

## ARTICLE I

### TITLE, PURPOSE, JURISDICTION & DEFINITIONS

#### SECTION

- 1000 TITLE
- 1100 LEGISLATIVE INTENT
- 1200 PURPOSE
- 1300 INTERPRETATION
- 1400 DEFINITIONS

#### 1000 TITLE

This Ordinance shall be known as the "Thompson's Station Zoning Ordinance."

#### 1100 LEGISLATIVE INTENT

In enacting this Ordinance, special attention has been given to ensure that it conforms to the Comprehensive Plan for Thompson's Station. The intent of this Ordinance is to implement the goals and policies of the Comprehensive Plan.

#### 1200 PURPOSE

The purpose of this Ordinance is to implement a comprehensive planning program within the Town of Thompson's Station, including the *Thompson's Station Comprehensive Plan* and all future county and town plans. The explicit purpose of the comprehensive planning program for the Town of Thompson's Station is to promote the health, safety, and general welfare of the present and future inhabitants of the Town by:

##### A. Land Use Patterns and Community Character

1. Establishing a rational pattern of land use and encouraging the most appropriate use of individual parcels of land in the Town.
2. Dividing the Town into districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and the amount of surrounding open space.
3. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
4. Securing adequate natural light, clean air, privacy, convenient access to property, and a safe environment.
5. Limiting the bulk, scale, and density of both new and existing structures to preserve the desired character of the community.
6. Providing suitable transitions between areas of different community character.
7. Preserving and enhancing the Town's overall character.

##### B. Natural Resources

1. Preserving and protecting the Town's natural resources.
2. Lessening and/or avoiding the hazards of flooding, stormwater accumulation, and run-off.
3. Lessening and/or avoiding the hazards of soil creep and landslides.
4. Promoting land uses that protect water and air quality.
5. Preserving and protecting natural habitats for wildlife.

C. Public Infrastructure

1. Creating an environment that is safe from fire, flood, and other dangers.
2. Protecting the tax base by facilitating cost-effective development within the Town.
3. Encouraging the most efficient use of both existing and planned public facilities and utilities.
4. Protecting public facilities and utilities from being overloaded.
5. Reducing the danger and congestion of traffic on roads and highways by limiting the number of intersections, driveways, and other friction points and minimizing other hazards.
6. Protecting and enhancing a pattern of streets and highways that produce a unified, safe, and efficient system for movement within the Town.
7. Protecting residential streets from degradation by nonresidential traffic.
8. Ensuring adequate and promoting safe roads and facilities by limiting land use intensity according to the capacity of the roads or facilities.
9. Establishing and regulating setback lines along streets and highways, property lines, and drainage facilities.
10. Promoting economy in local government expenditures.

D. Justifiable Expectations and Taxable Value

1. Protecting and enhancing the taxable values of land and buildings.
2. Protecting landowners from adverse impacts of adjoining developments.
3. Protecting and respecting the justifiable reliance of existing residents, business people, and taxpayers on the continuation of existing, established, and planned land use patterns.

E. Administration

1. Defining the powers and duties of administrative officers and bodies necessary to administer this Ordinance.

2. Prescribing penalties for violating the provisions of this Ordinance.

Each purpose listed above serves to balance the interests of general public in the Town with those of the individual property owners.

### **1300 INTERPRETATION**

The judiciary, administrators or other persons shall interpret this Ordinance based on an understanding of the purposes intended by the Thompson's Station Board of Mayor and Aldermen, as noted in this Ordinance and the Comprehensive Plan. The intent of the standards and supporting definitions is to protect both individual property owners and the general public from adverse impacts that may result from a proposed land use. To this end, those called upon to interpret this Ordinance shall proceed as follows:

- A. Determine the public purpose(s) of the standard(s) for which an interpretation is required.
- B. Determine the actual impact of various proposed interpretations, permitting flexibility in design but prohibiting any interpretation that lowers the protection afforded to the public.
- C. Determine that the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.
- D. This Ordinance has been carefully designed by the Mayor and Aldermen to combine maximum achievement of public goals, and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals of the Comprehensive Plan for the Town. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Ordinance should not substitute their own judgments for the legislative acts of the Mayor and Aldermen.

### **1400 DEFINITIONS**

#### Purpose

The purpose of this section is to establish a set of definitions to define terminology contained within the Zoning Ordinance. Interpretations of the definitions and terminology that are either within this section or not included will be made by the Town Administrator or a designee.

#### Definitions

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

**Accessory structure:** a subordinate detached structure that is located on the same property and is incidental to the primary use.

**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.

Alley: a private right-of-way that is designed to serve as access to residential units.

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

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.

Apartment building: a building containing three or more residential units for occupancy of three separate families living independent of one another.

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

Architectural treatment: includes any feature that is used to enhance the architecture of a structure. Treatments may include, but are not limited to, cornices, parapets, columns, trellises, or other building projections.

Attic: the part of a building that is below the roof framing and does not contain heating/cooling or other interior features that create a livable space.

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.

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

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

Building height: the vertical distance between the grade and the highest point on the structure.

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

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

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

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.

Cluster development: the concentration of residential units on a smaller portion of the site which results in the remaining portion of the land to be protected as open space.

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.

Comprehensive Plan: the Comprehensive 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.

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

Daycare, adult: a facility that provides care for persons over the age of 18 with functional impairment or the elderly.

Daycare, child: a facility that provides care for children on a daily basis, not to exceed 12 hours a day.

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.

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

Dwelling: a structure designed and intended for human habitation.

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

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

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

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

Floor area: the total of the horizontal areas of each floor of a building.

Frontage, building: the linear distance of an exterior building wall of a ground floor business on the side of the building where the primary entrance is located.

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

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

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

Guesthouse: a detached accessory building located on the same site as a primary residence which will provide a temporary residence.

Height: the vertical dimension from the finished grade or lowest point of the building, structure or wall exposed above the ground.

Home occupation: the use of a residential dwelling and/or accessory structure not exceeding 1,000 square feet 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.

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

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.

Legal, non-conforming use: a use or activity which was lawfully permitted prior to the adoption of an ordinance modification which prohibited the use.

Major thoroughfare: roads designated in the Comprehensive Plan which have the primary purpose of carrying traffic through the transportation system.

May: permissive

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

Natural vegetation: native plants, grasses, shrubs or trees found within the region.

Open space, public: any publicly owned property designated or intended for use by the general population, including but not limited to parks and trails.

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.

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

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.

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

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

Residential business: the use of a residential dwelling and/or accessory buildings on lots larger than one (1) acre by permanent residents for business activities that is compatible with surrounding land uses.

Second unit: see guesthouse.

Setback, front yard: the distance between the front property line and the nearest projection of any structure on the site, extending to the side property lines.

Setback, side yard: the distance between the side property lines and along the side of any structure on the site.

Setback, rear yard: the distance between the rear property line and the nearest projection of any structure on the site, extending to the side property lines.

Shall: mandatory.

Street: any public or private way designated for vehicular circulation.

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

**ARTICLE II**

**ZONING DISTRICTS, USE REGULATIONS,  
BULK & PERFORMANCE STANDARDS**

**SECTION**

- 2000 PURPOSE**
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- 2300 STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS & BULK/PERFORMANCE STANDARDS**
  - 2301 Specific District Regulations (Conventional Residential Development)**
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- 2400 PERMITTED USE TABLE**
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**2000 PURPOSE**

The incorporated areas of Thompson’s Station, Tennessee are hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the purposes of this Ordinance. The second purpose of this Article is to indicate which land uses may locate in each zoning district and which uses may not locate therein.

**2100 ZONING DISTRICTS**

For the purpose of this Ordinance, all land and water areas in the Town are hereby divided into zoning districts, which shall be designated as follows:

- 1. (A) Agricultural District
- 2. (L) Low Intensity District
- 3. (M) Medium Intensity District
- 4. (H) High Intensity District
- 5. (TC) Town Center District
- 6. (PN) Planned Neighborhood District
- 7. (PC) Planned Commercial District
- 8. (PI) Planned Industrial District
- 9. (SP) Specific Plan District

**2200 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.

**2201 Interpretation of District Boundaries**

The following rules shall be used to determine the precise location of any zone boundary shown on the Official 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 streets or railroad lines shall be construed as following the centerlines of such streets or railroad lines.
- C. Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Thompson’s Station 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.

**2300 PURPOSE AND INTENT OF BASE ZONING DISTRICTS AND BULK/PERFORMANCE 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 second purpose of this Article is to provide bulk standards that apply to all uses. The following apply to all uses:

- A. All front setbacks shall be measured from the property line. When the deed reads to the middle of the roadway the right of way is assumed to be 50 feet and the setback shall be measured from the assumed edge of right of way.
- B. All lots on individual septic systems must comply with the Williamson County Department of Sewage Disposal Management’s regulations.
- C. Lots with frontage on more than one roadway shall apply front setbacks from each frontage unless setbacks are modified as part of a master plan reviewed by the Planning Commission for preservation of natural resources through cluster development.
- D. Lots with frontage on roadways with differing classifications shall take access from the lesser, classified roadway unless otherwise approved by the Planning Commission.
- E. Lots accessed by easement must be approved by the Planning Commission.
- F. With the exception of minor (two lot) subdivisions, all developments must prepare and submit a resource inventory map.
- G. Allowed density is calculated utilizing the base site area (see definitions).
- H. For Conventional residential developments, the maximum impervious area for any lot shall not exceed 25%.

**2301 SPECIFIC DISTRICT REGULATIONS (Conventional Residential Development)**

**(A) Agricultural District**

This district is intended to permit development in keeping with the rural character of areas located west of the CSX Railway, including existing agricultural, farming and ranching uses. This district will permit for the establishment and maintenance of single family residential uses and associated agricultural uses. The standards of this district ensure the development of these areas in a fashion that either permanently protects these areas or permits an interim use that will easily permit further development at the appropriate time. This district is particularly appropriate for areas with rough terrain and few public services.

**Setbacks**

Density	Maximum Height	Required Open Space	Minimum Lot Size	Minimum Road Frontage	Front	Side	Rear
.2	3 Stories (35')	70%	1 acre	130 Feet	75 Feet	20 Feet	50 Feet

**(L) Low Intensity District**

This district is intended for low density residential development designed to maintain a rural character. This district will consist of single-family detached dwellings and their accessory structures.

**Setbacks**

Density	Maximum Height	Required Open Space	Minimum Lot Size	Minimum Road Frontage	Front	Side	Rear
.8	3 Stories (35')	10%	1 acre	130 Feet	75 Feet	20 Feet	50 Feet

**(M) Medium Intensity District**

This district is intended for medium density residential development up to one unit per acre 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.

**Setbacks**

Density	Maximum Height	Required Open Space	Minimum Lot Size	Minimum Road Frontage	Front	Side	Rear
1.0	3 Stories (35')	20%	30,000 Sq. Ft.	120 Feet	50 Feet	15 Feet	30 Feet

**(H) High Intensity District**

This district is intended for higher, density residential development where urban services and facilities, including public sewer, are provided or where the extension of such services and facilities will be available prior to development. This district may permit for the development of multi-family units with a plan that incorporates cluster development.

**Setbacks**

Density	Maximum Height	Required Open Space	Minimum Lot Size	Minimum Road Frontage	Front	Side	Rear
1.5	3 Stories (35')	30%	20,000 Sq. Ft.	110 Feet	25 Feet	10 Feet.	30 Feet

**2302 SPECIFIC DISTRICT REGULATIONS (Cluster Development Options)**

Through the comprehensive planning process, the Town of Thompson's Station has determined that the encouragement of cluster development options is more likely to provide for the preservation of natural and cultural resources as desired by the Town's citizens. The Town

encourages cluster development to provide for the following:

1. The preservation of, development limiting, natural resources that include: floodplains, streams, drainage-ways, wetlands, sinkholes, hilltops, ridgelines, steep slopes and slippage soils.
2. The preservation of agricultural resources including pastures, woodlands and hay-lands particularly as they contribute to view sheds and storm water management.
3. The preservation of cultural resources that include historic and architecturally significant structures, geographically and geologically significant features, and historic and prehistoric archeological resources.
4. The preservation of significant areas of interconnected open space to provide for enhancement of a sense of place and to provide enough natural habitat to sustain viable populations of native flora and fauna and to allow for their necessary symbiotic inter-relationships.
5. To provide for the creation of greenways, walkways and bikeways such that they provide for alternative means of transportation as well as recreation while intruding as little as possible into the natural realm.

Because of the need for design flexibility in cluster development options, the minimum lot sizes, maximum impervious areas, front and rear setbacks, and required road frontage will be determined through the platting process. Additionally, cluster options may be allowed discretionary density bonuses based on the following table:

**(A) Agricultural District**

Density	Maximum Height	Required Open Space	Required Common Area	Side Setbacks	
.3	3 Stories (35')	80%	0%	20 feet	

**(L) Low Intensity District**

Density	Maximum Height	Required Open Space	Required Common Area	Side Setbacks	
1.0	3 Stories (35')	50%	40 %	10 feet	

**(M) Medium Intensity District**

Density	Maximum Height	Required Open Space	Required Common Area	Side Setbacks	
1.5	3 Stories (35')	50%	45 %	7.5 feet	

**(H) High Intensity District**

Density	Maximum Height	Required Open Space	Required Common Area	Side Setbacks	
2.0	3 Stories (35')	50%	50%	5 feet	

**2303 SPECIFIC DISTRICT REGULATIONS (Planned Zoning/Development Options)**

The planned zoning and development options are rezoning requests based on a development design. Similar to cluster developments, these districts are designed to build flexibility into development

options, the minimum lot sizes, maximum impervious areas, setbacks, building height, parking requirements and required road frontage are to be determined through the development and platting process. These options are also provided the same discretionary density bonuses and open space options as cluster developments.

