance shall authorize only the particulars of the request, as approved.
  - (ii) The approved Variance shall run with the land and shall not be affected by a change in ownership.
  - (iii) The issuance of a Variance shall not result in an action that has the effect of allowing a use or use regulation not otherwise permitted in the applicable base zoning district. Any action that has in effect changed the district shall be deemed to be a violation of this subsection and shall be of no force and effect.

#### **2.4.12 Appeal of Administrative Decision**

##### **a) Purpose and Scope**

This subsection sets forth the procedure to follow when an applicant wants to request an Appeal of an Administrative Decision to the Zoning standards of this Ordinance.

The purpose of an Appeal of Administrative Decision is to provide a process:

- (i) Where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or refusal made by any administrative official in carrying out or enforcing any provision of the Zoning standards of this Ordinance.
- (ii) For interpretations of the Zoning Map when there are disputed questions of lot lines or district boundary lines as they arise in the administration of the Zoning standards of this Ordinance.
- (iii) Appeal of Administrative Decision shall not apply to Article 3 Subdivision Regulations.

##### **b) Applicability**

Appeals of Administrative Decisions shall comply with the specific review procedures in this subsection.

##### **c) Initiation**

An application for an Appeal of Administrative Decision may be initiated by the property owner or other party with authority to file an application pursuant to this Ordinance.

##### **d) Procedure**

- (i) Step 1- Application Submittal
  - a) The applicant shall submit written appeal to Town Staff in accordance with this Ordinance and as specified in the Land Development Manual.
- (ii) Step 2- BZA Review of an Appeal of Administrative Decision
  - a) The BZA shall review the request according to the submittal deadlines and meeting schedule, as specified in the BZA Bylaws.
  - b) The Town Attorney may submit procedural criteria for the BZA's consideration prior to a hearing depending on the type and scope of the matter.
  - c) The BZA shall make a decision to approve to uphold the Appeal of Administrative Decision or reverse the Appeal of Administrative Decision.

##### **e) Approval Criteria**

The BZA may review an Appeal of Administrative Decision in accordance with the following criteria:

- (i) For administrative decisions, the order, decision, determination, or interpretation shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that it fails to comply with either the procedural or substantive requirements of the Zoning standards this Ordinance and State Law.
- (ii) For Zoning Map interpretations, the BZA shall use the best available data to make a final interpretation of the Zoning Map boundary.



## ARTICLE 3 SUBDIVISION REGULATIONS

These Subdivision Regulations are intended to support the provisions of the Ordinance by ensuring that the division of land and/or extension of public infrastructure is conducted in a manner and time that helps to achieve the goals of the Town's Policy Plans. These regulations apply to all development and redevelopment with the Town, as specified in the Article.

### 3.1 GENERAL PROVISIONS

#### 3.1.1 Policy

It is hereby declared to be the policy of the Town to consider subdivision of land and development of a subdivision as subject to control of the jurisdictional area for orderly, planned, and efficient physical and economic development. Land to be subdivided shall be of such character that it can be used for building purposes without danger of fire, flood, or other menace.

Land shall not be subdivided until proper provisions have been made for sewerage, potable water, electricity, stormwater management, broadband, other public utilities, and for other required public services.

This Article shall supplement and facilitate enforcement of the provisions and standards contained in Article 4 Zoning. However, provisions of this Article shall not be eligible for review by the Board of Zoning Appeals for a variance.

#### 3.1.2 Amendments

For the purpose of providing for the public health, safety, and general welfare the Town may from time to time amend these regulations. Before adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission, as required by Chapters 3 and 4, Title 13, Tennessee Code.

#### 3.1.3 Vacation of Plats

Any plat, or any part of any plat, may be vacated by the owner of the premises at any time before sale of any lot described on the plat by a written instrument to which a copy of such plat shall be attached declaring the plat, or part of the plat, to be vacated. In approving the vacation of a plat, the Planning Commission shall follow the same procedure for approval of plats. The Town may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications described in such plat. When any lot or lots have been sold, the plat may be vacated in the same manner only if all of the owners of all lots in such platted area join in the execution of such writing.

### 3.1.4 Civil Enforcement

Appropriate actions and proceedings may be taken in equity

- to prevent any violation of these regulations,
- to prevent unlawful construction,
- to recover damages;
- to restrain, correct, or abate a violation, or
- to prevent illegal occupancy of a building, structure, or premise.

### 3.1.5 Repeal of Previous Regulations

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Thompson's Station, Tennessee, previously adopted, as amended, are repealed.

### 3.1.6 Fees for Plat Review

Any individual who is seeking to subdivide property within the jurisdictional area where these regulations are applicable shall pay such filing and review fees as required by the Town. These fees shall be paid at the time of submittal of the application for plat review and approval.

## 3.2 Character of the Land

### 3.2.1 Land Unsuitable for Development

Land which the TSPC finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall be designated as "conservation lands" and may be utilized as provided in §3.2.2 Use of Conservation Lands. Land included within this category shall be as specified below or by the Tennessee Department of Environment and Conservation, the United States Environmental Protection Agency, or the Town Engineer:

- a. wetlands and land that is generally inundated (land under ponds, lakes, creeks, etc.),
- b. all of the floodway and floodway fringe as shown on official Federal Emergency Management Agency maps,
- c. land with slopes exceeding twenty (20) percent, or soils subject to slumping,
- d. land situated within sink holes and other karst areas,
- e. land under permanent easement prohibiting future development (including easements for drainage, access, and utilities, including telecommunications, unless specifically exempted by this Ordinance).

### 3.2.2 Use of Conservation Lands

It is intended that, within residential subdivisions, the areas indicated in §3.2.1 Land Unsuitable for Development shall be designated as open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.

All undivided open space shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the Town and duly recorded in the office of the County Register of Deeds. Any lot capable of further subdivision that contains “Land Unsuitable for Development” may be restricted so as to prohibit such action.

Stormwater management ponds or basins may be located within these areas. If a homeowners association is to be established, stormwater management ponds may be included within the areas preserved as “conservation lands.”

## 3.3 Environmental and Natural Resource Protections

The section provides standards for the protection of natural resources (before, during, and after the development process) to ensure the efficient integration of new development into the community, while ensuring to protect the rich resources of the community.

### 3.3.1 Resource Protection and Site Performance Standards

Resource protection and site performance standards shall apply to all subdivisions and development in all districts, thereby ensuring that the desired character of Thompson’s Station is preserved. The standards in this Article both protect all natural resources and require the provision of buffer-yards and landscaping in order to further protect and enhance the natural environment in Thompson’s Station.

- a. All applications, as required by the Land Development Manual, shall provide a Natural Resource Inventory Map. This map shall identify the following natural resources: floodplains, wetlands, woodlands, natural drainage-ways, slopes, slippage soils, sinkholes, hilltops, ridgelines, mined or otherwise disturbed areas, and historical and cultural features.
- b. Development impacts to the above listed natural resources shall utilize design strategies that respect and protect the sites natural resources. Individual lots impacted by these natural resources are subject to critical lot designations. Critical lots require additional information to ensure any construction on the site meets strict criteria for health, safety and welfare, and; therefore, lots so designated, shall be required to prepare a plan prepared by a professional licensed in the area of expertise of the site specific issues that address specific natural resource issues. Approval of critical lots will be dependent on the design features that are utilized to minimize the grading and protect natural and cultural resources.

### 3.3.2 Wetlands

The Natural Resource Inventory Map shall identify all potential wetland areas. The Tennessee Department of Environment and Conservation and/or the U. S. Army Corp of Engineers shall make a determination on any possible wetland areas prior to the approval of any proposed development, as applicable by State and Federal laws. All wetland areas as protected or regulated by the Corp and/or TDEC, as applicable, shall be designated as permanent common open area and shall be incorporated into the overall stormwater management plan. Any modification or mitigation of identified wetlands shall meet all applicable State and Federal regulations. Generally, the modification or mitigation of wetlands and subsequent use of these areas is discouraged by this Ordinance. A hydraulic determination shall be required with a Preliminary Plat, Site Plan, or Planned Development Plan, as applicable.

### 3.3.3 Streams/Drainageways Delineation

For every Plat, Site Plan, or Planned Development Plan submitted to the Town for review, there shall be a delineation of all streams, as classified by TDEC. These streams shall have buffers as required by TDEC in their “General NPDES Permit for Discharges of Stormwater Associated with Construction Activities” manual, latest edition.

The Natural Resource Inventory Map shall identify and classify all on-site streams/drainageways. Streams shall not be altered except as permitted by TDEC through the Aquatic Resources Alteration (ARAP) permit process. Modification of drainageways shall be discouraged, except for necessary utility and roadway crossings. Those drainageways not regulated by TDEC may be altered via approval of the Town Engineer. All drainageways shall be incorporated into the overall stormwater management plan.

### 3.3.4 Stream Buffer Requirements

Stream buffering shall be required, as follows:

- a. Any delineated stream shall have a minimum of 30 feet from top of bank stream buffer zone, unless the stream is an impaired stream as defined by TDEC.
- b. For any impaired stream, then the steam buffer zone shall be increased to 60 feet from top of bank. Averaging may be permitted, per TDEC guidelines.

### 3.3.5 Slippage Soils

The Natural Resource Inventory Map shall include the soils classification as identified by a licensed soil scientist or as identified by the U. S. Geological Survey maps. Any soils with identified slippage characteristics shall be identified and overlaid on a slope analysis map. Construction on areas impacted by a combination of slippage soils and slopes in excess of 7% shall have foundation and grading plans, stamped by a licensed engineer, approved by the Town’s Engineer prior to issuance of building permits.

### 3.3.6 Sinkholes

The Natural Resource Inventory Map shall include all site areas characterized by closed

depressions (with or without a drainage throat). The disturbance, alteration, or mitigation of such features shall be discouraged. Any modification of a sinkhole shall be approved by the Town Engineer and have all required state and/or federal permits, as required. All closed depressions shall be included in required or common open space along with a 50-foot no-disturbance buffer circling the highest contour of the closed depression. All sinkholes shall be incorporated into the overall stormwater management plan.

### 3.3.7 Ridgeline and Hilltop Protection Area

- a. In order to protect, preserve and minimize impacts on natural ridgelines and hilltops within the Town, the Town has identified specific areas on the Ridgeline and Hilltop Protection Area (RHPA) Map, as shown in Appendix D of this Ordinance.
- b. Development within the areas shown on in the RHPA shall be prohibited, except by special exception approval by the BZA pursuant to this Ordinance.

In addition to the criteria set out in this Ordinance for a Special Exception, any development that is proposed within the RHPA shall also meet the following conditions:

- i. Have a minimum lot size of five (5) acres; and
- ii. No structures within the RHPA may exceed 32 feet measured from the highest point of grade to the highest point of the roof.
- iii. Any land outside of residential lots within the RHPA may be counted toward meeting open space requirements.

### 3.3.8 Steep Slope Development

- a. The Preliminary Plat, Site Plan, or Planned Development Plan, as applicable shall include a slope analysis that identifies all natural slopes in excess of 14% on the project site. Disturbance, grading and development of natural slopes exceeding 14% shall be governed by this subsection and any lot that exceeds 14% slope shall be designated as a critical lot. This analysis shall also delineate any areas including with the RHPA, as defined by this ordinance.
- b. In addition, any development that results in more than 5% of the total lot count being labeled critical lots shall require additional preconstruction evaluation including a mass grading plan to be submitted during the preliminary plat or planned development plan application, as applicable. Design features such as larger lots may be required to reduce disruption and encourage lots to utilize existing contours reducing overall impacts. All proposed construction on slopes in excess of 14% shall submit engineered foundation and grading plans and an engineering report to address all site specific issues for review and approval by the Town's Engineer or Engineering consultant prior to issuance of a building permit.
- c. Development on slopes exceeding 20% shall be prohibited. Slopes exceeding 20% may be counted toward meeting open space requirements.

- d. Post construction grades shall be reviewed on a case by case basis, as part of the Construction Document and/or Site Plan, as applicable, in relation to individual lot drainage and overall development drainage.

### 3.3.9 Mined or Disturbed Areas

Because of the history of phosphate and other mining activities within the Town, it is incumbent on the developer to assess any previously mined or disturbed areas and to include those areas on the Natural Resource Inventory Map. Any mined or disturbed areas may be modified and developed given review and approval of the grading and drainage plan by the Town's Engineer. All lots with building envelopes encroaching into previously disturbed areas may also require engineered site plans and engineered foundations. All final plats shall include a standard note identifying the holder of the mineral rights for the subject property, if held by parties other than the owner of record.

### 3.3.10 Historical/Cultural Components

The Natural Resource Inventory Map shall include all areas of historical and cultural resources. These include historical and/or architecturally significant structures, stacked stone walls, cemeteries, and/or historic and prehistoric archeological sites.

### 3.3.11 Resource Management

The management of stormwater run-off and erosion control are governed by the provisions of the following Sections.

### 3.3.12 Stormwater

- a. Each development shall provide for the on-site or off-site detention of excess storm water runoff resulting from that development. For the purpose of this Ordinance, "excess storm water runoff" shall include all increases in storm water resulting from:
  - i. An increase in the impervious surface of the site, including all additions of buildings, roads, and parking lots;
  - ii. Changes in soil absorption caused by compaction during development;
  - iii. Modifications in contours, including the filling or draining of small depressions, alterations of drainage-ways, or re-grading of slopes;
  - iv. Destruction of woodland areas;
  - v. Alteration of drainage-ways or installation of collection systems to intercept street flows or to replace swales or other drainage-ways;
  - vi. Alteration of subsurface flows, including groundwater, dewatering or diversion practices such as curtain drains.
- b. Limitation on Storm Water Runoff. No development shall cause downstream property owners, water courses, channels, or conduits to receive storm water runoff from proposed developments at a higher peak flow rate or at higher velocities than would

have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition, including redevelopment/expansion of existing development. Storm events to be used in this determination will include the one (1) through 100-year storm event.

- i. Undeveloped Condition: shall mean that all the natural retention areas and drainage-ways plus existing farm drainage tiles and highway drainage structures shall be included in the flow calculations.
  - ii. Ground Cover: shall be considered to be meadow or grassland, with the exception that forested areas shall be treated as woodlands.
  - iii. Channel or Drainage-way Channel: shall mean the channels used to convey the one hundred (100) year drainage flows between successive retention facilities, to retention facilities, and from the property.
- c. Storage Capacity. All stormwater storage facilities shall be designed to accommodate all runoff caused by the development in excess of the runoff that would have resulted from the site if left in its natural, undeveloped condition for the range of storms from the one (1) through 100-year events. In the event that proposed and/or projected development is likely to increase the frequency and/ or duration of existing flooding or create new flooding, the developer will provide solutions to such problems. Solutions may include but are not limited to regionalized detention/retention via either on or off-site facilities that reduce total basin runoff at the damage centers or acceptable channel improvements.
- d. Design Regulations. All detention facilities and improvements required by this section shall comply with the following regulations.
- i. Storage: Wet or dry basins, reservoirs, underground facilities, or rooftop storage facilities may be utilized for stormwater runoff.
  - ii. Outlet Control Structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They shall be designed to limit discharges into existing or planned downstream channels or conduits so as not to extend existing flow off the site in its natural condition. Shall be sized to accommodate flows in excess of the 100-year storm event.
  - iii. Spillway. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity. Shall be sized to accommodate flows in excess of the 100-year storm event.
  - iv. Dry Bottom Basin. For basins designed without permanent pools:
    - a) Interior Drainage. Provisions must be made to facilitate interior drainage. These must include the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains. Design shall be approved on a case-by-case



- basis as part of the Construction Documents and/or Site Plan, as applicable.
- b) Multipurpose Features. These may be designed to serve secondary purposes for recreation, open space, or other types of use that will not be adversely affected by occasional or intermittent flooding.
  - c) Cleaning. The basins shall be designed for periodic cleaning and removal of sediments in an appropriate manner and includes accommodation for access.
  - d) Fencing required. Fencing shall required and shall consist of wooden 3- or 4-rail fencing.
- v. Wet Basins. For basins designed with permanent pools:
- a) Depth for Fish. If fish are used to help keep the basin clean, at least one quarter (0.25) of the area of the permanent pool must have a minimum depth of ten (10) feet.
  - b) Emptying Provisions. For emergency purposes, cleaning, or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.
  - c) Pollution Abatement. Aeration facilities may be required if the quality of the influent and detention time result in a lowering of dissolved oxygen content in the basin.
  - d) Slopes. Approach slopes shall be at least six to one (6:1) but not more than three to one (3:1) and shall be at least four (4) feet to six (6) feet wide and slope gently toward the basin. The side slopes shall be of non-erosive material with a slope of 1:1 or flatter. The ledge shall be four (4) feet to six (6) feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of twelve (12) to eighteen (18) inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated.
  - e) Cleaning. Basins shall be designed to include sediment traps in all inlets. Sediment traps shall be designed to permit cleaning and maintenance. A basin maintenance plan shall be developed to ensure that basin design depths will be maintained.
- vi. Building Regulations
- a) Rooftop Storage. Detention storage requirements may be met by detention on flat roofs. Design specifications of such detention shall be a part of the application. These specifications shall include the depth and volume of storage, design of outlet devices and down drains, elevations of overflow scuppers, design loadings for the roof structure, and emergency overflow



provisions. Rooftop storage shall not be permitted to drain directly into sanitary sewers or streets.

vii. Operation and Maintenance of Facilities

- a) The developer, owner, or the homeowner’s association shall be responsible for maintenance of all on-site detention/retention facilities.
- b) All types of developments shall form a management entity such as a homeowner’s association, trust indenture, or other management entity to be responsible for the long-term operation and maintenance of storm water infrastructure located within the development.
- c) An engineer shall provide a long-term operation and maintenance plan subject to approval by the Town Engineer and recorded with the final plat.

viii. Inspection of Facilities. The developer’s engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. The Town’s Engineer may inspect all drainage facilities while under construction. When facilities are not constructed according to approved plans, the Town has the explicit authority to compel compliance and require correction of construction or require or as-built construction drawings if modifications are acceptable.

ix. If the Town’s Engineer determines that off-site stormwater detention is preferable to on-site detention, funds in lieu of detention may be required in an amount equivalent to the estimated cost of on-site detention plus land costs.

3.3.13 Erosion Prevention and Sediment Control

- a. In order to prevent both soil erosion and sedimentation, an Erosion Prevention and Sediment Control Plan shall be required whenever an area greater than 10,000 square feet is disturbed for purposes other than agricultural, and when land located in a stream, channel, or body of water is disturbed.
- b. Erosion Prevention and Sediment Control measures shall be provided to achieve maximum protection of all disturbed land. Measures include minimizing water runoff, amounts and velocities, and retaining sedimentation within the development site as early as possible following disturbances.

3.3.14 Tree Protection

a. Purpose

The purpose for this section is to establish a series of standards and measures necessary to retain and protect portions of the existing tree canopy cover and other significant trees, in order to:

- i. Prevent clear cutting;

- ii. Protect existing tree canopy on developing sites;
- iii. Maintain a minimum level of tree canopy cover on developed sites larger than one acre;
- iv. Preserve specimen trees;
- v. Maintain and enhance the quality of life in the Town;
- vi. Ameliorate the impact of incompatible land uses;
- vii. Reduce glare, heat, and noise;
- viii. Preserve and enhance air and water quality;
- ix. Prevent soil erosion; and
- x. Minimize flooding.
  - a. Applicability
    - i. General

Unless specifically exempted, the standards in this subsection shall be applicable to all lots or sites and types of development in the Town. These standards shall be reviewed with applications for Preliminary Plat, Final Plat, Site Plan, Planned Development Plan, or any Permit, as applicable and determined by Town Staff. Table 3-1, Tree Protection Applicability, summarizes how the standards in this section shall be applied.

TABLE 3-1 TREE PROTECTION APPLICABILITY			
TYPE OF LOT	TREE CANOPY RETENTION REQUIREMENTS	TREE REMOVAL ON EXISTING LOTS	PROTECTION OF SPECIMEN TREES
Platted Residential Lot of one acre or less (with or without an existing use)			
Platted Residential Lot Larger than 1 Acre (with or without an existing use)		X	X
Vacant Nonresidential Lot of Any Size	X		X
Nonresidential Lot of Any Size with Existing Use			X
Developing Residential or Nonresidential Lands/Uses	X		X
"X" = ASSOCIATED STANDARDS APPLY; SHADED CELL = STANDARDS DO NOT APPLY			

a) Tree Removal Permit Required

No removal or disturbance of existing trees on a parcel or development site shall occur prior to approval of a Tree Removal Permit, Building Permit, or Grading Permit, which shall be approved only in accordance with the standards in this section. The Tree Removal Permit shall be issued by the Community Development Department and may be issued simultaneously with the Grading Permit for a site.

b) Review for Compliance

The standards in this section shall apply at the time of Tree Removal Permit review and shall also be considered during the review of a Preliminary Plat, Final Plat, Site Plan, Building Permit, Grading Permit, or any other plan/permit as specified by Town Staff.

c) Removal Without a Permit

Removal of any trees without a Tree Removal or Grading Permit shall be subject to the mitigation and/or replacement standards as specified in this section.

b. Exemptions

The following tree removal activities are exempt from the standards of this section:

- i. Tree removal activities not requiring a Tree Removal Permit as specified in Subsection 3.3.14(b) (i)(a), Tree Removal Permits;
- ii. Removal of trees that are determined to be unhealthy by the Town Staff (or with written verification of the tree's condition as dead or dying as prepared by a qualified arborist);
- iii. Removal of trees that are determined by Town Staff to be nuisance trees or a threat to an existing structure, underground utility, or to the public health, safety, or welfare;
- iv. Removal of trees in the current edition/list of Invasive Plants, published by the Tennessee Invasive Plant Council; and
- v. Removal, by the owner or their authorized agent, of trees on Town owned land and/or within public rights-of-way.

c. Tree Canopy Retention

i. Where Required

Except where exempted by the section, the standards in this section shall apply to any Preliminary Plat, Final Plat, Site Plan, Grading Plan, Permit, or approved use.

ii. Tree Inventory

Prior to the issuance of a Tree Removal Permit, the applicant shall submit an aerial photograph, tree inventory, or professionally prepared tree survey (as appropriate) that clearly depicts the:

- a) Lot lines of the parcel(s) involved;
- b) Location and extent of the existing on-site tree canopy, including an estimate of the total percentage of the parcel(s) covered by the existing on-site tree canopy; and
- c) The exact location, health, and size of all specimen trees located on the parcel(s) involved; however, the Department of Community Development may accept an approximation of the location, health, and size of specimen trees if the trees are not being counted towards the landscape requirements of this chapter, or if the trees are located within a designated Tree Protection Zone.

d. Tree Canopy Retention Standards

A percentage of the existing tree canopy shall be retained on a site or parcel in accordance with the Table 3-2, Tree Canopy Retention Standards.

TABLE 3-2 TREE CANOPY RETENTION STANDARDS			
EXISTING TREE CANOPY COVER (AS A PERCENTAGE OF THE TOTAL SITE SIZE)	PROTECTION OF SPECIMEN TREES MINIMUM REQUIRED TREE CANOPY RETENTION BY ZONING DISTRICT [1] (AS A PERCENTAGE OF THE TOTAL TREE CANOPY COVER)		
	TC, T1, T2, T3, D-1, D-2, & D-3	NC, CC, T4, T4O, & T5	IL & IM
80% - 100%	30%	15%	12%
60% - 79%	36%	18%	13%
40% - 59%	45%	22%	14%
20% - 39%	48%	24%	15%
19% or less	54%	26%	16%
<p>NOTES:</p> <p>Lots smaller than one acre, and lots with lawfully established existing uses are exempt from the tree canopy retention standards but may be subject to the specimen tree and other tree protection requirements in this subsection as determined by the Town.</p> <p>Illustrative example:</p>			

The aerial tree inventory reveals that the existing tree canopy on a hypothetical 100,000 square foot lot covers 75 percent of the lot. The site is proposed for use as a residential subdivision. The minimum required tree canopy retention for this hypothetical site is 27 percent of the site's total area ( $0.75$  [existing tree cover percentage]  $\times$   $0.36$  [required retention percentage] = 27 percent), yielding a Tree Protection Zone of 27,000 square feet ( $0.27$  [tree save area as a percentage of the site]  $\times$   $100,000$  [site size]).

i. Tree Protection Zone

The trees that compose the existing tree canopy to be retained on a lot or development site shall be located within an area referred to as the "Tree Protection Zone", which shall include the area occupied by the critical root zone of all healthy trees being retained in accordance with this subsection.

ii. Designation of Tree Protection Zone

All Tree Protection Zones shall be identified for protection in a form acceptable to Town Staff (e.g., open space lot, a platted lot subject to a deed restriction, a conservation easement, dedication to the Town, etc.), and shall be areas where the existing tree canopy will be maintained, and where buildings shall not be located. The Tree Protection Zone shall be depicted on the Preliminary Plat, Site Plan, or Grading Plan, whichever is appropriate. The Tree Protection Zone shall also be depicted on the Final Plat, if required prior.

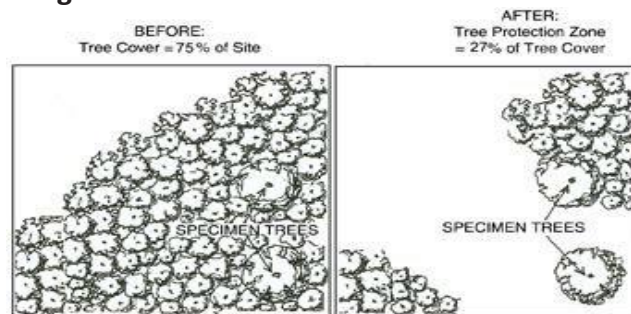
iii. Retention Areas

In determining the location of the Tree Protection Zone, the Department of Community Development shall require trees to be retained based on the quality of natural and cultural resources on the site, the condition of the trees, and similar considerations. The following locations shall be considered as priority areas by the Department of Community Development in establishing the location of the Tree Protection Zone (in no particular order of importance):

- a) Woodland forests containing specimen trees and their associated critical root zones (especially those areas greater than five acres);
- b) Areas containing specimen trees and their associated critical root zones;
- c) Lots or sites within the Ridgeline and Hilltop Protection Area (RHPA);
- d) Hillcrest setback areas and hillsides with slopes of 20 percent or greater;
- e) Areas containing hedgerows or fencerows and their associated critical

- root zones;
- f) Areas needed to buffer historic structures;
- g) Riparian buffers, wetlands, or natural drainage courses;
- h) Habitat used by endangered or threatened species;
- i) Scenic corridors, gateways, and views;
- j) Areas that could serve to extend existing greenways, trails, parks, or recreation areas; and
- k) Areas needed for required landscape (e.g., buffers, perimeter landscape strips around vehicular use areas, etc.).

**Figure 3.1 Tree Protection Zone**



- iv. Credit Towards Open Space and Landscape Requirements
  - a) The geographic area occupied by a Tree Protection Zone shall be credited towards the open space standards in Section 3.5, Civic and Open Space Standards.
  - b) Only those trees meeting the location, species, health, and minimum size requirements applicable to new landscape materials shall be credited and the applicant shall be responsible for demonstrating how retained trees meet the standards of this ordinance.
  - c) Existing viable trees meeting the minimum size requirements for new plantings that are located inside a Tree Protection Zone and within 30 feet of a lot line shall be credited towards the planting requirements for a buffer along that same lot line.
  - d) Existing viable trees meeting the minimum size requirements for new plantings that are located in the Tree Protection Zone and within 20 feet of the perimeter edge of an off-street parking lot shall be credited towards the parking lot area perimeter landscape

requirements.

- e) Existing viable trees meeting the minimum size requirements for new plantings that are located within a Tree Protection Zone and are not credited towards buffer or parking lot area requirements may be credited towards the site landscape requirements in Subsection 4.14, Landscaping Standards.

v. Damage or Destruction of Trees

Damage or destruction of trees due to excessive pruning or topping shall constitute a violation of the ordinance and result in the prescribed replacement and/or mitigation of the damaged trees.

vi. Removal of Trees in a Tree Protection Zone

Except as allowed by this section, removal, damage, or destruction of trees within a Tree Protection Zone shall be a violation of this ordinance. Removal, damage, or destruction of trees in a Tree Protection Zone shall require mitigation in accordance with the following standards:

a) Replacement Trees Required

Any tree that is damaged or removed from the Tree Protection Zone shall be replaced with one or more trees having a diameter of at least two inches in caliper and a cumulative caliper measurement equal to or greater than the tree that is damaged or removed. If the caliper inches removed cannot be determined, the area subject to tree removal shall be replanted at the rate of 80 trees an acre for each acre disturbed, or portion thereof. Replacement trees shall not be used to meet any other landscape requirements.

b) Location of Replacement Trees

Replacement trees for trees removed from the Tree Protection Zone shall be either planted in the Tree Protection Zone or, in cases where adequate room is not available, planted elsewhere on the lot or development site. In cases when adequate room on the lot or development site is not available, mitigation may take the form of an agreement as approved by the Town Attorney.

c) Landscape Requirements Increased

In cases where land disturbing activity removes or damages trees on a lot or site that is part of a larger development (such as the first phase in a multi-phase development), the planting rates for all required landscape areas associated with any subsequent

development on the site or in the same Development Plan, Preliminary Plat, or Site Plan shall be 150 percent of the minimum requirements specified in Section 4.14, Landscaping Standards.

d) Temporary Stay on Approvals

Following notice of violation related to this subsection by the Department of Community Development, all reviews and/or approvals of development permit applications for the site from the date of the violation until:

- 1) A replacement plan has been approved by the Department of Community Development and a schedule for replacement has been approved by Town Staff; or
- 2) An agreement issued by the developer/property owner for replacement has been approved by the Town Attorney.

e. Tree Removal on Lots with Existing Uses/Not Developing Uses

i. Purpose and Intent

The standards in this subsection are intended to regulate the removal of trees on lots of record larger than one acre that contain an existing lawfully established attached residential or nonresidential uses that may have existing vegetation meeting the landscape requirements from previous versions of this ordinance. The standards in this subsection are also intended to address tree removal on platted residential lots larger than one acre (with or without an existing use). A Tree Protection Zone shall not be established on such lots.

ii. Where Required

The standards in this subsection shall be applied during review of applications for Tree Removal Permits on lots of record containing lawfully established existing attached residential and nonresidential uses and on platted residential lots larger than one acre in size (with or without an existing use). These standards shall not be applied to lots containing detached residential uses smaller than one acre in size.

iii. Removal Standards

Except as allowed by this section, trees proposed for removal shall:

- a) Be located on the same lot as a legally established use;
- b) Not be within a Tree Protection Zone or on an open space lot;



- c) Not be a part of required landscape material or contribute to the screening function of a required landscape area;
- d) Not be the subject of a condition of approval requiring their retention; and
- e) Not be a specimen tree.

iv. Replacement

Replacement trees shall be required at a 1:1 ratio for each caliper inch removed.

f. Protection of Specimen Trees

Specimen trees are considered to be: (1) any canopy tree with a diameter of 24 inches or greater or (2) any understory tree with a diameter of eight (8) inches or more measured four-and one-half feet above grade (Diameter at Breast Height, DBH). All specimen trees shall be protected on all lots in accordance with the following standards:

i. General Protections

All specimen trees shall have the following protections, whether located on public or private land:

a) Cutting, Removal, or Harm Prohibited

Except as allowed by this section, specimen trees shall not be cut, removed, pushed over, killed, or otherwise harmed; and

b) Disturbance Prohibited

The area within the critical root zone of any specimen tree shall not be subject to any disturbance unless, the disturbance is based on an ISA certified arborist report stating that the proposed construction shall cause no harm to the tree, and as approved by the Community Development Department.

c) Single-family residential lots of one acre or less in size and used as a single-family residence shall be exempt from this section.

ii. Removal

Except in cases where a tree is determined by the Department of Community Development as diseased, dying, or structurally unsound, the Town shall allow removal of specimen trees only if the Planning Director or designee, has reviewed and approved a Development Plan, Site Plan, or Infrastructure Plans in conjunction with a plat that

satisfactorily documents the tree canopy cover and associated proposed specimen tree preservation, removal, and replacement or the landowner demonstrates all of the following standards are met:

- a) The site is otherwise in compliance with this subsection;
- b) The specimen tree is outside a Tree Protection Zone;
- c) The specimen tree is an obstacle to access on the lot or site and no alternative exists for relocating such access; and
- d) Replacement trees are provided in accordance with this subsection.

iii. Replacement

Except in cases where a specimen tree has been determined as diseased, dying, or structurally unsound, the following standards shall be applied following removal of a specimen tree:

a) Replacement Trees Required

Two (2) caliper inches of replacement trees shall be provided for each caliper inch of specimen tree removed. Each replacement tree shall be a minimum of two (2) caliper inches and shall either be replanted within 12 months of the removal of the specimen tree, or within a timeframe approved by the Department of Community Development. Replacement trees shall not be used to meet any other landscape requirements.

b) Location of Replacement Trees

Replacement trees shall be either planted on the lot or site where the specimen tree was removed; however, in cases where space on the lot or site is insufficient, mitigation may take the form of an agreement approved by the Town Attorney.

g. Tree Protection During Construction

h. Owner's Responsibility

During development, the owner or developer shall be responsible for the erection of all barriers necessary to protect any existing or installed trees from damage both during and after construction in accordance with the standards of this subsection.

ii. Tree Protection Fencing

a) Where Required

All specimen trees, trees in a Tree Protection Zone, and trees intended for use as credit towards the landscaping standards of

this ordinance shall be fenced in accordance with this subsection before grading or other land-disturbing activity begins. Fencing shall extend at least one foot in distance from the edge of the tree for each inch of DBH, so that, at a minimum, each tree’s critical root zone is protected, but no case shall the tree fence be less than ten feet from the trunk. The Department of Community Development shall consider existing site conditions in determining the exact location of any tree protection fencing.

b) Type of Fencing

All fencing required by this subsection shall be chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.

c) Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one sign for every 150 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish: “TREE PROTECTION ZONE: KEEP OUT. ZONA DE LA PROTECCION DEL ARBOL. NO SE PERMITE ENTRAR”.

d) Trenching Prior to Clearing Activities

The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and- one-half inches and a minimum depth of 30 inches shall be cut along the limits of land disturbance, so as to cut, rather than tear tree roots.

e) Inspection

All tree protection measures shall be inspected and approved by the Department of Community Development prior to start of any land disturbing activities. Failure to have tree protection measures prior to the commencement of construction is a violation of this ordinance.

f) When Required

The tree protection fencing shall be clearly shown on the Site Plan, Grading Plan, or other plan, as required by Town Staff. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area except in accordance with the standards of this subsection. Fencing shall be maintained until the land disturbance activities are complete.

iii. Encroachments into Root Zones

Encroachments within the root zones of trees protected in accordance with this subsection shall occur only in rare instances, such as required for the installation of streets, vehicular drives, sidewalks, utilities; and no alternatives exist, or alternative exist, but are impractical. If such an encroachment is anticipated, the following preventive measures shall be employed prior to the encroachment:

a) Arborist Report

Written verification is prepared by a qualified arborist of the tree's condition before and after the encroachment, including preventive measures that shall be employed prior to, during, and after the encroachment to insure the viability of the tree.

b) Soil Compaction

Where compaction might occur due to traffic or materials through the protection area, the area shall first be mulched with a minimum four-inch layer of wood chips or a six- inch layer of pine straw. Equipment or materials storage shall not be allowed within the Tree Protection Zone.

c) Effluent

In no instance shall any effluent associated with construction process, including fueling, concrete mixing, pouring, or rinsing processes, drain onto lands protected by tree protection fencing or other control measures.

iv. Monitoring and Maintenance of Tree Protection

Owners of land shall be responsible for the preservation and maintenance of all trees required to be saved and protected under this section.

### 3.4 Floodplain Regulations

#### 3.4.1 General Provisions

a. Application

This Ordinance shall apply to all areas within the incorporated area of the Town of Thompson's Station, Tennessee.

b. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified in the Town of Thompson's Station, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers Beginning with map panel number 47187CO330F & including panels: 335F, 340F, 345F, 355F & 365F dated

September 29, 2006 along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

c. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

d. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

e. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

f. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

g. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Thompson's Station, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

h. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication there- fore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered

a separate offense. Nothing herein contained shall prevent the Town of Thompson's Station, Tennessee from taking such other lawful actions to prevent or remedy any violation.

### 3.4.2 Administration

#### a. Designation of Ordinance Administrator

The LDO Administrator is hereby appointed as the Administrator to implement the provisions of this Ordinance.

#### b. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

##### i. Application stage

- a) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the flood-proofing criteria in §3.4.3 Provisions for Flood Hazard Reduction.
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

##### ii. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct

supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

c. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

- i. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- ii. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- iii. Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- iv. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- v. Assure that the flood carrying capacity within an altered or relocated portion of any water- course is maintained.
- vi. Record the elevation, in relation to mean sea level or the highest adjacent

grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with §3.4.2.b.

- vii. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with §3.4.2.b.
- viii. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with §3.4.2.b.
- ix. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- x. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Thompson's Station, Tennessee FIRM meet the requirements of this Ordinance.
- xi. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

### 3.4.3 Provisions for Flood Hazard Reduction

#### a. General Standards

In all areas of special flood hazard, the following provisions are required:

- i. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- ii. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- iii. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;



- iv. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- v. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- vi. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- vii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- viii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- ix. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of “new construction” as contained in this Ordinance;
- x. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- xi. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- xii. All subdivision proposals and other proposed new development proposals shall meet the standards of §3.4.3.b;
- xiii. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- xiv. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

b. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in §3.4.3.a, are required:

i. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in §1.3 Definitions). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

### ii. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in §1.3 Definitions). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice

for meeting the provisions above, and shall provide such certification to the Administrator as set forth in §3.4.2.b.

iii. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of §3.4.3.b.

iv. Standards for Manufactured Homes and Recreational Vehicles

- a) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the

manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

- 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in §1.3 Definitions).
  - c) Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of §3.4.3.a and §3.4.3.b.
  - d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - e) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
    - 1) Be on the site for fewer than 180 consecutive days;
    - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
    - 3) The recreational vehicle must meet all the requirements for new construction.
- v. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical, telecommunications, and water systems located and constructed to minimize or eliminate flood damage.
- c) All subdivision and other proposed new development proposals shall have adequate

drainage provided to reduce exposure to flood hazards.

