

Adopted June 4, 2020

NOLENSVILLE ZONING ORDINANCE



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ARTICLE 1 – GENERAL PROVISIONS

1.1.0 AUTHORITY, TITLE, PURPOSE, AND ENACTMENT

1.1.1 **Authority** An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and 13-7-401-409, Tennessee Code Annotated (T.C.A), to provide for the establishment of zoning districts and requirements within the corporate limits of the Town of Nolensville, Tennessee.

1.1.2 **Title** This ordinance shall be known as “The Zoning Ordinance of Nolensville, Tennessee,” dated June 4, 2020. This ordinance replaces and supersedes Town of Nolensville Ordinance 97-17 and all amendments thereto. The zoning map shall be referred to as the Official Zoning Map of Nolensville, Tennessee, and all explanatory matter thereof. The title “Zoning Ordinance of Nolensville, Tennessee” incorporates the ordinance itself, any appendices to said ordinance and the Official Zoning Map of Nolensville, Tennessee.

1.1.3 **Purpose** This ordinance is designed to implement the goals of the Town of Nolensville Comprehensive Plan. It is intended to promote the public health, safety, and general welfare by:

- A. protecting and enhancing the character and stability of residential, business, commercial, rural, and industrial areas, and, where appropriate, promoting the orderly and beneficial development of such areas;
- B. preventing overcrowding of land;
- C. preserving the value of land and buildings;
- D. minimizing traffic hazards and congestion;
- E. preventing undue concentration of population;
- F. providing for adequate light, air, privacy, and sanitation;
- G. reducing hazards from fire, flood, and other dangers;
- H. assisting in the economic provision, utilization, and expansion of services provided for the public when determined desirable and appropriate, including, but not limited to, roads, water and sewer service, solid waste, recreation, schools, and emergency services;
- I. encouraging the most appropriate uses of land; and
- J. protecting and where appropriate, enhancing the natural, man-made, and historical amenities of Nolensville.

1.1.4 **Effective Date**

This ordinance shall take effect and be in force from and after June 4, 2020.

1.1.5 Transitional Rules and Vesting of Development

The purpose of transitional regulations is to resolve the status of properties with pending applications recent approvals, vested property rights, and properties with outstanding violations, at the time of the adoption of this ordinance.

A. Violations Continue

Any violation of previous versions of this ordinance shall continue to be a violation under this ordinance and shall be subject to the penalties and enforcement, unless the use, development, construction, or other activity complies with the provisions of this ordinance.

B Uses, Structures, and Lots Rendered Nonconforming

Where any use, building, structure, or lot that legally existed on the effective date of this ordinance does not meet all standards set forth in this ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 1.5.0, Nonconformities.

C Revisions to Projects Approved Under Previous Ordinances

(i) Pending Applications

- (a) Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this ordinance, shall be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete by the Town.
- (b) If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this ordinance.
- (c) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- (d) An applicant with a pending application may waive review available under prior ordinances through a written letter to the Town Staff and request review under the provisions of this ordinance.

(ii) Approved Projects and Amendments or Revisions to Approved Projects

- (a) Approved Planned Unit Developments, Site Plans, Variances, Grading/Land Development Permits, or Building Permits that are valid on the effective date of this ordinance shall remain valid until their expiration date, where applicable.
- (b) Amendments to Site Plans, Grading/Land Development Permits, or Building Permits approved prior to (EFFECTIVE DATE) shall comply with the standards and review processes of this ordinance. Amendments

- to PUD Concept Plans approved prior to (EFFECTIVE DATE), shall follow the process described in 2.2.9(B) (4).
- (c) Amendments and revisions to a Planned Unit Development Concept Plan approved prior to (EFFECTIVE DATE), shall:
- (iii) Vested Property Rights In accordance with T.C.A. § 13-4-310, the following is the list of the specific types of plans approved, on or after January 1, 2015, that will cause a vested property right to be established, and such action shall constitute final approval of the listed plans:
- (a) Preliminary Development Plans
- (1) Approval by the BOMA of PUD Concept Plan; or
 - (2) Approval by the Planning Commission of a Preliminary Plat, as required by the Subdivision Regulations.
- (b) Final Development Plans
- (1) Approval by the Planning Commission of a Site Plan as required by this ordinance, when not part of a Preliminary Development Plan as specified in subsection 1.1.5(iii)(a) above, or
 - (2) Approval by the Planning Commission, or Administratively by Staff, of a Final Plat as required by the Subdivision Regulations, when not part of a Preliminary Development Plan as specified in subsection 1.1.5(iii)(a) above.

1.2.0 OFFICIAL ZONING MAP

- 1.2.1 **Zoning Map Established** The zoning districts established by this ordinance shall be depicted on the Official Zoning Map of Nolensville, which is hereby incorporated into the provisions of this code.
- 1.2.2 **Zoning District Boundaries** The following rules shall be used to determine the precise location of any zone boundary shown on the Official Zoning Map of Nolensville.
- 1.2.3 **Corporate Limits** Boundaries shown as following or approximately following the Town of Nolensville corporate limits shall be construed as following such limits.
- 1.2.4 **Centerlines** Boundaries shown as following or approximately following streets, railroads, water courses, or pronounced topographic features shall be interpreted to fall along the centerlines of those features.
- 1.2.5 **Lot or Property Lines** Boundaries shown as following or approximately following platted lot lines or deeded property lines shall be construed as following such lines.
- 1.2.6 **Boundary Interpretations** In cases of uncertainties, the location of a zoning boundary shall be interpreted by the Mayor or his designee, subject to appeal to the Board of Zoning Appeals.

1.3.0 ADMINISTRATION

Except as otherwise provided, no structure, building, site, land, or sign shall, after the effective date of this ordinance, be used and no structure, building, or sign, 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.

1.4.0 APPLICABILITY

- 1.4.1 **General** The provisions of this zoning ordinance shall apply to the development of all land within the jurisdiction of the Town of Nolensville. No development shall be undertaken without prior authorization pursuant to this zoning ordinance, and no land use may occur that is inconsistent with this zoning ordinance.
- 1.4.2 **Minimum Requirements** The requirements of this zoning ordinance shall be considered as the minimum requirements for land use and development within the Town of Nolensville. It is not intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this zoning ordinance imposes a greater restriction upon property than that imposed by other regulations, easements or agreements, the provisions of this zoning ordinance shall govern.
- 1.4.3 **New Uses and Development** Upon the adoption of this zoning ordinance or any subsequent amendment, any new building or structure or tract of land shall be used, constructed, or developed only in accordance with all applicable provisions of this zoning ordinance.
- 1.4.4 **Existing Uses and Development** Any use, lot, building or structure existing prior to the adoption of this zoning ordinance that does not comply with all of its provisions shall be subject to the regulations of the nonconforming provisions.

1.5.0 NONCONFORMING USES AND STRUCTURES

- 1.5.1 **Definition** Any land use or structure legally existing at the date of passage of this zoning ordinance, or subsequent amendment thereto, but 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 non-conforming use.
- 1.5.2 **Continuance** Except as noted otherwise in this ordinance, any legal non-conforming use or structure shall be permitted to continue in operation so long as it remains otherwise lawful. All non-conforming uses and structures shall be encouraged to convert to conformity wherever possible.
- 1.5.3 **Enlargement and Expansion** No residential non-conforming use shall be permitted to expand through the acquisition of additional land or additional construction. The non-residential non-conforming use of a building designed and constructed for nonresidential activities which were permitted prior to the change in zoning may be expanded or changed to another nonconforming use upon a determination by the board of zoning appeals that the new nonconforming use will be more compatible with surrounding land uses than the existing nonconforming use and the land is owned or otherwise controlled by the business owner so the existing business is not expanded through the acquisition of additional land.
- 1.5.4 **Destruction** If a non-conforming use is destroyed or partially destroyed, through no intention of the owner, the structure may be rebuilt. If this use is business or commercial and is not rebuilt within thirty (30) months, then the use shall not be restored, or reoccupied and shall be used for only conforming zoning purposes thereafter. Non-conforming structures shall be rebuilt in accordance with the regulations of this section of the ordinance.
- 1.5.5 **Change of Use** A non-conforming use shall not be changed to any use other than a use permitted in the zoning district which it is located.
- 1.5.6 **Abandonment/Termination** A non-conforming use which has ceased for thirty (30) months or greater shall be assumed to be abandoned, regardless of the intent to resume or not to abandon the use, and shall be completely terminated.

1.6.0 Interpretation and Enforcement of this Ordinance

- A. When uncertainty exists, the Town Planner shall be authorized to make all interpretations and enforcement actions concerning the provisions of this ordinance with the exception of the sections listed below:
- B. Sections Excepted
 - 1. All interpretations of matters relating to the Town of Nolensville Building Code shall be made by the Building Official or designee
 - 2. The Town Planner may defer interpretations of additional sections to appropriate Town officials.

1.7.0 UNDERGROUND UTILITIES

All utilities, such as cable television, electrical (excluding transformers), and telephone lines in new developments, shall be placed underground with the exception of Estate Residential base zones. In the event that the Town or any public utility within the town, elects, at its own expense, to install underground utilities along or adjoining any street, then, upon the subdivision of the property in question, the Town, through the subdivision regulations, may require, as a condition of plat approval, the payment of an assessment by the property owner(s) (or performance bond with adequate surety established) representing the additional cost of extending the service to the property in question.

1.8.0 PLANNING COMMISSION

- 1.8.1 Creation and Membership** Pursuant to the provisions of T.C.A. Sections 6-19-101 and 13-4-101, there is hereby created a municipal Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission shall consist of nine (9) members; one of these shall be the Mayor or a person designated by the Mayor and one shall be another member of the Board of Aldermen selected by the Board of Aldermen; the other seven shall be appointed by the Mayor. All members of the Planning Commission shall be residents of the Town and shall serve as such without compensation. The term of the seven members appointed by the Mayor shall be for three years each. The term of the Mayor or his designee shall run concurrently with the Mayor's term of office. The term of the member selected by the Board of Aldermen shall run concurrently with his term of office or until replacement by the Board of Aldermen. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor.
- 1.8.2 Organization, Powers, Duties, etc.** The Planning Commission shall be organized and shall carry out its powers, functions and duties in accordance with all applicable provisions of T.C.A. Section 13-1-101 et seq. All procedural and administrative duties and powers shall be established through By-Laws adopted by the Planning Commission.
- 1.8.3 Jurisdiction, Subdivisions** The Subdivision Regulations governing the subdivision of land heretofore adopted on December 2, 1999 by the Planning Commission and as amended, shall apply to all subdivisions of land within the area of the Town.

1.9.0 BOARD OF ZONING APPEALS

1.9.1 Establishment A Board of Zoning Appeals is hereby established in accordance with T.C.A. Section 13-7-205.

1.9.2 Membership The Board of Zoning Appeals shall consist of five (5) members, who shall be appointed by the Mayor. Initial appointments shall be made so that members serve staggered terms of one, two or three years. Subsequent appointments shall be for a term of three (3) years. The Mayor shall fill any vacancy for the unexpired term. The Mayor and the Board of Aldermen shall confirm appointments. All members of the Board of Zoning Appeals shall be residents of the town and shall serve as such without compensation. No member shall serve more than two (2) consecutive terms.

1.9.3 Meetings and Bylaws The Board of Zoning Appeals shall meet regularly at a Town Hall once a month provided there is business requiring action by the board. All meetings shall be open to the public. Three (3) members shall constitute a quorum for the transaction of any business. A majority vote of the total membership of the board, three (3) members, shall be necessary to decide any item of business. The board shall maintain a record of its meetings and all actions taken, and these records shall be open to the public. The board shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

1.9.4 Conflicts of Interest Any member of the board who shall have a direct or indirect interest in any property or application which is the subject matter of, or affected by, a decision of the board shall be disqualified from participating in the discussion, decision, or proceedings of the board in connection therewith as a board member.

1.9.5 Powers and Duties The Board of Zoning Appeals may interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations. The Board of Zoning Appeals shall specifically have the following powers:

- A. **Administrative Review** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, determination or refusal made by the Mayor or his designee in the carrying out or enforcement of any provisions of this zoning ordinance.
- B. **Variances** To hear and decide applications for variance from the strict application of the provisions of this ordinance, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of the provisions of this zoning ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of this zoning ordinance would result in exceptional practical

difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this zoning ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this chapter. Before any variance is granted, it shall be shown that circumstances are attached to the property that do not generally apply to other property in the neighborhood.

- C. **Boundary Interpretations** The Board of Zoning Appeals shall serve as the appeal board to solve zoning district boundary disputes.
- D. **Conditional Use(s)** To hear and act upon applications for conditional uses subject to the standards and conditions as set forth in Article 2.3.0.

1.9.6 Appeal to the Court Any person or persons or any board, taxpayer, department, or bureau of the Town aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

1.10.0 HISTORIC ZONING COMMISSION

1.10.1 **Establishment** Pursuant to the provisions of T.C.A. Sections 13-7-401 through 13-7-409, there is hereby created the historic zoning commission, hereinafter referred to as the Historic Zoning Commission.

1.10.2 **Membership** The Historic Zoning Commission shall consist of no less than five (5) and no more than nine (9) members. All members shall be appointed by the Mayor and approved by the Mayor and Board of Aldermen. The terms of members of the Historic Zoning Commission shall be five (5) years except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. Vacancies shall be filled for any unexpected terms by the Mayor and confirmed by the Board of Mayor and Aldermen. All members of the Historic Zoning Commission shall serve without compensation.

1.10.3 **Procedure** The members shall elect a chair from among themselves to preside over meetings. Meetings of the Historic Zoning Commission shall be held at the call of the Chairman and at other times as the Historic Zoning Commission may determine. All meetings of the Historic Zoning Commission shall be open to the public. A majority of the appointed commission members shall constitute a quorum for the transaction of any business. The concurring vote of a majority of those present at any meeting shall constitute final action of the Historic Zoning Commission on any matter before it. The board shall maintain a record of its meetings and all actions taken, and these records shall be open to the public. The Historic Zoning Commission shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

1.10.4 **Conflicts of Interest** Any member of the commission who shall have a direct or indirect interest in any property or application which is the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the discussion, decision or proceedings of the commission in connection therewith as a commissioner.

1.10.5 Powers and Duties

- A. **Creation of Historic Overlay Districts** The Historic Zoning Commission shall review applications calling for the designation of historic overlay districts according to the standards contained in Article 2.2.9 of this zoning ordinance, referring written recommendations to the Board of Aldermen. Establishment of a Historic District Overlay on the Official Zoning Map shall be in accordance with Section 2.2.9 of this ordinance.
- B. **Design Review Standards** The Historic Zoning Commission shall utilize the design standards contained in the Article 2.2.8 of this ordinance when considering Certificate of Appropriateness applications. Any more detailed design guidelines relating to the construction, alteration, addition and repair to, and rehabilitation,

relocation and demolition of structures and other improvements which the Historic Zoning Commission may choose to adopt shall be consistent with the National Historic Preservation Act of 1966, as amended.

- C. **Designation of Historic Sites and Structures** The Historic Zoning Commission shall designate appropriate sites and/or structures as historically significant to the Town of Nolensville in accordance with the standards contained in Article 2.2.8. Before designation, the commission shall hold a public hearing. Notice of such hearing shall be given to all affected property owners by U.S. Mail at least twenty-one (21) days before the date of the hearing and notice shall be given in one (1) publication in a newspaper of general circulation in the Town at least twenty-one (21) days before the date of the hearing.
- D. **Design and Demolition Review** The Historic Zoning Commission shall review applications proposing construction, alteration, demolition or relocation of any historic site or structure located within a designated historic district. The Commission shall not consider interior structure modifications. The commission shall grant or deny Certificates of Appropriateness (Article 2.2.8) based on this review and may grant Certificates of Appropriateness contingent upon the acceptance by the applicant of specified conditions.

- 1.10.6 **Jurisdiction** The Historic Zoning Commission shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the Historic Zoning Commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in the T.C.A. Sections 27-9-101 et seq.

1.11.0 APPLICATION FEES

1.11.1 General Standardized fee schedules may be established to partially defray the processing and administration costs associated with each type of application associated with this code. A fee schedule established by this Article shall be authorized by passage of a Resolution of the Board of Aldermen. All application fees shall be paid to the Town of Nolensville by the applicant at the time of filing.

Fees shall be waived for the following:

- A. Applications initiated by any Federal, State or Town of Nolensville government.
- B. Applications initiated by any non-profit organization.
- C. Any large area rezoning initiated by the Planning Commission or Board of Aldermen to implement the Town of Nolensville Comprehensive Plan.

1.12.0 MISCELLANEOUS PROVISIONS

- 1.12.1 **Multiple Uses** When two or more principal uses are proposed for the same property, each shall be subject to the applicable provisions of this code.
- 1.12.2 **Other Provisions** All permitted uses are subject to all regulations established in this code. Furthermore, all permitted uses are subject to all applicable laws of, including but not limited to, Federal, State and Nolensville governments.

1.13.0 **DEFINITIONS and RULES FOR LANGUAGE**

1.13.1 **Applicability** Words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this article. Where words have not been defined, the definition found in the most current edition of Webster’s Unabridged Dictionary shall be used. The Town Planner or designee shall have the right to interpret the definition of the word.

1.13.2 **RULES FOR CONSTRUCTION OF LANGUAGE**

- A. **Computation of Time** The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded.
- B. **Shall and May** The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- C. **Tense** Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates otherwise.
- D. **Text** In case of any difference of meaning or implication between the text of this zoning ordinance and any figure or table, the text shall control.

1.13.3 **General Terms**

Abandonment - A use, which has ceased for twelve (12) months, regardless of the intent to resume the use, shall be assumed to be abandoned.

Abutting - Having a common border, with or being separated from such common border by a right-of-way, alley or easement.

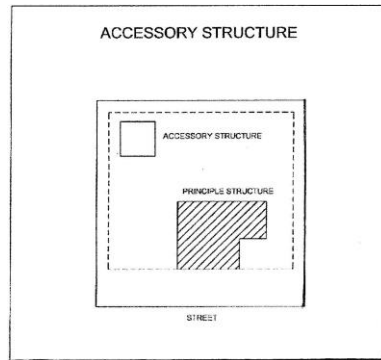
Access - A means of vehicular or pedestrian approach, entry to, or exit from a property, road or highway.

Access, Secondary - A means of vehicular or non-vehicular approach, entry to, or exit from a property from a source other than a public road or highway.

Accessory Apartment/Dwelling - A dwelling unit that has been added onto, created within, or located on the same lot as a single-family house.

Accessory Home Day Care - An occupied residence in which a person provides day care for children other than his/her own family. Accessory home day care is limited to four (4) children, excluding children living in the home.

Accessory Structure - A detached subordinate structure(s) the use of which is incidental to that of the principal structure and located on the same lot therewith.



Accessory Use - A use of land or of a building or portion thereof that is customarily incidental and subordinate to the principal use of the land or building and that is located on the same lot as the principal use.

Acre - Forty-three thousand, five hundred and sixty (43,560) square feet.

Addition - Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Adult Bookstore, Adult Novelty Store, or Adult Video Store - A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, or other periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, computer software or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
- (2) Instruments, devices or paraphernalia which are designed for use in connection with “special sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of the principal business purposes is the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas.”

Adult Entertainment - Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such exhibition any actual or simulated performance of “specified sexual activities” or “specified anatomical areas.”

Agriculture - The use of land for agricultural purposes, including farming, dairying, pastures, agriculture horticulture, floriculture, viticulture, and animal and poultry husbandry, and for the necessary uses for storing the products. The terms shall include incidental retail sales by the producer of products raised on the farm.

Alley - A thoroughfare, either used as such or shown on any recorded description of the subject parcel(s), which is not more than 30 feet wide and which affords only a secondary means of access to abutting property.

Alteration - Any enlargement, addition, re-location, repair, remodeling change in the number of dwelling units, development of or change in design, or other change in a facility, but excluding painting, except as provided for in signs, ordinary maintenance for which no building permit is required.

Amenity - Aesthetic or other characteristics of a development that increases its desirability to a community or its marketability to the public. May include unified building design recreational facilities, security systems, views, landscaping and tree preservation or attractive site design.

Animal Husbandry - The raising of domesticated farm animals.

Applicant - The owner or optionee of land proposed to be developed or subdivided or his authorized representative.

Architecture Control/Review - Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historic character and/or style of the surrounding area. A process used to exercise controls over the design of buildings and their settings.

Atrium Houses – A variation of the patio home; has an open court within the interior onto which rooms open. It may also take a free-standing or attached form in rows, groups, or clusters, and may be two stories or more in height.

Attached Housing - Two (2) or more one-family dwelling units that are attached.

Attached Senior Housing – A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, or in a separate accessory structure on the same lot as the main dwelling for use as a complete, independent living facility for use by a senior family member (60 years of age or older) with provisions within the accessory apartment for

cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Auction House – A building or structure or lands used for the storage of goods and materials which are to be sold on the premises by public auction and for the sale of the said goods and materials by public auction and on an occasional basis.

Automated Teller Machine (ATM) - A facility to provide banking and related electronic services that are operated by the customer.

Automotive Major Repair – A facility which is used for painting, body and fender work, engine overhauling or other major repair of motor vehicles.

Automotive/Vehicular Sales and Service – The retail or wholesale sale or rental of automobiles, motorcycles, and any other type of vehicle including boat, truck and trailer sales, or recreational equipment, along with incidental services or maintenance.

Automobile Service - Includes the sale, from the premises, of goods and the provision of services that are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. This includes the sale of petroleum products together with sale and servicing of tires, batteries and replacement items, lubricating services and performance of minor repairs. This use does not include heavy automotive maintenance activities such as engine overhauls, automotive painting and body work.

Basal Area - Cross sectional square footage measured by going through the trunk of a tree on a parallel plane to the ground at diameter at 4.5 feet (breast height).

Base Flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year. It is also known as the 100-year flood elevation.

Bed and Breakfast - A building that contains a dwelling unit and guest room(s) where short-term guests receive a room and only one (1) morning meal per day will be served.

Boarding House - A building that contains a dwelling unit and guest room(s) that number no more than five (5) that are designed to be occupied by longer-term residents and rented or are designed or intended to be rented, but which guest rooms, individually or collectively, do not constitute separate dwelling units.

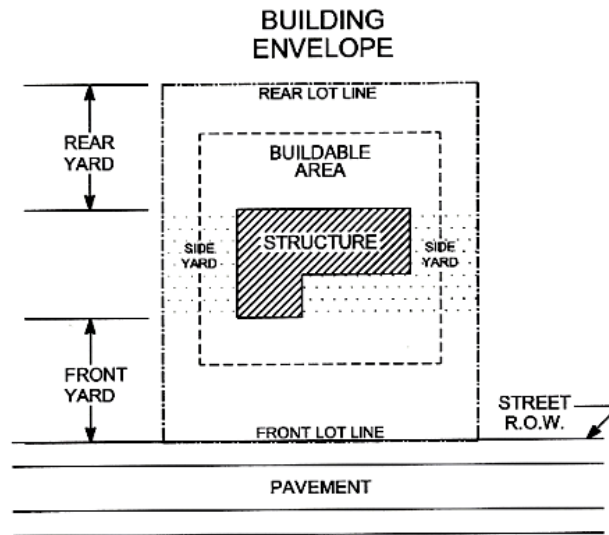
Buffer Yard - An area commonly used by more intense land uses to protect adjacent residential properties from non-compatible uses. The buffer yard shall consist of plantings and physical features sufficient to screen direct view, reduce glare and noise, and provide greater privacy for nearby residential uses.

Building - A structure for the support or shelter of any use or occupancy.

Building Code - The standard code developed and promoted by the Southern Building Code Congress International, Inc., (SBCCI) and adopted by the Town of Nolensville, with latest amendments as may be approved by the BOMA.

Building Contractors Supply - The construction and incidental storage activities performed by construction contractors on zone lots other than construction sites, as well as the retail or wholesale sale of materials used by construction trades.

Building Envelope - The area of a lot, minus all required setbacks, easements and buffer yards, on which the principal building (contains the principal use of the lot) can be constructed according to the provisions of this ordinance.



Building Height - The vertical distance as measured from the average ground elevation to the highest point on the roof of a building. Towers, steeples and similar structures less than 25 square feet in floor area are not included in building height calculations.

Building Permit - A permit required by Article 8.3.1 of this ordinance for the construction, grading, filling, excavation, alteration, expansion, renovation, demolition or change of use of a structure.

Building, Principal - A building in which the primary use of the lot on which the building is located is conducted.

Business Services - Establishments primarily engaged in rendering services to other business establishments on a fee of contract basis, such as advertising and mailing, building maintenance personnel and employment services, protective services, management and consulting services, protective services, equipment rental and leasing photo finishing, copying and printing, travel, office supply and similar services.

Caliper - The quantity, in inches of the diameter of a tree measured at a height of six (6) inches above the ground for trees with a diameter of four (4) inches and under, and at twelve (12) inches above the ground for trees over four (4) inches in diameter.

Car Wash - mechanical facilities for the washing, waxing, and/or vacuuming of private automobiles, light trucks and vans, but not commercial fleets.

Cemetery – The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.

Certificate of Appropriateness - A certificate required by Article 9.5.1 of this ordinance for any new construction, additions, exterior alterations or repairs, relocations or demolitions to a designated historic resource or a structure or site located within a historic district.

Certificate of Occupancy - A certificate required by Article 9.4.0 of this ordinance that certifies that a use; building or structure complies with the provision of this zoning ordinance and the building code.

Channel (or Drainageway Channel) - The channels used to convey the 100-year drainage flows between successive retention facilities, to retention facilities and from the property.

Charitable or Social Organization – A non-government, not-for-profit, non-commercial organization which carries on social, cultural, welfare, athletic or recreational programs for the benefit of the community.

Cluster Development – A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Permitted under Planned Unit Development.

Community Center – A building or part of a building used for community activities without purpose of gain, the control of which is vested in the State, County, Municipality, a local board or agent thereof.

Conditional Use - A land use that is permitted subject to specific conditions enumerated in Article 2.3.0 of this ordinance.

Condominium – A form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas.

Convenience Store – An establishment where a limited supply of food stuffs, tobacco, patent medicines, periodicals and other similar items or household convenience is kept for retail sale to the public.

Cutoff - The point at which all light rays emitted by a lamp, light source, or luminary are completely eliminated (cutoff) at a specific angle above the ground.

Day Care Center - Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay 13 or more children under the age of 17 years for group care without the transfer of custody.

Day Care Home - An occupied residence, licensed by the State of Tennessee in which a person provides day care for children other than his/her own family. Such care in a family day care home is limited to that care given between five (5) and 12 children, including children living in the home.

Decibel A-weighted (DBA) - A unit for describing the amplitude of sound as measured on a sound level meter using the A-weighting network.

Density -

The number of dwelling units per acre of land.

Developer - A person or entity engaged in the practice of preparing and/or improving land for alternate uses.

Development - The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, renovation, conversion, structural alteration, relocation or enlargement of any buildings or structures; any use or change in use of any buildings, structures or land; any extension of any use of land; or any clearing, grading or other movement of land, for which permission may be required pursuant to this ordinance. This term shall also relate to the consolidation of tracts.

Diameter Breast Height (DBH) - The diameter in inches of a tree measured at four and one-half (4.5) feet above the existing grade.

Distributive Business/Wholesale - The sale and transport, from the premises, of goods to other firms for resale.

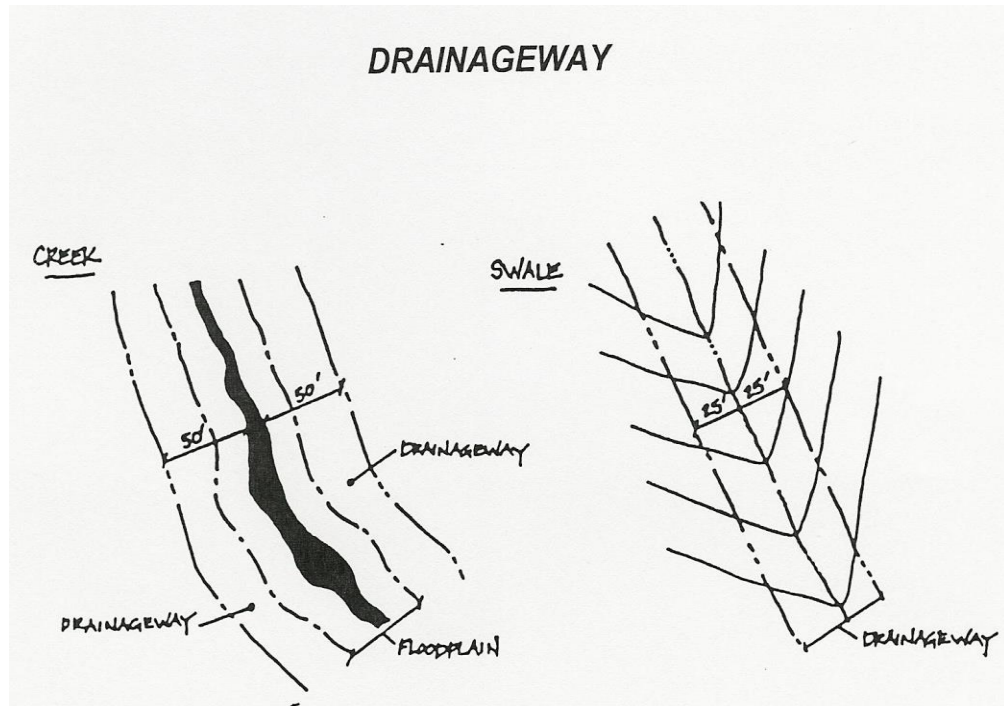
Drainage - The removal of surface water or groundwater from land by drains, grading or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway - Minor watercourses which are defined either by soil type or by the presence of intermittent or perennial streams or topography which indicates a swale where surface sheet flows join. The following areas are drainageways:

- A. The land, except where areas are designated as floodplain, on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream

shown on the U.S. Geological Service's (USGS) 7.5-minute quadrangle sheets covering Nolensville.

- B. The land, except where areas are designated as floodplain, on either side of and within twenty-five (25) feet of the centerline of any swale identified by topography having a minimum of five (5) acres of upstream area.



Duplex - Two (2) dwelling units contained within a single structure.

Dwelling Unit - A single residential unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. Every three rooming units or fraction thereof, in a facility for housing the elderly that has a common kitchen and communal areas shall be counted as one dwelling unit.

Easement - Authorization by a property owner for another party to use or otherwise control one or more property rights for a specified purpose any designated part of his property.

Educational Facility – A place of instruction under the jurisdiction of a government authority and a place of instruction (excepting a commercially operated trade or vocation school) offering courses equivalent to those customarily offered in a place of instruction under the jurisdiction of a governmental authority, and includes a day nursery and residence buildings for staff and students, provided that such buildings are on the same lot as the place of instruction.

Emergency Medical Service - Any institution, building or other premises established for the provisions of emergency medical services to persons afflicted with or suffering from sickness, disease or injury without the provision of overnight or long term stays.

Emergency Services - Services for the community that include the Police Department, Fire Department, and Ambulance and associated services used to address threatening issues with life and property.

Entertainment (Complex) - A structure or facility for the presentation of the performing arts, including indoor motion picture theaters, theaters for live performances and indoor and outdoor concert halls.

Entertainment Facility - A building, structure or lot used or intended to be used for the purpose of night clubs, cabarets, cinemas, theaters and the like.

Environmentally Sensitive Lands - Lands that contain 15 percent slopes or greater, FEMA designated floodplains and floodways, sinkholes hilltops and ridgetops as defined within Article 6.

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.

Evergreen Plant - Trees or shrubs having green foliage throughout the year.

Family – This term is used to define a single housekeeping unit. One or more persons occupying a premises and living as a single housekeeping unit.

Fast Food Restaurant with Drive Through - A building where prepared food for sale or sold to the public for consumption on or off premises but not to include a full-service restaurant where meals are served to customers at tables on the premises.

Fill - The depositing on land, whether submerged or not, of sand, gravel, earth or other materials of any composition.

Financial Institution - The premises of a bank, trust company, finance company, mortgage company or investment company.

Flag Lot - An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the public road for purposes of ingress and egress.



Floodway Fringe - The area of the floodplain lying outside of the floodway but still lying within the 100-year floodplain.

Floodplain - Those areas along streams or swales inundated by a 100-year flood, comprised of the floodway and flood fringe areas, as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM), or defined by a more current floodplain survey or study.

Floodproofing - Structural additions, changes, or adjustments to structures subject to flooding which reduce or eliminate flood damages to a structure and/or its contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas required to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area - The total of the gross horizontal areas of all floors, including habitable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings.

Floor Area Ratio (FAR) - The total floor area of all structures on a lot divided by the total horizontal area of the lot. FAR is used as a measure of development density, primarily for non-residential development.

Food Service Stands - A stand, vehicle, trailer, or other device of temporary, portable nature, usually without permanent water/sewer services, not enclosed in a building structure that sells food and related items, not including mobile delivery food services that are parked for a few minutes to complete the sale and delivery of food.

Footcandle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Fraternal Organization - A group of people formally organized for a common interest, usually cultural, religious or entertainment with regular meetings, rituals and formal written membership requirements.

Funeral Home - A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

Gasoline Sales and or Services - A premises where motor vehicle fuels or lubricants are kept for retail sale, and where only minor or emergency repairs essential to the actual operation of motor vehicles may be performed, and where grease, anti-freeze, tires, spark-plugs and other automobile supplies may also be sold incidentally, and where motor vehicles may also be oiled or greased, but where no other activities or a public garage are carried out.

General Retail - The selling of goods, wares, merchandise, substances, articles or things at retail to the general public but not including auto or vehicular sales, rental shops, and rental vehicle/equipment businesses.

Government/Civic Use - The use of a building or property for any level of governmental use.

Grading - Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing or stockpiling, or where any ground cover, landscaping or trees, natural or manmade, is removed, or any buildings or other structures are removed or any watercourse or body of water, either natural or manmade, is relocated on any site, thereby creating an unprotected area.

Grading Permit - A permit required and issued by the Mayor or his designee when a property owner desires to undertake any activities as defined by “grading.”

Green Space – The portion of a lot or site set aside from structures, parking, drives, or other paved areas that is devoted and maintained to the growing of landscape materials. A detention pond or other stormwater facilities may be used towards this requirement, but these facilities may only be used up to 25% of total green space requirements.

Greenway - A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.

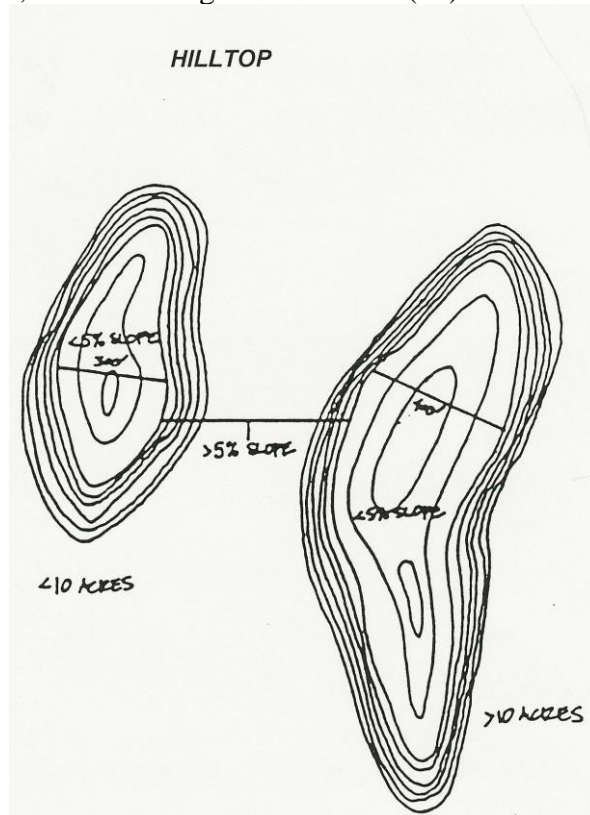
Group Home (more than eight individuals) - A group of more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as house parents or guardians, living together as a single housekeeping unit, in accordance with T.C.A. Section 13-24-102.

Habitable - Any floor of a residential or non-residential building, usable for the purposes of living, working, sleeping, eating, cooking or recreation, or any combination thereof.

Heavy Equipment Sales and Service - The retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with incidental service or maintenance such as, but not limited to, construction equipment rental yards, farm equipment and moving trailer rental. Heavy equipment sales and service does not include the selling and servicing of conventional cars and trucks.

Hilltop - The top of a hill over 700 feet in elevation, as shown on the U.S.G.S. 7.5-minute quadrangle maps, where the average slope is less than five (5) percent and where:

- A. The area is less than ten (10) acres; or
- B. The maximum width of the hilltop area which is less than five (5) percent slope is 400 feet or less, with an area greater than ten (10) acres.



Historic Home Special Event – The use of a Historic Home or property for certain limited duration, generally temporary events, as defined by Article 2.3.18.

Historically Significant Site or Structure - A site or structure that meets one of the following criteria:

- A. The site or structure is individually listed or is eligible for listing in the National Register of Historic Places as determined by the Historic Zoning Commission of Nolensville or by the Tennessee Historical Commission; or
- B. The site or structure is within a district listed or eligible for listing in the National Register of Historic Places or is within an Historic District Overlay zone, said site or structure having been determined to contribute to the architectural and/or historic character of the district by the Historic Zoning Commission of Nolensville or the Tennessee Historical Commission; or
- C. The site or structure is within a Historic District Overlay zone, or within a district that meets the criteria for designation as a Historic District Overlay, said structure having been determined to contribute to the architectural and/or historic character of the district by the Historic Zoning Commission of Nolensville.

Home Occupation - An occupation, service, profession or enterprise employing no more than one employee other than the resident of the home, and located entirely within a residential building, secondary to the use of the building for dwelling purposes, and does not change the essential residential character or appearance of such building.

Hotel - A building or group of buildings containing individual rooms or suites, each having a private bathroom, for the purpose of providing overnight lodging facilities to the general public, for periods not to exceed thirty (30) days, for compensation with or without meals, and which has common facilities for reservations and cleaning services and on-site management.

Household - A person or group of persons occupying an individual dwelling unit.

Impervious Surface Ratio (ISR) - A ratio derived by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot. Impervious surfaces include, but are not limited to; roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

Incidental - A secondary land use, on the same lot or tract that is customarily associated with the primary use of the land as regulated by law.

Industry, Heavy - A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in the storage of or manufacturing process.

Industry, Light - A use engaged in the manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication assembly treatment, packaging, incidental storage, sales and distribution of such products, but excluding industrial processing

Kennel - Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs, and cats are boarded, trained or bred.

Land Use Plan/Policy - A basic element of the Town's Comprehensive Plan. It designates the future use or reuse of the land within a given jurisdiction's planning areas, and the policies and reasoning used at arriving at the decisions in the plan. The land use plan/policy serves as a guide to official decisions regarding the distribution and intensity of private development, as well as public decisions on the location of future public facilities and open spaces. It is also a basic guide to zoning and subdivision controls, urban renewal and capital improvement programs.

Liquor Store- The retail sale of alcoholic spirituous beverages as defined in T.C.A. Section 57-3-101, to patrons or customers, in sealed packages, and not for consumption on the premises. This includes Retail Package Liquor Stores as a permitted use.

Loading Area - An area that is for the purpose of loading and unloading vehicles.

Locally-Grown - Any produce that is grown within a five (5) mile radius of the Town of Nolensville limits.

Lot - A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

Lot Frontage - That part of the lot that abuts on a street or right-of-way.

Lot Line - A boundary of a lot. Lot line terms used are:

- A. **Front Lot Line** The lot line from which a front setback is designated or required.
- B. **Rear Lot Line** The lot line from which a rear setback is designated or required.
- C. **Side Lot Line** The lot line from which a side setback is designated or required.

Lot, Nonconforming - A lot legally existing at the effective date of this chapter, or any subsequent amendment thereafter, which is not in conformity with all provisions of this chapter.

Lot Width - The horizontal distance between side lot lines measured at the minimum required front yard setback.

Lot of Record - Any validly recorded lot, in existence before the date of incorporation of the Town, which at the time of its recordation complied with all applicable laws, ordinances and regulations.

Luminary - A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Maintenance Bond - A security required of applicants, developers, builders, contractors or subcontractors, as appropriate, to cover any damage to required improvements resulting from construction activities and to maintain facilities pending final acceptance by the Town of Nolensville.

Major Thoroughfare Plan - A transportation plan, entitled the Nolensville Major Thoroughfare Plan, adopted by the Town pursuant to T.C.A. Sections 13-3-402 and 13-4-302, showing, among other things, the general location, character and extent of arterial and collector streets.

Manufactured Housing - Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act, which is transportable and is built on a permanent chassis.

Manufacturing, Heavy - The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic materials, or explosive materials needed for the manufacturing process. These activities include outdoor operations as part of their manufacturing process.

Manufacturing, Light - The manufacturing, predominately from previous prepared material, including processing, fabrication, assembly, treatment and packaging of such products and incidental storage, sales and distribution of such products, but excluding basis industrial processing and custom manufacturing.

Medical Office - A building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation.

Mobile Home - A transportable, factory-manufactured dwelling designed for and occupied by not more than one (1) family constructed as a single self-contained unit and mounted on a single chassis. All mobile homes shall meet minimum standards of HUD specifications and shall be mounted on a permanent foundation.

Modular Home - A factory-manufactured dwelling designed for and occupied by not more than one (1) family certified as meeting the specifications of Southern Building Code Congress International, Inc., (SBCCI) and/or the Tennessee Modular Building Code, and mounted on a permanent foundation.

Motel - A building or group of buildings containing individual rooms or suites, each having a private bathroom, for the purpose of providing overnight lodging facilities to the general public, for periods not to exceed thirty (30) days, for compensation with or

without meals, and which has common facilities for reservations and cleaning services and on-site management.

Motor Vehicle Repair - A facility, which is used for painting, body and fender work, engine overhauling or other major repair of motor vehicles.

Multi-Family Housing - Two (2) or more one-family dwelling units that are attached.

Native Vegetation - Any indigenous tree, plant or shrub adapted to soil and climate conditions occurring on-site.

Nonconforming Structure - A structure that was originally legally constructed, but which now does not meet one or more of the standards or requirements (other than use) of the zoning district in which it is located.

Nonconforming Use - A use originally legally established, but which now does not currently conform to the applicable use regulations of the zoning district in which it is located.

Nursery, Landscaping - The retail handling of any commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, soils, or other nursery goods and related quantities to consumers.

Open Space - The portion of a site consisting of reserved agricultural, forested or grassland common areas, not including required buffer yards. Open space should clearly be an integral part of the development and remain undeveloped in perpetuity.

Nursery, Retail, Wholesale - Land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

Overlay Zone - A mapped geographic area applied to the Official Zoning Map that provides a means of addressing specific aspects of land use control or development design that transcend conventional zoning district provisions.

Parcel - The area within the boundary lines of a plat.

Park - An area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation designed to serve the residents or a neighborhood, community, region and/or State.

Patio Homes – a form of single-family attached housing, one story, usually L-shaped. Side and rear yards are often consolidated into one garden area, which is often enclosed by walls or fencing.

Performance Bond - An agreement and security to assure satisfactory construction, installation and dedication of all required improvements, including all required landscaping and necessary off-site improvements.

Personal Services - A service which administers to the individual and personal needs of persons and includes barber shops, beauty parlors, laundromats, shoe repair shops and depots for collecting dry cleaning and laundry, haberdashery and similar uses.

Planned Unit Development (PUD) – A land tract in which a multiplicity of land uses may be permitted, designed to facilitate the flexible techniques of land development and site design by providing relief from zone requirements for convention developments. It requires approval of a master, or concept plan, and usually promotes common objectives similar to cluster developments. Rezoning is required since the PUD is an overlay district placed over an existing base zone.

Porch - A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

Principal Building - A building that contains the principal use located on a lot.

Principal Use/Primary Use - A use that fulfills a primary function of an establishment, institution, household or other entity. This ordinance may use principal and primary interchangeably.

Professional Office - A building or structure designed, intended or used for the practice of a profession but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly.

Recreation Center - Recreational facilities such as community centers, playgrounds, parks, swimming pools and playing fields that are available to the membership of a club or the general public.

Recreation, Commercial, Indoor - A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, photographic studio, pool or billiard hall, skating rink, swimming pool, or tennis court. Also, see the definition for “Entertainment Complex” above.

Recreation, Commercial, Outdoor - A commercial recreation land use conducted outside, including paintball, motocross, confidence course, golf course, amphitheater, etc.

Recreational and Athletic Facilities - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreational Equipment - A vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled.

Religious Institution/Place of Worship - A building, together with associated accessory buildings, where persons regularly assemble for religious purposes and related events. .

Renovation - As applied to a building, structure, or sign, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs that would affect safety. The term “renovate” in its various modes and tenses and its practical forms, refers to the renovation or “alteration” of any building, structure, or sign.

Rental Vehicle Business - A building and/or lot where cars, trucks, or other motor propelled vehicles are rented to the general public for leisure, moving, or other general purposes.

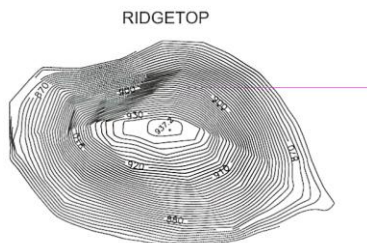
Restaurant – An establishment where food and/or drink is prepared on premises and served to the public for consumption on premises or for carryout.

Restaurant, Drive Through – An establishment where ready-to- consume food, prepared on premises, for sale or sold to the public for consumption on or off premises and has a drive-in or drive-through, but not to include a full-service restaurant where meals are served to customers at tables on the premises.

Resubdivision - Any subdivision or re-division of a parcel of land as defined under Tennessee Code Annotated.