**(TC) Town Center District**

The Town Center District will permit for a varied range of residential, light commercial and other related activities within an area of pre-existing residential and commercial development. The intent of the district will be to enhance the existing mixed use character and provide economic viability within the zone.

Min. Site Area	Residential	Commercial	Required Open Space	Density
N/A	100%	100%	30%	3.0

**(PN) Planned Neighborhood District**

This district is designed to provide for the creation of neighborhood development in areas that are relatively undeveloped and that are determined not to have existing defined neighborhood characteristics. This district is also intended to provide developmental flexibility in that bulk and performance standards will be procedurally established. It will also provide for the Town’s input on design and architectural aspects of the plan through the planning and legislative process.

Minimum Site Area	Residential	Commercial	Required Open Space	Density
50 Acres	100%	20%	50%	2.0

**(PC) Planned Commercial District**

This district is intended for larger, more regional commercial development. These areas do not generally have existing defined neighborhood characteristics and should be located near major thoroughfares and heavily traveled access points. This district is also intended to provide developmental flexibility in that bulk and performance standards will be procedurally established. It will also provide for the Town’s input on design and architectural aspects of the plan through the planning and legislative process.

Minimum Site Area	Residential	Commercial	Required Open Space	Density
20 acres	20%	100%	30% & 50%	2.5

**(PI) Planned Industrial District**

This district is designed to provide for the creation of industrial development in areas that are relatively undeveloped and that are determined not to have existing defined neighborhood characteristics. This district is also intended to provide developmental flexibility in that bulk and performance standards will be procedurally established. It will also provide for the Town’s input on design and architectural aspects of the plan through the planning and legislative process.

Minimum Site Area	Residential	Industrial	Required Open Space	Density
20 acres	20%	10%	40% & 50%	2.5

**(SP) Specific Plan District**

The specific plan (SP) district is an alternative zoning process that may permit any land uses, mixture of land uses, and alternative design standards, as may be required to address the unique characteristics of an individual property through a site specific plan. In return, a SP district requires the site specific plan to be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively avoid monotony, promote variety, and yield a context sensitive development. The site specific plan must comply with the building, fire and life safety codes adopted by the Town of Thompson’s Station.

Minimum Site Area	Residential	Commercial/	Required Open Space	Density
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		Industrial		
1 acre	100%	100%	40% & 50%	3.0

**2304 Discretionary Density Bonuses**

In Cluster Developments, Town Center and in “Planned” Districts, discretionary bonuses may be utilized to increase allowed density by 150% in the Low (L) Intensity District, 200% in the Medium (M) Intensity District, and 300% in the High (H) Intensity District.

Each Deeded Acre of Acceptable Public Use Property	3 Units
Each 3,000 Feet of Constructed Walkways/Trails/Bikeways	1 Unit
Each 5% Increase (Above Min.) in Protected Open Space	1% Increase in Max. Gross Density
Development Rights Transfer (TDR)	1 Unit per Unit

**2305 Discretionary Intensity Bonuses**

In “Planned” Districts, discretionary bonuses may be utilized to increase allowed intensity. In the Low (L) Intensity District the required open space may be reduced by a maximum of 10%, Medium (M) 15%, and 20% in the High (H) Intensity District.

Each Deeded Acre of Acceptable Public Use Property	1% Decrease in Req. Open Space
Each 3,000 Feet of Constructed Walkways/Trails/Bikeways	1% Decrease in Req. Open Space
Per Unit Development Rights Transfer (TDR)	1% Decrease in Req. Open Space

At the discretion of the Planning Commission, required open space may be located off site. Said open space must be deeded to the Town or use restricted in a manner acceptable to the Planning Commission. Off site open space dedication acres are not eligible for discretionary density bonuses.

**2306 RESIDENTIAL PROPERTY STANDARDS**

These standards are a minimum set forth to govern residential developments. Modifications may be requested and will be subject to Planning Commission review through the site plan process. Multi-family developments are also subject to review and approval by the Design Review Commission.

SINGLE-FAMILY RESIDENTIAL STANDARDS

- A. Setbacks. Setbacks may be determined by the Planning Commission at the time of final plat. A minimum of 20 feet for the front yard and 15 feet for the rear yard are required. For alley loaded developments, the front yard and rear yard may be reduced to 10 feet.
- B. Distance between Structures. A minimum of 15 feet shall be required between primary residential structures. A minimum of eight (8) feet shall be required between primary and accessory structures.
- C. Height. Single-family residential dwelling units shall not exceed 35 feet or three (3) stories.
- D. Lot Coverage. Lot coverage shall not exceed 40% and shall include the footprint of all structures on the site.

- E. Accessory Structures. All accessory structures shall be located within the rear yard, shall be located a minimum of 10 feet from the primary residence and shall not be located within 15 feet of the side or rear property line.
- F. Landscaping. Required setback areas shall be landscaped and permanently maintained in a healthy manner and should include a minimum of one (1) tree.
- G. Garage. New single family subdivisions shall have a two (2) car garage that meets interior dimensions of 22 feet by 22 feet. This interior dimension shall be free and clear of obstructions, such as washer/dryer hook up areas, stairs, etc.
- H. Walls and Fences. No wall or fence shall exceed six (6) feet in height. Prohibited materials include chain link, barb wire, or temporary materials. Construction sites with temporary fencing are exempt. Pre-existing housing and agricultural uses may be exempt from the fencing requirements.
- I. Residential Lots Shall Be Kept Free And Clear Of Vehicles. With the exception of the driveway, a person shall not keep, store, park, maintain or otherwise allow any vehicle or vehicle parts in the required 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 vegetations.

#### MULTI-FAMILY RESIDENTIAL STANDARDS

- A. Minimum Site Area. Multi-family developments shall be located on a minimum of five (5) acres.
- B. Setbacks. 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 code requirements do not require irrigation systems.
- C. Building Height. Building height shall not exceed 35 feet or three (3) stories. Accessory buildings shall not exceed 25 feet in height or two (2) stories. Architectural features may be granted additional height up to 10% of the total building height.
- D. Building Materials and Features. Construction shall incorporate masonry and brick. No vinyl or metal siding is permitted. Building facades shall include varied wall planes, projections and recesses, window articulation and natural color schemes.
- E. Massing. 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.
- F. Entries. Entry drives shall be designed to incorporate enhanced paving, landscaping and other features which compliment the building architecture.
- G. Screening. 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.

- H. Private and Public Space. Each unit shall have 450 square feet of private space. Public areas, such as parks and other passive areas shall be deeded as permanent open space area maintained by a homeowners association.
- I. Recreational Facilities. Each multi-family development shall incorporate a minimum of two of the following: children’s playground, swimming pool with amenities center, and trails throughout the open space where feasible (significant slopes exceeding 20% may be excluded).
- J. Parking. Each unit shall have two (2) designated parking spaces located in proximity to the unit it serves. Long rows of garages shall be broken up into groupings to serve the units.
- K. Trash Enclosures. Each multi-family development shall include trash areas that will be designed to accommodate two (2) trash bins, one which will be designed for future recycling. The trash enclosure shall be enclosed by a masonry wall that matches the architecture of the residential buildings. In addition, a landscape planter shall be utilized to provide screening around the trash enclosure.

**2307 NON-RESIDENTIAL PROPERTY DEVELOPMENT STANDARDS**

These standards are a minimum set forth to govern all non-residential developments. Modifications may be requested and will be subject to Planning Commission review through the site plan process and are subject to review and approval by the Design Review Commission.

NON- RESIDENTIAL STANDARDS

- A. Setbacks. Setbacks will be determined by the Planning Commission at the time of final plat. Maximum setback shall be 20 feet, exclusive of easements and right-of-way dedications. Buildings should be located along road frontage where feasible with parking located in the rear.
- B. Height. Non-residential buildings shall not exceed 35 feet or three (3) stories. Architectural features may be granted additional height up to 10% of the total building height.
- C. Lot Coverage. Lot coverage shall not exceed 25% and shall include the footprint of all structures on the site.
- D. Building Materials and Features. Construction shall incorporate masonry and brick. No vinyl or metal siding is permitted. Building facades shall include varied wall planes, projections and recesses, window articulation and natural color schemes.
- E. Massing. 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.
- F. Entries. Entry drives shall be designed to incorporate enhanced paving, landscaping and other features which compliment the building architecture.

- G. Screening. Masonry walls shall be required for noise attenuation between non-residential and residential land uses. Masonry walls shall be designed to match the architecture.
- H. Trash Enclosures. Each development shall include trash areas that will be designed to accommodate two trash bins, one which will be designed for future recycling. The trash enclosure shall be enclosed by a masonry wall that matches the architecture of the residential buildings. In addition, a landscape planter shall be utilized to provide screening around the trash enclosure.

**2308 PLANNED ZONE DISTRICT PROCEDURES**

- A. *Pre-application Conference.* Prior to the submittal of a rezoning application for a planned zone district, a pre-application conference must be held with Town Administrator or a designee to determine a proposed development plan's consistency with the principals and objectives of the Comprehensive Plan.
- B. *Application Submittal.* Following the pre-application conference, an applicant may submit a rezoning application for a planned zone district accompanied by a development plan in a form and content established by the Planning Commission. At a minimum, the development plan shall consist of written text, exhibits, and plans in a report format that describes existing conditions, the purpose and intent, the plan's consistency with the principles and objectives of the Comprehensive Plan, a design plan for the development, a list of allowable land uses, illustrations of proposed building types, site specific development standards, and a development phasing and construction schedule. All items must be submitted at the time of application for the rezoning application to be deemed complete for review. Any omission of a required submittal item shall be identified, and its reason for omission explained in the development plan, including any application submittal waivers granted by the Town's Staff.
- C. *Planning Commission Action.* The Planning Commission shall review a proposed planned zone district application for performance and consistency with the development plan's stated purpose and intent and the principals and objectives of the Comprehensive Plan. The Planning Commission shall act to recommend approval, approval with conditions, or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant and the City Recorder.
  - 1. Approval. Approval of a proposed planned zone district shall be based on findings that the stated purpose and intent have been satisfied.
  - 2. Conditional approval. The Planning Commission may recommend approval of a planned zone district application subject to any conditions deemed necessary as to purpose and intent. All conditions shall be transmitted to the applicant in writing. The application will not be considered approved until all prescribed amendments to the application have been made.
  - 3. Disapproval. If the Planning Commission acts to disapprove an application, the reason for that disapproval shall be stated in writing and transmitted to the applicant.
- D. *Consideration by the Board of Mayor and Aldermen.* The Thompson's Station Board of Mayor and Aldermen shall consider an ordinance establishing an planned zone district and its associated development plan according to the procedures set forth in Article VI.
- E. *Changes to a Planned Zone District.* An application to modify a planned zone district, in whole or in part, shall be filed with and considered by, the Planning Commission according to the provisions of this section. The Town Administrator shall have the authority to grant minor modifications to the approved plan. A major modification shall include, but not be limited to,

any proposed change in the geographic boundary of a planned zone district, the modification of specific performance criteria, design standards, land uses, development types or other requirements as shown, described, illustrated, identified, or noted on the last approved Board of Mayor and Aldermen development plan, and shall be considered by the Board of Mayor and Aldermen according to the procedures set forth in article VI.

- F. *Final Site Plan.* All final site plans shall conform to the planned zone development plan, and shall be submitted in conformance with this section. Approval shall be based on a finding that the final site plan conforms to the approved development plan.
- G. *Development Approvals and Permits.* Approval of a planned zone district does not relieve an applicant of any subdivision plat, final site plan, building permit, or other Town department reviews and approvals. Except as specifically provided for in the individual planned zone standards, all development shall be undertaken in conformance with adopted departmental rules and procedures. Where specific amendments to departmental rules and procedures have been included in the adopted planned zone standards, all reviews and permits shall only be issued in conformance with the provisions of the approved planned zone development plan. However, no rule or procedure amendment shall be implemented if it would vacate or violate any federal or state requirement.
- H. *Review of a Development Plan.* The planned zones are not intended for speculative development projects, but represents the applicant’s firm intention to develop according to a master development plan in a single development operation, or in a phased series of development operations according to a development schedule submitted in accordance with the requirements set forth in this ordinance and the Town’s subdivision regulations. The Planning Commission shall review each development plan within a planned zone district two (2) years from the date on which it was approved, by the Board of Mayor and Aldermen, and every two (2) years hence until the development plan has been deemed by the Planning Commission to be complete according to the approved development concept.
- I. *Inactive Projects.* Any project that is determined inactive by the Town Staff shall be brought to the Planning Commission for a determination on whether the planned zone shall remain in effect. Inactive shall include the abandonment of approval or construction activity for greater than six (6) months unless a written request for and extension is submitted and approved. Any extensions shall be submitted for Planning Commission review and approval.

**2400 PERMITTED USE TABLE**

The Permitted Use Table illustrates the permissible land-uses within each of the zoning districts. The zoning districts provide for different land-uses and different land use intensities. The Permitted Use Table contains groupings of land-uses along with the different zoning districts allowed by the Town of Thompson’s Station.