- d) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (§3.4.3.e).

c. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in §3.4.1.b, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- i. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Thompson’s Station, Tennessee and certification, thereof.
- ii. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §3.4.3.a and §3.4.3.b.

d. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- i. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not

increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- ii. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.
- e. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones) Located within the Special Flood Hazard Areas established in §3.4.1.b, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:
  - i. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of §3.4.3.a and §3.4.3.b.
  - ii. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
  - iii. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in §1.3 Definitions). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in §3.4.2.b. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of §3.4.3.b.
  - iv. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty(20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Thompson's Station, Tennessee.

The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- v. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §3.4.3.a and §3.4.3.b. Within approximate A Zones, require that those subsections of §3.4.3.a and §3.4.3.b dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

f. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in §3.4.1.b, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in §3.4.3.a and §3.4.3.b, apply:

- i. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of §3.4.3.b.
- ii. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required



in accordance with §3.4.2.b.

- iii. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

g. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in §3.4.1.b, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of §3.4.2 and §3.4.3 shall apply.

h. Standards for Unmapped Streams

Located within the Town of Thompson's Station, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

- i. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
- ii. When anew flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §3.4.2 and §3.4.3.

3.4.4 Legal Status Provisions

a. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Thompson's Station, Tennessee, the most restrictive shall in all cases apply.

**3.5 Lot Standards**

- 3.5.1 Each lot shall contain a sufficient building site such that there will be no foreseeable difficulties, for reasons of topography, slope/foundation stability, flood hazards, or other conditions in locating the structures and driveway access to the structures upon such lot. All lots shall have dimensions and area sufficient to ensure that the building setbacks and yards are in compliance with any zoning ordinance. No building site shall include any land defined as unsuitable for development by the provisions of §3.2.1 Land Unsuitable for Development.



- 3.5.2 In evaluating the layout of lots and open space the following criteria shall be considered by the TSPC as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of these regulations. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the TSPC shall evaluate proposals to determine whether the proposed plan:
- a. Protects and preserves all floodplains, wetlands, and steep or unstable slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).
  - b. Designs around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands, (greater than five (5) acres), especially those containing many mature trees or significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than twenty (20) percent should be avoided. When any woodland is developed, great care shall be taken to the fullest extent that is practicable to design all disturbed areas (for building, roads, yards, wastewater/septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas.
  - c. Protects wildlife habitat areas of species listed as endangered or threatened by the U.S. Environmental Protection Agency or the Tennessee Department of Environment and Conservation.
  - d. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.
  - e. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing arterials. Establishes buffer zoning districts along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
  - f. Landscapes common areas (such as community greens) and both sides of new streets with native species shade trees and flowering shrubs. These trees shall generally be located between the sidewalk or footpath and the edge of the street, within a planting strip not less than five (5) feet in width.
  - g. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
  - h. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties, activities, and/or special features within the neighborhood open space system. All side paths, greenways,

trails, or sidewalks should connect with public or private off-road trails, greenways, or multimodal network, which in turn should link with potential open space on adjoining undeveloped parcels, developed open space on developed parcels, parkland, and/or other activity anchors throughout Town. Each development shall provide multimodal features in support of the Town's Policy Plans goal of creating a walkable, bikeable, and interconnected community.

- i. Provides open space that functions as an overall network. Long thin strips of disconnected informal open space shall be avoided, unless the conservation feature is linear, severing a design purpose that elevates the overall subdivision design, or unless such configuration is necessary to connect with other streams or trails. Open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parkland, or properties owned by or leased to private land conservation organizations). Such subdivision open space shall be designed as part of large contiguous and integrated pedestrian, bikeway, and greenway systems.

### 3.5.3 Creation of New Lots Subject to Flood

Buildable lots created after July 1, 2024, shall not be located within or contain any portion of the floodplain, as determined by FEMA and the FIS. Any portion of a subdivision within the floodplain shall be platted as open space and/or a non-buildable lot.

### 3.5.4 Water Bodies and Watercourses

If a tract being subdivided contains a water body, or portion thereof, such area shall generally be placed within jointly held open space. The TSPC may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

Where a watercourse separates a buildable area of a lot from the public way to which such lot has access, provisions shall be made for installation of a culvert of adequate overflow size or other structure approved by the TSPC. No Certificate of Occupancy shall be issued for a structure on such a lot until the installation is completed and approved.

### 3.5.5 Lots with Building Sites on Steep Slopes

Due to the potential threat to health and safety posed by development located on lands with steep slopes, the following regulations shall apply:

- a. Building Sites on Slopes over 20%

Pursuant to §3.2.1 Land Unsuitable for Development, land with slopes in excess of 20% shall be considered land unsuitable for development and shall not be disturbed.

- b. Building Sites with Slopes of 14 to 19%

The preliminary Plats, Final Plats, Site Plans, and Planned Development Plans shall identify each lot with a slope of 14 to 20+% by placing a star on the lot. The legend

of the plat shall specify that no building permit will be issued on said lots until and unless the Town Engineer has received and approved a Critical Lot Plan

- i. The exact size, shape, and location of the lot,
- ii. The proposed location of all buildings, driveways, drainage ways, and utilities,
- iii. Proposed contours at vertical intervals of no more than two (2) feet,
- iv. The extent of natural tree cover and vegetation,
- v. The location of any on-site sewage disposal systems,
- vi. A building foundation plan,
- vii. The type and location of erosion control facilities.
- viii. The stamp of the Tennessee registered engineer who prepared the plan, or, if approved by the Town Engineer, a Tennessee registered land surveyor.

c. Site Development Standards

The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site. The Engineer’s certification required in §3.6.5.b.viii, above, shall address these standards:

- i. Natural vegetation shall be preserved to the maximum extent possible,
- ii. Natural drainageways and systems shall be maintained, except that surface water shall be diverted around a house or slope area to a natural drain using acceptable construction techniques,
- iii. Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible. These methods include filling, irrigation systems, and on-site soil absorption sewage disposal systems,
- iv. Where sanitary sewers are not available all on-site sewage disposal systems (including both primary and secondary drainage fields) shall be shown on the site plan and located to avoid slide-prone areas.
- v. Erosion control measures specified in the Tennessee Erosion and Sediment Control Handbook shall be employed and maintained to prevent soil from leaving the site. Additionally, soil from excavation on the site shall not be deposited as fill on a potential slide area.
- vi. No construction that would cut the toe of the slope beyond the soil’s natural angle of repose shall be permitted unless approved by the Town Engineer. This shall apply as well to subdivision roads constructed in

compliance with these regulations.

3.5.6 Lot Structure

- a. Lots shall conform to the Zoning District Bulk Standards Table 4-X of this Ordinance.
- b. Each lot shall generally have a primary frontage along the vehicular thoroughfare or an open space area. Exceptions to this may be approved by the TSPC on a case-by-case basis.
- c. Where lots have multiple frontages, one frontage line shall be designated as primary and any other frontage lines shall be designated as side yards.
- d. Double frontage lots shall be avoided, except where necessary to overcome specific disadvantages of topography and orientation. Other considerations may be reviewed by the TSPC on a case-by-case basis.
- e. Reversed frontage lots shall be prohibited.

3.5.7 Building Setbacks from High Voltage Electric Lines

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

VOLTAGE OF LINE	BUILDING SETBACK
7.2 KV	15 feet
13 KV	25 feet
46 KV	37.5 feet
69 KV	50 feet
161 KV	75 feet

3.5.8 Monumentation and Pinning of All Lots

Permanent reference monuments of non-degradable material shall be placed in all subdivisions where new streets and roadways are to be constructed. All monumentation shall be placed on property corners or referenced to property lines or road alignments. Certification by a Licensed Surveyor of placement of monuments shall be required. Monuments shall be located and set as follows:

- a. Control Monuments. At the discretion of the Town Engineer, a minimum of three (3) permanent control monuments, containing both vertical and horizontal data, shall be located within each sub-division where new roads are to be constructed. Such monuments shall be constructed of concrete not less than thirty (30) inches in length; or less than four (4) inches square or five (5) inches in diameter; and

marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. Iron Bar Monuments may be used and shall be no less than five-eighths (5/8) inch in diameter and not less than twenty-four (24) inches in length. Both shall have a permanent metal cap with a minimum diameter of two and one-half (2½) inches with the Land Surveyor's name and license number. Monuments shall have horizontal coordinates and vertical elevations shown on the final plat. Reference notes (field ties) defining magnetic bearings and distances to the nearest established street line or official benchmark shall be accurately described on the plat. All control monuments shall be located within dedicated right-of-way along curve points or lot lines and within line of sight of one another. All horizontal and vertical data shall be referenced to TN NAVD83 4100 State Plan Coordinates and North American Vertical Datum 1988 (NAVD88) or current acceptable equivalent. These monuments are to be placed near the entrance to the subdivision and, if possible within a non-fill area or be affixed to natural rock outcrops. The location of all control monuments shall be described on the final plat and any as-built submitted to the Town with words and symbols that facilitate locating them at the site.

- b. Internal Monuments and Lot Pins. One internal (1) monument, for each four (4) lots located within the subdivision, shall be placed within line of sight of one another. Such monuments shall be placed within dedicated right-of-way, when possible, and shall be located within non-fill areas or affixed to rock natural outcrops. An internal monument shall be constructed to the same standards as a control monument minus the elevation data. In all subdivisions, lot corners and all lot line breaks shall be staked by iron rods, pipe, or pins at least eighteen (18) inches long and five-eighths (5/8) inch in diameter. Placement of iron pins under sidewalks should be avoided.
- c. Along Rivers and Streams. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and five-eighths (5/8) inch in diameter or by round or square iron bars at least eighteen (18) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not more than forty (40) feet back from the bank of the river or stream. At the discretion of the TSPC, a control monument meeting the specifications of this subsection, as described above, may be required upon any lot affected by the 100-year floodplain of any stream.

#### 3.5.9 Lot Drainage

- a. Lots shall be laid out to provide positive drainage away from all buildings and to not channelize flow across public sidewalks, public roadways, or adjoining properties. Drainage of individual lots shall be coordinated with the existing or proposed general stormwater management and the drainage pattern for

the area.

- b. Drainage shall be designed to avoid concentration of stormwater from each lot on to adjacent lots, except within drainage easements or street rights-of-way. Surface water drainage patterns for each and every lot shall be shown on the road and drainage plans. Drainage flow and conveyance arrows shall be indicated on the topographic grading and drainage plan. Driveways shall be either paved or graded in such manner as to avoid any collection of soil or gravel within any public Rights-of-Way.
- c. It shall be the responsibility of the builder of any building or other structure to design and construct a suitable drainage scheme that will convey surface water, without ponding on the lot or under the building, to the drainage system constructed within the subdivision.
- d. The Town Engineer reserves the right to require that the developer set minimum elevations on all floors, patios, building equipment, or other amenities that serve the overall development. This prerogative to establish elevation exists in addition to any ordinances or provision of these regulations that refer to floodplain elevation requirements. This provision is intended to give the TSPC summary review powers over any calculated or historical evidence of stormwater presence in overland or channel conditions.
- e. The subdivision developer will ensure that all artesian ground waters of a permanent or temporary nature encountered within the Right-of-Way shall be intercepted and carried away to primary drainage conduits along swales, ditches, or in underground pipes located on property line easements. Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing.
- f. All lots shall also conform to and comply with Section 3.3.12 Stormwater Management regulations of this Ordinance.

#### 3.5.10 Erosion and Sediment Control

There shall be a minimization of changes in the rate of natural erosion and sedimentation that result from the development process. An Erosion and Sediment Control Plan shall be presented with the Construction Documents and/or Site Plan for each development, as required by this Ordinance.

#### 3.5.11 Debris and Waste Created by Development

No cut trees, timber, construction debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, left on any lot, or deposited, in any natural drainageway (such as sinkholes, underground streams or channels, wet weather stream beds or floodways) or public way at the time of the issuance of a certificate of occupancy for the lot. Waste shall not be left or deposited in any area of the subdivision at any time. Debris

dumpsters with lids shall be required for construction debris disposal. A dumpster shall be required for every two adjacent lots at the time any construction activity begins. The dumpsters shall be of adequate size, maintained in a clean manner, the location shall be placed with clear site distance. The dumpsters shall be removed in a timely manner upon the completion of construction activities. All natural, vegetated material shall be shredded, chipped, or other means to use on-site. Burning of materials on-site shall be prohibited unless otherwise approved by Town Staff. If the developer intends to burn on-site materials, as described by this subsection, a Burn Plan shall be included with the Construction Documents or Site Plan, as required by this Ordinance.

#### 3.5.12 Lot Resubdivision Compatibility

##### a. Review of Approved Plat(s)

The land area and building setbacks of lots located upon any proposed plat involving resubdivision shall be generally governed by that noted on the original plat of subdivision or previously approved plans of development of which such subdivision is part. In any instance where such information was not incorporated in such instruments or is otherwise unavailable, the Town Planner shall review lots as provided in §3.6.12.b.

##### b. Determining Compatibility

Within areas previously subdivided and predominantly developed, lot sizes (area and width) and building setbacks resulting from a proposed resubdivision shall be generally in keeping with the frontage and area of the surrounding lots. The term “surrounding lots” shall mean all lots located within the same section of the original subdivision plat which meets the following criteria:

- i. Are located on the same and opposing block face that are within three hundred (300) feet of the boundary of the property proposed for resubdivision;
- ii. Abut each quadrant of a street intersection, when the proposal involves a corner lot; and
- iii. Abut or are directly across a public way from the proposed resubdivision.

#### 3.5.13 Utilities, Drainage and Telecommunication Easements

- a. Easements shall be provided for all proposed utilities, drainage, and technology (public and private), including but not limited to water, electric, sewer, drainage, fiber optic, cable, telecommunications, etc. to the satisfaction of the utility provider and the TSPC.
- b. Except as otherwise specifically provided herein, all building or building areas on lots within the Town shall have permanent and direct access to a public easement



for utilities, drainage, and/or telecommunication.

- c. No building may be constructed within the Town without such access. Access shall be suitable to provide ingress and egress to the buildings and other structures for water, sewer, telephone, cable, internet or any other similar telecommunication service, whether such service is offered through public and/or private entities. Any obstruction or encumbrance on such access, including any private easement that purports to prohibit or restrict access, shall be deemed a nuisance and in violation of this Ordinance.
- d. Easements a minimum of five (5) feet in width shall be provided for dry utilities, and easements a minimum of ten (10) feet in width shall be provided for wet utilities. The subdivider shall take such actions as necessary to ensure the coordination and continuation of utility easements established on adjacent properties. All easements, including but not limited to water, sewer, drainage, electric, cable, telecommunications, etc. shall be indicated on the plat and/or plan.

### **3.6 Access Management**

#### **3.6.1 General Provisions**

It shall be unlawful for any person to cut, break, or remove any curb along a roadway within the Town, except as herein authorized. The TSPC may make exceptions to any provisions of this section upon presentation of evidence that the exception shall not create any unsafe or hazardous conditions. Any exception request shall be made in writing to the Town Engineer with an initial submittal of a plat or plan, with all required supporting documentation, as required by Town Staff.

#### **3.6.2 Access to Lots**

The TSPC may require that lots shall not derive access from arterials and/or collector roads pursuant to the General Plan and the Major Thoroughfare Plan. Where driveway access from such public ways may be necessary for several adjoining lots, the TSPC may require that the lots be served by a combined access drive, alley, or rear lane in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector streets. Further, where any lot that derives access from a state highway, such access shall comply with TDOT requirements for driveway connections. No building permit shall be issued to any lot of subdivision unless and until TDOT approval of all driveway permit(s) for a lot or subdivision of lots is shown to the Town.

#### **3.6.3 Access to Lots by ROW or Private Easement**

Pursuant to Tenn. Code Ann. § 13-4-308, no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area unless the public way giving access to the lot upon which the building or structure is proposed to



be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way prior to that time or unless such way corresponds in its location and lines with a way shown on a subdivision plat approved by the TSPC, or on a Right-of-Way plat made and adopted by the TSPC, or unless such lot fronts upon a permanent easement which conforms to all rules, regulations and specifications set forth by this Ordinance.

In any instance where a permanent easement is used to provide access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50) feet in width. Where a permanent easement is proposed to provide access to more than one (1) lot or tract of land, an access way shall be constructed within the easement which will meet or exceed the standards for design and construction of public roads set forth in this Ordinance and the TSPC shall act to ensure that the responsibility for future maintenance of any such access way lying within a permanent easement remains solely with the benefited parties and that in no event shall the maintenance of such access way become a public responsibility.

#### 3.6.4 Driveways

##### a. General Provisions

- i. Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway. This determination shall be made by the Town Engineer.
- ii. The specifications and guidelines set forth in this Ordinance shall be applied to all roadways and properties that abut these roadways within the Town of Thompson's Station, unless otherwise indicated.
- iii. Any existing access locations, at the time of enactment of this Ordinance, that do not meet the minimum standards documented herein shall be deemed "non-conforming driveways." These non-conforming driveways shall be allowed to remain in use until such time as a change in use or intensity is requested of the Town by the property owner. No changes in use or intensity shall be granted until the offending driveway(s) shall be brought into conformity with this Ordinance.
- iv. In making a determination as to the location of driveway access, the following characteristics shall be considered:
  - a) Existing and proposed land use;
  - b) Existing traffic flow and future traffic demand;
  - c) Location and size of the property;
  - d) Layout and orientation of all structures on site;
  - e) Number of driveways on site to accommodate anticipated traffic;

- f) Number of driveways on existing adjacent and opposite properties and their spacing;
  - g) Location and carrying capacity of intersections within proximity of the property;
  - h) Proper geometric design of driveways;
  - i) Interior circulation; and
  - j) Speed of adjacent roadway(s).
- b. Location of Driveway Access
- i. Application of the driveway access location and design policy requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. Roads are classified as follows:
    - a) Interstate
    - b) Arterial
    - c) Collector
    - d) Local Roads
  - ii. Interstate, arterial, and collector roadways are determined in the Town's Major Thoroughfare Plan.

- iii. Driveways shall meet the following setback requirement from all parallel lot lines, based on the use of the property:

Table 3-4: Driveway Location Minimum Standards		
Country	Single-family residential	10 ft
	All other uses	20 ft
Town	Single-family & Multifamily residential	5 ft
	All other uses	20 ft
<p>Notes:</p> <p>1) When a single-unit truck or tractor trail is used as the design vehicle, the minimum required edge clearance shall be equal to the required driveway radius.</p> <p>2) Town &amp; Country jurisdiction areas are per the MTP.</p> <p>3) When driveways are to be jointly used through an access easement by two or more property owners, the property line separation requirements of this table may be waived. However, the access easement, signed by all property owners within the common development, must be provided to the Town for review and approval. The access easement, once approved by Town, shall be recorded with the Williamson County Register of Deeds</p> <p>4) A driveway using a joint access easement may be exempted from this standard, subject to the review and approval of Town Staff.</p>		

- iv. Driveway access to arterials or collectors roads shall be designed to ensure that parking and/or loading areas shall not require backing maneuvers in a public Right-of-Way.

- v. All developments shall have access to a public Right-of-Way. Access shall be through a public Right-of-Way or an access easement, as provided by this Ordinance. The following provides for the minimum number of access points, per type of development:

<b>TABLE 3-5: Number of Access Points Minimum Standards ‡ *</b>	
<b>Type of Development</b>	<b>Number of Potential Access Points</b>
<b>Individual Residential Lot</b>	<b>2 Max</b>
<b>One- and Two- Family Residential</b>	<b>1-30 Dwellings – 1 Min</b>
	<b>31-150 Dwellings – 2 Min**</b>
	<b>150+ Dwellings – 3 Min**</b>
<b>Multi-family Residential</b>	<b>1-100 Units – 1 Min</b>
	<b>101+ Units – 2 Min**</b>
<b>Nonresidential Developments</b>	<b>1-30 Parking Spaces – 1 Min</b>
	<b>31+ Parking Spaces – 2 Min</b>
‡Cross access to adjacent properties shall also be required as per Section 3.01(f). *These access points shall be considered the minimum for each type of development. Exceptions and access points in addition to those listed in this chart may be approved by TSPC, per Section 3.6.1. **Where two or more access points are required. They shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the development to be served, measured in a straight line between accesses.	

- vi. For corner tracts, primary access shall be provided from the lesser (lowest classification) roads. The determination as to the lesser (or greater) road shall be based on the functional street classification of the jurisdiction. For corner lots with access on similarly classified roads, access shall be determined by Town Staff.
- vii. No cuts through a left turn reservoir of a median shall be permitted in order to provide for left turn movements to driveway approaches.
- viii. Driveways in right turn lane transition areas shall not be permitted.
- ix. Driveways shall not be permitted in the corner clearance area of an intersection as defined in section 3.6.11 Corner Clearance.
- x. When a commercial or multifamily development abuts more than one

public road, access shall be provided from the lesser (lowest classification) road. Access to each abutting road may be allowed only if the following criteria are met:

- a) It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The Town Engineer may require the submittal of a traffic study which demonstrates that such access is required.
- b) The minimum requirements for the corner clearance for commercial or multifamily driveways are met.

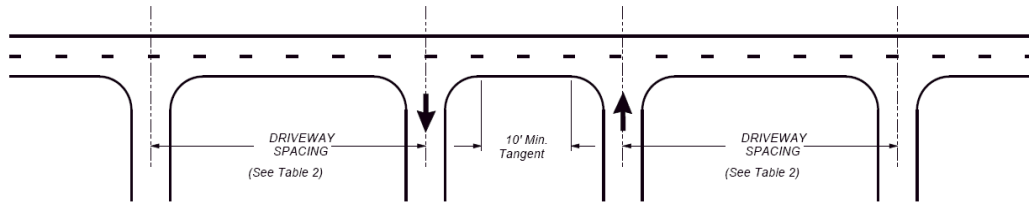
xi. Driveway Spacing

- a) Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or road.
- b) Separation between driveways on all arterials and collectors shall be based upon the functional classification of the roadway in accordance with Table 3-6.

TABLE 3-6: Driveway & Roadway Spacing Minium Standards ‡ *		
	Town	Country
Principal Arterials	440	660
Minor Arterials	330	440
Collectors	220	330
‡Distance used for the above regulations shall be measured in feet *Spacing requirements shall only apply to adjacent driveways on roadways with medians.		

xii. Spacing of One-Way Driveways

- a) Spacing standards shall not apply to the distance between two one-way driveways (driveway pairs). A driveway pair shall be separated from another driveway pair by the distance between, as shown in the figure below. A driveway pair shall be separated from all other adjacent driveways in accordance with Table 3-5.



- xiii. If driveway spacing, as required by this Ordinance cannot be achieved, then the TSPC may require a system of joint-use driveways and cross-access easements.

### 3.6.5 Additional Design Standards for Nonresidential and Multifamily Driveways

- a. All two-way nonresidential driveways shall be constructed with a minimum horizontal width of twenty-four (24) feet and a maximum horizontal width of thirty-six (36) feet. All one-way nonresidential driveways shall be constructed with a minimum horizontal width of twelve (12) feet.
- b. All drives serving nonresidential property shall be paved with concrete or an asphalt surface. Lanes shall be clearly designated, and lane uses shall be clearly and permanently marked.
- c. The centerline of every nonresidential driveway shall intersect the centerline of the public way at an angle between seventy-five (75) and ninety (90) degrees.
- d. Any additional design standards outlined in Section 3.8.11 Intersections shall be followed for nonresidential and multifamily developments.

### 3.6.6 Additional Design Standards for Residential Driveways

- a. In no case shall the driveway slope exceed 10% in the first 15 feet measured from the back of the sidewalk.
- b. Where the potential exists for gravel or soil to be washed from a driveway onto the public ROW such driveways shall be paved to the ROW boundary or otherwise stabilized for a distance sufficient to prevent material from migrating onto public property.

### 3.6.7 Interior Circulation and Driveway Throat Depth

- a) Interior driveways, parking aisles, and site vehicular circulation patterns shall be designed in order to minimize impacts to public roadways.
- b) Nonresidential uses shall provide a minimum throat depth of 30 feet to provide for efficient and safe stacking of vehicles onto a public Right-of-Way.

### 3.6.8 Driveway Consolidation and Shared Access Requirements

In any development or subdivision within Town, driveway consolidation shall be a priority to minimize the total number of access points along Town roadways in order to increase safety and reduce congestion. Therefore, cross-access easements shall be required as part of a Preliminary Plat, Final Plat, Site Plan, and/or Planned Development Plan, as applicable, as follows:

- a. Cross access easements shall be required between adjacent lots fronting on arterial and collector streets. The locations and dimensions shall be reviewed and approved by the Town Engineer.
- b. A stub for future cross access shall be provided from the vehicular use area to all adjacent vacant land designated for attached residential, nonresidential, or mixed-uses.
- c. A minimum distance of 40 feet shall be required between a cross-access way and driveway entrance apron, as defined by closest edge or roadway pavement to closest edge of driveway pavement.
- d. Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 22 feet or through two one-way aisles each with a minimum width of 11 feet. The maximum median separation width shall be 15 feet with a left-turn pocket or four feet without a left-turn pocket.
- e. When cross-access is determined to be impractical by the Town Staff on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. If an applicant disagrees with the determination of the Town Staff the applicant may appeal the decision to the TSPC or BOMA, depending on the type of application.
- f. A cross-access easement shall be recorded prior to issuance of a Certificate of Occupancy for any portion of the development.

#### 3.6.9 Cross-Street Driveway Alignment

Driveways shall be designed and constructed so as to align with driveways or streets on the opposite side of the roadway. The alignment of through movements crossing the roadway shall be such that abrupt shifts in the travel pattern are not required.

- a) Adjacent commercial or office properties classified as major traffic generators, as defined by Town Staff, shall provide a cross access drive and pedestrian access to allow circulation between sites.
- b) A system of joint use driveways and cross access easements shall be established wherever feasible along the frontage and/or between parking areas and the building site shall incorporate the following:

- (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with this access management ordinance.
  - (2) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
  - (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  - (4) A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
- c) The TSPC may modify or waive the requirements of this section where the natural characteristics or existing condition of abutting property(ies) would make development of a unified of shared access and circulation system impractical.
- d) Pursuant to this subsection, as part of any development, property owners shall:
- 1) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access/service drive.
  - 2) Record an easement with the deed that remaining access rights along the roadway will be dedicated to the Town and pre-existing and/or nonconforming driveways shall be closed and eliminated after construction of the joint-use driveway.
  - 3) Record a joint maintenance agreement with the deed defining maintenance responsibility of properties owners for the joint access driveway.

### 3.6.10 Turn Lanes

- a) Deceleration Lanes
  - 1) Left turn/Right turn deceleration lanes may be required, as determined by the Town Engineer at new driveway or roadway accesses and shall be designed in accordance with TDOT and/or Town of Thompson's Station regulations.
- b) Right-turn/Acceleration Lanes
  - A) Where required, Right-turn/Acceleration lanes shall be a minimum of 50 feet in length, with an additional 100-foot long taper. The length may be required to be increased by the Town Engineer, if



supported by a traffic study.

3.6.11 Minimum Corner Clearance

- a. Corner Clearance for driveway access shall meet or exceed the minimum driveway spacing requirements for that roadway, per the standards of this Ordinance.
- b. All corner lots shall be of adequate size to provide corner clearance on road frontage.
- c. No driveway approach shall be located closer to the corner than per Table 3-7 Coner Clearance Requirements:

TABLE 3-7: Corner Clearance Minium Standards			
Classification of Intersecting Street	Classification of Street to be Accessed by Driveway		
	Principal & Minor Arterials	Collectors	Local
Principal & Minor Arterials	200 ft	150 ft	100 ft
Collectors	150 ft	100 ft	50 ft
Local	125 ft	50 ft	50 ft

Functional Classification are based on the Town of Thompson’s Station adopted Major Thoroughfare Plan

- d. Measurements shall be taken from edge of pavement to the centerline of the driveway. When these requirements cannot be met due to lack of frontage, the driveway may be located such that the radius shall begin at the farthest property line.

3.6.12 Traffic Signals

- a. Traffic Signals shall be designed per the Town Roadway Design Specifications.
- b. Spacing
  - i. Spacing of traffic signals shall be the table, below:

**Table 3-8: Traffic Signal Spacing Minium Standards ‡ \***

	Town	Country
Desirable	1320	2640
Minimum	1000	1320

‡Distance used for the above regulations shall be measured in feet  
 \* Under certain conditions, better operation may result from the introduction of signals with less spacing if the alternative forces high volumes of traffic to an adjacent intersection. When the applicant can show, through a Traffic Impact Study, that better operations can be achieved with less spacing, an exception will be considered. Signal spacing shall be determined based upon corridor performance rather than individual access requests.

c. Traffic Signal Timing

- i. In all cases, new signals shall be coordinated with existing signals along that corridor to facilitate traffic flow. For any undeveloped sections of a corridor, two-mile spacing should be considered. Any development that impacts an existing signal shall submit updated signal timing plans along with the TIS, as required by this Ordinance.

3.6.13 Relationship to State Standards

- a. Where the driveway design and location standards listed above are not in conformance with the standards of the TDOT, the more restrictive shall apply.
- b. The Developer/Owner shall apply for any applicable permit(s) and comply with TDOT requirements for driveway connections for all lots fronting a state highway. Developer/Owner shall provide the Town with documentation showing TDOT's approval of the lot driveway permits for all lots fronting a state highway within the subdivision, as required before the issuance of any building permit for any subdivided lot fronting a state highway.
- c. Any revision to approved plans due to TDOT standards shall require updated plans to be resubmitted to the Town for review and re-approval.

**3.7 Block Standards**

3.7.1 Network of Thoroughfares

The following standards shall apply to all thoroughfares, both public and private. The arrangements, character, and location of all thoroughfares shall conform to the Major Thoroughfare Plan and should consider their relationship to existing and other planned thoroughfares, topographical conditions, dust and surface drainage both in and through the subdivision, public safety, their appropriateness to the proposed uses of the land to be served by such thoroughfares. The layout and design of thoroughfares shall:

- a. Be laid out to distribute traffic throughout the vicinity of the subdivision and connect it to the Town's thoroughfare network.
- b. Be laid out and designed to discourage excessive speeds.
- c. Continue existing thoroughfares where they terminate at the bounds of the proposed subdivision.
- d. Provide stub thoroughfares to the edge of the subdivision where conditions permit the later extension of thoroughfares into adjacent parcels.
- e. Conform to any plan for the vicinity of the subdivision that has been approved by the Town.
- f. Along a railroad right-of-way or limited access highway right-of-way, or where a ford crosses a river or stream, the design shall provide a parallel thoroughfare at a distance suitable for the development of the intervening land according to its zoning district. The design shall also provide sufficient space for the safe operation of signals and queuing of traffic.
- g. When a traffic signal is required, the signal shall be designed for safe and efficient traffic operation. Signal design shall comply with the standards incorporated within the MUTCD. All signals shall include the use of mast arms, illuminated street name signs and shall contain the latest technology for traffic control.
- h. Ensure that both ends of every thoroughfare segment terminate at an intersection, and that the thoroughfares form a network bounding blocks and extending in all available directions. The Town Planner may grant deviations to this requirement where the terrain or the width of the parcel to be subdivided is such that it is not practical to serve an area except by a cul-de-sac. No cul-de-sac shall exceed 600' or 1/2 block in length for its zoning district, to the center of its bulb.

### 3.7.2 Block Standards

#### a. Block Lengths

Block lengths shall not exceed 600 linear feet between the ROW edge of intersection streets. The TSPC may consider extensions of a block length on developments where environmental constraints, such as slopes or floodplain exists, or if the property has an irregular shape; however, in no case shall any individual block exceed a maximum of 800 linear feet.

#### b. Block Width

To the maximum extent practicable, the width of any block shall be sufficient to permit at least two (2) tiers of lots of appropriate depth for the base zoning district, exclusive of any public alleys, watercourses, or other ROW located outside of the platted lot. This standard shall not apply to areas that contain

steep slopes over 10%, where it is more desirable to reduce environmental impacts of the overall development.

c. Internal Mid-block Pedestrian Access

In cases where a block length exceeds 600 feet, sidewalks or paved paths, in an easement and/or open space lot, shall be provided mid-block internally to connect parallel roads and/or open space areas on the long side of the block.

**3.8 Public Roadways**

3.8.1 Public roadways within Town shall be designed according to this subsection. All public roadways shall be designed in accordance with their location, per the Character Area Context Map, as adopted in the Major Thoroughfare Plan. Those public roadways within the Town Character Area shall be designed according to the Town cross sections and design standards. Private roadways shall be constructed to public standards.

3.8.2 Existing Road Dedication Standard

The TSPC shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An owner of private property required to make a dedication or pay money in violation of this Subsection may seek relief through a common law writ of certiorari in chancery court.

3.8.3 Minor Subdivisions

Where a Minor Subdivision borders an existing road with a right-of-way width that is less than that required for the classification of the road called for in the Major Thoroughfare Plan or when the Major Thoroughfare Plan indicates the realignment or widening of a road that would use some of the land in a proposed subdivision, the applicant shall be required to reserve right-of-way along the property frontage necessary for such widening and realignment.

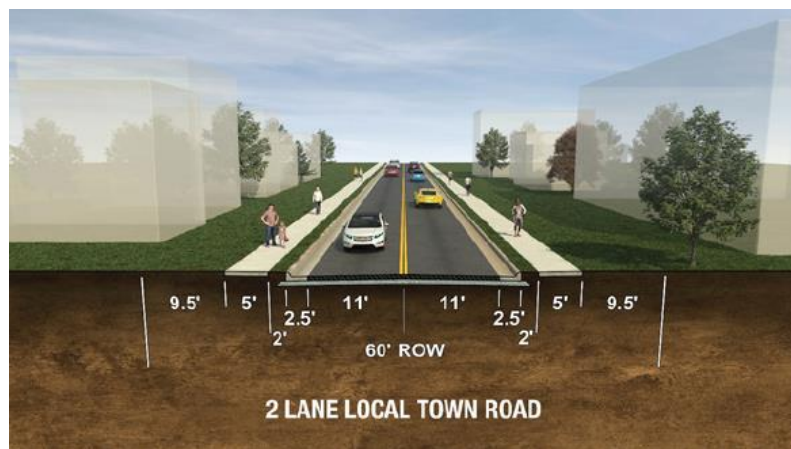
3.8.4 Major Subdivisions

Where a Major Subdivision borders an existing road with a right-of-way width that is less than that required for the classification of road called for in the Major Thoroughfare Plan or when the Major Thoroughfare Plan indicates the realignment or widening of a road that would use some of the land in a proposed subdivision, the applicant shall be required to either reserve right-of-way or provide a dedication for the land necessary for such widening and realignment

along the property frontage, subject to the standards outlined herein. Some Major Subdivisions may be required to conduct a traffic study, based upon the criteria outlined herein. Additionally, the applicant may be required to improve said widened or realigned road or make off-site road improvements based upon the requirements of this Ordinance or other Town rules and regulations.

3.8.5 Town Roadway Standards

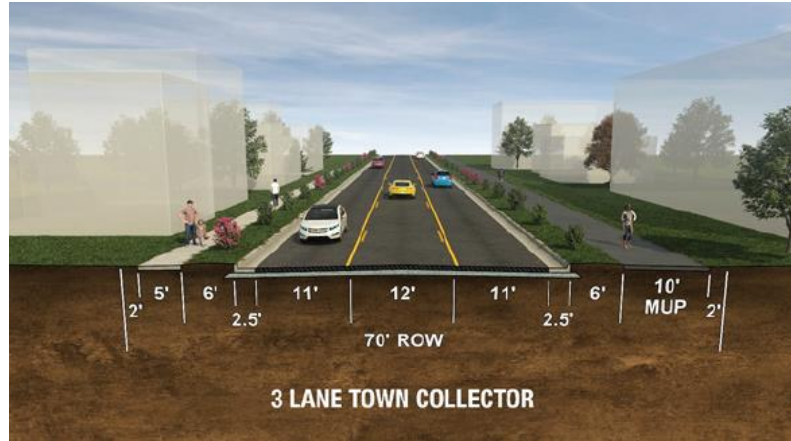
Each and every road shall be constructed per the following cross section according to its roadway classification. In areas not specifically covered by the Major Thoroughfare Plan, the Town Engineer shall assign the appropriate classifications, based on the development and location, in proximity to established Town roadways.