Retirement Center/Senior Housing - Planned residential attached or multi-family housing for individuals in need of assisted living facilities due to age (55 years or older) or infirmity. Retirement centers may include, but are not limited to, community open space or recreational areas, a community or recreation center, a therapeutic center, and a congregate eating facility. Congregate independent or assisted living facilities are considered by this ordinance as retirement centers.

Ridgetop - The top of a ridge over 700 feet in elevation, as shown on the U.S. Geological Service’s (USGS) 7.5-minute quadrangle sheets covering Nolensville, where the average slope is less than five (5) percent within an area of ten (10) acres or more and where the minimum width is 400 feet.



Right-of-Way - A strip of land occupied or intended to be occupied by public facilities such as a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer line or for another special use. Rights-of-way are publicly owned areas of land not to be confused or interpreted as easements.

Road - A publicly maintained right-of-way, other than an alley, that affords a means of vehicular access to abutting property. Roadways shall be classified according to the Town's Major Thoroughfare Plan.

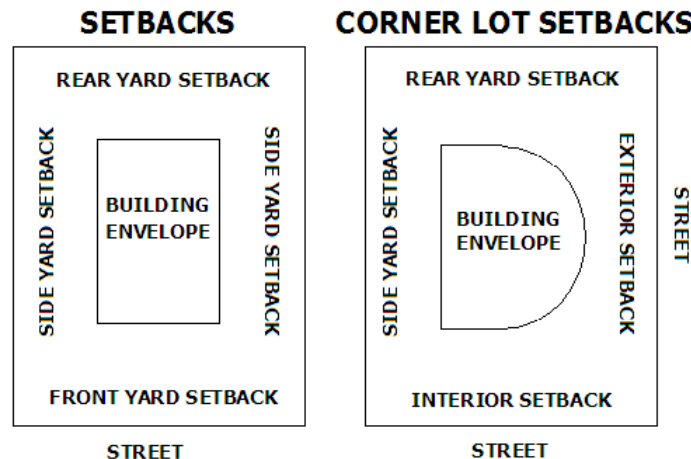
Screening - An opaque barrier which visually conceals specific areas. Examples of screening methods include trees, bushes, walls and fences.

Sedimentation - The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.

Self Storage Facility - A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Setback - The distance a structure must be built from a lot line or road right-of-way in accordance with this zoning ordinance. Required setbacks are also referred to as yards. The following setback types are referenced:

- A. **front setback (a.k.a. street setback)** - A setback extending along the full length of the lot line abutting a street.
- B. **rear setback** - A setback extending for the full length of a lot line not abutting a street, on the opposite end of a lot from a front setback.
- C. **side setback** - A setback extending along a lot line from the front setback to the rear setback.



Shrub - A woody plant with a multiple stem capable of growing to a height of no more than fifteen (15) feet.

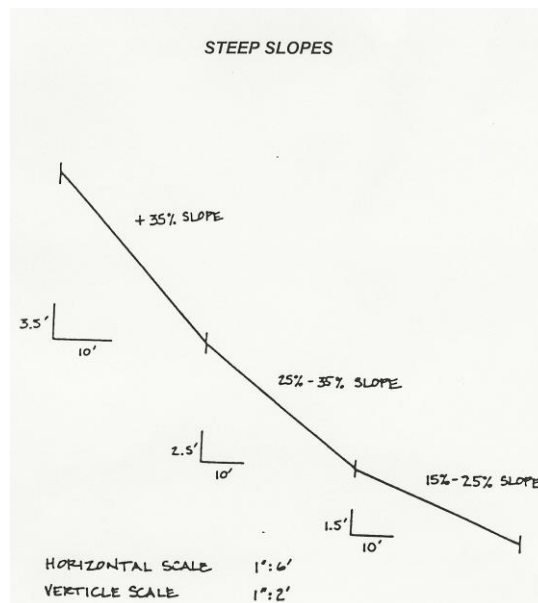
Sign - Any device or representation for visual communication that is used for the purpose of attracting the attention of the general public or individuals. The term shall apply to any lettering, pictorial representation, emblem, flag, form or structure which is:

- A. A structure or any part thereof, or is attached to, painted on or in any other manner represented on a building or other structure; and
- B. Used to identify, advertise, announce, direct or attract attention for commercial purposes.

Single-Family - One (1) residential dwelling unit per structure. This term shall include Single Family Homes as a permitted use.

Site Plan - A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points and landscaped areas along with certain information as required in Appendix C.

Slope - A contiguous area of one-half (0.5) acre or more in which the grounds' elevation changes by a minimum of ten (10) vertical feet and having a change of grade in excess of fifteen (15) percent over the entire area.



Specified Anatomical Areas:

- (1) Less than completely and opaquely covered:
 - a. Human genitals
 - b. Pubic region
 - c. Buttocks; and
 - d. Female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely covered or opaquely covered.

Specified Sexual Activities – Means:

- (1) Human genitals in a state of sexual arousal;
- (2) Acts of human masturbation, oral copulation, sexual intercourse or sodomy; or
- (3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Stables/Animal Boarding Facilities - A building or part of a building in which horses or other animals are boarded or kept for commercial purposes.

Start of Construction - The date the building permit is issued provided the actual start of activity was within 180 days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a modular home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include installation of roads and/or sidewalks; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story - A portion of a building between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between such floor and the ceiling above it. A basement or cellar shall not be deemed a story if the finished floor level directly above is not more than six (6) feet above the average elevation of the adjacent finished grade.

Street - A publicly maintained right-of-way, other than an alley, that affords a means of vehicular access to abutting property.

Structure - Anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, decks, walls or any sign, but does not include fences that do not exceed six feet in height, or open air surfaced areas.

Subdivision - Any subdivision or re-division of a parcel of land as defined under Tennessee Code Annotated.

Supermarket - A building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

Temporary Festival - The provision of rides, games, food and amusements outside of permanent structures. A permit shall be required and the use shall have duration of no more than ten (10) days in any one month.

Townhouse – A building containing two (2) dwelling units but no more than six (6) dwelling units attached at the side or sides. At points of attachment, such dwelling units shall be separated by firewalls extending from the ground to the roof without openings. The term townhouse is intended to apply to attached dwellings, patio homes, or atrium homes, or any form however termed that confirms to this definition.

Town Attorney - A person licensed to practice in the State of Tennessee and employed by the Town.

Town Engineer - A registered professional engineer licensed to practice in the State of Tennessee and employed by the Town to review and make recommendations regarding site plans, subdivision plans, final plats land disturbance plans, drainage plans, street plans, etc. Design work may also be involved.

Town Planner - An official designated by the town to deal with matters regarding, but not limited to: comprehensive planning, economic development, zoning issues, land uses, and subdivision of land

Tree - A woody plant with a single trunk, or multiple trunks capable of growing to a height of fifteen (15) feet or more. The following tree types are referenced:

- A. **Canopy Tree** Any self-supporting woody plant of a species that normally achieves an overall height at maturity of thirty (30) feet or more;
- B. **Prohibited Tree** Any tree which, by the nature of its fruit, root system, brittleness of wood, or susceptibility to disease, is not allowed as a replacement tree;
- C. **Protected Tree** An existing tree, exclusive of any Prohibited Tree, eight (8) inches Diameter Breast Height (DBH) or greater;
- D. **Replacement Tree** Those trees required to be planted based on the difference between the required Tree Density Factor and the actual Tree Density Factor following all approved tree removal;
- E. **Shade Tree** *See canopy tree*; and
- F. **Understory Tree** Any self-supporting woody plant of a species that normally achieves an overall maturity of fifteen (15) to thirty (30) feet and that can grow beneath larger canopy trees.

Tree Density Factor - A number based on the basal area derived from the combination of the density of trees remaining on the site and the density of additional trees to be planted.

Triplex - Three (3) dwelling units contained within a single structure

Tower, Communications or Other - Towers and accessory buildings for transmitting and receiving radio, television, telephone, satellite and other broadcast signals, including radar surveillance.

Upholstery/Furniture Repair - A premises used in the refinishing and repair of furniture.

Use - A function or operation that constitutes an activity occurring on the land.

Utility Facility - Any above-ground structures or facilities used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electronic signals.

Variance - Permission granted by the Board of Zoning Appeals to depart from the strict applications of the provisions contained in this ordinance according to the provision of Article 8.2.0.

Vehicular Sales - The retail or wholesale sale or rental of automobiles, motorcycles or recreational equipment, along with incidental service or maintenance.

Veterinary Office - A building or part of a building used in the medical care of animals.

Warehousing and Wholesaling - A building or part thereof, which is used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, wares, merchandise, food stuff substances, articles and the like but does not include a fuel storage tank.

Yard - The distance a structure must be built from a lot line or road right-of-way in accordance with this zoning ordinance. See setbacks.

ARTICLE 2 - ZONING DISTRICTS

Purpose and Intent Zoning Districts are necessary to achieve compatible development and land uses at appropriate densities and locations within the Town of Nolensville. The districts, as established below, provide the ability to implement the land use policies contained in the Town of Nolensville Comprehensive Plan.

2.1.0 ZONING DISTRICTS ESTABLISHED

There shall be eight (8) base zoning districts in Nolensville and four (4) overlay zoning districts (a historic district overlay, a planned unit development overlay, a commercial corridor overlay and an annexation buffer overlay). The four (4) overlay districts address specific aspects of land use control and development design that transcend conventional zoning districts. The overlay districts shall represent mapped geographic areas and shall be applied to the Official Zoning Map. The following zoning districts are hereby established:

Base Districts

Estate Residential (ER)

Suburban Residential (SR)

Suburban Residential 1 (SR1)

Village (V)

Commercial Services (CS)

Commercial Regional District (CR)

Office/Industrial (OI)

Public Institutional (PI)

Overlay Districts

Historic District Overlay (HD)

Planned Unit Development Overlay (PUD)

Commercial Corridor Overlay District (CCO)

Annexation Buffer Overlay District (ABO)

2.1.1 DISTRICTS STANDARDS ESTABLISHED

The following standards shall apply to all zoning districts within the Town:

- A. Road Setbacks** Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning

district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

- B. Alley/Private Road Setbacks** Alley and private road setbacks shall be measured from edge of pavement.
- C. Irregular Shaped Lots** Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.
- D. Corner Lots** Corner lots shall be considered to have one (1) front yard, two (2) side yards (one [1] exterior and one [1] interior) and one (1) rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.
- E. Permitted Incidental Structures Within Setbacks** The following items that are incidental and subordinate to the principal building may be located within required setbacks as described below:
1. Arbors and trellises; awnings, patio covers, or canopies projecting not more than six (6) feet from the principal building wall over a required rear setback, and having no supports other than provided by the wall or its integral parts; chimneys projecting not more than three (3) feet into the required rear or side setback; flagpoles having only one structural ground member; fountains; heating, ventilation and air conditioning units (including compressors and condensers) for single-family or two-family or dwellings in rear or side setbacks, provided exhaust air is directed vertically or otherwise away from the adjacent property line; mailboxes;
 2. Open terraces, including natural plant landscaping; open patios; open, uncovered stoops, including handicap ramps; for single family or duplex uses, parking spaces for the handicapped; recreational equipment in the rear setback in residential districts;
 3. Steps to the principal entrance and necessary landings, together with a railing no more than three (3) feet high, and extending no more than six (6) feet into the setback; not allowed to encroach side setbacks.
 4. Trees, shrubs, flowers, hedges or other features of natural growth;
 5. Screening Walls or Fences:
 - a) that are located in the rear setback and do not exceed six (6) feet in height, or
 - b) open fences of metal or wood rail type may be located in the front yard setback in the ER District if the front entrance is not gated. Gated entrances must provide proof of emergency access systems.
 6. An uncovered deck that is located at least ten (10) feet from the rear property line, does not encroach on required side setbacks or public utility or drainage easements, and has a maximum deck elevation no greater than the average finished first floor elevation of the principal building as established by the front entrance; In P.U.D.'s with lots under eleven thousand (11,000) square feet, an uncovered deck must be

located no closer than five (5) feet from the rear property line that abuts on a dedicated open space area and meets all other requirements above.

7. Satellite dishes not exceeding the dish size in diameter that can be regulated by local governments as established by FCC regulations; and, yard and service lighting fixtures and poles;
8. Accessory buildings that meet specific requirements of each zoning district.

F. Accessory Buildings

1. Except where prohibited, accessory buildings which are customarily incidental to the other uses permitted in this district may be placed or constructed on any parcel within a zoning district, provided that all requirements for accessory buildings as set forth in this section are met and that approval is obtained from the Town as follows:

- a. The Town Planner or designee is authorized to approve one accessory building for each lot.
- b. The following shall apply to specific base zoning district:

Estate Residential

Lot Size

Building Size

Up to Three Acres

1200 Square Feet

Up to Five Acres

1500 Square Feet

Five Acres or More

2000 Square Feet

No Accessory Building in an ER Zone shall exceed 2000 Square Feet

Suburban Residential/ Suburban Residential 1

Lot Size

Building Size

Up to Three Acres

750 Square Feet

Three Acres or more

1200 Square Feet

No Accessory Building in an SR/SR1 Zone shall exceed 1200 Square Feet

Village

Lot Size

Building Size

Up to Three Acres

750 Square Feet

Three Acres or more

1000 Square Feet

No Accessory Building in a V Zone shall exceed 1000 Square Feet

2. Accessory dwelling or apartment, permitted as a conditional use in Section 2.3.1, shall be no larger than seven hundred fifty (750) square feet.
3. Only one (1) accessory building shall be allowed on each parcel, except where the size of the parcel is three or more acres in size. On parcels of three or more acres in size, additional accessory buildings may be allowed if the other requirements of

this section are met and such additional accessory buildings are essential to the general farming activities conducted on the property.

4. No accessory building shall exceed seven hundred fifty (750) square feet of floor space, except on parcels of three or more acres in size.
 5. Except for accessory buildings that are essential to the general farming activities conducted on the property, the Town may establish reasonable requirements for the installation and maintenance of landscaping improvements as a condition of approval of an accessory building in order to protect the existing character of the surrounding neighborhood. An owner of property who fails to install and maintain such landscaping improvements as may be required as a condition of approval of an accessory building shall be in violation of this district.
 6. Each accessory building on parcels of less than five acres in size shall be located within the rear yard. Each accessory building on parcels of five (5) or more acres in size shall be located within the rear or side yard. Each accessory building shall be placed at least ten (10) feet away from any adjoining property line and at least ten feet away from any other building on the property. No accessory building shall be erected in any required front yard.
 7. Any accessory building on corner lots shall conform to the applicable setback for both intersecting streets.
 8. Except for accessory buildings that are essential to the general farming activities conducted on the property, no accessory building shall exceed one (1) story with a maximum height of twenty (20) feet.
 9. Except on parcels of five (5) or more acres in size, no accessory building shall be designed and/or used for living quarters or sleeping quarters.
 10. Detached storm shelters shall be subject to the provisions of this section and the following additional conditions:
 - a. Excluding required ventilation and access doors on the surface, storm shelters shall be located entirely underground and within the buildable area in the rear yard. Any such shelter shall be completely below the natural grade of the affected site, and no mounding or other alteration of the natural grade shall be permitted in accommodating the storm shelter.
 - b. The gross floor area of a storm shelter shall not exceed two hundred (200) square feet.
 - c. A storm shelter and the gross floor area within it shall not be counted toward the maximum number and size limitations placed on other types of permitted accessory structures.
 - d. The construction shall comply with all applicable building and safety code provisions, including normal building permit and inspection requirements.
- H. Any person who initiates construction or installation of an accessory building without necessary approvals and permits shall be subject to all penalties set forth in the applicable building codes in addition to any penalties, which may be imposed for violation of this district. The Town Planner or designee may also require the accessory building to be relocated or removed if determined to be in violation of the requirements of this section.

2.2.0 ZONING DISTRICTS DESCRIBED

- 2.2.1 **Estate Residential (ER)** The intent of this district is to permit development that would protect the town's rural character. The minimum lot size is one-and-a-half (1.5) acres. Primary uses include agriculture, detached single-family homes, and open space.

<u>AREA & LOT REGULATIONS -- ESTATE RESIDENTIAL (ER)</u>	
Maximum gross density per acre	0.60
Min. Lot Area (in square feet)	65,340
Max. Lot Area (in square feet)	n/a
Min. Lot Width at Building Area (in feet)	150'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	100'
Fronting Major Collector	100'
Fronting Minor Collector	60'
Fronting Local Road	50'
Min. Side Yard Setback (in feet-interior)	35'
Min. Side Yard Setback (in feet-exterior)	50'
Min. Rear Yard Setback (in feet)	50'
Max. First Floor Area	N/A
Max. Impervious Surface Ratio (ISR)	0.40*
Max. Building Height (in stories)	3**
Minimum Green Space Required	60%
Maximum Block Length for Subdivisions	1000'

* Only applies to non-residential uses in these residential zones. Accessory residential buildings shall not exceed 750 square feet.

** A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings.

All residential dwelling units are required to have two off street parking spaces.

Permitted Uses:

- Agriculture
- Accessory Home Day Care
- Kennels
- Park
- Nursery
- Stables/Animal Board Facilities
- Single Family Homes

Permitted with Conditions:

- Accessory dwelling/Apartment
- Bed and Breakfast facility
- Cemetery
- Community Center
- Charitable, fraternal or social organization
- Day care home
- Day care center
- Educational facility
- Emergency services ordinations
- Funeral home
- Group home 9 or more residents
- Home occupation
- Historic Home Special Events
- Mobile home dwelling
- Religious institution
- Recreational and athletic facilities
- Utility facility
- Veterinary office

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited.

2.2.2 Suburban Residential (SR) The intent of this district is to permit the development of medium-density suburban housing. The minimum lot size is twenty-thousand (20,000) square feet. The primary use is single-family detached homes.

AREA & LOT REGULATIONS – SUBURBAN RESIDENTIAL (SR)	
Maximum gross density per acre	1.8
Min. Lot Area (in square feet)	20,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	90'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	75'
Fronting Major Collector	60'
Fronting Minor Collector	50'
Fronting Local Road	40'
Min. Side Yard Setback (in feet-interior)	15'
Min. Side Yard Setback (in feet-exterior)	20'
Min. Rear Yard Setback (in feet)	20'
Max. first floor area	N/A
Max. Impervious Surface Ratio (ISR)	0.50*
Max. Building Height (in stories)	3**
Minimum Green Space Required	10%
Maximum block length for subdivisions	800'

* Only applies to non-residential uses in these residential zones. Accessory residential buildings shall not exceed 750 square feet.

** A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings.

All residential dwelling units are required to have two off street parking spaces.

Minimum amount of side or rear entry garages shall be 70%.

Front entry garage facings shall be setback a minimum of 3' from the front building façade.

Lots on the preliminary and final plats shall be designated as to garage entry types.

Permitted Uses:

- Accessory Home Day Care
- Agriculture
- Park
- Single Family homes

Permitted with Conditions:

- Accessory Dwelling/Apartment
- Community Center
- Day Care Home

- Day Care Centers as part of an approved PUD plan
- Day Care Centers as part of a religious institution use
- Retail and office uses as part of an approved PUD/PCD plan
- Educational Facility
- Home Occupations
- Religious Institution
- Utility Facility

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited.

Open Space Requirement The open space requirement shall apply to all developments in the Suburban Residential (SR) zoning district consisting of twenty (20) or more single-family home lots. If a development is platted or developed in phases, the requirement shall be based on the cumulative number of lots developed. Contiguous subdivisions of nineteen (19) lots or less by the same applicant to circumvent this requirement shall not be allowed.

A. General Requirements

1. A minimum of ten percent (10%) of each site developed as single-family homes shall be reserved as permanent open space.
2. The required open space shall remain undeveloped and is for the shared use and enjoyment of the owners and development occupants and/or the general public. The Planning Commission may waive the requirement that open space be undeveloped only when recreational facilities are allowed or required. The parcel or parcels of open space shall be part of the development site and shall be included on all subdivision and site plans submitted to the Planning Commission. The developer shall dedicate perpetual easements for all portions of the open space.
3. None of the credited open space may consist of, wetlands, or slopes exceeding twenty-five percent (25%). No more than fifty percent (50%) of the credited open space may consist of one-hundred (100) year floodplains. If the subdivision is developed in phases or sections, all dedicated open space must be identified during the initial phase or section.

All facilities and improvements proposed for construction or installation by the developer in designated open spaces shall be fully bonded prior to the recording of the first platted section of the subdivision to ensure completion in accordance with the approved site plan and within the overall timetable for such improvements. For phased developments, a graduated performance bond is acceptable. When no facilities or improvements are proposed as part of the open space, a maintenance bond will suffice.

- B. **Open Space Design Requirements** It is the intent of this article to promote usable open space design either as a visual amenity to the community or as a functional, accessible, permanent open space. The following provisions shall be met by all open space required by this article:
1. The designated open space shall have access to a public right-of-way via a walkway.
 2. To the maximum extent possible, the open space shall be bound by public roads and occur in standard geometric shapes (squares, rectangles, circles, ovals) in an effort to replicate traditional town greens, which serve as a focal point for adjacent lots.
 3. To the maximum extent possible, the open space shall not be bound by abutting rear and side yards of residential lots.
 4. Landscaped medians within roadways may be counted toward this requirement, but shall not account for more than twenty-five percent (25%) of the required open space. However, landscaped cul-de-sac islands, which are a requirement of the Subdivision Regulations, shall not be credited toward this open space requirement.
 5. If the dedicated open space is wooded, it may remain in its natural state. The development of nature trails is encouraged for wooded open spaces. The design of the required open space must meet Planning Commission approval to assure that the space counts toward satisfying these requirements.
- C. **Open Space Maintenance** The designated open space shall be deeded by the developer to a homeowner's association or other organization approved by the Planning Commission. When this land is deeded to the association, the developer shall also submit to the Town the legal framework for the homeowner's association, with articles of incorporation and by-laws. The following provisions shall apply:
1. The homeowner's association shall be responsible for liability insurance, any applicable local taxes, and maintenance for the open space, including recreational and other facilities, for a period of not less than forty (40) years.
 2. The homeowner's association shall not dispose of any designated open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space and approved by the Planning Commission. The conditions of any transfer shall conform to the officially recorded development plan.
 3. The homeowner's association shall not be dissolved, except upon disposal of the designated open space as provided for in this article.

- 2.2.3 **Suburban Residential (SR1)** The intent of this district is to permit the development of low density detached housing. The minimum lot size is twenty five thousand (25,000) square feet.

AREA & LOT REGULATIONS – SUBURBAN RESIDENTIAL (SR1)	
Maximum gross density per acre	1.4
Min. Lot Area (in square feet)	25,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	100'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	75'
Fronting Collector	60'
Fronting Local Road	40'
Min. Side Yard Setback (in feet-interior)	20'
Min. Side Yard Setback (in feet-exterior)	25'
Min. Rear Yard Setback (in feet)	30'
Max. first floor area	N/A
Max. Impervious Surface Ratio (ISR)	0.35*
Max. Building Height (in stories)	3**
Minimum Green Space Required	15%
Maximum block length for subdivisions	800'

* Only applies to non-residential buildings in these residential zones. Accessory residential buildings shall not exceed 750 square feet.

** A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings.

All residential dwelling units are required to have two off street parking spaces.

Minimum amount of side or rear entry garages shall be 90%.

Front entry garage facings shall be setback a minimum of 3' from the front building façade.

Lots on the preliminary and final plats shall be designated as to garage entry types.

Permitted Uses:

- Single Family homes
- Accessory Home Day Care
- Park
- Agriculture

Permitted with Conditions:

- Accessory Dwelling/Apartment
- Religious Institution
- Educational Facility
- Community Center
- Home Occupations
- Day Care Home
- Utility Facility
- Day Care Centers as part of an approved PUD plan
- Retail and Office businesses as part of an approved PUD/PCD plan

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited.

Open Space Requirement

Open Space Standards for the SR1 district are the same as the SR district. Please see Open Space Requirements section under Article 2.2.2.

- 2.2.4 Village (V)** This district permits a variety of small-scaled uses. The purpose of this district is to protect the fragility and dynamics of this historic, human-scaled, mixed-use area, and to encourage compatible infill development to reinforce the unique characteristics of this area. Primary uses are retail, services, offices, public/institutional, housing and home occupations.

AREA & LOT REQUIREMENTS – VILLAGE (V)	
¹ Maximum gross density; Residential only	6 units per acre
Min. Lot Area (in square feet); Residential only	2,500
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	25'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road (max/min)	15/5
Fronting Major Collector (max/min)	15/5
Fronting Minor Collector (max/min)	15/5
Fronting Local Road (max/min)	10/5
Min. Side Yard Setback (in feet-interior)	3'
Min Side Yard Setback (in feet-exterior)	8'
Min. Rear Yard Setback (in feet)	10'
Max. First floor area; Non-Residential	8,000
Max. First floor area; Non-Residential in Historic District Overlay	4,000
² Max. Impervious Surface Ratio(ISR); Non-Residential, Mixed Use	0.60
² Floor Area Ratio; Non-Residential and Mixed Use	0.35
Max. Building Height (in stories)	4**
Minimum Green Space Required	N/A
Maximum Block Length	600'

1. All residential dwelling units are required to have two off-street parking spaces.

2. ISR and FAR are applied to the area of lot that is not restricted by waterway natural areas or floodway buffer zones.

** A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings.

Permitted Uses:

- Agriculture
- Boarding House
- Business service
- Charitable, fraternal or social organization
- Community Center
- Convenience store
- Day Care Centers
- Day care Home
- Educational facility

- Emergency Medical Service (EMS)
- Financial institution
- Funeral home
- General retail
- Medical office
- Park
- Personal services
- Professional office
- Religious institution
- Restaurant
- Liquor Stores (portion of Village, limited by Municipal Code Title 8)
- Single family home
- Upholstery/furniture repair

Permitted with Conditions:

- Accessory dwelling/apartment
- Attached senior housing
- Bed and Breakfast
- Cemetery
- Governmental civic organizations
- Group home 8 or more
- Historic Home Special Events
- Home occupations
- Recreation, Commercial, Indoor uses (except the following: bowling alley, pool/billiard hall, skating rink, tennis court, conference center, gymnasium)
- Utility facility
- Veterinary office

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited.

- 2.2.5 Commercial Services (CS)** The purpose of this district is to allow for various services needed by the town’s residents, such as shopping, dining, health care, financial services, and civic facilities within a clearly delineated area that avoids negative impacts to residential areas. Primary uses are retail, services, offices, and public/institutional.

AREA AND LOT REQUIREMENTS-COMMERCIAL SERVICES (CS)	
Maximum Gross density per acre	N/A
Min. Lot Area (in square feet)	25,000
Max. Lot Area (in square feet)	n/a
Min. Lot Width at Building Area (in feet)	50’
Min. Front Yard Setback (in feet)	
Fronting Arterial Road (max/min)	70’/55’
Fronting Major Collector (max/min)	65’/50’
Fronting Minor Collector (max/min)	15’/5’
Fronting Local Road	15’
Min. Side Yard Setback (in feet-interior)	5’
Min. Side Yard Set back (in feet-exterior)	15’
Min. Rear Yard Setback (in feet)	20’
Max. First Floor Area	20,000
Max. Impervious Surface Ratio (ISR)	0.80
Max. Building Height (in stories)	4
Minimum Green Space Required	20%

* A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings. Additionally, exceptions may be allowed for certain architectural features (clocks, towers, steeples, etc.).

Permitted Uses:

- ATM
- Automotive Service/repair
- Business Service
- Community Center
- Convenience store
- Day Care Centers
- Educational Facility
- Emergency Services Organization
- Entertainment facility
- Financial Institution
- Funeral Home
- Gasoline sales and or service
- General retail
- Governmental Civic organizations

- Hand Crafted Objects for sale
- Hotel/motel
- Medical Office
- Personal Service
- Professional Office
- Recreational and Athletic Facilities
- Recreation, Commercial, Indoor
- Religious Institution
- Restaurant
- Restaurant, drive through
- Retirement Center/ Senior Housing
- Liquor Stores (limited by Ordinance 13-02)
- Supermarket
- Upholstery/Furniture repair

Permitted with Conditions:

- Car Wash
- Communication or other tower
- Light industry
- Recreational and athletic facilities
- Second Floor Residential District
- Utility facility
- Veterinary office

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited.

- 2.2.6 Office/Industrial (OI)** This district provides opportunities for office, light industrial, and warehouse uses. It is intended that these types of uses be geographically concentrated so as to minimize any potential negative impacts on adjacent uses.

AREA & LOT REGULATIONS – OFFICE/INDUSTRIAL (OI)	
Maximum gross density per acre	N/A
Min. Lot Area (in square feet)	20,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	100
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	75'
Fronting Major Collector	60'
Fronting Minor Collector	60'
Fronting Local Road	50'
Min. Side Yard Setback (in feet-interior)	20'
Min. Side Yard Setback (in feet-exterior)	50'
Min. Rear Yard Setback (in feet)	20'
Max. First floor area	N/A
Max. Impervious Surface Ratio (ISR)	0.75
Max. Building Height (in stories)	3*
Minimum Green Space Requirement	25%
Maximum Block Length	N/A

* A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings. Additionally, exceptions to max. building height may be allowed for certain architectural features (clocks, towers, steeples, etc.).

Permitted Uses:

- Adult Entertainment
- ATM
- Automotive service/repair
- Building contractors supply
- Business service
- Day Care Centers
- Emergency Services Organization
- Financial institution
- Gasoline sales and or service
- General Retail
- Governmental civic organization
- Heavy equipment sales
- Landscaping/Nursery

- Light industry
- Medical Office
- Park
- Personal service
- Professional Office
- Recreation, Commercial, Indoor
- Religious Institutions
- Upholstery/furniture repair
- Warehousing and wholesaling
- Commercial Kitchens
- Food packaging

Permitted with Conditions:

- Car Wash
- Self Storage Facilities
- Veterinary Offices and Animal Boarding Facilities

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited.

- 2.2.7 Public Institutional (PI)** This district recognizes the necessity of public and institutional uses, and the fact that they can often be integrated into residential and other areas without having a detrimental impact. Primary uses are governmental offices, places of worship, cemeteries, recreation facilities, emergency services, schools, and civic buildings.

AREA & LOT REGULATIONS – PUBLIC INSTITUTIONAL (PI)	
Maximum gross density per acre	N/A
Min. Lot Area (in square feet)	15,000
Max. Lot Area (in square feet)	N/A
Min. Lot Width at Building Area (in feet)	75'
Min. Front Yard Setback (in feet)	
Fronting Arterial Road	50'
Fronting Major Collector	30'
Fronting Minor Collector	30'
Fronting Local Road	30'
Min. Side Yard Setback (in feet-interior)	20'
Min. Side Yard Setback (in feet-exterior)	30'
Min. Rear Yard Setback (in feet)	20'
Max. Floor Area Ratio (FAR)	0.30
Max. Impervious Surface Ratio (ISR)	0.75
Max. Building Height (in stories)	3*
Minimum Green Space Required	25%

* A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings. Additionally, exceptions to max. building height may be allowed for certain architectural features (clocks, towers, steeples, etc.).

Permitted Uses:

- Cemetery
- Charitable, Fraternal or Social Organization
- Community Center
- Day Care Centers
- Educational Facility
- Emergency Services
- Funeral Home
- Government/Civic Services
- Park
- Religious Institution
- Retirement Center/Nursing Home

Permitted with Conditions:

- Auction House
- Group Home (8 or more residents)
- Recreational and Athletic Facility
- Utility Facility

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited.

2.2.8 Historic District Overlay (HD) It is the purpose of the Historic District Overlay to provide for the protection and enhancement of resources which represent distinctive and significant elements of Nolensville’s history and identity and to insure the harmonious and orderly integration of new development with these historic resources. The regulations within the Historic District Overlay are provided for the purposes of protecting, preserving and enhancing the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods of the historic areas.

Design Standards Design standards based upon the Secretary of the Interiors Standards for Rehabilitation shall regulate all construction and development activity within a Historic District Overlay, and standards contained within shall take precedence over the bulk standards of the base zoning district.

This mandatory overlay district recognizes the importance of historic structures and sites to the Town of Nolensville and its citizens and shall be designated as that portion of the Village (V) zone that contains the oldest part of Nolensville which lies between the New Clovercroft Road and New Rocky Fork Road right-of-way on the south to the Mill Creek Bridge area on the north end of the Village (V) zone. The overlay district preserves and protects those historical resources while regulating demolition, the exterior design of building alterations and new construction. As an overlay district, it affects design rather than land uses, which are controlled by the underlying base zoning. This overlay district is mandatory and not optional and its standards supersede those of the underlying zoning district.

The Historic District Overlay may also be applied to other zoning districts within the Town with a recommendation from the Historic Zoning Commission.

Historic Designation Designation of historic sites and districts shall be made by the Historic Zoning Commission. Resources considered to be historic shall be at least fifty (50) years old and shall not have been substantially altered. Applicable districts should have at least 50 percent (50%) of buildings “contributing” to the historic character of the district. Furthermore, historic designation shall be based on the following:

Their representation of distinctive and significant elements of Nolensville’s historical, cultural, social, economic and architectural identity; or

Their representation of the distinctive characteristics of a type, period or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components lack individual distinction; or

Their association with events that have made a significant contribution to the broad patterns of Nolensville’s history; or

Their association with the lives of persons significant in Nolensville’s past; or their likelihood to yield information important in history.

Design Review The Historic Zoning Commission shall review all applications that affect historic sites or districts using the following standards which are based upon the Secretary of the Interior's Standards for Rehabilitation (developed by the National Park Service) listed below:

- A. Whenever possible, a property should be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the buildings and its site and environment.
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- E. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- G. Chemical or physical treatments, such as sandblasting, that cause damage to historical materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- I. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old, and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment. New additions and adjacent or related new construction shall be undertaken in such a manner, that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Certificate of Appropriateness No exterior feature of any designated historic resource shall be added to, altered, repaired, relocated or demolished until an application for a Certificate of Appropriateness of such work has been approved by the Historic Zoning Commission. In addition, no new construction, additions, alterations, repairs, exterior painting, relocations or demolitions shall occur in an historic overlay district until a Certificate of Appropriateness of such work has been approved by the Historic Zoning

Commission. A Certificate of Appropriateness is a prerequisite for a building permit except in the case of interior structure modifications. In evaluating a Certificate of Appropriateness application, the Commission shall make the following determinations with respect to the historic buildings and sites and historic overlay districts:

- A. The appropriateness of the exterior architectural design and features of, and appurtenances related to, any new structure or improvement.
- B. The appropriateness of the exterior architectural design features of any addition to the existing structure.
- C. The appropriateness of exterior alterations and repairs to an existing structure.
- D. The appropriateness of exterior painting on previously unpainted surfaces.
- E. The appropriateness of exterior paint colors on previously painted surfaces.
- F. The appropriateness of new infill development within an historic overlay district.
- G. The appropriateness of land subdivision within an historic overlay district.
- H. The appropriateness of relocating any building out of, into, or within the boundaries of an historic overlay district.
- I. The appropriateness of demolishing any structure or other improvement. As a condition of any permission to demolish a structure or other improvement, the Historic Zoning Commission may require historical documentation in the manner of interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features.
- J. The appropriateness of adding or removing trees or other significant vegetation on any designated historic site or within an historic overlay district.
- K. The Historic Zoning Commission may take into consideration the historical or architectural significance of the subject structure or improvement, and the impact of the proposed undertaking on the historic character and integrity of the district as a whole.

Determination of Economic Hardship When a claim of economic unreasonable hardship is made due to the effect of this ordinance, the property owner must present evidence sufficient to prove that, as a result of the Historic Zoning Commission's action, he is unable to obtain a reasonable return or a reasonable beneficial use. In reviewing an application, the Historic Zoning Commission may consider economic hardship based on the following information:

- A. An estimated cost of demolition and any other proposed redevelopment as compared to the estimated cost of compliance with the determination of the Historic Zoning Commission.
- B. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the subject structure or improvement and its suitability for rehabilitation.
- C. The estimated market value of the property in its current condition; its estimated market value after the proposed undertaking; and its estimated value after compliance with the determinations of the Historic Zoning Commission.
- D. An estimate from an architect, developer, real estate consultant, appraiser, or other

- real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or re-use of the existing structure.
- E. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 - F. If the property is income-producing, the annual gross income from the property for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - G. Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Buffer Yard Required Development on property adjacent to a designated historically significant site or district must provide the Standard B Buffer Yard along any adjacent property lines. This requirement is waived on property immediately south of the Nolensville Cemetery due to the fact that the Nolensville Cemetery suffices as a natural buffer.

2.2.9 Planned Unit Development Overlay (PUD)

Purpose The Town may, upon proper application, approve a planned unit development for a site of at least five (5) acres to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one or more of the following objectives.

- Environmental design in the development of land that is of higher quality than is possible under the regulations otherwise applicable to the property.
- Efficient and effective traffic circulation, both within and adjacent to the development site.
- Diversification in the use permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects.
- Functional and beneficial uses of open space
- Preservation of natural features of a site.
- Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- Creation of a variety of housing compatible with the surrounding area that provides a greater choice of types of units.

Relationship Between Planned Unit Development and the Underlying Zoning Districts

- A. Planned Unit Developments (PUD) are allowed in all zoning districts.
- B. Planned Unit Development may be constructed subject to the standards and procedures as outlined below.

1. Steps in the Approval Process

- a. The applicant may request a preapplication conference with the town staff to evaluate the proposal and to determine or clarify any issues that may arise.
- b. The applicant shall submit a concept plan and rezoning request if applicable to the town for the Planning Commission's consideration along with any required fees.
- c. The Planning Commission may approve or reject the concept plan or rezoning request. If approved, the Planning Commission shall recommend approval of the plan and any rezoning to the Board of Mayor and Aldermen. If rejected by the Planning Commission, the applicant may appeal the decision to the Board of Mayor and Aldermen.
- d. The Board of Mayor and Aldermen may approve, approve with conditions or reject the request. If rejected, a similar application

- shall not be resubmitted for a period of one (1) year.
- e. After approval of the concept plan, the applicant shall submit a final plan/preliminary plat for the Planning Commission's consideration. A landscape plan shall be jointly prepared by a licensed landscape architect and a licensed civil engineer. A stamped drawing or plan shall be submitted with a final plan. If any part of the PUD is to be subdivided, a preliminary subdivision plan shall also be submitted. Both documents may be considered simultaneously. Approval of the final plan shall form the basis for all permits, variances and standards for the PUD.
- f. Prior to the sale or transfer of any property, the applicant shall submit, have approved and record a final subdivision plan.

2. **Application for Approval of the Concept Plan** The application for approval of a concept plan shall be made by the landowner of the affected property or the authorized agent, including parties with an identified legal position in the property, and shall consist of the following:

- a. The concept plan for the PUD shall be a general plan that shall include the following:
 - (1) The location and size of the land area involved;
 - (2) Transportation facilities, including streets, driveways, alleys, and off-streets;
 - (3) Sidewalks, bikeways, and pedestrian ways;
 - (4) The relationship of the PUD to the adjoining transportation system and to other properties within 200 feet if the boundaries of the land are of the PUD;
 - (5) Location and approximate dimension of structures including approximate height, bulk and appearance and the use of all structures;
 - (6) Estimated population and density and extent of the activities to be allocated to individual parts of the PUD;
 - (7) Location of any proposed public uses including schools and parks and any common open space;
 - (8) Major landscape features includes floodplains, slopes in excess of fifteen percent (15%), other features that may affect the development and topography at no less than five (5) foot intervals;
 - (9) Letters of availability from the appropriate water and sewer provider;
 - (10). If the PUD is to be done in phases, such phase line shall be indicated;
 - (11) The general means of providing utilities and disposing of storm water, and;
 - (12) North arrow, graphic scale and general location map showing area streets and major waterways.

- b. A tabulation of the land area to be devoted to various uses and activities and overall densities as well as densities of any segment of different housing types.
 - c. The nature of the applicant's interest in the land and written concurrence from all parties having a beneficial interest in the affected property.
 - d. The general substance of covenants, restrictions and grants of easements to be imposed upon the land, building and other structures including public utility and drainage easements.
 - e. A development schedule, setting forth when the developer/landowner intends to commence construction and an estimated completion period.
 - f. A general summary explaining the character, intent and qualities of the PUD and the manner in which the proposal complements or is consistent with local goals and plans.
3. **Application for Approval of the Final PUD Plan** After approval of the concept plan and any requested rezoning, the applicant shall apply for the final PUD plan approval. Failure to apply for approval of a final plan within one (1) year of approval of the concept plan shall result in the expiration of such approval. The concept plan or an amended plan may be re-submitted.
- a. The application for a final PUD plan shall include all aspects of the concept plan application, the proposed final PUD plan, other required drawings, specifications, covenants, easements, and conditions and any bonds that may have been required by the Planning Commission or the Board of Mayor and Aldermen. Copies of all legal documents required for the dedication or reservation of common open space or common elements and for the creation of a non-profit property owners association shall also be submitted. Prior to the signing of the final plat, the property owners association shall be officially established, and all properties covered by the plat and the final PUD plan shall be legally a part of the association.
 - b. The final PUD plan of a planned unit development, or as submitted in phases if so authorized, shall be substantially consistent with the approved concept plan and shall show the following:
 - (1) Detailed building plans showing front, side and rear elevations including materials to be used and the percentage of each material used on each elevation;
 - (2) Detailed landscaping plans which shall include trees, shrubs and flowering plants with species, quantities and sizes clearly indicated;
 - (3) Location of all utilities and drainage facilities with drainage calculations;
 - (4) Details and locations of all signs and entrance features;
 - (5) Detailed plans for street and parking improvements;

- (6) Grading plans showing existing and proposed topography with contour intervals at no more than two (2) feet;
 - (7) Additional information as determined by the Planning Commission to indicate fully the ultimate character, operation and appearance of the PUD.
- 4. **Amendments to the PUD** The terms, conditions and the final PUD plan may be amended but only by official action of the Planning Commission. Any such information must remain in compliance with all applicable zoning regulations. The amendment may be approved so long as the original intent of the PUD is not abrogated and the amendment does not in any way damage any part of the PUD nor any adjoining properties.
- 5. **Combination of Separate Types of Planned Unit Developments** The planning commission and the board of mayor and aldermen may consider separate types of planned unit developments (residential and commercial) within a single master plan as a single administrative procedure as an overlay over the base residential zones provided the total tract is in single ownership as defined and the land area and location are sufficient to meet the separate type requirements.
- 6. **Cancellation of an Approved Planned Unit Development** In the event actual construction has not commenced within one (1) year after the date of approval of the planned unit development, the planning commission shall conduct a hearing on the project. Official notice of the hearing shall be given to all parties of interest. The hearing shall be for the purpose of examining the continued feasibility of the project and may allow for testimony to support or refute the continuation of such project. The planning commission may act to extend approval of the final planned unit development plan or may act to cancel said approval.

In the event the approval of the plan is cancelled, the planning commission shall transfer such action to the attention of the mayor and board of aldermen for action to remove the planned unit development overlay zone. After action by the mayor and board of aldermen to remove the overlay, the master plan shall be void and have no effect. The base zone district shall remain in effect.

General Standards Upon recommendation of the Planning Commission, the Board of Mayor and Aldermen; may approve, approve with conditions or disapprove a request for a Planned Unit Development. Any recommendation shall include a finding of fact by the Planning Commission that the proposed PUD is consistent or inconsistent with the following standards and criteria:

- A. An approved water supplier and wastewater treatment and disposal facility have

acknowledged in writing that facilities are available and adequate to serve the proposed development. Storm water drainage facilities shall also be required to be provided by the developer.

- B. The location, and arrangement of the structures, parking areas, walks, lighting and other facilities shall be compatible with the surrounding land uses and any part of the proposed project that is not used for development shall be designated as open space and meet the design and preservation standards for open space and specific standards and criteria for Planned Residential Developments set forth below.
- C. The proposed development as presented in a phased plan, can be constructed in a manner that will not injure or damage the use, value and enjoyment of surrounding properties nor hinder the development of adjacent property in accordance with the development policies and plans of the Town.
- D. Any modification of the zoning or other regulations that would be otherwise applicable to the proposed development and are warranted based on the concept plan may be permitted, however, no modification may be permitted that would harm the public health, safety and welfare of the citizens of the Town.
- E. A property owners association shall be required to be formulated and be held responsible for the maintenance and compliance of the open spaces areas and facilities.

Specific Standards and Criteria for Planned Residential Developments

In addition to the standards and criteria set forth above, planned residential developments shall comply with the standards and criteria set forth hereinafter:

Design and Preservation of Open Space Open space shall be provided as common open space as a condition of an approval of a planned unit development. No open space may be designated as common open space under the provisions of this section unless it meets the following standards:

- 1. The common open space must be substantial, functional, accessible, permanent and usable for recreational purposes or must provide visual, aesthetic or environmental amenities as determined by the Planning Commission.
- 2. Any use authorized must be appropriate to the scale and character of the planned residential community and must be compatible with the Town's comprehensive plan, land use policies, and the surrounding land uses near the development.
- 3. Common open space containing natural features worthy of preservation should be left undisturbed. Due consideration shall be given to topography, trees, ground cover, natural bodies of water and other significant features, including archeological, historical, scenic and cultural features of the area. Information on natural features of the site shall be provided in the preliminary review stage and concept plan application.
- 4. The designated open space shall have access to a public right-of-way via a walkway and should link pedestrian and/or cycling trails throughout the development and with adjacent pathways/trails.