**‘P’ = Permitted by Right – ‘S’ = Special Exception (BZA Approval Required) – Blank = Prohibited**

LAND USE	Zoning District								
	A	L	M	H	TC	PN	PC	PI	SP
<b>RESIDENTIAL ACTIVITIES</b>									
<b><u>Permanent Residential</u></b>									
Dwelling, Single-Family Detached	P	P	P	P	P	P			P
Dwelling, Duplex				P	P	P			P
Dwelling, Mobile Home	P								

Dwelling, Multi-Family (apartment, townhouse)			P	P	P	P			P
Home Occupation/Residential Business	P	P	P	P	P				P
<b>LAND USE</b>									
	<b>Zoning District</b>								
	<b>A</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>TC</b>	<b>PN</b>	<b>PC</b>	<b>PI</b>	<b>SP</b>
<b><u>Semi-Permanent Residential</u></b>									
Bed and Breakfast	S	S	S	S	S	P			P
Boarding House				S	S	P			P
Rooming House				S	S	P			P
<b>COMMUNITY FACILITY ACTIVITIES</b>									
<b><u>Administrative Services</u></b>									
City, County, State, and Federal Offices				P	P	P	P		P
Civil Defense Facilities	S	S	S	P	P	P	P		P
<b><u>Community Assembly</u></b>									
Civic, Social, Fraternal, and Philanthropic Associations				P	P	P			P
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers				P	S	P			P
Temporary Nonprofit Festivals	S	S	S	S	S	S	S	S	S
<b><u>Community Education</u></b>									
Public and Private Nursery Schools	S	S	S	P	P	P			P
Kindergarten, Primary and Secondary Schools	P	P	P	P	P	P			P
<b><u>Cultural and Recreational Services</u></b>									
Libraries					P	P			P
Museums					P	P			P
Parks, Playgrounds, and Playfields	P	P	P	P	P	P	P	P	P
Recreational Centers and Gymnasiums	S	S	S	S	P	P	P		P
<b><u>Essential Services</u></b>									
Electrical and Gas Substations	S	S	S	S	S	P	P	P	P
Electric, Gas, Water, & Sewer Lines	P	P	P	P	P	P	P	P	P
Pumping Facilities for Water and Sewer Systems	S	S	S	S	S	P	P	P	P
<b><u>Extensive Impact Facilities</u></b>									
Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices								P	P
Correction and Detention Institutions								P	P
Electricity Generating Facilities and Transmission Lines	S	S	S	S	S	S	S	P	P
Garbage Incineration Plants, Including Cogeneration Facilities; Sanitary Landfills								P	P
Major Fuel Transmission Lines and Facilities	S	S	S	S	S	S	S	P	P
Public and Private Utility Corporations and								P	P

Truck Yards, Including Storage Yards									
Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards								P	P
<b>LAND USE</b>	<b>Zoning District</b>								
	<b>A</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>TC</b>	<b>PN</b>	<b>PC</b>	<b>PI</b>	<b>SP</b>
<b>Intermediate Impact Facilities</b>									
Cemeteries, Columbariums, and Mausoleums									P
Colleges, Junior Colleges, and Universities, but, Excluding Profit-Making Business Schools									P
Commercial Boat Docks, Marinas, and Yacht Clubs									P
Golf Courses	P	P	P	P	P	P			P
Water Storage Facilities, Water and Sewage Treatment Plants	S	S	S	S	S	P	P	P	P
Radio and TV Transmission Facilities	S	S	S	S	S	P	P	P	P
Country Clubs						P	P		P
<b>Personal and Group Care Facilities</b>									
Associations for Handicapped Persons							P		P
Child Care Centers	S	S	S	S	S	P	P		P
Group Day Care Home	S	S	S	S	S	S			
Child Day Care Home	S	S	S	S	S	S			
Adult Day Care Center	S	S	S	S	S	P	P		P
Group Homes for Physically or Mentally Handicapped Persons	S	S	S	S	S	P	P		P
Nursing Homes						P	P		P
Retirement or Rest Homes						P	P		P
Orphanages							P		P
<b>Religious Facilities</b>									
Churches, Temples, Etc.	S	S	S	S	P	P	P	P	P
<b>COMMERCIAL ACTIVITIES</b>									
<b>Animal Care and Veterinarian Services</b>									
Veterinarian Clinics and Kennels					P	P	P		P
<b>Automotive Parking</b>									
Auto Parking Lots					S	P	P	P	P
Parking Garages					S	P	P	P	P
<b>Automotive Services and Repair</b>									
Auto Cleaning and Repair Services						P	P	P	P
Auto Paint Shops						P	P	P	P
Auto Towing Services						P	P	P	P
Car Washes						P	P	P	P
<b>Building Materials and Farm Equipment</b>									
Farm Equipment and Supplies						P	P	P	P

Feed Milling and Sales						P	P	P	P
Heating, Plumbing, and Electrical Supplies						P	P	P	P
Lumber and other Building Material Dealers						P	P	P	P
<b>LAND USE</b>	<b>Zoning District</b>								
	<b>A</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>TC</b>	<b>PN</b>	<b>PC</b>	<b>PI</b>	<b>SP</b>
Retail Nurseries, Lawn and Garden Stores						P	P	P	P
Seed Storage and Sales						P	P	P	P
<b>Consumer Repair Services</b>									
All Low Impact Repair Services					S	P	P	P	P
<b>Construction Sales and Services</b>									
Misc. Contractors (Limited Outdoor Storage)						P	P	P	P
Misc. Contractors (Outdoor Storage)						P	P	P	P
<b>Convenience Commercial</b>									
Low Impact Retail					P	P	P	P	P
Office Uses					P	P	P	P	P
<b>Entertainment and Amusement Services</b>									
Indoor Facilities					S	P	P	P	P
Outdoor Facilities					S	P	P	P	P
Indoor & Outdoor Facilities					S	P	P	P	P
<b>Financial &amp; Consulting Services</b>									
Banking & Bank-Related Functions					P	P	P	P	P
Banking & Financial Service Offices					P	P	P	P	P
<b>Food and Beverage Service</b>									
Restaurants					S	P	P	P	P
Taverns					S	P	P	P	P
<b>Food Service Drive-In</b>									
Drive-In Restaurants					S	P	P	P	P
Fast Food Restaurants with Drive-Thru Service					S	P	P	P	P
<b>Business &amp; Communication Services</b>									
General Business Office Uses					P	P	P	P	P
Telephone Exchanges and Relay Towers	S	S	S	S	S	P	P	P	P
Television & Recording Production Studios					P	P	P	P	P
Computer & Data Processing Services					S	P	P	P	P
Vehicular & Equipment Rental/Leasing					S	P	P	P	P
<b>General Personal Service</b>									
Catering Services					S	P	P	P	P
Misc. Repair & Cleaning Services					S	P	P	P	P
<b>General Retail Trade</b>									
Specialty Retail (Single Use)					P	P	P	P	P
General Retail (Single Use)					P	P	P	P	P

Department Stores					S	P	P	P	P
Grocery Stores					S	P	P	P	P
<b>LAND USE</b>									
	<b>Zoning District</b>								
	<b>A</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>TC</b>	<b>PN</b>	<b>PC</b>	<b>PI</b>	<b>SP</b>
<b>High Impact</b>									
Adult Bookstores								P	P
Adult Entertainment								P	P
<b>Group Assembly</b>									
Amusement Parks									P
Commercial Camp Grounds & Resorts									P
Commercial Sports Arenas and Playing Fields							P		P
Drag Strips & Race Tracks								P	P
<b>Medical and Professional Services</b>									
Service Related Office Uses					P	P	P	P	P
<b>Transient Habitation</b>									
Bed and Breakfast					S	S	P	P	P
Hotels					S	P	P	P	P
Motels and Cabins					S	P	P	P	P
Tourist Courts					S	P	P	P	P
<b>Transport and Warehousing</b>									
Bus and Truck Maintenance and Repair								P	P
Food Lockers								P	P
General Warehousing								P	P
Household Goods Storage								P	P
Packing and Creating Services								P	P
Railroad, Bus, and Transit Terminals								P	P
Refrigerated Warehousing								P	P
Truck Terminals Freight Handling Services								P	P
<b>Undertaking Services</b>									
Funeral Homes					S	P	P	P	P
Crematory Services								P	P
<b>Vehicular, Craft, and Related Equipment</b>									
Heavy Retail (Indoor/Outdoor)							P	P	P
Heavy Retail (Indoor)							P	P	P
Multi-Purpose Storage					S				
<b>Wholesale Sales (not including warehouses)</b>									
Wholesale Sales (Indoor Only)							P	P	P
Wholesale Sales (With Outdoor Storage)							P	P	P
<b>MANUFACTURING ACTIVITIES</b>									

<b>Limited Manufacturing Activities</b>									
All Limited Manufacturing								P	P
<b>LAND USE</b>									
<b>Zoning District</b>									
	<b>A</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>TC</b>	<b>PN</b>	<b>PC</b>	<b>PI</b>	<b>SP</b>
<b>Extensive Manufacturing Activities</b>									
All Extensive Manufacturing Facilities								P	P
<b>AGRICULTURAL PRODUCTION, AND EXTRACTIVE ACTIVITIES</b>									
<b>Agricultural Services</b>									
Crop Drying, Storage, and Processing	S							P	P
Crop Planting, Cultivating, and Protection Services	P	P	P	P		P			
Horticultural Services	S						P		P
Soil Preparation Services	P	P	P	P		P			
Riding & Livery Stables	S	S	S	S	S	P			P
<b>Commercial Feed Lots &amp; Stockyards</b>									
Facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.	S							P	P
<b>Mining, Drilling &amp; Quarrying</b>									
All Mining, Drilling & Quarrying									P
<b>Plant and Forest Nurseries</b>									
All Plant & Forest Nurseries	S	S	S	S				P	P

**2600 HOME OCCUPATIONS**

**2610 Purpose**

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.

**2620 Administration**

- 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:
  1. A complete home occupation application.
  2. A site plan showing the location of all proposed business activities on the project site.

3. Consent of the property owner.
4. Any information that the Town may reasonably request in order to process the application.

**2630 General Regulations**

- A. The principal structure on the site shall be maintained as a residential use occupied by the person(s) conducting/engaged in the business.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- 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.

**2700 RESIDENTIAL BUSINESSES**

**2710 Purpose**

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 non intrusive 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.

**2720 Administration**

**Residential Business Permit Process**

- A. 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.

- B. Residential businesses shall be subject to review and approval by the Planning Commission. The application must include the following information:
1. A complete application, including a justification statement explaining the proposed business in detail.
  2. Ten (10) copies of a detailed site plan showing the location of all proposed business activities on the project site.
  3. Ten (10) copies of detailed building elevations (for all new construction).
  4. Written consent of the property owner.
  5. Any information that the Town may reasonably request in order to process the application.

**2730 General Regulations**

- A. A residential business may not be permitted on lots less than one (1) acre in size.
- B. 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.
- C. 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.
- D. 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.
- E. All buildings utilized for the business shall maintain a minimum setback of 50 feet from any property line.
- F. Any land alterations necessary for the installation of any accessory structures shall be subject to review and approval of a grading plan.
- G. All businesses shall comply with the code requirements for buffer yard performance standards.
- H. Any business that exceeds the thresholds within the Noise Ordinance shall be required to soundproof the building.
- I. No activities, materials or equipment related to the residential business may negatively impact visibility from the public right-of-way or neighboring residences.
- J. Any proposed signage shall be required to obtain a sign permit prior to the installation of any signs.

**2740 Planning Commission Authority**

Any requirement may be modified by the Planning Commission subject to a review of the residential businesses impacts to the immediate vicinity, on adjacent properties or within the surrounding area.

## **2800 WINDMILL STANDARDS**

These standards are a minimum set forth to 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. Acreage. 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 5 acre parcels, the windmill shall be removed. No more than one (1) windmill shall be permitted per five acre parcel.
- B. Height. Windmills shall not exceed 80 feet in height measured at grade to the highest point of the structure.
- C. Location. Windmills shall be located within the rear yard of the property.
- D. Materials. Windmills shall be constructed of non-combustible materials.
- E. Setbacks. 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. Signage. 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. Abandonment. Any windmill that is inoperable for greater than six months shall be removed from the property. Failure to remove inoperable windmill may result in removal by the Town at the expense of the property owner.

## **2900 TEMPORARY USE/EVENTS STANDARDS**

### **Applicability**

All temporary events that are conducted on private property, public property or within the public right-of-way shall be subject to approval of the Town Planner. The following temporary uses shall be subject to review and approval by the Board of Zoning Appeals:

- A. Temporary uses that will be located on more than one lot under separate ownership;
- B. Temporary uses that utilize any portion of public rights-of way or property, except for ingress/egress;
- C. Temporary uses that requires additional traffic control or security, which is generally not required for the permitted uses;
- D. Any use that exceeds a period of three (3) days;

- E. Temporary uses involving the sale of alcohol or live musical entertainment

The Board of Zoning Appeals may incorporate additional conditions of approval to preserve the public health, safety and welfare of the community subject to the following findings:

- a. That adequate public and private facilities such as utilities, parking spaces, and traffic circulation measures are, or will be, provided for the proposed use;
- b. That the proposed location, size, design, and operating characteristics of the proposed use are in accordance with the Town's Comprehensive Plan, and is in compliance with the requirements set forth of the zone in which the site is located;
- c. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment; and
- d. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding properties.