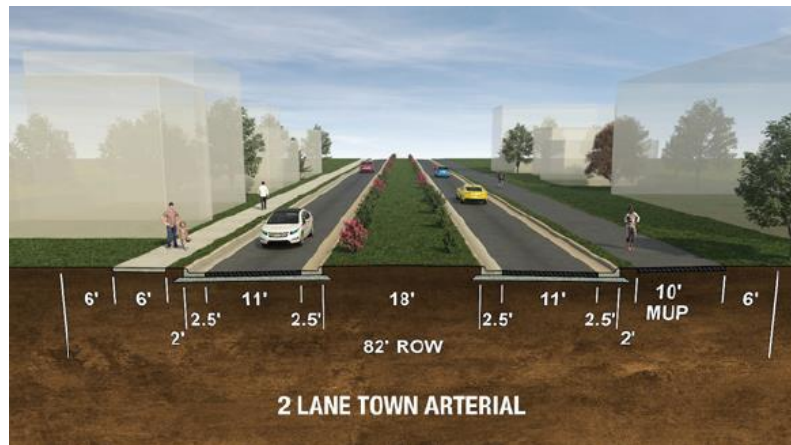
*Cross Section 1- 2 Lane Town Local Road*



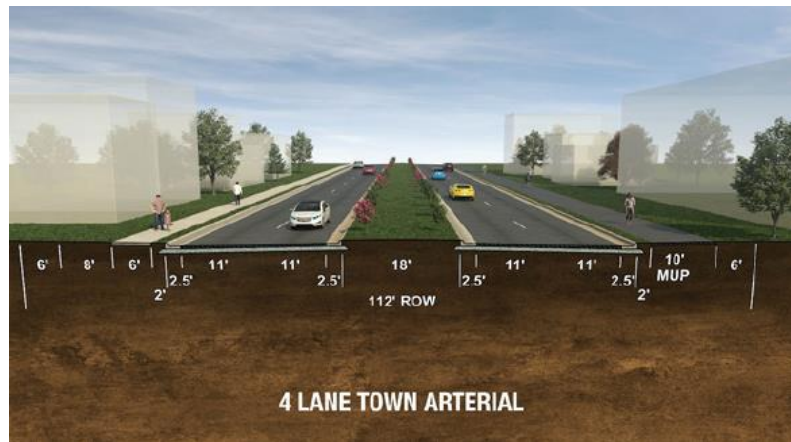
*Cross Section 2- 2 Lane Town Collector Road*



Cross Section 3- 3 Lane Town Collector Road



Cross Section 4- 2 Lane Town Arterial Road

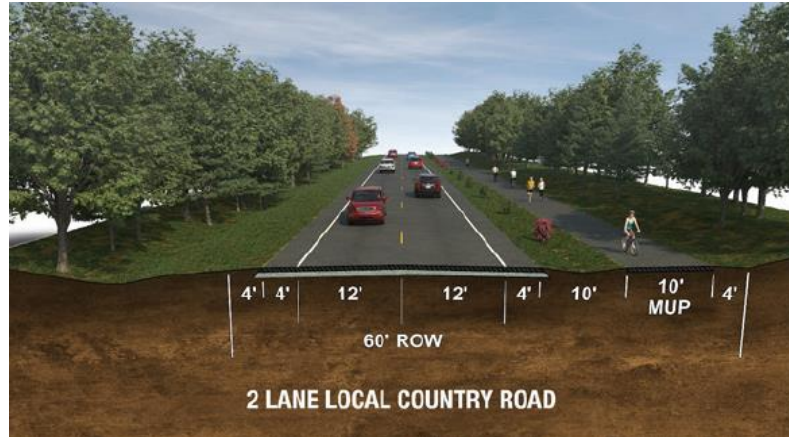


Cross Section 5- 4 Lane Town Arterial Road



3.8.6 Country Roadway Standards

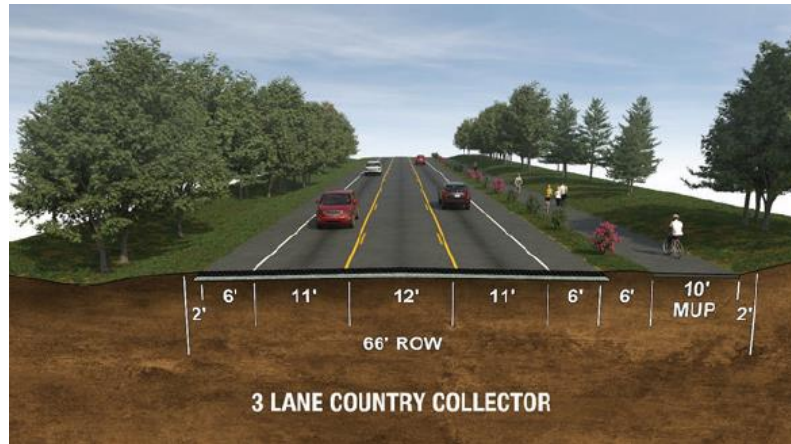
Each and every road shall be constructed per the following cross section according to its roadway classification. In areas not specifically covered by the Major Thoroughfare Plan, the Town Engineer shall assign the appropriate classifications, based on the development and location, in proximity to established Town roadways.



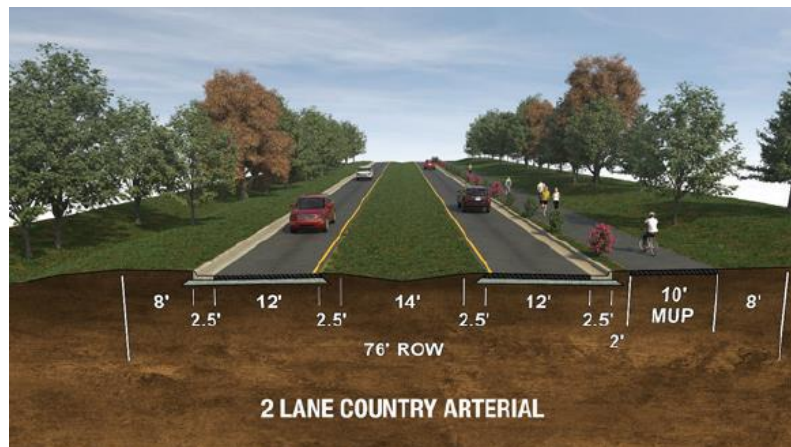
*Cross Section 6- 2 Lane Local Country Road*



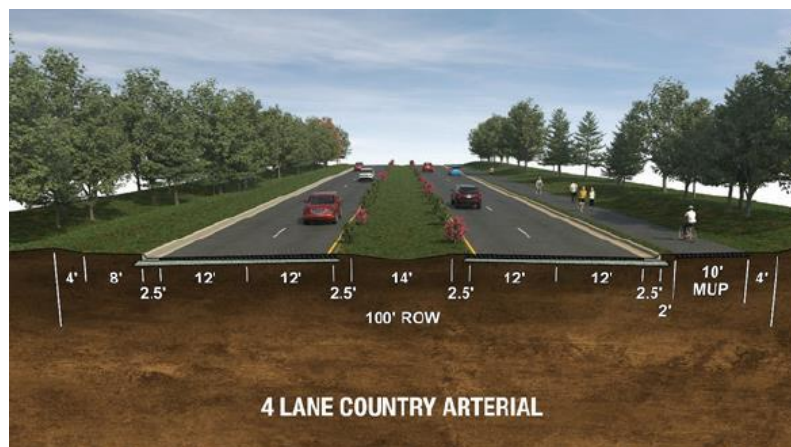
*Cross Section 7- 2 Lane Country Collector Road*



*Cross Section 8- 3 Lane Country Collector*



*Cross Section 9- 2 Lane Country Arterial Road*



*Cross Section 10- 4 Lane Country Arterial Road*

3.8.7 The subdivider shall provide documentation proving that all thoroughfares to and within a development have unobstructed legal and physical access to a public thoroughfare.



- 3.8.8 The following documents shall be used to guide the planning, design, and construction of roadways, bicycle, and pedestrian facilities:
- a. ITE Context Sensitive Solutions (CSS)
  - b. AASHTO Guide for the Development of Bicycle Facilities, as amended;
  - c. AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, as amended; and
  - d. Town Roadway Design Specifications.

- 3.8.9 The following requirements shall apply to all thoroughfares intersecting public Rights-of-Way in Thompson’s Station:
- a. Roadway build-out is from the outside of the right-of-way.
  - b. Internal street systems require access to adjacent subdivisions/phases.
  - c. Multi-use paths shall be a minimum of ten (10) feet wide.

3.8.10 Roadway District Design Criteria

Roadways shall comply with the following standards:

- a. New Roads. Each proposed road shall be classified and designed to meet the minimum average daily traffic (ADT) standards for one of the following street types:

TABLE 3-9 USE ZONING DISTRICT FUNCTIONAL CLASSIFICATION	
THOROUGHFARE CLASSIFICATION	DESIGN CAPACITY (ADT)
Local	300
Collector	6,000
Arterial	As designated

- b. Existing Roads. During the plan review process, each road abutting or affecting the design of a subdivision or land development that is not already classified on the Major Thoroughfare Plan shall be classified according to its function, design and use by the Town Engineer. The Major Thoroughfare Shall be updated to include this new classification at the request of the applicant.
- c. Trip Generation Rates. The following chart shall be used to determine the anticipated average daily traffic level of proposed residential development:
  - i. Volume Calculations. Calculation of traffic volumes shall be accomplished by using the following formula:
 
$$(Regeneration\ Rate\ per\ Dwelling) \times (\# \ Units\ Receiving\ Access\ from\ Street) = Design\ ADT$$
- d. Roadway Design Criteria and Service Restrictions.
  - i. Local Roads

Design Capacity and Service Restriction: Each local road shall be designed so that no section of the street conveys an average daily traffic (ADT) volume greater than three-hundred (300).

Road Access: Local streets may intersect or take access from any street type.

ii. Collector Roads

Design Capacity and Service Restriction - The collector road shall plan for traffic volumes ranging from three-hundred (300) to six-thousand (6,000) trips per day. Collectors shall be designed to have no residential lots fronting directly on them.

iii. Arterial

Design Capacity and Service Restriction – Arterial roads are intended to serve anticipated traffic volumes greater than three-thousand (3,000).

e. General Design. The general design of all public ways shall conform to the American Association of State and Highway Transportation Officials (AASHTO) Geometric Design of Highways and Streets, except as provided in the tables below.

TABLE 3-10 DESIGN SPEED**		
	RESIDENTIAL (MPH)	NON-RESIDENTIAL (MPH)
LOCAL	25	30
COLLECTOR	40	40
ARTERIAL	*	*

\*As determined by the Major Thoroughfare Plan  
 \*\*Minimum design speed per table unless posted speed limit is greater than design speed. If posted speed limit is greater, the Town Engineer shall determine the appropriate design speed.  
 Note- design speed may be higher than posted speed for safety allowances.

TABLE 3-11 MINIMUM RIGHT-OF-WAY WIDTH		
	RESIDENTIAL (FEET)*	NON-RESIDENTIAL (FEET)
LOCAL	50	50
COLLECTOR	60	60
ARTERIAL	84	84

\* Except as approved in planned developments.

TABLE 3-12 MAXIMUM PERCENTAGE GRADE		
	RESIDENTIAL	NON-RESIDENTIAL
LOCAL	10%	7%
COLLECTOR	7%	7%
ARTERIAL	6%	6%

TABLE 3-13 MINIMUM PERCENTAGE GRADE		
	RESIDENTIAL	NON-RESIDENTIAL
ALL ROADWAYS	1%	1%

TABLE 3-14 MAXIMUM SUPERELEVATION		
	RESIDENTIAL (FOOT/FOOT)	NON-RESIDENTIAL (FOOT/FOOT)
ALL ROADWAYS	0.08	0.08

TABLE 3-15 MINIMUM RADIUS OF RETURN AT INTERSECTIONS		
	RESIDENTIAL (FOOT/FOOT)	NON-RESIDENTIAL (FOOT/FOOT)
AT ROW	25	40
AT CURB	30	45

TABLE 3-16 MAXIMUM GRADE AT INTERSECTIONS*		
	RESIDENTIAL	NON-RESIDENTIAL
LOCAL (WITHIN 50' FROM EDGE OF PAVEMENT)	4%	4%
COLLECTOR (WITHIN 50' FROM EDGE OF PAVEMENT)	7%	7%
ARTERIAL (WITHIN 50' FROM EDGE OF PAVEMENT)	6%	6%

\* This shall be applicable to all four approaches to the intersection

3.8.11 Intersections

- a. Pavement shall intersect as nearly as possible to a 90-degree angle for a minimum of one hundred (100) feet from the stop bar. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (75) degrees shall not be permitted. Not more than two (2) public ways shall intersect at any one point, unless specifically approved by the Planning Commission.
- b. Centerline off-sets of less than one hundred fifty (150) feet between T-type intersections within public ways shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, the

alignment of such roads shall be continuous. Intersections of collector roads shall be at least two-hundred (200) feet apart. Intersections of arterial roads shall be at least four- hundred (400) feet apart.

- c. Minimum curb or edge of pavement radius shall be determined according to the specifications for the road of higher classification in the street system hierarchy, as specified herein.
- d. Whenever a proposed road intersects an existing or proposed street of higher order in the street hierarchy, the road of lower order shall be made a stop street. The road of lower order shall also be designed to provide a minimum corner sight distance as specified in §3.9.9 Clear Sight Triangles.
- e. The cross-slope on all public ways, including intersections, shall be two (2) percent or otherwise specified in this document.

3.8.12 Clear Sight Triangles

- a. Design requirements for compliance:
  - i. An area of unobstructed vision at street intersections, entrances/exits, permitting a vehicle to see approaching vehicles to the right or left shall be required. The entire area of the clear sight triangle, shall be designed to provide an unobstructed view across it from three and one-half (3.5) to all points three and one-half (3.5) feet above the roadway along the centerline. See Table 3.17 Minimum Intersection Sight Distance (Y) .
  - ii. Any existing trees located within the clear sight triangle will be allowed to remain if all branches are trimmed from a height between three feet and eight feet.
  - iii. No single post or column within the designed triangle shall exceed 12 inches in thickness at its greatest cross-section dimension.

TABLE 3-17 MINIMUM INTERSECTION SIGHT DISTANCE (Y)		
	Design Speed	Y (feet)
LOCAL (Residential)	25 mph	280
LOCAL (Nonresidential)	30 mph	335
COLLECTOR	40 mph	445

- b. Permits. No building or grading permits shall be issued for the construction or alteration of any structure that would create a violation of this subsection. Construction or erection of utilities such as overhead poles, boxes, risers, etc., within the clear sight triangle which would interfere with the area of obstructed sight shall not be permitted, except by special permit authorized

by the Town Engineer.

3.8.13 Acceleration and Deceleration Lanes

- a. Deceleration or turning lanes may be required by a traffic impact study.
- b. Deceleration Lanes Shall Be Designed to the Following Standards:
  - i. On a State Route, the lane shall be designed in conformance with the requirements of the Tennessee Department of Transportation.
  - ii. The lane width shall be the same as the required width of the roadway moving lanes for its full stacking length.
  - iii. A taper shall begin at the end of the deceleration lane and shall be 8:1 up to thirty (30) mph and 15:1 up to fifty (50) mph.
  - iv. The minimum lane length shall be as follows:

TABLE 3-18 DECELERATION LANE LENGTH	
Design Speed of Road	Minimum Deceleration Lane Length
30 mph	235 feet
40 mph	315 feet
50 mph	435 feet

- c. Acceleration lanes are also required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the Town Engineer. As necessary, a paved taper shall be provided for right turns.

3.8.14 Arrangement of Dead-End Roads

- a. Temporary Stub Roads
  - i. Local stub roads may be permitted per any approved Preliminary Plat, Site Plan, or Planned Development Plan.
  - ii. Collector stub roads may be permitted or required by the Town on collector roads, provided that the future extension of the road is deemed desirable by the Town and conforms to the adopted Major Thoroughfare Plan.
  - iii. Temporary Turnarounds. All stub streets shall be provided with a turnaround paved to an out-side radius of fifty (50) feet. No turnaround is required if the stub street provides access to one (1) lot or housing units.
- b. Permanent Dead-End Public Ways
  - i. General Design Standards. Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the Major Thoroughfare Plan for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred fifty (150) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian

traffic, or utilities. A cul-de-sac shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

- ii. Design of Turnarounds. The type of turnaround required shall be determined by the Town Engineer. Turnarounds shall be designed to accommodate emergency and service vehicles as well as passenger cars. The maximum length of a road leading to turnarounds shall be 800 feet, unless otherwise approved by the Town Engineer. The Planning Commission may consider alternative shapes for terminations when the street is located upon steep slopes and excessive cut or fill will be required to meet the design standards of the typical sections.

#### 3.8.15 Bicycle Lanes

- a. Bicycle lanes shall be striped on both sides and include signs, directional arrows, and stencils.
- b. Bicycle lanes shall not be built on roadways classified below collector.
- c. Bicycle lanes in Public ROW shall be built per Town Roadway Specifications.

3.8.16 All roadways classified as collector and above may be designated as transit routes. Transit-related facilities, such as a shelter or bus pull-out, may be required.

3.8.17 Culs-de-sac require pedestrian and bike access, except where a physical barrier exists.

#### 3.8.18 Multi-Use Paths

- a. May be used if they are incorporated with the overall design and traverse the development on an independent right-of-way allowing for more direct access to a destination.
- b. Shall be a minimum of ten (10) feet wide.
- c. Where use zoning district residential subdivisions are proposed along collector or arterial thoroughfares that prohibit direct access to the thoroughfare, the developer shall provide an approved physical barrier, including but not limited to a solid wall or fence with landscaping along the right- of-way, which shall be built at the time of thoroughfare construction. The barrier shall conform to the clear sight triangle per §3.9.9 Clear Sight Triangles, and shall be properly maintained.

#### 3.8.19 Sidewalks and Side paths

Sidewalks shall be required along both sides of all roads, except in T1 and T2 zones. In T2 zones, side paths may be required for developments of 5 or more lots. Sidewalks and side paths shall be required along the proposed subdivision's frontage on existing public streets.

- a. Sidewalk minimum widths shall be provided as required by Table 3.20 Sidewalk Widths. Width shall be exclusive of encroachments such as utility

poles, fire hydrants, parking meters, sign standards, street furniture, etc. See §Table 3.19 Typical Public Frontages for locations.

- b. Sidewalk width shall be 8 ft. minimum at shopfronts.
- c. Sidewalks shall be maintained by the Town upon acceptance of infrastructure by the Board of Mayor and Aldermen.

Tab 3-19 Sidewalk Widths										
	T3	T4	T5	D1	D2	D3	NC	CC	IL	IM
WIDTH (FEET)	5	6	8	5	5	5	6	6	6	6

3.8.20 Sidewalk Design Standards

The following criteria shall apply to the design of all sidewalks.

- a. Sidewalks shall be included within the dedicated public frontage portion of the right-of-way or public access easement. A planting strip of grassed or landscaped area at least five (5) feet wide shall separate all sidewalks from adjacent streets. See Table 3-19 Typical Public Frontages.
- b. Pedestrian access ways shall be required from a public way to schools, parks, playgrounds, or other nearby public ways. To accomplish this purpose, the Planning Commission may require perpetual unobstructed easements at least sixteen (16) feet in width.
- c. Sidewalks shall be designed and constructed so as to comply with ADA Standards, as amended.

3.8.21 Planting strip

- a. Each segment of a thoroughfare must include a planting strip corresponding to the typical cross-section, as per this Ordinance.
- b. Street lighting must be located within the verge as approved by Town Staff and Middle Tennessee Electric.
- c. Planting strips in T3, T4, T4O, T5, NC, and CC zoning districts may replace public planting with pedestrian pavement, so long as all other landscaping standards are achieved, per approval by Town Staff.
- d. The lot owner shall maintain plant material between the roadway and the property line.
- e. Sidewalks shall be protected from roots, per best practices and as approved by Town Staff.

3.8.22 Road Construction Specifications

The road construction specifications shall be per the Town’s Roadway Design Specifications.

3.8.23 Streetlights

Streetlights shall be required for all new developments and redevelopments. Street lighting shall be pedestrian scaled and shall be decorative in a manner to match the character of the Town. Cobra head and shoebox light heads shall not be permitted. Streetlights within the Town shall not exceed 15 feet in height, except where approved by the Planning Commission. Streetlights shall be installed between the curb and the sidewalk within the grass strip. Streetlights should have a maximum distance of 300 feet apart and shall be approved by Middle Tennessee Electric Membership Corporation (MTEMC). The developer shall bear the financial responsibility for the original installation costs for the materials and labor for street lighting where it is deemed reasonably necessary by the Town Engineer.

### 3.8.24 As Built Plans Required

- a. As built plans shall be submitted to the Town, in the format acceptable to Town Staff as specified in the Land Development Manual, upon completion of construction activities prior to the release of any public improvement from the performance stage of bonding, as specified in this Ordinance
- b. As built plans shall be submitted with the completion of each section of the development along with a request to release any public improvement from the performance stage of bonding, per this Ordinance.
- c. The as built plans shall include all pertinent information related to the section, including but not limited to, property lines, all cables, utilities, drainage structures, pump stations, detention/retention ponds, any existing structures, roadways and slopes greater than 3:1.

### 3.8.25 Traffic Study

- a. A traffic study shall be required by and comply with the Town's *Traffic Impact Study Guidelines* in addition to the requirements outlined in the LDO. The Town Engineer may require a Traffic Study for any project, based on the particular circumstances of the proposed development and its location in Town, in the Town Engineer's sole discretion.
- b. Traffic studies shall be prepared by a licensed Professional Engineer in good standing with the State of Tennessee using the standard format as outlined by the Town of Thompson's Station. The applicant shall meet with Town Staff prior to initiating the traffic study to review/determine the scope of the study. The completed traffic study shall be submitted to the Town for review.
- c. Any project that does not require a traffic study may be required by Town Staff to submit a traffic analysis for access, trip generation, existing conditions and proposed changes to the existing conditions to ensure the development complies with the recommendations of the Town's Policy Plans.

## 3.9 Drainage and Storm Sewers



### 3.9.1 General Requirements

All development and redevelopment within the Town shall make adequate provisions for stormwater or floodwater runoff basins or channels. The stormwater and drainage system shall be separate and independent from any sanitary sewer system. Each lot shall have necessary drainage easements. Easements at least twenty (20) feet in width shall be required for pipes with diameters of sixty (60) inches or less or as required by the Town Engineer.

### 3.9.2 Stormwater Facilities

#### a. Stormwater Design and Construction Specifications

The stormwater design and construction specifications included in these regulations shall be the minimum standards for any development or redevelopment within the jurisdictional area.

#### b. Location

Drainage facilities shall be located in the public right-of-way, wherever feasible, or in perpetual unobstructed easements of appropriate width.

#### c. Accommodation of Upstream Drainage Areas

Closed conduit storm sewer systems including inlets shall be designed for a 10 year storm. The roadway spread shall be limited to eight (8) feet. A culvert or other drainage facility shall be large enough to accommodate potential run off from its entire upstream drainage area for the 10-year event, providing the 10-year discharge is not larger than 100 cfs. If the 10-year design flow is larger than 100 cfs, then the culvert shall be designed for the 100 year design flow. This shall be the design for culverts whether inside or outside the development or redevelopment. Pipe and culverts shall have a minimum slope of 0.5% and swales shall have a minimum slope of 1%.

#### d. Effect on Downstream Drainage Areas- Stormwater Management Plan required

The subdivider shall prepare and submit to the Town Engineer a study of the effect of each development or redevelopment on existing downstream properties and drainage facilities outside the area of the development or redevelopment.

- i. Pre-development and post-development runoff rates, volumes and velocities for the two (2), ten (10), twenty-five (25) and one-hundred (100) year occurrences, while providing one (1) foot of freeboard in a pond at 100 year storm event as determined using the SCS TR-55 method, or approved equal, along with associated calculations and maps shall be submitted with a Stormwater Management Plan, prepared by an engineer licensed in the state of Tennessee.

- ii. If increased runoff rate or total volume impacts downstream drainage structures then these structures shall be improved with the permission of the appropriate property owners. It shall be the responsibility of the developer to obtain permission from the property owners to make these improvements. If existing drainage easements do not exist, the Planning Commission may require that they be obtained by the developer.
- iii. Where it is anticipated that drainage and/or runoff from a development will overload an existing downstream drainage facility, the Planning Commission shall withhold approval of the development or redevelopment until provision has been made for adequate improvement of such drainage facilities. The subdivider shall be required to construct adequate downstream facilities or contribute their pro-rata share toward the construction of adequate downstream facilities and install onsite stormwater detention to mitigate the downstream impacts.
- iv. On-site stormwater detention proposed to reduce the peak rate of discharge to offsite drainage systems downstream shall not cause increased peak flows or velocities detrimental to downstream properties or facilities. When detention facilities are utilized, the peak rate of discharge after development shall not exceed the pre-development peak rate.
- v. Controlled releases of discharge from a detention basin shall include “v-notch”, rectangular or other weir configurations or perforated riser pipe which prevent increased damage above pre-development conditions for storm events of two (2), ten (10) and twenty-five (25) year occurrences. The developer shall ensure that the one hundred (100) year design can be managed safely by the detention facility, incorporating spillways as necessary. Spillways shall be placed on undisturbed earth or armored with concrete, grouted rip rap or other approved means. At the Town’s discretion, funds in lieu of detention may be offered as an alternative to providing onsite detention. Funds in lieu amount shall be based on the estimated cost of the eliminated on-site detention.
- vi. Detention facilities shall be platted in open space as perpetual drainage easements and shall be designed as amenities and maintained by the homeowners / property owners association. Velocities in vegetated swales shall be limited to 4 fps or less. Estimated increases in discharge velocity shall be mitigated by energy dissipation devices as designed by the developer’s engineer where required to prevent erosion. The developer shall provide copies of the covenants and/or homeowners / property owners association charter and bylaws with the Town.
- vii. The drainage system shall be designed to honor natural drainage divides, where practical. Surface waters shall not be concentrated and discharged

onto adjoining property at rates and/ or velocities exceeding predevelopment conditions, unless an easement expressly authorizing such discharge has been granted by the owner of the affected land or unless the discharge is into an adequate natural watercourse or drainage system.

e. Areas of Poor Drainage

In general, areas of poor drainage shall be classified as “land unsuitable for development” (see §3.2.1 Land Unsuitable for Development) and shall not be included in roads and buildable lots. In any instance where it may be necessary to locate a roadway in an area subject to flooding that is not located within the 100-hundred-year regulatory flood boundary, the Planning Commission may approve such development; provided, the applicant fills the affected flood area of said subdivision to place roadway elevations no lower than one (1) foot above the known flood elevation.

For drainage ways, creeks, streams, etc. not included within any existing flood study area, as shown on the most current FEMA Flood Maps for the project area, the boundaries of the 100-hundred-year floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the Town Engineer upon receipt of appropriate flood study data prepared by the applicant’s engineer. Said flood study shall be conducted using procedures and methodology recognized by and acceptable to FEMA.

As general policy, sinkholes shall be classified as “land unsuitable for development” (see §3.2.1 Land Unsuitable for Development) and shall not be included in streets and buildable lots. When sinkholes are encountered, the limits of standing water shall be determined by the developer based upon competent engineering. Any alteration of a sinkhole or the drainage pattern shall receive prior approval by the Town Engineer.

f. Floodway Areas

In all instances, the regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision that contains flood prone land shall be subject to the special provisions set forth in §3.6.3 Lots Subject to Flood; of these regulations.

g. Stormwater Detention and Discharge Control

The developer shall provide detention for the increased volume of water generated by a development or redevelopment. The major factors in evaluating drainage designs shall be the effect of increased runoff rates on downstream water levels and the proximity of any stormwater structures.

### 3.9.3 Dedication of Drainage Easements

#### a. General Requirements

Where a development or redevelopment is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a drainage easement or drainage right-of-way conforming substantially to the lines of the one-hundred (100) year flood elevation of such watercourse. Where new open drainageways are utilized they shall be designed for the twenty-five (25) year frequency flood.

#### b. Drainage Easements

- i. Where topography or other conditions are such as to make impracticable inclusion of drainage facilities within the right-of-way of a roadway, perpetual unobstructed easements at least twenty (20) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the final plats or instruments, as appropriate. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.
- ii. When downstream drainage improvements are proposed that will require additional easements across private land outside the subdivision, appropriate drainage easements shall be secured by the developer and indicated on a plat amendment for that property or through an instrument, as appropriate.
- iii. The applicant shall dedicate, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse for a distance to be determined by the Town Engineer.
- iv. Drainage easements shall not be obstructed by any structure. A fence, may only encroach into a drainage easement if it meets the following requirements:
  - a) Obtain a Fence Permit from the Town.
  - b) Fences within drainage easements be designed to allow unobstructed drainage flow by including flap gates (installed to open with the flow of drainage) or other similar design feature.
  - c) The property owner shall complete an agreement for fencing within a Town Easement, as kept by Town Staff.

#### c. Ditching, Culverts and Storm Drains

The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. The Town Engineer shall approve the design and construction details of all such facilities.

### 3.10 Wastewater and Sewerage Facilities

#### 3.10.1 General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation, the Town of Thompson's Station Wastewater and Water Reuse Ordinance, and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit.

#### 3.10.2 Mandatory Connection to Public Sewer System

- a. When public sanitary sewers are accessible to a development or redevelopment, as determined by the Board of Mayor and Aldermen, the developer shall provide such facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers that meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation and all Town requirements.
- b. All sanitary sewer facilities located outside a flood hazard area.
- c. All public sanitary sewer systems shall be constructed utilizing materials that are American Society for Testing and Materials (ASTM) and/or American Water Works Association (AWWA) approved.

#### 3.10.3 Design Criteria for Sanitary Sewers

Sanitary sewer systems shall be designed for the ultimate tributary population per the Town wastewater specifications. Sewer capacities shall be adequate to accommodate the anticipated maximum hourly quantity of sewage and industrial wastes together with an adequate allowance for infiltration and other extraneous flow. Sewer connections to dwellings shall not be less than six (6) inches in diameter. Short laterals and all other lines shall be eight (8) inches or larger in diameter, depending on anticipated flow.

#### 3.10.4 Dripfield Land Dedication within the Regional Coverage Area

Any development or redevelopment within the Town shall require dedication of dripfields as part of the Town's regional wastewater system.

- a. Dedication of Land Area

The developer shall dedicate one and one-half (1 and ½) times the amount of soils the Town requires for effluent wastewater disposal, as determined by the number of taps to be allocated per the development. The dedication shall occur at the time of approval of the Final Plat. Prior to dedication, the developer must present the Town with an extra high intensity soil map, per Tennessee Department of Environment and Conservation standards and requirements, of

the soils contemplated for dedication. All soils shall meet the needs of the Town for effluent wastewater disposal, including but not limited to use and area.

b. Fee In lieu of Land Area

In the event the developer cannot dedicate the required amount of soils as described in the 3.10.4(a) above, in whole or in part, the developer shall pay a fee in lieu of dedication as to said soils in an amount equal to one hundred percent (100%) of the value of said soils, as determined by the Town. Said fee shall be remitted to the Town's wastewater fund.

3.10.5 Individual Disposal System Requirements (Septic Systems) and On-site Systems

- a. If public sewer facilities are not available and individual disposal systems are proposed, the individual disposal system, including the size of the septic tank and size of the tile fields, or other secondary treatment device, shall be approved by the Williamson County Department of Sewage Disposal Management. The entire individual disposal system, including all associated drainage fields, shall be located within the area of fee simple ownership with the principle structure such system is to serve.
- b. Any on-site system, other than a septic system as approved by Williamson County, shall adhere to the Town's On-site Wastewater Policy for design, installation, and acceptance. On-site systems shall be placed under surety as a sewer public improvement and follow the surety process for acceptance and dedication of a public improvement per this Ordinance. Additionally, on-site systems shall conform to the following:
  - i. Distributed wastewater treatment plants are the preferred system for the Town of Thompson's Station and shall be required to operate on gravity flow sewage collection.
  - ii. On-site wastewater treatment plants may be located in T4, T5, or CC zones. The Utility Board, TSPC, and BOMA may consider on-site systems in any other Zoning District on a case-by-case basis.
  - iii. The minimum treatment plant capacity shall be 30,000 gallons per day.
  - iv. The subdivider shall dedicate to the Town the requisite land to build the entire sewage treatment plant for the development including sewage treatment and spray or drip disposal of effluent in accordance with TDEC regulations.
  - v. The subdivider shall pay for the construction and commissioning of the entire treatment plant system and transfer ownership and operation to the Town to ensure environmental standards protect the health and safety of the community.

**3.11 Utilities and Telecommunication**

### 3.11.1 Permanent Easements

Easements shall be provided for all proposed utilities and technology (public and private), including but not limited to water, electric, sewer, fiber optic, cable, telecommunications, etc. to the satisfaction of the utility provider and the TSPC. In no case shall a structure (including a retaining wall) be permitted to encroach into a permanent easement.

- a. Properties without rear lanes or alleys.
  - i. Dry utilities shall be placed under the sidewalk, or within the planting strip and adjacent to the property line where no sidewalk is required; and
  - ii. Where possible, transformers and utility pedestals shall be set behind the principle building frontage.
- b. Properties with rear lanes or alleys.
  - i. Dry utilities easements shall be in the rear lane or alley right-of-way.
  - ii. Transformers and utility pedestals shall be located on private property within utility easements at the rear of the lot.

### 3.11.2 Temporary Construction Easements

Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

### 3.11.3 Electrical and Communication Service Lines

#### a. Underground Utilities

All electrical and communication service lines located within any development or redevelopment shall be placed underground.

Any right of way requiring repair after utilities have been placed underground shall be repaired to the level of standard prior to any road work and shall be completed to the satisfaction of the Town Engineer.

#### b. Above Ground Utilities

Except as provided in subsection §3.12.2 Temporary Construction Easements, it shall be unlawful to erect or construct permanent above ground utility equipment (see definition) within any subdivision approved under authority of these regulations.

#### c. Exceptions

The following exceptions shall apply to the application of this subsection:

- i. Above ground utility equipment may be installed, maintained and utilized by utility companies for a period not to exceed ninety (90) days in order to provide emergency utility services. This time limit may be extended, if



- warranted, by the Town Administrator.
- ii. Utility equipment utilized for vehicular or pedestrian traffic control purposes.
  - iii. Utility equipment appurtenant to underground facilities, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters and meter cabinets. Such equipment shall be set behind the building frontage, and outside the private frontage.
  - iv. Temporary utility equipment utilized exclusively in conjunction with construction projects. Upon installation of permanent utility equipment the temporary equipment shall be removed.
  - v. Fire hydrants, fire plugs and other utility equipment utilized exclusively for fire-fighting purposes.
  - vi. Telephone and television transmission towers.
  - vii. Equipment installed by an electric utility which should not be installed underground for engineering or safety reasons.
  - viii. Upgrade of existing electric lines.

### **3.12 Water Facilities**

Water facilities shall be installed per the requirements of the HB&TS Utility District. The maximum fire hydrant spacing shall be no more than five hundred (500) feet, as measured running along public or private roadways. The minimum fire flow shall be one-thousand five hundred (1,500) gallons per minute for a four (4) hour run while maintaining a residual pressure of 25 pounds per square inch (psi). A fire hydrant shall be placed internally within 100' of any entrance to a development. If the 1,500 gallons per minute cannot be provided, structures may be fully sprinkled, per Town requirements, with TSPC approval.

### **3.13 Signage**

The construction plans shall include a signage plan. The signage shall be consistent through the entire neighborhood.

- a. All traffic regulatory signage shall conform to the requirements of the MUTCD, latest edition, and shall be installed within the limits of the public rights-of-way or approved access easement.
- b. All street name signs and regulatory signs shall be of high intensity reflectivity.
- c. The edge of the sign shall be placed a minimum of two (2) feet from the street, measured from the face of curb. The height of the sign shall be a minimum of six (6) feet tall, measured from the top of curb to the bottom of the sign.
- d. The designated speed limit shall be as identified within the Subdivision Regulations for the Town of Thompson's Station.



- e. The homeowner's association within the subdivision/neighborhood shall retain maintenance responsibility for all decorative signage, including regulatory signage and the sign posts.

### **3.14 Addressing and Mailboxes**

- a. All addressing (including approval of subdivision and street names) shall be done per the Williamson County Emergency Management Agency's rules, regulations, and standards.
- b. All mailbox types and locations shall be per the USPS National Delivery Planning Standards. Each final plat shall contain the following standards note: "All mailbox types and locations meet the requirements and standards of the United States Postal Service."
  - i. Cluster Mailbox Design Requirements:
    - a) ADA access shall be provided.
    - b) Adequate lighting shall be provided.
    - c) Adequate parking, outside of any Public ROW, shall be safely designed and provided.
    - d) Cluster Mailbox shall be accessible via a sidewalk, side path, or trail.
    - e) Cluster Mailbox shall be provided under a roofed structure to provide all weather protection for users of the mailboxes.
    - f) Cluster Mailbox shall be maintained and controlled by a homeowners association.
- c. Address numbers shall be displayed on each property per any local or adopted code. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall be in contrast with their background and be Arabic numbers and alphabetical letters.
- d. Additionally, all residential, commercial, and industrial lots constructed with curbs and/or gutters along the Right-of-Way shall have the numerical address painted on the face of said curb within 36" of the driveway access, toward the primary structure side, with a 4" tall, dark colored, contrasting, stenciled number, with 1/2" (.5") stroke width atop a white background. For any lot with multiple road frontage, the numerical address shall additionally be displayed on the curb for the addressed street. Address identification shall be maintained by the development management company, homeowner's association, or lot owner, whichever may apply.

## ARTICLE 4 ZONING DISTRICTS, LOT STANDARDS, & USE RESTRICTIONS

### 4.1 General

#### 4.1.1 Intent

The long-term intention of the Land Development Ordinance is to guide the built environment in a balanced and harmonious manner while preserving the small-town character of Thompson's Station. The Zoning Article of the Land Development Ordinance will help the Town create the right balance of housing by:

- a. Ensuring new development preserves the distinctive, historical, and small-town character of Thompson's Station for future generations.
- b. Encouraging a mix of housing options and lot sizes to provide opportunities to accommodate a diverse population and wide variety of income levels.
- c. Raising the quality standard of new development and redevelopment within the Town.

#### 4.1.2 Map of Zoning Districts

Zoning districts established by this Ordinance are as shown on the official Zoning Map of Thompson's Station, which, together with all explanatory materials thereon, is hereby, made a part of this Ordinance.

#### 4.1.3 Relationship to All Aboard General Plan Future Land Use Map and Character Areas

Each Character Area, as defined by the Town of Thompson's Station General Plan, shall be used as a policy framework for the any questions related to annexations, rezonings, zone changes, or other similar questions.

#### 4.1.4 Zoning Districts Established

- a. The following zoning districts are established within the Town, each having a distinct district character, as described below:
  - i. T1 Civic & Open Space (T1): This zoning district consists of lands utilized for Town parkland and other open spaces for governmental/civic uses. Since this is a specialized civic zone for governmental purposes only, there are no specific district bulk requirements. Development character is reflected in the context of the surrounding area, as well as the need for the governmental/civic use and structures.
  - ii. T2 Rural Countryside (T2): This zoning district consists of rural, estate

residential, and agricultural uses. This includes single family residential on at least 8 acre lots, agricultural land, and pastureland. Typical buildings are residential homes, farmhouses, and agricultural buildings. Roads are rural in character and match the Country policy in the MTP. Landscaping is naturally occurring. This district will permit for the establishment and maintenance of single family residential and/or agricultural uses. The standards of this district ensure the development of these areas in a fashion that ensures a low-density development reflective of the rural and agricultural purpose of this zone. This zone may also be used as a holding zone for newly annexed territory prior to final development plan approval for such a site. Streets and trails are reflective of the Country character.