5. Whenever appropriate, the open space shall be bound by public roads and occur in standard geometric shapes (squares, rectangles, circles, ovals) in an effort to replicate traditional town greens, which serve as a focal point for adjacent lots; or, the space may be provided in the interior of the development behind lots if the amount is considered substantial and if adequate access is planned to this area throughout the development.
6. None of the credited open space may consist of, wetlands, or slopes exceeding 25%. No more than 50% of the credited open space may consist of 100 year floodplains. If the subdivision is developed in phases or sections, all dedicated open space must be identified during the initial phase or section. Landscaped medians within roadways may be counted toward this requirement, but shall not account for more than 25% of the required open space. However, landscaped cul-de-sac islands, which are a requirement of the Subdivision Regulations, shall not be credited toward this open space requirement.
7. If the dedicated open space is wooded, it shall remain in its natural state to the maximum extent possible. The development of nature trails is encouraged for wooded open spaces.
8. Open space areas should be connected and contiguous as much as possible in the development to provide benefits to all residents of the development, and when possible, connect with adjacent open space areas of adjacent developments.
9. Any buildings, structures and improvements proposed to be located in the common open space must be appropriate for the uses proposed and must enhance the community with amenities related to recreation, topography or environmental concerns. In addition, these improvements must be located to benefit all of the residents of the planned unit development.
10. The minimum amount of open space to be conveyed as common open space shall be thirty percent (30%) of the gross area of the tract proposed as a residential planned unit development. The planning commission may require additional open space based on existing site conditions.
11. The common open space shall be maintained in a uniform manner with preservation of natural features a priority.
12. If a planned unit development is to be built in phases, any proposed improvements within the common open space must be developed to ensure that each phase of the development shall have the benefits of the common open space facilities. Each phase of the project shall be required to plat the proper portion of the open space consistent with the percentage of the land areas being platted for lot sales and to maintain the approved density.

The design of the required open space must meet Planning Commission approval to assure that the proposed open space counts toward satisfying these requirements. The Planning Commission and BOMA shall make a determination on whether the PUD plan substantially meets the design criteria and standards above.

Accessibility of Site All proposed streets and driveway shall be adequate to serve the anticipated traffic needs of the planned development and should be consistent with the Major Thoroughfare Plan as adopted by the Town. Both vehicular and pedestrian traffic, including bikeways, shall be considered in development the plan for the development.

Off-Street Parking adequate off street parking shall be provided adjacent to any facilities located in a common space. All parking shall be screened from the public right of way through the use of landscaping.

Pedestrian Circulation An overall pedestrian circulation system shall be required to be included as a part of the conceptual plan and shall be separated from the vehicular street system to the greatest extent possible.

Density of Development and Lot Size The maximum standard base zone density shall be one and eight-tenths (1.8) units/acre for residential PUDs in the SR base zone (low-medium density) and one and four-tenths (1.4) units/acre for residential PUDs in the proposed new SR1 base zone (low density). The overall average lot size of the detached units must be 14,000 square feet. A residential PUD should offer a variety of lot sizes and offer a greater choice of housing types. In order to achieve that objective, the development should contain lots that are larger than 14,000 square feet and may be allowed by the Town to include lots smaller than 14,000 square feet. Lots 20,000 square feet and above may be required on the perimeter of the development in order to fit in with neighboring residences and should require the provision of sufficient landscape buffering such as berms and plantings between major roadways. Abutting lots in the first tier of the new development shall have equal size lots or larger as those in adjoining recorded subdivision or an equivalent amount of common open space located between the 1st tier of lots in the planned unit developments and the existing subdivision. Attached housing units are prohibited in residential PUDs in the SR and SR1 zoning districts.

Permitted Uses:

- Accessory Home Day Care
- Parks
- Single-Family Detached Homes
- Townhouses (only where underlying zoning is Village)

Permitted with Conditions:

- Day Care Home
- Day Care Centers
- Home occupations
- Utility Facilities

Prohibited Uses:

Any use not permitted above by right or conditional use shall be prohibited.

Specific Standards and Criteria for Planned Commercial Developments

The Planning Commission may approve, approve with conditions, or disapprove a master plan for the overall development of a tract of land with a minimum of five acres in size that includes a planned commercial development. Any acreage designated for commercial will be deducted from the overall density calculations. Such commercial facilities with a residential component shall be designated to complement the residential portion of the plan and shall be limited in size and scope of uses by the Planning Commission and the Board of Mayor and Aldermen. The Town may allow a commercial PUD development without a residential element for developments of a unique or special nature that will be beneficial to the community such as a private resort type project that may include lodging, restaurants, and similar uses as determined by the Planning Commission and the Board of Aldermen when the a proposed project is based upon a master plan designed for the entire property being considered. Such developments must comply with the Nolensville Design Review Standards, Appendix E, Part B, Architectural Design Standards, and other site design standards set forth in Appendix E, Parts A and C, when practical. Landscaping and screening buffers shall be a consideration in the approval of the development. Adequate frontage on a public street shall be required. In the event that individual lots are created for sale or lease that are internal to the planned unit development, each such lot shall be guaranteed access from either a public street or a private street and use and access agreements.

The following standards shall apply:

The permitted commercial uses shall be approved by the Planning Commission and Board of Aldermen as to the appropriateness to the development and to how it serves the proposed neighborhood and the community as a whole.

The Planning Commission and Board of Aldermen shall determine the area and lot requirements for the Planned Commercial Development section of the overall PUD.

No minimum lot size is required for commercial. All lots, structural locations, and setbacks shall be established by approval of the final plan and will include floor area ratio, building size and footprint, maximum height, and maximum Impervious Surface Ratio (ISR). The Planning Commission and Board of Aldermen shall base approvals or disapprovals of these items on how the commercial plan will function and benefit the overall Planned Unit Development as well as the community.

The maximum density for a PC PUD shall not exceed 6 units per acre.

2.2.10 Commercial Corridor Overlay District (CCO)

Purpose This district is intended to establish a highway corridor with an identifiable consistent design based upon a planned approach to commercial development. The design features and standards included in this district are not only to create a memorable and positive impression upon entering the Town of Nolensville, but also to establish an image and character that is uniquely Nolensville and is compatible with surrounding development.

Application The standards of the CCO shall be applied to those parcels and lots within the commercial base zoning districts as indicated as being within the CCO on the official zoning map and shall supersede any requirements that are in conflict herewith.

Use Provisions In addition to the permitted uses of the zone districts, residential uses are permitted in the second or third stories of buildings with a commercial use on the first floor. The following uses are prohibited in the CCO:

- Automotive Repair
- Auto, Truck and Boat Sales
- Industrial Activities
- Outdoor Storage of Materials or Chattel
- Truck Washing Facilities
- Self-Storage Facilities
- Warehousing and Storage
- Wholesale Sales

Provided however, a car wash may be permitted but only in the rear of the principal building.

<u>Area and Lot Requirements</u>	
Minimum Lot Area (in square feet)	20,000
Minimum Street Frontage	100'
Minimum Front Setback Arterial	56'
Other Frontage Follow CS	
Minimum Side Setback	15'
Minimum Rear Setback	20'
Maximum Lot Coverage	50%
Maximum Floor Area Ratio	1.0
Maximum Height (in stories)	4*

* A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two (2) stories, regardless of the heights of adjacent buildings.

Parking Lot Design A maximum of two (2) rows of parking including maneuvering aisles

shall be permitted in the front of the building between the front wall and the street right-of-way. All other parking shall be located in the rear of the principal building. The parking requirements of any use may be reduced by a proportional number of spaces if such spaces are permanently available in either shared or public parking lots located within two hundred fifty (250) feet of the affected lot.

The planning commission may require the use of common driveways providing access to more than one (1) lot. Connections between parking lots on adjacent parcels shall be provided in order to facilitate the ability of users to pass between the various developed lots without returning to the public street.

Site Planning Site layout planning shall comply with Appendix E, Nolensville Design Review Manual, Part A, in addition to the following standards. Buildings shall be located on a lot to abut the front setback line, with the exception of recessed entryways, and directly face the street. Pedestrians shall have direct access to first floor uses from the street. When a development includes multiple buildings on a single lot, only the building that faces the public street shall meet these requirements. All other buildings may be located and designed in accordance with all other requirements of this section and to complement the development. A private street or access driveway may be treated as a public street for purposes of this section.

On corner lots, front setback and building requirements should apply on both frontages, with either public or private streets. However, the corner of the building shall be recessed up to a maximum of ten (10) feet in order to create:

- 1) pedestrian entrances with plazas or prominent entrances;
- 2) increased site distances;
- 3) enhanced designs for the entrance; and
- 4) more architecturally-interesting buildings.

A public street or private driveway reservation shall be established at distances along Nolensville Road between 1,000 and 1,500 feet with a minimum right-of-way for a public street being fifty (50) feet and a private driveway being a width of thirty-six (36) feet. This is to guarantee access to the rear of the row of buildings and to other properties. The potential for the need for a public street shall determine the right-of-way to be reserved. The planning commission may waive this requirement in the event that no such access can be provided due to natural factors or that layout and design of individual parcels are such that access would serve no useful function.

Building Facades All building facades shall comply with Appendix E, Nolensville Design Review Manual, Part B, in addition to the following standards. Applicants must meet certain architectural design principles and provide a statement of architectural compatibility. Building facades shall be designed with windows, doors, walls and other elements that proportionately fit together and are humanly scaled. Recessed doorways should be used, and where the door is not recessed, door canopies or awnings should be incorporated into the design.

National “standard” or trademark designs shall be adapted to be compatible with these standards.

Materials and Colors The use of high-intensity or metallic colors shall be prohibited except for accents. Colors shall not be used as a form of advertising even though such color may be a trademark. Colors of exterior door and window framings and accessories such as benches, lighting fixtures, shall be of dark, coordinated colors such as black or dark bronze.

Signs All signs shall be subject to the requirements of the sign regulations contained in Appendix A of this ordinance.

Landscaping The requirements of Appendix B, Landscaping, Buffering and Tree Protection, shall apply within the CCO. Additionally, the street trees shall be planted within the landscape strip between the sidewalk and the street. Any area reserved for future right-of-way acquisition shall be planted with grass.

Flowers in planters and window boxes shall be used to enhance the appearance of the walls that face a public street or a residential use. Planting strips shall be required between the building and the sidewalk closest to the building front with a minimum area of two (2) feet times (x) the linear frontage of the building in various sections that are appropriate with the building façade plans approved by the Design review Committee.

The maintenance of all landscaping materials and flowers shall be the responsibility of the property owner, and such maintenance shall be an enforceable item.

Lighting Exterior lighting fixtures, standards and exposed accessory lighting shall be compatible with the building design with colors that match building framings and accessories such as benches, etc., and shall be designed to direct the light downward unless decorative standards are utilized. However, “shoe box” type fixtures may be used. The maximum height of a fixture shall be twenty (20) feet.

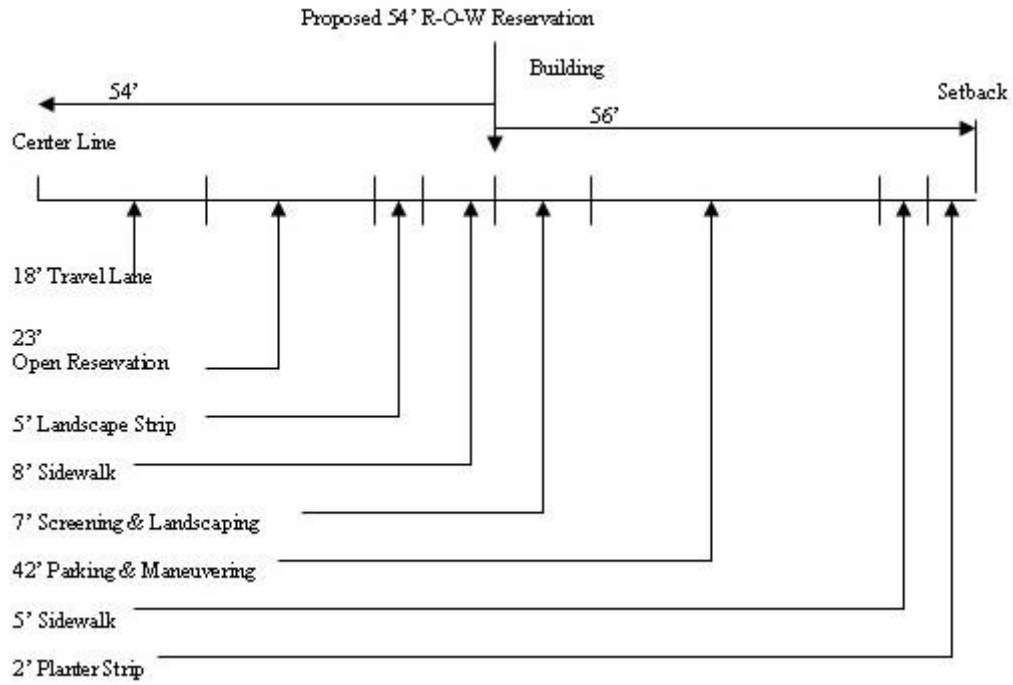
Utilities All new distribution utility lines shall be underground.

Sidewalks The development of each site shall include a sidewalk along the street frontage with a minimum width of eight (8) feet. Other sidewalks shall be constructed on the subject property between buildings and parking lots with a minimum width of five (5) feet. When a development consists of more than one (1) building, an interconnecting sidewalk system shall be installed.

Nolensville Road Cross-Section Due to the fact that Nolensville Road is likely to be widened during the next five to ten years and to avoid major impacts on developed properties, consideration shall be made for such widening in the siting of buildings and parking lots. A future right-of-way reservation shall be made a part of all site plans measured from the centerline of Nolensville Road. Any reservations made on private

property shall be subject to acquisition at the time right-of-way is acquired for the project. The cross-section below provides a diagrammatic view of the distances required for reservations, sidewalks, landscaping and parking.

Nolensville Road Corridor Cross-Section Plan



2.2.11 Commercial Regional (CR)

The purpose of this district is to allow for larger-scale, heavy retail commercial uses to serve the town and the general area and that are better suited near a major arterial. Primary uses are large retail, accompanied by smaller retail, services, offices, and similar uses, etc., as out-parcels or part of planned commercial centers. Access control is emphasized because of high traffic generation created by these uses.

Permitted Uses:

- Business Service
- Convenience store
- Day Care Centers
- Restaurant, Drive Through Fast Food restaurant w/ drive through
- Financial Institution/ATM
- Gasoline sales and or service as part of convenience store
- General retail
- Liquor store (as permitted in Municipal Code, Title 8)
- Medical Office
- Personal Service
- Professional Office
- Recreation, Commercial, Indoor
- Restaurants, grills, cafes, coffee houses and similar eating establishments
- Retail Package Liquor Stores (limited by Municipal Code, Title 8)
- Supermarket
- Entertainment Facility

Permitted with Conditions:

- Community Center
- Communication or other tower
- Educational Facility
- Funeral Home
- Recreational and Athletic Facilities
- Religious Institution
- Retirement Center/Nursing Home
- Veterinary office

Prohibited Uses:

Any use or structure not specifically permitted by right or by conditional use is prohibited. Adult bookstores/entertainment and nightclubs are specifically prohibited.

<u>Site Regulations</u>	
Min. Lot Area (in square feet)	25,000
Max. Lot Area (in square feet)	n/a
Min. Street Frontage	100'
Min Front Yard Setback	
Fronting Arterial Road	70'
Fronting Major Collector	65'
Fronting Minor Collector	20'
Fronting Local Road	20'
Min. Side Yard Setback	20'*
Min. Rear Yard Setback (in feet)	25'
Maximum Floor Area Ratio (FAR)	0.60
Max. Impervious Surface Ratio (ISR)	0.80
Max. Building Height (in stories)	4**
Minimum Green Space Required	20%

*50' when abutting residential districts

**A principal building shall have a height no greater than fifty (50) percent over that of the highest adjacent building. However, a principal building shall be permitted to have a height of two stories, regardless of the heights of adjacent buildings. Additionally, exceptions may be allowed for certain architectural features (clocks, towers, steeples)

Road Reservation Due to the fact that Nolensville Road is likely to be widened during the next five (5) to ten (10) years and to avoid major impacts on developed properties, consideration shall be made for such widening in the siting of buildings and parking lots. A future right-of-way reservation of fifty-four (54) feet shall be made a part of all site plans measured from the centerline of Nolensville Road. Any reservations made on private property shall be subject to acquisition at the time right-of-way is acquired for the project.

Road Setbacks Road setbacks shall be measured from the road right-of-way line. Road classifications are as established in the Major Thoroughfare Plan, adopted as part of the Town of Nolensville Comprehensive Plan. Road setbacks are dependent upon zoning district and the type of road (arterial, major collector, minor collector or local) which the structure will front.

Alley/Private Road Setbacks Alley and private road setbacks shall be measured from edge of pavement.

Irregular Shaped Lots Wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Town Planner shall interpret the application of the setback provisions.

Corner Lots Corner lots shall be considered to have one (1) front yard, two (2) side yards (one [1] exterior and one [1] interior) and one (1) rear yard. For the purpose of determining setbacks, the rear yard shall be the yard on the opposite side of the structure from the front elevation of the structure.

SITE DESIGN STANDARDS:

Site Planning

Site layout planning shall comply with Appendix E, Nolensville Design Review Manual, Part A, in addition to the following standards. The planning commission may require the use of common driveways providing access to more than one (1) lot. Connections between parking lots on adjacent parcels shall be provided in order to facilitate the ability of users to pass between the various developed lots without returning to the public street.

A public street or private driveway reservation shall be established at distances along Nolensville Road between one thousand (1,000) and one thousand five hundred (1,500) feet with a minimum right-of-way for a public street being fifty (50) feet and a private driveway being a width of thirty-six (36) feet. This is to guarantee access to the rear of the row of buildings and to other properties. The potential for the need for a public street shall determine the right-of-way to be reserved. The planning commission may waive this requirement in the event that no such access can be provided due to natural factors or that layout and design of individual parcels are such that access would serve no useful function.

A traffic impact study shall be required for any building or development complex that contains more than fifty-thousand (50,000) square feet of floor space or in other developments that in the opinion of the Town Engineer a study is warranted. Developments must not lessen the level of service on adjacent roads. Impact mitigation adjustments may be required by the Planning Commission.

Building Facades All building facades shall comply with Appendix E, Nolensville Design Review Manual, Part B, in addition to the following standards. Applicants must meet certain architectural design principles and provide a statement of architectural compatibility. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. Building facades shall be designed with windows, doors, walls and other elements that proportionately fit together and are humanly scaled.

National “standard” or trademark designs shall be adapted to be compatible with these standards.

Materials and Colors shall comply with Appendix E, Nolensville Design Review Manual, Part B.

The use of high-intensity or metallic colors shall be prohibited except for accents. Colors shall not be used as a form of advertising even though such color may be a trademark. Colors of exterior door and window framings and accessories such as benches, lighting fixtures, shall be of dark, coordinated colors such as black or dark bronze.

Signs All signs shall be subject to the requirements of the sign regulations contained in Appendix A of this ordinance.

Landscaping The requirements of Appendix B, Landscaping, Buffering and Tree Protection, shall apply within the CR district. Noise buffering of delivery and loading areas shall also be required when abutting residential districts. Any area reserved for future right-of-way acquisition shall be planted with grass. A nineteen (19) foot screening/landscaping section with special design techniques shall be required between the sidewalk (preferable curvilinear design) along r-o-w and the parking area. Design methods such as berms, stone fencing, curvilinear sidewalks and other comparable methods shall be used to make this area attractive and interesting.

Planting strips shall be required between the building and the sidewalk closest to the building front with a minimum area of four (4) feet times (x) the linear frontage of the building in various sections that are appropriate with the building façade plans approved by the Design Review Committee.

The maintenance of all landscaping materials and flowers shall be the responsibility of the property owner, and such maintenance shall be an enforceable item for as long as the life of the project.

Lighting Exterior lighting fixtures, standards and exposed accessory lighting shall be compatible with the building design with colors that match building framings and accessories such as benches, etc., and shall be designed to direct the light downward unless decorative standards are utilized.

Utilities All new distribution utility lines shall be underground.

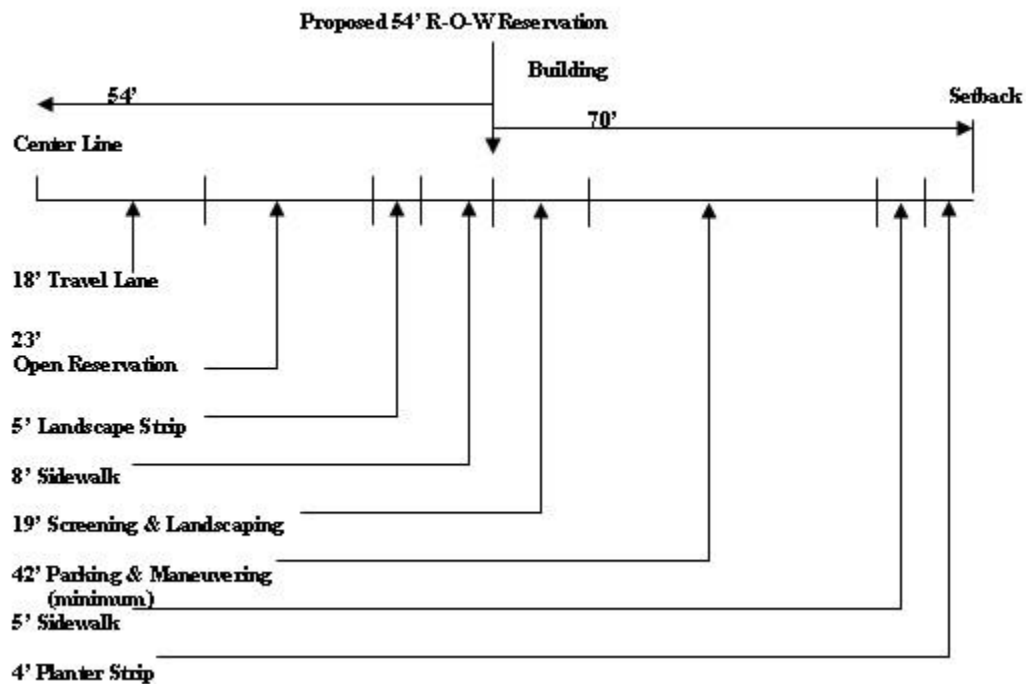
Sidewalks The development of each site shall include a sidewalk along the street frontage and landscaping strip with a minimum width of eight (8) feet. Sidewalks shall be designed to lead from and between the parking bays to the building entrance as much as possible and a minimum five (5) feet sidewalk with a four (4) feet planting strip (see above landscaping) shall be required along front of building. When a development consists of more than one (1) building, an interconnecting sidewalk system shall be installed.

Parking The intent of this section is to avoid excessive expanses of paved parking that are not needed and that cause excessive stormwater run-off. For general retail use buildings larger than fifty-thousand (50,000) square feet, parking shall be provided at the rate of one stall per three hundred (300) square feet. The Planning Commission shall have the authority to adjust this rate, up or down, upon review of sufficient evidence from the

developer that this rate is either inadequate or excessive for the proposed use. All surface parking spaces provided in excess of thirty percent (30%) over the minimum requirement shall be made of pervious materials approved by the Town Engineer for the entire overflow area. The Planning Commission shall only approve such additional spaces for overflow events, seasonal demands, and so forth, based upon the reasonableness of the request.

Open Yards Open areas for the sale, rental and/or storage of materials or equipment shall not be allowed unless the entire area is screened from the street and adjoining properties by a suitable fence or wall at least six (6) feet in height above finished grade and only if they are extensions of the sales floor into which patrons are allowed free access. Such fence or wall must provide a reasonable visual separation between the use and public streets and adjoining properties.

**Nolensville Road Corridor Cross-Section Plan
Commercial Regional District (facing major arterial)**



2.2.12 Annexation Buffer Overlay District (ABO)

Upon annexation of any property within one-half (1/2) mile of the boundary separating the urban growth boundaries of the City of Brentwood and the Town of Nolensville, an Annexation Buffer Overlay District (ABO) shall be applied. The following restrictions and limitations shall apply to any new development, in addition to all other restrictions and limitations that may apply:

- A. Development shall be limited to detached single family residences. Permitted with Conditions: Churches and other religious facilities and associated uses; schools and related facilities; and parks and recreation uses.
- B. Newly created residential subdivisions on tracts less than fifteen (15) acres shall have a minimum overall density of one (1) single family detached unit per acre.
- C. Planned residential subdivisions on tracts greater than fifteen (15) acres shall be limited to detached single family residences having a minimum lot size of twenty-thousand (20,000) square feet, with the overall density for the development not to exceed one and four-tenths (1.4) detached units per acre.
- D. The minimum required lot area, building setbacks, green space provisions and maximum height for any service-institution uses shall incorporate the following minimum technical and development standards:

Use	Lot Area	Setbacks	Green Space	Height
Church/Religious	5 acres	Front – 125 ft. Side – 75ft Rear – 75ft Side on corner 125 ft	30%	Front-2 stories Rear-3 stories with basement 2 stories without basement
School	20 acres	Same as above	30%	Same as above
Parks & Recreation Uses	3 acres	Same as above	30%	Same as above

2.3.0 USES PERMITTED WITH CONDITIONS (PC)

Subject to Board of Zoning Appeals approval.

The land use development standards in this Article apply to uses permitted with conditions. Uses permitted with conditions require approval by the Board of Zoning Appeals that the use satisfies each of the specific conditions of this Article.

2.3.1 Accessory Dwelling/Apartment

- A. Only one (1) accessory dwelling or apartment is permitted on any given lot.
- B. The accessory dwelling or apartment must comply with all setback requirements for the principal building for the zoning district in which it is located.
- C. If the accessory unit is not attached to the primary dwelling, it must be separated a minimum of ten (10) feet from the primary dwelling.
- D. The accessory dwelling or apartment shall be no larger than 750 square feet in all districts.
- E. The accessory dwelling or apartment must meet all building codes requirements for an occupied structure.
- F. A minimum of one parking space shall be provided on-site to serve the accessory dwelling or apartment unit.
- G. Attached accessory units may not have their primary entrance visible, as viewed from the adjacent streets, when the main entrance of the primary dwelling is visible from the same street.

2.3.2 Adult Entertainment

- A. An adult entertainment use shall not be located within one thousand (1,000) feet of an existing school, religious institution or residential use as measured from building footprint to building footprint.

2.3.3 Attached Senior Housing

- A. The overall site design, architecture, setbacks and landscaping plans shall be compatible with the area where the community is proposed, as determined by the Planning Commission or a design review board.
- B. Plans must graphically convey the architectural design to the extent determined necessary by the Planning Commission or reviewing body. Architectural drawings of all building elevations shall be included as part of the submittal.
- C. Any main roads within the community which connect communal areas must contain sidewalks or other off-street walking paths.
- D. Primary access shall be limited to the abutting road having the greatest traffic capacity.
- E. Attached senior housing shall consist of either single-story units or townhouses. Stacked units, in which units are located above other units, shall not be permitted.

- F. Attached senior housing shall not consist of more than four (4) units within any single building.
- G. Front loaded garages that are attached to the house shall be recessed a minimum of fifteen (15) feet from the front facade.

2.3.4 Auction House

- A. Primary access shall not be permitted on a local road.
- B. Auction Houses shall meet parking requirements of Article 3 for recreational and athletic facilities.
- C. The Mayor or his designee shall stipulate the maximum noise level permitted to occur at the site boundary in accordance with the provisions of Article 8.
- D. The Mayor or his designee shall stipulate the hours and days of operation, based on recommendations by the Planning Commission.

2.3.5 Automotive/Vehicular Sales and Services (Formerly 2.6.0)

- A. Primary access shall not be permitted on a local residential street.
- B. Minimum lot size of three (3) acres, excluding land in floodplain. All of counted area for meeting minimum must be on the same side of the floodplain, and out of the floodplain.
- C. No inoperable motor vehicles can be kept on premises of vehicular sales operations.
- D. Repair of any type vehicle must be performed within closed buildings.
- E. No outdoor loudspeakers shall be used anywhere on the lot.
- F. Must meet performance standards in Article 8 (lighting, noise, etc.)
- G. Overflow vehicle storage must be stored on same lot.
- H. All buildings and vehicle loading areas must be located a minimum of 200 feet from any existing residential uses.
- I. Minimum street frontage at 300 feet.
- J. Minimum building setback at 100 feet from r-o-w.
- K. Cannot be located on any part of another land use (e.g., in front of an office or store).

2.3.6 Bed and Breakfast

- A. The Bed and Breakfast shall have no more than three (3) guest rooms.
- B. The Bed and Breakfast shall serve no more than one (1) morning meal per day.
- C. The maximum stay for any guest shall be fourteen (14) consecutive days.
- D. Sufficient parking shall be provided dependent on the number of guest rooms, with one space per room.

2.3.7 Car Wash

- A. Residential Setback. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and outdoor vacuuming machines or areas, shall be located fifty (50) feet from any residential zone district or district permitting residential use.
- B. Openings. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian ingress and egress. Such openings shall not face any adjacent residentially zoned property.
- C. Hours of Operation. Operation of the car wash shall be prohibited prior to 6 a.m. or after 10 p.m. on any day of the week.
- D. Outdoor loudspeakers. There shall be no outdoor loudspeakers or public address systems.
- E. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.
- F. Automatic Car Wash.
 - 1. One (1) automatic car wash, capable of washing only one (1) car at a time, shall be located fifty (50) feet away from any residential zone district or district permitting residential use. There shall be no more than two (2) wand car washes to every one (1) automatic car wash.
 - 2. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.
 - 3. Operation of the establishment shall be prohibited prior to 6 a.m. or after 10 p.m. on any day of the week.
- H. All building structures shall have a brick veneer covering. No metal walls shall be allowed. Metal roofing is acceptable. No flat roofs shall be allowed.
- I. Dumpster area is to be enclosed in brick or split phase architectural walls with a screened gate. Dumpster area pad shall be constructed with reinforced concrete.
- J. The minimum front setback for a car wash shall be 60 feet.
- K. During the hours of non-operation barriers to ingress and egress must be installed or doors will be installed at each end of the bay to block access. Buffering is to be determined by staff on a plat to plat basis.
- L. Buffering is to be determined by staff on a plat-to-plat basis.

2.3.8 Cemetery

- A. The minimum lot size shall be five (5) acres. Private family cemeteries and cemeteries accessory to a religious institution shall be on a one-quarter (¼) acre lot (for cemetery), minimum.
- C. For cemetery developments of twenty-five (25) acres or greater, primary access shall be from a collector or arterial road.
- D. Where the perimeter of a cemetery abuts a residential use, the Standard A Buffer Yard shall be provided along the common property lines.

- E. The following accessory uses shall be permitted: mausoleums, columbiums, chapels seating less than thirty (30) people, funeral homes, maintenance buildings and other facilities for burial and ceremonial purposes.

2.3.9 Community Center

- A. Community centers shall be designed to serve the immediate neighborhood in which they are located, not the larger community.

2.3.10 Charitable, Fraternal or Social Organization

- A. The Standard A Buffer Yard shall be applied along all abutting property lines.

2.3.11 Day Care Center *(see Article 1 for definition)*

- A. Obtain license to operate facility from the Tennessee Department of Human Services or show evidence that a license will be issued after approval of the Board.
- B. All outside play areas be in rear yards and be fenced; required buffer areas to be excluded in fenced area.
- C. The Standard B Buffer Yard shall be provided between any outside areas and adjacent residential lots
- D. In SR/PUD overlay district as part of an overall master PUD plan.

2.3.12 Day Care Home *(see Article 1 for definition)*

- A. Obtain license to operate facility from the Tennessee Department of Human Services or show evidence that a license will be issued after approval of the Board.
- B. Minimum lot size shall be the same as the principal activity; except when in the opinion of the Board of Zoning Appeals circumstances warrant otherwise.
- C. All outside areas must be fenced and be set back from side and rear lot lines by a minimum of fifteen (15) feet. Play areas shall contain a minimum of one hundred (100) square feet per child.
- D. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using each facility.
- E. Adequate buffering between any outside areas and residential lots shall be provided.
- F. All refuse shall be contained in completely enclosed facilities, and the facilities shall be located in the rear of the building.
- G. Only one (1) sign, which shall not exceed two (2) square feet, may be used to advertise the day care home.

2.3.13 Educational Facility

- A. Minimum campus size shall be based on the State/County standards or the total enrollment capacity of the following school types, whichever is more restrictive:

School Type	Minimum Campus Size
Elementary (K-8)	5 acres + 1 acre/100 students
Middle (5-9)	10 acres + 1 acre/100 students
High (7-12)	15 acres + 1 acre/100 students
Adult Education	not applicable

- B. Primary access shall not be permitted on a local road.
C. Screening in the form of the Standard B Buffer Yard shall be provided along all common property lines.
D. Indoor/outdoor interscholastic and intramural competitive sports and outdoor physical education facilities are prohibited.
E. Playground and nature study grounds shall be permitted.

2.3.14 Emergency Services

- A. Access shall not be permitted on a local road or lesser standard road.

2.3.15 Funeral Home

- A. May be permitted as a special exception in the ER zone if the funeral home is an accessory use to a cemetery.
B. Access shall not be permitted on a local road.
C. Funeral home shall meet parking requirements of Article 3 for a funeral home.

2.3.16 Group Home *(more than eight individuals)*

- A. A proper license to operate the facility must be secured prior to occupancy.
B. Shall be on a lot that meets the minimum standards for the district.
C. Special fire escapes, garbage disposal facilities and other required structural changes shall be located and screened to minimize the character differences with other structures in the area.
D. There shall be adequate parking for each resident and visiting staff member, and for each resident who is able to drive an automobile.
E. Total number of residents shall be limited to twenty (20) persons, including staff.

2.3.17 Home Occupations

May be approved administratively by staff providing all of the following conditions are met:

- A. Home Occupations shall not be identified by the display of goods or signs on the lot on which it is located.
- B. No more than 25% of the total floor area is devoted to the home occupation.
- C. The site may not be used as a storage facility for a commercial activity conducted elsewhere.
- D. No materials, goods and/or equipment indicative of the home occupation shall be visible from any public road or stored outside.
- E. The use shall not generate noise, fumes or smoke, nor create a nuisance of any kind which would affect the residential character of the area in which it is located.
- F. No traffic shall be generated by the home occupation in greater volume than would normally be expected in the area.
- G. There shall be no on-site sales allowed. Business transactions conducted via telecommunication devices shall not be considered as on-site sales for the purpose of this article.
- H. Teaching, including but not limited to tutoring and art, music or dance lessons, shall be permitted provided that it is limited to no more than two pupils at any given time.

All home occupation requests not meeting the above conditions shall require Planning Commission approval.

2.3.18 Historic Home Special Events

(Conditions to be met and approved by the Board of Zoning Appeals)

Type of Use Permitted:

Permits special events to be held on the site of a Historic Home or accessory building and/or lawn of a historic home site as part of a business operation. Events such as weddings, receptions, parties, and similar uses for special occasions are generally of a temporary nature. This use is allowed in Village and Estate Residential zoning districts by conditions only as set forth below.

Conditions:

- A. Lot size: Meet minimum lot standard for the applicable zoning district.
- B. Location: Events shall be within a historically significant structure or in an accessory structure or site of the historically significant structure, as recognized by the Historic Zoning Commission.

- C. Parking: One stall per three (3) expected patrons at maximum capacity. Off-site parking may be allowed per shared parking agreement with adjacent properties. Provide for an on-site turn around area so that backing into the street will not be necessary.
- D. Signs: Advertising signs shall not be permitted. Incidental signs for parking directions are allowable.
- E. Meals: Meal service shall be restricted to patrons of the special events only; and, must meet all applicable codes related to on-site food preparation, if applicable.
- F. Owner-Occupied: The owner of the property or a person with controlling interest in the property must reside in the historic home and the owner must be the applicant to the Town to be responsible for complying with these regulations.
- G. Frequency of Events: The Board of Zoning Appeals may limit the number and frequency of events to minimize disturbance to surrounding properties.
- H. Restrooms: Adequate provision for restroom facilities on the site.
- I. Landscape Buffer: Provide adequate landscape buffer from adjacent properties as set forth in Appendix B of the zoning ordinance.
- J. Site Plan: Submit site plan to Board of Zoning Appeals illustrating how the above conditions will be met.
- K. Tents erected in conformance with all applicable codes, emergency exits, etc.
- L. Traffic control measures may be required by the BZA.
- M. Meet IBC standards for assembly use when exceeding 49 persons attending an event.

2.3.19 Light Industry

- A. Access shall not be permitted on a local road.
- B. The Standard B Buffer Yard shall be applied along all adjacent property lines.
- C. The use shall meet all operational performance standards of Article 1.10 of this ordinance.

2.3.20 Mobile Home Dwelling When fire or natural disaster has rendered a single-family residence located in the ER zone district unfit for human habitation, or when a property owner desires to live in temporary housing on his property located in the ER zone district while his home is being built, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence, or construction of a new residence, is permitted subject to the following additional regulations:

- A. The single-family lot cannot be part of a subdivision developed under the Open Space Development Overlay option.
- B. The mobile home dwelling shall be sited consistent with the zoning district's setback regulations.
- C. Required water and sanitary facilities must be provided.
- D. Maximum length of permit shall be six (6) months, but the code enforcement officer may extend the permit for an additional six (6) months in the event of circumstances beyond the control of the owner.

- E. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- F. The mobile home shall be removed from the property within thirty (30) days of issuance of any occupancy permit for the rehabilitated or new residence.
- G. The applicant shall be required to provide express consent and authorization to the Town of Nolensville to remove the mobile home at the owner's expense upon termination of the temporary permit if the owner fails to do so.

2.3.21 Religious Institution

- A. For religious institutions seating up to fifty (50) people within the sanctuary, the minimum lot size shall be one (1) acre.
- B. For religious institutions seating more than 50 people within the sanctuary, the minimum lot size shall be two (2) acres plus one-half (1/2) acre for every one hundred (100) seats.
- C. Primary access shall not be permitted on a local road.
- D. Screening in the form of the Standard B Buffer Yard shall be provided along all common property lines.
- E. Housing shall not be permitted as accessory uses for religious institutions.
- F. Schools shall be permitted as accessory uses for religious institutions provided that adequate acreage is provided for both uses as outlined in this section.

2.3.22 Recreational and Athletic Facilities

- A. Primary access shall not be permitted on a local road or lesser standard road.
- B. The Standard A Buffer Yard shall be applied along all abutting property lines.
- C. Lighting plans shall demonstrate no spillage onto adjacent residential properties. Exterior Lighting shall not exceed three (3) foot candles as measured at the property line.
- D. Potential noise from speaker systems shall be sufficiently mitigated

2.3.23 Self Storage Facility

- A. Each storage unit shall be fully enclosed by walls and roof and shall not exceed six hundred (600) square feet in area.
- B. Outdoor storage shall not be permitted, except for the parking of recreational vehicles, boats and trailers.
- C. Storage units shall not be used for the manufacture, processing or assembly of goods, the sale of goods or personal services on the premises, or customer pickup.
- D. Active use or activities such as the practice of musical instruments shall not be permitted within individual units or anywhere else on site.
- E. Adequate water pressure and volume shall be available for fire protection.

2.3.24 Tower, Communications or Other *(Formerly 2.5.0)*

- A. The applicant shall demonstrate that the existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed tower.
- B. Factors to be considered by the Planning Commission in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include
 - 1. structural capacity;
 - 2. radio frequency interference, and
 - 3. geographic service area requirements.
- C. The proposed tower shall cause no interference with any type of electronic reception in nearby residential areas.
- D. The tower shall be sited so that there is a sufficient radius of clear land around the tower to ensure its collapse will be contained within an unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required to accommodate all proposed antennas and other appurtenances.
- E. Applicant shall provide proof of ownership, lease or permanent easement right for the designated collapse area.
- F. There shall be room for maintenance vehicles to maneuver on the property.
- G. On-site buildings shall only be used for the storage of necessary on-site equipment.
- H. No lights shall be permitted on the tower except for warning lights required by State or Federal law.
- I. Along all adjacent boundaries with ER, SR, UR, MH, and V zone districts, the Standard A Buffer Yard shall be applied to shield the base of the tower, accessory buildings and parking area.
- J. All towers with a height of one hundred fifty (150) feet (from the base to the top) or more shall be constructed in accordance with Electronic Industries Association (“EIA”) standard 222E-1991 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Nolensville.
- K. All applications for permits to build towers in Nolensville must be accompanied with a “Determination of No Hazard” from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- L. All telecommunications towers must be completely surrounded by at least an eight (8) foot screen link fence.

2.3.25 Utility Facility

- A. All buildings and vehicle loading areas shall be located a minimum of fifty (50) feet from any existing home or potential home site.
- B. The Standard C Buffer Yard shall be provided along all adjacent ER, SR, UR, MH, and V zone. The Standard B Buffer Yard shall be provided between all other adjacent properties and public streets.
- C. Minimum lot size shall be adequate to accommodate the type of utility facility.
- D. Road access shall be adequate to accommodate the vehicular traffic generated by the utility facility and shall not adversely affect the safety and convenience of vehicular and pedestrian flow in the area. The location of road access shall not cause negative impacts on the surrounding area.
- E. The facility shall meet all operational performance standards of Article 8.

2.3.26 Veterinary Offices (including Animal Boarding Facilities)

- A. Veterinary offices and facilities shall be limited to three thousand (3,000) square feet of gross floor per establishment within the V district and ten thousand (10,000) sq. ft. within the CS and OI districts, with no more than two (2) establishments per lot.
- B. Animal boarding in the V, CS and OI districts shall occur within completely enclosed structures.
- C. Outdoor exercise yards shall be completely fenced and used only between 7 a.m. and 7 p.m.
- D. When the office is adjacent to existing residential uses, the Standard B Buffer Yard shall be provided along those common property lines.
- E. Kennels are not allowed for training and breeding under these conditions.

ARTICLE 3 - PARKING, LOADING AND ACCESS STANDARDS

Purpose and Intent This article is to ensure the provision of adequate parking and loading areas for each land use. In addition, new development needs to demonstrate the capacity to accommodate, or illustrate the changes needed to accommodate, the traffic associated with the new development.

3.1.0 APPLICABILITY

3.1.1 New Development New development occurring after the effective date of this zoning ordinance shall comply with all parking, loading and access requirements of this article.

3.1.2 Legally Nonconforming Development Developments with legally nonconforming parking, loading and access areas on the effective date of this ordinance shall not increase their level of nonconformance through the acquisition of additional lands, or by modification of the existing layout. Developments may bring their properties into conformance at any time.

3.2.0 OFF-STREET PARKING REQUIREMENTS

3.2.1 Parking Requirements Table The number of parking stalls required for each land use classification is established in the Parking Requirements Table. The Parking Requirement Table provides minimum standards, per use. No development shall provide more than 125% of the minimum standard, unless those spaces provided in excess of the maximum number of spaces shall be pervious.

- A. **Floor Area** For parking requirements that are based on the amount of square footage in buildings, calculations shall be on a gross floor area basis.
- B. **Number of Employees** For parking requirements that are based on the number of employees, calculations shall be based on the maximum number of employees working at the facility during the largest work shift in a single given day. Part-time workers are to be counted with full-time workers.
- C. **Multiple Uses** Lots containing more than one use shall provide parking equal to the total of the requirements for all of the individual uses; unless a special shared parking arrangement is approved by the Planning Commission.
- D. **Undetermined Uses** Commercial development in which the tenants have not been determined shall show that parking is sufficient to meet demand prior to occupancy.

PARKING REQUIREMENTS TABLE	
USES	MINIMUM NUMBER OF STALLS
AGRICULTURE	
Agriculture	none
Nursery	1 stall per 250 square feet of sales area, plus 1 space per employee
Stables	1 stall per 5 horse stalls, plus 1 space per employee
RESIDENTIAL	
Single-Family	2 stalls per unit
Townhouses	2 stalls per unit
Accessory Dwelling/Apartment	1 stall per unit
Mobile Home Dwelling	1.5 stalls per unit
Bed & Breakfast	1 stall per guest room, plus 2 spaces per dwelling unit
Boarding House	1 stall per guest room, plus 2 spaces per dwelling unit
Attached Senior Housing	1.5 stalls per unit
Accessory Home Day Care	same as primary use
Day Care Home	same as primary use
INSTITUTIONAL/PUBLIC	
Religious Institution	1 stall per 5 seats to maximum capacity
Educational Facility	*
Elementary and Middle School	1 stall per teacher and staff member, plus 1 stall per 2 classrooms
High School	1 stall per teacher and staff member, plus 1 stall per 3 non-based students
Adult Education	1 stall per teacher and staff member, plus 1 stall per student
Day Care Center	1 stall per 5 students up to 50; then 1 stall for every 10 students

PARKING REQUIREMENTS TABLE (Continued)	
USES	MINIMUM NUMBER OF STALLS
INSTITUTIONAL/PUBLIC (Continued)	
Retirement Center	4 stall per 1,000 square feet plus 1 per employee
Nursing Home	1 stall per 3 patient beds
Group Home (8 or more residents)	1 stall per staff member, plus 1 stall per driving resident
Cemetery	1 stall per employee
Funeral Home	1 stall per 3 seats to maximum capacity
Park	*
Recreational and Athletic Facilities	1 stall per 3 expected patrons at maximum capacity, plus 1 stall per employee on largest work shift
Community Center	1 stall per 3 expected patrons at maximum capacity, plus 1 stall per employee on largest work shift
Charitable, Fraternal, or Social Organization	1 stall per 3 persons to maximum capacity
Emergency Services	1 stall per employee on largest work shift, plus 1 per company vehicle to be parked on-site
Governmental/Civic	*
Utility Facility	1 stall per employee on largest work shift, plus 1 per company vehicle to be parked on-site
COMMERCIAL	
Professional Office	1 stall per 300square feet
Medical Office	1 stall per 300square feet
Veterinary Office	1 stall per 200 square feet
Personal Service	1 stall per 350 square feet
Business Service	1 stall per 350 square feet
ATM	3 stalls
Financial Institution	1 stall per 200 square feet, plus 4 stacking stalls per drive-in lane
Upholstery/Furniture Repair	1 stall per 400 square feet
Restaurant	1 stall per 3 seats to maximum capacity <u>OR</u> 1 stall per 100 square feet, plus 1 stall per employee on largest work shift (to-go/pickup spaces shall be indicated with markings)
Fast Food Restaurant with Drive-In	1 stall per 3 seats to maximum capacity
General Retail	1 stall per 300 square feet
Retail Package Liquor Store	1 stall per 200 square feet
Convenience Store	1 stall per 100 square feet
Building Contractors Supply	1 stall per 1,000 square feet
Heavy Equipment Sales	1 stall per 1,000 square feet of building space
Automotive Service/Repair	2 stalls, plus 4 stalls per service bay or repair stall
Gasoline Sales and/or Service	4 stalls plus 1 stall per gasoline pump, plus 4 stalls per service bay or repair stall
Car Wash	parking and waiting space equivalent to 3 times the service capacity of the use

PARKING REQUIREMENTS TABLE (Continued)	
USES	MINIMUM NUMBER OF STALLS
COMMERCIAL (Continued)	
Hotel/Motel	1 stall per guest room, plus 1 stall per employee on largest work shift
Entertainment Facility	*
Temporary Festival	*
Home Occupation	same as principal use
Self-Storage Facility	4 stalls, plus 1 stall per employee on site
Adult Entertainment	1 stall per 75 square feet
Tower, Communications or Other	None
Multi-tenant Commercial Centers	1 stall per 250 square feet of total gross floor area (not calculated by individual uses)
INDUSTRIAL	
Light Industry	1 stall per 750 square feet
Warehousing and Wholesaling	1 stall per 1,000 square feet
* Uses with variable parking demand shall require a parking study shall to be included with the submission of a site plan that include estimates of parking demand based on recommendations of the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Town Planner, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, intensity, scale, bulk, area, type of activity, frequency of use, hours of operation, and location. The study shall document the source of data used to develop the recommendations and clearly explain the parking demand and the parking provided. The Planning Commission may also require reservation of sufficient area to allow for adequate parking to be installed upon a change in use or increased parking demand over time.	