**Findings of Fact**

The Town may grant, deny or conditionally grant a temporary event permit without notice and public hearing if findings of fact are made in support of each of the following standards:

- A. The proposed temporary event will be located, operated and maintained in a manner consistent with the policies of the comprehensive plan, the zoning ordinance, and any applicable planned zone;
- B. The temporary event will not be detrimental to property or improvements in the area adjacent to the temporary use;
- C. The temporary event will not create a significant adverse impact on the uses or activity patterns of development in the immediate area; and
- D. The temporary event will not otherwise adversely affect the public health, safety and welfare.

**ARTICLE III  
RESOURCE PROTECTION & RESOURCE MANAGEMENT**

SECTION

**3000 PURPOSE**

**3100 RESOURCE PROTECTION & SITE PERFORMANCE STANDARDS**

- 3101 Floodplains**
- 3102 Wetlands**
- 3103 Woodlands**
- 3104 Drainage-ways**
- 3105 Slopes**
- 3106 Slippage Soils**
- 3107 Sinkholes**
- 3108 Hilltops**
- 3109 Ridgelines**
- 3110 Mined or Disturbed Areas**
- 3111 Historic/Cultural Components**
- 3112 Threatened or Endangered Flora/Fauna**

**3200 RESOURCE MANAGEMENT**

- 3201 Storm Water Runoff**
- 3202 Soil Erosion & Sedimentation Control**

3000 PURPOSE

The intent of this Article is to provide standards for the protection of natural resources (before, during, and after the development process); the efficient integration of new development into the community.

3100 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.

Excepting single-family residential building requests, a resource inventory map must be prepared and submitted with any development proposal located in Thompson's Station. This map shall identify the following natural resources: floodplains, wetlands, woodlands, drainage-ways, slopes, slippage soils, sinkholes, hilltops, ridgelines, mined or otherwise disturbed areas, and historical and cultural features.

Development that is impacted by the above 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. Lots so designated, may be required to prepare specialized site plans that address specific natural resource issues.

**3101 Floodplains**

The determination of all floodplain boundaries shall be based on the 100-year floodplain. The area constituting a floodplain shall be determined by reference to the following sources in the order indicated below. If the first source is not applicable, the second shall be used.

A. Certified Flood Insurance Rate Map (FIRM Map) or Flood Boundary Floodway Map.

B. The 100 year flood profile shall be determined by a licensed engineer who has proven experience in such hydrologic calculations in areas not detailed by the FEMA map or if drainage area is over 500 acres. On-site topographic surveys shall be performed to locate the precise floodplain line on a parcel. The survey shall use the flood profile contained in the sources listed above.

Permitted Uses

All areas identified as 100-year floodplains should be identified as common open space. No uses or fill shall be allowed within a 100-year floodplain without a special use exception being granted by the Thompson’s Station, Board of Zoning Appeals. Prior to submittal of any request for uses or fill within a 100-year floodplain, the Town’s Engineer or Engineering Consultant must have reviewed a plan prepared by a licensed engineer and made a recommendation to the Board of Zoning Appeals based on that plan. Generally uses and/or fill should be discouraged within the 100-year floodplain.

**3102 Wetlands**

The resource inventory map must identify all potential wetland areas. The Tennessee Department of Environment and Conservation and/or the U. S. Army Corp of Engineers must make a determination on any possible wetland areas prior to the approval of any proposed development plan. All wetland areas, are encouraged to be identified as common open area and must be incorporated into the overall storm water drainage plan. Any modification or mitigation of identified wetlands shall meet all applicable state and federal regulations in addition to the procedure identified in section 5111 “Permitted Uses” as identified above. Generally the modification or mitigation of wetlands and subsequent use of said areas should be discouraged.

**3103 Woodlands**

The resource inventory map must identify all trees of 18 inches in caliper and greater. All clusters of trees and tree rows must also be identified on the inventory map. The applicant shall work with Staff through on site investigation and through the review of aerial photography to identify said clusters and tree rows.

**3104 Drainage-ways**

The resource inventory map must identify and classify all on site drainage-ways. The Tennessee Department of Environment and Conservation (TDEC) and/or the U. S. Army Corp of Engineers must make determinations as to whether any identified drainage-ways are classified as intermittent or perennial streams. All intermittent and perennial streams may not be altered except as permitted by TDEC through the Aquatic Resources Alteration (ARAP) permit process. Modification of drainage-ways shall be discouraged except for necessary utility and roadway crossings. Those drainage-ways not regulated by TDEC may be altered via the special use exception process as identified for modifications to floodplains and wetlands as identified in section 5111. All drainage-ways shall be incorporated into the overall storm-water management plan. This plan shall encourage open natural drainage-ways with required buffers measured from top of bank as follows:

Perennial Streams	Intermittent Streams	Other Drainage-ways
100 Feet	50 Feet	25 Feet

**3105 Slopes**

The resource inventory map must include a slope analysis that identifies all slopes in excess of 15%. Construction shall be discouraged on all slopes in excess of 25%. All proposed construction on slopes in excess of 15% shall submit engineered foundation and grading plans for review and approval by the Town’s Engineer or Engineering consultant prior to issuance of a building permit. Construction on

slopes exceeding 15% shall only be allowed via the special use exception process as identified in section 5111. Generally slopes in excess of 20% should remain undeveloped either as required or common open space.

### **3106 Slippage Soils**

The resource inventory map must 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 must be identified and overlaid on the slope analysis map. Construction on areas impacted by a combination of slippage soils and slopes in excess of 7% must have foundation and grading plans approved by the Town's Engineer or Engineering Consultant prior to issuance of building permits.

### **3107 Sinkholes**

The resource inventory map must 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. All closed depressions are encouraged to be included in required or common open space along with a 50 foot buffer circling the highest contour of the closed depression. Any modifications to or mitigation of an area identified as a sinkhole per this definition shall only be allowed by the granting of a special use exception by the BZA. All such proposals to the BZA must include a geo-technical evaluation prepared by a licensed geo-technical engineer. The Town's Engineer or Engineering Consultant shall review any modification or mitigation proposal and make recommendation to the BZA relative to said proposal. All sinkholes shall be incorporated into the overall storm-water management plan.

### **3108 Hilltops**

The resource inventory map must include all hilltops. Disturbance, grading and development of hilltop areas shall be discouraged. Any proposal for hilltop development must be granted a special use exception by the BZA. Any structures allowed via the special exception process shall be limited to one story and may not exceed 25 feet at the highest point.

### **3109 Ridgelines**

The resource inventory map must include all ridgelines. Disturbance, grading and development of ridgeline areas shall be discouraged. Any proposal for ridgeline development must be granted a special use exception by the BZA. Any structures allowed via the special exception process shall be limited to one story and may not exceed 25 feet at the highest point.

### **3110 Mined or Disturbed Areas**

Because of the history of phosphate and other mining activities, it is incumbent on the developer to assess any previously mined or disturbed areas and to include those areas on the natural resource assessment 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 or Engineering Consultant. All lots with building envelopes encroaching into previously disturbed areas may also require engineered site plans and engineered foundations.

### **3111 Historical/Cultural Components**

The resource inventory map must include all areas impacted by historical and cultural resources. These include but may not be limited to; historical and/or architecturally significant structures, existing roadway features (tree canopies, view sheds, cross section & alignment), cemeteries, historic and prehistoric archeological sites and other site characteristics that may contribute to the unique character of Thompson's Station.

### **3112 Threatened or Endangered Flora/Fauna**

For every development proposal, there must be an effort made to determine whether a given site contains threatened or endangered flora and fauna or features, area and habitat that provides for the

maintenance and propagation said species.

### **3200 RESOURCE MANAGEMENT**

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

#### **3201 Storm Water Runoff**

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:

1. an increase in the impervious surface of the site, including all additions of buildings, roads, and parking lots;
2. changes in soil absorption caused by compaction during development;
3. modifications in contours, including the filling or draining of small depressions, alterations of drainage-ways, or re-grading of slopes;
4. destruction of forest;
5. alteration of drainage-ways or installation of collection systems to intercept street flows or to replace swales or other drainage-ways;
6. 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, at higher volumes, 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. Flood events to be used in this determination will include the one through 100-year flood.

1. 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.
2. Ground Cover: shall be considered to be meadow or grassland, with the exception that forested areas shall be treated as woodlands.
3. 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 storm water 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 floods from the one through 100-year events. In the event that proposed and/or projected development are likely to increase the frequency and/or duration of existing flooding or create new flooding, the developer will define 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.

1. Storage: Wet or dry basins, reservoirs, parking areas, or rooftop storage facilities may be utilized for storm water runoff.
2. Outlet Control Structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They will 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.
3. Spillway. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.
4. 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.
  - 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.
5. 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 (.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.

6. 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.
- b. Parking Lot Storage. Paved parking lots may be designed to provide detention. Outlets shall be designed to empty the stored waters slowly, and depths of storage must be limited so as to prevent damage to parked vehicles. Storage areas shall be posted with warning signs and shall be designed to fill to maximum depth in not less than two (2) hours.

E. Maintenance of Facilities. Responsibilities of the developer shall be the developer, owner or the homeowner's association shall be responsible for maintenance all on-site detention/retention facilities unless otherwise provided for and approved by the Planning Commission.

F. 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 or Engineering consultant 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.

G. Ultimate Rainfall-Runoff Modeling Goal

It is the goal of the Town to develop a comprehensive rainfall-runoff model for the entire West Harpeth River Basin. Such a model would be used to define locations of required detention/retention basins or channel improvements and locations where those basins may adversely affect runoff by unduly delaying peak discharge to coincide with main-stem peaks. Once a comprehensive basin model has been developed, design procedures may be revised.

H. If the Town's Engineer or Engineering Consultant determines that off-site storm-water 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.

**3202 Soil Erosion and Sedimentation Control**

A. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation 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, stream channel, or body of water is disturbed.

B. Definitions. For the purposes of this Section:

Soil erosion shall mean removal and/or loss of soil by action of water, ice, gravity, or wind. Erosion includes the removal and transport of soil particles.

Sedimentation shall mean the 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 time period sufficient to allow the particles to settle out of suspension, or when the degree of slope is lessened to achieve the same result.

Erodible slope shall mean slopes with inclines in excess of four (4) percent.

Large flat surface area (unpaved) shall mean any area containing at least one thousand (1,000) square feet with slopes of less than four (4) percent.

- C. Soil erosion and sedimentation 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.

**ARTICLE IV**

**4000 PARKING, LIGHTING, LANDSCAPING & LOADING STANDARDS**

- 4100 Parking requirements**
- 4200 Off-Street Parking Design Standards**
- 4300 Parking Table**
- 4400 Off Street Loading Standards**
- 4500 Exterior Lighting Standards**
- 4600 Landscaping Standards**
  - 4610 Standard Plant Units**
  - 4620 Landscaping Standards for Lots**
  - 4630 Landscaping Standards for Parking Lots**
  - 4640 Landscaping Standards for Required Open Spaces**
- 4700 Buffer-yard Performance Standards**
  - 4710 Buffer-yard**
  - 4720 Required Peripheral Buffer-yard Standards**
  - 4730 Responsibility for Installation of Peripheral Buffer-yards**
  - 4740 Classification of Plant Material**
  - 4750 Buffer-yard Use**
  - 4760 Opacity Table**

**4100 Parking Requirements**

Parking requirements shall be based on maximums not minimums. The parking table identifies maximum allowed parking space requirements. The Planning Commission may establish minimum requirements through the site plan process for proposals that appear under-parked. At the Discretion of the Planning Commission, the maximum number of parking spaces may be increased by 10%, provided that the excess or overflow parking is vegetated via the use of “grassy pavers” or equivalent type construction. An additional 10 % increase in parking may be allowed, provided the required parking area landscaping is doubled. Structured parking areas shall be encouraged and only the first or ground level shall be counted toward the maximum.

An overall parking plan must be submitted for developments of more than one lot or one use. Said plan should seek to minimize the overall number of parking spaces via the use of shared and staggered parking strategies and cross parking easements.

Handicapped parking space requirements shall be according to Tennessee State and Federal Regulations that presently require two (2) percent of all spaces provided (or a minimum of one where less than twenty spaces) be set aside and designated for the use of the physically disabled.

(The two (2) percent requirement is minimal and twice this amount is preferred.) They shall be 12' 6" wide and located as near as possible to building entrances. Also, there shall be clearly marked signs for use of the handicapped. Bicycle parking must be provided at a rate of 10% of the vehicle parking unless modified by the Planning Commission.

**4200 Off-Street Parking Design Standards**

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 per the following table:

Horizontal Widths for Parking Rows, Aisles	One Way	Degree	Angle	from
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and Modules		Perpendicular			
		30	45	60	90
<b>Single Row</b>	<b>9 Ft.</b>	<b>17 Ft.</b>	<b>18 Ft.</b>	<b>18 Ft.</b>	<b>18 Ft.</b>
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.
<b>Double Row</b>	<b>18 Ft.</b>	<b>34 Ft.</b>	<b>36 Ft.</b>	<b>36 Ft.</b>	<b>36 Ft.</b>
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.