- iii. Residential District 1 (D1): This zoning district is intended for low density residential development. This district will consist of single-family detached dwellings and their accessory structures. Streets, trails, sidepaths, and/or sidewalks may be of either the Town or Country character, depending on the context of the developing property to its surrounding areas.
- iv. Residential District 2 (D2): This zoning district is intended for low density residential development where urban services and facilities, including public sewer, are provided or where the extension of such services and facilities will be physically and economically facilitated. Streets and sidewalks reflect a Town character.
- v. Mixed Residential District (D3): This zoning district is intended for higher density residential development where Town services and facilities, including public sewer, are provided or where the extension of such services and facilities will be available prior to and in conjunction with any proposed development. Streets and sidewalks reflect a Town character.
- vi. T3 Neighborhood Mixed Use (T3): This zoning district consists of low-density residential areas, with some neighborhood-scale mix use development. Street and yard planting are naturalistic and building setbacks are relatively deep. Blocks may be large and the thoroughfare networks irregular to reflect a lower density with a Town character.
- vii. Neighborhood Commercial District (NC): This zoning district consist of neighborhood commercial activities, small-scale businesses, and selected high density residential uses. This district is meant to establish a walkable, small scale mixed use district with streets and sidewalks that reflect a

Town character.

- viii. T4 Town Mixed Use (T4): This zoning district includes a mix of neighborhood commercial and service uses but is comprised primarily of mixed density residential uses. It may have a wide range of building types: houses, townhouses, duplexes, small apartment buildings, live- work units, neighborhood commercial shops, and other urban forms. Setbacks and landscaping are variable. Streets and sidewalks reflect a Town character.
- ix. T-4 Town Mixed Use- Open (T4O): This zoning district is an outgrowth of the T4 Zoning District and is similar in makeup, except for the permitted uses being more open than the T4 Zone. Streets and sidewalks reflect a Town character.
- x. Community Commercial District (CC): This zoning district should include a range of commercial activities that serve a community or several neighborhoods and allow for larger commercial businesses. This district should be located in areas that are in proximity to major thoroughfares and determined to have commercial. Development in the CC zone should be done in a manner reflecting the distinctive small-town character of the Town. Any large and/or franchise business should be designed specifically to conform to the Town's character. Streets and sidewalks reflect a Town character.
- xi. T5 Town Center Mixed Use District (T5): This zoning district consists of higher density mixed-use developments that accommodate a wide range of uses, including retail, hospitality, office, townhouses, and apartments. It is located along major arterials and collectors and includes wide sidewalks, regularly spaced street tree plantings, and buildings set close to the sidewalks to create a developed urban character, reflecting the Town Center of the community. Street and sidewalks reflect a Town character.
- xii. The Light Industrial (LI) zoning district consists of light-intensity industrial activities that serve the community in a character that reflects the Town's standards. Street and sidewalks reflect a Town character.
- xiii. The Mixed Industrial (MI) zoning district should include mixed-intensity industrial activities that serve the community in a character that reflects the Town's standards. Street and sidewalks reflect a Town character.

#### 4.1.5 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zone boundary shown on the Zoning Map of Thompson's Station:

- a. Boundaries shown as following or approximately following the limits of any municipal corporation or its urban growth boundary shall be construed as following such limits.
- b. Boundaries shown as following or approximately following roads or railroad lines shall be construed as following the centerlines of such roads or railroad lines.
- c. Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Williamson County Tax Maps shall be construed as following such lines.
- d. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other water courses shall be construed as following the channel centerline of such water courses, and, in the event of a natural change in the location of such streams, rivers, or other water courses, the zone boundary shall be construed as moving with the channel centerline.
- e. Boundaries shown as following or approximately following ridgelines or watersheds shall be construed as following such lines.

#### 4.1.6 Zoning Districts and Bulk Standards

This Article contains the basic performance standards of the district and the site capacity calculations that must be met by proposed land uses. The following apply to all uses:

- a. All setbacks shall be measured from the property line. For road-facing setbacks, when the deed reads to the centerline the Right-of-Way, the Right-of-Way is assumed to be 50 feet and the setback shall be measured from the edge of Right-of-Way.
- b. Lots with frontage on roadways with differing classifications shall take access from the lesser, classified roadway unless otherwise approved by the Planning Commission.
- c. Lots accessed by easement shall be approved by the Planning Commission.
- d. With the exception of minor subdivisions, all developments must prepare and submit a resource inventory map.
- e. All lots on individual septic systems shall comply with the Williamson County

Department of Sewage Disposal Management's procedures and regulations.

4.1.7 This Article sets forth the standards applicable to the development and redevelopment of all structures and other elements of the built environment within the Town.

## **4.2 Nonconformities**

Nonconformities shall be governed and evaluated in accordance with Tenn. Code Ann. 13-7-208 and the provision of this Ordinance.

4.2.1 Any lawful use of land or structures or any structure, existing at the date of passage of this Ordinance, or subsequent amendment thereto, and located in a Zoning District in which it would not be permitted as a new use or structure under the terms of this Ordinance, is declared to be a legal nonconforming use.

4.2.2 Any legal nonconforming lot, use, sign, or structure may be continued so long as it remains otherwise lawful, except as otherwise provided in this Article. All nonconforming uses shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Section.

4.2.3 The burden of establishing that any nonconforming use is a legal nonconforming use, as defined by this Section, shall be per Tenn. Code Ann. 13-7-208(g)(4).

4.2.4 A nonconforming structure which is damaged may be restored, provided the restoration is started within thirty (30) months of the damage and does not exceed the original footprint or volume.

4.2.5 A structure or parcel which has been nonconforming, and which hereafter becomes vacant and remains vacant or is not used for a continuous period of thirty (30) months or more is not to be occupied thereafter except by a conforming use and form as specified in the regulations of the zone in which such structure is located.

## **4.3 Annexation of Newly Annexed Property**

4.3.1 The Town's Annexation Policy and General Plan shall provide policy guidance for the annexation of new territory into the Town.

4.3.2 The default zoning for newly annexed territory shall be T2, Rural Countryside, with the following exceptions:

- a. Parcels annexed into the Town that are part of a recorded subdivision shall be zoned to the district that most closely resembles the existing development in terms of uses and density.
- b. Parcels may be zoned to other districts, provided a Planned Development Plan is submitted as part of a master planned development.

- 4.3.3 Subsequent to the effective date of an annexation, the property may be rezoned, according to the Town's General Plan's Future Land Use Map and the provisions of this Ordinance.

#### **4.4 Bulk and Lot Standards**

- 4.4.1 This subsection contains all the bulk and lot standards for each zoning district within the Town of Thompson's Station.

#### **4.4.2 Measurements, Computations, and Exceptions**

##### **a. Distance Measurements**

Unless otherwise expressly stated, distances specified in this Ordinance shall be measured as the length of an imaginary straight line joining the measured points. All setbacks shall be measured from the property line. For road-facing setbacks, when the deed reads to the centerline the Right-of-Way, the Right-of-Way is assumed to be 50 feet and the setback shall be measured from the edge of Right-of-Way.

##### **b. Lot Area Measurements**

- i. The area of a lot included the total horizontal surface within the lot's boundaries. A lot's measurements may be taken out to the hundredth decimal point, but any measurement above a minimum requirement shall be considered to exceed that minimum.

##### **ii. Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that lot are per dwelling unit, lot width, required yard, building area, setbacks, or other requirement of this Ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

##### **c. Lot Width Measurements**

Lot width is the distance between the side lot lines, measured at the point of the front building line.

##### **d. Setbacks, Yards, and Height**

##### **i. Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky, except as otherwise expressly allowing in Subsection 4.4.2(d)(ii),

Permitted Encroachments into Required Setbacks.

ii. Permitted Encroachments into Required Setbacks.

- a) The following features may be located within required setbacks:
  - A. Sidewalks and landscape.
  - B. Accessory uses and structures, as permitted by this Ordinance.
  - C. Fences and walls, as permitted by this Ordinance.
  - D. Parking, as permitted by this Ordinance.
- b) Appurtenances (chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features) are permitted to encroach into a required front or rear yard by to six (6) feet and within side yards up to five (5) feet from the property line, provided a minimum of ten (10) feet between buildings is maintained.

iii. Yards Required for Primary Structures

A yard or other open area required about a primary structure shall not be included as part of a yard or other open space for another primary structure.

iv. Front Yard Setback

- a) Front Yard Setback and Roads  
The yard fronting a road shall be considered to be a front yard and shall meet the minimum front yard setback.
- b) Measurement  
The front yard setback shall extend the full width of the lot and shall be measured from the roadway Right-of-Way line.
- c) Double Frontage and/or Corner Lot  
A double frontage lot shall provide a front yard setback on both roads. The remaining yards shall meet the side yard setback requirements.
- d) Cul-de-Sac and/or Curved-Road Lot  
For a cul-de-sac lot or a lot abutting a curved roadway, the front yard setback shall following the curve of the front property line.



v. Side Yard Setback

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line. If no rear yard setback is required, the setback shall extend the full depth of the lot.

vi. Rear Yard Setback

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

vii. Height Measurement

Building height shall be measured in the number of complete stories above the finished grade for any building, including habitable attics, half-stories, mezzanines, and at-grade structured parking, but excluding:

- a) Spaces completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures; and
- b) Features that are more than one-half story below the finished grade.

viii. Height Limit Exceptions

- a) The maximum height of structures may be reduced pursuant to Section 5.2.2 Transitional Features.
- b) Height limits shall not apply to belfries, chimneys, steeples, spires, cupolas, domes, flag poles, monuments, water towers, or similar structures, provided:
  - A. The appurtenance does not interfere with the Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
  - B. The appurtenance does not extend more than 200 feet above grade;
  - C. The appurtenance is not constructed for the purpose of providing additional floor area for a building; and
  - D. The appurtenance complies with the screening requirements of this Ordinance.

4.4.3 Zoning District Density and Site Development Standards

a. Density, Building Height, and Landscape Surface Area Standards

**TABLE 4-1: BULK STANDARDS FOR DENSITY, BUILDING HEIGHT, and LANDSCAPE SURFACE AREA [1], [2]**

	Zoning Districts											
	T2	D1	D2	D3	T3	T4	T4O	T5	NC	CC	IL	IM
Gross Residential Density (Max)	1 per 8 AC [3]	1.0	1.5	3.0	3.0	[1]	[1]	[1]	12			
Building Height in Stories (Max)	3	3	3	3	4	4	4	4	3	4	3	3
Landscape Surface Area (Min)	70%	60%	50%	45%	40%	30%	30%	20%	15%	15%	20%	30%

NOTES:

- [1] For lots in recorded subdivisions or approved planned unit developments (PUDs), the maximum densities shown in this table shall not apply, and the requirements shown on the final plat and/or approved Development Plan shall govern.
- [2] Shaded cells indicate that no requirement exists.
- [3] In a T2 zone, for a Generational Farm, a 2-acre minimum lot size is permitted, with the recordation of a conservation easement or Purchase of Development Rights in a form acceptable to the Town Planner and Town Attorney.

b. Bulk Lot Standards for Residential Building Types

TABLE 4-2: BULK LOT STANDARDS FOR RESIDENTIAL BUILDING TYPES								
[1], [2], [3], [8]								
Standard		T2	T3	D1	D2	D3	T4, T4O	T5
Residential Detached (Street Loaded)	Front Yard Setback (feet) [4] [5]	50	25	25	20	10	10-20 max. build to	10-20 max. build to
	Side Yard Setback (feet) [6] [9]	20	20 total (min. of 5ft)	20 total (min. of 5ft)	20 total (min. of 5ft)	15 total (min. of 5ft)	15 total (min. of 5ft)	15 total (min. of 5ft)
	Rear Yard Setback (feet)[6]	50	20	30	20	20	30	5
	Minimum Lot Width (feet)	None	50	85	65	55	20	20
Residential Detached (Alley Loaded)	Front Yard Setback (feet) [4] [5]	50	75	25	20	10	30	20
	Side Yard Setback (feet) [6]	20	35	20 total (min. of 5ft)	20 total (min. of 5ft)	15 total (min. of 5ft)	[7]	[7]
	Rear Yard Setback (feet) [6]	50	65	20	20	10	30	10
	Minimum Lot Width	None	55	65	65	55	40	40
Residential Attached	Front Yard Setback (feet) [4] [5]		20		20	15	10	0
	Side Yard Setback (feet)		20 total (min. of 5ft)		20 total (min. of 5ft)	20 total (min. of 5ft)	N/A	N/A
	Rear Yard/Alley Setback (feet)		5		5	5	10	5

NOTES:

[1] For lots in recorded subdivisions or approved PDPs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the approved PDP shall govern.

[2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements along the outer boundaries of the development shall be retained as specified in this table.

[3] Shaded cells indicate that development type is not permitted in that district per the Ordinance.

[4] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yard, the minimum front yard shall instead be within 25 percent of the average front yard for existing buildings on the same block face.

[5] In cases where a transitional feature is required, the minimum setback shall be in accordance with Subsection 5.2.2, Transitional Features.

[6] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.

[7] Minimum of five feet each side, minimum 12 feet between dwellings.

[8] Larger or smaller setbacks and lot sizes are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback subject to Subsection 2.4.4, Planned Development Plan.

[9] Appurtenances may encroach into a side-yard provided they maintain a minimum setback of five feet from the property line and ten feet from principal structures on adjacent lots.

c. Bulk Lot Standards for Nonresidential Building Types

TABLE 4-3: BULK LOT STANDARDS FOR NONRESIDENTIAL BUILDING TYPES [1], [2]										
Standard		Zoning Districts								
		T1	T3	T4	T4O	T5	NC	CC	LI	HI
Front Yard and Side Street Setback (feet) [3] [4]	Local	40	25	0-20 max.	0-10 max.	0-5 max.	0-15 max.	10	15	30
	Collector	60	30	0-25 max.	0-15 max.	0-10 max.				
	Arterial	75	40	0-30 max.	0-20 max.	0-15 max.				
Side Yard Setback (feet) [5] [6]		20	10	0	0	0	0	8	10	15
Rear Yard Setback (feet) [5]		30	10	5	5	5	5	15	20	25
NOTES: [1] For lots in recorded subdivisions or approved PDPs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the final plat and/or approved PUD shall govern. [2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements of the outer boundaries along the development shall be retained as specified in this table. [3] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yards, the minimum front yard shall instead be within 25 percent of the average setbacks for existing buildings on the same block face. [4] In cases where a transitional feature is required, the minimum setback shall be in accordance with subsection 5.2.2, Transitional Features. [5] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building. [6] Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.										

4.5 Use Restrictions and Permitted Use Table

4.5.1 Table 4.1 lists the principal uses allowed within zoning districts within the Town of Thompson’s Station.

a. Explanation of the Permitted Use Table

i. Organization of the Table

Table 4.1 organizes the principal uses by Board Use Classifications as well as by Building Types. Specific, classified uses are listed under the Use Classifications/Building Types.

ii. Symbols in the Table

a) Permitted Uses “P”

A “P” indicates that a use is permitted by right, subject to

compliance with all other applicable provisions of this Ordinance. Specific uses may be subject to special use regulations, as referenced in the “Additional Requirements” column.

b) Blank Cells

A blank cell indicates that the listed use is prohibited in the respective zoning district.

c) Special Exceptions “S”

A “S” indicates that a use is only permitted as a Special Exception, which requires review and approval by the Board of Zoning Appeals, per Tenn. Code Ann. and this Ordinance.

d) Unlisted Uses

Any use not listed may be classified as a Permitted Use under the broad use categories/building types of Agricultural, Residential/Residential Building Types, Mixed Uses/Building Types, Civic and Institutional, Office, Commercial, and Industrial and Special Uses by the Town Planner.

**TABLE 4-4: PERMITTED USES TABLE**

Use Types “P” = Permitted Blank Cell = Not Allowed “S” = Special Exception	Base Zoning Districts													Additional Requirements
	T1	T2	T3	T4	T4O	T5	D1	D2	D3	NC	CC	IL	IM	
<b>AGRICULTURAL USES</b>														
Agricultural Uses	P	P	P				P	P						4.6.1; 4.6.2
Community Gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>RESIDENTIAL USES</b>														
Accessory Dwelling Unit		P	P	P	P	P	P	P	P					4.7.4
Apartment Dwellings				P	P	P								4.7.3
Duplex Dwellings				P	P	P		P	P					4.7.2
Group Homes			P	P	P	P	P	P	P	P				4.7.2
Manufactured Home							S							
Single-Family Dwellings		P	P	P	P	P	P	P	P					4.7.1
Senior Housing			P	P	P	P	P	P	P					
Townhome Dwellings				P	P	P			P					4.7.2

**TABLE 4-4: PERMITTED USES TABLE**

Use Types "P" = Permitted Blank Cell = Not Allowed "S" = Special Exception	Base Zoning Districts													Additional Requirements
	T1	T2	T3	T4	T4O	T5	D1	D2	D3	NC	CC	IL	IM	
<b>MIXED USES / BUILDING TYPES</b>														
Live/Work				P	P	P				P				4.7.2
Mixed Use Building				P	P	P				P	S	P		4.7.2
<b>CIVIC &amp; INSTITUTIONAL USES</b>														
Assisted Living Facility				S	P	P		S	S	P				4.8.1
Cemeteries	S			P								S		4.8.1
Charitable, Fraternal, or Social Organizations			P	P	P	P				P	P			4.8.1
Clinics			P	P	P	P				P	P			4.8.1
Correctional Facilities													S	4.8.1
Day Care Centers				P	P	P				S	P			4.8.1
Educational Facilities and Schools				P	P	P		S	S					4.8.1; 4.8.3
Essential Services/Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	4.8.1
Government Buildings or Uses			P	P	P	P				P	P	P	P	4.8.1
Hospitals						P								4.8.1
Nursing/Convalescent Home					S	P		S	S	S	P			4.8.1
Park Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	4.8.1
Place of Public Assembly (Churches, Places of Worship, etc)		S	S	P	P	P	S	S	S	S				4.8.1; 4.8.3
Rehabilitation Centers						P					S			4.8.1; 4.8.4
<b>OFFICE USES</b>														
Medical Clinics and Doctor Offices				S	P	P				P	P			4.8.1
Offices			P	P	P	P				P	P			4.8.1; 4.8.2
<b>COMMERCIAL USES</b>														
Automotive Sales (new and used)											S	S		4.8.1; 4.8.6
Bed and Breakfast		S	P	P	P	P				P				4.8.1
Commercial Kennels											S	P		4.8.1
Convenience Stores and Gas Stations				P	P	P				S	P			4.8.1; 4.8.6
Event, Exhibition, and Entertainment Facilities					P	P				S	P			4.8.1
Funeral Homes					P	P				S	P			4.8.1

**TABLE 4-4: PERMITTED USES TABLE**

Use Types "P" = Permitted Blank Cell = Not Allowed "S" = Special Exception	Base Zoning Districts													Additional Requirements
	T1	T2	T3	T4	T4O	T5	D1	D2	D3	NC	CC	IL	IM	
Golf Course			P	P		P		S			S			4.8.1; 4.8.15
Hotels				P	P	P					P			4.8.1; 4.8.12
Inn			P	P	P	P				P	P			4.8.1
Personal Services			P	P	P	P				P	P	P		4.8.1
Private Recreational Facilities including private gyms			P	P	P					P	P			4.8.1
Restaurants			P	P	P	P				P	P			4.8.1
Restaurants, Drive-In/Drive-Through				P	P	P				S	P			4.8.1; 4.8.17
Retail and Commercial Uses			P	P	P	P				P	P			4.8.1
Theaters					P	P				S	P			4.8.1
Vehicle Sales and Rental						P					S	P		4.8.1; 4.8.6
Vehicle Wash Facility						S					S			4.8.1; 4.8.6
Veterinary Facilities											P			4.8.1
Wireless Communications Facility	S											S	S	4.8.1; 4.8.8
<b>INDUSTRIAL &amp; SPECIAL USES</b>														
Adult-Oriented Establishments													S	4.8.1; 4.8.14
Engine and Motor Repair Facilities												S	P	4.8.1; 4.8.6
Flex/Maker Space					P	P					S	P	P	4.8.1
General Warehouses												S	P	4.8.1
Heavy Industrial Uses													P	4.8.1
Light Industrial Uses												P	P	4.8.1
Self-Storage Facilities											S	P	P	4.8.1; 4.8.7
Special Uses													S	4.8.1
Wholesale Sales												S		4.8.1
Wrecker Service & Salvage Yard													S	4.8.1

**4.6 Use Regulations and Conditions for Agricultural Uses**

**4.6.1 Regulations for Agricultural Uses**

Agricultural uses, as defined by state law, are exempt from the provisions of the LDO; expect that all structures erected, even if directly or indirectly to an agricultural use, shall be subject to all building permit requirements and associated Town laws, rules,

and regulations, as adopted by the Town.

#### 4.6.2 Purchase of Development Rights and/or Conservation Easements

Legal instruments such as purchase of development rights or conservation easements, as approved by the Town Attorney, shall allow for smaller lot sizes for generational farms with the Town.

### 4.7 Use Regulations and Conditions for Residential Building Types and Uses

#### 4.7.1 Regulations for Single-Family Residential Lots

- a. With the exception of the driveway, no vehicle or vehicle parts shall not be kept, stored, parked, maintained or otherwise allowed in the front yard or any additional area of a residential lot that is not predominantly screened from a public or private street by solid fencing, walls or vegetation.

#### 4.7.2 Regulations for Townhouses, Mixed Use, and Live/Work Buildings and Uses

- a. Townhouses and Live/Work Buildings shall not contain more than six units within one structure and shall each have a minimum of a one (1) car garage with a driveway apron no less than 20 feet, exclusive of the sidewalk. Mixed Use buildings may have more than 6 units, subject to Planning Commission review.
- b. Front-loaded townhouses shall have adjacent overflow parking lots provided at a rate of 0.5 per unit shall be provided in addition to the minimum standards of Table 4-5.
- c. Alley-loaded Live/work and Townhome units shall have a 5' or 20' driveway.
  - i. Any live/work or townhome units with a 5' alley loaded driveway shall have a minimum of a two-car garage and shall provide overflow parking at a rate of 1.5 space per unit in addition to the minimum parking standards in Table 4-5.
  - ii. Any live/work or townhome unit with a 20' alley loaded driveway, shall have a minimum of a one- car garage, and shall provide overflow parking at a rate of 0.5 spaces per unit, in addition to the minimum standards of Table 4-5. Condominiums do not require driveways or garage parking, but shall provide parking at a rate of 2.0 space per unit, in addition to the minimum standards of Table 4-5. Parking for all residential uses may be provided by on-street parking, nearby surface parking, or a combination of the two.
- d. Required front and side yard setbacks shall be landscaped and permanently maintained in a healthy manner.



#### 4.7.3 Regulations for Multi-family Residential Buildings and Uses

- a. Multi-family developments shall be located on a minimum of five (5) acres.
- b. Required front and side yard setbacks shall be landscaped and permanently maintained in a healthy manner. Irrigation systems shall be utilized for all required landscaped areas. Landscape areas in excess of the requirements of this Ordinance do not require irrigation systems.
- c. Construction shall incorporate a combination of masonry, fiber cement siding (ex Hardiplank), and/or brick. No vinyl or metal siding is permitted. Building facades shall include varied wall planes, projections and recesses, window articulation and natural color schemes. All elevations facing roadways shall include additional design and landscaping to soften and improve the appearance of the building mass.
- d. Groupings of buildings shall be used instead of long linear rows of buildings. Building massing shall incorporate varied rooflines, building heights and other architectural features. No residential building shall exceed 220 feet in length regardless of the number of dwelling units within the building.
- e. Entry drives shall be designed to incorporate enhanced paving, landscaping and other features which complement the building architecture.
- f. Masonry walls shall be required for noise attenuation between multi-family and single-family land uses. Masonry walls shall be designed to match the architecture of the residential structures.
- g. Each unit shall have one (1) designated parking space located in proximity to the unit it serves. Long rows of garages shall be broken up into groupings to serve the units.
- h. Each multi-family development shall include trash areas that will be designed to accommodate sufficient trash service for the development, at least one of which will be designed for recycling. The trash enclosure shall be enclosed by a masonry wall that matches the architecture of the residential buildings, with closing opaque gates, as approved by the TSPC. In addition, a landscape planter shall be utilized to provide screening around the trash enclosure.

#### 4.7.4 Accessory Dwelling Unit Standards

- a. One accessory dwelling unit (ADU) or guest house is permitted on all lots developed with a primary residence. The unit may be attached or detached. Attached units shall be limited to half the square footage of the primary

dwelling or 900 square feet, whichever is less.

- b. The secondary unit shall not exceed the height of the primary residence on the lot.
- c. The height of an ADU shall not exceed the maximum height for accessory structures.
- d. One additional paved, off-street parking space shall be provided for an ADU.
- e. The ADU shall be compatible with the primary residence and shall keep with the character of the surrounding vicinity.
- f. Address shall be provided for all ADUs through Williamson County.
- g. All standards applicable to setbacks, lot coverage, etc. that pertain to residential development shall be adhered to with the development of ADUs unless otherwise addressed within this section.

#### 4.7.5 Home Occupations

The purpose of this Section is to establish standards for non-residential uses within residential dwellings by the permanent residents in a manner that protects the residential character of the area, while providing the flexibility of granting home based businesses.

- a. No home occupation shall be permitted in any residential zoning district without a home occupation permit. The consent of the property owner is required before any home occupation permit will be issued. A home occupation permit application must be submitted to the Town and be accompanied by the required fee. The application must include the following information:
  - i. A complete home occupation application.
  - ii. A site plan showing the location of all proposed business activities on the project site.
  - iii. Consent of the property owner.
  - iv. Any information that the Town may reasonably request in order to process the application.
- b. The principle structure on the site shall be maintained as a residential use occupied by the person(s) conducting/engaged in the business.
- c. For sites that are less than one acre in size, the home occupation shall be completely enclosed within a structure on site. Sites exceeding one acre in size that utilize outdoor areas or other structures exceeding 1,000 square feet shall

be subject to the requirements for residential businesses.

- d. No exterior alterations of the dwelling shall be made which would change the residential character of the house.
- e. No business activities which would generate significant non-residential traffic or parking problems for the neighborhood shall be permitted.
- f. Deliveries to the residence for business purposes shall not be in substantial excess to that of normally occurring to the residential use.
- g. The residents of the dwelling unit and three additional non-residents may be permitted to be engaged in the home occupation providing all parking can be provided on site and the use does not become a nuisance to the community.
- h. Any proposed signage shall be required to obtain a sign permit prior to the installation of any signs.

4.7.6 Residential Business

The purpose of this Section is to establish standards on larger residential properties which are conducive to both residential and business land uses. These regulations are intended to permit nonintrusive economic activity on residential properties while protecting the integrity of the community and to promote and protect the public health, safety and general welfare of the people of the Town of Thompson’s Station.

a. Administration

Residential Business Permit Process

- i. No residential business shall be permitted in any residential zoning district without a residential business permit. The consent of the property owner is required before any residential business permit will be issued. A residential business permit application must be submitted to the Town and be accompanied by the required fee.
- ii. Residential businesses shall be subject to review and approval by the Planning Commission.  
The application must include the following information:
  - a) A complete application, including a justification statement explaining the proposed business in detail.
  - b) A detailed site plan showing the location of all proposed business activities on the project site in a format determined by Town Staff.
  - c) Detailed building elevations (for all new construction) in a format

determined by Town Staff.

- d) Written consent of the property owner.
- e) Any information that the Town may reasonably request in order to process the application.

b. General Regulations

- i. A residential business may not be permitted on lots less than one (1) acre in size.
- ii. The residents of the property must be engaged in the business. Additional non-residents may be employed in the residential business providing all parking can be provided on site and the use does not become a nuisance to the community. Adequate parking for all employees shall be indicated on the site plan.
- iii. With the exception of land uses that require cultivation of the land, all residential business uses shall be maintained within an enclosed building, not to exceed 5,000 square feet.
- iv. All storage of materials used for the residential business shall be kept within an enclosed structure or shall be completely screened from the roadways and adjacent properties.
- v. All buildings utilized for the business shall maintain a minimum setback of 50 feet from any property line.
- vi. Any land alterations necessary for the installation of any accessory structures shall be subject to review and approval of a grading plan.
- vii. All businesses shall comply with the code requirements for buffer yard performance standards.
- viii. Any business that exceeds the thresholds within the Noise Ordinance shall be required to soundproof the building.
- ix. No activities, materials or equipment related to the residential business may negatively impact visibility from the public right-of-way or neighboring residences.
- x. Any proposed signage shall be required to obtain a sign permit prior to the installation of any signs.

4.7.7 Mobile Business Services

The purpose of this section is to establish standards for mobile commercial uses

conducting business within residential zoning districts. These regulations are intended to permit limited commercial activities as an incidental use for residential uses, while protecting the integrity of residential zoning districts. Activities permitted include mobile automotive detailing services, mobile veterinary and grooming services, mobile residential cleaning services, mowing and construction contractors, and other similar uses approved by the Town Planner.

- a. Commercial activities resulting in refuse and water usage shall utilize a collection system allowing the complete clean-up of materials and recollection of contaminated water. Garbage, waste, brush/leaves, clippings, and other materials shall be disposed of at the time of daily job completion. The intent of this section excludes water line flushing, landscape irrigation flushing, individual residential car washing by the home's occupant.
- b. Parking, loading, and unloading shall be on the home occupant's property, or in an approved parking stall. Parking, loading, and unloading within Right-of-Way shall be minimized and shall not disrupt normal traffic patterns.
- c. Times of operation shall be limited to 8:00 A.M. and 6:00 P.M.
- d. Emergency construction and clean-up services may be permitted to operate under additional guidelines with written approval by Town Staff.

#### **4.8 Use Regulations and Conditions for Nonresidential Building Types and Uses**

These standards govern all non-residential developments.

##### **4.8.1 General Non-Residential Standards**

- a. Buildings should be located along road frontage with parking located in the rear.
- b. Groupings of buildings shall be used instead of long linear rows of buildings. Building massing shall incorporate varied rooflines, building heights and other architectural features.
- c. Entry drives shall be designed to incorporate enhanced paving, landscaping and other features which complement the building architecture.
- d. Each development shall include dumpster enclosures sized to accommodate the development, at least one of which shall be designed for recycling. The dumpster enclosure shall be a masonry that matches the architecture of the buildings on site, with closing opaque gates, as approved by the TSPC. An access/service door, separate from the gates to the enclosure, shall be required to access the dumpster enclosure for a mixed-use development where restaurants are a permitted use. In addition, landscape shall be utilized to provide screening around the enclosure.

- e. All ground or building mounted mechanical equipment shall be landscaped to screen views from adjacent properties, rights-of-way, and parking areas.

4.8.2 Regulations for Office Uses

- a. Outdoor Storage Shall be prohibited.
- b. Buildings or structures with less than 51 percent office space measured by gross floor space shall not be classified as an office use and shall instead be regulated by the other use of the structure.

4.8.3 Place of Public Assembly, Schools, and Educational Uses

- a. An institutional use such as a Place of Public Assembly, School, or Educational Use that may be located in a residential zone shall be designed to respect the residential character by incorporating similar design elements of the surrounding residential uses, including but not limited to:
  - i. Overall height of all structures;
  - ii. Rooflines;
  - iii. Building Materials and colors;
  - iv. Setbacks;
  - v. Screening of all parking, mechanical equipment, utilities, HVAC equipment, and similar aspects of the development; and
  - vi. Lot coverage and greenspace.
- b. Any development shall provide a full Traffic Impact Study as part of the development review process.
- c. If permitted as part of a Special Exception, the BZA may consider:
  - i. Time of operation.
  - ii. Buffering and Screening.
  - iii. Design of the building and layout of the site plan.
  - iv. Other relevant aspects of the site design that may impact adjoining properties.

4.8.4 Rehabilitation Center

In order to be classified as a Rehabilitation Center, the center shall be licensed by the Tennessee Department of Health, Board of Licensing Health Care Facilities.

4.8.5 Windmill Standards

These standards govern the installation of windmills or other similar electricity

generating facilities intended for residential use. The Board of Zoning Appeals may, through the special exception permit process, determine that additional standards are necessary for the health, safety and welfare of the community as a whole.

- a. Windmills shall not be located on any parcel which is less than five (5) acres. Prior to the subdivision of any land containing a windmill into less than five (5) acre parcels, the windmill shall be removed. No more than one (1) windmill shall be permitted per five (5) acre parcel.
- b. Windmills shall not exceed 80 feet in height measured at grade to the highest point of the structure.
- c. Windmills shall be located within the rear yard of the property.
- d. Windmills shall be constructed of non-combustible materials.
- e. The setback shall be determined by the total extended height, which shall include the height of the windmill plus the length of one turbine plus an additional 10 feet. This setback shall be maintained from all property lines, public rights-of-way, and any overheard utility line or structure.
- f. No signs are permitted on any portion of the windmill.
- g. Compliance with other codes. Windmills shall be constructed and maintained in accordance with all applicable building and electrical codes. A letter from the utility company shall be obtained and submitted with the application for any windmills that are proposed to be connected to utility company infrastructure.
- h. Any windmill that is inoperable for greater than six months shall be removed from the property. Failure to remove the inoperable windmill may result in removal by the Town at the expense of the property owner.

#### 4.8.6 Automotive Uses

Due to the high impact of automotive uses the following standards are established for the development of automotive repair/body repair shops, automotive service facilities, automotive washes, convenience stores, gas stations, and accessory uses or any similar use or combination of the above uses.

- a. No more than two (2) automotive uses within the Community Commercial zoning district shall be located within 3000 feet of any other automotive use.
- b. Main buildings and structures shall be located as close as allowable to the public right-of-way, adjacent to landscaping, and the front façade of the main structures shall orient toward the public right-of-way. Automotive bays, canopies, and

gasoline pumps, and other garage space access shall be oriented away from public rights-of-way. A gas station/convenience canopy may have limited frontage along a public right of way only if both the canopy and building contain pitched roofs and the bays for accessing gasoline pumps under the canopy are oriented away from the highest classified public right of way.

- c. Lot coverage for automotive facilities shall include all buildings and canopies on site and shall not exceed 25%. Total amount of impervious surface shall be limited to 40%.
- d. Parking shall be predominantly located in the rear of the site behind the main structure. In cases where a portion of the parking fronts a public right of way, a landscaped hedge shall be provided to screen all parking spaces. The overnight parking or storage of any vehicles shall be fully screened from all public rights-of-way.
- e. A maximum height of twenty-five (25) feet is permitted for all structures.
- f. Car washes and other automotive uses that require vehicle stacking for quick service functions shall have a minimum queuing or stacking of three (3) cars or 60 feet. The queue cannot block any ingress/egress, drive aisles or parking.
- g. Temporary display is permitted. Displays may not be located within any vehicular or pedestrian path of travel or any parking areas.
- h. Internal pedestrian access shall be provided and shall consist of paved walkways, decorative treatments, etc. to clearly identify the pedestrian path.
- i. Uses Not Associated with the Business. No sale of merchandise such as, cars, motor vehicles, etc. by private parties shall be permitted on the premises.
- j. Canopy fascia shall match the color and materials of the other buildings on site. No more than two points of ingress/egress shall be permitted and no more than 35% of the street frontage shall be dedicated to curb cuts. Driveways shall be located a minimum of 200 feet from any intersection.
- k. Automotive uses shall be operated and maintained in accordance with all applicable state and building codes.
- l. Car washes and other automotive use shall be oriented so that any wash bays or service bays shall not open onto a public ROW.
- m. Car washes shall not be permitted on lots with arterial roadway frontage.



#### 4.8.7 Self-Storage

These standards are a minimum set forth to govern the development of self-storage facilities. The Board of Zoning Appeals may, through the special exception process, determine that additional standards are necessary for the health, safety, and general welfare of the community as a whole.

- a. Self-storage facilities shall not be located on a parcel that is along an arterial road.
- b. All self-storage facilities shall maintain a minimum of a 25-foot landscaped front yard setback, a 15-foot landscaped setback and a 20-foot landscaped setback.
- c. All self-storage facilities shall be enclosed by a solid masonry wall with a minimum height of six (6) feet. All self-storage facilities shall have additional landscaping to screen the sides and rear of the facility to provide a visual buffer between land uses.
- d. All noise shall be sound attenuated so that the noise level measured at the property line that does not exceed eighty-five (85) decibels during the day and sixty-five (65) decibels at night when adjacent to residential districts.
- e. All self-storage facilities shall be enclosed within an overall building. Each facility shall be designed and developed in a complementary architectural style to surrounding developments that also fits within the Town's overall architectural character. Design features that are consistent with the Town's Development Standards shall be utilized to increase the overall appearance of self-storage facilities. All self-storage facilities shall be reviewed by the TSPC.
- f. No uses other than storage and a related office are permitted within the self-storage facility.
- g. All storage shall be contained within each individual storage unit. Outdoor storage shall be subject to outdoor storage requirements.
- h. Self-storage facilities shall be operated and maintained in accordance with all applicable state, county and local building codes and regulations.

#### 4.8.8 Wireless Communications Facilities

These standards govern the development of wireless communications facilities.

- a. Review Process for Wireless Communication Towers ("WCT"). All applications to construct a WCT within the Town shall include a detailed site plan of the

proposed WCT, in addition to information required for a building permit, and shall obtain the approval of the Planning Commission, unless specifically exempted as provided herein.