3.2.2 Parking Design Standards A required off-street parking stall shall be nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, or office work areas. The length of parking stalls can be reduced to sixteen and one-half (16.5) feet including wheel stop if additional space of one and one-half (1.5) feet in length is provided for the front overhang of the car. No surface parking shall have a slope in excess of 10%.

- A. **Stall and Aisle Dimensions** Horizontal widths for parking rows and aisles shall be provided at widths no less than listed in the table below.

PARKING STALL AND AISLE DIMENSIONS				
	Stall Width	Stall Depth	Aisle Width: One-way	Aisle Width: Two-way
Parallel	9'	22'	12'	22'
45	9'	17'	13'	Prohibited
60	9'	21'	18'	25'
90	9'	18'	25'	25'

- B. **Access** Each required off-street parking stall shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with an appropriate means of vehicular access to a road, in a manner which least interferes with traffic movements.
- C. **Parking Area Surface** Parking areas shall be paved with asphalt or concrete in order to protect against potholes, erosion and dust. For low-use parking areas, the Planning Commission may consider gravel, grass paving materials, or other alternative surfaces. All paved lots shall be marked with paint-striping.
- D. **Wheel Stops** Wheelstops shall be required where stalls are adjacent to slopes of 25 percent or greater. The materials and colors shall be approved by the Planning Commission.
- E. **Landscaping** See landscaping standards in Appendix B for parking areas.
- F. **Maximum Parking Permitted** In no event shall any development provide more than 120 percent of the minimum number of parking spaces established in Parking Requirements Table, except through the approval of an Alternative Parking Plan.

3.2.3 Accessible Parking Accessible parking requirements shall be provided according to the ADA Standards for Accessible Design, which require two (2) percent of all stalls provided (or a minimum of one (1) for less than twenty stalls) be set aside and designated for the use of the physically disabled. Accessible parking shall be clearly marked. At least one (1) accessible parking space shall be provided for all parking areas, even parking areas with less than 20 spaces.

3.2.4 Compact Parking Spaces The minimum Compact Parking stalls shall be no less than 8.5 feet by 16 feet for surface parking or eight feet by 16 feet, if in a parking structure and properly marked as a compact space. No more than 10 percent of the required spaces for the proposed use may be designated as compact. There shall be no more than 3 compact spaces permitted in a single parking row.

3.2.5 Required Internal Pedestrian Walkways In developments that contain internal circulation, rather than a direct relationship to roads, walkways shall be provided from the public sidewalk or street right-of-way to the building(s). Walkways shall be a minimum of five (5) feet in width and shall be designed to be distinguishable from driving surfaces. Walkways shall be provided along the full length of the building on any side which provides building access to the public or where public parking is available. Depressed curbing and ramps for accessible access shall be provided at appropriate locations, per the ADA Standards for Accessible Design.

3.2.6 Alternative Parking Requirements To avoid requiring more parking stalls than are actually needed, the Planning Commission may consider the following alternatives, to be approved with the Site Plan for a development:

- A. **Shared Parking** The Planning Commission may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking, when their respective hours of need of maximum parking do not typically overlap. The developer shall submit sufficient data prepared and sealed by a

Tennessee licensed professional engineer, based on the Urban Land Institute (ULI) Shared Parking Model (latest edition), to demonstrate that the proposed uses are compatible for shared parking and the hours of maximum demand for parking do not normally overlap. Furthermore, the developer shall submit a written agreement, to which the Town shall be a party with enforcement authority, approved by the town attorney, guaranteeing the joint use of the off-street parking signed by all the property owners involved as long as the uses requiring parking are in existence and a conflict of traffic between the uses is not created. The agreement shall include provisions for maintenance of the parking facility and shall contain covenants running with the lands of all properties included.

Deferred Parking The Planning Commission may allow some portion of the required parking spaces to be deferred if the following conditions are met. At the discretion of the Planning Commission, a parking study or other evidence shall be prepared and submitted which demonstrates that there is not a short-term need for the number of parking stalls ultimately required. After a favorable recommendation by the Town Planner, a deferred parking plan shall be prepared which contains sufficient space to meet the full parking requirements of this ordinance. The plan shall illustrate the layout, including landscaping, for the full number of parking stalls, and shall designate which parking stalls are to be deferred. The plan shall be accompanied by a written performance agreement specifying that at any later time, the deferred stalls shall be developed to conform to the requirements of this ordinance at the developer's expense should the Planning Commission determine that the additional spaces are needed.

B. **Off-Site Parking** The Planning Commission may allow off-site parking for properties located within any commercial zoning district when it is determined necessary to serve existing businesses with a viable need for additional parking area. Such off-site parking shall be within 500 feet of the property which it is intended to serve. The developer must submit a written document, signed by all involved property owners and businesses verifying the arrangement for off-site parking. Such an agreement must be approved by the Planning Commission and must include provisions for adequate maintenance of property used for off-site parking and must include the provision of adequate landscaping improvements and necessary maintenance of such to screen between public right-of-way and parking area as well as the perimeter of the parking area. This designated parking area must provide for safe, adequate controlled access to public streets in accordance with Article 3.2.2.B. Access and paved aprons from public streets shall be required. Gravel or other alternative surfaces may be allowed if deemed adequate by the Planning Commission.

C. **Historic Preservation Exemption** The preservation of any property that is located within an Historic District Overlay, listed on the National Register, or otherwise identified as being historic in the Town of Nolensville Comprehensive Plan may be grounds for a reduction in, or complete exemption from, the parking requirements in this article. The reduction or exemption needed to allow a viable use of the historic structure shall be granted unless a substantial parking shortage

or traffic problem will result. The Planning Commission is authorized to grant exemption.

3.3.0 OFF-STREET LOADING REQUIREMENTS

3.3.1 Loading Area Requirements Table The number of designated loading areas required for each land use classification is established in the table below.

LOADING AREA REQUIREMENTS TABLE		
Land Use*	Gross Floor Area (square feet)	Loading Areas
Building contractors supply, heavy equipment sales; restaurant, drive-in restaurant; warehouse, distributive business; wholesale; heavy manufacturing	Less than 2,000	None
	2,001 to 10,000	1
	10,001 to 25,000	2
	25,001 to 60,000	3
	60,001 to 100,000	4
	Each additional 80,000	1
Funeral Home	Less than 2,500	None
	2,501 to 5,000	1
	Each additional 10,000	1
Light manufacturing; power plant, water treatment plant	Less than 5,000	None
	5,001 to 20,000	1
	20,001 to 40,000	2
	40,001 to 60,000	3
	60,001 to 100,000	4
	Each additional 80,000	1
Retail, supermarket; automobile service/repair; upholstery/furniture repair; veterinary office; theater; entertainment facility	Less than 10,000	None
	10,001 to 25,000	1
	25,001 to 40,000	2
	40,001 to 60,000	3
	60,001 to 100,000	4
	Each additional 150,000	1
Financial institution; professional office, medical office; hospital; nursing home, group home (9 or more residents); retirement center; hotel/motel; elementary and secondary education	Less than 10,000	None
	10,001 to 100,000	1
	100,001 to 300,000	2
	Each additional 300,000	1
*Loading areas shall be determined per individual uses in multitenant buildings as specified on a site plan and/or building permit.		

3.3.2 Loading Area Design Standards The minimum required dimensions of loading areas, open or enclosed, shall be 12 feet in width by 55 feet in length, with a minimum vertical clearance of 15 feet. Where tractor-trailer units will be using the facility, the minimum length shall be 65 feet. All open loading areas shall be surfaced with concrete, or other hard-surfaced dustless materials, and shall be constructed to provide for adequate drainage. No loading area shall be located within the right-of-way of a public street. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare, public right-of-way or parking area (driving aisle or parking stall) while the truck or van is loading or

unloading. Loading areas shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings. Required loading areas and associated aisles and maneuvering areas shall be used for vehicle loading/unloading only.

3.3.3 Loading Area Location Loading areas shall not be oriented toward a public street except in the OI zone.

3.3.4 Loading Area Screening *See Landscaping for screening standards for loading areas. (add section citation)*

3.3.5 Loading Areas Adjoining Residential Uses Whenever a loading area abuts residentially zoned land, or existing residential uses, the provisions of this specific article shall determine the design of the loading area.

- A. Where nonresidential buildings of less than 10,000 gross square feet have loading areas that abut residential uses or property zoned Estate Residential, Suburban Residential, or Village, a the Standard C Buffer Yard shall be provided between the loading area and the residential use or zone.
- B. For all nonresidential buildings over 10,000 gross square feet, the loading area shall be sheltered in a shed. The following standards shall be followed in the design of the shed.
 - 1. All loading bays shall be enclosed by the shed, so that trucks of 55 feet total length or less are fully screened within the shed when parked at any loading bay.
 - 2. All trash storage, whether individual containers or dumpsters, shall be enclosed within the shed, or similarly completely screened from all residential properties.
 - 3. The loading shed may be configured as a shed or using some other roof form intended to reduce the apparent building bulk to neighboring properties.
 - 4. The exterior of the shed shall be constructed of materials that make it blend with the overall architecture of the building and the rear of structures facing residential uses or residential zoning shall be of similar materials to the front of the building.

3.4.0 ACCESS STANDARDS

3.4.1 General Access Requirements Access to public roads and highways in Nolensville shall be carefully controlled to ensure that the congestion created by turning movements is reduced to an absolute minimum. All proposed develops shall meet the requirements of this section.

- A. Each lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for all those likely to need or desire access to the property on a regular basis.
- B. Most uses and development sites shall be discouraged from having more than one point of access.
- C. In no case shall a lot with under 100 feet of frontage have more than one access point. In instances where more than one point of access is required because of the site or development size, corner location, or other circumstances, the number shall be minimized by combining access points when possible.
- D. Every development application for site plan review, shall plan for pedestrian access and provide sidewalks to a minimum width of five (5) feet along all public street frontages. Sidewalks shall not be required in the OI zones except along major roads.
- E. Non-residential development sites which adjoin at side yard lot lines shall provide cross-access to adjacent sites through reserved access easements and subsequent development of cross-access drives.
- F. Access points for uses fronting on major streets within the CS and V districts shall be separated from each other and any intersecting street by the greatest distance possible. Wherever feasible, this distance shall not fall below 200 feet. Parallel access or reverse frontage roads shall be encouraged to increase the distance between intersections to 400 feet wherever possible.
- G. The use of alleys that provide rear access, especially for commercial deliveries and employee parking, residential services (i.e. garbage collection), and fire and other emergency services, shall be encouraged.
- H. Uses at the intersection of a major street and a local or a less traveled road must take access from the local or less traveled road.

3.4.2 Traffic Impact Studies The purpose of a traffic impact study shall be to identify what on-site or off-site improvements, if any, are necessitated to offset the additional traffic generated by a proposed level of development. Such improvements might include the provision of traffic signals, turning lanes or road widening.

- A. **Traffic Impact Study Required** A traffic study shall be required by the Planning Commission for any proposed final site plan or subdivision which contains:
 - 1. residential developments with more than 50 dwelling units;
 - 2. non-residential developments of more than 30,000 square feet; or

3. residential uses, non-residential uses or thereof which would be expected to generate 500 vehicle trips or more per day, or 50 or more peak hour trips per day.

- B. **Study Requirements** A traffic study shall contain analysis of each access point that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements and private driveways. The Planning Commission may also require the study to analyze any off-site traffic impacts generated by the proposed development. The Town Engineer will determine the extent of the study. If the development is to be phased, the sequence and timing of a development shall be incorporated into the traffic impact study. For projects, which include multiple phases and/or multiple buildings, the Planning Commission shall certify the scheduling of improvements through the site plan approval process. If no phasing is identified in the approved traffic impact study, all study recommendations shall be satisfied at the initial stage of development.
- C. **Waiver of a Traffic Impact Study** A traffic study may be waived in cases where the applicant and Planning Commission agree on the nature and scope of the applicant's responsibilities for mitigating the impacts of traffic generated by the development.
- D. **Approval of a Traffic Impact Study** The traffic impact study shall be approved by the Planning Commission, with all applicable requirements incorporated into any site, subdivision and building plans.
- E. **Implementation of a Traffic Impact Study** The traffic impact study may take into account any improvements which have been funded and scheduled for construction. Any required traffic improvements which have not been funded or otherwise completed by the Town of Nolensville shall be completed by the developer within the time frame of conditions as established by the Planning Commission. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Planning Commission may require a pro-rata contribution. The Mayor or his designee will certify that all traffic improvements to be provided by the developer of property owner have been completed before a certificate of occupancy shall be issued.

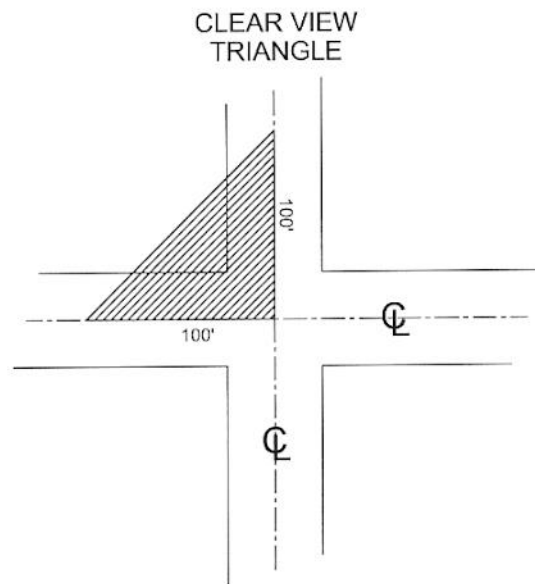
3.4.3 Access Plan In order to minimize the number of access points on arterial and collector roads, the Town Planner shall, when the first development occurs in a previously undeveloped area, prepare an access plan for the area. All land owners shall be required to conform to this plan in order to get site plan or subdivision approval. The access plan shall be approved by the Planning Commission

3.4.4 Temporary Access All proposed development plans must meet the requirements of Article 3.4.1; however, no developer shall be denied site plan approval for the sole reason that a property cannot meet the standards of Article 3.4.1. Rather, a temporary access may be permitted which shall expire when the permanent access to the property via adjoining parking lots, parallel access, or reverse frontage roads becomes feasible. The

property owners shall pay the cost of closing the temporary access and connecting to the permanent access.

3.4.5 Road Right-of-Way Construction Roads and their rights-of-way shall be constructed and provided in accordance with the Town of Nolensville Major Thoroughfare Plan, Comprehensive Plan, and Subdivision Regulations. In addition, the requirements in Article 3.4.1 shall also be met.

3.4.6 Clear View of Intersecting Roads In order to provide a clear view of intersecting roads to motorists, there shall be a triangular area of clear vision formed by the two intersecting roads. The triangular area shall be formed by a point on each road centerline, located 25, 50, or 100 feet from the intersection of the road centerlines, and a third line connecting the two points. The size of the triangular area shall be a function of traffic volume and speed. On any portion of a lot that lies within the triangular area described and illustrated above, nothing shall be erected, placed, planted or allowed to grow in such a manner that materially impedes vision between a height of 30 inches and eight (8) feet above the grade at the two road centerlines.



3.4.7 Private Roads In the Estate Residential zoning district, a 22-foot wide paved surface located within a 50 foot wide easement shall be required for subdivisions having three (3) to seven (7) lots with an overall maximum density of one unit per 1.5 acres. Gravel surface may be allowed by the Planning Commission for not more than two (2) lots. The base and sub-base of such road shall meet standards contained in the Town of Nolensville Subdivision Regulations for public roads. All lots taking access from the easement will be

included in the calculation for permitted lots. Private roads serving developments with less density than one unit per 1.5 acres are permitted for residential developments provided they conform fully to the standards contained in the Town of Nolensville Subdivision Regulations for public roads. All lots shall have a building envelope 200 feet apart or fire hydrants will be required.

- A. All private roads must be inspected according to the provisions of the Town of Nolensville Subdivision Regulations.

3.4.8 Common Driveways

- A. In the Estate Residential district development, Urban Residential and Suburban Residential districts no more than two (2) residential lots may take access from a common driveway. The driveway shall be in an easement with a minimum width of 50 feet and require that property owners share in the expenses for maintenance of the driveway.
- B. All driveways approved under this section must comply with Section 5 of the International Fire Code, most recent edition adopted by the Town, for standards for fire apparatus access roads.

3.4.9 Minimum Road Frontage Each lot, including lots located on a cul-de-sac and lots located on a curve shall have a minimum road frontage equivalent to 75% of its minimum required width. A minimum street frontage length of 50 feet shall be required in all districts.

- A. Lots in the Estate Residential district may have private driveways within easements. When a private driveway within an easement to a public road is used as access to a lot, this easement must have a minimum width of 50 feet and be at least 300 feet from the public road. No more than three (3) homes may be served by an individual easement unless specifically approved by the Planning Commission through a subdivision plat.
- B. Where common driveways are permitted by the Planning Commission, per Article 3.4.8, this requirement shall apply to only one of the three lots.

3.4.10 Paved Apron All new gravel surface driveways or gravel private roads shall have a paved apron at the connection with a public road; apron to be paved from the existing pavement edge of public road to the property line, a minimum pavement length of twenty-five (25) feet and have a minimum ten (10) feet radius. This requirement also applies to existing gravel driveways or private roads that add new lots that share the driveways or private roads.

ARTICLE 4 -- TEMPORARY USE REGULATIONS

4.1.0 GENERAL

Temporary uses are permitted only as expressly provided in this article. Proposed temporary uses, which are similar in nature and impacts of the uses, but not explicitly noted in this article may be considered by the Planning Commission, upon recommendation of the Town Planner.

4.1.1 **Temporary Use Permit Required** No temporary use shall be established unless a temporary use has been approved by the Planning Commission and a permit obtained from the Town Staff, as provided in 4.2.0 of this Article.

4.1.2 **Signage Limitation** No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Appendix A

4.1.3 **Specific Temporary Uses Permitted** The following are temporary uses, which are subject to the following specific regulations and standards, in addition to the other requirements specified in this ordinance:

A. **Christmas Tree Sales**

- Permitted in the ER, V, CS, and PI zoning districts.
- Maximum length of permit for display and open lot sales shall be 45 days.

B. **Fireworks Sales**

- Permitted in the CS and CR zoning districts, and also in certain tracts that abut Nolensville Road in the SR zoning district that are located within 4300 Linear feet from the northernmost point on Nolensville Road at the common boundary of Davidson County/Williamson County and Corporate Boundary of the Town Of Nolensville.
- Maximum length of permit for display and sales shall be 45 days.
- No residential structure shall be within 300 feet of the proposed structure or use.
- No gas pumps shall be within 300 feet of the proposed structure or use
- The proposed use shall be located a minimum of 500 feet from other similar uses.

C. **Contractor's Office** Construction Equipment Sheds and Storage of Building Materials

- Permitted in any district where use is incidental to a construction project.
- Office or shed shall not contain sleeping or cooking accommodations.
- Maximum length of permit shall be one (1) year, renewable at the discretion of the Mayor or his designee.
- Office or shed shall be removed at the completion of the construction project.
- Any gravel or pavement constructed to serve this use shall be returned to its natural state and shall be stabilized upon removal of the temporary use.

D. **Real Estate Sales Office**

- Permitted in any district for any new development approved in accordance with the Subdivision Regulations of Nolensville.
- Maximum length of permit shall be one (1) year, renewable at the discretion of the Mayor or his designee until the completion of the development of the subdivision.
- Office shall be removed upon completion of the development of the subdivision.

E. **Produce or Farm Stand**

- Permitted in the ER, V, CS and PI zoning districts.
- Farm stands operating as a temporary use shall be open for no more than six (6) months per year.
- All temporary signs shall be affixed to the stand and, when added together, shall not exceed 35 square feet in area. The sign(s) may contain the name of the stand but shall only contain advertising that pertains to the produce sold at the stand. This type of sign will not require the issuance of a sign permit.
- The stand shall neither block nor be located within any right-of-way and shall be a minimum of ten (10) feet from the paved surface of the road. When located at intersecting roads, the stand shall conform to the clear-view distance requirements as set forth in Article 3.4.6.

F. **Temporary Festival**

- Permitted in the ER, V, CS, CR, OI and PI zoning district.
- The activity shall have a duration for no more than ten (10) days in a month, and limited to four (4) events per year. The Mayor or his designee may further restrict the hours and days of operation.
- The Mayor or his designee shall stipulate, based on the zoning pattern and nature of land uses in the immediate area, the maximum noise level permitted to occur at the site boundary.
- The Mayor or his designee shall have the discretion to request traffic impact information and use this information as a basis for his decision.

G. **Food Service Stands**

- Food service stands, including trailers or other portable devices, shall not be allowed except in association with an approved temporary festival with approval from the festival managers and property owners.
- Require a temporary permit from the Mayor or his designee that includes permission from the owners of property where they will operate.
- Operator must meet all state and county licensing requirements and health department regulations concerning food preparation and sales.

H. **Farmer's Markets**

A farmer's market is a physical retail market where farm products are sold directly by producers to consumers. Farmer's markets typically consist of booths, tables or stands, outdoors or indoors, where producers sell fruits, vegetables, meats, and limited processed foods.

- Allowed only in PI zoning districts and other public and semi-public sites such as churches and schools.
- Require site plan exhibit indicating parking and location of vendors
- Restrict vendor sales to agricultural products, food vendor sales, and cottage crafts.
- Access to restroom facilities must be available.
- Permission from property owner(s) must be obtained.
- No additional lighting is allowed.
- No amplified music is allowed.
- Permit length 6 months per year.
- Must have market manager on site.
- The market must identify the organization responsible for the operation of the market and have a set of rules and regulations in place covering operations, vendor standards and certification, health and safety regulations, liability insurance, and other related procedures.

4.2.0 TEMPORARY USE PERMIT

- 4.2.1 **Temporary Use Permit Required** A temporary use permit must be obtained from the Mayor or his designee prior to the locating, constructing or beginning a temporary use.
- 4.2.2 **Temporary Use Permit Application** The application requirements for a Temporary Use permit shall be established by the Town in a form and content appropriate to demonstrate that the proposed use will be in compliance with applicable provisions of this ordinance. The Mayor or his designee shall have ten (10) days to review the application and render a decision to the applicant.

ARTICLE 5 - RESOURCE PROTECTION

5.1.0 OTHER ENVIRONMENTALLY SENSITIVE LANDS

5.1.1 **Applicability** Resource protection standards shall apply to all subdivisions and development in all zoning districts.

5.1.2 **Slopes** Areas that are excess in of fifteen (15) percent slope shall be protected as follows:

<u>Slope</u>	<u>Min. Percent of Site to Remain Undisturbed</u>
15% - 25%	40
>25% - 35%	100

5.1.3 **Sinkholes** Sinkholes are formed from the action of rain, stormwater runoff and ground water on limestone strata. Development of any parcel which contains sinkholes must be designed and approved by the Town Engineer.

5.1.4 **Hilltops** Development on hilltops increases runoff, erosion, sedimentation and the potential for slope destabilization. Also, because of their high visibility, their development degrades the rural character of Nolensville. See Article 1.13.2 for a definition and illustration of hilltops. A minimum of 80 percent of the hilltop area shall be maintained as open space.

A. Design Standards Buildings located on a hilltop shall be a maximum of 15 feet in height, or half the average canopy height of surrounding trees, whichever is greater. Clearing activity shall be restricted to the central area of the hilltop except as required for access. Stormwater drainage shall be conveyed to the bottom of the hill by an erosion-resistant channel.

5.1.5 **Ridgetops** Development of ridgetops increases the potential for downslope erosion, sedimentation and soil destabilization. Also, because of their high visibility, their development degrades the rural character of Nolensville. See Article 1.13.2 for a definition and illustration of ridgetops. These conditions require that a minimum of 50 percent of the ridgetop area be maintained as open space.

A. Design Standards Buildings located on the outer edges of ridgetops shall be a maximum of 15 feet in height, or half the average canopy height of surrounding trees, whichever is greater. If a second, interior row of development occurs, then the maximum building height shall be limited to 25 feet, or half the canopy height of surrounding vegetation, whichever is greater. Permitted clearing shall occur near the center of the ridgetop except as required for access. Stormwater drainage shall be conveyed to the bottom of the ridge by an erosion-resistant channel.

5.2.0 RESOURCE MANAGEMENT

5.2.1 **Applicability** Resource management regulations shall apply to all subdivisions and development in all zoning districts.

5.2.2 **Septic Disposal Areas** The plat of subdivision shall designate the areas to be used for disposal fields. Prior to any earth moving permits being granted, the landowner or developer shall erect, and have inspected, fencing to protect the disposal area from disruption during the construction process. Owners and developers are encouraged to require bonding by contractors to protect themselves against damage to the disposal area and to encourage greater care on the part of contractors. Approval by all appropriate governmental entities is required for septic areas.

5.2.3 **Stormwater Management** Each development shall provide for the on-site or off-site detention of excess stormwater runoff resulting from that development. For the purposes of this ordinance, “excess stormwater runoff” shall include all increases in stormwater resulting from the following: (1) an increase in the impervious surface of the site; (2) changes in soil absorption caused by compaction during development; (3) modifications in contours, including the filling or draining of small depressional areas, alterations of drainageways or regrading of slopes; (4) destruction of forest; (5) alteration of drainageways or installation of collection systems to intercept road flows or to replace swales or other drainageways; or (6) the alteration of subsurface flows, including any groundwater dewatering or diversion practices such as curtain drains, compared with the site in its natural state.

- A. **Stormwater Detention** To minimize adverse affects of development, detention of stormwater is required for development subject to review by the Town Engineer. However, because detention in downstream areas of a large watershed can cause increased peak flows in downstream channels, the Town reserves the right to alter the detention criteria and to prohibit or not require it where it is not in the best interest of the Town. This decision shall be based upon sound engineering judgment and/or studies. The release rates from any detention facility should approximate that of pre-developed site conditions. Multi-stage detention is required for the 1-year, 2-year, 5-year and 10-year design storm events with emergency overflow capable of handling the 100-year storm event except where waived or altered by the Town Engineer. Detention facilities will not be permitted on lots within residential subdivisions unless approved by the Town Engineer. Detention facilities must be located within drainage easements.
- B. **Water Quality** Developments shall address stormwater quality. The first flush volume (first 1-inch of runoff) shall be captured and then slowly released. The release rate should be over a 24 to 48 hour period. Detention facilities or other techniques may be used if acceptable to the Town Engineer.
- C. **Design Procedures** Stormwater management facilities shall be designed using a rainfall-runoff model, “HEC-1, Flood Hydrograph Package,” and “HEC-2, HEC-

RAS, Water Surface Profiles,” by the U.S. Army Corps of Engineers or other methodologies approved by the Town. In accordance with paragraph A above, the developer must define downstream property owners that would be affected by increased runoff. In addition, the developer must define the runoff effects of his development combined with future development scenarios supplied by the Town. In the event that the proposed development individually, or in combination with approved future development scenarios, increases the frequency and/or duration of existing flooding problems or creates new flooding problems, the developer will define solutions to such problems. If, in the determination of the Mayor or his designee or other applicable regulatory agency using appropriate calculations, detention of stormwater on-site is unnecessary or could cause adverse effects to the overall hydraulic system, an alternative proposal may be considered.

- D. **Design Regulations** The design of all detention facilities and improvements required by this article shall be reviewed and approved by the Mayor or his designee. Detention/retention basins shall not be located within required front or side setbacks. Landscaping requirements are contained in Appendix B.
- E. **Maintenance of Facilities** It is the responsibility of the developer to maintain all improvements until such time as maintenance is assumed by the Homeowners Association Covenants, through a maintenance agreement, or other document acceptable to the Town. Detention facilities should be designed to require minimal maintenance. Maintenance responsibilities shall be defined and shall be acceptable to the Town. A maintenance agreement must be executed, with wording acceptable to the Town, and recorded before the Town will approve the development plan or release the Grading Permit.
- F. **Permit Required** A permit issued by the State of Tennessee shall be required for the approval of all stormwater management structures exceeding 20 feet in height and/or a storage volume of 25 acre-feet.

5.2.4 Inspection of Facilities

- A. The developer’s engineer shall be required to inspect all drainage and septic facilities under construction and certify their compliance with approved plans. The developer shall have as-built survey drawings provided of all detention facilities.
- B. A registered professional engineer, employed by the Town, may inspect all drainage and septic facilities while under construction.
- C. It shall be the responsibility of the developer to receive final approval, final inspection and a certificate of compliance from the Town.
- D. When facilities are not constructed according to approved plans, the Town has the explicit authority to compel compliance and require correction of any situations, which are not according to approved plans.

5.3.0 GREENWAYS

Land Dedication Required

Multiuse Paths and/or Greenways, as identified by the Comprehensive Plan, shall be shown on all development plans/plats provided to the Town (PUD Concept Plans, Site Plans, Preliminary Plats, and Final Plats, as appropriate). When a property submits a development request, as defined by Article 1, to the Town, dedication of land shall be required in order to achieve the Multiuse Path and Greenway element of the Town's Comprehensive Plan. Dedication to the Town of Nolensville shall be, through an instrumented determined by the Town Planner of a twenty-five (25) foot wide easement along the proposed greenway and/or multi-use path.

An additional one (1) residential dwelling unit is allowed for each one thousand (1,000) feet of primary greenway trails/path that is constructed as part of a residential subdivision. The trail/path shall be a minimum of ten (10) feet wide and constructed of asphalt or similar acceptable material.

ARTICLE 6 -- EROSION CONTROL AND STORMWATER MANAGEMENT

6.1.0 INTENT & APPLICATION

- A. Land disturbance and other forms of site excavation can contribute to the degradation of land surfaces and streams, erosion, siltation, earth slides, mud flows, dusty conditions, clogged storm sewers, additional road maintenance cost, increased water runoff and localized flooding. It is the intent of this article to protect the health and safety of residents and adjoining or nearby property in the town, including land, waterways, hills and vegetation through the regulation of erosion control measures.
- B. Except as otherwise provided for, the following regulations shall apply in all zoning districts as shown on the zoning map of the town.

6.1.1 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cut - The portion of land surface or area from which earth has been or will be removed by excavation; also, the depth below original ground surface to excavated surface.

Erosion - any removal or loss of soil by the action of wind and water. Erosion includes both the detachment and transportation of soil particles.

Erosion Control Measures - one or more of the following measures, or other methods of slowing or stopping the removal of soil by wind, water, ice, or gravity used singularly or in combination as appropriate:

- A. **Diversion** A swale or channel with supporting ridge (berm, dike or wall) constructed across a sloping land surface along the contour, or with predetermined grades, to intercept and divert surface runoff before it gains sufficient volume or velocity to create conditions of erosion.
- B. **Drains** Underground conduits or filter drains to reduce surface runoff or lower a high water table.
- C. **Grade Stabilization Structures** Drop structures made of concrete, corrugated metal pipe or other suitable materials which dissipate the energy of flowing water by dropping it in a relatively short horizontal distance.
- D. **Grassed Waterways** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses used to carry surface water.
- E. **Land Grading** Reshaping the ground surface by grading to planned slopes and configurations that will prevent excessive erosion conditions.

- F. **Mulching** The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion and aid in establishing plant cover.
- G. **Sediment Barriers** A temporary barrier installed to intercept runoff containing sediment. The barrier shall filter sediment and allow runoff to pass through. Sediment barriers may include straw bale barriers and silt fences when installed as shown in Illustration Nos. 1 and 2.

Excavation - the act of removing dirt or soil (see *Cut*, above).

Fill - the portion of land surface or area to which soil, rock or other materials have been or will be added; height above original ground surface after the material has been or will be added.

Grade - the slope or elevation of the ground surface prior to or after cutting and filling.

Grading - any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing or stockpiling, or where any ground cover, natural or manmade, is removed, or any buildings or other structures are removed or any watercourse or body of water, either natural or manmade, is relocated on any site, thereby creating an unprotected area. Grading shall be synonymous with land disturbance activity.

Immediate Threat to Public Health and Safety - a very serious threat to the community or adjacent property including, but not limited to, clogged drainage ditches, flooding of adjacent properties, threat of landslides or other problems which should be resolved without delay. In instances where this is the case, verbal instructions to remedy the situation with follow-up of written notification shall be sufficient to meet the notification requirements of this article.

Land Disturbance Plan - the plan required before a grading permit may be issued. It consists of a narrative description and appropriate drawings and plans that spell out the methods, techniques and procedures to be followed on a site to control erosion and other potential degradation of adjoining or nearby properties, during and after development, including methods of temporary measures, maintenance measures and final stabilization of the site and project.

Owner - the person or entity holding the registered title to property. The County property tax rolls shall be prima facie evidence that the person or entity listed therein is the registered owner.

Permit Holder - the owner of the property or the owner's representative in whose name a permit has been applied for and issued by the Town.

Sediment - rocks, sand, gravel, silt or other material deposited by action of wind, water or gravity.

Sedimentation - the action of settling out of the soil particles which are transported by wind, water or gravity.

Stripping - any activity which removes or significantly disturbs the vegetative cover, including clearing and grubbing operations and top soil stripping.

6.1.2 **Grading Permit**

- A. **Required** Except as otherwise exempted for Single Family Homes, no individual, property owner or other legal entity shall engage in any land-disturbing activity which will modify the existing grade and/or may result in increased soil erosion or sedimentation including, but not limited to, clearing, stripping, grading, excavation, transporting and filling unless a grading permit has first been obtained from the Mayor or his designee. The owner of the property or his representative shall complete an application for the permit on forms provided by the Mayor or his designee and shall submit a proposed land disturbance plan with the application. The property owner shall be responsible for compliance with all provisions of this article. The grading permit does not preclude additional permits or authorization required by Federal entities, the State of Tennessee or the Town. The Town may delay issuance of the Town's permit pending the receipt of Federal and/or State permits.
- B. **Planning Commission Authorization** In instances where a proposed land disturbance activity will exceed five acres or will occur on any tract as a part of an overall commercial or service/institutional site development plan, or will occur as a part of an environmental restoration project under the supervision of the United States Environmental Protection Agency or the Tennessee Department of Environment and Conservation or their successors, no grading permit shall be issued by the Mayor or his designee until the land disturbance plan is reviewed and approved by the Planning Commission.
- C. **Fees** The Town, may impose additional fees by resolution in order to defray costs associated with the processing of permits and for inspections of land disturbance activities.
- D. **Expiration** A grading permit shall become void six (6) months from the date of issuance unless substantial progress has been made on the project by that time.

6.1.3 **Properties Exempt from Obtaining a Grading Permit**

The following uses and activities shall be exempt from the requirement to obtain a grading permit. Erosion and sediment control must still be implemented, per Section 7.1.4 of this ordinance.

- A. **Single-Family Residence** The construction of a single-family residence or addition to an existing single-family residence on a lot with a grade less than 15 percent provided, however, such construction shall be required to comply with the erosion control requirements.
- B. **Public Utilities and Roadway Construction** The installation, maintenance and repair of any public utility as well as public roadway and storm drainage construction and maintenance by governmental agencies and/or their agents; provided, however, that such land disturbing activity shall comply fully with the rules and regulations set forth by the Tennessee Department of Environment and Conservation and the Town's erosion control and sediment control requirements.
- C. **Subdivision Development** Subdivision development activities are NOT exempt from the requirements for obtaining a grading permit.
- D. **Agricultural Use** Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act (T.C.A. section 43-26-103), or as hereafter amended.
- E. **Lawns/Gardens/Landscaping** Home gardens, home landscaping or lawn preparations on existing lots or parcels shall be exempted from the provisions stated in this article unless the possibility for erosion or alteration of drainage patterns or structures is such to necessitate a grading permit.

6.1.4 **Land Disturbance Plan**

The land disturbance plan shall comply with the minimum general and technical requirements set forth in this section. The complexity of the plan shall be commensurate with the severity of site conditions and potential for off-site damage. The Mayor or his designee may require additional information if deemed necessary and appropriate to evaluate the feasibility of the plan.

- A. **Plan Required** Except as otherwise exempted from the requirements of this article, a land disturbance plan shall be required prior to the issuance of a grading or building permit. The plan shall identify the specific and appropriate erosion control practices and sediment trapping facilities proposed for the site to be disturbed as well as a schedule for implementation and maintenance. The plan shall also identify final stabilized conditions for the site, provisions for removing temporary control measures and stabilization of the site when temporary measures are removed, permanent stormwater conveyance structures and maintenance requirements for any permanent measures.
- B. **Professional Design** The land disturbance plan shall be developed by a qualified professional engineer, licensed to practice in the state, when the area of disturbance exceeds five acres or by either a qualified professional engineer or

qualified landscape architect licensed to practice in the state for smaller areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development or nearby lakes, streams or large drainage ditches.

- C. **Erosion Control** Erosion control measures shall be designed and provided in accordance with generally accepted engineering practices and the requirements of this article. Areas that are to be developed or excavated shall apply these guidelines, fitting the appropriate measures to the specific soils and topography so as to minimize soil erosion and surface water runoff. The erosion control shall be maintained until the yard, or disturbed area is significantly established and replaced.
- D. **Protection of Natural Vegetation and Trees** Natural vegetation shall be retained and protected whenever feasible during construction. If an area is stripped of vegetation during construction, the exposed area shall be limited to the smallest practical size, and duration of the exposure limited to the shortest practical time.
- E. **Minimum Information Required** It shall be at the discretion of the Mayor or his designee to determine how much information is necessary to obtain a permit. At a minimum, the following information shall be required.
 - 1. Name, address, telephone number, and facsimile number if applicable of the permit holder, and the owners and developer; if other than the permit holder, for the property to be graded.
 - 2. The registration seal and signature of the engineer or landscape architect, who prepared, designed and reviewed the plan.
 - 3. A brief project description.
 - 4. A plan drawn to a scale no less than one inch equals 100 feet, including predevelopment topographic conditions and post-development grades. The contour interval shall be no greater than two feet. The plan shall include off-site existing topographic conditions extended to a minimum of 25 feet beyond the boundaries of the subject tract of land if grading is designed to be within 20 feet of any boundary line. The pre-development conditions survey shall also include information on all public roads adjoining the subject property. The topographic data shall be obtained by field survey or acceptable aerial photography (two-foot contours). U.S.G.S. based topographic data is not acceptable.
 - 5. The site location, boundaries, adjacent properties, location of any existing or proposed buildings or structures on the property or on adjacent land within 100 feet of the area to be disturbed, floodplain areas, ditch lines and any existing on-site and off-site structural or natural features of the land which have a significant impact on drainage or sediment control.
 - 6. The location and a description of temporary and permanent erosion control measures and drainage appurtenances to be constructed and structural changes and improvements to the land, including clearing and grading

limits, daily cleanup and site control practices and other activities to mitigate the adverse impact of land disturbance.

7. The Mayor or his designee may require a geotechnical report be provided as part of the Land Disturbance Plan. The report shall be prepared by a Tennessee registered professional engineer, qualified to perform geotechnical engineering.

A time schedule for initiation and completion of the measures and devices and periodic maintenance after completion.

- 6.1.5 **Construction Access Routes** A stabilized stone pad shall be placed at any point where traffic will be entering and leaving a construction site to or from a public road prior to the initiation of any grading work. Stone pads shall contain ASTM-1 stone, six inches thick (minimum), and shall be placed from the public road into the construction site a minimum width of 12 feet and length of 100 feet for commercial and 50 feet for residential. Construction of a single-family home shall have a stone pad placed as described. These pads shall be maintained and/or reconstructed when they lose effectiveness.
- 6.1.6 **Cut and Fill Slopes** Permanent cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Consideration shall be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Any slopes installed at two foot horizontal to one foot vertical or steeper shall be stabilized with rock riprap, geo-textile fabric, or other acceptable method approved by the Mayor or his designee.
- 6.1.7 **Stabilization of Denuded Areas and Soil Stockpiles** Permanent erosion control measures shall be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Soil stabilization shall also be applied within 15 days to any denuded area which may not be at final grade, but will remain dormant (undisturbed by construction activity) for longer than 60 days. Any temporary soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent erosion. Applicable erosion control measures shall include establishment of vegetation, mulching and the early application of gravel base on areas to be paved. Selected permanent or temporary erosion control measures should be appropriate for the time of year, site conditions and estimated duration of use.
- 6.1.8 **Establishment of Permanent Vegetation** A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized through the construction of approved structures and parking lots or driveways. Permanent vegetation shall not be considered stabilized until a ground cover is achieved, which in the opinion of the Mayor or his designee is mature enough to control erosion and to survive seasonal conditions for a period of one year from initial planting.

6.1.9 Protection of Adjacent Properties

- A. **Downslope Protection** All properties adjacent and/or downslope from the site of a land disturbance shall be protected from soil erosion and sedimentation. This shall be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance or by installing perimeter controls such as sediment barriers, filters or dikes, or sediment basins, or by a combination of such measures.
- B. **Use of Buffer Strips** Vegetated buffer strips shall be used alone only where stormwater runoff is anticipated to occur through sheet flow and shall be a minimum of 20 feet in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping erosion onto adjacent property, additional perimeter controls shall be provided by the owner.
- C. **Sediment Control** Sediment basins and traps, perimeter dikes, sediment barriers, dams, diversions and other erosion control measures intended to trap sediment on-site shall be constructed as the first step in grading and shall be made functional prior to disturbance of upslope land. Earthen structures such as dams, dikes and diversions shall be seeded and mulched within seven days of installation.
- D. **Stormwater Runoff** Stormwater runoff from disturbed areas five acres or greater shall pass through a sediment basin or other suitable sediment trapping facility. All storm drainage inlets shall be protected during construction with a sediment barrier to prevent clogging and localized flooding. All means of protection shall be maintained and monitored throughout construction.

6.1.10 Disturbance in Streams and Floodways The applicant for proposed land disturbance activities in streams, and intermittent streams as defined by TDEC, generally indicated by a blue line on a 7 1/2 minute United States Geological Survey quadrangle and designated floodways shall be required to provide evidence of obtaining appropriate permits from federal and state regulatory agencies or a written waiver of such permits prior to the issuance of a grading permit by the town.

6.1.11 Existing Areas with Soil Erosion Problems Upon written notification from the Mayor or his designee, the owner of any parcel of land which exhibits unstable or eroding soil conditions, and impacts downslope properties, public right-of-ways or watercourses shall correct the problem within 90 calendar days from receipt of official notification. Upon written request to the Mayor, the period for correction may be extended if seasonal conditions warrant and temporary erosion control measures are installed. Minimum corrective measures may include stabilizing eroding slopes and re-vegetating all exposed soil surface. Before commencing corrective measures, the owner shall consult with the Mayor or his designee to determine an acceptable method of correction. A permanent plan for erosion control shall be submitted to the Mayor or his designee for review and approval prior to initiation of corrective measures.

6.2.0 PERFORMANCE BONDS

Prior to the issuing of a permit for any land disturbance activity, the applicant shall be required to provide a performance bond or similar form of security acceptable to the Town to complete all land and grade stabilization measures and improvements as shown by the approved plan. The Mayor or his designee shall establish the amount and time period of the bond, based on the estimated cost and time for completing the plan. Within 30 days of the completion and final inspection by the Town of all provisions of the approved plan, such bond or security shall be refunded or terminated, provided, however, that a maintenance bond no greater than 50 percent nor less than ten percent of the original bond as determined by the Mayor or his designee shall be required for a period of one year to ensure that the permanent vegetation is mature enough to control erosion and to survive seasonal weather conditions.

6.3.0 APPEALS

Whenever the Mayor or his designee rejects or refuses to approve the mode or manner of construction proposed to be followed, or materials to be used, or when it is claimed that the provisions of this article do not apply or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this article or any of the regulations there under have been misconstrued or wrongly interpreted, the owner of such property or his duly authorized agent may appeal the decision to the Planning Commission. Notice of appeal shall be in writing and filed within 30 days after the Mayor or his designee renders the decision. A filing fee of \$50.00 shall accompany such notice of appeal, which shall be refundable if the Planning Commission upholds the appeal of the applicant. The Planning Commission shall meet and conduct a hearing on the appeal within 60 days, unless the applicant requests or consents to additional time.