#### 4300 Parking Table

Parking Table: (Square Feet = sf) (Gross Floor Area = GFA)

Use Categories	Specific Uses	Maximum Vehicle Spaces
Residential		
Group Living	Assisted Living, Treatment Facility & Other Group Living	.3 per room
Household Living	Bed & Breakfast	1 per guest room & 2 for owner
	Rooming/Boarding House	1 per room
	Dormitories/Fraternities/Sororities	1 per 2 beds
	Single Family & Duplex	2 accessible (non-tandem) spaces per dwelling unit
	Multi-Family	1 per unit
	Elderly Housing	1 per 3 units
	All Other Dwelling Units	1 per unit
Institutional		
Colleges	All	1 per 4 students
Community Services	All	1 per 250 sf GFA
Cultural	Museums, Art Galleries, Opera Houses & Libraries	1 per 200 sf GFA or 1 per 4 seats
Day Care	Limited and General Day Care	1 per 375 sf GFA
Hospital or Medical Clinic	All	1 per 200 sf + 1 per physician GFA or 3 per bed
Parks & Open Space	Campground	1 (10' X 30') per campsite + 1 (10' X30') per 6 campsites + 4 per laundry & shower facility
	Neighborhood Park (< 3 acres)	5 per acre
	Community Park (3> acres)	3 per acre
	Parks With Athletic/Ball Fields	20 per field/diamond or 1 per 4 seats
Religious Assembly	All	1 per 3 seats
Safety Services	All	1 per employee + 1 per 3 shift volunteers + 1per 200 sf of useable office space
Schools	Elementary & Junior Highs	1 per classroom + 1 per 200 sf

	High Schools	1 per 200 sf
	Schools of Private Instruction	1 per 200 sf
Utilities, Basic	All	1 per employee
Commercial		
Office	All	1 per 300 sf GFA
Outdoor Recreation & Entertainment	Golf Course	2 per hole + 1 per 200 sf for clubhouse
	Driving Range	1 per 2 tees
	Miniature Golf	1 per hole
	All other outdoor recreation including amusement parks, batting ranges & water slides	1 per 600 sf of outdoor recreation area
Indoor Recreation & Entertainment	Assembly/Auditorium	1 per 6 seats or 1 per 50 sf of GFA if no permanent seats
	Amusement Center	1 per game table, video game, amusement device + 1 per 200 sf of GFA
	Bowling Alley	2 per lane
	Clubs/Lodges	1 per 3 persons or 1 per 200 sf
	Health Club/Fitness Center	10 spaces + 1 per 200 sf in excess of 1,000 sf
	Skating Rinks & Dance Halls	5 per 1,000 sf of GFA
Retail Sales & Service	Bank Drive-Thru Facility	1 per 250 sf of GFA
	Drive In Cleaners; Drive In Liquor	1 per 250 sf of GFA
	Fuel: Full/Self Service With/Without Repair/Service	1.5 per 1,000 sf of GFA
	Restaurant With Drive In Facilities	1 per 50 sf of GFA of patron seating + 1 per 200 sf of office/food prep. Area
	Bars/Nightclubs	1 per 2 seats
	Banks (Excluding Drive-Thru)	1 per 1,500 sf of GFA plus required stacking area for drive-thru
	Convenience Store	6 per 1,000 sf of GFA
	Funeral Home, Mortuary, or Crematorium	1 per 4 seats
	Restaurants	1 per 4 seats
	Shopping Centers < 1,500 sf	3 per 1,000 sf of GFA
	Theaters	1 per 6 seats
	Outdoor Sales (e. g. plant nurseries, building supplies) & Vehicle Sales, (Recreational Vehicles/Boats)	1 per 375 sf of GFA of sales and service building
	Supermarkets, Clothing & Department Stores, Hardware Building supplies, Book Stores, Big Box Stores and Similar > 1,500 sf	1 per 300 sf of GFA
	Appliance & Sales, Repair Shops, Nurseries, Green Houses & Similar	1 per 300 sf of GFA

	Other Service Business, Stand Alone (e. g. beauty/barber shops, frozen food lockers, laundries & similar	1 per 300 sf of GFA
	Swap Meets/Farmers Markets	1 per 100 sf gross public sales area
Lodging	Hotels/Motels	0.8 per room + 1 per 800 sf of public meeting area and restaurant space
Self Service Storage	All	4 spaces + 2 for manager's quarters
Vehicle Storage	Auto Mechanical Repair, Body Shop, Car Wash, Gasoline Service Station , Quick Lubrication, Truck Repair, Truck Shop/Travel Plaza, Tire Recapping & Storage	1 per 375 sf of GFA including service bays, wash tunnels and retail areas + 1 per 100 sf of patron seating for restaurants
Industrial		
Manufacturing & Production	All	0.3 per employee + 1 space per 1,000 sf of GFA to 10,00 sf then 1 space for per 10,000 sf
Warehouse & Freight Movement, Wholesales & Sales	All	0.3 per employee + 1 space per 1,000 sf of GFA to 10,00 sf then 1 space for per 10,000 sf
Waste-Related Uses	All	1 per employee
Other		
Agriculture	All	N/A
Aviation, Surface Passenger Terminals	All	1 per employee + spaces to satisfy peak parking needs
Telecommunications Facilities	All	1 per service employee

**4400 Off-Street Loading Standards**

Any use with a gross floor area of six thousand (10,000) square feet or more that requires deliveries or shipments must provide off-street loading facilities in accordance with the following table unless otherwise approved by the Planning Commission:

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 seventy-two thousand (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 thoroughfare or the right-of-way while the truck or van is being loaded or unloaded. When a loading area abuts a residential use a 1.0 opacity buffer-yard must be established. A .8 opacity buffer-yard is required in all other situations.

**4500 EXTERIOR LIGHTING STANDARDS**

A. Purpose

The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of a light source. This Section is not intended to apply to public street lighting.

B. Exterior Lighting Plan

An exterior lighting plan shall be submitted to the Town prior to the installation of any outdoor lighting fixtures for all nonresidential uses in order to determine whether the requirements of this Section have been met.

C. Exterior Lighting for Parking Areas Shall Meet One (1) of the Following Standards:

1. If a light source or luminaire has no cutoff, the maximum permitted illumination and height of the luminaire shall be as follows:

Use	Max. Illumination	Max. Height
Res. Parking Areas	.2 Foot-candles	12 Feet
Nonres. Parking Areas	.3 Foot-candles	16 Feet

2. If a luminaire has total cutoff of an angle greater than ninety (90) degrees, the maximum permitted illumination and height of the luminaire shall be:

Use	Max. Illumination	Max. Height
Res. Parking Areas	.5 Foot-candles	15 Feet
Nonres. Parking Areas	.75 Foot-candles	20 Feet

3. If a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination and height of the luminaire shall be:

Use	Max. Illumination	Max. Height
Res. Parking Areas	.5 Foot-candles	20 Feet
Nonres. Parking Areas	.75 Foot-candles	25 Feet

D. Exterior Lighting for Specified Outdoor Recreational Uses

Ball diamonds, playing fields, and tennis courts have unique requirements for night-time visibility and generally have limited hours of operation. These uses may be exempted from the exterior lighting standards if the applicant can satisfy the Planning Commission upon site plan review that the following requirements are met:

1. Any exterior light sources shall not exceed the maximum permitted luminaire height of seventy (70) feet; and
2. If provided that the luminaire is shielded in either its orientation or by a landscaped buffer-yard to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cutoff angle of ninety (90) degrees. The maximum permitted illumination at the interior buffer-yard line shall not exceed two (2) footcandles.

4600 LANDSCAPING STANDARDS

Landscaping is required on lots, in parking areas, in open spaces and as buffers around certain specified uses or between 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.

- A. An existing vegetation site preservation plan must be submitted with the landscaping plan. This plan must show measures being proposed to insure protection and survival of all vegetation proposed as contributing to landscaping requirements or as required by the Planning Commission.
- B. Any applicant in disagreement with a Staff decision on landscaping requirements or bonding may appeal that decision to the Board of Zoning Appeals.

4610 Standard Plant Units

All landscaping requirements are stated in terms of the number of standard plant units required. This Section defines alternative standard plant units. All landscaping shall conform to one or more of the plant unit alternatives of this section or to an approved equivalent.

The following table specifies alternative plant units that may be used for buffer-yards, general landscaping, and for parking areas. In general, the five (5) alternative plant mixes are interchangeable, but Alternative E is best suited for the interior of parking lots. In other cases, where a year-round screen is required, Alternatives #C or #D, Plant Unit Alternative, are preferred and may even be specified.

	Canopy Trees	Under-story Trees	Evergreen Trees	Shrubs
Alternative A	1 (4" Caliper)	2 (2" Caliper)	0	11 (3 Ft.)
Alternative B	1 (4" Caliper)	1 (2" Caliper)	2 (6 Ft.)	3 (3 Ft.)
Alternative C	1 (4" Caliper)	0	2 (8 Ft.)	9 (3 Ft.)
Alternative D	0	0	3 (8 Ft.)	14 (3 Ft.)
Alternative E	2 (4" Caliper)	0	0	10 (3Ft.)

4620 Landscape Standards for Lots

This Section requires that each residential and nonresidential lot contain a minimum amount of landscaping in those areas not designated as parking areas, buffer-yards or buildings. Residential lots of record existing as of the effective date of this Ordinance shall be exempt from the requirements of this Section. For each acre of land not occupied by buildings, parking areas, or buffer-yards the number of plant units as described in Subsection 5310 shall be planted.

4630 Landscaping Standards for Parking Lots

This Section requires that each residential and nonresidential parking lot contain a minimum amount of landscaping within the parking lots and adjoining entrance drives and circulation drives. The requirement provides that a certain number of landscape plant units) shall be planted per twenty-four (24) parking spaces. The following table identifies the requirements for landscaping parking areas.

Residential Parking Areas	Nonresidential Parking Areas
3.0 Plant Units in 1,000 Sq. Ft. of Area	2.0 Plant Units in 700 Sq. Ft. of Area

4640 Landscaping Standards for Required Open Spaces

All areas required to be left as open space not presently in agricultural use, forested, or grasslands, or required to be planted as forest or grasslands, shall contain a minimum amount of landscaping within the remaining designated open space areas. Each acre of remaining designated open space shall be planted with a minimum of two (2) plant units. In addition, adequate ground cover shall be provided.

700 BUFFER-YARD PERFORMANCE STANDARDS

A buffer-yard is 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.

**4710 Buffer-Yard Requirements**

Buffer-yards shall be located along the perimeter of a lot or parcel, and shall extend to the parcel boundary line. Buffer-yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Use the following procedure to determine the type of buffer-yard required on a parcel, between two parcels or between a parcel and a street.

A. For Peripheral Buffer-Yards

Use the following table to determine the required opacity for the peripheral buffer-yard. Choose a buffer-yard option from the opacity table that meets or exceeds your opacity requirement or devise an equivalent acceptable to the Planning Commission. The opacity values table identifies the required number of plant units per 100 lineal feet.

Proposed Use	Adjacent Use	Required Opacity
Residential	Same	0
Residential	Nonresidential	.6
Nonresidential	Same	.3

B. For Street Buffer-Yards

Use the following table to determine the number of plant units required per 100 lineal feet of street frontage. Divide the total street frontage in feet by 100, multiply the resulting number by the number of plant units required for the corresponding; A, B, or C street buffer-yard.

Street Classification	Residential Use	Nonresidential Use	Plant Unit Alt.
Arterial	.8 Opacity	.6 Opacity	Res. 4 – Nonres. 3
Collector	.6 Opacity	.6 Opacity	Res. 3 – Nonres. 3
Local	.4 Opacity	.6 Opacity	Res. 1 – Nonres. 3

**4720 Required Peripheral and Street Buffer Yard Standards**

Peripheral Buffer-yards are based on required opacity values based on use classification. Street buffer-yards are based on street classification and the orientation of uses.

A. Plant Materials

All buffer-yard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established. The exact placement of required plants and structures shall be determined by the approved landscaping plan. A developer may establish through a written and recorded agreement that the property owner(s) immediately adjacent to his property agree to provide a portion or all of the required buffer-yard on immediately adjacent portions of their land, thereby exempting the developer from providing all or a portion of the required buffer-yard on his property.

B. Street Buffer Yards

The installation of a buffer-yard, meeting an opacity of .8, is required when a street buffer-yard is used to buffer the rear yards of a development. This setback shall be measured from the road right-of-way to the rear lot line of the applicable lots.

**Within a residential development, a street tree treatment may be substituted for a street buffer-yard based on the installation of two four (4) inch caliper canopy trees and one two (2) inch caliper under-story tree per lot.**

**4730 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 buffer-yard. 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-sixth (.6) of the buffer-yard width and materials that are required by Table ????, as selected from one of the options for the required opacity. 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.

**4740 Classification of Plant Material**

For the purpose of this Ordinance, plant materials are classified into four (4) groupings: canopy trees, under-story trees, evergreen trees and shrubs. Care should be taken in choosing primarily native plant species or species that are compatible with native plant species and with Thompson's Station's specific landscapes, soils and climates.

**4750 Buffer Yard Use**

A buffer-yard may be used for passive recreation. It may contain pedestrian, bike, or equestrian trails provided that: (a) no plant material is eliminated, (b) the total width of the buffer-yard is maintained, and (c) all other regulations of the Ordinance are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such uses be permitted in buffer-yards.