- b. Permitted Locations: WCTs shall only be permitted within the IM zoning district subject to these standards; however, the placement of such towers shall be done to minimize the visual impact of WCTs is strongly encouraged.
- c. Low-impact WCTs. Proposed WCTs meeting the following requirements shall not require Planning Commission review and approval, but may be approved by Town staff:
  - i. Antennae located on existing non-residential structures that do not extend more than ten (10) feet above the existing structure and that are camouflaged or placed in a manner so as to minimize visibility.
  - ii. Monopoles of less than forty (40) feet in height located within areas of public right-of-way as permitted by the Town or located on existing utility poles within the Town.
  - iii. The co-location of antennae on existing WCTs, whether they were constructed before the effective date of this ordinance or approved in accordance with this ordinance, provided no additional height is added to the WCT.
- d. Medium-impact WCTs. Proposed WCTs meeting the following requirements are permitted upon Planning Commission review and approval. In addition to the following requirements, the Planning Commission may also impose such other conditions as reasonably necessary to protect the surrounding property uses:
  - i. Applications proposing medium-impact WCTs shall demonstrate that (a) they have exhausted all reasonable efforts to co-locate with existing facilities and (b) that a low-impact WCT is not feasible for their needs and purposes.
  - ii. Medium-impact WCTs shall be located where the existing topography and land features provide screening to the maximum extent feasible from the public viewshed.
  - iii. Unless the proposed WCT is an accessory use on a non-residential property as described in (2) above, the height of a medium-impact WCT shall not exceed twenty (20) feet over the average tree height within a 100-foot radius of the proposed ground mount location and in no event may a medium-impact WCT exceed a height of eighty (80) feet.

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- iv. All new medium-impact WCTs shall be designed to accommodate the co-location of at least three (3) other users, including all necessary above-ground and underground infrastructure.
  - v. Medium-impact WCTs shall be separated by not less than 750 feet, measured by a straight line from the base of an existing tower, to the base of a proposed tower.
  - e. High-impact WCTs. Any proposed WCT not meeting the conditions for low- or medium-impact WCTs require site plan review and approval by the Planning Commission and must meet the following additional conditions:
    - i. An applicant for a high-impact WCT shall provide an inventory of existing WCTs or sites approved for WCTs that are within the Town, and WCTs outside of the Town which serve areas within the Town, as well as within the coverage area of the proposed WCT. The inventory shall include specific information about the design, height, and location of each WCT and demonstrate that their needs and the needs of the public cannot be adequately served by co-location or installation of a low- or medium-impact WCT. High-impact WCTs will only be approved if the Planning Commission determines based on the evidence presented by the applicant that no existing WCT or structure can accommodate the proposed antenna.
    - ii. High-impact WCTs shall be no separated by not less than 1,500 feet, measured by a straight line from the base of an existing tower to the base of a proposed tower.
    - iii. Site plan applications for high-impact WCTs shall include a detailed landscaping plan sufficient to screen the entire perimeter of the fence of the WCT and to provide for the installation and future growth of large trees and other vegetation. The Planning Commission may require the applicant to post a landscaping bond as a condition of approval.
    - iv. Applications for high-impact WCTs shall also include detailed construction drawings and plans approved by a licensed engineer and a schematic drawing of the proposed WCT and accessory structures, fencing and landscaping.
    - v. A high-impact WCT shall require an additional two-foot setback from the base of the tower to the property line for each vertical foot over the maximum height of structures permitted within that zone district. No WCT shall be permitted by the Planning Commission of a height of more than 125 feet.
  - f. Requirements for all WCTs. All WCTs shall meet the following requirements:

- i. Minimum siting distances to habitable structures required for compliance with the Federal Communications Commission (FCC) regulations.
- ii. Shall be designed using non-reflective materials and shall be compatible with and match the building architecture and colors to the maximum extent feasible and be located to minimize visual impacts.
- iii. No signs are permitted on a WCT other than necessary warning or certification signs.
- iv. No lighting is permitted on a WCT except as required to comply with federal regulations.
- v. All ground mounted mechanical equipment shall be housed underground or within a structure that shall be fenced and screened from public view with an eight (8) foot fence. The fence shall be locked at all times and the perimeter of such fence shall be completely screened from adjacent properties either by existing trees and vegetation or newly installed landscaping.
- vi. Wireless communications facilities shall be operated and maintained in accordance with all applicable federal, state, county and local building codes and regulations. Any abandoned facilities or structures shall be removed within 30 days.
- g. Abandonment and removal. Any WCT that is not operated for a continuous period of 12 months or more shall be considered to have been abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Town. Failure to remove an abandoned tower or antenna within said 90 days shall be grounds to remove the WCT at the owner's expense. If there are multiple users of a WCT, then this provision shall not become effective until all users abandon the tower. The Planning Commission shall require that a Performance Agreement be established for all High- Impact WCTs, with appropriate financial security to defray the costs of removal.

#### 4.8.9 Outdoor Display and Sales

- a. Outdoor displays and sales shall be shown on the site plan for approval of a retail sales or service land use for review and approval by the Planning Commission.
- b. All outdoor displays and sales shall not exceed 25% of the linear feet of store frontage, shall not be stacked in excess of six (6) feet.
- c. Outdoor displays and sales shall not be located within required setbacks or landscaped areas and shall not obstruct any fire lanes, loading/unloading

zones, drive aisles or pedestrian walkways.

- d. All furniture used for displays and sales shall be kept clean and in good repair.

#### 4.8.10 Outdoor Storage

- a. Outdoor storage shall not be located on any parcel which is less than two (2) acres.
- b. All outdoor storage shall be delineated on the site plan for approval of any use proposed to have outdoor storage. All materials and supplies shall only be located in approved designated areas and shall not be placed within parking areas, drive aisles, landscaped areas or other similar locations.

#### 4.8.11 Garage/Estate Sales

- a. All materials or goods sold must be the personal property of one of the persons conducting the sale.
- b. All garage sales shall be conducted on the residential property and shall be occupied by one of the people conducting the sale.
- c. No more than six (6) garage sales shall be permitted at any one (1) location each calendar year and shall not exceed three (3) consecutive days.
- d. Any temporary signage for garage sales shall not be placed in the right-of-way and shall not be erected more than one (1) week in advance of the sale and shall be removed within three (3) days of the sale.

#### 4.8.12 Hotels

- a. All hotels shall have an indoor lobby that has 24-hour customer service with lobby.
- b. Internal access shall be provided to each room/suite.
- c. A minimum of a 3,000 square foot indoor common area shall be incorporated into all hotels.

#### 4.8.13 Model Homes/Office Trailers for Subdivision Sales

- a. Model homes shall be permitted on recorded lots and shall be constructed meeting all plat requirements for the subdivision.
- b. Office trailers shall be allowed for a maximum of two (2) years or until ninety percent (90%) of the homes within the subdivision are sold. Vacant trailers in excess of 90 days shall be removed from the site and the site restored to its previous condition.

- c. A paved parking area with landscaping shall provide three (3) parking spaces to accommodate the model home or the sales office.
- d. Necessary drainage structures shall be installed to accommodate storm water runoff.

#### 4.8.14 Adult Oriented Establishments

- a. Adult-oriented establishments shall be permitted only by special exception within the IM zoning district and subject to such conditions as the BZA may impose but shall not be permitted on any property within 500 feet of the following:
  - i. A church or similar place of public assembly used primarily for religious worship and related religious activities;
  - ii. A public or private child care or educational facility, including, but not limited to, day care facilities; continuing, elementary, high, intermediate, junior high, middle, nursery, secondary, special education, or vocational schools; kindergartens; preschools; private schools; post-secondary educational institutions, and the grounds of any such facility, provided that the requirement shall not apply to facilities used primarily for another purpose and only incidentally as a school;
  - iii. A boundary of any residential zoning district or the property line of a lot devoted to a residential use;
  - iv. A public park or recreational area that has been designated for park or recreational activities, including, but not limited to, an athletic field, basketball court, bicycle/pedestrian path, nature trail, park, playground, swimming pool, tennis court, wilderness areas, or similar public land that is under the control, management, or operation of any government park and recreation authority;
  - v. An entertainment business that is oriented primarily towards entertainment for children or families; or
  - vi. Any establishment that sells beer or alcoholic beverages, including restaurants, grocery, convenience, or packaged liquor stores
- b. Measurements related to this subsection shall be made in a straight line, without regard to intervening objects or structures, from the nearest portion of the building or structure used as part of the premises where an adult-oriented establishment is conducted to the nearest property line of the premises of a use

listed in subsection a. above. The presence of a city jurisdictional boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection. An adult-oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of said establishment, of a use listed in subsection a. above within 500 feet of the adult-oriented establishment.

#### 4.8.15 Golf Course Standards

- a. Development features (including structures, fairways, greens, service facilities) shall be located to
- b. minimize impacts to the adjacent properties.
- c. Any non-residential structures shall be set back 75 feet from any property line of a residential lot.
- d. The golf course shall comply with landscaping standards within Section 4.16 and shall include a Buffer Type 3 (semi opaque screen) between non-residential structures and residential lots.
- e. Ancillary uses shall be limited to practice and short game areas, sale of consumption of food and beverage on the premises, comfort stations, and the sale and rental of golf equipment unless otherwise permitted by the zoning.
- f. No more than 50% of the golf course can be counted toward the total open space requirement.
- g. Cart paths shall be provided to each hole on the golf course.
- h. No lighting shall be permitted for the golf course. Site lighting for parking areas and building sites associated with the golf course shall follow the Site Lighting standards of this Ordinance.

#### 4.8.16 Financial Institutions

- a. A Financial Institution with Drive Through Locations are restricted in the NC District, except for Financial Services uses on commercial lots adjacent to a major arterial street.
- b. Financial Services (including banks) may have a maximum of three (3) drive-through lanes under one (1) canopy attached to the primary building, including any drive-through ATM lanes.
- c. Each drive-through lane shall have a stacking area sufficient for four (4) vehicles

clear of any drives or parking spaces.

4.8.17 Drive-in/Drive-through Restaurants

Drive-in or drive-through windows/facilities shall not be located along any road-facing elevation and typically located on along the rear facade; however, service windows may be located on a side facade only when the side facade faces away from any street.

4.9 Parking Standards

All developments require a parking plan to be submitted and reviewed with the for compliance with parking. Residential development approved through the platting process may address parking through notes. The parking plan shall identify all parking areas, required landscaping, bicycle parking, and loading areas throughout the project site.

4.9.1 On-street parking may be counted toward required parking along the subject frontage under the following conditions:

- a. The on-street parking is within 1,000 feet from the property; and
- b. The on-street parking includes a safe pedestrian path outside of the roadway travel lanes (excepting crosswalks).

4.9.2 Minimum Required Automobile Parking

Parking requirements are determined by use(s) according to Table 4.5 Required Parking Table.

<b>Table 4-5: Required Parking Table</b>	
Use	Number of Required Parking Spaces
<i>Residential</i>	
Assisted Living, Treatment Facility & Other Group Living	0.3 per room
Bed & Breakfast	1 per guest room plus 2 non-tandem for owner
Dormitories/Fraternities/Sororities	1 per 2 beds
Rooming/Boarding House	1 per room
Single Family	2 non-tandem per dwelling
Townhomes and Multifamily	1 bedroom: 1.5 per dwelling 2 bedroom: 2.5 per dwelling 3+ bedroom: 3 per dwelling
Model Homes	3 per model
<i>Institutional</i>	



<b>Table 4-5: Required Parking Table</b>	
Colleges	1 per 4 students
Community Services	1 per 250 square feet
Day Care	1 per employee plus 1 space per 300 square feet of office space
Elementary & Middle Schools	1 per classroom plus 1 per 200 square foot of public gathering areas
Government Use	Per Parking Demand Need
High Schools	5 per classroom plus 1 per 200 square foot of public gathering areas
Hospital or Medical Clinic	4 per 1000 square feet
Museums, Galleries, & Libraries	1 per 200 square feet
Neighborhood/Community Park	5 per acre
Parks With Athletic/Ball Fields	20 per field/diamond or 1 per 4 seats
Religious Assembly	1 per 3 seats 1 per 9 linear feet of fixed benches 1 per 400 square feet of other areas
<b>Commercial</b>	
Animal Shelter	1 per 250 square feet of area, excluding housing area for animals
All other outdoor recreation uses	1 per 600 square feet of outdoor recreation area
Amusement Center	1 per game table, video game, amusement device + 1 per 200 square feet of floor area
Clubs/Lodges	1 per 3 persons or 1 per 200 square feet
Driving Range	1 per tee plus 1 per employee
Event Center	1 space per 6 seats or 1 per 50 square feet of floor area if no permanent seats
Financial Services	1 per 1000 square feet of building area plus 3 in all drive-through lanes
Funeral Home, Mortuary, or Crematorium	0.25 per person of maximin occupancy
Gas Station	3.33 per 1,000 square feet plus 1 space per gasoline pump
Golf Course	2 per hole plus 1 per 200 square feet for clubhouse
Health Club/Fitness Center	10 plus 1 per 200 square feet in excess of 1,000 square feet
Hotels	1 per guest room

<b>Table 4-5: Required Parking Table</b>	
	plus 1 per employee on the largest shift plus 0.25 per person of maximum occupancy load in assembly areas & conference/meeting rooms
Kennels	1 per each 15 animals plus 1 space per 300 square feet of office space
Restaurants- inside and outside seating	10 spaces per 1,000 square feet of gross floor area of the building and any outdoor dining area plus 1 per employee on largest shift
Restaurants- drive-in	0.52 per indoor & outdoor seat plus 15 stacking spaces for first ordering station plus 5 additional spaces for each additional ordering station
Retail and Personal Service	3.33 per 1,000 square feet
Riding Academies	1 per 3 animals
Showrooms	2 per 1,000 square feet plus 1 per employee
Theatres	0.33 per seat
Vehicle Sales and Rental	2 spaces per 1,000 square feet plus 1 space per service bay plus separate inventory spaces (determined per application)
Vehicle Service Facility	3.33 per 1,000 square feet Plus 1 per service bay
Vehicle Wash Facility	1 per bay plus 3 staking spaces per bay
<b><i>Industrial and Special Uses</i></b>	
Adult Oriented Establishments	0.33 per person of maximum occupancy load
Industrial and Special Uses ( <i>Use areas segmented and cumulatively added per area within the overall building, as follows</i> )	Indoor Retail Sales Area: 1 per 200 square feet Storage/Warehousing: 1 per 250 square feet Manufacturing/Assembly: 1 per 1,250 square feet Office/Administrative Use Area: 1 per 300 square feet Outdoor Storage Area: 1 space per 1,000 square feet
Self Storage Facilities	0.01 space per storage unit  plus 1 per employee  plus 5 spaces

Table 4-5: Required Parking Table	
Vehicle/Autobody Repair	3.33 per 1,000 square feet plus 1 per bay

4.9.3 Alternative and Shared Parking Reduction. In order to be adaptive to changing parking trends, the TSPC may consider an alternative parking plan and/or shared parking reduction in overall parking requirements. Alternative and shared parking is determined as follows:

- a. Shared parking is available for two or more uses on one lot or within two blocks.
- b. Parking facilities may utilize shared parking for uses within 1000 feet of the facility.
- c. A written agreement shall be drafted to the satisfaction of the Town Attorney and executed by all parties concerned assuring the continued availability of the number of spaces designated for the joint use.
- d. The Alternative and Shared Parking Reduction shall be based on ITE or other Engineering Studies and presented for review.

4.9.4 Required parking may be adjusted downwards where the following provisions for cyclists are provided:

- a. 1 automobile parking space may be reduced for every 4 bicycle parking spaces provided in excess of that required up to a 10% reduction.
- b. 1 automobile parking space may be reduced for every shower provided for commercial and office uses, not to exceed a reduction of 10 spaces.

4.9.5 Maximum Provided Automobile Parking

In no event shall any development provide more than 120% of the minimum parking, established by Table 4-5, except by the following:

- a. Parking areas that exceed the maximum allowable parking shall incorporate low impact design (LID).
  - i. For up to a 5% increase in parking, 25% of the parking area shall be low impact design (LID).
  - ii. Any increase in parking over 5% shall require 50% of the parking area LID.
- b. Parking structures may exceed the allowable parking requirements upon Site

Plan approval by the Planning Commission.

4.9.6 Off-street Parking Design Standards for All Zoning Districts

Required off-street parking spaces shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. The length of parking spaces can be reduced to sixteen and one half (16.5) feet including wheel stop if one and one half (1.5) feet in length is provided for the front overhang of the car. The parking space shall have a vertical clearance of at least seven (7) feet. Horizontal widths for parking rows, aisles, and modules shall be provided pursuant to the following table:

TABLE 4-6: REQUIRED PARKING LOT DIMENSIONS					
Horizontal Widths for Parking Rows, Aisles and Modules	One Way	Degree Angle from Perpendicular			
		30	45	60	90
Single Row	9 Ft.	17 Ft.	18 Ft.	18 Ft.	18 Ft.
Dividing Aisle	12 Ft.	12 Ft.	13 Ft.	18 Ft.	24 Ft.
Minimum Module Width	21 Ft.	29 Ft.	31 Ft.	36 Ft.	42 Ft.
Double Row	18 Ft.	34 Ft.	36 Ft.	36 Ft.	36 Ft.
Dividing Aisle	12 Ft.	12 Ft.	13 Ft.	18 Ft.	24 Ft.
Minimum Module Width	30 Ft.	46 Ft.	49 Ft.	54 Ft.	60 Ft.

All parking shall be asphalt or concrete, with the following standards:

- a. Concrete surfaces shall be a minimum thickness of four (4) inches with all necessary infrastructure to support that parking area.
- b. Asphalt surfaces shall be two (2) inches after compaction and shall be laid over crushed rock or gravel to a minimum of four (4) inches. Asphalt surfaces shall be rolled smooth.
- c. All spaces shall include striping to meet the minimum dimensions for parking stalls.
- d. Handicap parking shall be provided for in compliance with State and Federal requirements.
- e. Access width limitations per Table 4.6 through Table 4.16 shall be to the front setback. Behind the front setback paving is limited only by lot coverage maximums.

4.9.7 Off-street Parking Design Standards

- a. Parking areas located adjacent to any public right-of-way shall be screened by a masonry wall or landscaping not to exceed 42 inches in height. Masonry walls shall be designed to reflect the architectural character of the buildings on site.

4.9.8 Minimum Required Bicycle Parking

Bicycle parking required at the frontage may be provided within the front setback or within the public right-of-way in coordination with the Town.

TABLE 4-7: REQUIRED BICYCLE PARKING	
TOTAL PARKING SPACES	MINIMUM NUMBER OF BICYCLE SPACES
10 – 20	2
21 – 40	3
41 – 60	4
61 – 80	6
81 and greater	10% of the total required parking

4.9.9 Bicycle Parking Configuration

Bicycle parking provided within the front setback or within the public right-of-way is subject to the following restrictions:

- a. Bicycle racks shall be configured to provide two points of contact for locking bicycles.
- b. Bicycle racks may not be located within the following areas:
  - i. Within 5 feet of fire hydrants.
  - ii. Within 4 feet of loading zones and bus stop markers.
  - iii. Within 3 feet of driveways and manholes.
  - iv. Within 2 feet of utility meters and tree boxes.
- c. Bicycle racks installed parallel to the curb shall be set back from the curb a minimum of 2 feet.
- d. Bicycle racks installed perpendicular to the curb shall allow for a minimum setback of 2 feet between the curb and a 56cm bicycle properly locked to the rack.
- e. Bicycle rack placement may not reduce the pedestrian sidewalk path to less than 4 feet accounting for a 56cm bicycle properly locked to the rack.

- f. Bicycle racks should be spaced a minimum of 48 inches when installed parallel to the curb and 30 inches when installed perpendicular to the curb.

4.9.10 Off-street Loading Standards

Any use with a gross floor area of ten thousand 10,000 square feet or more that requires deliveries or shipments shall provide off-street loading facilities in accordance with the following table:

TABLE 4-8: OFF-STREET LOADING REQUIREMENTS	
GROSS FLOOR AREA (IN SQ. FT.)	NUMBER OF BERTHS
1,000 – 24,999	1
25,000 -79,999	2
80,000 – 127,999	3
128,000 – 198,999	4
199,000 – 255,999	5
256,000 – 319,999	6
320,000 – 391,999	7

For each additional 100,000 square feet (or fraction thereof) of gross floor area, one (1) additional off-street berth shall be provided. The minimum area for each off-street loading space, excluding area for maneuvering, shall be two-hundred-fifty (250) square feet. At no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded. When a loading area abuts a residential use a 25-foot buffer-yard shall be established. A 10-foot buffer-yard is required in all other situations.

**4.10 Lighting Standards**

The purpose of this section is to regulate outdoor lighting to minimize light trespass and spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of a light source while permitting adequate and safe lighting for non-residential and multi-family developments. This Section does not apply to public street lighting.

4.10.1 All developments proposing lighting shall require an exterior lighting plan be submitted and reviewed by the Planning Commission with the site plan for development. The lighting plan shall include all lighting within parking and landscaped areas, and shall provide the following:

- a. All lighting shall be designed to minimize light trespass and spillover onto adjacent rights-of-way and other properties. 1.0-foot candles shall be permitted as the maximum illumination abutting a residential property line. 2-foot candles shall be permitted as the maximum illumination of any nonresidential property at the ROW or any adjoining non-residentially zoned or non-residentially used property line.

- b. Lighting shall be consistent on the project site and designed to match the scale and the architectural style on the site.
- c. A photometric survey shall be required to evaluate lighting.
- d. All lighting shall comply with the provisions of this ordinance and any applicable electrical and energy codes.
- e. All lighting installations shall be designed and installed to be fully shielded, except as exempted below, and shall have a maximum lamp wattage of 250 watts HID (or approximately 1,600 lumens) for commercial lighting.
- f. Residential lighting shall be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
- g. Lighting fixtures shall be compatible with the character, scale, and function of both the principal structure and surrounding area.
- h. Public and private lighting fixtures in residential developments shall be a pedestrian-scale ornamental fixture.
- i. Shoe-box and cobra-head style fixtures shall be prohibited as public lighting within residential developments.
- j. Ornamental style light fixtures shall include internal lamp shielding, such as metal louvers or glass reflectors, to reduce objectionable glare; however, ornamental style light fixtures that rely on prismatic glass, acrylic, or polycarbonate outer globes as their only lamp shielding method are prohibited.
- k. All lighting shall be certified as Dark Sky compliant.
- l. Exemptions:
  - i. Lighting in swimming pools and other water features governed by the Electrical Code.
  - ii. Exit signs and other illumination governed by the Building Code.
  - iii. Lighting for stairs and ramps, as required by the Building Code.
  - iv. Holiday and temporary lighting, less than forty-five days use in any one year.
  - v. Ball field lighting.
  - vi. Low voltage landscape lighting, but such lighting shall be shielded to eliminate glare and light trespass.
- m. Temporary Lighting

- n. Lighting for temporary uses may be permitted as part of a temporary use as issued with a permit.
- ii. Lighting may not be located in proximity to residences and shall be oriented away from residences.

#### **4.11 Landscaping Standards**

Landscaping is required on lots, in parking areas, in open spaces and as buffers around certain specified uses or between specific zoning districts. Landscaping requirements for individual non-residential uses or expansions to existing non-residential uses and conversions of residential structures to commercial uses shall be applicable only to the portion of the site affected by the use.

##### **4.11.1 General to all zoning districts**

- a. Tree removal and replacement shall be per Section 3.3.14 Tree Protection.
- b. The spacing and placement of plants shall be adequate and appropriate for the typical size, shape and habit of the plant species at maturity.
- c. Proposed canopy trees and understory trees shall be centered horizontally and minimally:
  - i. Two (2) feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
  - ii. Three (3) feet from walkways, curbing and other impervious pavements when planted in a continuous swale;
  - iii. Five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls and other ground level obstructions;
  - iv. Six (6) feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;
  - v. Eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.
- d. Ground vegetation or shrub planting with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two (2) feet of the first layer.
- e. Artificial plants or artificial turf are prohibited, excluding active recreation sports fields that are typically subject to intense use and soil compaction which prohibits the establishment of turfgrass, and where paving or grass paving systems will not suffice given the area's purpose and level of use.



- f. An existing vegetation site preservation plan must be submitted with the landscaping plan. This plan must show measures being proposed to ensure protection and survival of all vegetation proposed as contributing to landscaping requirements or as required by the Planning Commission.
- g. All required landscaping material shall be composed of at least 50% native plants. The calculation shall be based on the quantity of plants. The use of invasive plants species, as specified by the Land Development Manual, shall be prohibited.

4.11.2 Landscaping Standards for Parking Lots

- a. For any development with a minimum requirement of 20 or more parking spaces and parking areas proposed within 150 feet of an arterial or collector road, there shall be a minimum of 250 square feet of green space provided for every ten (10) parking spaces located in the affected area.
- b. This green space shall be reasonably distributed inside the perimeter of the affected parking area.
- c. All parking lot islands shall have a minimum required width of ten feet, measured from the back of curb.
- d. All parking spaces affected by this standard shall be located within 55 feet of a parking lot island.
- e. Parking lot islands shall be planted with trees that are three caliper inches or greater in size and properly spaced for future growth and urban conditions.
- f. In addition, all parking areas located within 25 feet of an arterial or collector road must be screened by either a wall, fence, and/or permanent landscaped berm and evergreen hedge, containing plant species suitable for urban conditions and measuring at least 30 to 36 inches in height at the finished grade of the parking area.
- g. Sidewalks shall be protected from roots per best practices, subject to Town Staff approval.

**4.12 Fencing Standards**

- 4.12.1 Fences or walls within any yard facing a street shall not exceed 42 inches in height.
- 4.12.2 No wall or fence shall exceed six (6) feet in height.
- 4.12.3 Prohibited materials include chain link, barb wire, or temporary materials,

except as provided herein. Construction sites with temporary fencing are exempt. Pre-existing housing and agricultural uses may be exempt from the fencing requirements.

4.12.4 Wood fences shall be painted or stained.

4.12.5 When erected on a lot line, all of the fence and any of its supporting structures shall be contained within the lot.

4.12.6 The supporting members and posts shall be on the inside, and the smooth or flat faces (finished) on the outside. If two faces are used, each face shall be of the same type and finish. Board on board fences is considered equal treatment.

4.12.7 Properties that are zoned commercial or industrial may apply to the Town Planner to for a Fence Permit to use chain link fencing in the side or rear yard, provided that no part of the chain link fencing is visible from any public right-of-way.

4.12.8 Fences shall be required for all stormwater treatment areas and shall be wood split-rail either stained or painted a neutral color.

#### **4.13 Buffering Standards**

##### **4.13.1 Buffering, General**

Buffering mitigates incompatibility between adjacent uses and within use zones. Buffers shall be assembled from landscaping, fencing or walls, or both, and shall provide privacy, visual buffering of unsightly views and visual conflicts, and acoustic attenuation of noise, as required in Table 4.21 Buffering Required.

##### **4.13.2 Buffering, Construction**

Buffers shall be constructed of vegetation, open materials, such as rail fencing, and opaque, solid materials, such as brick or rock.

##### **4.13.3 Buffering, Location**

Where vegetation is required, tree trunks shall be 7 feet from the lot line, shrubs shall be 2.5 feet from the lot line, and walls and fences shall abut the lot line.

- a. The Town Planner may approve an alternate location for one of the following reasons: (1) the site is impractical due to terrain; (2) the landscaping is set back to avoid overshadowing or impinging on light and air for a neighboring residential property; or (3) to remain clear of a utility easement.
- b. The alternate plan shall not be approved unless the Town Planner determines the following: (1) noise, lighting and sight buffering of the residential zone can

be accomplished at least as well with the alternate plan, and (2) the alternate landscaping plan does not result in less landscaped area than would have been required with the normal buffer landscaping strip specified in Table 4.21 Buffering Required.

4.13.4 Buffering, Types

There are two types of buffers which may be required on the lot subject to this requirement. A solid wall or fence shall be required per §4.16.5 Buffering, Solid Wall Required. A solid wall or solid fence 5-6 feet high shall be erected between the following uses and lots subject to residential development (including all intensity zones): parking for more than 10 motor vehicles, loading zones, outdoor storage of vehicles and equipment, outdoor work yards, outdoor seating or entertainment space for restaurants, bars, and entertainment venues, and other similar uses as determined by the Town Planner. Where an alley or lane serves such uses, the lots abutting the alley may erect such a solid wall or solid fence. and landscape buffering per §4.16.6 Buffering, Required

4.13.5 Buffering, Solid Wall Required. A solid wall or solid fence 5-6 feet high shall be erected between the following uses and lots subject to residential development (including all intensity zones): parking for more than 10 motor vehicles, loading zones, outdoor storage of vehicles and equipment, outdoor work yards, outdoor seating or entertainment space for restaurants, bars, and entertainment venues, and other similar uses as determined by the Town Planner. Where an alley or lane serves such uses, the lots abutting the alley may erect such a solid wall or solid fence.

- a. The height of the wall or fence shall be reduced or set back at a driveway or alley so as not to impinge on any clear sight triangle.
- b. If the wall plus retaining wall have an effective height of over eight feet on the adjacent lot, the Town Planner shall decide the acceptable height.

4.13.6 Buffering, Required

- a. Landscape buffer assemblies of the types in §4.16.7 shall be required within the subject zones per Table 4.24 Buffering Required.

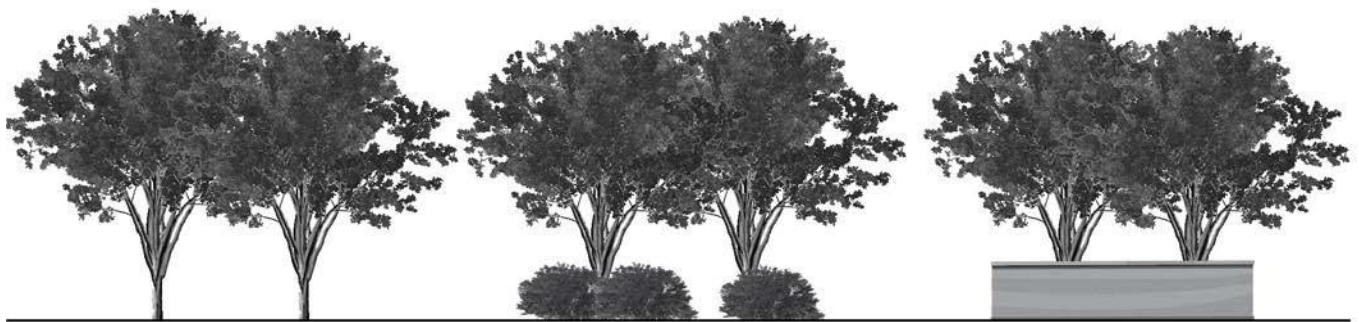
TABLE 4-9 BUFFERING REQUIRED							
ADJACENT ZONE	D1	D2	D3	NC	CC	IL	IM
T1							
T2							

T3		2	3	3	4	5	5
T4		2	3	3	4	5	5
T4O	2	2	3	3	4	5	5
T5	2	2	3	3	4	5	5
D1	2	2	3	3	4	5	5
D2	2		3	3	4	5	5
D3	2	3	3	3	4	5	5
NC	2	3	4	1	2	4	4
CC	2	4	4	2	1	4	4
IL	3	4	4	4	2	1	1
IM	3	4	4	4	2	1	1

Legend: "1,""2,""3,""4," and "5" indicate the buffer types required, per §4.16.7.

4.13.7 Buffering, Landscape Buffer Type. The following buffer/screen types may be required:

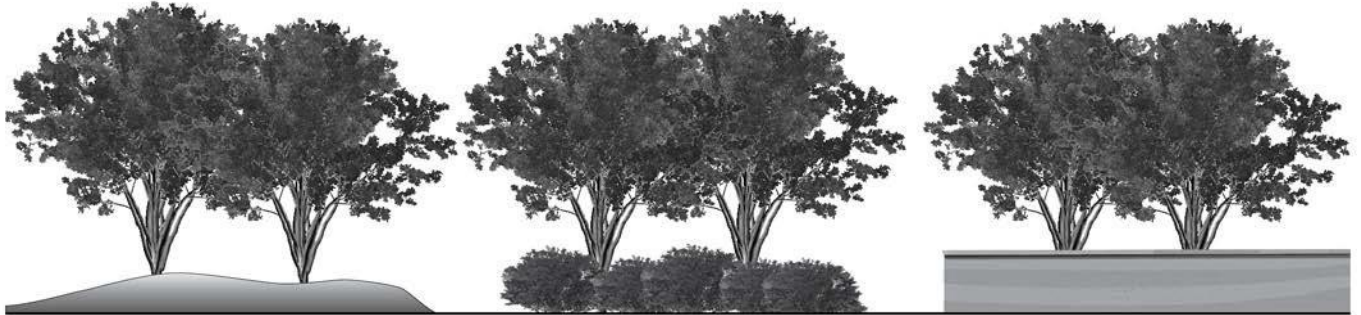
- a. Buffer type 1. A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a combination wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Landscaping consisting of low-water-consumption plants is required. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. Figure 4.1 Buffer type 1: Broken Screen Illustration Suggested planting patterns that will achieve this standard are included below.



**Figure 4.1 Buffer type 1: Broken Screen Illustration**

- b. Buffer type 2. A semi-opaque screen: a screen that is opaque from the ground to

a height of three feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of native plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. See Figure 4.2 Buffer 2 and 3: Semi-Opaque Screen Illustration



**Figure 4.2 Buffer 2 and 3: Semi-Opaque Screen Illustration**

- c. Buffer type 3. A semi-opaque screen similar to that of type 2, but with a setback of not less than 25 feet: a screen that is opaque from the ground to a height of three feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet and a setback of not less than 25 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low-water-consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. See Figure 4.2 Buffer 2 and 3: Semi-Opaque Screen Illustration.
- d. Buffer type 4. An opaque Screen with a setback of not less than 40 feet: a screen that is opaque from the ground to a height of six feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of separation of spaces. The opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low-water-

consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. See Figure 4.3 Buffer Type 4 and 5: Opaque Screen Illustration



**Figure 4.3 Buffer Type 4 and 5: Opaque Screen Illustration**

- e. Buffer type 5. An opaque screen similar to buffer type 4, but with a setback of not less than 50 feet: a screen that is opaque from the ground to a height of six feet, with intermittent visual openings from above the opaque portion to a height of at least 20 feet and a setback of not less than 50 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of separation of spaces. The opaque screen may be composed of a combination wall, fence, landscaped earth berm, planted and/or existing vegetation. All landscaping must be composed of low-water-consumption plants. Trees and shrubs shall be located so that their outermost limbs touch at the time of maturity. See Figure 4.3 Buffer Type 4 and 5: Opaque Screen Illustration

#### 4.13.8 Responsibilities for Installation of Peripheral Buffer Yards

Peripheral Buffer-yards shall be installed on the subject property at the time of its development. Existing plant material that will be preserved on the subject property following the completion of development may be counted as contributing to the required bufferyard. Two potential situations exist.

- a. Abutting a Vacant or Developing Parcel

When a proposed use adjoins a vacant or developing parcel for which a buffer-yard is required, that use shall provide one-half (.5) of the buffer-yard width and materials as selected from Table 4.21 Buffering Required. At the time it develops, the abutting property shall install a buffer-yard equivalent to the previously installed buffer-yard.



b. Abutting a Previously Developed Parcel

If the adjoining use had developed without a buffer-yard, the proposed use shall be responsible for installing the total required buffer-yard.

#### 4.14 Sign Ordinance

##### Purpose and Intent

This section establishes the standards for the number, size, location and physical characteristics of signs that are visible from the public right-of-way.

The Town finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the Town for signs to be regulated. The Town also finds: (1) Signs have a direct impact on the image of the community; (2) An opportunity for viable identification of community businesses and institutions should be established; (3) Uncontrolled and unlimited signs result in roadside clutter and the obstruction of views of other vehicles and pedestrians; (4) The right to express non-commercial messages in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number; (5) Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth.

These regulations are not intended to restrict the content of any signs. However, for purposes of interpretation of this section, non-commercial content or copy may be substituted for commercial content on any otherwise legal sign.

The purposes and intent of this section are as follows:

- a. Safety: To provide for the safety of vehicular and pedestrian traffic by regulating the number, size, location and other physical characteristics of signs and to allow for effective communication while at the same time, assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such signs.
- b. Aesthetics: To regulate signs in a manner that reduces visual clutter and integrates signs with elements of the site and surrounding properties by limiting the size, location, and design of signs so that pedestrians and motorists are able to view buildings, structures, and the natural landscape features of the Town.
- c. Activities and Services Identification: To allow for signs that clearly identify

the market place, community services and the other opportunities provided within the Town.

#### 4.14.1 Definitions

For the purposes of this sign ordinance, the following terms are defined as follows:

**Abandoned sign:** Any sign and/or its supporting sign structure which remains without a message or placed on a property in conjunction with a particular use, that use having been subsequently discontinued for (1) the period of time provided under Tenn. Code Ann. § 13-7-208(g) if the use is an industrial, commercial or other business use; or (2) a period of 180 days or more, for all other types of uses.

**Auxiliary sign:** A sign, that has a purpose secondary to the use of the lot on which it is located, including signs with messages such as “bakery,” “pharmacy” to provide identification of ancillary or secondary uses.

**Awning sign:** Any sign attached to, or made part of, an awning.

**Bandit sign:** Any sign placed within a public right-of-way, public property or on private property that is visible from a public right of way or public property intended to advertise, notify or otherwise communicate any commercial message. Bandit signs shall include lawn signs, snipe signs or any other similar signs.

**Banner:** Any sign, not including flags as defined herein, made of fabric or other flexible material that is mounted to a pole or otherwise mounted to allow movement caused by wind, or mounted on the ground and supported by poles.

**Billboard:** Any permanent off-site sign.

**Canopy sign:** A sign that is attached to a canopy or other covered walkway to commercial uses.

**Changeable copy sign:** A sign that is characterized by changeable copy, letters, symbols or numbers.

**Commercial message:** Any wording, logo, symbol, image or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity in order to draw attention to a business.

**Directional sign:** A permanent sign erected for purposes of identification, direction or public safety.

**Display case sign:** A glazed enclosure for the display of directories or printed materials.

**Electronic message display or electronic sign:** Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including but not limited to



cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

**Elevation:** Elevation means the view of the side, front, or rear of a given structure.

**Freestanding sign:** Any sign that is anchored in the ground and that is independent of any building.

**Flag:** Any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a governmental, commercial or non-commercial entity.

**Commercial flag:** Any flag which displays a commercial message, as defined herein.

**Non-commercial flag:** Any flag not displaying a commercial message, as defined herein.

**Hand held sign:** A sign that is held by or otherwise mounted on a person.

**Incidental sign:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, including signs with messages such as “no parking”, “entrance”, “exit”, “loading only”, “no trespassing”, “no hunting”, “phone”, “ATM”, etc.