6.4.0 INSPECTIONS

- A. **Permit Holder's Responsibility** It shall be the responsibility of the grading permit holder to:
1. Provide in writing an anticipated phasing plan and schedule of the land disturbance activities from initiation to completion. The permit holder shall promptly notify the Town in writing if there are any changes to the schedule or delays associated with the phasing plan; and
 2. Conduct periodic inspections of the installed erosion control measures during construction and of nearby downstream facilities, to determine if such control is effective. Any damage to downslope property caused by erosion, such as clogged storm sewers, inlets or drainage ditches, shall be immediately repaired or cleaned by the permit holder.
- B. **Town Authority** The Mayor or his designee may enter upon any site and periodically make inspection of any disturbed or graded area before, during and after construction to ensure compliance with the requirements of this article and the authorized land disturbance plan. If the Town determines that significant erosion problems are occurring on the site despite compliance with approved protective practices, the permit holder shall be required to take additional corrective actions to protect the adversely affected area. The specifications of the additional measures shall be part of an amendment to the land disturbance plan.
- C. **Correction of Problems by Owner** If it is determined by the Mayor or his designee that the permit holder has failed to comply with the approved plan, a correction notice shall immediately be served upon the permit holder in writing, setting forth the measures needed to come into compliance and specifying time for such compliance. Where an immediate threat to public health and safety exists, verbal notice given by the Mayor or his designee to immediately correct the problem shall be sufficient, but it shall be followed by written notice. Failure to comply within the time specified shall subject the permit holder to a stop work order which shall remain in effect until the work in progress is in compliance with the specifications of the approved plan. The issuance of a stop work order shall not preclude other remedial or punitive actions which may be taken under this Code or state law.

6.5.0 TOWN CORRECTION/COLLECTION PROCEDURES

- A. All temporary and permanent erosion control measures shall be maintained and repaired as needed by the property owner to assure continued performance of their intended function. If it is determined that a property owner has failed to correct an existing unstable or eroding soil condition which impacts downslope properties, public rights-of-way or watercourses or has failed to maintain temporary and permanent erosion control measures installed after 14 (fourteen) days, or has failed to comply with any of the provisions of this article, a corrective notice shall be sent by certified mail to the property owner, setting forth the measures needed to come into compliance and specifying time for such compliance. When an immediate threat to public health and safety exists, verbal notice given by the Mayor or his designee to the property owner to immediately correct the problem shall be sufficient, but it shall be followed by written notice within seven days.

Should the property owner fail to remedy the above conditions within the prescribed time, the Mayor or his designee may direct that the condition be remedied by an appropriate Town department or outside contractual arrangement. Upon completion of work, the Mayor or his designee shall determine the reasonable costs thereof and bill the owner of the property. Should the owner fail to remit to the Town the amount of such charge within 30 days from date of such invoice, the amount of the bill shall be certified to the Town Attorney, who shall perfect a lien upon the property for which the expenditure was made.

6.6.0 STORMWATER MANAGEMENT

- A. **Purpose** The intent of this section is to protect the health and safety of the residents of the Town; to control the level and intensity of stormwater runoff consistent with existing runoff levels; to minimize expenditure of public funds for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding; to maximize beneficial use of land without incurring flood hazard potential; to ensure a functional drainage system that will not result in excessive maintenance costs; to encourage the use of natural and aesthetically pleasing design; to ensure water quality; and to protect or improve ground waters or surface waters.
- B. **Site Plan Approval** Prior to approval of the site development plan or final subdivision plat, the Mayor or his designee shall determine whether there is a need for a stormwater management plan based upon the standards outlined in the subdivision regulations, or ordinances of the Town, if a stormwater management plan is required, such plan shall first be submitted to the Mayor or his designee for review and recommendations prior to consideration by the Planning Commission.
- C. **Improvements Required** The Planning Commission may require, as necessary, structural or other improvements designed to detain the level and intensity of stormwater runoff associated with the land development site consistent with the requirements outlined in the subdivision regulations and ordinances. All structures or other improvements constructed to meet the requirements of this article shall remain in the ownership of the property owner, who shall be responsible for cleaning and maintaining such improvements unless an alternative plan is approved by the Planning Commission.

ARTICLE 7 -- OPERATIONAL PERFORMANCE STANDARDS

Purpose and Intent Operational performance standards are intended to protect the health, safety and welfare of the citizens of the Town of Nolensville by regulating potential hazardous or nuisance characteristics of land uses permitted by this ordinance.

7.1.0 GENERAL

7.1.1 **Applicability** Operational performance standards shall apply to all development in all zoning districts. In the case of conflict between the operation performance standards set forth herein and any rules or regulations adopted by any other applicable governmental agency, the more restrictive regulations shall apply.

7.1.2 **Exemptions** Temporary construction, excavation and grading are exempt from the standards of this article.

7.2.0 EXTERIOR LIGHTING

- 7.2.1 **Exterior Lighting Plan** At the time any exterior light is installed or substantially modified, and whenever a development approval is sought for which any exterior lighting is planned, an exterior lighting plan prepared by a registered electrical engineer shall be submitted to the Planning Commission in order to determine whether the requirements of this article have been met, and that adjoining property will not be adversely impacted by the proposed lighting. Residentially-scaled lighting on single-family homes shall be exempt from this requirement. The required lighting plan shall include the proposed location of the exterior lights, a standard drawing or drawings of the light design(s) to be utilized including color and height of standard, light coverage information indicating footcandle levels and a plan for replacement and maintenance of the lights. Additional information, such as associated glare, may be requested by the Planning Commission.

All light fixtures shall:

- (1) Be designed to minimize glare and reflection upon adjacent properties and structure;
- (2) Be aimed to preclude light projection beyond immediate objects intended to be illuminated; and
- (3) Shall not shine light onto surrounding land beyond an angle of 35 degrees from vertical plane

- 7.2.2 **Lighting for Parking Areas** All parking areas having ten (10) or more parking spaces or containing over 3,500 square feet shall provide exterior lighting. Exterior lighting for parking areas shall meet the following standards:

- A. All light sources or luminaries must have a total cutoff to reduce the amount of light focused toward the sky.
- B. Maximum permitted height of a luminary in a residential parking area is 12 feet.
- C. Maximum permitted height of a luminary in a nonresidential parking area is as follows:
 - Village (V) zoning district: 14 feet
 - Commercial Services (CS) district: 16 feet
 - Commercial Regional (CR) district: 40 feet for large scale parking areas may be approved by the Planning Commission upon considering the size of the parking area to be lighted and the size of the buildings on the site.
 - Public/Institutional (PI) district: 16 feet
 - Office/Industrial (OI) district: 20 feet
- D. While lighting is variable, the minimum average illumination of a parking plan shall be no lower than 0.75 footcandle.
- E. Light locations are to be correlated with adjacent buildings, pedestrian systems and landscaped areas of parking lots.
- F. Exterior lighting fixtures, standards and exposed accessory lighting shall be compatible with the building design with colors that match building framings and accessories such as benches, etc., and shall be designed to direct the light

downward unless decorative standards are utilized. Black shall be the preferred color of fixtures.

- G. Areas intended for pedestrian use shall be adequately lighted to insure pedestrian safety.
- H. No light source shall be located within buffer yard areas except on pedestrian walkways. No illumination in excess of one-half (0.5) footcandle shall be permitted across the boundary of any adjacent property or a public street.

7.2.3 **Street Lighting** Every development application for site plan review, with the exception of those sites located within the Estate Residential (ER) and Office/Industrial (OI) zoning districts, shall plan for and provide street lights along all public street frontage. All street lighting shall meet the following standards:

- A. Specific street light design and performance standards shall be determined by the Planning Commission based on the type, density and zoning district of the proposed development.
- B. Street lights may be located within the proposed right-of-way.
- C. A lighting plan shall be submitted with the preliminary site plan of a proposed development.

7.2.4 **Lighting for Outdoor Recreational Uses** Lighting for outdoor recreational uses shall meet the following standards:

- A. Maximum permitted height of a luminary is 70 feet, and this height is limited to playing fields requiring such lighting. Parking areas must follow the standards as set forth in Article 3.2.0.
- B. Light locations are to be correlated with adjacent buildings, pedestrian systems and landscaped areas of parking lots.
- C. No light source shall be located within buffer yard areas except on pedestrian walkways.
- D. The maximum illumination at the interior buffer yard line shall not exceed two (2) footcandles.
- E. No illumination in excess of one-half (0.5) footcandle shall be permitted across the boundary of any adjacent residential property or a public street. (*Ord. # 99-11*)

7.2.5 **Prohibited Lighting** The following types of exterior lighting shall not be permitted:

- A. No flashing, blinking, moving lights, or tubular lighting. Tubular lighting means lighting such as neon, gas, fiber optics, LED, or other similar forms of lighting installed around the exterior building façade, canopy, awning, architectural feature or any other structural component of the building outside area. This does not apply to seasonal holiday lighting and that which is used for temporary festivals.
- B. All lighting shall be recessed or enclosed in a suitable housing. Bare bulbs shall not be exposed. (*Ord. # 99-12*)

- C. No illumination shall produce direct, incidental or reflected light that interferes with or distracts the safe movement of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to any light that may be confused with or construed as a traffic control device or emergency vehicle lighting.
- D. Floodlights attached to a building for the purpose of illuminating parking or pedestrian areas shall not be permitted. A flood light attached to a building to illuminate service areas is permitted provided the source of illumination is not visible from a public Right of Way. This does not apply to residential uses.

7.3.0 NOISE

- 7.3.1 **Applicability** These standards apply to continuous and intermittent noise from machinery or equipment, noise emitted by speaker boxes, pickup and delivery trucks, and any other commercial or industrial activities which are under the control of the occupant of a lot or a parcel.
- 7.3.2 **Method of Measurement** Noise shall be measured with a sound level meter (type 1 or type 2) which meets the standards of the American National Standards Institute (ANSI) Section S 1.4-1979, or as superseded. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises, produced when two or more objects strike each other, shall be measured using the fast response of the sound meter, and other noises using the slow response. For purposes of this Zoning Ordinance, impact noises shall be considered to be those noises whose peak values are more than three (3) decibels higher than the values indicated on the sound level meter.
- 7.3.3 **Maximum Permitted Sound Levels** The maximum permitted sound pressure levels in decibels across lot lines or district boundaries shall be in accordance with the following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories.

SOUND LEVEL LIMIT (DBA)		
Adjacent Land Use	7 a.m. to 7 p.m.	7 p.m. to 7 a.m.
Industrial and Agricultural	75	70
All others	65	60

7.4.0 AIR POLLUTION

- 7.4.1 **Visible Emission and Particulate Matter** Particulate matter shall not be discharged into the atmosphere in excess of the standards indicated in the Tennessee Air Pollution Control Regulations as authorized by the Tennessee Air Quality Act 53-3401-3422 for all air pollutants applied to Williamson County designated by the Tennessee Department of Public Health except as pertains to visible emissions, Sulfur Dioxide and hydrocarbons.

7.5.0 ODOR

- 7.5.1 **Odor** Odorous matters released from any operation or activity shall not exceed the odor threshold concentration beyond property lines, or within 150 feet of the Suburban Residential (SR), Urban Residential (UR), Mobile Home (MH), or Village (V) zoning districts. The odor threshold is the concentration at which odor can be detected by a panel of healthy and objective observers unaffected by background odors such as tobacco or food.

7.6.0 VIBRATION

- 7.6.1 **Vibration** No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments at or on any point beyond the lot line. Furthermore, no activity or operation shall cause or create earthborne vibrations in excess of the displacement values set forth in the table below.

CONSTANT K BY TYPE OF VIBRATION		
Continuous	Impulsive (at least one second rest between pulses which do not exceed one second duration	Less than 8 pulses per 24-hour period
0.003	0.006	0.015

- 7.6.2 **Measurement** Vibration displacement shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions; the maximum vector resultant shall be less than the vibration displacement permitted. The maximum permitted displacements shall be determined by the following formula:

$$D = k/f \quad \text{where:} \quad \begin{array}{ll} D &= \text{displacement in inches} \\ k &= \text{a constant given by table above} \\ f &= \text{the frequency of the vibration transmitted through the ground, measured in hertz} \end{array}$$

ARTICLE 8 – PROCEDURES

8.1.0 AMENDMENTS TO ZONING ORDINANCE OR OFFICIAL ZONING MAP

8.1.1 **Authority** The Board of Aldermen may amend the text of this Zoning Ordinance or the Official Zoning Map in accordance with the following provisions.

8.1.2 **Map Amendments** Amendments to the Official Zoning Map shall meet one of the following requirements:

- A. The Town of Nolensville Comprehensive Plan has been amended and the Official Zoning Map needs to be brought into conformance with the revised plan.
- B. An unintentional mistake was made in drawing the original Map.
- C. Conditions have changed, such as new roads or utilities investments, making another location more favorable for development.
- D. Growth rates have changed, thereby increasing the need for development in the town.
- E. The Historic Zoning Commission has recommended a Historic District Overlay to protect an existing historical resource.
- F. The Planning Commission has recommended approval of an open space development or planned unit development overlay.

8.1.3 **Text Amendments** Amendments to the text of this ordinance shall meet one of the following requirements:

The use desired is not covered in the text of the zoning ordinance but is acceptable because:

- A. The use proposed is in accordance with the purpose of the zoning district; and,
- B. There are similar uses in the district; and,
- C. The intensity of the proposed use is consistent with other uses in the district;

New conditions have arisen that have not been addressed in the zoning ordinance. These new conditions must be one of the following:

- A. The Town of Nolensville Comprehensive Plan has been amended, and the Zoning Ordinance needs to be brought into conformity with the Plan.
- B. Changing market or other conditions require new forms of development or new procedures to meet these changing needs.
- C. New methods of development or providing infrastructure makes it necessary to alter the Zoning Ordinance to meet there new conditions.
- D. Changing governmental finances requires amending the text of the zoning ordinance to be in keeping with the needs of government to provide and afford new public services.

- E. After experience with the regulations, adjustments are needed to achieve the desired objectives.
- F. If, in the opinion of the Board of Aldermen, the proposed change would help to promote the health, safety and welfare of the community.

8.1.4 **Application** Applications for any change or amendment to this zoning ordinance or the Official Zoning Map shall be filed with the Planning Commission at least twenty-one (21) days prior to the date of the next scheduled meeting of the Planning Commission for which the applicant wishes to be considered. The application form shall be dictated by the Planning Commission and any application must be accompanied by all information necessary to assure the practicable presentation of facts for the permanent record. Applications for changes to the Official Zoning Map must be submitted with the names of all adjacent property owners and verification by at least one of these owners or lessees attesting to the truth and correctness of all facts and information presented with the application. Applications for changes and amendments may be initiated by resolution of the Board of Aldermen, by motion of the Planning Commission, or by petition of any property owner or contract purchaser filed with the Planning Commission. The application shall be evaluated by the Planning Commission for its contribution to public necessity, convenience, general welfare, or good planning and zoning principles. The Planning Commission shall then make its recommendations to the Board of Aldermen.

8.1.5 **Board of Aldermen Public Hearing** After receiving the Planning Commission's recommendation on the proposed amendment, but before the adoption of such amendment, the Board of Aldermen shall hold a public hearing. Notice of each hearing shall be given to all adjacent property owners of the subject property, where applicable, by U.S. Mail at least twenty-one (21) days before the date of the hearing.

Notice shall also be given in one (1) publication in a newspaper of general circulation in the Town at least twenty-one (21) days before the date of the hearing. In addition, a sign providing notice of the time, place and subject of the proposed amendment shall be posted by the Town in a prominent location on the subject property at least twenty-one (21) days before the date of the hearing.

8.1.6 **Decisions** After the public hearing, the Board of Aldermen shall consider all recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective with a favorable vote by a majority of the total membership of the Board of Aldermen.

8.1.7 **Failure to Notify** The intention of the public hearings and notifications thereof is to provide due notice of proposed zoning changes to all persons who may be interested or affected by the changes. Failure to notify, provided that it was not intentional, shall not invalidate any recommendations or decisions.

8.1.8 Re-Applications Re-applications for the same or substantially the same amendment to the Official Zoning Map or Zoning Ordinance previously disapproved by the Board of Aldermen shall not be accepted by the Planning Commission for a period of one (1) year following the Board's last action.

8.2.0 VARIANCES

- 8.2.1 **Authority** The Board of Zoning Appeals may grant variances from the strict application of the provisions of this zoning ordinance based upon findings of fact related to the standards in this article.
- 8.2.2 **Applications** A written application for a variance shall be filed with the Board by the landowner or representative in a form and content established by the Board. An applicant shall state why the variance is being requested, what function the variance would accomplish and what specific and unique circumstances exist that would authorize consideration by the Board under the review standards of this article. The complete application shall be submitted to the Board at least twenty-one (21) days prior to the next scheduled meeting of the Board at which the applicant wishes to be considered.
- 8.2.3 **Public Hearing Required** Not more than sixty (60) days after filing of a complete application for a variance, the Board of Zoning Appeals shall hold a public hearing on the application. Notice of the hearing shall be given to all adjacent property owners of the subject property by U.S. Mail at least ten (10) days before the date of the hearing. Notice shall also be given in one (1) publication in a newspaper of general circulation in the Town at least ten (10) days before the date of the hearing. In addition, a sign providing notice of the time, place, and location of the hearing, shall be placed on the subject property at least ten (10) days before the date of the hearing.
- 8.2.4 **Review Standards** In accordance with Section 13-7-207, Tennessee Code Annotated, the Board shall not grant a variance without a finding of fact and due consideration of each of the following standards based on evidence presented by the applicant.
- A. **Physical Characteristics of the Property** the exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of such property upon the strict application of any regulation enacted by this ordinance.
 - C. **Hardship Not Self-Imposed**. The alleged difficulty or hardship has not been treated by the previous actions of any person having an interest in the property after the effective date of this zoning ordinance.
 - D. **Financial Gain Not Only Basis**. Financial gain is not the sole basis for granting the variance.
 - E. **No Harm to Public Welfare**. The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this zoning ordinance.
- 8.2.5 **Decision** Any Board decision on a variance shall indicate the article of this zoning ordinance under which the variance or exception is being considered and include

substantive findings of fact relating to the specified review standards. In the approval of a variance, findings shall specifically identify the unique characteristics of the property and the precise nature of the hardship. In the denial of a variance or exception request, findings shall specifically identify the standards that were not met. The Board shall render its decision within thirty (30) days of the meeting on this application, unless an extension of this time is agreed to by the applicant. It is the intent of the Board of Mayor and Alderman not to create a conflict, in any manner, with the provisions of T.C.A. 13-7-207 and in the event of a conflict between the language of this Ordinance and T.C.A. 13-7-207, the provisions of T.C.A. 13-7-207 shall control and prevail.

8.3.0 **BUILDING PERMIT**

- 8.3.1 **Building Permit Required** A landowner or their designee is required to file an application for a building permit with the Town prior to commencing any excavation, construction, or alteration of a building, accessory structure, incidental structures per International Code Council [examples (but not limited to): decks, arbors, fences, retaining walls] or initiating a change in use on the property.
- 8.3.2 **Building Permit Application** The application requirements for a building permit shall be established by the Town in a form and content appropriate to demonstrate that all structures will be constructed in compliance with all applicable provisions of this code. Every application for a building permit shall include proof of required site plan approval.
- 8.3.3 **Issuance of Building Permit** If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this zoning ordinance and all other ordinances of the Town then in force, the Mayor or his designee shall issue a building permit for such excavation or construction. No building permit shall be issued until:
- A. All necessary approvals have been issued for water supply, sewer or septic tanks and driveways.
 - B. The necessary site plans and plats of subdivision have been fully approved.
 - C. Any required related off-site or on-site improvements are constructed or a performance bond, escrow, or other acceptable instrument, approved as to form by the Town attorney, is posted guaranteeing the improvements.
- 8.3.4 **Expiration** A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made on the project by that time. Substantial progress shall be determined by the Mayor or his designee and shall relate to the time period between inspections. If no inspections are completed within six month of the issuance of any permits the master permit shall be null and void.

8.4.0 CERTIFICATE OF OCCUPANCY

8.4.1 Certificate of Occupancy Required Following issuance of a building permit, no structure or zone lot shall be used or occupied until the Mayor or his designee has certified in a final inspection that the property is in full compliance with all applicable provisions of this ordinance. If the certificate is refused, then the codes officer shall state the refusal in writing, with the cause.

8.5.0 CERTIFICATE OF APPROPRIATENESS

- 8.5.1 **Certificate of Appropriateness Required** No construction, alteration, demolition or relocation of any historic site, structure, or sign or any site, structure or sign located within a designated historic district, shall occur until after an application for a Certificate of Appropriateness of such work has been approved by the Historic Zoning Commission. The commission shall not consider interior structure modifications.
- 8.5.2 **Application** The application requirements for a Certificate of Appropriateness shall be established by the commission in a form and content appropriate to demonstrate that the project is in compliance with all applicable provisions of this ordinance. The commission shall review any application for its completeness and notify the applicant of any deficiencies.
- 8.5.3 **Procedure** Upon filing of a complete application, the Historic Zoning Commission has thirty (30) days to review the application and render its decision from its first consideration by the commission. With the exception of exterior painting of previously painted surfaces (see Article 1.10.0), a public hearing shall be held on the application to which notice shall be given to all adjacent property owners by U.S. Mail at least ten (10) days before the date of the hearing. Public notice shall be posted on the Town's website and on the Town Hall bulletin board at least ten (10) days before the date of the hearing. In addition, a sign providing notice of the time, place, and proposed project shall be posted by the Town in a prominent location on the subject property at least ten (10) days before the date of the hearing. Approval of all minor projects including, but not limited to, the Minor Projects listed in Article 9.5.5, may be obtained by administrative approval by the Mayor and/or his designee and the chairman of the Historic Zoning Commission and/or his designee without a public hearing. This type of approval may be granted within seven (7) days of receipt of a completed application. Once approval is granted, the applicant must obtain all appropriate building permits.
- 8.5.4 **Decisions** The Historic Zoning Commission shall render its decision either to grant the application approval, grant it approval subject to conditions or deny it approval. All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations as to approval with or without conditions, disapproval, or deferral, and the reasons therefore within 30 days of first consideration by the Historic Zoning Commission of the application for a Certificate of Appropriateness. A Certificate of Appropriateness shall expire in one (1) year from the date of approval if a substantial amount of the approved work has not commenced.
- 8.5.5 **Exterior Painting of Previously Painted Surfaces** A proposed alteration to a Designated Historic site and/or structure may only require an administrative review to obtain a Certificate of Appropriateness if the proposed alteration falls under the following minor alterations, which are also referred to, for the purposes of this ordinance, Minor Projects. These would include, but not be limited to, the following:

- A. Minor repairs to the outside of the structure.
- B. Minor roof repairs.
- C. Minor landscaping.
- D. Installation and/or replacement of air conditioning units.
- E. Minor repairs to chimneys and masonry.
- F. Minor modifications to accommodate access for the disabled.
- G. Minor repairs to existing signs.
- H. Exterior painting on previously painted surfaces. Paint colors must be selected from pre-approved paint palette.
- I. Replacement or moving of existing mailbox due to damage or destruction.
- J. Approval of signs in the Historic District

8.5.6 **Re-applications** Re-applications for the same or substantially the same Certificate of Appropriateness previously disapproved by the Historic Zoning Commission shall not be accepted by the Commission for a period of one (1) year following the Commission's last action.

8.6.0 **CODES ENFORCEMENT**

8.6.1 **Mayor or his Designee** Mayor or his designee is responsible for the enforcement of all provisions of this code and is authorized to stop work that has commenced without obtaining a required building permit or is otherwise not in keeping with an approved final site plan or building permit. The codes enforcement officer is also responsible for the daily administration of this ordinance. In performance of 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 Temporary Use 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. 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 Mayor or his designee shall possess the right to enter upon any premises for the purposes of making inspections of buildings or premises necessary to carry out his authorized duties.

8.6.2 **Notification** If the Mayor or his designee has reason to believe that there is a violation of this ordinance, the owner/operator shall be notified to immediately correct the violation. If necessary, governmental agencies or independent experts may be retained to perform tests to determine the existence and extent of a violation, with all associated costs assessed to the owner/operator if a violation is verified. Failure to correct violations within a reasonable time authorizes the Mayor or his designee to take all necessary measures to enforce the provisions of this ordinance.

8.6.3 **Violations** Any violation of this ordinance shall be a misdemeanor offense punishable by law. Each day of a violation shall constitute a separate offense.

8.6.4 **Penalties** Any violation of this ordinance shall be assessed as a civil penalty at the rate of \$50 per day or other penalties as defined within the Town Charter. In addition, the Mayor or his designee is authorized to impose double fees for a building permit when work has commenced or occupancy occurs without obtaining a required building permit.

8.6.5 **Remedies** The Mayor or his designee, may, in addition to other remedies, institute injunction, mandamus or other appropriate action to correct or abate a violation of this code. Where a violation exists, the Mayor or his designee may request that utility service be curtailed until the violation is corrected or abated.

- 8.6.6 **Severability** Should any article, section, clause or provision of this zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section, clause and provision hereof being declared severable.
- 8.6.7 **Interpretation** Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern.
- 8.6.8 **Effective Date** This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the Nolensville Planning Commission:

Chair

Approved and adopted by the Nolensville Board of Mayor and Aldermen:

PASSED:

First Reading

Date

Second Reading

Date

Mayor

Date

APPROVED AS TO FORM:

Town Attorney

ATTEST:

Town Recorder

APPENDIX A -- SIGN REGULATIONS

1.1.0 PURPOSE

The purpose of this section is:

Goal and Intent of Sign Regulations:

To develop sign specifications that left unregulated can result in visual clutter, can cause confusion for drivers, and can cause interference with the efforts to establish a desirable community identity.

To develop mandatory commercial design guidelines that promote high standards of design appropriate in scale, appearance and use for a small town, as stated in Goal #1 in the Town's Land Use Policy Plan.

Objectives:

- A. To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed and maintained;
- B. To minimize the distractions and obstructions of view that contribute to traffic hazards and endangers public safety;
- C. To protect existing development and promote high standards of quality in new development by encouraging appropriately designed, placed and sized signage;
- D. To promote and protect the health, safety, and welfare of the Town by ensuring the compatibility of signs with surrounding land uses and structures.
- E. To preserve important views to other natural features as set forth in Appendix E Design Review Manual.
- F. To ensure signage is wholly compatible with existing and required landscape material.
- G. To ensure that signage does not detract from the sense that Nolensville's environment is a continuous landscape.
- H. To assist in the implementation of Goals for Community Appearance and Character in Appendix E, Design Review Manual.
- I. To preserve and enhance the existing small town character of Nolensville while creating a strong sense of town identity and community or "sense of place".

1.2.0 DEFINITIONS

A-Frame Sign -- A temporary sign ordinarily in the shape of the letter “A” or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom. Sometimes referred to as Sandwich Board Sign.

Abandoned Sign -- Any sign that no longer identifies or advertises a business, product or service that is no longer located on the premises where the sign is displayed.

Animated Sign -- Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement.

Banners, Pennants, Festoons and Balloons -- A sign having characters, letters or illustrations applied to cloth, paper or fabric of any kind, with only such non-rigid material for background.

Building Marker -- A sign that has been approved by the Historic Zoning Commission and which depicts the historic significance of the structure, including names and dates.

Canopy Sign -- A structure constructed of rigid materials, which is attached to, and supported by, a building and/or columns, poles braces extended to the ground.

Changeable Copy Sign, Automatic -- A sign in which the wording is changeable by automatic or remote controlled means; often referred to as electronic message boards and similar.

Construction Sign -- A temporary sign providing information about development on a site and the parties involved in the project.

Dilapidated Sign -- Any sign that is defective either structurally or is in a state of disrepair.

Directional Sign -- A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.

Directory Sign -- A sign or group of signs attached to a building or freestanding, which identifies the business, owner, address, or occupation of a group of businesses, but contains no advertising.

Electronic Message Board -- Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and their rate of change is electronically programmed and can be modified by electronic processes.

Exempt Sign -- Certain signs listed in this Ordinance are exempt from the requirements of obtaining a sign permit.

Existing Sign -- Sign existing as of the date of the adoption of this ordinance.

Flag -- Bunting or fabric of distinctive color and design and uses as an emblem, standard, or symbol, containing no advertising message, but may include company logos and names, and government flags and which is hoisted on a permanent flagpole.

Freestanding Sign -- A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. There are three types of freestanding signs regulated by this Ordinance:

1. **Standard Freestanding Sign:** A freestanding sign that identifies an establishment that is not specifically categorized as a residential subdivision freestanding sign or a multi-tenant retail center freestanding sign.
2. **Residential Subdivision Freestanding Sign:** A freestanding sign used to identify a residential subdivision.
3. **Multi-Tenant Commercial Center Freestanding Sign:** A freestanding sign used to identify a commercial/retail development with two or more tenants.

Front Facade -- The portion of the structure that faces the road frontage and contains the primary entrance to a business.

Height of Sign -- The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

Historical Type Signage -- A sign structure that is designed to resemble an historic marker or stand is allowed provided however, that the maximum sign height is 6 feet from the final grade of the property and that the sign structure as constructed does not exceed 18 inches above the height of the sign.

Illegal Sign -- Any sign erected without a permit, any sign that promotes a business or service that no longer exists, any sign that is considered to be a danger to the general public.

Illuminated Sign -- Any sign lighted by or exposed to artificial lighting either by lights in the sign or directed toward the sign.

Incidental Sign -- Signs whose purpose is to provide information relating to the site it is located on. No commercial message or logo is allowed on an incidental sign.

Ingress/Egress Sign -- Incidental signs used to direct traffic onto and from a site.

Marquee Sign -- A sign designed to have changeable copy, either manually or electronically.

Menu Board -- A permanently mounted sign displaying the bill of fare for a restaurant.

Noncommercial Message Sign – A temporary sign that includes the expression of noncommercial ideas and messages. A noncommercial message does not direct attention to a business, product, service, commercial entertainment, or other commercial activity offered on or off the premises. This may include but is not limited to signs advocating a public issue, recommending a candidate for public office, or expressing a sincere belief.

Nonconforming Sign or Sign Structure -- Any sign or sign structure that legally was erected prior to the adoption this ordinance and otherwise does not conform to the requirements of this ordinance.

On-Premises Sign -- Any sign identifying or advertising a business, person, activity, goods, product or service located on the premises where the sign is installed and maintained.

Painted Wall Sign -- A sign applied to a building wall with paint and which has no sign structure. Works of art which do not identify a commercial business, establishment, product, or service and which are not thematically linked to a commercial business, establishment, product, or service shall not be considered a sign by the article.

Portable Sign -- A sign designated or intended to be moved easily that is not permanently affixed to the ground.

Projecting Sign -- A sign attached to and projecting out from a building face or wall.

Public Right of Way -- Land that is dedicated to a public agency for the purpose of infrastructure, roadway or waterway.

Real Estate Activity Sign -- A temporary sign that relates to the sale, lease or rental of property or buildings.

Roof Line -- The highest horizontal point of a wall visible to the public.

Roof Sign -- A sign erected on a roof that projects above the highest point of the roofline, parapet or fascia of the building.

Sign -- A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right of way.

Sign Area -- Square foot area enclosed by the perimeter of the sign face that contains wording or graphics.

Sign Face -- The entire area of a sign upon which copy is placed.

Sign Structure -- The supports, uprights, bracing or framework of any structure exhibiting a sign, be it single faced, double faced or v-type.

Snipe Sign -- An off premise sign that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.

Special Event Sign -- Signs or banners advertising the name, time, and place of a bona fide special event when conducted by a public agency, or for the benefit of any church, civic, or charitable cause, or in the case of a for profit business a grand opening, a new ownership announcement or other similar one time special event.

Subdivision Sign -- A sign located at the primary entrance to a subdivision.

Swinging Sign -- A sign that is attached to a bracket, arm or mast and is not permanently fastened to a wall or pole.

Temporary Sign -- A sign not designed or intended for permanent display.

Tubular Lighting -- Tubular lighting means lighting such as neon, gas, fiber optics, or other similar forms of lighting installed around the exterior building façade, canopy, awning, architectural feature or any other structural component of the building outside area of any allowable wall signs, for the purpose of drawing visual attention to the business.

Two Sided Sign or Two Faced Sign -- A sign constructed to display its message on the outer surfaces of two identical and opposite places.

Vehicle Sign -- A portable sign affixed to or inside a vehicle for the purpose of directing people to a business or cause in close proximity to where the vehicle is parked.

Wall Sign -- A sign mounted flat against a wall, building or structure.

Window Sign -- A sign, other than a projecting sign, to include design elements placed inside the window or immediately behind the windowpane or upon the window pane, used to advertise, announce, or identify a person or entity, or communicate information of any kind, or to draw attention to the business or use.

1.3.0 GENERAL PROVISIONS

- 1.3.1 **Applicability** Except as otherwise provided for in this section, it shall be unlawful to construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit from the Town.

1.4.0 EXEMPT SIGNS

Signs exempt from permit requirement. A sign permit shall not be required for the following:

- A. A federal, state, local, or other government agency may install signs in the public interest in any configuration, number, or size in any district or Right-of-Way with the Town. This includes signs for any road work, utility work, or emergency situations. .
- B. A private street or road name sign or a traffic directional sign, which does not exceed four (4) square feet per sign face.
- C. “No trespassing,” “no hunting,” “no fishing,” “no loitering” and like signs not exceeding one (1) square foot in area.
- D. Any on-premises sign not exceeding one (1) square foot in area. Such signs shall not number more than two (2) per individually owned parcel, not to each business site.
- E. Temporary window graphics provided they comply with Article 1.8.0 Window Sign Standards.
- F. Signs denoting a property as historic or in memorial of an event or person. Such signs shall be authorized by the Historic Zoning Commission and shall not exceed four (4) square feet per face. Such free-standing signs shall be limited to one (1) per street frontage, be limited to four (4) feet in height; and shall be located five (5) feet from any lot line. Such wall signs shall be inlaid in order to be integral to the building wall face, cut into stone or masonry, or be permanently affixed to the building as a plaque of aluminum or bronze.
- G. Athletic field signs.
- H. Temporary holiday lights and decorations with no commercial message.
- I. Governmental flags of the United States, the State and the Town
- J. Signs legally existing at the time of adoption of this ordinance.
- K. Non-governmental flags that contain no commercial message provided they do not exceed fifteen (15) square feet per sign face and one (1) such sign per site. Flag pole location and height must be approved by the Planning Commission prior to the installation on the site.
- L. One “A” frame sign, also referred to as “sandwich boards” or menu boards, are allowable in place of one on-premises sign (see above) if it does not exceed 15 square feet and five (5) feet high. This allowance only applies to each individually owned parcel of land, not to each business.
- M. The following activities shall be exempt from requiring a sign permit:
 - 1. Normal maintenance, painting, or cleaning, or other repairs of an existing, legally permitted sign, not involving structural changes, or changes in the electrical components of the sign. Note: This shall not include any activity that increases sign area, sign height, or any sign dimension, or moves the location of a sign. Any of these actions shall require a sign permit. The changing of a sign face shall require a sign permit.
 - 2. Changing the copy of a changeable message sign

- N. Building address shall be permitted, as follows: such wall signs shall be limited to one (1) per building entry, shall be mounted to the buildings, and shall be no more than two (2) square feet in area. Such freestanding signs shall be limited to no more than one (1) per entrance drive and shall be no more than two (2) square feet in areas and a maximum of four (4) feet in height. The size of any building address sign may be increased for public safety reasons, when approved by the Town Planner.
- O. The following activity-related signs shall be permitted in all districts for a temporary period of time.
 - 1. Auction Activity Signs shall be permitted on a parcel where an active auction is taking place. Such auction activity signs shall be installed no earlier than 14 days prior to the auction and shall be removed within 48 hours after the auction; limited to six (6) square feet in area; and limited to four (4) feet in height.
 - 2. Construction Activity Signs shall be permitted on a parcel where active construction is taking place. Such construction activity signs shall be limited to one (1) per street frontage, limited to 32 square feet; limited to eight (8) feet in height; shall be a minimum of five (5) feet from any property line; and removed once a certificate of occupancy is issued or the building permit expires, whichever occurs first; .
 - 3. Real Estate Activity Signs shall be permitted on a property that is offered for sale, lease, or rent. Such signs shall be located on the site of the property; shall not be illuminated; shall be a minimum of five (5) feet from any property line; shall be limited to one (1) per street frontage; and shall be removed within five (5) days of final closing, lease, or rental. Nonresidential/commercial development sign and general/subdivision residential development signs shall be limited to 40 square feet and shall be limited to eight (8) feet in height. All other real estate signs (including individual home for sale) shall be limited to eight (8) square feet and six (6) feet in height.
- P. Any temporary sign used for the expression of a noncommercial idea or message shall be permitted in all districts. Examples may include, but are not limited to signs advocating a public issue, recommending a candidate for public office, or expressing a sincere belief. Such noncommercial message signs shall be subject to the following:
 - 1. Signs may be constructed as either freestanding, wall, including fence, or window signs. There is no limit on the number of signs permitted.
 - 2. Freestanding and wall/fence-mounted noncommercial message signs are limited to 16 square feet in area.
 - 3. Window-mounted noncommercial message signs must meet the coverage limitations of window signs. If no coverage is specified, the limitation is 30% of the window area.
 - 4. Freestanding noncommercial message signs shall be located a minimum of five (5) feet from any property line and may not be installed in a manner that

obstructs visibility of intersections. Such signs shall not be placed in stormwater or drainage easements.

5. Noncommercial message signs shall not be illuminated.
6. Noncommercial message signs shall not be used as a temporary off-premise commercial sign.
7. Noncommercial message signs directly related to a date specific event or activity, such as a political campaign, election, or referendum, may be installed no sooner than 60 days prior to and be removed within 48 hours of such event or activity.

- Q. Signs for a Not-for-Profit Community/Social Event shall be permitted as a temporary sign. Such not-for-profit signs shall be limited to six (6) square feet; shall not be installed more than fourteen days prior to the event; shall be removed within 48 hours after the event; and shall be limited to four (4) displays per calendar year for each not-for-profit event.

1.5.0 PROHIBITED SIGNS

1.5.1 Signs Prohibited It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this ordinance. The following signs are expressly prohibited:

- A. Signs, which obstruct free ingress to or egress from a required door, window, fire escape or other required exit way.
- B. Signs and/or sign structures, which obstruct the view, may be confused with, or purport to be, a governmental or traffic direction/safety sign.
- C. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- D. Snipe signs erected on public property or on private property (such as private utility poles) located on public property, other than signs erected by a public authority for public purposes or as otherwise approved by the Town Board of Mayor and Aldermen.
- E. Signs, which contain any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation.
- F. Signs or sign structures other than freestanding and vertical wall extension, any portion of which extends above the parapet, building roofline or canopy against which the sign is located.
- G. Except as otherwise provided, no sign shall be permitted in the public right-of-way except those authorized or issued by a public agency or regulated utility.
- H. Abandoned or dilapidated signs.
- I. Signs mounted on a roof.
- J. Inflatable signs.
- K. Internally lit signs, except as permitted under Article 1.7.3 C of Appendix A.
- L. Banners, pennants, festoons, and balloons, except those otherwise provided for in this section.
- M. Signs that are painted on the façade of a building, except where authorized by the Historic Zoning Commission.
- N. Searchlights and beacons.
- O. Signs on natural features such as trees, living vegetation, or rocks.
- P. Trailer signs, except for temporary signs.
- Q. Trash receptacle signs.
- R. Wind-blown devices.
- S. Spinner signs.
- T. Rope lights affixed around windows or doors (this does not include holiday lights used seasonally).

1.6.0 NONCONFORMING SIGNS

- A. The utilization of a nonconforming sign and/or sign structure as defined herein may continue subject to the conditions and requirements listed below. When the use of the property changes (including but not limited to the redevelopment of the site or a change in the use or name of the business, the signs on that property must be brought into compliance with the provisions of this section).
- B. No alterations to a non-conforming sign/sign structure shall be permitted except minor repairs and maintenance. Any structural or other substantial maintenance or improvements to a nonconforming sign (except for painting or refinishing the surface of an existing sign face or sign structure so as to maintain the appearance shall be deemed an abandonment of the nonconforming status. This shall render any prior permit void and shall result in the reclassification of such signs an illegal sign.
- C. Any sign or sign structure that is destroyed or damaged, not to any fault of the property owner shall be allowed to be rebuilt in its entirety provided that such sign structure shall comply with applicable setbacks from the existing right of way.

- 1.6.1 **Abandonment** Any sign for a business no longer in operation must be removed within 30 days of the discontinuation of the business or change of use.

1.7.0 CONSTRUCTION STANDARDS

All permanent wall and freestanding signs shall be designed, constructed, and maintained in accordance with the following standards. Attractive and integrated design features tend to improve a Town's image, raise overall property values, attract new businesses and residents, and improve the quality of life. These standards shall be coordinated with architectural design standards in Appendix E in order to ensure signage shall be consistent with the architectural development standards of this Ordinance.

1.7.1 Calculations-Measurement Standards

- A. **Individual Signs** -- The sign area shall be determined by computing the area that will encompass the extreme limits of the sign face, including any open areas within the sign face.
- B. **Two face Signs** -- The sign area shall be determined by adding together the area of all sign faces.
- C. **Height** -- The sign height shall be measured from the average level of the grade below the sign to the highest point of the sign. Average grade shall be the lower of existing grade prior to construction or the newly established grade after construction. The ground where the signage is placed shall not be artificially raised to increase sign height.

1.7.2 Sign Illumination Permitted methods of illumination may be divided into several types as described below. All signs shall be engineered in compliance with applicable portions of the Town's building and electrical codes. All electrical service to ground mounted signs shall be placed underground. Electrical service to all other signs shall be concealed from public view.

- A. **Indirect Illumination** 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. Internal message signs shall only be permitted in the CS and OI zoning districts.
- C. **Internally Lit Sign** The sign is made of translucent material with internal lights.

1. Internally lit signs shall only be permitted in the CS, CR, OI, V and V/HDO zoning districts.
 2. Internally lit signs are only permitted for wall signs if the sign is made of channel lettering.
 3. Gasoline stations are allowed to use automatic changeable copy sign systems to display the prices of gasoline to meet state law only.
- D. **Externally Lit Signs** The lighting shall be fully shielded so that they are not visible from roads or adjoining property. Externally lit signs are allowed for all permanent wall or freestanding signs.
- E. **Automatic Changeable Copy Signs** are allowable for public and semi-public uses and gasoline stations only and are required to have
1. Black background with messages in one color lights
 2. The number of message changes is limited to one per hour
 3. Such sign is within the total amount of allowable area for the freestanding sign of that use
 4. The automatic changeable copy area of the message board shall not be larger than 25% of the total freestanding sign face per side
 5. Brightness level shall not exceed eight (8) change to foot-candles
- F. **Changeable Copy Signs** These signs are manually changeable signs and are allowable only at service stations, religious institutions, and public institutions. Such uses may use up to one-half (1/2) of the area of its principal ground sign or wall sign for changeable copy message areas.

1.7.3 **General Design and Construction Standards** The signs shall be subject to the following:

- A. For safety or pedestrians and drivers, no signs within the Town shall not have mirrored or reflective components.
- B. Master Signage Plan - All new non-residential developments where multiple tenants, or multiple buildings are proposed (e.g.; shopping centers, mixed-use developments, office complexes, multi-unit residential developments), the owner is required to submit for approval to the Planning Commission, a master signage plan which indicates proposed locations, designs, size, and illumination of all signs as part of the Site Plan application process. This requirement shall also apply to large size stores of 30,000 square feet and over. The Master Signage Plan must include the following:
 1. The maximum total sign area and number of each type of sign to be included on the property.
 - a. Wall signs
 - b. Monument signs
 - c. Hanging signs
 - d. Directory signs

- e. Directional and incidental signs
- 2. The location, dimensions, and base of any existing or proposed signs.
 - a. Wall signs placement shown on front and rear elevation with ideal dimensions of each.
 - b. Monument sign location on site plan with dimensions and elevation drawings with dimensions.
 - c. Hanging sign locations and dimensions.
 - d. Directory signs
 - e. Directional and incidental
- 4. Master Signage Plan shall include required landscaping at ground level of freestanding/monument signs and directional signs.
- F. Individual tenant signs shall be mounted to the main sign. In no case shall individual tenant signs be allowed to hang from the main sign. Individual tenant signs must be identical in size, shape, material and color. The size of tenant signs shall be no taller than nine (9) inches and shall be the width of the main sign background. Where the entrance to an individual tenant's business fronts on a private street, a tenant may have a separate sign, not to exceed four square feet in size, in lieu of any other signage. This sign, which must front on the private street, will be deducted from the total sign area allowed for the site.

1.7.5 **Maintenance** All signs, including related landscaping areas, shall be maintained in good condition at all times. Signs, which are obsolete in information, defaced, missing some portion, peeling or cracking shall be deemed in disrepair. The Town shall give 30 days written notice for the owner to comply with maintenance requirements. Should the owner and/or property occupant fail to comply within the prescribed period, the Town may remove (or cause to be removed) the sign with the cost of removal charged to the owner.

1.7.6 **Obstruction** All signs shall be erected so as to not obstruct or impair driver vision at ingress-egress points and intersections. No sign shall be permitted which poses a traffic hazard. If, in the opinion of the Town's Mayor or his designee any sign does constitute a traffic hazard or is detrimental to the general safety of the public, the Town may remove such sign with no prior notice to the owner.

1.8.0 SIGN PERMIT REQUIRED: PERMANENT AND TEMPORARY SIGNS

This section specifies the types of signs allowed with a sign permit. Specific regulations on each sign type may include further restrictions on which districts and/or uses within a district may utilize these sign types.