**4760 Opacity Table**

Opacity	Number of Plant Units	Width	Required Structure
0.05	.00	10'	Minimum 44" Picket Fence
	.00	10'	Minimum 4' Wood Rail Fence
	.40	10	-
	.36	15'	-
	.33	20'	-

	.31 .29	25' 30'	- -
0.10	.00 .38 .91 .80 .73 .68 .65 .62 .00	10' 10' 10' 15' 20' 25' 30' 35' 35'	Minimum 44" Picket Fence Minimum 4' Wood Rail Fence - - - - - - Minimum 4' Berm
0.20	.00 .84 1.33 1.98 1.73 1.58 1.49 1.40 .10 1.35 .00	10' 10' 15' 15' 20' 25' 30' 35' 35' 40' 40'	Minimum 6' Stockade Fence Minimum 44" Picket Fence Minimum 4' Wood Rail Fence - - - - - Minimum 4' Berm - Minimum 5' Berm

**PERIPHERAL BUFFER-YARD STANDARDS**

<b>Opacity</b>	<b>Number of Plant Units</b>	<b>Width</b>	<b>Required Structure</b>
0.30	.00	10'	Minimum 6' Stockade Fence
	1.98	15'	Minimum 44" Picket Fence
	3.20	20'	-
	2.40	20'	Minimum 4' Wood Rail Fence
	2.76	25'	-
	2.52	30'	-
	2.35	35'	-
	1.04	35'	Minimum 4' Berm
	2.23	40'	-
	.44	40'	Minimum 5' Berm
	2.15	45'	-
	2.09	50'	-
.00	50'	Minimum 6' Berm	
	.00	10'	Minimum 8' Stockade Fence
	.53	10'	Minimum 6' Stockade Fence
	3.30	20'	Minimum 44" Picket Fence
	4.40	25'	-

0.40	3.62	20'	Minimum 4' Wood Rail Fence
	3.86	30'	-
	3.49	35'	-
	2.08	35'	Minimum 4' Berm
	3.27	40'	-
	1.48	40'	Minimum 5' Berm
	3.10	45'	-
	2.99	50'	-
.56	50'	Minimum 6' Berm	
0.50	.19	10'	Minimum 8' Stockade Fence
	1.35	15'	Minimum 6' Stockade Fence
	5.64	30'	-
	4.05	30'	Minimum 44" Picket Fence
	4.92	30'	Minimum 4' Wood Rail Fence
	4.99	35'	-
	3.19	35'	Minimum 4' Berm
	4.54	40'	-
	2.61	40'	Minimum 5' Berm
	4.22	45'	-
	4.05	50'	-
	1.60	50'	Minimum 6' Berm
	3.88	55'	-
	3.74	60'	-

### PERIPHERAL BUFFER-YARD STANDARDS

Opacity	Number of Plant Units	Width	Required Structure
0.60	.440	15'	Minimum 8' Stockade Fence
	2.21	20'	Minimum 6' Stockade Fence
	4.33	35'	Minimum 4' Berm
	5.41	35'	Minimum 44" Picket Fence
	6.30	35'	Minimum 4' Wood Rail Fence
	6.26	40'	-
	3.79	40'	Minimum 5' Berm
	5.70	45'	-
	5.25	50'	-
	2.70	50'	Minimum 6' Berm
	5.00	55'	-
	4.80	60'	-
	.00	10'	Minimum 8' Stockade Fence
	.53	10'	Minimum 6' Stockade Fence
	3.30	20'	Minimum 4' Berm
	4.40	25'	Minimum 5' Berm

0.80	3.62	20'	Minimum 44" Picket Fence
	3.86	30'	-
	3.49	35'	Minimum 6' Berm
	2.08	35'	Minimum 4' Wood Rail Fence
	3.27	40'	-
	1.48	40'	-
	3.10	45'	-
	2.99	50'	-
.56	50'	-	
1.00	3.76	30'	Minimum 8' Stockade Fence
	6.36	40'	Minimum 6' Stockade Fence
	7.32	50'	Minimum 6' Berm
	7.51	50'	Minimum 5' Berm
	8.67	55'	Minimum 4' Berm
	10.91	60'	Minimum 44" Picket Fence
	11.36	60'	Minimum 4' Wood Rail Fence
	10.83	65'	-
	9.94	70'	-
	9.34	75'	-
8.92	80'	-	

## 5500 SIGN STANDARDS

### 5510 Purpose

The purpose of this Section is to establish regulations for the display of signs on private property within all zoning districts. These sign regulations will provide an opportunity for effective identification, while protecting the appearance of private property by controlling the design, location, number, type, size and maintenance of signage.

### 5520 Administration

#### Sign Permit Process

- A. No sign shall be displayed, installed, altered or relocated within any zoning district without a sign permit or a temporary sign permit. The consent of the property owner is required before any sign permit will be issued and a permit must be issued prior to the installation of the sign. A sign permit application must be submitted to the Town and be accompanied by the required fee. The application must include the following information:
1. A drawing to scale showing the design of any proposed sign, the dimensions, square footage, colors, materials, any internal or external lighting components, and the location in which any sign will be placed.
  2. A site plan showing the location of all proposed signs on the project site.
  3. Consent of the property owner for the installation of the sign.

4. Any information that the Town may reasonably request in order to process the application.
- B. A master sign plan should be prepared and submitted for approval for project sites which exceed five acres, have multiple road frontages, or have a minimum of five tenants or commercial spaces requesting greater flexibility. The master sign plan can include a request for additional signage, including sign area and height. The application must include all the information for a sign permit, in addition to the following:
    1. A sign packet showing proposed signage for each tenant space or suite.
    2. A justification statement for each request to increase sign area or height of all signs.

## **5530 General Regulations**

### **Height and Clearance**

- A. The height of a monument or other freestanding sign shall be measured from the mean ground level to the highest point of the sign area or its supporting structure, whichever is greater.
- B. The height of a wall sign shall be measured from the base of the sign to the top of the sign face. The top of the sign shall be neither higher than the maximum permitted building height and shall not extend above the roofline.
- C. The clearance of a projecting sign shall be measured from the base of the sign face to the ground below.

### **Location**

- A. All monument or other freestanding signs shall not be located within the site distance triangle. The site distance triangle is measured at a distance of 25 feet running parallel along each side of the road or driveway and connected to form a triangle. This area shall be free and clear of any signs to prevent visual obstruction to motorists.
- B. No more than one monument sign shall be permitted per site unless the site is greater than 3 acres.
- C. Monument signs shall be located a minimum of fifteen (15) feet from road edge pavement and off right-of-way.
- D. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance, or exit.
- E. No signs, including traffic signs and similar regulatory notices except those of a duly constituted governing body shall be allowed to project or be located within road right-of-way lines.

### **Sign Area Measurement**

Sign area shall be calculated as follows:

- A. In the case of monument sign and off-site signs having a permanent base, the entire surface area of the sign on which copy could be placed, including the supporting structure or bracing of a sign shall be counted as a part of the sign area. Signs containing two (2) display faces that are back to back, the area of only one (1) face shall be considered the sign area. Signs containing

more than one (1) display face, all areas which can be viewed simultaneously shall be considered the sign area.

- B. For a wall sign whose message is fabricated together with the background which borders or frames that message, the sign area shall be the total area of the entire background.
- C. For a wall sign whose message is applied to a background which provides no border or frame, the sign area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and any other elements of the sign's message.

### **Sign Lighting**

Permitted methods of illumination may be divided into several types as described below.

- A. **General.** The sign has neither an internal light nor an external source which is intended to specifically light that sign. Rather, the sign depends on the general lighting of the area (e.g., parking lot, traffic, or pedestrian areas) for illumination.
- B. **Internal Message:** The sign is made of metal, wood, or other material that is not translucent, and the message is cut out of the material and replaced with a translucent material. The sign's light source is located inside the sign.
- C. **Internal Sign:** The sign is made of translucent material with internal lights.
- D. **Back-Lighting:** The message is raised beyond both the sign's background and the cover-lighting sources which illuminate the background.
- E. **Shielded Spot Light:** The sign is lighted by spot-lights specifically directed at it. The spot-lights are fully shielded so that they are not visible from streets or adjoining property.

### **Maintenance**

Each sign shall be maintained in a safe and secure condition and in good repair. If the Town determines that the sign does not meet these criteria, written notice shall be provided to the property owner and the defect shall be corrected within 30 days. If the defect is not corrected, the Town may pursue abatement of the sign.

### **5540 Sign Types and Definitions**

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

Ancillary use: A use that is located within, associated with and incidental to the primary use.

Auxiliary Signs: A sign that provides special information such as direction, sales information, hours of operation, or warning. No names, name brands, or information regarding product lines or services are included.

Banners or Pennants: A sign that is made of fabric or flexible material that is mounted to a pole and moves with the wind.

Billboard: A permanent sign that provides off-site advertisement or display.

Canopy Sign: A sign that is attached to a awning, canopy or other covered walkway to commercial uses.

**Campaign Signs:** A sign that is designed to influence the passage or defeat of any measure on a ballot or to influence voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state or local election.

**Changeable Copy Sign:** A sign that is characterized by changeable copy, letters, symbols or numbers.

**Development Sign (permanent):** A sign that identifies the entrance to a named subdivision or large, multi tenant building (residential or commercial).

**Directional Sign:** An off-site sign located near or at major intersections to provide general directional guidance to major destinations of broad public interest.

**Electronic Sign:** A sign which uses an electronic or computer or functionally similar means to display messages, symbols or graphics.

**Fuel Pricing Sign:** A sign indicating and limited to the brand or trade name, method of sale, grade identification, and price per gallon of gasoline or any other type of vehicle fuel offered for sale.

**Future Development Sign:** A sign which announces a proposed development.

**Hand Held Sign:** A sign that is held by or otherwise mounted on a person.

**Illegal Sign:** A sign which is not approved, prohibited, is not exempt, does not comply with the requirements set forth by the Sign Ordinance.

**Landscape planter:** An area separated by a concrete curb or other decorative feature and designated for the planting of grass, trees, plants or other natural and decorative features.

**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.

**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.

**Painted Sign:** A sign or information that is painted directly on the wall face of a building.

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

**Portable Sign:** A sign mounted on a frame and/or chassis which is designed for easy and repeated relocation.

**Projecting Sign:** A sign which is attached to and projects perpendicular from a structure or building face.

**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 used for the sole purpose of displaying information regarding the sale, rental or lease of a property or buildings on a site.

**Roof Sign:** A sign mounted and supported by the roof of any building or structure.

Special Event Banner/Sign: A temporary sign or banner publicizing a special purpose, event or occasion.

Temporary Sign: A sign intended to be displayed for a limited period of time.

Wall Sign: A sign mounted parallel to a building façade or other vertical building surface. A marquee sign is considered a wall sign.

Window Sign: A sign, graphic, or design which is painted or mounted or otherwise displayed within a window area.

### **5550 Exempt Signs**

The following signs are exempt from obtaining a sign permit:

- A. Memorial signs and tablets displayed on public property or in cemeteries.
- B. Address numerals and signs bearing the same name of occupants of the premises not exceeding one (1) square foot in area.
- C. Legal notices.
- D. Traffic and parking signs which bear no advertising.
- E. Campaign signs.
  - 1. The sign may not exceed 32 square feet.
  - 2. The signs shall not be erected or displayed earlier than 45 days prior to the election to which they pertain.
- F. Real estate signs.
  - 1. Only one (1) real estate sign located on-site may be located adjacent to each separate street frontage of a lot and one "open house" sign when appropriate.
  - 2. The sign shall be removed within seven (7) days after a deed has been recorded for the sale, or a lease signed for the rental, or lease of the property.
- G. Temporary construction signs.
- H. Hand held signs.
- I. Seasonal decorations.

### **5560 Performance Standards**

This Section states the specifications for each of the sign performance standards according to sign type. These standards shall be subject to additional requirements as specified in other sections of this Section. For each sign type, the following standards are specified: the maximum total sign area permitted, the maximum permitted height, the permitted lighting source, and any additional requirements or limitations.

## **Monument Sign**

Monument signs shall be permitted with the approval of a sign permit for commercial businesses with a minimum of 100 feet of linear road frontage. In the event that more than one parcel make up a commercial center, a monument sign may be placed on a property that does not meet the minimum standards providing approval of a master sign plan is granted. In this scenario, the monument sign will be required to provide identification for off-site businesses adjacent to the site in which the sign is located.

### **Height and Area**

- A. A monument sign shall be limited to eight (8) feet in height.
- B. A maximum area of 80 square feet per sign face, including the base, shall be permitted.
- C. Increased height up to 10 feet may be granted for monument signs identifying five (5) or more businesses with approval of a master sign plan.
- D. With the approval of a 10 foot high monument sign, the maximum area of the sign may be increased to 100 square feet.
- E. All lighting shall be internal or shielded spot lighting.

### **Quantity**

- A. Two monument signs per frontage may be granted with the approval of a master sign plan for project sites consisting of:
  - 1. More than one road frontage exceeding 750 feet.
  - 2. Sites in excess of five (5) acres.
- B. Monument signs located on the same project site shall be separated by a distance of 150 feet between signs.

### **Wall or Façade Sign**

- A. One wall sign is permitted on each elevation that has street or on-site parking lot frontage with a maximum of three wall signs. The wall sign will be a maximum of one and a half (1.5) square feet per linear building or store frontage on the elevation consisting of the primary entrance. Wall signs are permitted to be a maximum of two (2) feet in height for one line of text and three and a half (3.5) feet for two lines of text. Additional sign height may be permitted for buildings that are set back from the roadway by a minimum of 200 feet or for buildings with a greater linear building frontage. As part of the approval process for this enhanced signage, the applicant shall submit a master sign plan and shall be required to demonstrate that the added sign height is necessary to create a sign proportionate to the building and necessary for visibility to the general public.
- B. A business with two entrances and a minimum of 150 linear feet of building frontage may be permitted a second wall sign subject to review and approval of a sign permit. The second sign shall be a maximum of half the square footage of the primary sign, not to exceed the maximum allowable sign area.