**Marquee sign:** A canopy or roof-like projection over the entrance to a theater, hotel, or other building, usually bearing a sign on its face or sides.

**Monument sign:** A self-supporting sign located on a base installed at grade and has no air space, columns, or supports visible between the ground and bottom of the sign.

**Non-commercial message:** Wording, logo, symbol, image, or representation that does not name, advertise or call attention to a business or commercial product, service or activity.

**Non-conforming sign:** Any existing permanent sign or sign structure which does not conform to the provisions of this article but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

**Painted (wall) sign:** A sign or information that is painted directly on the wall face of a building.

**Permanent sign:** Any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

**Portable sign:** Any sign designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure, regardless of modifications that limit its movability. For the purposes of this article, portable signs shall not be considered Temporary signs as defined herein.

**Projecting sign:** A sign which is attached to and projects perpendicular from a structure or

building face.

**Public right-of-way:** Land dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this article, such rights-of-way shall be considered to extend a minimum of ten feet from the edge of pavement, or to the dedicated right-of-way boundary, whichever is further.

**Pylon sign:** An on-site sign that is separated from the ground and supported by one or more poles, pole covers or columns.

**Real estate sign:** A temporary sign erected by the owner or the owner's agent, advertising the real property upon which the sign is located for rent, lease or sale; or a temporary sign advertising the development of a sub-division and the sale of lots.

**Residential districts:** Means a Zoning District primarily intended for residential uses including zones D1, D2 and D3 zoned subdivisions (or phases thereof) that allow for only residential uses.

**Roof sign:** Any sign erected wholly or partially above the roof line.

**Sandwich/Sidewalk sign:** A sign composed of two surfaces displaying a message or graphic and set up in a triangular shape.

**Sign:** Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity, or to communicate information of any kind. "Sign" does not include: (1) Seasonal or holiday displays that do not contain a commercial message. (2) Outdoor murals, sculptures or other artworks; provided that where such outdoor art is part of a site that is subject to the planning commission's jurisdiction, the outdoor art shall be subject to the planning commission's review and approval.

**Sign administrator or zoning administrator:** The person(s) designated by the Town Administrator as the staff member assigned to oversee the enforcement and interpretation of this article.

**Sign area:** The area measured within the perimeter lines of the sign that bears the advertisement; or in the case of messages, figures, or symbols, including those attached directly to any part of a building. The term "sign area" shall include that area included in the smallest rectangle that can be made to circumscribe the message, figure, or symbol displayed for the purpose of advertisement.

**Sign Area, Monument:** Signs having a permanent base shall include the entire surface area of the sign on which copy could be placed, including the supporting structure or bracing of a sign and any decorative architectural treatments or caps as part of the sign area. Signs containing two faces that are back to back, the area of only one (1) face shall apply to the sign area computation.

**Snipe sign or bandit sign:** Any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign is not an incidental sign allowed herein.

**Suspended sign:** A small, pedestrian-oriented sign that projects perpendicular from a structure such as a canopy.

**Temporary sign:** Any sign, banner, valance or advertising display constructed of cloth, canvas, fabric, card-board, plywood or other light material with or without a frame, and designed or intended to be displayed for a short period of time.

**Wall Mural:** Any sign designed and painted directly on the exterior wall of a structure as artwork to identify the use or uses within the building.

**Wall sign:** A wall area of a non-residential building built along the entire width of a principle or secondary frontage allocated for the placement of a sign above a shopfront or at the cornice.

**Window sign:** Any sign placed inside a window or upon a window pane. For purposes of this article, window signs may be permanent or temporary and are subject to applicable provisions herein.

#### 4.14.2 General Provisions

- a. Non-conforming signs. The utilization of a nonconforming sign, as defined in this article, may continue until the sign becomes an abandoned sign, as defined in this article or the use of the property on which the sign is located changes. All new signs on the property must comply with the provisions of this article.
- b. Calculations-measurement standards. The following principles shall control the computation of sign area and sign height:
  - i. Computation of the area of individual signs. The sign area shall be determined by computing the area of the smallest square, rectangle, circle or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face (see definition, "sign area."). Signs having a permanent base shall include the entire surface area of the sign on which copy could be placed, the supporting structure or bracing of a sign and any decorative caps as part of the sign area. Signs containing two faces that are back-to-back, the area of only one (1) face shall apply to the sign area computation.
  - ii. Computation of height. Sign height is measured from the average level of the grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berming, filling, or excavating

solely for the purpose of locating the sign, shall be computed as part of the sign height.

- c. Design, construction and maintenance of signs. All signs shall be designed, constructed and maintained in accordance with the follow standards:
  - i. General provisions. All signs shall comply with applicable provisions of the adopted building and electrical codes. Except for banners, flags, temporary signs, sandwich board signs and window signs allowed hereunder, all signs shall be constructed of permanent materials that are permanently attached to the ground or a structure. All signs shall be maintained in good structural condition, in compliance with all applicable codes.
  - ii. Spacing. All permanent freestanding signs on any premises shall be spaced at minimum 150- foot intervals along each public way that views the premises, unless otherwise provided for by this article.
  - iii. Sight distance triangle. All entrance signs and freestanding signs located near the corners of an intersection, shall be located outside of the sight distance triangle. Such triangle shall be composed of two lines, measured at a distance of twenty (20) feet running along each leg of the road or driveway pavement surfaces, and a third connecting line to form a triangular area. This area shall be free of any permanent or temporary signs that may inhibit a clear sight visibility for motorists.
  - iv. Sign illumination. Sign illumination shall only be achieved through the following standards:
    - a) A white, steady, stationary light of reasonable intensity may be directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.
    - b) Internal illumination shall provide steady, stationary lighting through translucent materials.
    - c) If the sign or sign structure is internally illuminated or backlit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to awnings, canopies or roof lines.
    - d) All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from

public view.

- v. Setback. All permanent signs shall be set back at least five feet from the public right-of-way, unless otherwise specified by this article. No permanent sign shall be located within a public utility or drainage easement.
- vi. Master Sign Plan Approval. All site plans that contain more than 75,000 square feet and any preliminary plat shall submit a master sign plan. The master sign plan shall include a site plan showing the location of all proposed signs on the project site in relation to all existing and proposed buildings and structures. Scaled drawings showing the proposed design for all signs, including any proposed lighting for such signs. All signs within a development shall be compatible in design quality. The Master Sign Plan shall be reviewed by the Planning Commission in conjunction with the proposed subdivision plat, planned development plan, or site plan, as applicable.
- vii. Review Approval. All multifamily signs and residential entrance signs shall be subject to re-view and approval by the Planning Commission with the proposed subdivision plat, planned development plan, or site plan, as applicable.

#### 4.14.3 Prohibited Signs

The following signs are prohibited in all zoning districts:

- a. Signs which resemble or conflict with traffic control signs or by use of words, phrases, symbols or shape interfere with or may confuse traffic.
- b. Pylon signs.
- c. Bandit signs or any signs attached to public or utility poles, fences, or walls visible from a public right-of-way.
- d. Billboards and other off-premises signs, unless specifically authorized herein.
- e. Moving, revolving, or flashing signs.
- f. Searchlights, unless approved as part of a Special Permit by BOMA.
- g. Inflatable signs.
- h. Roof signs.
- i. Signs within the public right-of-way except as may be specifically authorized, such as sidewalk signs.
- j. Signs on parked, non-operational, or unlicensed vehicles or trailers visible from a

public right-of-way.

- k. Portable signs.
- l. Any signs that pose a safety hazard based on its construction or location, including any sign that obstructs visibility necessary for traffic safety.
- m. Streamers and spinners.
- n. Electronic digital message signs, except as specifically authorized herein.

#### 4.14.4 Permitted Signs

##### a. Signs Allowed in All Zoning Districts

- i. Any sign erected, maintained or otherwise posted, owned or leased by the federal government, the state, the county, or the Town, or any official sign or notice issued or required to be displayed on private property by any court, whether permanent or temporary.
- ii. A directional sign or warning or information sign erected or authorized by any public agency, whether permanent or temporary.
- iii. A private street or road name sign, located at an intersection, that does not exceed two square feet per face and does not include any commercial message.
- iv. Incidental signs, as defined in this article, not exceeding two square feet in area per face.
- v. Signs denoting a property as historic and placed by or on behalf of a public agency.
- vi. One building marker, limited to four square feet of sign face, may be displayed on the face of a building.
- vii. Street numbers on building facades, not to exceed 12 inches in height, and street numbers and names on mailboxes.
- viii. Any signs otherwise expressly permitted by state or other applicable law.

##### b. Summary of Sign Ordinance Standards

Table 4-10 sets forth the Town's minimum requirements for signs within the Town. These signs are regulated solely by time, place, and manner. These standards are content-neutral in construction, interpretation, and enforcement.

TABLE 4-10: SUMMARY TABLE OF SIGN STANDARDS							
Sign or Device	Base District	Maximum Number	Maximum Sign Area in Square Feet (additional notes for each sign)	Maximum Height in Feet	Maximum Setback in Feet	Timing	Conditions
<b>ATTACHED</b>							
Awning	T3, T4, T5, NC, CC, IL, IM	1 per building side	Total of 1 sq ft per linear ft of building side	Max 16 when located within 200 ft of a residential district	Max 10 from building	N/A	N/A
Auxiliary	T4, T5, NC, CC, IL, IM	2	10	N/A	N/A	N/A	N/A
Canopy	T3, T4, T5, NC, CC, IL, IM	1 per canopy face	25 percent of canopy face	Max 16 when located within 200 ft of a residential district	NA	NA	NA
Hanging/ Projecting	T3, T4, T5, NC, CC	1 per building face per tenant	Individual:3 Total: 6	Min 8 from ground; max roofline	Max 4 from building	NA	NA
Marquee	T4, T5, NC, CC	1 per block	2 times the linear frontage of the building	Min 10 clearance from sidewalk	N/A	N/A	4.17.4(c)(i)
Wall	T3, T4, T5, NC, CC, IL, IM	1 per frontage	Max square footage is equal to the linear frontage of the building	N/A	N/A	N/A	
Window	T3, T4, T5, NC, CC, IL, IM	1 per window	25% of glazed area	N/A	N/A	N/A	N/A
<b>FREESTANDING</b>							
Directional	All	N/A	12	4	5 from ROW	NA	5.12.10(2)

TABLE 4-10: SUMMARY TABLE OF SIGN STANDARDS							
Sign or Device	Base District	Maximum Number	Maximum Sign Area in Square Feet (additional notes for each sign)	Maximum Height in Feet	Maximum Setback in Feet	Timing	Conditions
Flag	All	3 per lot	Max length ¼ of pole height	40 pole height, 20 for rooftop pole	5 from ROW	NA	NA
Monument	T3, T4, T5, NC, CC, IL, IM	1 per entrance/exit	60	6	5 from ROW	NA	NA
Multi-tenant/ Shopping Center	T3, T4, T5, NC, CC	1 per entrance/exit	120	10	5 from ROW		
Subdivision Entrance Sign	All Residential	1 per entrance/exit	120 (may be divided into no more than 2 signs- if divided no single sign face shall exceed 60 sqft)	6	5 from ROW		4.17.4(c)(i)
If not otherwise regulated	All Non-residential	1 per entrance/exit	Individual: 32 Total: 64	6	Right-of-way	NA	5.12.11(7)
<b>TEMPORARY</b>							
Development -in-Progress	All	1 per entrance	Individual: 32 Total: 64	6	ROW	Non-residential: Remove within 1 year. Residential: Remove after 80% build-out, or 3 years,	NA



TABLE 4-10: SUMMARY TABLE OF SIGN STANDARDS							
Sign or Device	Base District	Maximum Number	Maximum Sign Area in Square Feet (additional notes for each sign)	Maximum Height in Feet	Maximum Setback in Feet	Timing	Conditions
						whichever occurs first.	
If not otherwise regulated	All Residential	2	Individual: 6 Total: 12	6	ROW	NA	NA
If not otherwise regulated	All Nonresidential	2	Individual: 32 Total: 64	6	ROW	NA	NA
Notes: NA = Not Applicable							

c. Additional Permitted Sign Conditions:

- i. **Subdivision entrance signs.** Such signs shall be located at the primary entrance(s) to a development as identified on a preliminary plan approved by the Planning Commission. The signs shall be located on private property within a platted sign or landscape easement or within the subdivision’s common open space. The sign location shall be subject to the approval of the Planning Commission. Such signs shall be maintained by an established homeowners’ or property owners’ association.
- ii. **Temporary signs, including banners and residential development signs.** In addition to the other signs identified in this subsection, temporary, freestanding, non-commercial signs may be posted on any lot in a residential district at any given time.
- iii. **Gas station/Convenience Store business signs.** In addition to any other signs allowed on the property, gas stations shall be allowed to display the following signs:
  - a) Fuel pricing signs. One (1) fuel pricing sign may be approved per gas service station, which may include non-flashing electronic digital messaging.

- Specifications: Shall be located within a landscape planter a minimum of 15 feet from the right-of-way and may not exceed 32 square feet in sign area and five (5) feet in height. Fuel pricing signs are prohibited on the pump canopy.
- b) Gasoline pump signs. Signage may be mounted on each pump façade. Specifications: not to exceed a total of two square feet per pump.
  - c) Canopy signs. When the property includes an enclosed principle structure, the area of all canopy signs shall be calculated and deducted from the total allowable wall sign area. Except for the measurable area of the canopy sign, no internal illumination or back lighting of the canopy surface or canopy roof line shall be allowed.
  - d) Signs displaying information required by state and federal law pertaining to the sale of motor fuel or kerosene. Signs displaying such information shall not be counted toward the number of signs otherwise allowed on the property, provided that no other content is displayed on such signs beyond that required by law.
- iv. **Monument Signs.** Monument signs with a maximum height of eight (8) feet and a maximum square footage of 80 square feet shall be permitted with a minimum of 100 feet of linear road frontage with the approval of a sign permit. If more than one parcel makes up a commercial center, the sign shall include the name of the businesses within the entire commercial center. Two monument signs may be permitted for sites with more than one road frontage exceeding 750 feet and over five acres in size. Monument signs shall be separated by 150 feet.
  - v. **Window** Signs. Window signs with a maximum square footage of 25% of total window area may be permitted with the approval of a sign permit.
  - vi. **Directional** Signs. On-site directional signs shall be no more than two (2) square feet in sign area and shall not exceed four (4) feet in height. A maximum of four (4) directional signs will be allowed to provide physical direction to drive-thrus, entrances, etc. Sites with complex internal circulation, multiple entrances/exits, or five acres or more may be permitted additional signage under a sign plan.
  - vii. **Auxiliary** Signs. Auxiliary wall signs may be permitted for ancillary uses and shall not exceed 10 square feet in sign area. A maximum of two signs may be allowed and shall be placed on the elevation with the primary

entrance.

- viii. **Temporary** signs. Temporary freestanding signs, excluding sandwich signs, shall be limited to two per lot at any given time and a display period not to exceed 60 days per lot for all such signs in any calendar year. All businesses shall apply for a temporary sign permit for a specific time prior to erecting a temporary sign. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary freestanding sign may be displayed without the need for a permit.
- ix. **Marquee** Signs. Marquee signs shall not have conduit, raceways, and/or wiring exposed to view from the sidewalk. Fixtures shall be shielded to prevent glare. The use of a marquee sign shall use up all other sign attached and freestanding allowances for the building it is attached to under this section.

#### 4.14.5 Permitted Signs and Sign Restrictions

All signs permitted in Table 4.10 shall also meet all other applicable regulations within the Ordinance.

#### 4.14.6 Administration and enforcement

- a. Regulatory enforcement. The sign administrator is hereby authorized and directed to enforce all of the provisions of this article. This authority empowers the sign administrator to perform any necessary inspections, or to have such inspections conducted on the sign administrator's behalf. The sign administrator may direct that citations be issued for violations of the provisions of this article.
- b. Violation notice. The sign administrator shall order the removal of any sign erected or maintained in violation of this article, providing the owner or tenant of the premises upon which the offending sign is located is given ten days' written notice to comply with the provisions of this article. If, after ten days, the property owner or tenant has failed to comply with this article, a citation to municipal court shall be issued. When good faith efforts to bring a sign into compliance have begun within ten days of the notice of violation, the sign administrator may extend the time period for compliance with this article to a period not to exceed 30 days. In cases where the owner of the premises has previously been notified of violations on two or more occasions, a citation may be issued without prior written notice.

- c. Impoundment/disposal of signs. The sign administrator, the municipal codes officer and their designees shall have the authority to remove without notice any illegal sign on the public right-of-way or other public property, or any illegal sign attached to fences, posts, utility poles or natural features such as trees. Such signs shall be considered litter and shall be subject to disposal.
- d. Letter of compliance. Prior to erecting or displaying a sign, a property owner or tenant or the agent of a property owner or tenant may submit a written request to the sign administrator for verification that the sign as proposed complies with the requirements of this article. The sign administrator may require that any person requesting such verification complete such forms or submit such information as may be needed by the sign administrator to make a determination.

#### 4.14.7 Severability clause

If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

### **4.15 Surety for Public Improvements**

#### 4.15.1 General Applicability

All public improvements proposed in conjunction with any development or redevelopment shall be covered by adequate surety. If such improvements are completed prior to filing of any final plat for any portion of the development site, the Town may elect to accept such improvements and require surety for the maintenance as set forth in this Ordinance and the Town's Dedication of Public Improvements and Release of Sureties Policy.

#### 4.15.2 Surety Process

- a. The developer shall post a good and sufficient surety with the Town in the amount of 110% of the Town Engineer's estimate of cost to assure completion of the work to install and complete the public improvement. Good and sufficient surety shall be as specified in this Ordinance. Each surety shall ensure compliance with the Development Agreement and shall reference at a minimum the Subdivision/Development, Section, and Type of public improvement. The Town may require additional information in order to accept each surety.
- b. The developer shall provide an Opinion of Probable Cost Estimates in conjunction with a Final Plat or Site Plan, as applicable, for each public

improvement.

- c. The Town Engineer shall review the submitted Opinion of Probable Cost Estimates during the review of a Final Plat or Site Plan, as applicable, and shall submit to the TSPC recommended surety amounts for each public improvement included in the development or redevelopment. The Town Engineer may group public improvements (Roadway, Drainage, and Erosion Control; Sewer; etc).
- d. The TSPC shall review and approve the surety amounts in relation to the general review of a Final Plat or Site Plan, as applicable. The TSPC may also consider sureties outside of a Final Plat or Site Plan review, as recommended by the Town Engineer. The approved surety amounts shall create the Performance Surety for the public improvement.
- e. Once the Performance Surety amount is approved by the TSPC, the Town Planner shall notify the developer of the Performance Surety amounts.
- f. The developer shall submit the surety(ies) to the Town, based on the TSPC approval. No Final Plat shall be signed by the Secretary of the Planning Commission until all surety(ies) have been submitted and accepted by the Town. No Building, Grading, or ROW Permit shall be issued for any Site Plan shall be issued until all surety(ies) have been submitted and accepted by the Town.
- g. Each surety established by the TSPC shall be reviewed at least one (1) time per year to ensure that adequate progress on completion of the public improvement has occurred. During the annual review, the TSPC shall also, based on a recommendation of the Town Engineer, determine if the surety amount established is still adequate to complete the public improvement. The TSPC may increase the required surety amount if the estimated costs to complete the public improvement have increased, as determined by the Town Engineer.
- h. A Performance Surety may be reduced by the TSPC a total of one (1) time prior to full completion of the public improvement. As a general rule, a Performance Surety shall not be reduced below 30% of the total of the originally established Performance Surety.
  - i. In order to request a Performance Surety reduction, the developer shall submit to the Town an Engineer's Certification Form, as provided by the Town, indicating the Subdivision/Development, Section, and Specific Improvement to be reduced. The Engineer certifying the reduction request shall affix their state issued stamp, thereby affirming that the public improvement has been installed and constructed per the approved plans

- and the Town's specifications.
- ii. After receipt of the Engineer's Certification Form, the Town Planner shall transmit the request to the Town Engineer and other Town Staff to review the request.
  - iii. The Town Engineer shall provide a recommendation to either deny the request or approve the request, with a specific reduction amount to replace the original Performance Surety amount.
  - iv. The TSPC shall review and act on the Performance Surety Reduction Request, based on the Town Engineer's recommendation. If the Performance Surety Reduction is approved by the TSPC, the developer shall provide the Town Planner with a Performance Surety in a manner and form, as approved by the Town Planner.
  - v. The Town Planner shall release the original Performance Surety only after final acceptance of the Reduction Performance Surety.
  - vi. No BOMA review of a Performance Surety Reduction shall be required.
- i. A Performance Surety may be released by the TSPC after the construction and installation of the public improvement has been completed.
    - i. In order to request a Performance Surety release, the developer shall submit to the Town an Engineer's Certification Form, as provided by the Town, indicating the Subdivision/Development, Section, and Specific Improvement to be released. The Engineer certifying the reduction request shall affix their state issued stamp, thereby affirming that the public improvement has been installed and constructed per the approved plans and the Town's specifications.
    - ii. After receipt of the Engineer's Certification Form, the Town Planner shall transmit the request to the Town Engineer and other Town Staff to review the request.
    - iii. The Town Engineer shall provide a recommendation to either deny the request or approve the request, with a specific Maintenance Surety amount to go into effect for a one (1) year period after release of the Performance Surety.
    - iv. The TSPC shall review and act on the Performance Surety Release Request, based on the Town Engineer's recommendation. The TSPC shall make a recommendation to the BOMA to either accept or deny acceptance of the public improvement. If the Performance Surety Release is approved by the TSPC, the developer shall provide the Town Planner with a Maintenance

Surety in a manner and form, as approved by the Town Planner.

- v. The BOMA shall review and act on acceptance of the performance of the public improvement, based on the recommendation from the Town Engineer and the TSPC.
- vi. The Town Planner shall release the Performance Surety only after the BOMA accepts the performance of the public improvement and final acceptance of the Maintenance Performance Surety.
- j. A Maintenance Surety shall be required. After the release of the Performance Surety, a Maintenance Surety shall be in effect for a one (1) year period.
  - i. The Town Engineer shall provide a recommendation to either release, extend, or call the Maintenance Surety amount after a one (1) year period.
  - ii. The TSPC shall review and act on the Maintenance Surety Release Request, based on the Town Engineer's recommendation. The TSPC shall make a recommendation to the BOMA to either accept or deny acceptance of the dedication of the public improvement.
  - iii. The BOMA shall review and act on acceptance of the dedication of the public improvement, based on the recommendation from the Town Engineer and the TSPC.
  - iv. The Town Planner shall release the Maintenance Surety only after the BOMA accepts the dedication of the public improvement.
  - v. Once the Maintenance Surety is released and the BOMA has accepted dedication of the public improvement, the public improvement shall become a public asset of the Town.

#### 4.15.3 Completion of Public Improvements

All required improvements shall be completed in accordance with this Article, the Development Agreement, and the approved plans. As a general rule, final asphalt shall be completed after 75% of the houses are completed and prior to 90% completion. Likewise, all other remaining required improvements, except sidewalks, shall be completed prior to 90% completion. Building permits may be withheld on the final 10% of the houses if said improvements are not complete. Upon the recommendation of the Town Engineer and approval by the Planning Commission, the Town may require that the final asphalt be completed before 75% of the houses are complete if housing construction has been slow and the lack of final asphalt is presenting maintenance or safety problems. Likewise, the Town Engineer may specify that the final asphalt be completed after 90% of the houses are complete if said street(s) are used as a construction entrance.

If the Town requires a developer to complete the roads prior to 75% completion, the developer may dedicate said roads for acceptance by the Town and the Town shall not unreasonably refuse to accept said roads upon the installation of final asphalt. The Town may require property owners and/or builders within such a development to post a cash bond to cover the cost of any damage to the Town's roads. The bond will be released by the Town when a certificate of Occupancy is issued, and the Town has determined that no damage has been incurred because of the builder and/or the builder's sub-contractors.

#### 4.15.4 Performance Guarantee & Failure to Complete Improvements

The TSPC may, in its sole discretion, require the execution of a Performance Agreement, in a form determined by the Town Attorney, guaranteeing the construction of the required improvements. The Performance Agreement shall be executed within sixty (60) days of the approval of the applicable plat or site plan. Failure to execute the Performance Agreement shall result in the automatic termination of said plat or site plan.

One (1) year is granted for the completion of the required improvements from the approval of the applicable plat or site plan. The TSPC may grant an extension and/or may reduce the surety based upon the completion of the improvements, such review occurring as outlined in 4.11.2(g) if not before.

In cases where a surety instrument has been posted and required improvements have not been completed per the requirements of the LDO, Performance Agreement, and/or the Development Agreement, if applicable, Town Staff may declare the surety to be in default. In such an event, the Town may call the surety and require that all the improvements be installed regardless of the extent of the building development, or the expiration date of the surety, at the time the surety is declared to be in default. The funds from the surety shall be used to complete the improvements and/or reimburse the Town for any and all expenses that may be incurred to complete the public improvements. In the event the surety instrument does not adequately cover the costs incurred by the Town to complete the improvements, the Town may place a hold on the issuance of building permits for those lots within the development, which have not had permits issued for construction, until such time as the developer has reimbursed the Town for the total cost of the improvements, including legal and administrative costs and fees.



## ARTICLE 5 DEVELOPMENT STANDARDS

### 5.1 General

#### 5.1.1 Purpose and Intent

The purpose and intent of these development standards is to work with all other Articles of this Ordinance to ensure that a high level of quality from the built environment that reflects the distinctive and unique character of the Town of Thompson's Station.

### 5.2 Development Standards for All Development

#### 5.2.1 Entrance Features and Development Buffers Applicable to All Development

To ensure that new development and redevelopment is compatible with the established small-town, agrarian, and railroad town character of Thompson's Station, new developments and redevelopment shall include the following, regardless of zoning district or proposed use:

##### a. Entrance Features

- (i) New developments and redevelopment shall install a wooden fence (split-rail, three rail, four rail, or cross rail) and/or stacked stone wall along the perimeter of the development that fronts upon a Collector or Arterial roadways. The fencing/wall shall be compatible with those kinds of decorative and historic fences currently found in Town. Wooden fences shall be stained or painted neutral colors.
  - a) If the development includes frontage along a local classified roadway, the TSPC may require the installation of such fencing as described in this subsection. The TSPC shall approve the perimeter fence as part of a plat or plan, as applicable.
  - b) If the property under development has an existing fence or wall, it shall be preserved. The Planning Commission may allow existing fences or walls to be removed under limited circumstances.
- (ii) Each development shall include a distinctive and decorative entrance monument that both reflects the design of the development and fits within the established community of Thompson's Station. The TSPC shall approve the entrance monument on a plat or plan, as applicable.

##### b. Townwide Development Buffer

New developments and redevelopment shall include an 80-foot buffer along the perimeter of the development that fronts any Collector or Arterial roadways. The buffer shall be measured from the edge of pavement of the roadway. If a development includes frontage along a local roadway, the TSPC may require the inclusion of such buffering as described in this subsection. Developments in the T5

Zoning District shall be exempt from this standard. Developments in the T4 and T4O Zoning Districts shall provide at least a 40-foot development buffer, except those parcels along Thompson's Station Road West in either of these districts which shall be exempt from this standard.

### c. Townwide Architectural Character

The architecture of new developments and redevelopments shall be designed in harmony with the character of Thompson's Station. This includes design inspiration from the Town's agricultural and railroad origins. Emphasis shall be on quality materials and workmanship to ensure that, as the Town develops, the character of the Town is both maintained and enhanced. Franchise, cookie-cutter, repetitive, and lackluster developments that could be built anywhere shall be discouraged, while developments that both reflect and enhance the character of Thompson's Station shall be encouraged.

### 5.2.2 Transitional Features

#### a. Purpose and Intent of Transitional Features

Transitional features are architectural elements or site aspects used to provide a transition between land uses, subdivisions, and sites in an effort to mitigate conflicts and to provide design compatibility. It is the intent of these standards to:

- i. Blend new development with existing development form and pattern;
- ii. Reduce potential adverse impacts between different land uses or buildings differing in scale, mass, height, proportion, form, or architecture;
- iii. Limit the excessive consumption of available land through the utilization of large vegetated buffers;
- iv. Limit interruptions in vehicular and pedestrian connections created by efforts to segregate uses; and
- v. Establish and/or maintain vibrant pedestrian-oriented areas where differing uses can operate in proximity to one another.

#### b. Applicability

- i. Transitional features shall be required:
  - a) When design compatibility cannot be achieved between land uses, lots, or structures; or
  - b) Between lots or uses within a single mixed-use development.
- ii. Town Staff may require the use of transitional features in addition to the use of a buffer, in accordance with the standards in this Ordinance, where such transitional features are necessary to reduce potential adverse impacts between different land uses or buildings differing in scale, mass, height, proportion, form, or architecture. If the applicant disagrees with the decision of the Town Staff regarding the use of transitional features, the applicant may appeal the decision to TSPC and/or BOMA, depending on the type of application.

c. Standards

In areas where a transition between different land uses or buildings differing in scale, mass, height, proportion, form, or architecture is needed, the following approaches shall be used, subject to the approval of the Town Staff and/or the TSPC, to establish a transition between uses:

- i. Use setbacks that are within 25 percent of the average setbacks for existing uses on the same block face, provided no new use is closer to the right-of-way than the closest existing principal structure;
- ii. Use lot widths that are within 40 percent of the average lot width for existing lots on the same block;
- iii. Ensure the perceived façade width and height on façades of adjacent structures and structures on opposing sides of a street are consistent with each other such that neither façade exceeds the other's dimensions by more than 25 percent;
- iv. Graduate building height, scale, and mass through utilization of any of the following methods:
  - a) Building step-backs to reduce the bulk of a building's upper floors;
  - b) Dividing buildings into smaller parts, including detached buildings, to reduce effective visual bulk and to maintain the scale and rhythm of the existing pattern of development;
  - c) Sight lines or angular planes to gauge the appropriate building height necessary to achieve a steady, incremental transition; or
  - d) Other techniques to break up the scale of a building to complement existing development patterns, as approved by Town Staff and/or the TSPC.
- v. Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower intensity.
- vi. Locate off-street parking, loading, service, and utility areas in a manner consistent with similar site features on surrounding sites. When adjacent to residential areas, off-street parking, loading, service, and utility areas shall be strategically located to mitigate disturbance to nearby residents. Additionally, loading and service areas shall not front a road and shall be screened in accordance with the standards of this Ordinance;
- vii. Prevent incompatible exterior lighting or sources of audible noise or disturbance from building façades facing lower intensity uses;
- viii. Prevent abrupt changes in roof form by allowing adjacent incompatible uses to use similar roof types, slopes, or arrangements;
- ix. Orient outdoor dining, gathering areas, and other site attributes such as, vending machines, away from adjacent residential uses;

- x. Orient primary building façades directly across from opposing primary façades regardless of use type (as seen in Figure 5-8); and
- xi. When dealing with multi-building developments on one or more lots, establish a continuum of use intensity where uses of moderate intensity (colored orange in Figure 5-6) are sited between high-intensity uses (colored brown in Figure 5-6) and low-intensity uses (colored yellow in Figure 5-6) (e.g., office uses between retail and detached residential).

### **5.3 Development Standards for Single-Family Residential, Townhomes, Multifamily, Nonresidential, and Mixed-Use Developments**

The following standards apply to all development types, listed below.

#### **5.3.1 Single-Family Residential**

Single-Family Residential structures shall comply with the following standards:

##### **a. Orientation**

The front of each detached house shall be oriented towards the roadway, unless the house is a setback a minimum of 500 feet.

##### **b. Building Design**

Each detached house shall have one dwelling unit consisting of a common kitchen facility, one front access point, and shall have non-restricted interior access to all portions of the structure.

##### **c. Garage Design and Setback**

- (i) All garages shall be designed for two (2) or more automobiles with minimum interior dimensions of 484 square feet. This minimum interior area of the garage shall be free and clear of permanent obstructions, fixtures or appliances, such as water heaters, washer/dryer hook up areas, stairs, etc.
- (ii) All front-loaded garages shall be recessed from the front facade a minimum of two (2) feet and include carriage house or ornamental garage doors.
- (iii) Detached garages and carports shall be subordinate in scale to the primary structure and on the side or rear of the residence at least five (5) feet behind the front wall plane of the residence.
- (iv) All driveways shall be a minimum of 20 feet in length, exclusive of sidewalks.

##### **d. Accessory Structures**

- (i) All accessory structures shall be located within the rear yard or side yard.
- (ii) All accessory structures shall be at least five (5) feet behind the front wall plane of the single-family residential structure.
- (iii) Each accessory structure shall be located a minimum of five (5) feet from the primary residence and shall not be located within five (5) feet of the side or rear property line.

- (iv) No accessory structure (including any paved area) shall encroach within a platted easement.
- e. Pools and Spas
- (i) All pools/spas shall be located within the rear yard or side yard.
  - (ii) All pool or spas shall be located a minimum of five (5) feet from the primary residence and shall not be located within five (5) feet of the side or rear property line. This is not inclusive of a deck, patio, or paved area around the pool/spa.
  - (i) No portion of a pool/spa (including any paved area) shall encroach within a platted easement.

### 5.3.2 Townhomes and Multifamily Residential

Townhomes and Multifamily Residential structures shall comply with the following standards:

a. Orientation

- (i) The primary entrance and front façade of individual buildings within a townhome or multifamily residential development shall be oriented towards perimeter streets; primary internal drives; or open space areas.
- (ii) Primary entrances or façades shall not be oriented towards off-street parking lots, garages, or carports.

b. Building Design

- (i) Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.
- (ii) The maximum length of any multifamily residential building, regardless of the quantity of dwellings, shall be 220 feet.
- (iii) No more than six (6) side-by-side townhouse dwelling units shall be attached in any single row.
- (iv) All sides of a townhome or multifamily residential building visible from lands occupied by or designated for detached residential uses, an existing public right-of-way, or other public lands shall display a similar level of quality and architectural detailing.
- (v) Individual multifamily residential buildings served by common entryways and containing six or fewer units shall be constructed to give the appearance of a large single-family detached home.

c. Façade Standards

- (i) Variation in building façade elevations shall be included on all townhome or multifamily residential building façades.
  - (ii) Long, monotonous, blocky, uniform, or repetitive façades shall be prohibited.
  - (iii) Façades facing roads or containing the primary entrance(s) to dwellings shall provide a minimum of three of the following design features for each residential unit fronting onto a street:
    - a) Projections or recesses in the façade plane every 50 feet (with a minimum depth of two feet);
    - b) Different exterior building materials and/or colors for each unit (e.g. alternating among brick, painted brick, siding, and stone);
    - c) One or more dormer windows or cupolas;
    - d) A recessed entrance;
    - e) A covered porch or balcony;
    - f) Pillars, posts, or pilasters;
    - g) One or more box or bay windows with a minimum twelve-inch projection from the façade plane;
    - h) Eaves with exposed rafters or a minimum six-inch projection from the façade plane;
    - i) Dormers;
    - j) A parapet wall with an articulated design rather than a simple rectilinear form; or
    - k) Multiple windows with a minimum four-inch wide trim.
  - (iv) Building façades facing roadways shall include brick, stone, or siding (wood or fibrous cement) for a minimum of 55 percent of the net façade area.
  - (v) Horizontal variations in materials along the façade of an attached residential building shall occur in conjunction with a change in wall plane, preferably at the inside corner of a wall.
- d. Garage Standards
- Attached and detached garages and carports shall comply with the following standards:
- (i) Garages and carports serving attached residential structures shall be located to the rear of such buildings.
  - (ii) In no case shall an attached or detached garage project beyond the front of the primary façade of the dwelling it serves.
- e. Streetscape Elements
- Streetscape elements and furniture (e.g., benches, trash receptacles, light fixtures, bollards, fountains, bicycle racks, etc.) included within a multifamily residential development shall be compatible with the architectural features of the structures and shall help to establish a unifying theme throughout the site.

### 5.3.3 Commercial, Office, Institutional and Mixed-Use Structures

Except where specifically exempted, commercial, office, institutional, and mixed-use structures and sites shall comply with the following standards:

a. Orientation

- (i) The primary façade of a building shall be parallel to the road they front unless an alternate orientation is consistent with existing adjacent development.
- (ii) In parking lots of 100 parking spaces or less, parking lots located between the building and road along the perimeter of the development shall not exceed 60 feet in width (typically one aisle with two single-loaded bays).
- (iii) In parking lots of more than 100 parking spaces, parking lots located between the building and road along the perimeter of the development shall not exceed more than 180 feet in width. The width of parking lots shall be designed per Section 4.5 Parking Standards.

b. Building Façades

Building façades shall comply with the following standards:

- (i) In general, the design of buildings within the Town shall be reflective of the vernacular architecture of the Town, reflecting the farmstead and railroad history of Thompson's Station.
- (ii) Rear and side façades, if visible from public streets, shall have a similar architectural treatment as used on the primary or front façade.
- (iii) Blank building walls facing streets are prohibited.
- (iv) Buildings shall have a defined base, middle, and cap.
- (v) Remote walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved in an open space lot shall be exempt from these requirements.
- (vi) Window and door openings shall have a vertical orientation and shall be vertically aligned between floors.
- (vii) Buildings shall be constructed (through the use of materials, design elements, or architectural details) to emphasize the proportion of height to width so that building façades are vertically oriented.
- (viii) Where a clearly established development character and scale exist, new infill development shall include:
  - (i) Window and door openings with area ratios and proportions similar to those on adjoining buildings; and
  - (ii) Key design elements of surrounding buildings with respect to windows, doors, rhythm of bays, detailing, roof forms, materials, and colors.

- (ix) Prototypical or franchise designs shall be adapted to reflect the design standards of this subsection, the applicable zoning district standards, and the character of the Town.