A. Awning Sign

1. Awning signs shall be permitted for nonresidential uses in any district, in lieu of all other signage otherwise permitted on the wall to which the awning is attached.
2. Awning signs shall maintain a minimum vertical clearance of eight (8) feet.
3. Awning signs may encroach into the public right-of-way, but shall be located at least two (2) feet from the curb line. Awning signs shall not extend more than eight (8) feet from the building façade.
4. Awning signs shall be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, vinyl-coated fabric, or permanent building material, such as metal.
5. Sign copy on any awning sign surface shall be limited to 20% of the total awning face front.
6. Solid awnings shall be permitted lettering that is attached to and located above the top of the awning to a maximum height of 18 inches.
7. Awning signs may be externally illuminated and lighting must be focused on the printed area.
8. Back-lit awnings are prohibited.
9. On a multi-occupant property, one (1) awning sign may be allowed over each occupant entrance, in lieu of other wall signs, provided that these are shown on the Master Signage Plan.

B. Canopy Sign

Canopy signs shall be prohibited except for those allowed for retail and office uses, in the designated Historic District. Such signs shall be counted in the total wall sign area and shall be placed directly in front of the location identifying the occupancy. Signage area for canopy signs shall be calculated for the area within a hypothetical rectangle formed around all lettering and graphics on the canopy. The building address shall not be calculated as part of the sign area provided that the address lettering is no larger than six (6) inches in height. Back lighting of canopy signs shall not be permitted.

C. Freestanding Sign

1. Freestanding Sign Types

Freestanding signs are regulated as three types in this Ordinance:

- a. **Standard Freestanding Signs** – are permitted for multi-family dwellings and non-residential uses in any district where such uses are permitted.

- b. **Multi-tenant Commercial Center Freestanding Signs** –are permitted for multi-tenant commercial/retail centers in any district where such uses are permitted. A multi-tenant commercial center is a commercial development under unified control consisting of two or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common access/entranceway or parking area.
- c. **Residential Subdivision Freestanding Signs** –are permitted at the primary entrances(s) for residential subdivisions in any district where such uses are permitted.

2. General Freestanding Sign Regulations

The following regulations apply to all freestanding signs:

- a. When the freestanding sign is designed with the base of the freestanding sign structure installed at a minimum of one foot above finished grade, the monument base shall be designed as an integral part of the sign structure.
- b. Freestanding signs shall be setback a minimum of five feet from any property line. No such sign may project into, over, or otherwise encroach on a public right-of-way or public easement.
- c. Freestanding signs on any premises shall be spaced at intervals of 50 foot minimum, or at the discretion of the Town, along each public way which views the premises. If less than 50 feet of any premises is visible from any public way, only one sign shall be permitted along that public way.
- d. Freestanding signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.
- e. Freestanding signs shall be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. The base of the freestanding sign structure shall be made of brick or stone.
- f. Any changeable copy component of the sign shall be limited to a maximum of 70% of the total area of a sign. The larger sign structure shall contain additional copy; it shall not be a blank sign structure once the changeable copy component is discounted.
- g. Non-governmental flags shall be considered to be freestanding signs and shall be subject to the provisions of this section (with the exception of height requirements). No such flag shall be for advertising purposes and exceed 15 square feet per face. A flag and a freestanding sign combination is permissible only in those circumstances where the total area of both the flag (doubled) and the freestanding sign shall not exceed the total allowable area for freestanding signs on the site. No flagpole may exceed the height of the principal structure that is located on the property where the flagpole is placed.

3. Standard Freestanding Signs

Standard freestanding signs are subject to the following:

- a. One standard freestanding sign shall be permitted per lot.

- b. Standard freestanding sign are limited to a maximum area of 72 square feet and a maximum height of six (6) feet.

4. Multi-Tenant Retail Center Freestanding Signs

Multi-tenant retail center freestanding signs are subject to the following.

- a. One multi-tenant retail center freestanding sign is permitted per lot.
- b. For multi-tenant retail centers of two acres or more, an additional freestanding sign is permitted for each additional entry point to the lot but a minimum separation of 100 feet is required between signs. For the purposes of this regulation, a multi-tenant development where the development as a whole is comprised of separate lots of record, the entire development, including out-lot parcels and inline development, is considered one lot and part of a common development.
- c. Multi -tenant retail center freestanding signs are limited to the following maximum sign areas and heights:
 - i. Developments with less than 10,000 square feet of heated floor space: 72 square feet in area (sign face shall not be divided between more than two (2) sign faces. No one face shall exceed 36 square feet). The sign shall not exceed six (6) feet in height .
 - ii. Developments with more than 10,000 square feet of heated floor space: 140 square feet of sign face divided among not more than four (4) sign faces for the development. No single sign face shall exceed 60 square feet. The sign shall not exceed 6 feet in height for single tenant uses. A multitenant use sign shall not exceed seven (7) feet in height.

5. Residential Subdivision Freestanding Signs

Residential subdivision freestanding signs are subject to Planning Commission approval and including the following sign area, sign height, and sign number permissions.

- a. One residential subdivision freestanding sign is permitted for each entry point to the development. A minimum separation of 100 feet is required between signs.
- b. Residential subdivision freestanding signs are permitted a maximum sign area of 50 square feet per sign, which shall not be divided among more than four (4) sign faces, and a maximum sign height of six (6) feet per sign.
- c. Residential subdivision freestanding signs shall not be internally lit.

6. Landscape Requirements for all Freestanding Signs

The ground shall not have been artificially raised for the purpose of increasing any sign's height, although landscaping at the base of the sign structure shall be required to be installed to help integrate the signs with their sites and the planting area, or a berm including plants/flowers up to one and one-half foot (1.5'), shall be allowed with a gradual slope, and will not be included when calculating the height of the sign. Sign permit applications shall show landscaping proposed and be compatible with the overall site plan landscaping. All landscaping areas must comply with Appendix A 1.7.5 Maintenance.

Additionally, all freestanding signs shall be landscaped at the base of the sign as follows:

- a. Landscape shall extend a minimum of three feet from the sign base on all sides with small shrubs a minimum of 18 inches in height at planting in a single row around the perimeter of the sign base. Plant materials must include a variety of species for visual interest.
- b. The remainder of the required landscape area shall be planted with trees, perennials, or other live groundcover. All areas not landscaped must be covered with mulch or other ground cover material.
- c. The landscape may be included in the total amount of landscape required on a site. The sign shall be integrated into the overall site landscape plan. Sign landscape must be shown on the landscape plan.
- d. All landscape shall be maintained in good condition, and free and clear of rubbish and weeds.

D. Wall Sign

1. Wall signs shall be permitted for all non-residential uses in any district.
2. Wall signs shall be permitted on all facades of a structure that face a right-of-way, parking area, or other public space. Wall signs are not permitted on facades of a structure that face only building service areas. On a site consisting of multiple structures, each structure shall be permitted wall signs per the regulations of this section. The square footage from different structures shall not be combined to create a larger sign on any one structure.
3. The maximum size of a wall sign shall be established at one (1) square foot per linear foot of building. No single sign shall exceed 50 square feet, with a wall signage limitation of three (3) total signs and 150 total square feet. The square footage from different facades shall not be combined to create a larger sign on any one facade. Signage on any one facade shall not occupy more than ten percent of that facade. Notwithstanding the provisions of this section, each retail use or multiple retail uses sharing a common entrance shall be allowed to have at least one wall sign not to exceed 20 square feet. Signs shall be mounted in a flat fashion.
4. In a multi-tenant structure, each tenant shall be permitted a wall sign of one (1). The maximum area per wall sign shall not exceed one square foot per linear foot of the front face of a single occupancy building or in the case of a multi-occupancy facility, the exterior wall surface of each establishment where principal customer access is provided. The square footage from different tenants shall not be combined to create a larger sign than allowed by this section.
5. The number of individual wall signs on a facade shall not be limited, however the cumulative sign area of all signs on that facade cannot exceed the maximum allowable sign area per items 3 or 4 above.
6. Wall signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.
7. Wall signs shall be safely and securely attached to the building wall. Wall signs shall project less than 18 inches from the building wall. Wall signs shall encroach into the public right-of-way no more than 18 inches.

8. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.
9. Wall signs shall be constructed of wood or simulated wood, metal, durable, weather-resistant material such as canvas, canvas-like material, nylon or vinyl-coated fabric, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Wall signs constructed of material shall be mounted so that they are held taut against the wall. Painted wall signs are permitted.
10. Any changeable copy component of the sign shall be limited to a maximum of 70% of the total area of a sign. The larger sign structure must contain additional copy; it cannot be a blank sign structure once the changeable copy component is discounted.

E. Menuboard

1. Menuboard shall be permitted for all uses that permit drive-through facilities, where allowed pre base zoning district.
2. Menuboard shall be limited to a maximum of two signs per drive-through lane.
3. Menuboard shall be limited to 75 square feet in sign area and six (6) feet in height.
4. Menuboard shall be located a minimum of 15 feet from any residential district lot line. This is measured from sign face to lot line, including any public right-of-way.
5. Menuboard may be internally illuminated.
6. Menuboard may contain an electronic screen and audio for interaction with each customer.

F. Projecting Signs

1. Projecting signs shall be permitted in the Village district.
2. Projecting signs shall be limited to 12 square feet.
3. One projecting sign shall be permitted per establishment with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage.
4. Projecting signs may encroach into the public right-of-way but shall be located at least two (2) feet from the curb line. Projecting signs shall not extend more than six (6) feet from the building façade.
5. Projecting signs shall maintain a minimum vertical clearance of eight (8) feet. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.
6. Projecting signs shall be constructed of wood or simulated wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Projecting signs constructed of canvas or similar material must be mounted so that they are held taut between support posts.
7. Any changeable copy component of the sign shall be limited to a maximum of 70% of the total area of a sign. The larger sign structure must contain additional copy; it cannot be a blank sign structure once the changeable copy component is discounted.

8. Projecting signs may be internally or externally illuminated. If externally illuminated, all lighting shall be directed onto the sign face from above.

G. Detailed Directory Signs

One detailed directory sign may be located near the principal entrance to a parking area or at principal intersections within the parking area for large-scale projects such as an office building complex or shopping center as shown on an approved Master Signage Plan approved under that section of this Appendix A. Such sign shall be located away from any public right-of-way so that drivers can conveniently pull up to and read the directory without impeding traffic on any driveway or entrance serving the development. Such signs shall not be more than eight (8) square feet in area and five (5) feet in height. Such signs shall be externally illuminated.

H. Gasoline Filling Stations Signs

1. Pump Signs

Petroleum products pumps and dispensers which are within the view of a public shall be permitted to display only information required by law and the brand name and type of product being dispensed.

2. Price Signs

Premises which dispense retail bulk petroleum products by pump shall be allowed to increase the ground sign permitted under this section by 25% of the face area of the sign in order to accommodate the pricing of such products within a single ground sign. No additional price signs shall be permitted either on the ground or mounted on individual pump structures.

I. Window Signs

1. Permit Exemption

Window signs shall not require permits from the Town; however, all businesses must comply with the area limitations for both permanent and temporary window signage

2. Area Limitations by Type

The following types of signs shall be classified as window signs:

- A. Permanent window signs shall not exceed ten percent (10%) of the total aggregate window area. Signs on doors shall not exceed ten percent (10%) of the door glass area for safety purposes. Any lighting installed on the outside or the inside of the window and is permanent will be considered as part of the 10% window coverage allowed by the zoning ordinance.

- B. Temporary signs (such as “grand opening,” “going out of business,” and special sales) shall not exceed 25% of the total aggregate window area. Examples of such signs are special sales, grand openings, now hiring. Such signs shall be limited to a maximum display period of 15 days, with four (4) display periods permitted per year per establishment.

1.9.0 SIGN PERMIT ADMINISTRATION

- 1.9.1 **Sign Permit Required** Unless specifically exempted under Appendix A 1.4.0 of this ordinance, a sign permit must be obtained from the Mayor or his designee prior to erecting, altering, or relocating a sign.
- 1.9.2 **Sign Permit Application** The application requirements for a sign permit shall be established by the Town in a form and content appropriate to demonstrate that the sign will be in compliance with Appendix A of this ordinance. The Mayor or his designee shall have ten (10) days to review the application and render a decision to the applicant. The application must provide detailed description that includes material, dimensions, color, style, location and setback on site and illustration of proposed sign and comply with all aspects of this Appendix A of Town of Nolensville Zoning Ordinance.
- 1.9.3 **Master Signage Plan Required** All new non-residential developments where multiple tenants are proposed or multiple buildings are proposed and large businesses containing 30,000 square feet or more, the owner is required to submit for approval to the Planning Commission, a master signage plan which indicates proposed locations and designs of all signs with the Site Plan application stage. This shall be submitted along with the Site Plan for the overall development.
- 1.9.4 **Regulatory Enforcement** The Mayor or his designee will periodically inspect signs in order to determine whether there are violations of this ordinance.
- 1.9.5 **Violation Notice** A violation of this section is a violation of the Zoning Ordinance and is subject to the enforcement procedures and penalties of Article 8.6.0.

Impoundment/disposal of signs any sign(s) unlawfully erected off-premises or in the public right-of-way may be removed immediately by the Town and may be claimed at Town Hall during normal business hours after payment of a sign removal fee of \$10.00 per sign. The Town may dispose of any signs not claimed within three (3) days.

APPENDIX B -- LANDSCAPING, BUFFERING AND TREE PROTECTION

1.1.0 PURPOSE AND INTENT

Trees in the Town of Nolensville shall be considered an essential part of the natural environment. This ordinance acknowledges the importance of trees in that they:

- help to provide a noise barrier,
- help to prevent erosion of topsoil,
- provide nesting areas for birds and other wildlife,
- provide windbreaks and shaded areas,
- and increase property values by adding to the aesthetic quality of land.

Landscaping and buffering requirements set standards to integrate new development and to protect the value and integrity of property from the potential adverse effects of differing land uses.

Regulations for the protection and replacement of trees are also established to insure their continued presence and associated benefits.

1.2.0 GENERAL PROVISIONS

1.2.1 Landscape Plan Required A landscape plan prepared by a licensed landscape architect shall accompany any application for all site plans or subdivision approvals, as required, and shall be subject to all requirements of Appendix B. The plan shall show location, size, spacing, species, form and quality of all proposed materials intended to fulfill the requirements of this Article.

In addition, the plans shall include:

A. Location of Existing Trees

Single-Family Residential Development Landscaping plans for a single-family residential development must provide the species, size at diameter breast height, and location of individual existing trees with a DBH of eight (8) inches or greater, which are located within an area to be disturbed by construction. Such trees are to be designated according to whether they are to be preserved or removed. In addition, the outline of all wooded areas, and whether they are to be preserved or removed, shall be delineated. All trees twenty-four (24”) inches or greater shall be preserved, if possible.

Commercial, Office, Multi-Family, Industrial or Institutional Site plans for a non-single-family residential development must provide the species, size at diameter breast height and location of all individual trees, with a DBH of eight (8) inches or greater, proposed to be removed. All trees twenty-four (24”) or greater shall be preserved, if possible.

Proposed Grading Landscaping plans shall show the nature and extent of the proposed grading, earth-moving or change in elevation, including existing and proposed contours at two (2) foot intervals.

Tree Protection Measures Landscaping plans shall demonstrate tree protection measures consistent with the requirements of this ordinance.

Additional Trees Landscaping plans shall include the number, species, size (DBH) and location of additional trees that will be planted on the site.

Exceptions The requirements of this article shall not apply to:

- A. Improvements or repairs to interior and exterior features of existing structures which do not result in building area expansions, changes in land use or the removal or destruction of trees. Construction previously authorized by a building permit, a final site plan approval or a subdivision plat approval; any one of which remains valid on the effective date of this ordinance.
- B. Any development whose permit expires shall not be exempt. In the event of emergencies, which may include but are not limited to snow, ice and rain storms, tornadoes, floods and similar natural disasters which cause excessive tree damage throughout the community, the mayor may invoke additional exceptions as necessary to deal with the emergency.
- C. A single platted lot zoned for a single-family dwelling shall be exempt from providing a Landscape Plan. However, such lots shall meet all other applicable standards required in this Appendix.
- D. This exemption shall not apply to unplatted parcels of land being developed for non-residential districts nor to the process of subdividing property for the purpose of creating streets and extending utilities, or to other residential developments that require final site plan approval.

1.2.2 **Landscaping Requirements** The landscaping required by this Article shall conform to the following standards:

- A. **Standards for Form and Quality of Plants** Plants installed as a result of the provisions of this Chapter shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).
- B. **Maintenance of Required Landscape Materials** The property owner shall maintain landscaping required by this Article in accordance with the following
- C. **Use of Required Landscape Area** No required landscape area shall be used for accessory structures, garbage or trash collection, parking, or any other functional use contrary to the intent and purpose of this Article.
- D. **Watering** All required landscaping shall be watered by one of the following methods:

1. an underground irrigation system, or
 2. a hose attachment within 200 feet of all landscaping.
- E. Prior to the issuance of a building permit, a security acceptable to the Town shall be required to insure completion of all landscaping/screening provisions as outlined in the plan approved by the Planning Commission. The security shall be posted in an amount equal to 110 percent of the total estimated cost of materials and installation of the improvements. Upon the issuance of a certificate of occupancy for the building, a maintenance bond or similar form of security acceptable to the Town shall be required for a period of one year to ensure that the vegetation remains as a living and viable screen.
- 1.2.3 **Replacement of Dead Materials** The property owner shall replace required plants which die within two (2) years of issuance of a Certificate of Occupancy.
- A. Replacements shall be installed at the earliest possible time within planting season, and replacements shall be as shown on the originally or subsequently approved landscape plan.
 - B. Failure to comply with this requirement shall be deemed to be a violation under Article 8.6.3.

1.3.0 SPECIAL REQUIREMENTS

1.3.1 Special Screening Requirements Screening of unsightly areas shall be accomplished as follows:

- A. Dumpsters and other trash receptacles for all structures other than single-family residences shall be completely screened from public streets or properties which are zoned for residential use.
 - 1. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least six (6) feet in height which completely screens the height of the dumpster.
 - 2. All enclosures shall have an opaque gate. The enclosure shall be built of wood, masonry or other permanent material and an effort should be made to coordinate the exterior materials, texture and color with the associated building(s).
 - 3. In addition, a combination of trees and evergreen shrubs shall be planted around the enclosure to lessen the visual impact on the site.
 - 4. On sites which are developed at the time of adoption of this ordinance, dumpsters shall be screened to meet the standards set out in this paragraph no later than January 1, 2004.
- B. Mechanical equipment, antennae or satellite dishes shall not be located within required landscape buffer yards or required front or side setbacks.
 - 1. Mechanical equipment and antennae or satellite dishes located atop a building shall be screened from all abutting public streets and residential properties by enclosure within the roof form of the building or a screen.
 - 2. Single-family development shall be exempt.
- C. Detention/retention basins shall not be located within required landscape buffer yards, and must be grassed with a maximum 3:1 side slopes.
 - 1. Irregular, natural shaped basins are encouraged.
 - 2. Trees and/or shrubs planted around the perimeter and in the basin of such facilities shall be a water tolerant species.
- D. Parking areas within non-residential zoning districts which have ten (10) or more parking spaces and are located adjacent to residentially zoned properties without an intervening street shall be screened along the adjoining lot line by a permanent opaque fence or wall, or evergreen landscaping forming a solid year-round screen, or a combination of both, at least six (6) feet in height, in addition to the parking area perimeter landscaping or landscape buffer yards required.
- E. Areas used for the temporary or permanent storage of inoperative or damaged vehicles shall be screened from properties zoned or used for residential purposes and from public streets by means of an opaque fence or wall not less than six (6) feet in height, or evergreen landscaping forming a solid year-round screen, or a combination of both.
- F. Loading areas and ground mounted utility equipment shall be screened from all adjacent residential lots and all public street frontage by a permanent opaque

fence or wall at least the height of the object being screened, or evergreen landscaping forming a solid year-round screen, or a combination of both.

- G. Subdivisions of lots that have rear yards adjacent to a street shall provide the Standard C Buffer Yard along their boundary with that street. The developer of the subdivision shall be required to bond these trees at the time of the recording of the plat and shall be responsible for their installation prior to the issuance of a certificate of occupancy for any lot affected by this buffer.

1.3.2 Street Tree Requirement Every residential subdivision development site and PUD or PCD site, with the exception of single-family homes within the ER base-zoning district, shall provide street trees along all public street frontage. The type trees shall be selected from the recommended tree list contained in Appendix B 1.7.0. Alternative trees may be approved by the planning commission. The required street trees shall be spaced an average of 50 feet apart, with a minimum of 35 feet and a maximum of 65 feet in spacing. Streets shall be planted at least five(5) feet from the back edge of the sidewalk. All trees twenty-four (24”) inches or greater shall be preserved if possible.

In addition the following provisions shall apply:

- A. Street trees may not be counted toward the tree canopy requirements.
- B. Lot Trees shall be required, as follows:

Detached Residential Lot Trees Table*	
The following aggregate caliper inches of canopy trees are required for each detached residential lot.	
Lot size	Caliper of inches of canopy tree required
Less than 7,500 square feet	One three-inch (3”) caliper tree
7,501 - 10,000 square feet	Two three-inch (3”) caliper trees
10,001 – 12,500 square feet	Three three-inch (3”) caliper trees
12,501 – 15,500 square feet	Four three-inch (3”) caliper trees
15,501 square feet or greater	One three-inch caliper tree per each additional 15,000 square feet of acreage
*A lot tree chart shall be provided on the residential landscape plans showing the required caliper of inches that shall be met for each individual residential lot.	

1.4.0 PROTECTION AND REPLACEMENT OF TREES

1.4.1 Removal of Trees It is the intent of this Article to minimize the removal of existing trees and to ensure that developers take reasonable measures to design and locate the proposed improvements so that the number of trees to be removed is minimized.

1.4.2 Tree Canopy Retention

- A. Requirement: The standards of this section shall apply to all preliminary plats, final plats, and site plans.

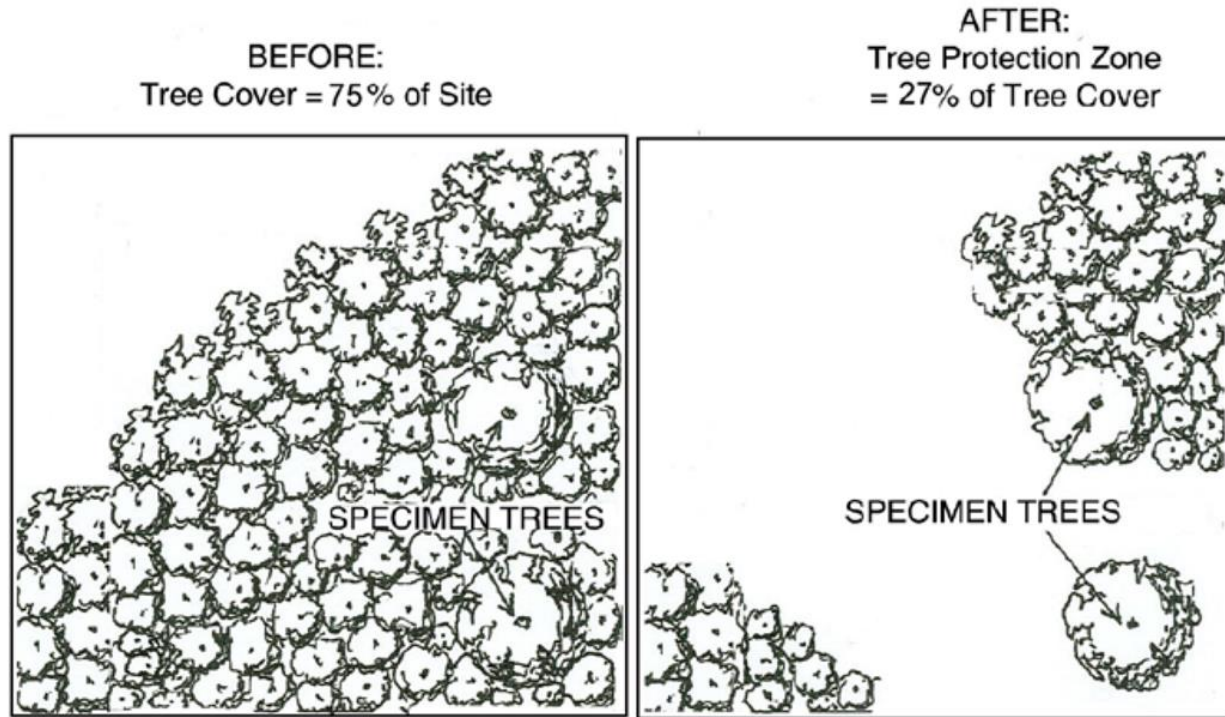
B. Tree Inventory: The applicant shall submit an aerial photograph, tree inventory or a professional tree survey as appropriate for the site showing:

1. Lot lines of the site to be developed
2. Location of the existing tree-canopy cover
3. Estimate of the total percentage of the site covered by existing canopy trees on site
4. The location, health, species and size of all specimen (24+) trees that are outside the preserved Tree Protection Zone.

Existing Tree Canopy Retention Standards

- A. A percentage of the tree canopy shall be retained on the site in accordance with Table B-2- Tree Canopy Retention Standards

Table B-2: Tree Canopy Retention Standards			
Minimum Required Tree Canopy Retention by Zoning (as a percentage of the total tree canopy cover)			
As % of the Existing Tree Canopy Cover	ER, SR	V,VF,CS,PI,HD	CR
80% - 100%	30%	15%	12%
60% - 79%	36%	18%	13%
40% - 59%	45%	22%	14%
20% - 39%	48%	24%	15%
19% or less	54%	26%	16%



- 1.4.3 **Replacement Trees** Single-trunk replacement trees shall be a minimum of two (2) inch caliper and a minimum of eight (8) feet in height.—Any replacement tree planted for credit that dies within a period of two (2) years, shall be replaced by a tree of equal or greater diameter than originally planted. Under no circumstances shall any replacement tree, planted for credit, be removed by the owner or developer without prior permission of the planning commission.

Any Tree not in Tree Protection Zone that is 24” or greater that is removed shall be replaced 2 to 1 caliper inches.

- 1.4.4 **Phased Construction** Where construction will be completed under a phased schedule, site work and tree removal shall also be completed under the phased schedule. Each phase shall be in compliance with the tree canopy replacement requirements upon completion of that phase.

- 1.4.5 **Prohibited Trees** The following trees are deemed undesirable in Nolensville and may not be used to satisfy the requirements as replacement trees of this Article: any species known to be weak, short-lived, disease-prone, or to belong to an overpopulation of its species, including, but not limited to Boxelder (female), Silver Maple, Hackberry, American Elm, Osage Orange (female) Cottonwood (except hybrids), and Bradford Pear.

- 1.4.6 **Prohibited Plantings** It shall be unlawful to plant trees as follows:

A. Within any recorded sewer or water easement.

- B. Within any recorded easement for overhead electrical or telephone lines: any species known to reach a typical mature height greater than the height of the lowest lines. MTEMC maintains a forty (40) foot right of way which extends twenty (20) feet on both sides of existing lines and in which a minimum clearance of six feet is required.

1.4.7 Protection of Trees During Development Activities

Where trees are to be protected on or adjacent to a development site, the following procedures shall be followed to adequately protect the trees during construction:

- A. A protection barrier or temporary fence shall be installed. The tree protection barriers shall be constructed before the issuance of any permits, and shall remain intact through out the entire period of construction.
- B. The tree protection barrier shall be installed to the limits of the critical root (dripline of the tree) zone.
- C. Any required excavation in or around the protection zone to accommodate underground services, footings, etc. shall be indicated on the plan, and shall be excavated by hand. In addition, related root pruning shall be accomplished via ANSI (American National Standards Institute) A-300-95 standards so as to minimize the impact on the general root system.
- D. The storage of building material or stockpiling shall not be permitted within the limits or against the protection barriers.
- E. Trees within the protection barriers must be adequately cared for throughout the construction process (i.e. they must be watered sufficiently, particularly if the tree's root system has been disturbed by the excavation). Fill shall not be placed upon the root system in such a manner as to endanger the health or life of the affected tree.

1.4.8 Tree Preservation Areas for Single-Family Residential Development *See The Nolensville Subdivision Regulations.*

1.5.0 PARKING AREAS SCREENING AND LANDSCAPING

- 1.5.1 **Applicability** All trees planted or preserved to satisfy the requirements of this Article shall count towards the tree canopy requirements of this Appendix. The following requirements are cumulative, not exclusive.
- 1.5.2 **Perimeter Parking Area Landscaping** The perimeter parking area landscaping requirements of this Article shall apply to all off-street parking facilities which:
- A. have five (5) or more parking spaces; or
 - B. are larger than 1,750 square feet in area.
- 1.5.3 **Interior Parking Area Landscaping** The interior parking area landscaping requirements of this Article shall apply to all off-street parking facilities which:
- A. have ten (10) or more parking spaces; or
 - B. are over 3,500 square feet in area.
- 1.5.4 **Perimeter Parking Area Requirements** The following minimum standards are required at the perimeters of all parking areas:
- A. A minimum of one canopy (1) tree shall be planted for each 50 feet of parking area perimeter, or portion thereof.
 - B. Trees planted to meet this requirement shall measure a minimum three (3) inches in caliper. Canopy trees shall be of a species listed on the planning commission's adopted Recommended Tree List located in Section 1.7.0 of this Appendix or approved equal.
 - C. Parking lots shall be separated from the edge of a public right-of-way or adjacent property line by a perimeter landscape strip a minimum of seven (7) feet in width. Two adjacent properties may each share in the development of a seven (7) foot landscape strip along their common property line. All landscape strips shall be back-filled with topsoil to a minimum depth of six (6) inches.
 - D. The remaining area within the perimeter landscape strip separating a parking lot from the edge of a public right-of-way or property line shall be planted with a continuous row of evergreen or thickly-branched deciduous shrubs which shall be maintained at a height not less than 30 inches nor greater than 48 inches. Plantings must be a minimum 24 inches in height at time of installation and spaced between 36 inches on center and 40 inches on center depending upon species selected and recommendations of the planning department staff. At maturity, the plantings must be dense enough to create a solid screen. Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area.

A five foot landscaped strip shall be required between any structure and adjacent off street parking areas or drive aisles.

Loading and unloading areas for pedestrians, and servicing shall be exempt from this requirement.

- E. The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants or grassed lawns. The use of gravel, concrete, asphalt or other impervious surfaces are prohibited.
- F. Berms greater than 18 inches, as measured from the top of the adjacent curb or walk, shall not be used as a treatment in perimeter landscape strips.
- G. The public right-of-way shall not be used to satisfy the requirements of this Article.

1.5.5 Interior Parking Area Requirements The interiors of parking lots shall be landscaped as follows:

- A. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays. The minimum size of any planting area shall be 250 square feet.
- B. All landscape strips shall be back-filled with topsoil to a minimum depth of six (6) inches.
- C. Interior planting areas shall be located so as not to impede storm water run-off and to provide shade in large areas of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
- D. Trees shall be required at the minimum rate of one canopy tree for every 10 parking spaces or portion thereof. No more than nine parking spaces in a row are permitted without a minimum seven-foot wide landscape island. Canopy trees shall be of a species listed on the planning commission's adopted Recommended Tree List in Section 1.7.0 of this Appendix or approved equal.
- E. Trees planted to meet this requirement shall measure a minimum of three (3) inches in caliper.
- F. Where there is no defined or delineated perimeter parking area shown on a site plan for landscaping, the interior parking area shall be deemed as starting 40' inside the perimeter area curbing.

1.6.0 BUFFERING REQUIREMENTS

- 1.6.1 **General Requirements** A buffer yard shall be required to mitigate negative impacts from differing adjacent land uses. Generally, a buffer yard shall be located at the perimeter of the building site along zoning district boundaries, or otherwise coincident with the edge of a specified facility that is to be screened. Also, buffering between subdivision developments and major road right-of-ways is required. See 1.6.10 below.

The Planning Commission shall have the authority to require additional screening or to allow alternative screening mechanisms when, it is determined that it is in the best interest of the Town to modify these requirements in order to meet the overall intent of this ordinance. These modifications may be deemed necessary due to the size of the proposed structure(s), or the placement of the buildings on the property, or due to the existence of manmade features that would make it difficult to comply with the strict interpretation of this ordinance.

1.6.2 Landscape Buffer Yard Design and Materials

Existing Native Plant Materials The use of existing plant material is strongly encouraged in landscape buffer yards. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Where the planting requirements of Appendix B require additional trees or shrubs to be installed in an existing natural area, installation should minimize disturbances to native species. Where significant existing trees and shrubs are to remain, buffer yard requirements may be reduced at the discretion of the planning commission if the intent of this Article is met.

- 1.6.3 **Trees** Where the planting requirements of Appendix B indicate that additional trees shall be installed, required trees shall meet the following minimum requirements:

- A. evergreen: six (6) feet in height
- B. canopy: three (3) inch caliper minimum
- C. understory: two (2) inch caliper minimum

Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees at maturity. Required canopy trees shall have an expected mature height of 30 feet or greater. Required understory trees shall have an expected mature height of at least 15 feet. All trees shall count toward satisfying the tree canopy requirements of Appendix B 1.4.2.

Plant Diversity

To control the spread of insect infestation or disease in a plant species, new plantings shall comply with the following standards:

- a. When fewer than (20) twenty trees are required on a site, at least two different genus shall be used, in equal proportions
- b. When more than (20) twenty trees but fewer than (40) forty trees are required to be planted on site, at least (3) three different genus shall be used, in equal proportions
- c. When (40) forty or more trees are required on a site, minimum of (4) four different genus shall be used, in equal proportions
- d. Required shrubs shall use the same plant diversity requirements

:

Provided Plant diversity chart as shown on Admin manual on all landscape plans.

- 1.6.4 **Shrubs** Evergreen shrubs planted to meet the minimum standards of this Article shall be a minimum of 18 inches in height when planted and at least one-half shall be expected to reach five (5) feet or greater in height within five (5) years of planting. Evergreen shrubs shall be planted in such a way as to form continuous coverage with the spacing between shrubs being no greater than four (4) feet. Shrubs may be planted in staggered rows of any other pattern, which achieves the desired continuous coverage.
- 1.6.5 **Groundcover** All disturbed areas not otherwise planted with trees or shrubs shall be sodded or seeded with lawn or native grass seed.
- 1.6.6 **Utility and Drainage Easements** Required landscape buffer yards shall not be used for utility or drainage easements.
- 1.6.7 **Parking Area Landscaping** Perimeter plantings required for parking area landscaping may be counted toward satisfying landscape buffer yard requirements when the perimeter planting area coincides with the buffer yard.
- 1.6.8 **Compatibility of Materials** Supplemental plantings should be chosen to enhance the existing vegetation within the landscape buffer yard.
- 1.6.9 **Other Uses in the Buffer Yard**
 - A. **Trails** Pedestrian or bike trails may occur within the landscape buffer yard provided that the required effect of the yard is not compromised.
 - B. **Prohibited Uses** Under no circumstances shall the following be permitted in landscape buffer yards: stormwater retention/detention facilities; playfields, stables, swimming pools, golf courses, tennis courts and other recreational facilities; parking areas and other vehicular use areas; dumpsters, equipment storage and other open storage; and buildings or overhangs.
- 1.6.10 **Landscape Buffer Yard Requirements Table** The landscape buffer yard requirements are established in the Landscape Buffer Yard Requirements Table below. If it can be demonstrated by the applicant that the intent of this ordinance has been met with regards to the buffer yard, the Planning Commission has the

authority to approve variations in the standard buffer yards described below to allow for varied plant material.

For Standard Subdivisions:

The required buffering shall be 100 feet to include the minimum of Buffer Yard C without shrubs as depicted in illustrations found in Appendix B Section 1.6.10 between these lots and the R-O-W of all arterial streets; e.g., Nolensville, Sunset, Rocky Fork, Sam Donald, York, Clovercroft, Williams, Waller, and Kidd Roads. Buffering for other roads shall be determined by the Planning Commission based upon existing topography and existing tree coverage on the site being considered for subdivision development. Evergreen trees shall be planted at 50% of the total plantings.

For PUD developments:

The widths between the front lots and the road R-O-W (Nolensville, Sunset, Rocky Fork, Sam Donald, York, Clovercroft, Williams, Waller, and Kidd Roads) shall be 150 feet. A reduction to 100 feet may be allowed by the Planning Commission if the topography is elevated sufficiently to minimize direct view from the street. Buffers must shield activities at ground level view to a minimum of 6' height and requiring evergreen trees be planted at 50% of the plantings. All buffering should contain an assortment of evergreen trees, canopy trees, and evergreen shrubs. Buffers may contain pedestrian walkways through parts of buffers as long as the effects of the buffer screening are not negated.

In addition to the buffer requirements, subdivision developments are required to provide buffering between the right-of-way of major streets and residential lots within the development as follows:

Landscape Buffer Yard Classification Chart									
	Class A			Class B			Class C		
Site Area Acres	Minimum Buffer Width	Trees (per100 linear ft)	Shrubs (per100 linear feet)	Minimum Buffer Width	Trees (per100 linear ft)	Shrubs (per100 linear feet)	Minimum Buffer Width	Trees (per100 linear ft)	Shrubs (per100 linear feet)
Less than .5	10	7	30	20	8	35	30	10	40
1.0	12	7	30	20	9	35	35	11	40
2.0	15	8	30	22	10	35	45	12	35
3.0	18	9	28	24	11	32	48	13	35
4.0	20	10	40	26	12	35	50	15	35
5.0	24	12	32	28	14	35	52	18	35
6.0	26	14	32	30	16	35	54	20	35
7.0	30	16	32	34	18	35	56	22	35
8.0	34	18	34	38	20	38	60	24	38
9.0	36	20	34	40	22	38	64	26	38
10.0 or more	40	22	34	50	24	38	70	70	38

Landscape Buffer Yard Requirements Table							
Property Providing Buffer Yard							
Zoning District	ER	SR/SR1	V	CS	OI	PI	CR
ER	-	A	-	C	C	B	C
SR/SR1	-	-	-	C	C	A	C
V	-	B	-	B	C	-	C
CS	-	-	-	-	B	-	A
OI	-	-	-	-	-	A	A
PI	-	-	-	B	B	-	B
CR	-	-	-	-	-	-	-

The requirements for each standard buffer yard are stated in terms of minimum width and the density of the required plant material per linear foot of buffer yard. To determine the total number of plants required, the length (in feet) of each side of property requiring a landscape buffer yard shall be divided by 100 and multiplied by the number of plants.

1.7.0 RECOMMENDED TREE LIST

General The following list shall be used to select an acceptable tree whenever the Planning Commission's Recommended Tree List is referenced or trees are required by this ordinance or the Subdivision Regulations of Nolensville. The project landscape architect may make recommendations for trees that are not named on the following lists and will be subject to the Planning Commission's approval. The common name is listed in the left column and the botanical name is listed in the right column.

CANOPY TREES

Suitable for Street Trees

Maximum 40 ft spacing. Where columnar trees are used 25 ft spacing (maximum).

COMMON NAME	SCIENTIFIC NAME	NATIVE/EXOTIC
Chalk Maple	<i>Acer leucoderme</i>	Native
October Glory' Red Maple	<i>Acer rubrum 'October Glory'</i>	Native Cultivar
American Hornbeam (Ironwood)	<i>Carpinus caroliniana</i>	Native
White Fringetree	<i>Chionanthus virginicus</i>	Native
Yellow-wood	<i>Cladrastis lutea, or kentukea</i>	Native
Turkish Filbert	<i>Corylus colurna</i>	Exotic
Ginkgo (use Male only)	<i>Ginkgo biloba - Princeton Sentry</i>	Exotic
"Shademaster' Honeylocust	<i>Gleditsia triacanthos 'Shademaster'</i>	Native Cultivar
Carolina Silverbell	<i>Halesia carolina</i>	Native
Eastern Hophornbeam	<i>Ostrya virginiana</i>	Native
Chinese Pistache (use Male only)	<i>Pistacia chinensis</i>	Exotic
Staghorn Sumac	<i>Rhus typhina</i>	Native
Greenspire Linden	<i>Tilia cordata "Greenspire"</i>	Exotic
Lacebark Elm	<i>Ulmus parvifolia 'Drake'</i>	Native Cultivar
Green Vase' Japanese Zelkova	<i>Zelkova serrata 'Green Vase'</i>	Exotic Cultivar
Village Green' Japanese Zelkova	<i>Zelkova serrata 'Village Green'</i>	Exotic Cultivar
Yoshino Cherry	<i>Prunusx Yedornis</i>	Exotic Cultivar
Crape Myrtle	<i>Langerstoemia indica</i>	Native

OTHER TREES
Not Suitable for Street Trees

COMMON NAME	SCIENTIFIC NAME	NATIVE/EXOTIC
River Birch	<i>Betula nigra</i>	Native
European Hornbeam	<i>Carpinus betulus 'Columnares'</i>	Exotic
Carolina Buckthorn	<i>Rhamnus caroliniana</i>	Native
Japanese Pagoda	<i>Styphnolobium japonicum</i>	Exotic
London Planetree	<i>Plantanus X acerfolia</i>	Hybrid
Kousa Dogwood	<i>Cornus kousa</i>	Exotic
Flowering Dogwood	<i>Cornus florida</i>	Native
Pin Oak	<i>Querchs Palustris</i>	Native
Sweetgum	<i>Liquidambar styraciflua</i> <i>'Rotundiloba'</i>	Native
Tulip Poplar	<i>Liriodendron Tulipifera</i>	Native

UNDERSTORY TREES/SMALL

COMMON NAME	SCIENTIFIC NAME	NATIVE/EXOTIC
Trident Maple	<i>Acer buergeranum</i>	Exotic
Paperbark Maple	<i>Acer griseum</i>	Exotic
Tartarian Maple	<i>Acer tataricum</i>	Exotic
Red Buckeye	<i>Aesculus pavia</i>	Native
Apple Serviceberry	<i>Amelanchier x grandiflora</i>	Native Cultivar
Eastern Redbud	<i>Cercis canadensis</i>	Native
Flowering Dogwood	<i>Cornus florida</i>	Native
Kousa Dogwood	<i>Cornus kousa</i>	Exotic
King William Washington Hawthorn	<i>Crataegus phaenopyrum</i>	Native
Witch-hazel	<i>Hamamelis virginiana</i>	Native
Crapemyrtle	<i>Langerstoemia indica</i>	Native
Amur Maackia	<i>Maackia amurensis</i>	Exotic
Saucer Magnolia	<i>Magnolia x soulangiana</i>	Exotic Cultivar
Flowering Crabapple	<i>Malus spp.</i>	Native Cultivar
Red Mulberry	<i>Morus rubra</i>	Native
Persian Ironwood	<i>Parrotia persica</i>	Exotic
Chicksaw Plum, American	<i>Prunus americans</i>	Native
Kwansan Cherry	<i>Prunus serrulata 'kwansan'</i>	Exotic Cultivar
Yoshino Cherry	<i>Prunus x yedoensis</i>	Exotic Cultivar
Fragrant Epaulette Tree	<i>Pterostyrax hispidus</i>	Exotic
Carolina Buckthorn	<i>Rhanmus caroliniana</i>	Native
Wireless Zelkova	<i>Zelkova serrata - Wireless</i>	Exotic

SCREENING (EVERGREEN TREES/SHRUBS)

COMMON NAME	SCIENTIFIC NAME	NATIVE/EXOTIC
Hedge Maple	<i>Acer campestre</i>	Native
Japanese Cedar	<i>Cryptomeria japonica</i>	Exotic
American Holly	<i>Ilex opaca</i>	Native
Fosters Holly	<i>Ilex x attenuata 'Fosteri'</i>	Exotic
Nellie R. Stevens Holly	<i>Ilex x 'Nellie R. Stevens'</i>	Exotic
"Hetz' Chinese Juniper	<i>Juniperus Chinensis 'Hetzii'</i>	Exotic Cultivar
Eastern Red Cedar	<i>Juniperus virginiana</i>	Native
Laurus 'Saratoga'	<i>Laurus nobilis 'Saratoga'</i>	Hybrid
Southern Magnolia	<i>Magnolia grandiflora</i>	Native
Little Gem Magnolia	<i>Magnolia grandiflora Little Gem</i>	Native Cultivar
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	Exotic
Norway Spruce	<i>Picea abies</i>	Exotic
Lacebark Pine	<i>Pinus bungeana</i>	Exotic
Austrian Pine	<i>Pinus nigra</i>	Exotic
Eastern White Pine	<i>Pinus strobus</i>	Native
Scotch Pine	<i>Pinus sylvestris</i>	Exotic
Japanese Black Pine	<i>Pinus thunbergiana</i>	Exotic
Eastern Hemlock	<i>Tsuga canadensis</i>	Native

CANOPY TREES LARGE (50'+)

COMMON NAME	SCIENTIFIC NAME	NATIVE/EXOTIC
Black Maple	<i>Acer nigrum</i>	Native
Red Maple 'Columnare'	<i>Acer rubrum</i> 'Columnare'	Native Cultivar
Sugar Maple	<i>Acer saccharum</i>	Native
Yellow Buckeye	<i>Aesculus octandra</i>	Native
European White Birch	<i>Betula pendula</i>	Exotic
Persimmon, American	<i>Diospyros virginiana</i>	Native
American Beech	<i>Fagus grandifolia</i>	Native
Ginkgo	<i>Ginkgo biloba</i>	Exotic
Thornless Honeylocus	<i>Gleditsia triacanthos</i>	Native Cultivar
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	Native
American Sweetgum	<i>Liquidambar styraciflua</i> 'Rotundiloba'	Native
Tulip-Poplar	<i>Liriodendron tulipifera</i>	Native
Cucumber Magnolia	<i>Magnolia acuminata</i>	Native
Bigleaf Magnolia	<i>Magnolia macrophylla</i> Michx.	Native
Blackgum	<i>Nyssa sylvatica</i>	Native
Sourwood	<i>Oxydendrum arboreum</i>	Native
American Sycamore	<i>Plantanus occidentalis</i>	Native
London Planetree	<i>Plantanus X acerfolia</i>	Hybrid
Sawtooth Oak	<i>Quercus acutissima</i>	Exotic
White Oak	<i>Quercus alba</i>	Native
Scarlet Oak	<i>Quercus coccinea</i>	Native
Southern Red Oak	<i>Quercus falcata</i>	Native
Laurel Leaf or Sand Laurel Oak	<i>Quercus hemisphaerica</i>	Native
Overcup Oak	<i>Quercus lyrata</i>	Native
Bur Oak	<i>Quercus macrocarpa</i>	Native
Swamp White Oak	<i>Quercus michauxii</i>	Native
Chinkapin Oak	<i>Quercus muehlenbergii</i>	Native
Willow Oak	<i>Quercus phellos</i>	Native
Northern Red Oak	<i>Quercus rubra</i>	Native
Shumard Oak	<i>Quercus shumardii</i>	Native
Bald Cypress	<i>Taxodium distichum</i>	Native
American Basswood	<i>Tilia americana</i>	Native
Silver Linden	<i>Tilia tomentosa</i>	Exotic
American Elm, resistant	<i>Ulmus americana</i>	Native Cultivar
Smooth Leaf Elm	<i>Ulmus carpinifolia</i>	Exotic
Nuttall Oak	<i>Quercus nutallii</i>	Native

PROHIBITED TREES

COMMON NAME	SCIENTIFIC NAME	NATIVE/EXOTIC
Leland Cypress	<i>Cupressus x leylandii</i>	Native
Ash	<i>All cultivars</i>	Native
Bradford Pear	<i>Pyrus calleryana</i>	Exotic

APPENDIX C -- SITE PLAN REVIEW

1.1.0 SINGLE-FAMILY HOME

A site plan for a single-family home, or improvements thereto, shall be filed with the Town Staff. The Town Staff shall verify that the proposed structure is in conformance with all applicable provisions of this ordinance prior to approval of the site plan and issuance of a building permit.