- C. Two secondary signs may be permitted for accessory businesses located within the primary business. Secondary signs shall not exceed 10 square feet, not to exceed the maximum allowable sign area. The secondary signs shall be located only on the building elevation consisting of the primary entrance.
- D. Lighting for wall signs may consist of internal lighting, back lighting or shielded spot lighting.

### **Projecting Signs**

- A. A projecting sign may be used instead of a wall sign; however maximum permitted sign area shall not exceed that which is permitted for wall signs.
- B. A projecting sign shall not extend greater than 36 inches from the building face and may not extend over a right-of-way or above the plateline or roofline. The sign shall have a minimum clearance of ten feet from the bottom of the sign to the ground.
- C. Lighting for wall signs may consist of internal lighting, back lighting or shielded spot lighting.

### **Window Signs**

Window signs with a maximum square footage of 15% of total window area may be permitted with the approval of a sign permit.

### **Fuel Pricing Signs**

- A. One (1) fuel pricing sign may be approved per gas service station and shall be located within a landscape planter a minimum of 15 feet from the right-of-way.
- B. The fuel pricing sign may not exceed 32 square feet in sign area and shall not exceed five (5) feet in height.
- C. Fuel pricing signs are prohibited on the pump canopy.

### **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.

### **Auxiliary Signs**

Auxiliary 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.

## **5560 Detailed Sign Regulations by Sign Type**

## **Development Signs – Residential and Non-residential**

### **General**

- A. Lighting of a development sign may be provided by internal lighting, back-lighting, the general lighting of the area, or by shielded spot-lights.
- B. All development signs must be located on-site or within the common area of the development. The use of off-site development signs is not permitted.

### **Residential**

- A. All residential development signs shall be monument signs. One (1) monument sign per entry shall be allowed for new developments consisting of ten (10) or more than units. The sign shall have a maximum of 60 square feet and a maximum height of six (6) feet. Signs shall be located a minimum of 15 feet from the street right-of-way and shall not be located within the site distance triangle.
- B. Residential development signs shall only provide the name of the subdivision.
- C. The residential development sign shall be located within a landscape planter.

### **Non-residential**

- A. All non-residential development signs shall be monument signs. One (1) monument signs per major entrance shall be allowed for developments consisting of more than 15 units or three (3) buildings. The sign shall have a maximum of 80 square feet and a maximum of six (6) feet in height. Signs shall be located a minimum of 15 feet from the street right-of-way and shall not be located within the site distance triangle.
- B. Non-residential development signs shall contain only the name of the development, center or business park.
- C. The commercial development sign shall be located within a landscape planter.

## **Off-Site Signs**

### **Purpose**

Off-site signs shall only be permitted as directional or temporary signs except as allowed within federal, state and local road rights of way.

### **Off-site Directional Signs**

Off-site directional signs are permitted to give sufficient notice of the location of governmental facilities, hospitals, colleges, schools, unincorporated communities, and general commercial areas. Legal business, institutional, or industrial uses located on a Town road may request approval of an off-site sign which shall not exceed 20 square feet and shall be designed to include multiple tenants.

### **Temporary Signs**

Temporary signs must obtain a temporary sign permit prior to installation and shall conform to the following:

### **On-site Temporary Event Sign**

One sign or banner may be temporarily installed in order to advertise a specific event, such as a grand opening, Christmas tree sales, garage sale, etc.

- A. A temporary sign permit may be granted for a maximum of 30 days and may be permitted up to four times per calendar year.
- B. If a banner is used for the temporary sign, it shall be affixed to a wall. Signs hanging between columns, trees or other structures such as poles will not be permitted.
- C. If a freestanding sign is used for the temporary sign, it shall be placed on-site, and shall not exceed four (4) square feet in area and four (4) feet in height.

### **Off-site Temporary Event Sign**

In order to grant flexibility in advertising special events within the Town limits and the Urban Growth Boundary, up to four off-site signs may be granted to provide date, time, location and direction to special events.

- A. An off-site temporary sign may be granted for a maximum of 14 days prior to an event and shall be removed the day after the event has occurred.
- B. The sign shall not exceed four (4) square feet in area and four (4) feet in height.

### **Future Development Temporary Sign**

Each new development under construction within the Town limits and the Urban Growth Boundary may be granted signage in which to advertise the development of a subdivision, commercial center or business park.

- A. Two signs, one (1) on-site and one (1) off-site may be permitted up to one (1) year. Two additional one (1) year extensions may be granted by the Town. Any other time extensions shall be reviewed by the Planning Commission. Signs may not be installed until an approved development plan is recorded and shall be removed at 85% buildout.
- B. The sign shall not exceed 32 square feet in sign area and eight (8) feet in height.
- C. The sign shall include the name of the development, the location and a contact number for additional information.
- D. No external lighting shall be permitted.

### **Prohibited Signs**

The following signs are prohibited in all zoning districts:

- A. Pylon signs.
- B. Billboards.
- C. Any continuous or flashing signs.

- D. Electronic Signs.
- E. Exposed neon signs.
- F. Revolving signs.
- G. Signs advertising illegal or unlawful acts or businesses.
- H. Roof signs.
- I. Signs which contribute to a traffic hazard.
- J. Painted signs.

**5590      Removal of Signs**

Any unsafe or illegal sign may be removed by the Town without notice to the permit holder, property owner or any person in control of the said sign. The permit holder, property owner or other may incur a fee for the removal and disposal of the sign based on the adopted fee schedule.

## ARTICLE V

### 5800 ROAD STANDARDS

#### 5810 Access

#### 5820 Road Right of Way Construction

#### 5830 Private Roads

### 5810 Access

A. Direct access, by residential lots, to arterials and collectors shall be discouraged. In

instances where more than one lot proposes access to arterials or collectors, shared access shall be encouraged.

B. All nonresidential uses shall be discouraged from taking more than one point of access. In instances where the Planning Commission deems more than one access point acceptable, separation of access points shall be maximized and shared access points shall be encouraged.

C. Access points on collectors shall be separated by a minimum of two hundred (200) feet. Access points on arterials shall be separated by a minimum of four hundred (400) feet. Access point separation shall be measured inside curb to inside curb. Parallel access or reverse frontage roads shall be used to increase the distance between intersections wherever possible.

### 5820 Road Right-of-Way Construction

Roads and their rights-of-way shall be constructed and provided in accordance with Thompson's Station Subdivision Regulations. In addition, the requirements in the following section must be met.

### 5830 Private Roads

Private roads serving developments of less than one (1) unit per five acres are permitted for residential developments provided they conform fully to the Town's standards for public roads. Private roads must be inspected according to Subdivision Regulation. In all districts, an easement may be utilized to access up to five parcels that have no public road frontage. Only one lot of less than five acres may take said access.

## ARTICLE VI

### *ADMINISTRATION AND ENFORCEMENT*

#### **6000 ADMINISTRATION OF THE ORDINANCE**

#### **6100 THE ENFORCEMENT OFFICER**

#### **6200 SITE PLANS**

6201 Common Open Space

6202 Guarantee of Improvements

#### **6300 BUILDING AND SIGN PERMITS**

6301 Building Permits

6302 Sign Permits

#### **NONCONFORMING USES**

6401 Termination of Nonconforming Uses

6402 Termination of Nonconforming Signs

6403 Nonconforming Uses in the Floodplain

#### **6500 INTERPRETATIONS BY THE ENFORCING OFFICER**

6501 Purpose

6502 Authority

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6504 Standards for Interpretations

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#### **6900 AMENDMENTS TO THE ORDINANCE**

6901 Text Amendments

6902 Map Amendments

6903 Procedures for Text/Map Amendments

6910 Penalties

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6930 Validity

6940 Interpretation

6950 Effective Date

#### **6000 ADMINISTRATION OF THE ORDINANCE**

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of Thompson's Station. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

#### **6100 THE ENFORCEMENT OFFICER**

The Board of Mayor and Aldermen may assign the responsibility for administering and enforcing this ordinance to one (1) or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "Enforcement Officer". The term "staff" or "Planning

staff' is sometimes used interchangeably with the term "Enforcement Officer". The Enforcement Officer may delegate any function or responsibility assigned by this ordinance to another employee or agent acting under the Board of Mayor and Aldermen's control or direction, unless such delegation is prohibited. In addition to administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Sign, Temporary Use and other Permits and make and maintain records thereof.
- D. Maintain and keep current, zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Receive, file and forward to the Planning Commission all matters on which the Planning Commission is required to act under this ordinance.
- G. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Enforcement Officer shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

#### **6200 SITE PLANS**

This Section sets forth the procedure for site development plan review and approval for resource conservation developments, planned resource conservation developments, and nonresidential developments. An authorized representative for a lot or tract of land shall submit a site plan in accordance with criteria set forth by the Planning Commission. At this time, the person filing the application must also pay site plan review fees as determined by the Board of Mayor and Aldermen.

#### **6201 Common Open Space**

Trust Indenture/Homeowners' Association Requirements. When an authorized representative files an application for a site development plan that divides property into two (2) or more individual lots and/or common areas are present, the applicant shall submit a proposed trust indenture as to all the land within the site and shall include the following:

1. Board of Trustees. The trust indenture or homeowners' association shall provide for the appointment of a Board of Trustees to be selected by the owners of the site in an equitable manner. The Board of Trustees shall be charged with the duty, under this ordinance and under the trust indenture, to maintain all streets, common areas, and any other areas or structures for the common use of the tenants or owners or property within the site.

The Board of Trustees shall provide an equitable means of assessment against all land within the tract, with the exception of lands dedicated to public use, to ensure that the above described areas and structures shall be maintained in compliance with the ordinances of the Town. These areas and structures shall be maintained such that they will remain attractive and useful to the owners and tenants of property within the site and shall not be injurious to the health, safety, and welfare of residents of surrounding areas or be detrimental to property values of land and improvements within the site or in surrounding areas.

2. The trust indenture or Homeowners' Association shall provide that the conveyance or change of ownership or lease of any part of the tract shall be subject to the terms of this ordinance and the trust indenture. The power conferred on the Board of Trustees by the indenture to comply with the provisions of this ordinance may not be abrogated.
3. Approval by the Planning Commission. The trust indenture shall be approved by the Planning Commission upon advice from the Town's Attorney and shall be recorded with the Register of Deeds of Williamson County, prior to the final approval of any site plan or subdivision as defined, by this ordinance, and prior to the issuance of any building permit. The trust indenture shall contain a provision that no substantive change shall be made in the terms of provisions of the trust indenture without the approval of the Planning Commission.

## **6202 Guarantee of Improvements**

All required and proposed on-site and off-site improvements shall require the posting of a letter of credit under the following requirements:

1. Prior to issuance of a building permit, the applicant shall post a letter of credit in an amount estimated by the Enforcement Officer as sufficient to Thompson's Station for the satisfactory construction, installation, maintenance and/or dedication of the uncompleted portion of required and proposed improvements pursuant to these regulations.
2. Such letters of credit shall comply with all statutory requirements and shall be satisfactory as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission and incorporated in the letter of credit, and shall not exceed one (1) year from date of final approval. The Planning Commission may extend the completion date set forth in the letter of credit for a period of one (1) more year. Any extension of the letter of credit period may necessitate an increase in the credit amount.
3. Failure to Complete Improvements. Where a letter of credit has been submitted and required improvements have not been installed per the terms of the letter of credit, the Planning Commission may declare the letter of credit to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the letter of credit is declared to be in default. Furthermore, the Planning Commission shall notify the Enforcement Officer that the letter of credit for the subject site is in default and request that no additional building permits be issued for remaining lots in the subject site. The Planning Commission shall record a notice in the Williamson County Register's office that the subject site is in default. In the event the subject site is thereafter found not to be in default, notice shall be recorded in the Registers Office of Williamson County, Tennessee.

## **6300 BUILDING AND OTHER PERMITS**

All departments, officials, and public employees of Thompson's Station who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building, or purpose if the same would be in conflict with provisions of this ordinance. All permits and licenses shall be revocable, subject to continued compliance with all requirements and conditions of this and other applicable laws and regulations. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

### **6301 Building Permits**

- A. Need for a Building Permit. A building permit must be issued by the Enforcing Officer or a designee before a property owner can locate, erect, or begin construction,

reconstruction, extension, conversion, or structural alteration of any building, structure, or swimming pool; construct a well or sewage disposal system, other than the reconstruction, placement, or extension of any existing well or sewage disposal system; or use or permit the change of use of any building, structure, or land.

- B. Application. An individual lot site plan must accompany all authorized building permit applications. At a minimum the site plan must include the footprint of all existing and proposed structures, all driveways and parking areas, all utility line locations (inclusive of recorded easements), all public rights of way and all streams and drainage-ways.
- C. Commencement of Construction. Subsequent to a pre-construction conference with Staff, the installation of all required erosion control devices and the issuance of a grading permit, site grading may commence. A building permit may be issued subsequent to adequate site preparation such that construction activities will not create erosion or result in negative on or off site impacts. A foundation survey and staking may be required at the discretion of the Enforcing Officer.
- D. Expiration. Individual lot site plan approvals and building permits issued in accordance with the provisions of this ordinance shall become void six (6) months after the date of approval/issuance, provided that the construction for which it was issued has not been started or if activity toward construction ceases for a period of six months.
- E. Fees. A filing fee shall accompany each application for a building permit, in such amount as may be determined by the Board of Mayor and Aldermen.