### c. Loading and Service Areas

Except for IL and IM Districts or double frontage and/or corner lots, loading and service areas shall not front a public or private roadway and shall be screened in accordance with Landscape and Screening standards of this Ordinance. Double frontage/corner lots and uses shall have the location and screening of the loading/service areas approved by the TSPC.

### d. Façade Variations

Buildings shall use wall offsets or other variations to break up the mass of a building, maintain building rhythm along a street, and to establish a human scale in accordance with the standards:

- (i) **Façade Length:** Building façades containing the primary building entrance, visible from a roadway, or visible from land used by or intended for residential development shall incorporate façade variations a minimum of every 70 feet.
- (ii) **Exemptions:** Remote walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved in an open space lot shall be exempt.
- (iii) **Standards**

The following shall be used either alone or in combination to meet the façade variation requirements and shall be applied in a manner that is integral to the building form and construction:

- a) Color or material changes having a minimum width of ten feet with a minimum depth or projection of six inches beyond the primary façade plane;
- b) Pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade's height;
- b) Awnings or canopies, provided the awning or canopy is not translucent, back-lit, or internally illuminated;
- d) Arbors or trellises of materials and color complimentary to the primary building, provided the location of the arbor or trellis does not obstruct any type of access (pedestrian, handicap, emergency, loading, etc.);
- e) Windows and/or a change in fenestration;
- f) Faux windows or areas of special brick, tile, or stone pattering, if window openings are not conducive to the use of the building;



- g) Recessed entries, accented by canopies, awnings, porticos, or rood overhangs;
- h) Balconies or decks, a minimum of 6 feet in depth and width;
- i) Arcades or covered walkways;
- j) Roofline changes, such as changes in roof planes or changes in the top of a parapet wall, when coupled with correspondingly aligned façade material changes;
- k) For sloped roof buildings, varying the roofline through a knee wall or providing a six-inch or greater offset in the façade plane; or
- l) Other architectural features, as approved by the TSPC.

e) Building Materials

(i) Basic Standards

The following building materials standards shall apply to buildings containing commercial, office, civic and institutional, and mixed-uses:

- a) Building façades facing an arterial road, a collector road, Interstate 840, and/or Interstate 65 shall include brick, stone (real or faux), marble, or scored precast concrete for a minimum of 80 percent of the net façade area.
- c) Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (e.g., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.
- d) Primary facade materials shall not change at outside corners, and shall continue a minimum distance of two feet from the front corners along both side façades.
- e) Materials changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners of the homes, or as a repetitive pattern.
- f) Foundations shall be composed of brick, split-faced block, cast stone, or stone. Buildings two stories or greater may meet this requirement with scored precast concrete that resembles stone.

(ii) EIFS on Visible Façades

Where permitted, EIFS shall not exceed 45 percent of an exterior building wall's net façade area when such wall is visible from a building's primary entrance or the primary street which it faces.

(iii) Split-Face Concrete Block on Visible Façades

Except where prohibited, split-face concrete block is acceptable for use as a primary building material for up to a maximum of 50 percent of the net façade area of an exterior wall visible from a building's entrance or public right-of-way provided:

- a) The concrete block is split-face and not smooth face;
- b) The block is integrally stained, remains unpainted, and incorporates a mortar color that differs from the color of the concrete block;
- c) The wall incorporates a cavity wall, water-repellant, and a clear sealant to prevent moisture penetration; and
- d) The wall meets all other applicable massing and façade standards for nonresidential and mixed-use buildings.

(iv) Split-Face Concrete Block on Other Façades

Except where prohibited, split-face concrete block that is integrally stained, painted, or unpainted is acceptable for use as a primary building material for up to a maximum of 50 percent of the net façade area of exterior walls neither visible from a building's primary entrance or from a street provided:

- a) The painted block is painted to match the color scheme of the building with an elastomeric paint with a minimum elasticity of 300 percent that is applied to a minimum dry thickness of 30 mils;
- b) Unpainted block walls incorporate a mortar color that differs from the block color, a cavity wall, water-repellant, and a clear sealant to prevent moisture penetration; and
- c) The wall meets all other applicable massing and façade variation standards for nonresidential and mixed-use buildings.

(v) Remote Building Walls

Remote building walls on lots that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due topography or natural features preserved in an open space lot, may use real or synthetic stucco (EIFS), precast concrete panels, tilt-up concrete panels, or integrally stained or painted split-face concrete block for the entire façade, provided:

- a) The wall matches the color scheme of the building;
- b) The base of the wall is masonry; and
- c) Integrally stained or painted split-face concrete block meets the standards for painted block walls in subsection Split-Face Concrete Block on Other Facades (iv)(a) and (iv)(b) above.

(vi) Prohibited Materials

The following exterior materials shall be prohibited:

- a) EIFS or synthetic stucco within two feet of the grade or a doorway.
- b) Exposed metal panels on vertical wall surfaces and prefabricated metal buildings. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal, which may be used on a case-by-case basis. Where permitted, high-quality metal siding shall be non-reflective and complimentary to the architectural style.
- c) Vinyl siding.

(vii) Industrial Uses and Districts

The following standards apply in the LI and HI:

- a) Foundations shall be composed of brick, split-faced block, cast stone, or stone;
- b) Exposed metal panels (such as corrugated metal) shall be permitted only in HI Districts. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding, which may be used on a case-by-case basis.
- c) Façades fronting arterial or collector streets shall comply with the materials standards for commercial, office, and mixed-use structures;
- d) “Tilt-up” and precast concrete panels are permitted as exterior building wall materials provided the panels are scored to provide texture and visual interest; and
- e) EIFS or synthetic stucco is prohibited within two feet of the grade or a doorway.

(viii) Colors

Nonresidential and mixed-use structures that front along arterials, collectors,

Interstate 840, and/or Interstate 65 shall comply with the following standards:

- a) Structures shall not use more than three main colors.
- b) Accent or trim colors shall not be included within the three-color limit.

#### **5.4 Open Space Standards**

##### **5.4.1 Purpose**

This subsection addresses the character and design of those portions of development that are not occupied by platted lots, roadways, or other site development, and are instead reserved for formal and informal open space, public or private parks, and greenways. The purpose of this subsection is to:

- a. Establish the standards and criteria under which portions of land associated with development shall be reserved and dedicated to the Town for the purposes of development as a public parkland, greenway, or other recreational space.
- b. Distinguish among the characteristics, requirements, and appropriate locations for formal open space and informal open space.
- c. Establish the standards and criteria under which a portion of residential, nonresidential, and mixed-use development shall set aside a portion of the development area for use as a formal private open space.
- d. Establish the standards and criteria under which a portion of residential, nonresidential, and mixed-use development shall set aside a portion of the development area for use as informal private open space or land under permanent conservation.
- e. Establish minimum ownership and maintenance standards for homeowner and property owner associations related to private formal and informal open spaces associated with development.

##### **5.4.2 Applicability**

Unless specifically exempted below, the provisions of this subsection shall apply to all land within the Town subject to a Preliminary Plat, Planned Development Plan, or Site Plan. Applicability per use category shall be as follows:

- a. Residential Development  
Projects that exceed 10 acres and/or 15 dwelling units shall open space in accordance with these standards. All other projects shall be exempt from these standards.

- b. **Nonresidential and Mixed-Use Development**  
 Projects have one or more of the following attributes shall be subject to the relevant standards of this subsection:
  - i. Two or more buildings
  - ii. Five or more nonresidential tenants
  - iii. A gross building area exceeding 50,000 square feet
  - iv. A site or lot exceeding 5 acres
  
- c. **Public Land Dedication**  
 Dedication of land for a public park, greenway, and/or recreational use shall be per the policy established in the Town Parks Master Plan, the General Plan, and/or other policy plan, and shall be approved as part of a development.

5.4.3 Open Space Standards

- a. **Amount of Open Space Required**  
 Residential, nonresidential, and mixed-use development shall provide a minimum of open space, as identified in Table 3-2,5 Required Open Space, below:

Table 5-1	REQUIRED OPEN SPACE		
	Total Requirement	Formal Open Space (% of the Total Requirement)	Informal Open Space (% of the Total Requirement)
Residential Development	45%	25%	75%
Mixed Use Development	20%	20%	80%
Nonresidential	3%	100%	None

Because not all sites contain natural features appropriate as informal open space, open space provided in accordance with the formal open space requirements may be credited towards fulfilling the informal open space requirement, subject to approval by the TSPC.

- b. **Calculation of Open Space**
  - i. **Areas Counted as Formal Open Space**  
 Formal Open Space shall be actively planned, actively usable, and actively developed. Formal Open Space shall be approved by the TSPC. In nonresidential or mixed-use developments, FOS may be approved as part of an overall site plan. In residential developments, a separate site plan shall be required for the development of FOS lots or easements. Developments shall include one (1) or more of the following:

- a) Neighborhood Amenities  
Land occupied by an amenity center; club house; pavilion with a community patio; or similarly developed neighborhood amenity that are typically used by the residents of a subdivision in which they are located achieves this standard. Reuse of structure(s) existing on the site prior to development (such as rehab of a barn, outbuildings, etc) also meets this standard and is encouraged.
  - b) Active Recreational Areas and Gathering Areas  
Land occupied by organized and developed gathering areas (with constructed shade, seating, cornhole, firepit, etc.); outdoor dining areas; playgrounds; pools, sports fields; sports courts; dog parks, or other similarly developed uses primary for gathering or active recreational purposes achieves this standard.
  - c) Formal Gardens and Public Art  
Areas with formally planted gardens and/or public art that are publicly accessible achieve this standard. Areas of formal gardens and public art shall include constructed shade, seating, and other purpose built amenities throughout the designated area
  - d) Squares, Plazas, and Active Parks  
Areas designed as publicly accessible squares; plazas; courtyards; or actively developed parks, which may contain water features open to the public, or other similarly developed uses achieve this standard.
- ii. Areas Counted as Informal Open Space
- a) Natural Features  
The following and similar natural features meet this standard:
    - 1) Natural Features, included but not limited to: wetlands, hillsides, hillcrests, slopes exceeding 14%, and rock outcrops;
    - 2) Natural hazard areas such as floodplains, floodways, and areas with unsuitable soils for development;
    - 3) Prime agricultural land;
    - 4) Water features, includes, drainageways, ponds, streams, and other bodies of water;
    - 5) Established tree lines, hedgerows, and fencerows;
    - 6) Scenic corridors, gateways, and viewsheds; and/or
    - 7) Wildlife habitat areas.

- b) **Required Tree Preservation Areas and Tree Protection Zones**  
Areas used for tree preservation and/or tree protection meet this standard.
  - c) **Historic or Culturally Significant Areas**  
Cultural and historic resources such as battlefields, cemeteries, and/or other archeological significance areas meet this standard.
  - d) **Passive Parks and Greenways**  
Passive Parks and hard surface greenways/multiuse trails, public or private, meet this standard.
  - e) **Lands with Conservation, Public Utility, and Access Easements**  
Areas with these easements meet this standard so long as they are designed in a manner acceptable to the Town.
  - f) **Stormwater Management Areas**  
Detention/retention ponds and other bio-retention areas meet this standard so long as they are treated as a site amenity and are able to support passive recreational uses by providing access, gentle slopes less than 3:1, and pedestrian elements such as paths, benches, and similar aspects.
  - g) **Dripfields**  
Areas designated for dripfields within the Regional Coverage Area, as specified by the Town Code, or other areas outside the Regional Coverage Area, as approved by the TSPC, meet this standard, so long as they are fenced with a decorative fence.
  - h) **Required or Provided Buffer Areas and Tree Protection Zones**  
Areas designated buffers and tree protection areas meet this standard.
- iii. **Areas Not Counted as Any Kind of Open Space under this Ordinance**  
The following areas shall not be counted as formal or informal open space:
- a) Private yards not subject to permanent open space, conservation, or access easements, acceptable to the Town.
  - b) Open space lots or easements that are segregated and isolated.

- c) Open space lots without at least one (1) direct access to a public Right-of-Way.
  - d) Public Rights-of-Way, unless otherwise permitted by the Town.
  - e) Parking lots and driveways.
  - f) Lands covered by structures that do not permit open space, as designated by this Ordinance.
  - g) Designated outdoor storage areas.
- c. Adjacency of Formal Open Space in Residential Subdivisions
- In all residential subdivisions, each lot shall be within  $\frac{1}{4}$  mile of an area with a formal open space area (lot or easement, as applicable) to ensure that formal open space site amenities are distributed and accessible to the residents throughout the subdivision. Additionally, each formal open space shall be walkable and bikeable to the rest of the subdivision. Adjacently may require the overall development to include more than the minimum Formal Open Space, as specified in Table 5-1.



## **ARTICLE 6           IMPLEMENTATION & ENFORCEMENT**

### **6.1     Implementation**

#### **6.1.1.   Implementation Officer**

The Town Planner shall be the Town Staff member designated as the Implementation Officer for the Town of Thompson's Station and shall be responsible for the implementation of the provisions of this Land Development Ordinance ("LDO"). This shall also allow the Town Planner to make official determinations and interpretations related to the implementation of this LDO. The Town Planner may designate other Town Staff to implement certain provisions of this LDO.

### **6.2     Enforcement & Stop Work Order**

#### **6.2.1.   Enforcement Officer**

The Town Planner shall be the Town Staff member designated as the Enforcement Officer for the Town of Thompson's Station and shall be responsible for the enforcement of the provisions of this LDO. The Town Planner may designate other Town Staff to enforce certain provisions of this LDO. The Enforcement Officer, or designee, is authorized to make inspections of structures and/or premises necessary to carry out enforcement duties. The Enforcement Officer, or designee, is also empowered to designate State inspection officials as authorized representatives to provide review, inspections, or other reports as required by law.

#### **6.2.2   Stop Work Order**

Where construction, excavation, demolition, grading, or any other activity has begun on any building, dwelling, structure, sign, or use in violation this LDO, the Town Code, or State or Federal law, the Enforcement Officer, or designee, is authorized, in addition to taking any other authorized enforcement action, to issue a Stop Work Order pending the responsible party or parties bringing such construction, use, or other activity into compliance with applicable law. The party or parties to whom a Stop Work Order is issued may appeal said issuance to the Board of Zoning Appeals, and the Board of Zoning Appeals shall hold a hearing on the order in accordance with the provisions of the LDO. The Board of Zoning Appeals shall hear such appeal as soon as possible after publishing the required notice, but no sooner than fifteen (15) days after the filing of such appeal with the Enforcement Officer nor greater than thirty (30) days from said filing.

### **6.3     Permits Required**

#### **6.3.1   Land Development Permit Required**

It shall be unlawful to commence or cause the grading, disturbance, clearing, grubbing, or alteration of more than 5,000 square feet of land until the Town has issued a Land

Disturbance Permit.

### **6.3.2 Building Permit Required**

It shall be unlawful to commence the construction or alteration of a building, include an access building or structure, until the Town has issued a Building Permit. This includes ancillary permits related to structures that may be required by the Town Building Official, Town Planner, or Town Engineer.

### **6.3.3 Other Permits**

Other permits may be required, as specified within the text of this LDO, and no activity covered by said permit(s) shall occur unless and until the applicable permit is issued by the Town.

## **6.4 Issuance of Permits**

Permits shall be reviewed and issued per the Town Building Codes Standard Operating Procedures and the Land Development Manual, as applicable.

## **6.5 Certificate of Occupancy**

Upon the completion of the construction or alteration of a building or structure for which a Building Permit has been granted, application shall be made to the Town for a Certificate of Occupancy. The Building Official, or designee, shall make a final inspection and shall issue a Certificate of Occupancy if the building or structure conforms to this LDO, other applicable ordinances, and to the statements/plans/specifications made in the application for the Building Permit. If the certificate is refused, then the Building Official shall state the cause of refusal in writing. No lot or building hereafter erected or altered in its use shall be used until a Certificate of Occupancy has been granted. For the purposes of this section, use of a building means anything beyond the minimum materials and/or personnel required for construction or repair of the permitted structure. The Building Official shall have the authority to determine time of furnishing, storage of materials, and/or occupancy under the authority of this Ordinance.

## **6.6 Penalties**

Any person violating any provision of this LDO shall be guilty of a misdemeanor and, upon conviction, shall be fined under the general penalty clauses of the Thompson's Station Municipal Code. A monetary penalty not to exceed fifty dollars (\$50.00) and the repayment of administrative costs incident to the correction of the municipal violation in the amount of two hundred fifty dollars (\$250.00) for each separate offense shall be required. Every day a violation continues shall constitute a separate offense.

## **6.7 Remedies**

In case a building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land used in violation of this LDO, the Town Attorney, or other appropriate authority, or adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may institute

injunction, mandamus, or other appropriate action or proceeding to effectuate the requirements of this LDO.

**6.8 Severability, Effective Date, & Repealer**

The provisions of this LDO are hereby intended to be severable. If any of its sections, provisions, exceptions, or parts should be held unconstitutional or void, then the remainder of the LDO shall continue to be in full force and effect, it being the legislative intent now hereby declared that this LDO would have been adopted even if such unconstitutional or void matter had not been included herein.

The effective date of this LDO shall be July 1, 2024, as required by law.

All prior zoning ordinances, maps, development standards, and subdivision regulations previously enacted are hereby repealed as of the effective date.



# **Land Development Ordinance**

## **Table of Appendices**

- A. Development Agreement**
- B. Public Infrastructure Agreement**
- C. Plat Certificates**
- D. Ridgeline and Hilltop Protection Area (RHPA) Map**
- E. Traffic Impact Study Guidelines**

## Appendix A      DEVELOPMENT AGREEMENT

### Development Agreement for \_\_\_\_\_ Subdivision Section \_\_\_\_\_

**THIS SUBDIVISION DEVELOPMENT AGREEMENT** (hereinafter the “Agreement”), is made effective this the \_ day of \_\_\_\_\_, 202\_ (hereinafter the “Effective Date”), by and between \_\_\_\_\_ with principal offices located at \_\_\_\_\_, (hereinafter the “Developer(s)”; and the Town of Thompson’s Station, Tennessee, a municipality duly incorporated, organized, and existing under the laws of the State of Tennessee (hereinafter the “Town”).

#### I. PURPOSE OF THE AGREEMENT

1. The Developer is the owner of real property located on \_\_\_\_\_ and identified as Williamson County tax map \_\_\_, parcel \_\_\_. The property contains approximately \_\_\_\_\_ acres +/-, (hereinafter the “Project Site”). The Project Site is currently zoned \_\_\_\_\_.
2. The Developer desires to improve and develop the Project Site or a portion of the Project Site into a development to be known as \_\_\_\_\_, (hereinafter the “Project”), under the regulations of the Town current on the Effective Date of the approval of Preliminary Plat.
3. This Agreement is subject to Town approval of the Final Project Documents for the Project, which includes but is not limited to plat approvals (with conditions as determined by the Town), detailed construction plans and specifications, in accordance with the Town’s charter, ordinances, rules, regulations, and policies (hereinafter “Town Regulations”) as well as State law, and applicable sureties. The Developer and Town agree that all Final Project Documents shall be attached to this Agreement as **Collective Exhibit “A”** and incorporated herein by reference after their approvals by the Town.
4. The Developer agrees to install necessary and required public improvements (hereinafter “Public Improvements”) as shown on the Final Project Documents including, but not limited to: water lines, fire hydrants, sanitary sewer and sanitary sewer lines, grading, streets, curbs, gutters, sidewalks, street name signs, traffic control devices, street lights and underground electrical power and gas utilities, as well as all other improvements designated herein, at no cost to the Town.
5. The Developer agrees to install and maintain private improvements and amenities, as applicable and as shown on the Final Project Documents, including, but not limited to: private streets and alleys, fences, walls, lakes, common open space, site lighting, storm water management systems, retention and/or detention basins, storm sewers, inlets etc., landscaping and related irrigation systems, relative to said Project, none of which shall be accepted for maintenance by the Town.

9. The Town agrees to approve the Project subject to the Developer's compliance with applicable Town Regulations and the conditions set forth herein in **Exhibit "B"**, and the Town agrees to provide customary services to the Project in accordance with the Town's Regulations after Final Acceptance, as defined herein.

### II. GENERAL CONDITIONS

1. *Affidavit of Payment* - Prior to Final Acceptance, the Developer shall deliver to the Town an affidavit certifying that all subcontractors and material suppliers furnishing labor and/or material for the Public Improvements required under this Agreement have been paid in full. The Developer shall also provide a written release of any and all liens and/or security instruments, and of the right to claim liens, from all subcontractors and material suppliers furnishing labor or materials for the Public Improvements.
2. *Approval of the Final Project Documents* - The Final Project Documents, which are attached hereto as **Collective Exhibit "A"** and incorporated herein by reference, shall be stamped as approved by the Town, provided that the same are in compliance with Town Regulations. All construction relating to the Project shall be subject to inspection and approval by the Town until Final Acceptance and shall be subject to any conditions set forth on **Exhibit "B"**.
3. *Construction Activity Periods* - The Developer will not carry on or permit construction activity under this Agreement earlier than 7:00 a.m. and not later than 6:00 p.m., Monday through Saturday, and no construction activity shall occur on Sundays or holidays. Construction hours shall be enforced by the Town at the Developer's expense.
4. *Construction Standards* - The Developer shall construct the Project as shown on the approved Final Project Documents in accordance with requirements of the Town Regulations.
5. *Demolition* - The Developer agrees to secure all required permits from the necessary governmental entities, including the Town, for the demolition of structures on the Project Site. The Developer further agrees that it will haul all scrap, buildings, materials, debris, rubbish and other degradable materials to an authorized landfill and shall not bury such materials within the Project Site.
6. *Deposition of materials in street prohibited* - All construction material, including, without limitation, mud, silt, dirt, and gravel, shall be kept off existing streets at all times. In the event such mud, silt, dirt, gravel or other construction material is washed, blown, or carried into an existing street, the Developer shall take immediate steps to remove such materials. If the Developer does not remove such materials after notification by the Town, and the Town deems it necessary to clean the affected streets, the Developer agrees to reimburse the Town for all such cleaning expenses, plus an additional twenty-five percent (25%) for administrative expenses related to the same.
7. *Development Agreement Modification Fees* - The Developer agrees to pay the fee for any modifications to this Agreement in accordance with the Town schedule of fees applicable to such a modification and that are current at the time of submittal of a written request for a modification by the Developer, including, but not limited to, time extensions, addendums, or amendments.

8. *Developer's Default* - The Developer agrees that should it default in performing any of its obligations under this Agreement, and it becomes necessary to engage an attorney to file necessary legal action to enforce provisions of this Agreement or sue for any sums of money due and owing or liability arising incidental to the Agreement, Developer shall pay to the Town all reasonable attorney's fees and expenses of litigation stemming from said default.
9. *Developer's Liability* - It is expressly understood and agreed that the Town is not and could not be expected to oversee, supervise and/or direct the implementation of all construction and improvements contemplated in this Agreement. The Town is not responsible for the design of the Project or any way the suitability of the property for Project.
- a. The Town Planner or his or her designee may make periodic inspections and has the right to enforce the provisions of this Agreement and Town Regulations.
  - b. The Developer now has and shall retain the responsibility to properly anticipate, survey, design and construct the Project improvements and give full assurance that same shall not adversely affect the flow of surface water from or upon any property.
  - c. In providing technical assistance, plan and design review, the Town does not and shall not relieve the Developer from liability, and the Town does not accept any liability from the Developer.
  - d. The Developer will provide its own Project Engineer and may not rely on the review of Town staff or its engineers with respect to the Project.
  - e. Neither observations by the Town, nor inspections, tests or approvals by others shall relieve the Developer from its obligation to perform work in accordance with Town Regulations and the terms of this Agreement.
10. *Duration of Obligations* - The obligations of the Developer hereunder shall run with the Project Site until the Developer's obligations have been fully met, as determined by the Town in its sole and absolute discretion. Any party taking title to the Project Site, or any part thereof, prior to Final Acceptance shall take said real property subject to such obligations. The Developer shall not be released of its obligations under this agreement without the express, written approval of the Town.
11. *Easements* - The Developer agrees that it will grant all necessary easements and rights-of-way, as determined by the Town, across its property necessary to satisfy the requirements of this Agreement without expense to the Town and will waive any claim for damages from the Town. Any off-site easements and/or right-of-way owned by others but required for the project must be obtained by Developer, recorded prior to approval of the Agreement, and noted on the Final Project Documents.
12. *Emergency Response* - In emergencies affecting the safety or protection of persons or the work or property at the Project Site or adjacent thereto, the Developer, without special instruction or authorization from the Town, is obligated to act to prevent threatened or eminent damage, injury, or loss.

13. *Indemnity* - Developer shall indemnify and hold the Town harmless and agrees to defend the Town and the Town employees, agents, and assigns against any and all claims that may or happen to arise out of or result from the Developer's performance or lack of performance under this Agreement, whether such claims arise out of the actions or inactions of the Developer, any subcontractor of the Developer, or anyone directly or indirectly employed by, or otherwise directly or indirectly involved with the Project at the direction of the Developer or subcontractor of the Developer. This indemnity and hold harmless agreement includes, without limitation, all tort claims, both intentional and otherwise, and all claims based upon any right of recovery for property damage, personal injuries, death, damages caused by downstream deposits, sediment or debris from drainage, damages resulting from the Developer changing the volume or velocity of water leaving the Developer's property and entering upon the property of others, storm water that is allegedly impounded on another property and claims under any statutes, Federal or state, relative to water, drainage and/or wetlands, and reasonable attorney's fees and costs incurred by the Town in defending itself or its employees, agents, or assigns as a result of the aforesaid causes and damages and/or enforcing this Agreement.
14. *Notice of Violation* - The Town Planner and/or Town Engineer, or his or her designee, may issue a Notice of Violation (NOV) when violations of Town, State, or Federal laws and/or regulations are observed.
- a. If the Developer has not corrected the violation identified in the NOV, then the Developer agrees that the Town acting through the Town Planner and/or Town Engineer may perform the necessary work to eliminate the violation and document all expenses incurred in performing the work. Developer shall reimburse the Town for all such expenses plus an additional reasonable administrative cost not to exceed twenty-five percent (25%).
  - b. Prior to releasing any Security hereunder and as herein defined, all expenses incurred by the Town relative to the foregoing shall be paid in full by the Developer.
  - c. The Town may issue a Stop Work Order (SWO) if the Developer does not promptly correct any deficiency or violation identified in the NOV in the reasonable time determined by the Town. The Developer agrees to comply with any SWO issued by the Town. If Developer fails to comply with a SWO, the Developer shall be responsible for all costs the Town incurs, including reasonable attorneys' fees, in seeking a restraining order or other injunctive relief or legal action to remedy any deficiency or violation.
15. *Ownership of Public Improvements* - The Developer shall be responsible for all Public Improvements until Final Acceptance by the Town. Developer shall have no claim, direct or implied, in the title or ownership of the Public Improvements after Final Acceptance. The Town shall have no obligation to maintain any Public Improvements unless and until Final Acceptance of the Public Improvement(s).
16. *Permit Availability* - A copy of all required permits and Final Project Documents must be kept on the Project Site at all times. If a NPDES Storm Water Construction Permit is required by TDEC, or any other permit required by any governmental entity, a copy of the Notice of Intent and the Notice of Coverage, or equivalent documents, shall be provided to the Town Engineer prior to commencement of construction for the Project.



17. *Relocation of Existing Improvements* - The Developer shall be responsible for the cost and liability of any relocation, modification, and/or removal of utilities, streets, sidewalks, drainage and other improvements made necessary by the development of the Project, both on and off site.
18. *Right of Entry* - The Developer agrees that the Town shall have the right, but not the duty, to enter the Project Site and make emergency repairs to any public improvements when the health and safety of the public requires it, as determined by the Town in its sole and absolute discretion. The Developer will reimburse the Town for the costs incurred by the Town in making said repairs, plus an additional reasonable fee for administrative costs not to exceed twenty-five percent (25%).
19. *Safety* - The Developer shall maintain barricades, fences, guards, and flagmen as reasonably necessary to ensure the safety of all persons at or near the Project Site at all reasonable and necessary times.
20. *Stop Work Orders* - The Town Planner and/or Town Engineer may issue Stop Work Orders (SWO) to remedy and enforce the provisions of this Agreement.
21. *Termination of Agreement* – This Agreement may be terminated by the Town if the Developer fails to comply fully with the terms and conditions of this Development Agreement.
  - a. The Town will give the Developer sixty (60) days written notice of the intent of the Town to terminate the Development Agreement, stating the reasons for termination, and giving the Developer a reasonable time to correct any failures in compliance, as determined by the Town.
  - b. If after receiving a Notice of Termination of the Development Agreement by the Town, the Developer corrects the non-compliance within the time specified in the Notice of Termination, the Development Agreement shall remain in full force and effect.
  - c. Failure by the Developer to correct the non-compliance will result in termination of the Development Agreement and collection of the Security by the Town.

If the Town terminates the Agreement, the Developer shall cease all work on the Project except as necessary to ensure the safety of all persons. The Developer (or a subsequent Developer) may apply to the Town for approval of a new Development Agreement, which approval shall not be withheld provided that all violations of this Agreement have been remedied.

22. *Transfers of Project Ownership* - Until all obligations of the Developer under this Agreement have been fully met and satisfied, the Developer agrees that neither the Project Site nor any portion thereof will be transferred to another party without first providing the Town with a fifteen (15) calendar day written notice of when the proposed transfer is to occur and the identity of the proposed transferee, along with the appropriate contact information for the proposed transferee, including address and telephone number of the proposed transferee.
  - a. If it is the proposed transferee’s intention to develop the Project Site or any portion thereof in accordance with this Agreement, the Developer agrees to furnish the Town with an

assumption agreement, or equivalent as determined by the Town, by which the transferee agrees to perform the obligations required under this Agreement that are applicable to the property to be acquired by the proposed transferee.

- b. Unless otherwise agreed to by the Town, the Developer will not be released from any of its obligations hereunder by such transfer and the Developer and the transferee both shall be jointly and severally liable to the Town for all obligations hereunder that are applicable to the property transferred. The proposed transferee will be required to furnish new Performance Security and Maintenance Security acceptable to the Town, as applicable and determined by the Town.
- c. If it is not the proposed transferee's intention to develop the Project Site or any portion thereof in accordance with this Agreement, the transferee must satisfy all applicable requirements of the Town, as determined by the Town, including payment of all outstanding fees, and must receive Town approval, in writing, to void this Agreement.
- d. The Developer agrees that if it transfers said property without providing the notice of transfer and assumption agreement, or equivalent, as required herein, it will be in breach of this Agreement and the Town may require that all work be stopped relative to the Project and may require payment of the Performance and Maintenance Security to assure the completion of the Project, as determined by the Town in its sole and absolute discretion.

23. *Underground Utilities* - All electrical utilities shall be installed underground unless the requirement is expressly waived by the Planning Commission.

24. *Building Permits* – The Developer understands and agrees that, if the Developer applies for a building permit from the Town, the building permit shall be subject to all Town Regulations, as well as applicable State and Federal laws and regulations, in existence at the time the building permit is applied for and obtained.

25. *Soil Dedication and Mapping*. – The Developer understands and agrees that the Developer shall dedicate one and one-half (1 and ½) times the amount of soils the Town requires for effluent wastewater disposal as determined by the number of taps to be allocated per the Final Plat. The dedication must occur at the time of approval of the Final Plat. Prior to dedication, the Developer must present the Town with an extra high intensity soil map, per Tennessee Department of Environment and Conservation standards and requirements, of the soils contemplated for dedication. All soils must meet the needs of the Town for effluent wastewater disposal, including but not limited to use and area. In the event the Developer cannot dedicate the required amount of soils as determined herein, in whole or in part, the Developer must pay a fee in lieu of dedication as to said soils in an amount equal to one hundred percent (100%) of the value of said soils, as determined by the Town, at the time of approval of the Final Plat. Said fee shall be remitted to the Town's wastewater fund.

### III. REQUIRED IMPROVEMENTS

The Developer agrees to pay the full cost of all the improvements listed below if applicable to the Project.

1. *Water System* - The Developer agrees to pay the cost of a State of Tennessee approved potable water system, including, without limitation: water mains, fire hydrants, valves, service lines, and accessories, located within the Project, and water mains, fire hydrants, valves, service lines, and accessories, located outside the Project but required to serve the Project. The Developer acknowledges that the Town does not provide water service and will not accept any water system infrastructure. The Developer agrees to bear the cost of all engineering, inspection, and laboratory costs incurred by Developer incidental to the water service system in or to the Project.
  
2. *Sanitary Sewer System* - The Developer agrees to pay the cost of a State of Tennessee approved sanitary sewer system as required by Town Regulations with necessary sewer mains, manholes, pump stations, force mains and service laterals in the Project, along with all necessary sewer mains, manholes, pump stations, force mains, and service laterals outside the Project but required to provide sanitary sewer service to the Project. **The Developer is approved for (development type) homes and \_\_\_\_\_ gallons per day per an approved and executed Sewer Reservation Agreement.** The Developer agrees to bear the cost of all engineering, inspection, and laboratory testing costs incurred by the Developer incidental to the sewer system in or to the Project, and, if the Town Engineer or his or her designee deems it necessary, to have additional work of such nature performed as directed without cost to the Town.
  
3. *Streets* - The Developer agrees to dedicate and improve and/or construct, at no cost to the Town, all public and/or private streets, including but not limited to: curbs, gutters, and sidewalks, located within or required by this Project to comply with Town Regulations in accordance with the Final Project Documents.
  - a. In some circumstances, the Town may require the payment of an in-lieu of construction fee as an alternate to the construction of the required improvements by the Developer. The amount of any in-lieu construction fee will be one hundred and twenty-five percent (125%) of the estimated construction cost of the improvements, as determined by the Town in its sole and absolute discretion.
  - b. The Developer shall furnish and install base asphalt and a final wearing surface asphalt course on all streets, public and private, in accordance with the Town Regulations and the Final Project Documents. The Developer shall make all necessary adjustments to manholes, valve boxes, and other appurtenances as required to meet finished surface grade and to repair any areas designated by the Town, as required prior to the installation of the final surface asphalt.
  - c. The Developer agrees to install permanent street signposts and markers at all street intersections in the Project and to install traffic control devices, signage, and striping relative to and as required for the Project. All traffic control devices, signage, and striping shall be installed as per the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Town Engineer.
  - d. The Developer agrees to pay the cost of all engineering, inspection, and laboratory costs incurred by the Developer incidental to the construction of street(s) to be constructed or improved pursuant to this Agreement, including, but not limited to: material and density testing, and, if the Town Planner or his or her designee deems it necessary, to have additional work of such nature performed as directed without cost to the Town.

4. *Streetlights* - The Developer agrees to pay the cost of installation of Street Lighting along all public roadways improved as part of the Project, with said Street Lighting determined by Town Regulations and Final Project Documents.
5. *Power Distribution Poles* – The Developer agrees to pay the full cost difference between steel electric power distribution poles and the cost of wood electric power distribution poles for the Project frontage. If the Project frontage is along both sides of the public road, the Developer agrees to pay the full cost difference between steel electric power distribution poles and the cost of wood electric power distribution poles for the Project. If the Project is only along one side of the public road, the Developer agrees to pay one-half the cost of the difference between steel electric power distribution poles and the cost of wood electric power distribution poles for the Project frontage.
6. *Gas and Electric Service* - The Developer shall install underground electric and natural gas service to the Project in accordance with Town Regulations in effect at the time of such installation.
7. *Stormwater Management System* - The Developer agrees that all storm water management systems and related facilities, including, without limitation: permanent post-construction storm water runoff management best management practices, ditch paving, bank protection, and fencing adjacent to open ditches, made necessary by the development of the Project are to be constructed and maintained by the Developer.
8. *Stormwater Pollution Prevention Plan* - The Developer agrees that it will prepare, implement, and maintain a Stormwater Pollution Prevention Plan for the Project in accordance with all Town, State, or Federal regulations, and as approved in the Final Project Documents.
9. *Best Management Practices* - The Developer agrees that it will provide all necessary best management practices (BMPs) for erosion and sediment control. BMPs to control erosion and sediment during construction, include, but are not limited to, temporary vegetation, construction exit, inlet protection, and silt fence.
  - a. All freshly excavated and embankment areas not covered with satisfactory vegetation shall be fertilized, mulched, seeded and/or sodded, or otherwise protected as required by the Town Engineer to prevent erosion.
  - b. In the event the Town Engineer determines that necessary erosion and sediment control is not being provided by the Developer, the Town Engineer may issue a Notice of Violation (NOV) to the Developer.
10. *Engineer's Certification* - The Developer shall provide the written opinion of a professional engineer, currently licensed to practice in Tennessee, attesting that the entire watershed where the Project Site is located has been reviewed, and that upon full development at the greatest allowable use density under existing zoning of all land within that watershed, the proposed development of the Project will not increase, alter, or affect the flow of surface runoff water, nor contribute to same, so as to damage, flood, or adversely affect any downstream property.
11. *Stream Buffers* - The Developer agrees to provide stream buffers along all regulated watercourses in accordance with Town Regulations and the TDEC General Construction Permit.

12. *Changes and Substitutions* - Should the Developer determine that changes or substitutions to the approved Final Project Documents may be necessary or desirable, the Developer shall notify the Town Engineer, in writing, requesting approval of the desired changes or substitutions, explaining the necessity or desirability of the proposed changes or substitutions. The request by the Developer must be accompanied by sufficient documentation, including drawings, calculations, specifications, or other materials necessary for the Town to evaluate the request. No changes are to be made in the field until express, written permission is granted by the Town Engineer.