- A. **Single-Family Home Site Plan Application** The application for site plan review for a single-family home shall contain the following:
1. Present record owner of the property;
 2. Septic tank permit, if applicable;
 3. Proof of payment of water tap and sewer fees as applicable;
 4. A scaled boundary drawing of the lot or area involved;
 5. Location, dimension, height and setback of all existing and proposed buildings;
 6. Location and dimensions of all easements and encumbrances;
 7. Number of square feet proposed;
 8. Location of vehicular entrance and parking areas;
 9. Method of handling and approximate location of water and septic facilities;
 10. Drainage facilities, erosion control and calculations which ensure proper stormwater management;
 11. Maximum slope on a lot, excluding drainage ways, of 3' horizontal to 1' vertical unless stabilization approved by Town Engineer.
- B. **Single-Family Home Site Plan Decision** Town Staff shall have 21 days to make a decision on a completed application. An approved site plan shall be valid for six (6) months. If construction has not commenced by that time, a re-approval by Town Staff will be required.

1.2.0 SITE PLAN

All nonresidential/commercial/industrial uses, attached residential buildings or building improvements that require a building permit shall first have a site plan approved by the Planning Commission. Such site plans shall meet the requirements of Appendix C 1.4.0 below.

1.3.0 SITE PLAN INFORMAL REVIEW

Applicants are required to contact the planning department to schedule a pre-application conference to discuss the proposed project and town requirements before the submission of a major site plan application, to discuss the site plan development process and receive input and advice on any prospective application. Applicants that fall under Appendix C 1.4.0 A or Appendix C 1.4.0 B of these site plan regulations should contact the planning department to confirm the process and whether or not a detailed major site shall be required.

1.4.0 PROCEDURE FOR SITE PLAN REVIEW

The owner or owners of record, or prospective co-owners under contract of a lot or tract of land, or their authorized representative, shall, prior to the time of application for a building permit, file an original application and a sufficient number of copies, as determined by the Planning Commission, with the Mayor or his designee on forms provided by the Town after first scheduling and attending a pre-application conference with the town staff (see Appendix C 1.3.0 above). The appropriate filing fee as established by the Town shall be paid at the time of application.

At this time, the person filing the application must also pay any filing fee set by the Town and must file a sufficient number of copies of the preliminary or final site development plan, as determined by the Town Planner.

- A. An existing commercial or industrial building or a building devoted to non-profit community services that is constructing an addition not exceeding more than 25 percent of the existing floor space or a new commercial or industrial building or a building devoted to non-profit community services that does not exceed 2,500 square feet in size shall file a site plan drawn at a scale of not more than 1"=50' showing the following information:
 - 1. A location key map showing the tract and its relationship to adjoining tracts and the street system.
 - 2. North arrow and scale of drawing.
 - 3. Record owner of the property, architect, engineer or surveyor preparing the plan along with the seal, date and date of any revisions.
 - 4. Location, dimensions, height and setback of all existing and proposed buildings along with square footages.
 - 5. Location and dimensions of any easements on the property.
 - 6. Location and layout of vehicular entrances and parking areas.
 - 7. Location of water and sewer services and means of fire protection.
 - 8. Drainage facilities, erosion control and calculations sufficient to determine if the additional run-off warrants any additional drainage facilities, subject to the approval of the Town Engineer.
 - 9. Contours sufficient to determine slope and positive drainage subject to the approval of the Town Engineer.
 - 10. A landscape drawing showing how the landscaping requirements of the Town will be met.
- B. In cases where a change of use of an existing building or site is proposed that does not propose any alteration of the building or to the site, the applicant shall file a site plan short form application showing the following information:
 - 1. A location key map showing the tract and its relationship to adjoining tracts and the street system.

2. North arrow and scale of drawing.
3. Record owner of the property, type of business and owner of business (applicant).
4. Location, dimensions, height and setback of all existing buildings along with square footages.
5. Information on type of business and number of employees.
6. Location and dimensions of any easements on the property.
7. Location and layout of vehicular entrances and parking areas.
8. Location of water and sewer services and means of fire protection.
9. A drawing showing how the existing landscaping on the site (photos may be submitted for support).

C. Nonresidential and Mixed Use Site Plan Checklist

Nonresidential and Mixed-Use Site Plan Preparation and Approval Procedure



1. Applicants shall contact the planning department to schedule a pre-application conference. Applicants will be advised of the details of the review procedures and the number of blue line prints of the plan to be submitted to the planning department. It shall be the responsibility of the applicant to become familiar with the regulations, policies, and procedures of the town. At the pre-application conference, the applicant shall designate one (1) contact person to work with the planning department for the duration of the project. **THIS SHALL BE THE PERSON RESPONSIBLE FOR THE QUALITY AND ACCURACY OF THE PLANS.**
2. Purchase a copy of the Nolensville Zoning Ordinance and Nolensville Design Standards from the Nolensville Planning Department and review both documents carefully. The most recent checklists, applications, deadlines, meetings schedules, documents, etc. can now be found at <http://www.NolensvilleTN.gov>. Before submitting a new project, it is the responsibility of applicants to verify that they have the latest information. The web site will be how applicants are informed of changes to checklists, applications, etc. Many other departments, such as engineering and codes, also provide valuable information on their web pages.

To aid the professional(s) preparing the plan, the following symbols are used throughout this checklist to identify the plan sheet on which each checklist item shall be represented, but are not required sheet names.

Site Layout..... C1	Landscaping PlanL1
Grading Plan C2	Site Lighting..... E1
Detail Sheet C3	Architectural Elevations A1
Utility Plan..... C4	Miscellaneous Information..... Misc

3. Contact:
Nolensville Planning Department
P.O. Box 547
Nolensville, TN 37135

4. The planning department has the authority to remove a project from an agenda for reasons such as the submittal missing essential components or being substantially deficient. The essential elements of a complete nonresidential site plan submittal are as follows:

- **Site layout;**
- **Grading;**
- **Utility plan;**
- **Grid Photometric Lighting Plan;**
- **Landscaping Plan;**
- **Architectural Elevations;**
- **Miscellaneous Details;**
- **Color Elevation/Rendering and Material Color Samples;**
- **Stormwater Management Plan;**
- **Erosion Control Plan;**
- **Drainage Plan (including calculations); and Traffic Study (if required)**

Submittals that do not include these plans, unless otherwise expressly directed by the planning department, will not be accepted for review or will be administratively removed from the agenda (see also item 5 below). Plans that are not sealed, signed and dated as required by state law and by town ordinance shall not be accepted for review.

5. Submittals that do not include a completed Nolensville Planning Commission application shall not be accepted for review.

6. Specific information for individual zoning districts is in Article 2 of the zoning ordinance. The site plan shall be drawn on reproducible material, suitable for making blue-line prints, and on one (1) or more sheets as dictated by the types of information required.

SITE DATA

PROJECT NAME:
 PROJECT #:
 SUBDIVISION:
 LOT NUMBER:
 ADDRESS:
 TOWN:
 COUNTY:
 STATE:
 CIVIL DISTRICT:
 EXISTING ZONING AND AREA DESIGNATION:
 ACREAGE OF SITE:
 SQUARE FOOTAGE OF SITE:
 MINIMUM REQUIRED SETBACK LINES:
 Yard fronting on any street:
 Side yard:
 Rear yard:
 OWNER:
 Address:
 Phone No.:
 Fax No.:
 Contact Name:
 APPLICANT:
 Address:
 Phone No.:
 Fax No.:
 E-mail address:
 Contact Name:
 BUILDING SQUARE FOOTAGE:
 BUILDING HEIGHT:
 MAXIMUM FLOOR AREA RATIO:
 FLOOR AREA RATIO OF SITE:
 MINIMUM PARKING REQUIREMENT:
 MAXIMUM PARKING LIMIT:
 PARKING PROVIDED:

BASIC INFORMATION

7. All **nonresidential** site plans shall provide the chart shown at the right on sheet 1 of the site plan exactly as shown (see chart at right). *(C-1)*
8. The town's project identification number shall be added to the site cover sheet, site data chart, and title block of all sheets. This project number shall also be included on subsequent cover and transmittal letters, including correspondence with the Codes Department.
9. Key map drawn to a scale of one (1) inch equals one thousand (1,000) feet, which shall include streets and corporate limit lines within a one-half (0.5) mile radius, that identifies the boundaries of the site. *(C-1)*
10. Names, addresses and telephone numbers of the owner and the applicant. Where these are designated as a partnership, corporation or other business venture, then the names and addresses of all individual parties, officers, directors and/or beneficial owners holding more than a five- (5) percent interest in the project shall be identified. *(C-1)*

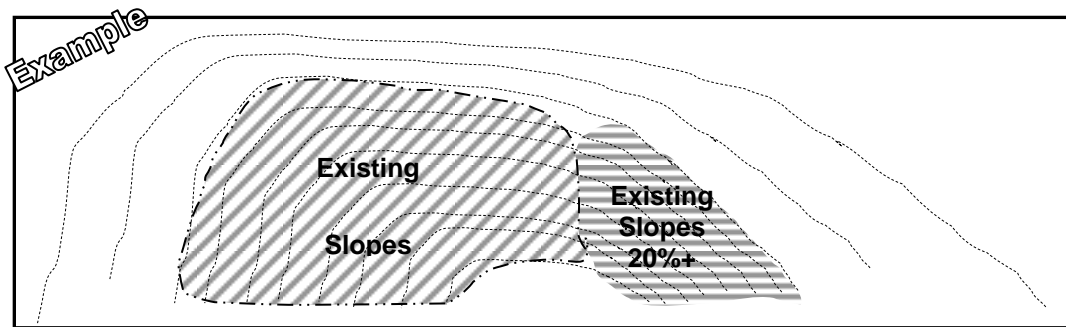
<p><i>Consult Item 1 for more information about the role of the "applicant"</i></p>

11. North point. *(C-1, C-2, C-3, L-1, E-1)*
12. Drawn, using an engineer's scale, to a scale of not less than one (1) inch equals fifty (50) feet, with the scale indicated on the site plan. Any other scale shall be approved by the planning department. *(C-1, C-2, C-3, L-1, E-1)*
13. Names, addresses, telephone numbers and seals of all professional consultants participating in the development. *(C-1, C-2, C-3, L-1, E-1, A-1)*
14. The following note shall be provided on the first sheet of all site plans *(C-1)*:

<p>THIS SITE PLAN HAS BEEN DESIGNED TO MEET THE TOWN OF NOLENSVILLE STANDARDS AND THE APPROVAL OF THE PLANNING COMMISSION. CHANGES SHALL NOT BE MADE TO THE APPROVED SITE PLAN UNLESS APPROVED BY EITHER THE TOWN ENGINEER OR TOWN PLANNER.</p>

15. The location of dumpster pads, dumpster pad details, screen walls, and screen gates, in conformance with Appendix C Site Plan, Zoning Ordinance. *(C-1, C-3, A-1)*

16. Floodway (F-W) and Floodway Fringe (F-F) District boundaries, with elevations referenced to, and showing the exact location of, the nearest benchmark. Show and label any required buffers for the Floodway or Floodway Fringe. **(C-1, C-2)**
17. Existing and proposed land contours showing vertical intervals no greater than two (2) feet. **(C-2)**
18. Existing natural slopes ranging between fourteen (14) through nineteen (19) percent, and slopes of twenty (20) percent or greater, shall be graphically indicated and labeled on the grading plan: Development on natural slopes of twenty (20) percent or greater is prohibited. **(C-2)**

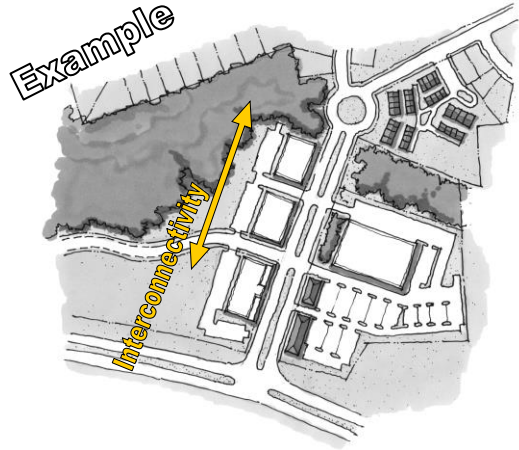


19. Adjoining property owners. **(C-1)**
20. The length of the boundaries of the site measured to the nearest one-tenth (0.1) foot. **(C-1, L-1)**

When the site is in a subdivision, these figures shall match the final plat
21. The value of all true bearings and angles dimensioned in degrees and minutes. **(C-1)**

When the site is in a subdivision, these figures shall match the final plat
22. Locations, square footages and exterior dimensions, measured from outside wall to outside wall, of all existing and proposed buildings and structures. Label the square footage of each building on the site layout. **(C-1)**
23. A sheet showing all proposed improvements (buildings, paving, and so forth) overlaid on the existing topography indicating what natural features will be destroyed or disrupted (i.e. trees, buildings, fences, walls). **(C-2)**
24. Parking layout and traffic control plan in accordance with Article 3 of the zoning ordinance. The plan shall include the locations, arrangements and dimensions of the following:

- (a) Vehicle entrances, exits and drives. *(C-1, C-2, L-1, E-1)*
 - (b) Handicapped pedestrian entrances, exits, walks and ramps. *(C-1)*
 - (c) Vehicle parking spaces. *(C-1, C-2, L-1, E-1)*
 - (d) Widths of aisles, which shall be designed according to the demands of the site and in accordance with commonly accepted parking layout design standards. *(C-1)*
 - (e) Location of truck loading and unloading spaces and docks. *(C-1)*
 - (f) Proposed traffic control devices, where necessary to promote the safe and efficient movement of traffic, in conformance with the Manual on Uniform Traffic Control Devices. *(C-1)*
 - (g) Sidewalk improvements, both public and private, with an emphasis on interconnectivity between contiguous sites and public sidewalk systems. *(C-1, C-2, L-1)*
 - (h) Proposed connections to contiguous property, with an emphasis on interconnectivity between existing and proposed parking areas and internal drives. *(C-1, C-2, E-1)*
25. Easements with dimensions, and designated as to type (examples: public utilities and drainage easement; public access and sidewalk easement, and so forth). *(C-1, C-2, L-1)*



DRAINAGE/DETENTION AND STORMWATER MANAGEMENT

26. Drainage plan, if recommended by the town engineer. *(C-2, Misc)*
- (a) Existing and proposed locations, types and sizes of drainage structures. Any special items, such as detention facilities, shall be included, along with calculations. A description of operation and maintenance procedures to control stormwater runoff shall be included in the drainage plan.
 - (b) Drainage/detention calculations shall be submitted that will demonstrate that the development will be designed, operated and maintained so that the rate of stormwater runoff after development will be no greater than that which existed prior to development of the site.
 - (c) A statement by the applicant shall be submitted as to how the prevention of downstream siltation during construction will be assured, pursuant to Article 7 of the zoning ordinance.
 - (d) The drainage plan shall be submitted to the town engineer for his comments, which shall be included as part of the site plan.
 - (e) Detention basins are to be sized to detail the 100 year storm using the volume-time method.

27. An applicant shall develop a Stormwater Management Plan. This is to be a separate document from the site plan. Contact the Town Engineer for information, or view the standards at <http://www.NolensvilleTN.gov> under the planning/engineering section. The applicant shall demonstrate that the project meets the standards set forth in the town's **Stormwater Ordinance** for water quantity and quality, buffer, floodplain, **BMP Manual** for structural and non structural BMPs; special watershed or area specific requirements and all other policies that apply.
28. Develop an erosion and sediment control plan to control sediment runoff.

UTILITY PLAN

29. Develop a utility plan for water and sewer on site. Include location of manholes, meters, and fire hydrants along with pipe type, size, length, and elevation.
30. Provide existing and proposed locations, types, and sizes of the following: **(C-1 or C-4)**
- (a) Water lines.
 - (b) Fire hydrants, dimensioned to the nearest corner of the lot.
 - (c) Sanitary sewers.
 - (d) Storm sewers.
 - (e) Culverts.
 - (f) Street improvements.
 - (g) Electric Lines.
 - (h) Repurified (reuse) water system.
 - (i) Any other utilities or services affected by the site.
31. All site plans shall contain the following note **(C-4)**:

Within new developments and for off-site lines constructed as a result of, or to provide service to, the new development, all utilities, such as cable television, electrical (excluding transformers), gas, sewer, telephone, and water lines shall be placed underground. Office/Industrial (OI) Districts shall be permitted to have their off-site feeder lines overhead.

OTHER ENGINEERING-RELATED REQUIREMENTS

32. When the town engineer requests a traffic study, then fifteen (15) copies shall be submitted to the Nolensville Planning Department no later than the second submittal date. **(Misc)**

33. Construction drawings, along with requested bond amounts, for the public improvements (water, sewer, streets, drainage, and so forth) shall be submitted to: **(Misc)**

Town Engineer
PO Box 547
Nolensville, TN 37135

Submit these drawing directly to the Engineering Department.

LANDSCAPING PLAN

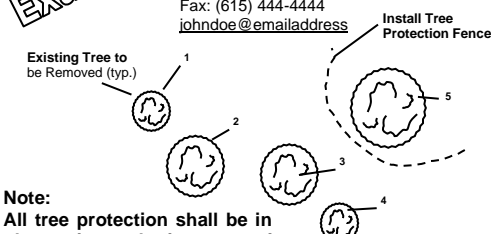
34. The required information and format for landscaping plans is addressed in Appendix B of the Nolensville Zoning Ordinance. Call (615) 776-3633 to request a copy or check the Town website at <http://www.NolensvilleTN.gov>. Such plans must be prepared by a licensed landscape architect. Check all utility plans for conflicts.

EXISTING TREES

35. Exact locations of existing and proposed landscaping materials. Indicate existing landscaping materials to be removed or relocated. In areas where existing trees will be relocated or destroyed, all trees eight (8) inches in caliper, measured four and one-half (4.5') feet above natural grade, shall be inventoried and plotted on the site plan. The inventory shall identify the caliper size, species, if it is to remain or to be removed, the tree's health condition (poor, fair, or good), and contact information for the professional who determined the tree's health.

Example

John Doe, ISA Certified Arborist
1234 Main Street
Franklin, TN 37064
Phone: (615) 555-5555
Fax: (615) 444-4444
[johndoe@emailaddress](mailto: johndoe@emailaddress)



Note:
All tree protection shall be in place prior to the issuance of a grading permit.

Existing Trees to be Removed (Unhealthy):

Key	Size	Species	Condition
3	12"	Hackberry	Poor
4	10"	Maple	Fair
Total Unhealthy Trees to be Removed= 2			
Total Caliper Inches of Unhealthy Trees to be removed = 22 inches			

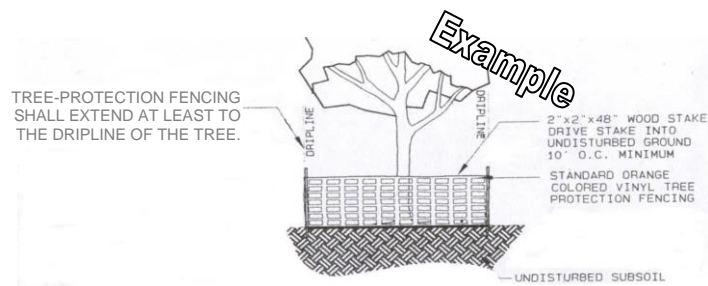
Existing Trees to be Removed (Healthy):

Key	Size	Species	Condition
1	22"	Hackberry	Good
2	20"	Hackberry	Good
Total Healthy Trees to be Removed= 2			
Total Caliper Inches of Healthy Trees to be removed = 42 inches			

Existing Trees to Remain:

Key	Size	Species	Condition
5	20"	Maple	Good
Total Healthy Trees to Remain= 1			
Total Caliper Inches of Healthy Trees to Remain = 20 inches			

36. Tree-protection fencing shall be provided whenever existing healthy trees, whether on site or off-site, are to be preserved. When tree-protection fencing is required, the following information shall be provided:



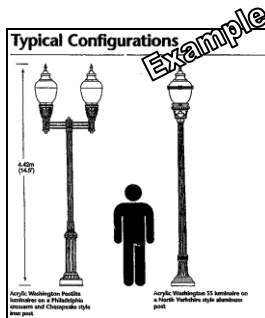
- (a) A tree protection fence detail shall be provided on the grading plan and the landscaping plan. **(C-2, L-1)**
- (b) The installation location of the tree-protection fencing shall be shown on the grading plan and the landscaping plan. **(C-2, L-1)**
- (c) The following note shall be added to the grading plan **(C-2)**:

All tree-protection fencing shall be in place prior to the issuance of a grading permit and shall be maintained in good working order until all construction activity is completed. Any required erosion control measures shall be placed outside of any tree protection fencing.

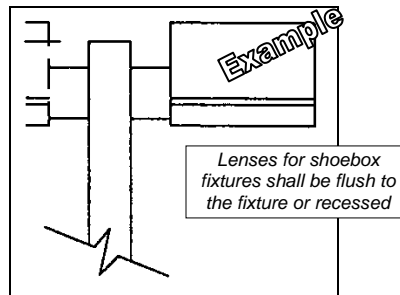
LIGHTING PLAN

- 37. Lighting plan in accordance with Article 8 Performance Standards of the zoning ordinance. The plan shall be drawn by a **registered electrical engineer** on a separate sheet for nonresidential site plans.

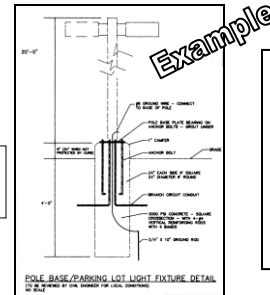
- (a) Locations of proposed lighting. **(E-1)(L-1)**
- (b) Detail drawings of **poles** and **fixtures**. The detail or fixture schedule shall denote the color and height of each pole and fixture **(E-1)**



**Urban/Residential
Fixture Detail**



**Suburban/Nonresidential
Shoebox Fixture Detail**



Label the
height of
the pole
measured
from the
top of the
fixture to
grade.

- (c) **Grid photometric plan**, showing maintained horizontal illuminance at grade. This grid shall extend until 0.0 foot candle is maintained. **(E-1)**
- (d) Intensity in foot-candles shall be no lower than 0.75 foot-candles for parking area **(E-1)**. **Do not exceed 0.50 foot-candles at property lines.**
- (e) The location of existing and proposed light poles shall also be shown on the landscaping plan. **(L-1)**. **Maximum height of poles shall be followed as set forth in Article 7.2.2 C.**
- (f) Provide the following chart on each sheet of the lighting plan: **(E-1)**

SITE LIGHTING DATA	
Area Designation:	Village or Commercial
Land Use:	Nonresidential or Mixed Use
Zoning District:	
Height of Proposed/Existing Building:	
Pole Height:	
Pole/Fixture Color:	
Color of Light:	
THIS LIGHTING PLAN HAS BEEN DESIGNED TO MEET THE TOWN OF NOLENSVILLE STANDARDS AND THE APPROVAL OF THE PLANNING COMMISSION. CHANGES SHALL NOT BE MADE TO THE APPROVED LIGHTING PLAN UNLESS APPROVED BY EITHER THE RELEVANT DEPARTMENT SUPERINTENDENT OR THE PLANNING COMMISSION	

ARCHITECTURAL ELEVATIONS

38. Elevation drawings shall meet the following criteria:

Applicant must meet all requirements set forth in the Town of Nolensville Architectural Design Standards and be obtain approval from the Nolensville Design Review Commission.

- Submit a Statement of Architectural Compatibility
- Elevations shall be provided for all sides of the building(s) **(A-I)**
- To complete the review, provide color renderings/elevations and material sample board, unless otherwise directed by the planning staff. **(Misc)**
- Each sheet of the elevation drawings shall have a chart that identifies the following:

- The TYPES of all exterior building materials to be used. **(A-I)**
- The COLOR of all exterior building materials to be used. **(A-I)**

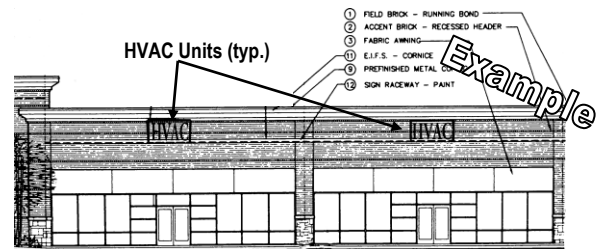
FINISH LEGEND

MARK	MATERIAL	MANUFACTURER	COLOR
①	FIELD BRICK – RUNNING BOND	BORAL BIRKENSTOFF	ORLEANS W/N
②	ACCENT BRICK – RECESSED HEADER	BORAL BIRKENSTOFF	ORLEANS W/N
③	FABRIC AWNING	SUNBRELLA OR EQUAL	BLACK
④	CULTURED STONE	STONE PRODUCTS INC. OR EQUAL	CHARDONNAY DRYSTACK L
⑤	PRECAST CONC. WATERTABLE	TO BE SELECTED	GREY
⑥	ALUMINUM STOREFRONT	KAWNEER OR EQUAL	DARK BRONZE
⑦	PREFINISHED METAL	TO BE SELECTED	DARK BRONZE
⑧	PREFINISHED METAL	TO BE SELECTED	MATCH E.I.F.S. CORNICE
⑨	E.I.F.S. – FIELD	STO CORP. OR EQUAL	SMOKED PUTTY
⑩	E.I.F.S. – CORNICE	STO CORP. OR EQUAL	SMOKED PUTTY
⑪	PAINT	SHERWIN WILLIAMS OR EQUAL	MATCH FIELD BRICK
⑫	PAINT	SHERWIN WILLIAMS OR EQUAL	DARK BRONZE
⑬	PAINT	SHERWIN WILLIAMS OR EQUAL	MATCH FIELD BRICK
⑭	SPLIT-FACE GOU – STAIN	TO BE SELECTED	MATCH FIELD BRICK

- The location of any rooftop units shall be shown and labeled on the elevation(s), and the following note, or similar language, shall be provided on each sheet of the elevation(s), and completed as applicable to this development: **(A-I)**

HVAC Units, cooling and/or Mechanical units are located on:

- ☒ Rooftop
☐ Ground
☐ None Provided

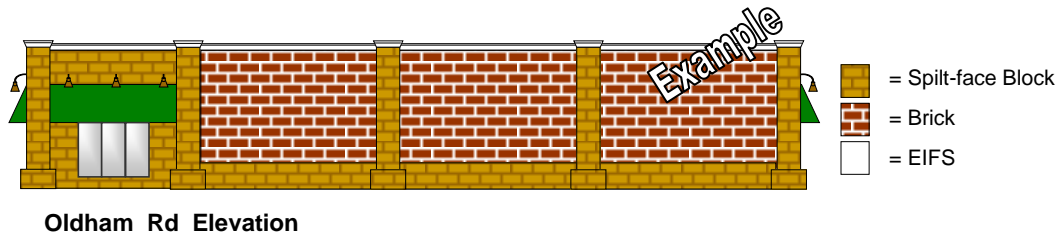


- (f) For each elevation, a chart shall be provided (see examples below), identifying the gross surface area of the wall, the net surface area of the wall, which excludes roof forms, windows, doors, awnings, and similar features, the net surface of exterior building material uses, and the percentage of building materials used in relation to the **net surface area** of the wall.

Example

Nolensville Rd Elevation		
	Surface Area	Percent of Net*
Gross of Wall	2,968	N/A
Net* of Wall	2,743	N/A
Net* EIFS	133	4%
Net* Brick	1,734	64%
Net* Split-face Block (integrally stained)	876	32%

* Excludes roof forms, windows, doors, awnings, and similar features.



39. Exact locations, dimensions, dates of construction and architectural styles of historical structures and sites, original accesses to historical structures and sites, and proposed plans for all structures, buildings and sites. **(C-1, Misc)**
40. Written documentation describing the impact on historical structures by the proposed use. For projects within the Village Zoning District, a Certificate of Appropriateness must be obtained from the Historic Zoning Commission. See Article 2.2.9 of Zoning Ordinance. **(Misc)**

PLANNED COMMERCIAL DEVELOPMENTS (PCDs)

41. For projects in a PR or PC zoning district the submission shall include an **updated copy of the approved concept plan** that shows the progress of the development. **(Misc)**
42. Site plans for developments in the Planned Residential (PR) and Planned Commercial (PC) Districts shall contain the following additional information:
43. Architectural drawings, including types, locations and square footages, of sufficient nature to determine the general appearance of structures. Single-family lots shall be exempted from this requirement. **(A-1)**

44. Residential uses:
- (a) Lot design or layout of multifamily units.
 - (b) Typical square feet of each dwelling unit type.
 - (c) Minimum setbacks.
45. Nonresidential uses:
- (a) Total floor area ratios for all uses. *(C-1)*
 - (b) Locations and square footages of all structures. *(C-1)*
 - (c) Minimum setbacks. *(C-1)*
 - (d) Height of structures in stories and feet. *(C-1)*
46. Restrictive covenants, grants of easements or other restrictions in final form and suitable for recording in the Register’s Office of Williamson County. *(Misc)*
47. Common open space plan in accordance with subsection 2.2.10 of the zoning ordinance. *(C-1, L-1)*
48. Proposed amenities area. *(C-1)*
49. **All PUD site plans shall contain a “takedown” chart: *(C-1) (Misc)***

Development	Approval Date	PC Zoned Acres	Use	Lot Numbers Of Buildable Units	Floor Area	Lot Numbers Of Open Space Lots	F.A.R.	Remaining Acres	Remaining Square Footage
Concept Plan	1/30/01	15	Retail, Office, Apartments	**	100,000 s.f.	**	0.15	**	**
Section 4	4/18/01	5	Retail, Office	51, 52	50,000 s.f.	77	0.22	10	50,000 s.f.
Section 5	7/5/01	5	Apartments	92	0	83, 95, 97	0.00	5	50,000 s.f.
Section 6	9/21/01	5	Retail, Office	142-148	50,000 s.f.	143	0.22	0	0

SIGNAGE

50. Signs should be prepared in accordance with Appendix A of the zoning ordinance. Questions about the signage requirements should be directed to the Town Planner or Building Official.

ADDITIONAL REQUIREMENTS

51. The applicant shall provide any additional information as determined by the planning department that will be necessary to obtain a review by the planning commission or planning department.

52. Approval of a site plan shall cease to be effective one (1) year after the date of approval if start of construction has not begun, unless the site plan is re-approved.
53. Submit a nonrefundable site plan review fee at the time the site plan is submitted to the planning department. NO SITE PLAN WILL BE REVIEWED UNTIL THE FEE IS PAID.

One check only per submittal. Each plat and site plan fee must be paid separately.

- (a) Fee: \$200.00 plus \$100.00 per acre or portion.
- (b) One single check made payable to: Town of Nolensville.
- (c) Make check for: Site Plan Review Fee and list the name of the project.
54. Submit the site plan to the planning department by **4:00 P.M., thirty five (35) days (forty two (42) days for the January meeting)** prior to the planning commission meeting at which the item will be heard.
55. A total of fifteen (15) blue or black line prints shall be submitted to the Nolensville Planning Department. Of these prints, three (3) sets shall be full size and twelve (12) sets shall be reduced, such as 11"x17". PRIOR TO SUBMITTAL, THE APPLICANT SHALL **FOLD** EACH PRINT TO A SIZE NOT GREATER THAN 11"x 14", WITH THE TITLE BLOCK ON THE OUTSIDE OF EACH PRINT.

Plans will not be accepted unless they are in this format.

56. The site plan will be checked for deficiencies by the town planning and engineering staff.
57. The applicant will be notified if corrections to the site plan are necessary. It is the responsibility of the applicant to contact the town engineer for corrections concerning water, sewer, streets, drainage and so forth.
58. The applicant will be requested to pick up a checkprint of the site plan at the Nolensville Planning Department and make the necessary corrections identified by the planning department, the town engineer and other town review staff. **ENGINEERING AND PLANNING CHECKPRINTS MUST BE RETURNED TO THE PLANNING DEPARTMENT.**
59. A total of twenty (20) corrected blue or black line prints of the site plan shall be delivered to the planning department by **4:00 P.M. fourteen (14) days prior** to the planning commission meeting at which the item will be heard. Of these prints, all (15) sets shall be full size and five (5) sets shall be reduced, such as 11"x17". PRIOR TO SUBMITTAL, THE APPLICANT SHALL **FOLD** EACH PRINT AS STATED IN NUMBER 57 ABOVE. Also, submit one copy of all plans in **DIGITAL FORMAT.**

60.

The deadline for corrected prints is often called the “2nd Submittal” or “re-submittal” deadline.

must post required performance bonds with the town, and once any other conditions placed on the site plan have been complied with, then a building permit may be issued by the codes department.

61.

The Planning Department performs landscaping inspections for the purpose of reducing or releasing performance bonds per the schedule shown below, which is designed to encourage planting only during months considered desirable by the planning staff. Applicants are discouraged from planting new or replacement materials during months when planting is not conducive; however, if an applicant chooses to plant landscaping material during the “off” months (January, February, June, July, August, mid-September), then he does so with the full knowledge that no action will be taken on the performance bond by the planning commission during those timeframes. After the landscaping has been planted, the applicant should request, in writing, that the planning department inspect the landscaping for the purpose of either reducing the performance bond or releasing the performance bond and establishing a one-year maintenance bond.

1.5.0 SITE PLAN REVIEW PROCESS

A site plan as required by the type of development shall be filed as required according to a schedule adopted by the Town. The Town shall perform a preliminary review and provide recommendations for changes, if any, to the designer of record prior to the next regular planning commission meeting. Any changes shall be made prior to the planning commission meeting at which it is to be considered.

The Town planning and codes staff shall have the authority to determine if the applicant substantially complies with the zoning regulations pertaining to parking, landscaping, performance standards or any other articles or appendices of the ordinance, and if staff determines that the applicant is in compliance it shall issue a building permit. If the staff determines that the change of use and/or the proposed building or site require any alterations or improvements to the building or site to comply with any section of the zoning ordinance, then the applicant must submit a complete Site Plan for review under the requirements of Appendix C 1.4.0 A or B, whichever is applicable.

The planning commission may act to approve the site plan, approve it subject to conditions as of record or reject the plan. The planning commission may reject the site plan if the plan:

- A. fails to meet the standards established by the zoning ordinance or if the Board of Zoning Appeals does not grant any requested variances;
- B. substantially increases traffic hazards or congestion due to the location or orientation of curb cuts, the layout of internal circulation or generation of traffic beyond the capacity of the public roadways or intersections;
- C. contains a layout of buildings, parking, driveways or utilities that substantially increase fire, health or public safety hazards;
- D. contains landscaping that subverts the intended buffering and values of screening uses from roads or neighboring properties; or
- E. causes stormwater run-off or pollution to be substantially increased.

Site plan approval shall be vested for a period of three (3) years from date of approval, per TCA 13-4-310. The vesting process shall follow the provisions of Section 1.1.5 Vesting of Development.

Any amendment or change to an approved site plan shall be re-submitted to the planning commission for an appropriate review and action.

All approved plans shall be kept on record at Town Hall.

1.6.0 GUARANTEE OF IMPROVEMENTS

All required on-site and off-site improvements, including but not limited to streets, sidewalks, sanitary and storm sewers, street lights, intersection improvements, traffic signals, parks and landscaping, shall require the posting of a performance bond under the following requirements:

- A. The applicant shall post a performance bond at the time of the application for final site plan approval in an amount estimated by the town engineer and approved by the Planning Commission as sufficient to secure to the Town of Nolensville the satisfactory construction, installation and dedication of the incomplete portion of required improvements, including all required landscaping and necessary off-site improvements.
- B. The performance bond can be secured by a Letter of Credit, a certified check from an approved financial institution or an insurance bond. Additionally, the Planning Commission may consider previous performance and/or maintenance by the developer in its deliberations to grant a waiver.
- C. Such performance bond shall comply with all statutory requirements and shall be satisfactory as to form, sufficiency and manner of execution as set forth in these regulations.
- D. The period within which required improvements must be completed shall be specified by the Planning Commission and incorporated in the bond, and shall not exceed two (2) years from the date of recording the final site plan. The bond shall be reviewed as to progress at least once a year by the Planning Commission.
- E. The Planning Commission may extend the completion date set forth in the bond for a period of two (2) more years. Any extension of the performance period may necessitate an increase in the bond amount.

1.7.0 REDUCTION OR RELEASE OF PERFORMANCE BOND OR SECURITY

The surety securing a performance bond may be reduced one (1) time by the Planning Commission when at least 50 percent of the public improvements, or the landscaping, has been completed. The performance bond, and the surety securing it, may be released by the Planning Commission upon acceptance of the public improvements and/or the landscaping. No performance bond shall be reduced to less than thirty (30) percent of its full face amount irrespective of the estimated cost of completing the improvements. The costs incurred in connection with a request for reduction of the surety or release of the performance bond and surety, including engineering inspection fees, legal fees, etc., shall be borne by the applicant, regardless of whether his request is ultimately granted.

1.8.0 FAILURE TO COMPLETE IMPROVEMENTS

In cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Commission may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

1.9.0 MAINTENANCE OF IMPROVEMENTS

The applicant shall be required to maintain the completed public improvements and landscaping until acceptance of the improvements by the Planning Commission. After acceptance and release of the performance bond, a maintenance bond shall be imposed in an amount approved by the Planning Commission. The maintenance bond shall be for the purpose of guaranteeing the completed improvements against defects in workmanship and/or materials and shall remain in effect for a period of one (1) year, or until final release by the Planning Commission, whichever period is longer.

APPENDIX D – CRITICAL LOTS

PLANS AND PROCEDURES

1.1.0 CAUTION

Prior to application for a building permit on a lot designed as “critical,” a plan shall be submitted to the Planning Commission staff for approval. The plan shall provide a survey of existing conditions and details of the proposed development on the lot. No clearing or grading may take place prior to approval of the critical lot plan and issuance of a building permit.

1.2.0 DESIGNATION

Lots are designated critical during the preliminary plat review process based on soil conditions, degree of slope or other lot features, and to address concerns relation to the feasibility of construction. It is emphasized that a typical house design may not be suitable for a critical lot. Critical lots usually require a specific design for a lot. Generally, a lot will be designated critical when the lot is created on an up slope greater than 15% or a down or cross slope greater than 20%. A star symbol shall be used to identify critical lots on the face of both the preliminary and final plats.

1.3.0 PLAN REVIEW

One copy of a plan shall be submitted to the Planning Commission staff for review and shall include the name and phone number of the person responsible for the preparation of the plan or the number for a contact person.

Within two weeks of the submittal date, the staff member responsible for the review shall notify the applicant of the approval or disapproval of the plan or the plan changes necessary to gain approval. Approval will be based on the care taken to minimize the lot area subject to grading, the cut/fill required to prepare the lot for construction, and the effectiveness of the plan to preserve the natural features of the lot.

1.4.0 PLAN DETAILS

Plans shall be drawn at a scale of 1"=20'-0". The plan shall show existing conditions including contour lines at 2-foot intervals; the location and elevation of the curb or edge of pavement fronting the lot; lot dimensions, easements, setbacks, etc, which are shown on the recorded plat; existing tree masses and locations of existing trees with a 10" caliper or greater; ground elevation at the base of the trees; notations of significant features such as streams, springs, rock outcrops, and sink holes. These data shall be shown to a point 10 feet outside the lot boundaries.

The plan shall also include the exact proposed building footprint and garage and first floor elevations; the location of other proposed lot improvements; proposed contour lines (including driveways) at 2-foot intervals; top and bottom elevations of retaining walls and materials of wall construction; specified and illustrated methods of stabilization of slopes greater than 33% grade; limits of grading; existing trees to be preserved and methods of preservation; and methods of managing stormwater runoff.

1.5.0 GENERAL GUIDES

The following are typical review items, but not all inclusive:

- A. Driveways should be designated at a 10% or less grade.
- B. The grading plan must divert runoff away from the foundation.
- C. Grading near lot boundaries must not undercut trees on adjacent lots.
- D. Grading should be the minimum necessary to allow for the efficient construction of the house.
- E. Excessive foundation heights should be avoided.
- F. Retaining wall detail.
- G. Tree preservation detail.

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1.0 GOALS FOR COMMUNITY APPEARANCE AND CHARACTER

- A. Natural Character** Nolensville’s natural character should be preserved and enhanced with new development. Especially important is retaining mature trees and vegetation, maintaining topography, preserving important views to other natural features and ensuring that new buildings sit within a generously landscaped setting.
- B. Compatibility** New buildings should be compatible with their neighbors assuming that neighboring structures are a credit to the community. This does not infer uniformity of architectural style rather a sympathetic response to the height, scale, materials, color, site location and other aspects of nearby structures.
- C. Orderly Public Realm** The town’s character is largely formed by the appearance of its important streets. How public and private elements of the streetscape relate to each other provides a sense of order; public roadways, shoulders and medians, utility lines and traffic signage in relationship to private landscaping, parking areas, building facades and signage. Scrutiny of what may be seen from public ways should be most intense while fewer visible private areas of sites should be more at the landowner’s discretion.
- D. Restrained Communications** Private signage and advertising should be restrained and not detract from the sense of a continuous landscape. The principal purpose of on-site signage is to identify establishments and to direct those seeking to visit them safely and efficiently to their destination. Signage that is limited in size and set in a strong landscaped surrounding can be more visible than a cacophony of uncontrolled messages.
- E. Diversity of Opportunity** Nolensville wishes to continue to attract diverse housing types, services and other community attractions. In reviewing plans and proposals, it does not wish to rule out particular uses because of costs or burdens imposed. Rather, it wishes to work with developers and builders to find a formula for creating uses that are economically viable, as well as, harmonious with the community environment.
- F. Residential Privacy** The sense of privacy of residential areas should be protected especially from nuisances created by adjacent uses such as noise, traffic, high lighting levels and uncontrolled access. Within residential areas there should be privacy of individual units.
- G. History** References to Nolensville’s past, both its natural and settlement history, should be preserved wherever possible. These include artifacts such as rock fences, walls, areas of formal landscape, historic cemeteries, hedges, fencerows, and archaeological sites, structures more than 50 years old and traces of prior fields and land subdivision.

- H. Utilitarian Elements** As a way of reducing disorder and emphasizing the human environment, utilitarian elements should be masked or located out of public view. These include mechanical equipment on buildings, transformers, meters, refuse stations, electric wiring and service areas.

2.0 PART A

2.1.0 SITE LAYOUT

2.1.1 Site Coverage Sites should not be covered completely with impermeable surfaces that prevent percolation of water back into the soil and can cause erosion, street flooding or overloading of storm sewer systems. The size of landscape areas shall be determined per the ISR in each Zoning District. ISR will also ensure that buildings are set in a strong landscape.

2.1.2 Building Setbacks Building setbacks provide dimension to the public realm along streets. In areas where there is a consistent setback line, new structures should conform to it. In areas where setbacks vary, buildings should be set back the average distance of adjacent buildings within 50 feet of the proposed structure. In major commercial areas where patrons are to be encouraged to walk between establishments, buildings should generally be located as close to streets as possible while providing adequate area for landscaping in the setback area. Large unbroken expanses of paving between the street and building are discouraged..

2.1.3 Entries and Curb Cuts Entries to sites from public streets should be clear, controlled and safe. Continuous curb cuts confuse circulation of automobiles, as well as, destroying the pedestrian environment and reduce opportunities for landscaping. Nolensville’s land development regulations set down specific standards for the location and design of curb cuts and site entries.

- A. The number and width of curb cuts along a property should be the minimum necessary for effective on and off-site traffic circulation. As a guide, no more than one curb cut should occur in each 100 feet of frontage. Combined or shared entries between properties are encouraged. If two entries are needed, a one-way system should be considered to reduce curb cut area and maximize parking area.
- B. In general, curb cuts should be no wider than needed to meet standards. Generally they should be limited to 25 feet for residential uses and 35 feet for non-residential uses except gas stations where the maximum width should be 40 feet.

2.2.0 GRADING, DRAINAGE, AND TOPSOIL PRESERVATION

2.2.1 Topography Buildings, parking and service areas should be sited in a manner that minimizes disruption of the existing topography. Where there is mature existing vegetation on a site, changes in topography and runoff patterns should be minimized.

To the extent possible, the volume of cuts and fills on a site should be balanced so that transportation of soil, off or onto the site, should be minimized.