**6302 Sign Permit Required**

A sign permit must be issued by the Enforcing Officer or a designee before a property owner can; locate, erect, alter or relocate a sign. All permanent, permitted signs must be renewed three years from the date of issuance. Renewals of such permits shall be for three (3) years. All applications for sign permits shall be made in writing to the Enforcement Officer and shall contain or have attached thereto; the applicant name, address, and contact information, a scale drawing of the approved site plan and two drawings of the plans, specifications, and method of construction and attachment (i.e., either to a building or in the ground) of all proposed signs.

**6400 NONCONFORMING USES**

Any lawful use of land or structures or any structure, existing at the date of passage of this Zoning ordinance, or subsequent amendment thereto, and located in a zone in which it would not be permitted as a new use or structure under the terms of this Zoning Ordinance, is declared to be a legal nonconforming use.

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.

The burden of establishing that any nonconforming use is a legal nonconforming use, as defined by this Section, shall, in all cases, be upon the owner of the nonconforming use and not upon the Town.

A. Definitions

- 1. Nonconforming Lots. A lot which is nonconforming, but legally recorded prior to the effective date of this ordinance, shall be deemed a legal nonconforming lot, and may be used for any principal use permitted in the zone in which the lot is located.
- 2. Nonconforming Uses/Structures. Any structure that received site plan approval

consistent with the regulations in place at the time of approval shall be deemed a legal nonconforming structure. Any approved use that was allowed under the regulations in place at the time of approval shall be deemed a legal nonconforming use.

B. Amortization Schedule

1. Nonconforming Uses. Within eighteen (18) months following the adoption of this ordinance, the Planning Director shall develop a register of all nonconforming uses. The date of this register shall be used for all amortization schedules, and the uses listed therein will be used to determine which uses were made nonconforming due to the adoption of this ordinance.
2. Nonconforming Signs. Within twelve (12) months following the adoption of this ordinance, the Planning Director or a designee shall develop a register of all nonconforming signs. The date of this register shall be used for all amortization schedules, and the signs listed therein shall be used to determine which signs were made nonconforming due to the adoption of this ordinance.

C. Enlargement or Extension

Nonconforming uses shall not be enlarged more than ten (10) percent or extended unless such alteration will bring the structure and use into full compliance with all requirements of this ordinance. Nonconforming signs and nonconforming extraction or disposal uses, however, may not be expanded. Normal maintenance and incidental repair of a legal nonconformity shall be permitted, provided that this does not violate any other section of this ordinance.

- D. Change in Location. A nonconforming use or sign shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district into which it is being relocated.

**6401 Termination of Nonconforming Use**

If a nonconforming use or structure is destroyed, or partially destroyed, to the extent of more than seventy-five (75) percent of the replacement cost, then the structure or use shall not be rebuilt, restored, or reoccupied unless it shall thereafter conform to all regulations of this ordinance or unless a special use exception is granted by the BZA. A nonconforming use shall not be changed to any other nonconforming use unless granted a special use exception by the BZA.

Any nonconforming use or structure that is terminated by unapproved modification or by abandonment (use discontinuance for twelve (12) months) may not be further utilized for a nonconforming use without being granted a special use exception by the BZA.

**6402 Termination of Nonconforming Signs**

Nonconforming signs shall not be changed, expanded, or altered in any manner that would increase the degree of nonconformity, prolong the useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

**6403 Nonconforming Use in a Floodplain**

Nonconforming uses within the one hundred (100) year floodplain may not be expanded or reconstructed unless granted a special use exception based on recommendation from the Town's Engineer or consulting Engineer.

**6500 INTERPRETATIONS BY THE ENFORCING OFFICER**

**6501 Purpose**

The provisions of this Section are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this ordinance, the zoning map that it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to provide a simple, yet circumscribed procedure for overcoming the inadvertent rigidities and limitations inherent in the promulgation.

**6502 Authority**

The Enforcing Officer or a designee may, subject to the procedures, standards, and limitations set forth in this Subsection, render interpretations of any provision of this ordinance or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this ordinance.

**6503 Procedure for Interpretations**

- A. All applications for an interpretation of any provision of this Ordinance, the Zoning Map, or any rule or regulation adopted pursuant to this ordinance shall be submitted in writing to the Enforcing Officer or a designee. Each application shall set forth the specific provision or provisions to be interpreted, the facts of the situation, giving rise to the request of an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Enforcing Officer shall receive any further facts and information judged by the Enforcing Officer to be necessary for a meaningful interpretation of the provision in question.
- B. Notice of Interpretation by the Enforcing Officer. Within ninety (90) days following the receipt of a completed request or application for interpretation, the Enforcing Officer shall mail a written copy of interpretation to the applicant. The Enforcing Officer shall state the specific precedent, reasons, and analysis on which the interpretation is based. The Enforcing Officer shall keep a copy of each interpretation on file and shall make a copy of each interpretation available for public inspection during reasonable hours.
- C. Appeal. Appeals on interpretations rendered by the Enforcing Officer pursuant to this Subsection may be taken to the Board of Zoning Appeals as provided in this Article.

**6504 Standards for Interpretations**

- A. The following standards shall govern both the Enforcing Officer and the Board of Zoning Appeals' decision on appeals from the Enforcing Officer's interpretation:
  - 1. No interpretation shall allow the establishment of any land use, which was previously considered and rejected on application for amendment to the Zoning Ordinance or the Zoning Map.
  - 2. No interpretation shall permit a land use allowed in another district if the use is not listed as permitted in the subject property's district.
  - 3. No interpretation shall permit a land use in a particular district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in the district.
  - 4. Any land use permitted or other interpretation rendered pursuant to this

Subsection shall fully comply with all requirements and standards imposed by this ordinance.

B. Effect of Favorable Use Interpretation. A favorable interpretation does not relieve the applicant from complying with any of the other procedural requirements set forth in this ordinance or their associated fees.

C. Limitations on Favorable Use Interpretations. Interpretations shall be valid for twelve (12) months if from the date of the interpretation unless a building permit is issued and construction is begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period. Interpretations shall be for single uses/situations only.

#### **6600 TOWN BOARD OF ZONING APPEALS**

A Thompson's Station Board of Zoning Appeals (BZA) is hereby established in accordance with 13-7-106 through 13-7-109, of the Tennessee Code, the Thompson's Station Board of Zoning Appeals shall consist of five (5) members. The Town Commission shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one (1) member will expire each year. The Town Commission may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

A. Procedure

Meetings of the BZA shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action taken thereon. The records and minutes shall be filed in the Thompson's Station Town Hall and shall be a public record.

B. Appeals to the BZA

An appeal to the Thompson's Station BZA may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, BZA, or bureau affected by any decision of the Enforcement Officer based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal specifying the grounds thereof. The Enforcement Officer shall transmit to the BZA all papers constituting the record upon which the appeal was taken. The BZA shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board

The BZA shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Enforcement Officer or other administrative official in the carrying out of enforcement of any provision of this ordinance.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the BZA is authorized to pass.

3. VariANCES

To hear and decide applications for variances from the terms of this ordinance.

D. RULES AND REGULATIONS OF THE BZA

The BZA shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the BZA shall constitute a quorum and the concurring vote of at least three (3) members of the BZA shall be necessary to deny or grant any application before the BZA.

2. No action shall be taken by the BZA on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Thompson's Station at least ten (10) days before the hearing by the BZA. No hearing shall be considered and heard by the BZA less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the BZA that could not have been reasonably presented in a public hearing before the BZA, the BZA shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.

3. The BZA may call upon any other office or agency of the Town government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the BZA as may be reasonably required.

4. The Planning Commission shall be permitted to submit an advisory opinion on any matter before the BZA and such opinion shall be made part of the record of such public hearing.

5. Any officer, agency, or department of the Town or other aggrieved party may appeal any decision of the BZA to a court of competent jurisdiction as provided for by State law.

6. Any decision made by the BZA on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.

7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the BZA, good, and sufficient cause being shown.

8. At the public hearing of the case before the BZA, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

E. STAY OF PROCEEDINGS

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Enforcement Officer certifies to the BZA, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the BZA or by a court of competent jurisdiction on

application, on notice to the Enforcement Officer, and on due cause shown.

F. Liability of BZA Members, Enforcement Officer and Employees

Any board member, building commissioner, or other employee charged with the enforcement of this ordinance, acting for Thompson's Station within the scope of the responsibilities assigned under this ordinance shall not thereby render himself liable personally, and is hereby relieved from all personal liability and shall be held harmless by the Town of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any BZA member, enforcement officer, or employee, charged with the enforcement of any provision of this ordinance, shall be defended by legal representatives furnished by the Town until the final termination of such proceedings.

G. Right of Entry upon Land

Upon notice to property owners, the BZA, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

H. Re-hearings

The BZA shall hold no rehearing except on motion to reconsider the vote or on a written request for a hearing. If the motion to reconsider receives a majority affirmative vote, the BZA may vote on the motion to grant the request for a rehearing, subject to such conditions as the BZA may stipulate. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the BZA on a date to be set by the BZA. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

**6700 VARIANCES**

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle, which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form, which might be made available by the BZA.

B. Hearing

Upon receipt of an application the BZA shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee, as determined by the Thompson's Station Board of Mayor and Aldermen, and included on within the fee schedule posted in the Town Hall, shall be charged to cover review and processing of each application for a variance.

C. Standards for Variances

The BZA shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the BZA, do not apply generally in the district. The burden of

showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the BZA shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
4. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
5. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
6. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Under no circumstances shall the BZA grant a variance to allow a "USE" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The BZA may impose conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in 6700, C, above, to reduce or minimize the injurious effect upon surrounding property and better carry out the general intent of this ordinance. The BZA may establish expiration dates as a condition or as a part of any variances.

**6800 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS**

The BZA establishes the following procedure to provide procedures for review of a proposed use as a conditional use or special exception. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Enforcement Officer to determine whether a proposed use is potentially noxious, dangerous or offensive.

- A. Application  
An application shall be filed with the BZA for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the BZA may require.
- B. Restrictions  
In the exercise of its approval, the BZA may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
- C. Validity of Plans  
All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.
- D. Time Limit  
All applications reviewed by the BZA shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with a written notice of approval or denial.
- E. General Requirements  
A special exception shall be granted provided the Board finds that the activity will not adversely affect area property and is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected. Special exceptions must also conform to all applicable provisions of this ordinance for the district in which it is to be located and is within the provision of "Special Exceptions" as set forth in this ordinance.
- F. Special Exceptions Appeals  
Any person or agency of the Town government may appeal to a court of competent jurisdiction from the BZA decision as provided under statutes of the State of Tennessee. The judgment and findings of the BZA on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final, and subject to review only for illegality or want of jurisdiction. A fee, as per the Fee Schedule posted in the Town Hall of Thompson's Station, shall be charged to cover review and processing of each application for a special exception.

#### **6900 AMENDMENTS TO THE ORDINANCE**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Thompson's Station Board of Mayor and Aldermen. Any member of the Board of Mayor and Aldermen may introduce such legislation, or any official, board, or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective unless it is first submitted to the Thompson's Station Planning Commission for review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its recommendation to the Town Board of Mayor and Aldermen. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the Town Board of Mayor and Aldermen to become effective. If the planning commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made,

unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the Town Board of Mayor and Aldermen.

Before finally adopting any such amendment, the Town Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the Town; and any such amendment shall be published at least once in the official newspaper of the Town or in a newspaper of general circulation in the Town.

A fee, as determined by the Thompson's Station Board of Mayor and Aldermen, payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Thompson's Station to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

**6901 Text Amendments**

Proposed amendments to the text of this ordinance must be predicated by a finding that the proposed amendment is consistent with the intent of the Town's comprehensive plan and that the proposed amendment does not have a deleterious effect on surrounding properties or the Town as a whole. A finding must also be made as to whether the proposed amendment is correcting ordinance mistakes or adjusting the ordinance to changing area characteristics that might warrant review of the comprehensive plan.

**6902 Map Amendments**

Proposed zoning map amendments must be predicated by a finding that the proposed amendment is consistent with the intent of the Town's comprehensive plan and that the proposed amendment does not have a deleterious effect on surrounding properties or the Town as a whole. A finding must also be made as to whether the proposed amendment is correcting map mistakes or adjusting the ordinance to changing area characteristics that might warrant review of the comprehensive plan.

**6903 Procedure for Map and/or Text Amendments**

Applications for any change, either of district boundaries or classification of property as shown on the Zoning Map, shall be submitted to the Planning Commission at its public office. Applications shall be on such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Whenever any petition for an amendment, supplement, or change of the zoning or regulations herein contained (or subsequently established) has been denied by the Board of Mayor and Aldermen, no new petition covering the same property (or the same property plus any additional property) can be filed with, or considered by, the Board of Mayor and Aldermen until one (1) year has elapsed from the date of the filing of a previous petition.

**6910 PENALTIES**

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (10) dollars or more than fifty dollars (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense; payment of fine shall not constitute compliance.

**6920 REMEDIES**

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Enforcement Officer or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction,

mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

**6930 VALIDITY**

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional.

**6940 INTERPRETATION**

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other resolution, the provisions, which are more restrictive shall govern.

**6950 EFFECTIVE DATE**

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Thompson's Station Municipal Planning Commission.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Thompson's Station Municipal Planning  
Commission

Approved and adopted by the Board of Mayor and Aldermen of Thompson's Station, Tennessee.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor, Thompson's Station, Tennessee

**ATTESTED BY:**

\_\_\_\_\_  
Recorder, Thompson's Station, Tennessee