#### IV. PROJECT SCHEDULE

1. *Approved Final Project Documents* – Prior to the recording of the Final Plat, the Developer shall provide to the Town electronic copies (PDF scans) of the Approved Final Project Documents (Collective Exhibit A) along with a signed acknowledgment that the documents submitted are incorporated into this Agreement by reference.
2. *Demolition Permits* - If demolition of any improvement on the Project Site is anticipated, a demolition permit from the Town must be obtained by the Developer.
3. *Certificate of Insurance* - Prior to the recording of the Final Plat, the Developer will furnish to the Town a Certificate of Insurance evidencing the required coverage and listing the Town as additional insured. The furnishing of the aforesaid insurance shall not relieve the Developer of its obligation to indemnify and hold harmless the Town in accordance with the provisions of this Agreement.
4. *Surety* - The Developer must pay all fees, furnish all required Sureties, as determined by the Town, prior to the recording of the Final Plat.
5. *Commencement of Construction* - The Developer agrees to commence construction within twenty-four (24) calendar months from the Effective Date. The failure of the Developer to commence Construction within twenty-four (24) months of the Effective Date will be considered an expiration of the Agreement, and a new agreement shall and must be approved before any Construction may begin.
6. *Project Duration* – It is anticipated that the Developer shall substantially complete the Project on a timely schedule and in an expeditious manner, with the date of Substantial Completion to be not later than **60 months** from when the Developer commences construction of the Project.
7. *Request for Extension* - The Developer agrees that, if due to unforeseen circumstances it is unable to Substantially Complete all work included in this Agreement on or before the Substantial Completion Date specified above, it will submit a written request for extension of the Substantial Completion Date to the Town at least sixty (60) days prior to the specified date, stating the reason for its failure to complete the work as agreed, and a revised Substantial Completion Date. The Town will not unreasonably withhold approval of extensions of time where the Developer has

complied with the requirements of notice to the Town and provided any required additional Security.

8. *Breach of Agreement for Time Extension* - The Developer agrees that its failure to follow the extension of time procedure provided herein shall constitute a breach of this Agreement, and the Town may take legal action, in its discretion, as described herein and as allowed by Town Regulations and applicable law.
9. *Withholding or Withdrawal of Service* - The Developer agrees that, should it fail to complete any part of the work outlined in this Agreement in a good and workmanlike manner, the Town shall reserve the right to withhold and/or withdraw all building permits and/or water and sewer service within the Project until all items of this Agreement have been fulfilled by the Developer, or as an alternative draw upon the Security to complete the work.

### V. PROJECT CLOSEOUT

1. *As-Built Drawings* - Prior to Final Acceptance, the Developer shall submit as-built plans / as-built drawings of the improvements installed as part of the Project, including but not limited to: the potable water system, the sanitary sewer system, the drainage/detention/stormwater management system, landscaping, irrigations system, photometric plan, and streets including curbs and gutters and sidewalks, signed and sealed by a Design Professional, confirming that the installed improvements are in compliance with Town Regulations and the approved Final Project Documents.
2. *Letter of Completeness* – Prior to Final Acceptance, the Town shall conduct a site check visit and if appropriate issue a Letter of Completeness that the Project is ready to be considered for acceptance by the Board of Mayor and Aldermen. The Letter of Completeness does not constitute acceptance of the Project by the Town. Until Final Acceptance by the Board of Mayor and Aldermen any part of the Project is subject to correction. Developer shall comply with the Town’s Dedication of Public Improvements Policy.
3. *Curbs and Gutters* - All required curbs and gutters must be completed and without defect prior to Final Acceptance of the Project. The Developer shall be responsible for repairing any latent defects and/or failures in the curbs and gutters which may occur prior to formal dedication and acceptance of the Project.
4. *Final Construction Cost* - The Developer shall furnish in writing the itemized as-built construction costs of all public improvements prior to issuance of a Letter of Completeness for the Project.
5. *Tree Mitigation/Replacement* - Prior to the issuance of a Letter of Completeness, the Developer shall submit an as-built landscaping plan that reflects the required tree mitigation and replacement as well as all revisions to the mitigation plan as approved by the Planning Commission. Tree mitigation/replacement shall be reviewed by the Town Planner.
6. *Sidewalks* - All required sidewalks shall be completed and without defect prior to acceptance of the Project. The Developer shall be responsible for repairing any latent defects in the sidewalks prior to acceptance of the Project. All references to sidewalks include required handicap ramps. Nothing herein shall be construed to require acceptance of sidewalks by the Town for a Project.

## VI. SECURITY

1. *Cost Estimates* - The Developer shall furnish to the Town estimates as to quantity and cost of all public improvements relative to the Project, such estimate being set forth on **Exhibit "C"** attached hereto and incorporated herein by reference. These estimates will be used to assist the Town Engineer in establishing the amount of Security required for the Project.
2. *Security for Public Improvements* - The Developer shall provide, at the time of final plat to the Town, a Performance Security instrument in the amount which sum represents and totals to one hundred and ten percent (110%) of the estimated cost of all approved public improvements.
3. The Performance and Maintenance Security shall have an expiration date of one (1) year after the Effective Date, but **shall automatically renew** for successive one (1) year periods without effort or action by the Town until the Security is released by the Town at the time of acceptance, and the Performance and Maintenance Security documentation shall reflect the aforementioned requirements.
4. *Form of Security* - The form and substance of any Security shall be subject to the approval of the Town Attorney. A copy of the Performance Security is attached to this Agreement as **Exhibit "D"** and made a part hereof guaranteeing, to the extent of the Security, the faithful performance of this Agreement by the Developer. The Security, if a Letter of Credit, shall provide that the physical presence of a representative of the Town shall not be required for presentation and that venue and jurisdiction shall be in a court of competent jurisdiction in Williamson County, Tennessee.
5. *Notification of Non-Renewal* - Should the Issuer or Developer elect to not renew the Performance Security, written notice must be received by the Town no later than ninety (90) days prior to its expiration date, at which time the Town may draw up to the face value of the Performance Security in the Town's unfettered discretion. Failure to provide notice as herein described shall be considered a material breach of this Agreement and the Security, and the Town may institute legal proceedings as provided herein and be awarded reasonable attorney's fees and litigation costs for said legal proceedings.
6. *Maintenance Security* - The amount of the Performance Security may be reduced to a reasonable sum as determined by the Town Engineer to cover Developer's warranty obligations hereunder, thus establishing a Maintenance Security instrument. The Maintenance Security shall remain in place until the Security is released by the Town at the time of dedication and acceptance.
7. *Full Financial Responsibility* - It is understood and agreed by the Developer that the Performance Security and the Maintenance Security, subject to their limits, are to furnish Security for the Developer's obligations hereunder, but that such obligations are not limited by the amount of such Security. The Security shall remain in force until the Security is released by the Town, although the same may be reduced from time to time as provided herein. All collection expenses, court costs, attorney's fees, and administration costs incurred by the Town in connection with



collection under the Security shall be paid by the Developer and such obligations are included in the amount of the Security.

8. *Right of Town to Performance Security* - The Town reserves the right to draw upon the Performance Security, in an amount deemed necessary by the Town in its sole discretion, upon failure of the Developer to comply with any obligations of Developer contained in this Agreement which arise prior to, or as a condition to, acceptance.
9. *Right of Town to Maintenance Security* - The Town reserves the right to draw upon the Maintenance Security, in an amount deemed necessary by the Town in its sole discretion, upon failure of the Developer to comply with any obligations of Developer contained in this Agreement which arise prior to, or as a condition to, acceptance.
10. *Current Project Cost* – The Developer agrees that if the Security furnished to secure the obligations of the Developer under this Agreement, due to inflation and/or rising costs, previous errors in estimation, or any other reason, is inadequate to secure such obligations at the time an extension of time is sought, the Developer will provide additional Security to bring the Security amount in line with current cost projections made by the Town Engineer.

### **VII. WARRANTY**

1. *Warranty Period* - The Developer is required to complete the Public Improvements and all other improvements required herein and by Town Regulations relative to the Project, in accordance with the terms of this Agreement. Further, the Developer is to correct any defects or failures as directed by the Town Planner or his or her designee that occur to any such improvements within one (1) year following acceptance.
2. *Scheduled Inspections* - Prior to the expiration of the Warranty Period, Town staff may inspect the streets, curbs and gutters, sidewalks, drainage/detention/stormwater management system, landscaping, lighting, irrigation, fencing and all other required improvements to determine any defects or failures of the same.
  - a. Prior to the end of the Warranty Period, the Town will perform an inspection and prepare a list of defects and/or other work that maybe required for the Town to accept the improvements for permanent maintenance. The list of defects and/or other required work will be furnished to the Developer no later than forty-five (45) days from the end of the Warranty Period.
  - b. If no defects or failures are found by the Town at such inspection, or if a defect is found by the Town but same is cured prior to the end of the Warranty Period, the Town Planner or his or her designee shall recommend that the Board of Mayor and Aldermen (BOMA) accept the improvements for permanent maintenance and any remaining Maintenance Security may be released.

Nothing herein shall be construed to impose a duty on the Town to inspect the required improvements or to relieve Developer of any liability related to these improvements.

3. *Re-Inspection* - If all deficiencies noted in the inspection have not been corrected by the Developer prior to the expiration of the Warranty Period, Town staff shall re-inspect the Project and provide



an updated list of deficiencies. The Developer shall have a specified number of days, as determined by the Town, to make the remaining corrections, and the Warranty Period will be extended to allow the deficiencies to be corrected. If all corrections are not made by the Developer by the end of the time extension, the Town may demand payment on the Security and draw upon the same, and, upon collection, shall proceed to make the corrections. If and when the Developer or the Town, as the case may be, has corrected all failures and defects, the Town Planner or his or her designee shall recommend Final Acceptance by the BOMA and any remaining Maintenance Security may be released.

4. *Formal Acceptance* – Upon recommendation of the Town Planner or her designee, the BOMA may approve acceptance of the Project, including the release of the Maintenance Security, and assume full ownership and maintenance responsibility for all public improvements associated with the Project, if the BOMA determines that acceptance of the dedication of the Public Improvements by the Developer is warranted under Town Regulations and applicable State and Federal laws.

## VIII. INSURANCE

1. *Comprehensive General Liability Insurance* - The Developer shall purchase and maintain comprehensive general liability and all other necessary and required insurance that shall insure against claims arising out of the Developer’s performance, or non-performance, under this Agreement, whether such claims arise out of the actions or lack of action of the Developer, any subcontractor of the Developer, their employees, agents or independent contractors or anyone for whose actions or lack of action any of them may be liable, including, without limitation:
  - a. Claims for the personal injury, occupational illness or death of the Developer’s employees, if any;
  - b. Claims for the personal injury, illness or death of any person other than the Developer’s employees or agents;
  - c. Claims for injury to or destruction of tangible property, including loss of use resulting therefrom;
  - d. Claims for property damage or personal injury or death of any person arising out of the ownership, maintenance or use of any motor vehicle; and,
  - e. Claims by third parties for personal injury and property damage arising out of the Developer’s failure to comply with the Developer’s obligations under this Agreement.
  - f. Claims brought under worker’s compensation; provided, however, if Developer has no employees who are eligible to be covered under worker’s compensation insurance, the Developer shall not be required to furnish insurance against worker’s compensation but shall require the party(s) contracting with Developer to perform work on the Project Site to furnish evidence of such insurance for the employees of same.
2. *Coverage Required* - The insurance coverage required by this Agreement shall include the coverage specified above with policy limits of not less than \$1,000,000 Combined Single Limit general liability and \$500,000 Combined Single Limit automobile liability per occurrence.

- a. The comprehensive general liability insurance coverage shall include completed operations insurance coverage and liability insurance applicable to the Developer’s obligations under this Agreement.
- b. Each insurance policy shall contain a provision stating that the insurer will give the Town thirty (30) days prior written notice of its intent to cancel or materially change the policy. All such insurance shall remain in effect until the BOMA approves acceptance and releases of Security of the completed Project.
- c. In addition, the Developer shall maintain completed operations insurance for at least one (1) year after the BOMA approves acceptance and release of the applicable Security.
- d. The Developer shall furnish the Town with evidence of the continuation of all such insurance at the time of issuance of the notice of acceptance and release of Security.

**XII. MISCELLANEOUS PROVISIONS**

- 1. *Notices* - All notices, demands and requests required or permitted by this Agreement shall be in writing (including telecopy communications) and shall be sent by email, certified mail, or hand delivery. Any notice, demand or request which is mailed, hand delivered or sent by courier shall be deemed given for all purposes under this Agreement when delivered to the intended address.

<b>TOWN</b>	<b>DEVELOPER</b>	<b>OWNER</b>
Town of Thompson’s Station	_____	_____
P. O Box 100	_____	_____
Thompson’s Station, TN 37179	_____	_____

- 2. *Change of Address* - Any party to this Agreement may change such party’s address for the purpose of notices, demands and requests required or permitted under this Agreement by providing written notice of such change of address to the other party, which change of address shall only be effective when notice of the change is actually received by the party who thereafter sends any notice, demand or request.
- 3. *Choice of Law & Venue* - This Agreement is being executed and delivered and is intended to be performed in the State of Tennessee, and the laws (without regard to principles of conflicts of law) of the State of Tennessee shall govern the rights and duties of the parties hereto in the validity, construction, enforcement and interpretation hereof. Venue for any action arising from this Agreement shall be in a court of competent jurisdiction in Williamson County, Tennessee.
- 4. *Joinder of Owner* - If the Developer is not the Owner of the Project Site, the Owner shall join in this Agreement, and, by the Owner’s execution of this Agreement, the Owner is jointly and severally liable for the representations, warranties, covenants, agreements and indemnities of Developer.
- 5. *Interpretation and Severability* - If any provision of this Agreement is held to be unlawful, invalid, or unenforceable under present or future laws effective during the terms hereof, such provisions shall be fully severable and this Agreement shall be construed and enforced as if such unlawful, invalid, or unenforceable provision was not a part of this Agreement. Furthermore, if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

- 6. *No Waiver* - The failure of the Town to insist upon prompt and strict performance of any of the terms, conditions or undertakings of this Agreement, or to exercise any right herein conferred, in any one or more instances, shall not be construed as a waiver of the same or any other term, condition, undertaking or right.
  
- 7. *Amendments and Modification* - This Agreement shall not be modified in any manner, except by an instrument in writing executed by or on behalf of all parties. All legal fees, costs and expenses incurred with agreement modifications shall be at the sole expense of the Developer.
  
- 8. *Authority to Execute* – Town, Developer, and Owner each warrant and represent that the party signing this Agreement on behalf of each has authority to enter into this Agreement and to bind them, respectively, to the terms, covenants and conditions contained herein. Each party shall deliver to the other, upon request, all documents reasonably requested by the other evidencing such authority, including a copy of all resolutions, consents or minutes reflecting the authority of persons or parties to enter into agreements on behalf of such party.
  
- 9. *Binding Agreement* - This Agreement is the full and complete agreement between the Town and the Developer and/or Owner(s) and supersedes all other previous agreements or representations between the parties, either written or oral, and the parties agree that the terms and provisions of this agreement is binding upon all parties to the Agreement and their respective heirs, successors, or assigns until the terms of the Agreement are fully met.

WITNESS the due execution hereof:

**DEVELOPER:**

\_\_\_\_\_

\_\_\_\_\_

Print Name & Title

Date: \_\_\_\_\_

**OWNER (if applicable):**

\_\_\_\_\_

\_\_\_\_\_

Print Name

Date: \_\_\_\_\_

**TOWN OF THOMPSON'S STATION:**

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

**Exhibit "A"**

Final Project Documents

**Exhibit "B"**

Conditions of approval established by the Thompson's Station Planning Commission (TSPC)

**Exhibit "C"**

Estimated Cost of Public Improvements

**Standard Language: Per the LDO and to be provided at the time of final plat approval by the Thompson's Station Planning Commission.**

**Exhibit "D"**

Performance and Maintenance Security Documents

**Standard Language: Per the LDO and to be provided prior to signature on the Certification of Approval for Recording by the Secretary of the Thompson's Station Planning Commission on each and every final plat submitted for this development.**

## Appendix B PUBLIC INFRASTRUCTURE PROTECTION PLAN

### PUBLIC INFRASTRUCTURE PROTECTION PLAN AGREEMENT

**KNOW ALL MEN BY THESE PRESENTS:**

That \_\_\_\_\_, (hereinafter “Developer”), is indebted and firmly bound unto the Town of Thompson’s Station, Tennessee for the use and benefit of the Town of Thompson’s Station and for the use and benefit of all future lot owners within that certain subdivision / site known as \_\_\_\_\_ and as presented in its Preliminary Plat / Site Plan approved on \_\_\_\_\_, 20\_\_\_\_ with a surety in the penal sum of \_\_\_\_\_ (\$\_\_\_\_\_ .00), for securing the maintenance and protection of public infrastructure during construction, as hereinafter set forth, and for the payment of which sum well and truly to be made the undersigned does hereby bind itself, its heirs, executors, personal representatives, administrators, successors and assigns, jointly and severally, firmly by these presents, and in support thereof represents, acknowledges and agrees as follows:

1. That \_\_\_\_\_ (insert name of entity), is a \_\_\_\_\_, (insert type of entity), having a mailing address of \_\_\_\_\_, (insert address, city, state, zip).
2. The Developer has submitted a Preliminary Plat / Siter Plan of \_\_\_\_\_ (subdivision / site name) , Section \_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_, and approved by the Thompson’s Station Planning Commission on \_\_\_\_\_, 20\_\_\_\_.
3. The Town of Thompson’s Station will not approve any permits, grading or otherwise, unless and until this Agreement is signed and appropriate surety is posted with the Town ensuring the protection and maintenance of the public infrastructure affected by the development.
4. The Developer shall post a surety, perpetual in nature, to the Town of Thompson’s Station in a sufficient amount as determined by the Thompson’s Station Planning Commission to cover the public infrastructure affected by the development, as determined by the Town.
5. The public infrastructure affected by the development shall be narrowly tailored in such a way so that any maintenance required during development will necessarily be attributable to the Developer, its agents or assigns. Accordingly, it is expressly understood by the parties that any maintenance of the public infrastructure is the responsibility of the Developer.

## Land Development Ordinance

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6. For public infrastructure that is the roadway or street, the area affected shall be a minimum of two hundred (200) feet in either direction of the construction entrance(s), unless a greater distance is determined to be appropriate by the Town's engineer.
7. Before any permit is issued, grading or otherwise, the Town and the Developer shall conduct an inspection of the effected public infrastructure, including roadway or street, to determine the existing condition of the same.
8. During the course of development, the Town may inspect the public infrastructure from time to time to determine if any maintenance is required. If the Town determines that maintenance is required, then the Town shall provide the Developer with notice of the maintenance required, and the Developer will have ten (10) days to begin maintenance.
9. The Developer specifically acknowledges and accepts that should it not perform the maintenance as outlined in paragraph No. 8 above, the Developer will be considered to be in default and the surety will be called in its full amount by the Town Attorney in accordance with the Land Development Ordinance.
10. Upon the last certificate of occupancy being issued by the Town, the Town Administrator, or his or her designee, shall inspect the public infrastructure and determine if any maintenance or replacement is required and provide notice of the same as outlined in paragraph No. 8 above. If no maintenance or replacement is required, the Town Administrator shall provide notice to the Developer that the surety is released.
11. Action by the Town of Thompson's Station, through its Town Atorney, in calling the surety shall not be deemed a release of Developer for any liability hereunder. The Developer acknowledges that it is liable for all obligations under this Agreement. The Developer shall be responsible for any amounts or costs to complete the maintenance or replacement that exceed the amount of the surety in place. The Town may pursue recovery of incremental amounts or costs that exceed the amount of the surety if the Developer defaults on this Agreement. The Town may pursue recovery from the development entities and any personal guarantors that execute this Agreement or the surety.

Witness my hand this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Developer]

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Town of Thompson's Station

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Town Administrator

## Appendix C PLAT CERTIFICATES AND SIGNATURE BLOCKS

### Certificate for Addresses

I do hereby certify that the addresses denoted on this final plat are those assigned by Williamson County E-911.

\_\_\_\_\_  
**Date Williamson County E-911 Department, Title**

### Certificate of Ownership & Dedication

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in book number \_\_\_\_\_, page \_\_\_\_\_, R.O.W.C. and that I (we) hereby adopt this plan of subdivision with my (our) free consent and establish the minimum building restriction line. I (we) do further certify that the recording of this plat is an irrevocable offer of dedication to the Town (or applicable Utility), subject to the Town’s approval and acceptance per the Town’s Land Development Ordinance, for all public streets, utilities, and other public improvements.

\_\_\_\_\_  
**Date Owner, Title**

### Certificate of Approval of Subdivision Name and Street Names

I do hereby certify that the subdivision name and street names denoted on this final plat have been approved by the Williamson County Emergency Communications Agency.

\_\_\_\_\_  
**Date Department, Title**

### Certification of the Approval of Streets

All streets designated on this final subdivision plat have been installed in an acceptable manner and according to Thompson’s Station’s Land Development Ordinance, or a surety bond approved by the Planning Commission has been posted, per the Land Development Ordinance, with the Town to assure completion of all required improvements in case of default.

\_\_\_\_\_  
**Date Town Engineer**



## Land Development Ordinance

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### Certificate of Accuracy

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Thompson's Station Municipal Planning Commission and that the monuments have been or will be placed as shown here on to the specifications of the Land Development Ordinance as approved by the Town Engineer. This is a Category \_\_\_\_\_ survey and the ratio of precision of the unadjusted survey is greater than 1:10,000 as shown hereon.

\_\_\_\_\_  
**Date**                      **Registered Land Surveyor**

### Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Thompson's Station Land Development Ordinance with the exception of such approved deviations, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the County Register.

\_\_\_\_\_  
**Date**                      **Secretary, Planning Commission**

### Certificate of Approval of Utility Systems

The following utility systems outlined or indicated on the plan shown hereon have been either installed in conformity with current local and/or state government requirements or a surety bond has been posted with the Town to assure completion of all required improvements in case of default. Upon information and review, the hydraulic design criteria specified in the Thompson's Station Subdivision Regulations have been met. Any approval is at all times contingent upon continuing compliance with the aforementioned requirements.

#### *Water System*

\_\_\_\_\_  
**Date**                      **Name, Title, and Agency of Authorized Approving Agent**

#### *Sewer System*

\_\_\_\_\_  
**Date**                      **Town Engineer or Name, Title, and Agency of Authorized Approving Agent**

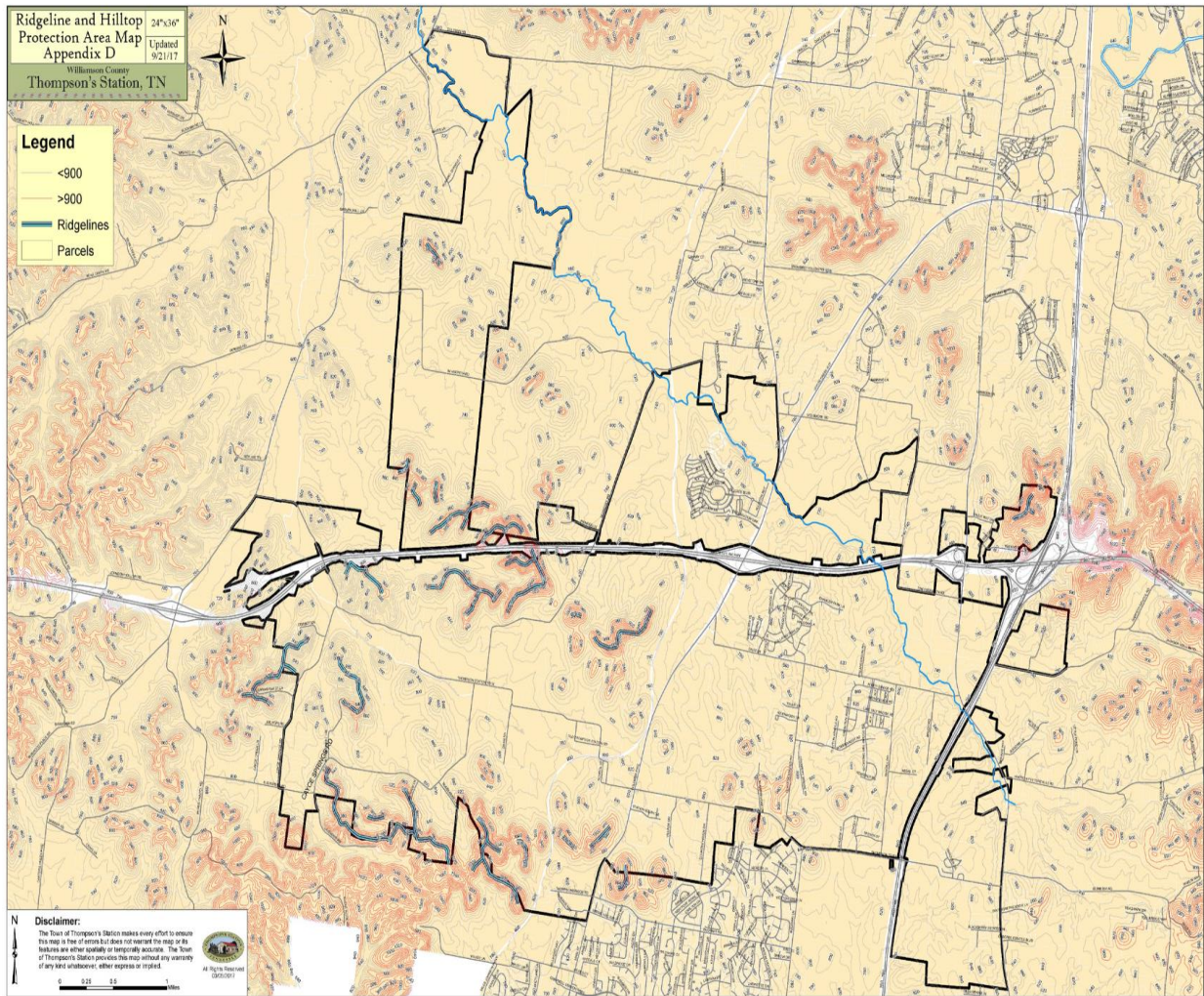
Certificate of Approval of Middle Tennessee Electric Membership Corporation

I hereby certify that the requirements set forth in rules, regulations, by-laws, policy and operational bulletins, plat approval checklist and tree planting guidelines have been met for MTEMC. Any approval is at all times contingent upon continuing compliance with the aforementioned requirements.

\_\_\_\_\_  
Date                      Name, Title, and Agency of Authorized Approving Agent

***Middle Tennessee Electric Membership Corporation (MTEMC) will provide electric service to the subject property according to the normal operating practices of MTEMC as defined in the rules and regulations, bylaws, policy bulletins and operational bulletins of MTEMC, and in accordance with the plat approval checklist, tree planting guidelines and other regulations contained on the MTEMC website at [www.mtemc.com](http://www.mtemc.com) (collectively the "Requirements"). No electric service will be provided until MTEMC's Requirements have been met and approved in writing by an authorized representative of MTEMC. Any approval is, at all times, contingent upon compliance with MTEMC's Requirements.***

# Appendix D RIDGELINE HILLTOP PROTECTION AREA



## Appendix E      TRAFFIC IMPACT STUDY GUIDELINES

Traffic studies are an effective tool used to help the Town of Thompson's Station determine potential impacts to the operation of the surrounding roadway infrastructure. Two (2) types of traffic studies are described in these guidelines: 1) a Traffic Assessment and 2) a Traffic Impact Study.

The reviewing authority is the Town of Thompson's Station Planning Commission (Planning Commission.) Written recommendations on the applicable traffic study will be provided from the Town Planner and consulting staff to the Planning Commission along with the applicable traffic study. As a preliminary step, a preapplication conference will be conducted between the Town Planner and applicant to determine the specifics of the assumptions for the applicable traffic study, including but not limited to: types of land uses to assume for trip generation, any access concerns, availability of traffic counts, and general familiarity with these guidelines and applicable land use controls used by Thompson's Station, and the processes involved.

A Traffic Assessment (TA) is designed to be a preliminary assessment of the potential impacts of a rezoning request but requires a reduced amount of effort to produce. This assessment will assist the Planning Commission in determining the amount of potential impact that exists for a proposed zoning change and included in its recommendation to the Thompson's Station Board of Mayor and Aldermen for final decision on the zoning change.

A Traffic Impact Study (TIS) is a more detailed assessment document, requiring additional investigation and analysis. The TIS is required at the time of submission of a site plan, concept subdivision plan, preliminary plat, preliminary master plan, or any development as so determined by the Town Planner. A traffic impact study may include other relevant traffic studies, including but not limited to: signal warrant analysis, speed study, and signalized intersection level of service.

Either study categories are required to be performed and stamped by a Licensed Professional Engineer with experience in Traffic Engineering.

### 1. Traffic Assessment (TA) Study

A *Traffic Assessment* shall be required for all annexation or rezoning applications if:

- a. Such a request involves a parcel of land (or if multiple parcels are included, the collective parcels of land) that is ten (10) acres or more that is adjacent to a state highway;

- b. Such a request involves a parcel of land (or if multiple parcels are included, the collective parcels of land) that is five (5) acres or more that is not adjacent to a state highway; or
- c. Any annexation or rezoning application so determined by the Planning Commission or the Town Planner to require a traffic assessment study.

The Planning Commission reserves the absolute discretion to request a Traffic Assessment to be submitted, regardless of the minimum acreage, due to the location of the site to be rezoned, potential foreseeable impact on existing public infrastructure, or other potential factors deemed appropriate to require the Traffic Assessment.

A Traffic Assessment shall not substitute for the Traffic Impact Study requirement, but its findings may contribute to the waiving of a Traffic Impact Study if so determined by the Planning Commission.

A Traffic Assessment is typically an analysis that includes the following sections:

- *General Site Description*
- *Trip Generation*
- *Roadway Conditions and Access Potential*
- *Conclusions*

***General Site Description***—This section should describe the size of the site (acreage and shape) requesting to be rezoned and details of the surrounding land uses and roadway access(es). This section should also state the specific zoning change requested, including existing zoning of the property(ies) in question and the proposed zoning for said property(ies).

***Trip Generation***—This section should calculate the Average Daily Traffic, morning peak hour traffic, and afternoon peak hour traffic that could potentially be generated by full development of the land use change. The *maximum density* allowed by the proposed zoning classification must be used when calculating the number of potential generated trips. The traffic engineering professional conducting the Assessment shall use information and procedures described in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation manual.

***Roadway Conditions and Access Potential***—This section should determine the classification of all the roadways and public infrastructure surrounding the site as defined by the latest Major Thoroughfare Plan and the Land Development Ordinance (LDO) for roadway definitions. The



capacity and quality of the roadway(s) involved in the proposed development should have a roadway segment level of service calculation using the methods described in the latest edition of the Highway Capacity Manual. Traffic volumes may be acquired from Tennessee Department of Transportation (TDOT) annual counts. Any potential safety hazard(s) or access concern(s), including sight distance at intersecting roads, should be identified and calculated based upon approach speed on the adjacent road as well as and in addition to the procedures described in the latest edition American Association of State Highway Transportation Officials (AASHTO) Manual.

**Conclusions**—This section must offer an engineering opinion of the ability of the surrounding road network/infrastructure to support the potential traffic generated by the proposed zoning change and future development.

**Component of Rezoning Process:** Unless waived by these Guidelines or the Planning Commission, the Traffic Assessment shall be considered part of an annexation or rezoning application process at the time of the application’s final review and recommendation by the Planning Commission. Failure of the applicant to submit an approved Traffic Assessment or a written waiver shall result in the Town Planner and Staff’s recommendation for Deferral of the annexation or rezoning. The deadline to submit it to the Town Planner shall be no less than thirty (30) days prior to the date when the Planning Commission shall consider the rezoning request.

The Planning Commission may waive the requirement of a Traffic Assessment based upon one or more of, but not limited to, the following conditions:

- The use remains the same, but the zoning is being changed to bring the zoning designation into conformance with the land use.
- The proposed rezoning results in fewer trips during the morning and evening road peak-hours at the entrances and key intersections along access routes compared to the same for the existing zoning.
- The proposed rezoning would result in less than an additional 100 trips in the peak hour at the driveway for the site compared to the existing zoning.

## 2. **Traffic Impact Study (TIS)**

A *Traffic Impact Study* shall be required for the following:

- a. Any development in excess of 50,000 square feet of floor space;
- b. Any development project reasonably foreseeable to add 150 or more new traffic trips per day to the existing roads providing access to and out of the proposed development;
- c. Any planned unit development;
- d. Major Subdivisions (as defined in Subdivision regulations) including but not limited to concept plan or preliminary plat; or
- e. Any development so determined by the Planning Commission or the Town Planner.

Waiver of Traffic Impact Study Requirement: Any traffic impact study required by these Guidelines may be waived by the Town Planner, subject to the review and consent of the Planning Commission, provided substantial evidence is presented in writing showing that the specific development proposed will not generate additional new traffic trips to warrant a Traffic Impact Study.

### **3. Traffic Impact Study Process**

- a. Whenever a traffic impact study is required by these guidelines and the corresponding regulations and ordinances, the applicant shall be provided a written copy of the Traffic Impact Study Guidelines. Deadline to submit to the Town Planner shall be no less than thirty (30) days prior to the date when the planning commission shall consider whichever review item the study is requested for per Section 2 above.
- b. The applicant shall request a traffic scoping meeting with the Town Planner, and said meeting shall include the transportation engineer preparing the traffic impact study for the applicant. The traffic scoping meeting shall occur prior to the submission of the traffic impact study by the applicant.
- c. The project's traffic impact study shall be submitted to Planning Commission with sufficient time for the Planning Commissioners to thoroughly read and analyze the traffic impact study prior to the Planning Commission's consideration of the application which required the traffic impact study for the project.
- d. A completed and approved traffic impact study shall be a prerequisite to final approval of the application which required the traffic impact study for the project. To that end, all traffic studies required by these guidelines and the corresponding regulations and resolutions must be completed and approved prior to or concurrently with approval of the application which required the traffic impact study for the project.

If the traffic impact study does not contain all the information provided in these guidelines, the applicant will be notified, and a revised study must be submitted. If after the study has been accepted but the proposed development is significantly altered, a revised study will be required for a new review. If the development is approved by the Planning Commission but is not completed within the vesting period, the traffic impact study shall be deemed expired and a new study will be required.

#### **4. Contents and Methods**

The Traffic Impact Study shall meet the following requirements:

- a. Project Description
  - i. Purpose and objectives of the study;
  - ii. Specific location including description and area mapping;
  - iii. Current site conditions and proposed use (number of lanes, lane widths including road shoulders, roadway classifications, speed limit, ditching or curb and gutter, sidewalks, zoning, proposed development size and type of development, availability of essential utilities, directional signage, etc.);
  - iv. Locations of existing and proposed access point(s), distances between each access and nearby driveways, etc.; and
  - v. Phasing and proposed timing of each phase.
- b. Examination of all signalized intersections within one-half (1/2) mile of the site, including major thoroughfares. List the Level of Service (LOS) for the overall intersection for signalized intersections and the LOS for all critical turning movements for unsignalized intersections. LOS calculations should be based on the latest Highway Capacity Manual. For any intersections operating at LOS E or F, determine if there are feasible measures to improve the traffic operations.
- c. Baseline Traffic Counts (i.e., existing traffic counts) shall be based on actual field data of current trip counts as follows:



- i. A typical weekday not on a state or federal holiday, and not during any period of uncommon circumstances that may render the base line traffic erroneously high or low compared to a typical weekday;
  - ii. If any school or schools are located within one-half (½) mile of the site or within one-half (½) mile of a signalized intersection within the site traffic impact study area, then in addition to all other applicable requirements traffic counts shall be taken on a day when such schools are in session;
  - iii. AM Peak 6:00 am to 9:00 am;
  - iv. Noon Hour 12:00 pm to 1:00 pm; and
  - v. PM Peak 4 pm to 7:00 pm.
- d. Project generated traffic shall be determined using the data and methodology defined in the Institute of Transportation Engineers (ITE) “Trip Generation Manual”, 10<sup>th</sup> Edition or latest editions.
- e. Traffic forecasts for projects planned or under construction within one-half (1/2 mile of the site.
- f. Horizon Date, i.e., future date when proposed project is anticipated to become operational:
- i. Three (3) and five (5) year forecasts for existing and project generated traffic provided by the Tennessee Department of Transportation (TDOT) for the five (5) counting periods prior to the study year. If such counts are not available, projections shall be based on special counts factored by an increase of three and one-half percent (3.5%) per year to reach the required projection year;
  - ii. A traffic impact study shall be updated with a new revised horizon date whenever the proposed project is not fully operational by the end of the latest Horizon Date set forth in the project traffic impact study.
- g. Cumulative Impacts: Reasonably foreseeable traffic impacts generated by previously approved projects or projects under construction in the study area that are not yet operational but which are expected to be operational within the Horizon Date of the proposed project.
- i. *Cumulative Projects List*: The Town Planner shall provide the applicant a list of all recently approved projects and projects under construction within the traffic

impact study area of the proposed project, and assist the applicant in obtaining an identical list from any other municipal jurisdictions within the study area; and

- ii. The cumulative project trip generation shall be the existing baseline trips, project-related trips, project future growth trips, and trips generated by all projects on the Cumulative Projects List.

h. *Passenger Car Equivalency Calculations*

- i. In counting project-generated traffic trips and cumulative project traffic trips, busses, construction-type trucks, three or more axle trucks, and/or any other vehicles that have greater per-vehicle traffic impacts than the per-vehicle impacts of passenger cars shall not be counted equal to passenger car trips.
- ii. Traffic studies shall employ passenger equivalency calculations of not less than 2 to 1 and adjustments to the trip calculations and impact assessments to account for the greater per-vehicle impacts of busses, construction-type trucks, three or more axle trucks, and/or any other vehicles that have greater per-vehicle traffic impacts than the per-vehicle impacts of passenger cars.

i. *Conclusions and Recommendations*

Identify and include of the following details provided by this traffic impact analysis:

- i. Any recommended roadway improvements, including roadway widening, turn lanes/deceleration lanes, new roadway connections and extensions, etc. Specify turn lane storage lengths, taper and transition lengths, and lane widths.
- ii. Any modifications to existing or additions of new traffic control devices. Include from the LOS analysis if there are prescribed measures to improve the LOS.
- iii. A list of site access evaluations and recommendations.
- iv. Scheduled improvements to be performed by a governmental entity. Clearly identify the funding sources for these improvements.

- v. Timing for the completion of the recommendations. Timing should be based on logical construction phasing for buildout schedule and when the improvements are needed.