The maximum allowable landscaped slope created by cut or fill is 1:3 vertical to horizontal. To provide a stable slope for soil and plant materials less steep slopes or terracing are encouraged.

2.2.2 Overland Drainage and Detention Overland drainage and detention are encouraged to recharge groundwater and minimize loads on storm sewer. The rate of peak runoff at site boundaries should not increase significantly from that prior to development.

A. Landscaped detention areas should be created where possible to collect runoff from paved areas. Such areas should be treated as visual amenities for the site and not as utilitarian or unkept areas.

2.2.3 Topsoil Stabilization Topsoil should not be removed from sites or used in spoil. Topsoil should be saved during construction and then placed over landscaped areas at a depth of at least 6".

2.3.0 PRESERVATION OF EXISTING TREES AND SITE FEATURES

2.3.1 Retention of Site Features A natural setting is one of Nolensville’s attractive qualities. Streams, wetlands, large rock outcrops, stands of native vegetation, fence rows, rock walls, cemeteries and other notable natural features must be located on the site plan and preserved wherever possible.

Bands of trees, such as hedges, fencerows, that are not wind-firm when left as individuals shall be maintained as an effective screen and wind buffer, whenever possible.

2.3.2 Preservation of Notable Old Structures Structures that are 50 years old or older and valued for their local significance should be located on the site plan and retained if possible. Incorporation of such structures into the site’s development as a special feature is encouraged. If the structures are not to be retained or adapted, reasons for their removal should be given.

2.4.0 PARKING CONFIGURATIONS

- 2.4.1 Efficiency of Parking Areas** To allow space for landscaping and site improvements without significantly reducing the potential number of parking spaces on a site, efficient configuration of entries, circulation and layout is encouraged.

Small lots or those with narrow front yards are encouraged to develop one way angle parking configurations with curb cuts narrower than the maximums noted above for entry and exit lanes.

- 2.4.2 Reduce Apparent Size and Visibility of Parking Areas** Site arrangements which minimize the amount of parking between the street and buildings are encouraged. To the extent possible, parking areas should be split between the front and back of a lot or along the side of a building to reduce the paving at the street face. Within the Village or Historic District, all parking should be located in the rear of the buildings.

Wherever possible, parking areas should be set 2-3 feet below streets or surrounding areas or be partially hidden by landscaped berms to reduce the visibility of parked cars.

- 2.4.3 Fit Parking Areas to Topography** On sloping sites, lines of parking spaces should run parallel to contours with planted medians taking up excessive slope. Paved areas should not exceed a 5% slope. Landscaped slopes or brick or stone walls should provide for changes in grade.

Detention of runoff within parking areas or in adjacent landscaped areas is required. Runoff from parking areas should not sheet onto public streets or sidewalks.

2.5.0 LANDSCAPE

See Appendix B Zoning Ordinance for detailed regulations on landscaping.

2.5.1 Streetscape A consistent landscape treatment along public streets enhances the appearance of the public domain and provides an attractive unified setting for variations among individual developments. Landscaped areas must dominate the frontage of any site where entries are the only interruptions. This requires planting areas between the building fronts and the sidewalk/parking area nearest the building. Landscape design can be used to unify a site with a clear concept of spatial hierarchy, pedestrian and vehicular circulation, material selection, and creation of special features, gathering spaces, and defined public open space.

Street trees can enclose and define the streetscape, native vegetation can provide a natural transition between uses and parcels, and significant sites, gateways, and entrances can be enhanced by special plantings. The paved, accent portion of the landscape such as sidewalks, crosswalks, terraces, or plazas greatly contribute to the character and attractiveness of a place. Such accenting can also enhance the safety of an area, emphasizing pedestrian crossings in front of storefronts with brick pavers or other material change. This can be further enhanced with special planting and lighting effects.

All site boundaries fronting onto streets must have a landscape zone with a minimum width of 10 feet (see specific district regulations). It is encouraged that street trees are planted in this zone. Street trees are to be planted behind the sidewalk unless the walk is set back at least 5 feet from the back of the curb and there are no imminent plans for street widening.

If trees are planted in sidewalk zones, a protective grate or planted zone must be provided to allow water to reach the roots with minimum dimensions of 200 square feet. Trees should be planted along streets at least 40 feet on center with relatively even spacing. If frontages exceed a multiple of 40 feet, an additional tree should be planted along the street, e.g. a frontage of 50 feet should contain two trees, a frontage of 130 feet should have four trees.

Street trees shall be provided per Appendix B and the Approved Street Tree List.

The use of ground cover or low shrubs for the ground plane of streetscape planting is encouraged as a lower maintenance and higher impact treatment than turf.

2.5.2 Plant Materials Nolensville displays a robust ecosystem with a variety of native plant materials. The use of these hardy and attractive native species in developments is encouraged.

Plant materials should be installed at a reasonable size to provide a sense of presence and to mitigate microclimate impacts caused by development.

Street trees shall be provided per Appendix B and the Approved Tree List.

- 2.5.3 Maintenance** All landscape zones and plantings installed by the developer shall be privately maintained. Any diseased, dying or dead plants shall be removed by the property owner and replaced with a healthy plant meeting minimum size standards.

2.6.0 SCREENING

2.6.1 Conditions for Screening Screening requirements vary by their purpose. Three types of screening conditions are distinguished:

- (1) Transitions between land uses;
- (2) Privacy separations between streets and individual sites such as on double-fronted lots and multi-family yards; and
- (3) Nuisance screening for service and loading areas, dumpsters, materials storage areas, utility boxes, etc.

2.6.2 Performance Criteria Screens are intended to provide visual and physical separation of conflicting uses and should be designed to fit within their surroundings, not dominate the view.

Screens should not compromise safety by blocking vision at intersections. They should not be placed within 35 feet of any street corner and should not be placed so as to obstruct visibility of vehicles entering or leaving driveways.

Screens should not block access to any above ground pad mounted transformer and should provide 15 feet of clear access to the transformer doors.

Screens shall not impede or divert the flow of water in any drainage way.

The maximum height for fences is 6 feet except for tennis courts or ball fields, which may be taller and screening of service areas, which must be at least 6 feet and no more than 8 feet. Any fence greater than 6 feet in height shall meet the provisions of the zoning ordinance.

2.6.3 Design Standards Design standards vary according to the function of the screen as follows:

A. Transitional Screening Transitional screening is required where commercial or industrial uses adjoin residential areas where multi-family residential or mobile home sites adjoin single family housing zones and within Planned Unit Developments with similar adjacencies.

Where areas adjoining residential zones are likely to be used for truck loading, storage, or driveways, the transitional zone must provide sound protection through use of earth berms or solid masonry materials.

Where lighted parking areas are located adjacent to residential zones, lighting should be designed to minimize illumination across the boundary and the transitional buffer must screen headlights.

- B. Privacy Screening** Double fronted residential lots should have privacy screening along the rear lot line. Privacy screening may also be required in multi-family housing areas to separate individual yards or yards adjacent to streets or pedestrian pathways.

Fences designed to create privacy or separations should be made of masonry, ornamental metal, durable wood or some combination of the three. The use of untreated wood, chain link, plastic or wire fencing is not permitted for fences fronting on streets or on double-fronted lots.

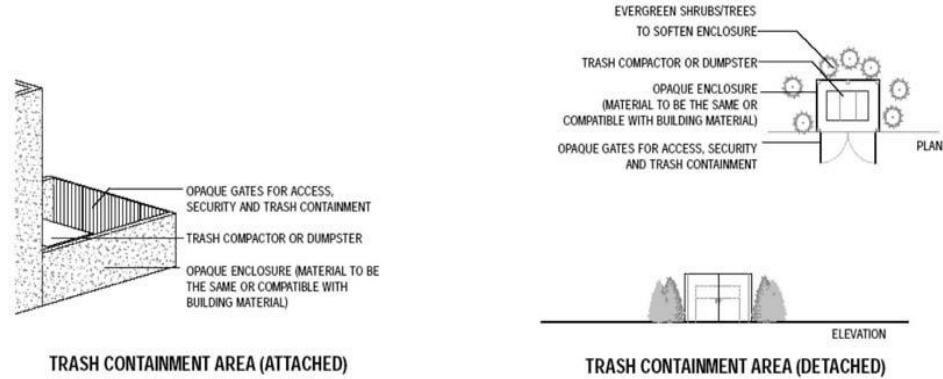
Solid fences should not create a stockade appearance. This can be avoided in several ways such as adding an evergreen planting on both sides of the fence or undulating the plane of the fence. Fences over 80 feet long on double-fronted lots facing streets should have no more than 50% of their length in a straight line unless the entire fence is set back 15 feet or more from the property line with evergreen planting in the setback area.

- C. Nuisance Screening** To reinforce the sense of natural surroundings and a consistent streetscape, auto service functions such as areas to store cars while they are being repaired, auto or truck outdoor work areas and truck loading docks in commercial or retail areas shall be screened from public view.

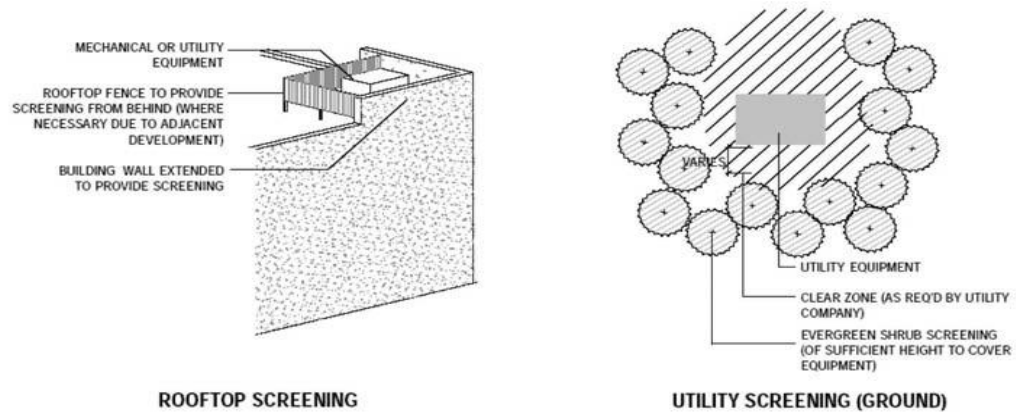
Garbage collection areas (dumpsters) shall be enclosed by opaque materials on all four sides with doors to remove containers. Where dumpsters are enclosed the screening shall be at least 2 feet taller than the dumpster and be made of same material as the principal building. Where topography may expose interiors of garbage collection areas to view screening shall be correspondingly taller.

Water meters, gas meters, electric meters and ground-mounted air condition or mechanical units should be hidden from public view by screening. Screening regulations as required by MTEMC shall also be required.

Screening requirements may be relaxed where areas are located so they are not visible from public streets or adjacent properties.



Noise mitigation is of concern. If equipment generates over 60 decibels, and the site is adjacent to any residential development, the equipment must incorporate mufflers or other noise reducing equipment. These items must be located on roofs or in rear yards and must be screened from view of a public roadway or adjacent property.



- D. Suggested Plant Materials for Screening** Evergreen plants are recommended for effective year-round screening. Suggested evergreen trees and shrubs include: Arborvitae, Hetzi Juniper, White Pine, Red Pine and Yew. Suggested broadleaf evergreen shrubs include: Red-Tipped Photinia, Euonymus and Holly (notably Fosteria Holly).

Ornamental shrubs and trees may also be used for screening preferably in combination with evergreen plantings or fencing. Suggested ornamental shrubs include: Barberry and Viburnum. Suggested ornamental tree species include: Flowering Crab, Redbud and Purple Leaf Plum.

2.7.0 PEDESTRIAN CIRCULATION

- 2.7.1 Continuous Sidewalks Along Arterial Streets** Sidewalks along arterial streets shall be continuous between properties. A proposed development shall locate sidewalks to meet abutting walkways. The width of a sidewalk shall blend with that of abutting walkways. The minimum walkway width is 5 feet.

Sidewalks may run along the street curb, however, it is preferred that they be separated by a 5-foot landscape zone along arterial and collector streets.

- 2.7.2 Connections Within and Between Developments** Sidewalks should connect building entries within and between developments where possible. Connecting uses means making clear pedestrian and vehicular pathways between developments. It also means intermingling compatible uses. A strong sense of community, the highly valued “small-town atmosphere,” depends on having such convenient and easy access to a variety of activities and uses.

- 2.7.3 Sidewalk Materials** Sidewalks should be made of concrete with design features such as stamped brick every 30 feet or other differentiating technique. Other trails and walkways may be asphalt or a durable, dust-free material.

- 2.7.4 Amenities** Patio seating, a plaza with several benches, a promenade, a playground, a water feature, or a clock tower are examples of amenities that should be provided on a site to contribute to its ‘sense of place.’

2.8.0 LIGHTING

2.8.1 Design Criteria To reduce adverse impacts on adjacent sites and minimize energy consumption, lighting should be carefully located and intensity should be the minimum necessary for safety. Lighting levels should be as even as possible. Warm lighting colors are preferred; blue-white color is discouraged. Light fixtures that cast light primarily downward shall be used. Lights should be dark sky compliant with cut off fixtures and shielding required per standards in Article 7.2

2.8.2 Street Lighting Lighting levels along streets should vary according to land use with higher lighting levels in commercial areas than in residential areas. An average of 0.4 foot candles is suggested for residential areas and 0.6 foot candles for commercial developments. Lighting level should be varied by fixture height and spacing.

A standard pole and fixtures are recommended for major thoroughfares and for other streets. Applicants shall consult with the town engineer on the choice of such fixtures. Spacing and location of poles are the purview of Middle Tennessee Electric.

2.8.3 Site and Parking Areas Lighting Site or parking area lighting may not cast light beyond property boundaries. Cut-off devices should be used to avoid throw on adjacent sites when necessary.

The height of fixtures should be in proportion to the building mass preferably no more than 14 feet. Ground-oriented, pedestrian scale lighting should be considered as an alternate to pole-mounted fixtures along sidewalks.

Lighting fixtures should be compatible in style with associated buildings. Lighting directed on buildings is discouraged unless it illuminates identification signage on the building facade. The selection of light fixtures, pole types, lamp color (preferred black), and style all contribute to the character and sense of place within a complex.

2.9.0 SIGNAGE

The overall objective of the sign standards as contained in the zoning ordinance is to ensure that signage does not detract from the sense that Nolensville's environment is a continuous landscape.

2.10.0 ARCHITECTURAL CHARACTER

See Part B of this manual for standards for architectural design standards for non-residential uses, mixed use developments, and attached residential developments.

2.11.0 PROCEDURES FOR SITE PLAN REVIEW

See Articles 1.4.0 and 1.5.0 in Appendix C of the Zoning Ordinance for site plan submittal and approval process. See the design review checklist entitled: Nonresidential, Mixed Use, and Attached Residential Site Plan Checklist. All submittals must meet this checklist unless specifically excluded under 1.4.0 A or 1.4.0 B. The items shall be dealt with in drawings, exhibits, and in a written narrative, that accompanies the application and notes how the design standards have been met.

3.0 PART B

3.1.0 ARCHITECTURAL DESIGN STANDARDS FOR NON-RESIDENTIAL BUILDINGS, MIXED USE BUILDINGS, AND ATTACHED RESIDENTIAL BUILDINGS

3.1.1 Purpose

Residents of the Town of Nolensville are committed to retaining their sense of place, creating a human-scale and pedestrian-oriented environment, and ensuring that their high quality of living is preserved for future generations. Goal #1 in the Town’s Land Use Policy Plan states:

Preserve and enhance the existing small town character of Nolensville while creating a strong sense of town identity and community or “sense of place.”

The first objective under this goal is to “develop mandatory commercial design guidelines that promote high standards of design appropriate in scale, appearance and use for a small town.” This document, which may hereinafter be referred to as a manual, establishes architectural design standards that are intended to encourage creativity in design, to clarify procedures used in reviewing development proposals and to provide a framework in which diverse solutions may be measured and approved.

This is not a manual about style. In fact, it is the opposite. The architectural requirements seek to cross boundaries of time, style and history and look for common elements derived from human scale, form and psychology. With this approach, architectural styles can continue evolving while a common link is maintained between buildings. This link is based on an approach that puts the primary visual purpose of the building first, human perception.

In addition to the requirements of this manual, further information on architecture and site planning can be found in the Town of Nolensville Design Review Manual, Part A.



3.1.2 Applicability

Requirements of these Architectural Design Standards related to facade design apply to all proposed nonresidential and mixed-use developments and attached residential buildings. This component of the manual also applies to individual nonresidential infill buildings and attached residential buildings along thoroughfares and collectors, and buildings within the Office/Industrial (OI) Zoning District along thoroughfares and collectors.

Buildings within the Office Industrial (OI) Zoning District that are not located on property fronting an arterial or collector road will only be required to have front facades that comply with Principles 1, 7 and 9 of Part B Architectural Design Standards and will be reviewed by the Design Review Committee and a statement of compatibility will not be required.

Civic and Institutional buildings (e.g. schools, churches and libraries) are signature elements within the community. As such, they may intentionally be made exceptions to the more regulated patterns of private development. Appropriate designs for these buildings become even more important in representing and anchoring the community's image. While Civic and Institutional buildings shall meet the facade principles that follow, exceptions may be provided when the specific design circumstance justifies the exception.

These requirements are reviewed and approved with the submission of all new development plans. They are available and may be discussed at the required pre-application meeting for all new development plans. Facade changes and renovations (redevelopment/reuse plans) to existing buildings shall incorporate these requirements unless it would be deemed impractical or unreasonable given the constraints of the existing building(s). Specifically, facade changes should attempt to meet requirements on any portion of the facade being modified.

Development standards included in this manual may be modified pending recommendations from the Design Review Committee, the Nolensville Planning Commission and approval by the Board of Mayor and Aldermen.

A. Facades to be Reviewed

Facade overlays are required on any elevation that is visible to the public either through frontage on a public street or by frontage on a travel way within a development. Travel ways shall be defined as access points into the site, locations of ingress and egress and connecting drives or walkways within the site or across the site that will be used by the public. The Town of Nolensville requires four-sided architecture; therefore all elevations are required to have facade overlays for the materials, articulation and color principles.

B. Design Exceptions

- (1) Appeal of Design Standards

- (a) Design Exceptions may only be granted by the Planning Commission after an affirmative recommendation from Design Review Commission to the development standards in Appendix E, Section 3.1.5. The Design Review Committee (DRC) shall make a finding that a design exception is appropriate when such exceptions will enhance the appearance and design of commercial, mixed-use and/or multiple-family developments, as appropriate.
 - (b) An applicant may request a Design Exceptions in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly applied. Design Exceptions may be granted under the provisions of subsection 2, below.
 - (c) Generally, Design Exceptions are limited to minor changes of the provisions set forth in Appendix E, Section 3.1.
 - (d) Design Exceptions shall be granted under this section that would impact overall base district or other zoning requirements. For example, no Design Exceptions would permitted that resulted in the alter in the impervious surface ratio, decrease in the number of required parking spaces, decrease in the amount of required on-site landscape material, or decrease of the required open space.
- (2) Findings
A request for Design Exceptions shall be submitted in writing by the applicant along with the initial filing of a plan. The request shall state fully the grounds for the request and all of the facts of the applicant states as a justification for the Design Exceptions. The DRC shall not affirmatively recommend, nor shall the Planning Commission grant a design modification unless it is found that the applicant has presented sufficient justification and documentation that:
 - (a) The Design Exceptions will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located;
 - (b) The conditions upon which the request is based are unique to the design intent for the development which the Design Exceptions are sought and are not applicable generally to other property;
 - (c) The Design Exception is necessary because of the particular design intent of the development, which would not be achievable if strict adherence to these requirements was carried out; and
 - (d) The Design Exceptions will not vary the provisions of the Land Use Policy in the Nolensville Comprehensive Plan.
- (3) Conditions
In granting Design Exception, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this ordinance.
- (4) Application Review and Action

Applications for a Design Exception shall following the following review process:

- (a) The applicant shall submit the request to the Planning Department upon initial submittal of the development request.
- (b) The applicant shall present the Design Exception justification and findings to the DRC in an initial, conceptual review meeting. The DRC shall make initial comments and recommendations to the applicant.
- (c) At the next scheduled DRC meeting, the applicant shall present any revisions or amendments, based on the DRC feedback, of the updated design modification. The DRC shall make a recommendation for approval or denial of the modification to the Planning Commission
- (d) The Planning Commission shall approve or deny the Design Exception request, based on the findings of fact and the recommendation of the DRC.

3.1.3 Process

The Town of Nolensville requires that a Statement of Architectural Compatibility (SAC) be submitted as a part of the development plan approval process for all site plans for nonresidential and mixed-use developments and attached residential buildings. This is a written document, describing the site and discussing design intent. In addition to the document, facade overlays and material samples must also be submitted with individual building plans.

A. Nonresidential Center

B. Nonresidential Subdivision or Building

3.1.4 Required Submissions

A. Statement of Architectural Compatibility (SAC)

1. Elements to be addressed:
 - a) Statement of Design Intent
 - b) Physical Site Description
 - c) Principles for Façade Design
 - d) Site Considerations

B. Façade Overlays (Examples of facade overlays incorporated in the appendix)

1. Elements to be addressed:
 - a) Materials

- b) Transparency

C. Material Samples

- 1. Samples of exterior materials including name, grade and color:
 - a) Sample of brick or masonry products
 - b) Sample of accent materials
 - c) Sample of roof materials if exposed
 - d) Sample of window/door frames and glass color

3.1.5 Principles for Façade Design

The following section outlines a series of design principles for building facades. Each principle includes a specific and measurable standard. Reinforcing concepts in the Town of Nolensville Design Review Manual, these principles provide quantifiable objectives for facade design.

This is not a recipe book or a step-by-step guide. It is instead a description of inherent human principles in the making of architecture. Using this premise, the standards seek to increase the prospect of compatibility between buildings, styles, and generations.

The talent and creativity of individual designers or architects must still be infused within each building for these standards to be successful.

Each principal is presented to provide minimum standards for Nolensville’s desired character in the design of buildings throughout the community. Principals shall either be required or recommended, as noted in each of the enumerated principals in this subsection.

PRINCIPLE 1 - Materials- this principal shall be required.

High quality materials are the building blocks of good buildings and great places. The message of quality and durability inherent in long-lasting materials promotes the human perception of timelessness and continuity of place. High quality materials provide an expression of concern for the quality of the pedestrian experience.

Masonry elements provide a particularly strong connection between human scale and the built environment. The size of a brick is directly related to the ability of a mason to lay it comfortably by hand. Therefore, we perceive buildings that have been assembled with human-scaled materials as the result of tangible human activities rather than as abstract or synthetic.

Materials also contribute to the perception of a building's overall scale and texture. Individual elements of a known size allow the observer to understand the total size and scale of the structure. The texture of the surface, together with its color, will affect its visual weight, scale and light reflective qualities.

The standards require commercial buildings to use masonry materials over a majority of their surface area. Exceptions may be considered when the context of a building site suggests the use of other materials (e.g. an historic district). Materials used on designated primary facades, if not used for the entire building, should return along secondary sides a minimum distance based on visibility to the public.

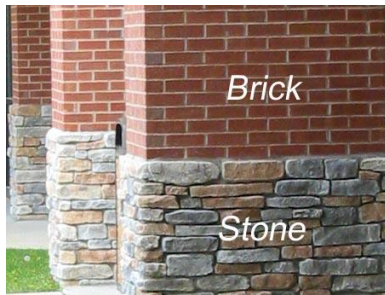
A. Requirement

Building walls shall incorporate brick (textured or tumbled designs with historic appearance preferred), cast stone, stone or other high-quality, long-lasting masonry material over 75% of surface area minimum (excluding windows, doors and curtain walls). The remainder of wall area may incorporate other materials.

At the discretion of Nolensville's Design Review Committee, the following materials may be permitted as accent materials: cement fiber board (Hardi-plank) with cellular PVC trim, Stucco, EIFS (Exterior Insulation Finish Systems) used above a finish floor height of 7'-0", decorative concrete block, aluminum composite materials, wood siding, and/or concrete panels.

Prohibited materials shall include vinyl siding, plain concrete block, corrugated fiberglass, and corrugated metal siding.

A color rendering of all façade overlays and a material sample board shall be required with samples of all building materials, including mortar color.



PRINCIPLE 2 – Composition - this principal shall be a guideline. However, the DRC may include adherence to this principal into the overall review of the site and building design presented for review.

Visual balance should be achieved in the building composition. A fundamental tool for achieving balance is the use of symmetry.

The human perception of beauty is found to be influenced by the measure of symmetry within an individual composition. Psychologists ascribe this to the awareness that the body is basically symmetrical, so intuitively this principle is extended to other artistic efforts.

Applied to buildings, this principle creates order within elements of a composition. Groups of elements are read visually by their rooflines. Under each roofline, a composition is formed which is visually enhanced when visual balance is achieved.

Variations to a symmetrical condition, for example a door that is balanced by a window of the same proportion on the other side, can be absorbed while maintaining an overall sense of balance.

A. Recommendation- this principal shall be a guideline. However, the DRC may include adherence to this principal into the overall review of the site and building design presented for review.

Elements within each segment of a building facade, defined by a different roof height, are required to be visually balanced. This condition is achieved when facade elements and openings are repeated in similar positions on either side of a central vertical line for that segment.

All buildings on the same site shall be architecturally unified; i.e. related in architectural style, color scheme and building materials. Architectural design elements shall be continued around all elevations visible to the public (four-sided architecture). Corner buildings should be designed with special architectural features that accent the corner, such as corner entries, projecting windows, towers, turrets and cupolas.



Multiple symmetrical segments defined by roof heights

PRINCIPLE 3 – Scale - this principal shall be required.

Scale in architecture is relative size. It refers to how we perceive the size of a building element relative to other forms, and to the human body. There are three types of scale: overall scale, mid-level scale and human scale.

Overall scale is the legibility of the overall form and mass of a building from a distance. Mid-level scale is the legibility of the individual parts of the building as one gets closer, for example the corner elements described above or the rhythm of the windows. Human scale is the legibility of elements when one is very close to a building, for example the storefront details. Good buildings incorporate all three scales simultaneously.

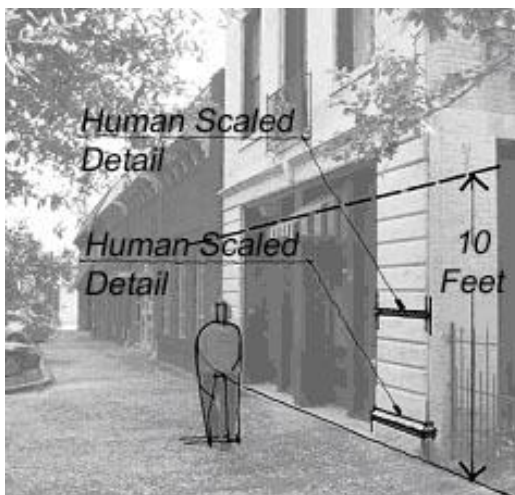
In keeping with the goals of this manual, human scale will be emphasized. Humans are similar enough in size that dimensions based on the body can be used to establish elements of detail in a building. A place can be measured by our ability to reach out and touch detail and texture.

It is therefore important that up close, buildings possess a level of refinement that is tangible. These details not only provide comfort by allowing one to judge the size of a space, but also give it human scale and intimacy.

A. Requirement

Facades shall incorporate a minimum of two (2) continuous or similar details refined to the scale of 12 inches or less within the first ten (10) feet of the building wall, measured vertically at street level.

Canopies, awnings and similar architectural elements shall be proportioned to relate to the human scale.



PRINCIPLE 4 Proportion- this principal shall be required.

Proportion refers to the relationship of two ratios, for example, height to width. In architecture, this can refer to the overall building mass as well as openings for windows and doors within it.

The human body contains a rich system of proportions with harmonious relationships between the body and face. Much research has been done relating proportions of human form to laws of nature and mathematics. Significant among these systems of thought, the Golden Section (1:1.618) is found repeatedly throughout the relationships of parts in the human body. These proportions have been used in architecture for over two thousand years to create a sense of natural order, over and above the individual style.

Significant for this manual is the fundamental premise that vertical proportions in architecture relate to the upright human body. Buildings and spaces that communicate a vertical proportion relate inherently to the understanding of the living human form, doors and windows that follow these proportions confirm this understanding.

Architectural features can be used to organize the perceived mass of larger buildings. Building features such as columns, piers, rooflines and brick patterns can divide and create vertical orientation on a large surface. Once these proportions have been established windows and doors should reinforce the vertical orientation of the composition.

A. Requirement

While architectural style may vary, building facades shall be compatible with surrounding buildings with regard to massing, scale, proportion of openings, roof types, window types and degree of detail. Building facades shall be divided into architecturally distinct sections no more than sixty (60) feet in width in all areas zoned commercial and no more than thirty (30) feet in the Village district.

Varying parapet and roofline heights shall be used to add interest as well as fully screen rooftop equipment. Pilasters, protruding brick columns, change in brick color and wall recesses are architectural techniques that can be used to achieve these goals.



Distinct Sections/Varying Parapet



Varying Building Façade Styles

PRINCIPLE 5 - Rhythm - this principal shall be a guideline. However, the DRC may include adherence to this principal into the overall review of the site and building design presented for review.

Rhythm applied to architecture refers to the regular or harmonious recurrence of lines, shapes, forms and details. It incorporates repetition and spacing as a fundamental device to create visual organization.

Studies of human perception show that the mind and eye actually seek some type of organization in order to relate various elements. The viewer is uncomfortable with confusion or unrelated chaos. The mind tends to group items that are close to each other, whether they are objects, or the spaces between objects.

Almost all buildings incorporate elements that are by their very nature repetitive. For example, windows and doors repeatedly puncture a building's surface to allow light and access. When these elements are considered together, they have the potential to create visual rhythm. The result can enliven a surface that is too blank, measure a surface too long and create visual unity over the facade of the structure.

Architectural elements chosen to repeat on a Façade, whether a massing form or detail element, shall represent a primary characteristic of the building's identity.

A. Recommendation

A minimum of one (1) significant detail or massing component shall be repeated no less than three (3) times along each applicable elevation. The scale of the chosen element should relate to the scale of the structure.



Repeating Design Details



Repeating Roof Mass/Window Repeats

PRINCIPLE 6 – Transparency - this principal shall be required.

Windows and doors narrate the uses inside the building to the observer and are a measure of how public or private these uses are intended to be. For example, storefront windows at street level are more expansive, suggesting common uses, while upper levels are smaller, indicating more private uses.

The design of storefronts in particular can enhance pedestrian activity. Commercial and mixed-use buildings shall provide a high level of transparency at the street level in order to visually connect activities within and outside of the building.

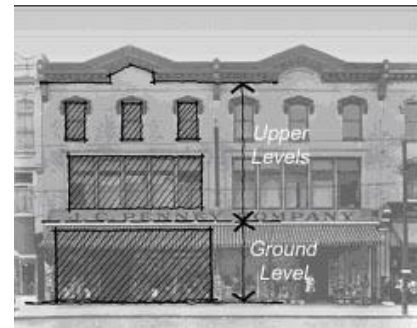
Seen from the outside, it is the openings in a wall that create one of the strongest visual impacts beyond the wall itself. As design elements, windows and doors provide the opportunity to accomplish many of the other facade principles.

A. Requirement

Facades of all commercial structures shall incorporate transparent features (windows and doors) over a minimum percentage of the surface area of street fronting facades. Minimum percentages for different levels are outlined as follows:

Ground level of retail uses:	50% of surface area min.
Ground level of office, institutional and other commercial uses:	25% of surface area min.
Ground level of any single occupancy commercial use over 25,000 SF:	10% of surface area min.
Upper levels of all uses:	20% of surface area min.

Transparency of the ground level shall be calculated within the first fifteen (15) feet of the building wall, measured vertically at street level. Opaque, mirror glass or strongly tinted windows shall not be allowed. In cases where a building has multiple facades fronting a street or primary travel way, the transparency requirement shall be required on those facades based on pedestrian traffic and vehicular visibility. All ground level windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three (3) feet behind the window. Continuous glass storefront facades are not permitted.



PRINCIPLE 7 - Articulation - this principal shall be required.

Facades should be organized into three major components, the base, body and cap. These elements transcend style and relate architecture to the human body with the visual analogy of feet, torso and head. The feet provide stability, the torso provides height and bulk and the head provides identity.

Base: ground level, where the building makes contact with the earth.

Body: upper architecture, forming the majority of the structure.

Cap: parapet, entablature or roofline, where the building meets the sky.

To the ancient Greeks and Romans, the elements of base, body and cap were essential to architecture and were described through various architectural Orders, each representing in its proportions an ideal expression of harmony and visual unity. These concepts have been updated and employed in building design for over three thousand years.

This suggests both timelessness and a universal relationship to visual psychology. These elements may be present today in varying proportions, and achieved using a wide variety of techniques, but should always be clearly identifiable.

A. Requirement

The building facade shall have a clearly identifiable base, body and cap with horizontal elements separating these components. The component described as the body shall constitute a minimum of 50% of the total building height. For base sections, contrasting brick, stone or a protruding brick pattern are permitted techniques.



PRINCIPLE 8 - Expression - this principal shall be a guideline. However, the DRC may include adherence to this principal into the overall review of the site and building design presented for review.

The principle of expression creates facades with inherent visual logic, and provides human comfort level to the observer corresponding to our intuitive understanding of gravity.

Building expression should enhance the public’s understanding of how to use a building and provide visual clues to augment signage.

Beams and columns, whether expressed or concealed on the facade, form a structural framework that defines modules of space. In the construction of architecture, structural elements must span across spaces and transmit their loads through vertical supports to a building’s foundation. The size and proportion of these elements are directly related to the structural tasks they perform.

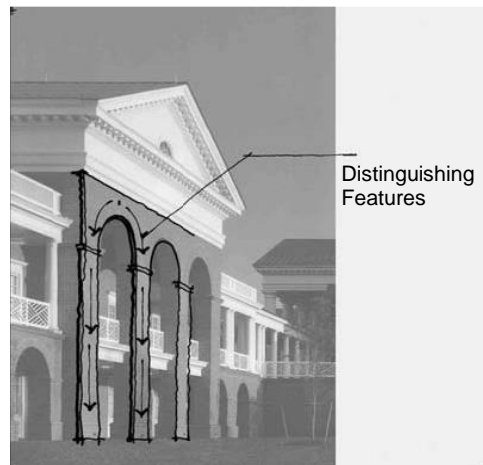
Elevation design should work within the framework of chosen materials. Design and detailing of materials should result in an authentic appearing structure, with dimensions and spans of visible materials related to their own structural properties. For example, masonry elements should display characteristics of load-bearing design such as arches and headers that relate directly to columns or pilasters below. Alternatively, steel elements should display characteristics of framed structural members.

A. Requirement

All masonry elements designed to appear as load-bearing shall be visually supported by other masonry elements directly below. On masonry building walls, expressed or implied structural piers shall be evident as vertical alignments on the façade. Each building shall have a clearly defined and highly visible entrance with distinguishing features.



Masonry elements align vertically



Clearly Defined and Highly Visible Entrance

PRINCIPLE 9 - Color - this principal shall be required.

Brick, concrete and stone have their own inherent color and should be left in their natural state to weather over time. Integral colors or paint can be used to complement and accent other exterior building materials. Integral colors are preferred over painted surfaces for long-term maintenance reasons. To ensure that there is consistency, the Town of Nolensville requires a project-based palette related to color.

Proposed color schemes shall incorporate a base principal color for each building. Each building within a complex does not need to be of the same base principal color, but the color must be compatible with other selected colors on the site.

In the case of buildings that are entirely of brick, concrete or stone, the base color may be the natural color of the material.

Color definitions are as follows:

Color Palette: A color scheme that incorporates related colors of complimentary hues and shades.

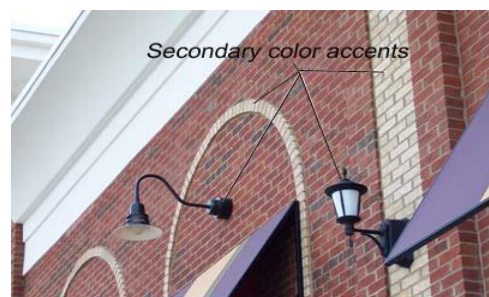
Principal Color: A maximum of two (2) base colors chosen to dominate a color scheme.

Accent Color: A maximum of three (3) contrasting colors used to emphasize architectural elements.

A. Requirement

A maximum of two (2) principal colors for each building segment may be proposed with a maximum of three (3) secondary accent colors. If accent colors are to be used, they too must be described and used throughout the development.

The principal façade colors shall be of low reflectance, subtle, neutral or earth tone colors. Accent colors shall be compatible with principal façade colors. The use of high-intensity or metallic colors shall be prohibited. Colors shall not be used as a form of advertising even though such color may be a trademark.



3.1.6 Façade Overlay Examples

MATERIALS OVERLAY

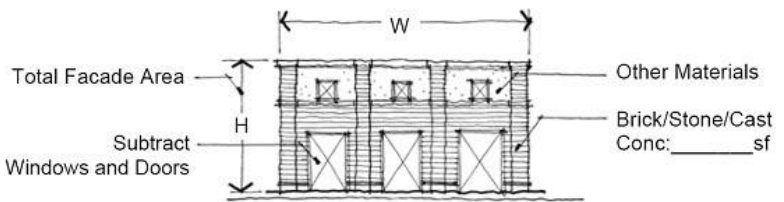


Diagram illustrating the Materials Overlay calculation. The facade is defined by width W and height H . The total facade area is calculated, and the area of windows and doors is subtracted to determine the total wall area for material calculations. The diagram also shows the required brick/stone/cast concrete area for commercial and mixed-uses (x .75) and attached residential buildings (x .35).

SAMPLE CALCULATIONS

Total Facade Area ($W \times H$): _____ sf
 Area of Windows and Doors: (-) (_____ sf)
 Total Wall Area for Material Calculations: _____ sf

Required Brick/Stone/Cast Conc: Commercial and Mixed-Uses (x .75) = _____ sf min.
 Attached Residential Buildings (x .35) = _____ sf min.

TRANSPARENCY OVERLAY

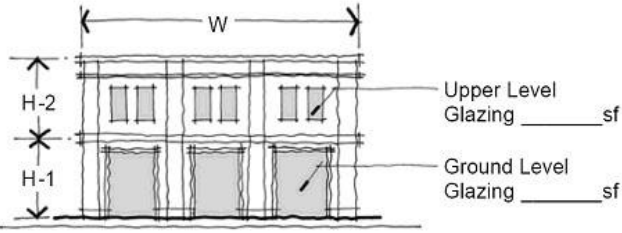


Diagram illustrating the Transparency Overlay calculation. The facade is defined by width W and height H . The diagram shows the required glazing area for the ground level (H-1) and upper levels (H-2). The diagram also shows the required glazing area for the ground level (H-1) and upper levels (H-2).

SAMPLE CALCULATIONS

Ground Level Surface Area ($W \times H-1$): _____ sf
 Area of Required Windows and Doors: (Calculated within first 15 feet of height)
 Retail Uses (x .50) = _____ sf min.
 Other Uses (x .35) = _____ sf min.
 Uses >25,000 sf (x .25) = _____ sf min.

Upper Levels Surface Area ($W \times H-2$): _____ sf
 Area of Required Windows and Doors: All Uses (x .20) = _____ sf min.

4.0 PART C

4.1.0 HISTORIC DESIGN STANDARDS

4.1.1 Introduction

The purpose of the Design Standards is to protect the historic and architectural resources which contribute to the cultural richness of the Town of Nolensville.

The protection of the historic district of Nolensville will ensure that the Town's unique quality will remain for the enjoyment, pride and economic benefit of its citizens.

Building design reflecting "contemporary," "modern," "art deco," and "post modern" styles are prohibited in the Historic District, except those existing at the time this document was adopted. Such buildings may be enlarged or rehabilitated provided that the additions or renovations are consistent in size and scale with surrounding development, and shall maintain the building's original architectural style. The Town of Nolensville encourages the use of grants so that buildings will be in compliance with the Design Standards of the Town of Nolensville.

The Historic Design Standards are legally enforceable zoning requirements designed for the long term protection of the architectural and historical character of the Historic Town of Nolensville.

While the Historic Preservation Element establishes the importance of the preservation, rehabilitation and enhancement of the historical character of the Town of Nolensville, the Design Standards provide specific implementation requirements and consideration by which to evaluate individual projects.

In addition to the Historic Design Standards, the decision makers shall consider the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation (see Appendix A) and the following general criteria in making a project determination:

Compatibility of the project with surrounding development and neighborhoods:

1. The development shall be consistent in size, scale and context with surrounding development.
2. The development shall retain the historic relationship between buildings, landscape features and open space.
3. Building design, colors and material shall be compatible with the character of the existing structure and surrounding area.

4. Additions shall be designed and constructed so as to not significantly change, obscure, damage, or destroy the character defining features of an historic building or feature.

4.1.2 Objective

The objective of the Design Standards is to provide guidance for the enhancement and preservation of the Town's Historic District.

The objectives of the preservation and the rehabilitation program are to:

1. Protect the desirable and unique features of the historic area and structures located within the historic area.
2. Protect and stabilize property values.
3. Minimize building deterioration.
4. Ensure that new construction is structurally and aesthetically compatible with existing structures considered to be historic.

4.1.3 Scope

These standards apply to the Historic District of Nolensville located in the Village Zone.

There may be additional areas, determined by Town Staff, located outside of the Village Zone that are worthy of preservation. These standards may be used as guidelines/recommendations for those areas.

4.1.4 Intended Users

This document has been adopted to assist property owners and design professionals in the rehabilitation of structures located within the Historic District, the construction of limited infill structures and modifications to existing buildings.

4.1.5 Specific Design Criteria

4.1.5.1 Landscaping

The type, size and location of landscape materials shall be compatible with the scale of building(s) and property. This includes the small scale areas between buildings and pedestrian links to rear parking.

4.1.5.2 Lighting

Lighting at display windows and entrances shall be incandescent and concealed from direct view. No rotating, blinking, animated, neon, or flashing lights shall be permitted. No colored lights shall be permitted.

Incandescent, traditional, low ornamental street and parking area lighting shall be utilized.

All exterior site lighting (i.e. uses, rear yards or signs) shall be directed inward so as not to disturb adjacent sites.

Outdoor light fixtures must be compatible with the style and period of the building or conflict with significant architectural details of the building. Overhead and exposed conduit for outdoor lighting is not permitted.

4.1.5.3 Signage

Signs play a substantial role in creating the overall visual character of a business district. As a primary visual element of any commercial area, each sign can enhance the image of the entire district or detract from it.

All signage shall be compatible with the building design, scale, color and materials.

All signage within the Historic District shall comply with the following standards in addition to the general requirements of the Town of Nolensville's Sign Ordinance. Where conflicts arise, these standards supersede the sign code. Historically referenced signs as documented from original building photographs may exceed permitted standards.

A. General

1. All signs shall be subject to design review by the Town of Nolensville prior to the issuance of a permit in order to assure that the sign's size and style is compatible with the historic building and does not obscure significant architectural detailing or features.
2. All signs, identifying logos, initials, marks or graphics shall be considered a part of the signage of any project.
3. No signs with changeable copy shall be permitted except for gasoline service, theaters and places of large public gatherings.
4. All signs shall be designed for visual communication to pedestrian traffic.
5. Existing painted wall signs deemed by the Town of Nolensville as having historic significance shall not be removed, defaced, painted over or covered. Building owners are encouraged to restore these signs and maintain their historic character.
6. New signs painted directly on the building wall or facade shall not be permitted.
7. No sign shall have more than two faces, and both faces shall be identical.

8. Property addresses must be visible from the street.

B. Wall Signs

1. Wall signs on each building elevation shall be no greater than the number of tenants in a building.
2. Wall signs on either the front or rear building elevation shall be limited in area to one square foot for each lineal foot of a tenant's street frontage. Sign length maximum of 20 feet.
3. Letter height is restricted to a maximum of 24 inches and a minimum of 15 inches. Multiple lines of text are permitted in compliance with the sign are requirements.
4. Wall signs shall be located in logical "signable" areas such as surfaces which are void of windows, doors, or other architectural detail buildings. The most appropriate place for signs may be on the lintel strips on transom panels above display windows. For newer buildings, continuous areas of masonry which are often immediately above the top of the storefront offer opportunities for sign placement.

C. Projecting Signs

1. One projecting sign is permitted per tenant, in lieu of a wall sign.
2. Projecting signs on either the front or rear building elevation shall be limited in area to one square foot per sign face for each lineal foot of a tenant's street maximum area of 15 square feet per face.
3. Signs shall be located to provide at least eight feet of vertical grade at the lowest point of the sign.

D. Hanging Pedestrian (Blade) Signs

1. One hanging pedestrian sign is permitted per tenant, in addition to permitted wall or projecting signs.
2. Hanging signs shall be limited in area to eight square feet per sign face.
3. Signs shall be located perpendicular to and directly above the sidewalk with at least eight feet of vertical clearance provided between the grade and the lowest point of the sign.

E. Window Signs

1. Window sign area shall be calculated as part of the total allowable area for wall signs.
2. Window sign with solid background shall be limited to ten percent of the window in which it is located.

3. Window sign consisting of lettering only shall be limited to twenty percent of the window in which it is located.

F. Awnings

1. Awnings containing signs, graphics, logos, or marks shall be considered signs, and shall be calculated as part of the total allowable area for wall signs.
2. Signage on awnings shall not exceed thirty percent of the projected area of the awning. Projected area is that area as indicated when drawn as part of the building elevation.
3. Translucent, backlit plastic awnings are prohibited.

G. Letter Styles

Letter style shall be in keeping with the historic character and style of the building. Letter style shall be consistent, bold and easy to read the letters of the sign.

4.1.5.4 Building and Rehabilitation Standards for New Construction

The reviewing bodies may require reasonable conditions of approval to implement the standards contained in this document:

- a. All projects:
The proposed work conforms to the standards and design criteria referenced and/or recommended by the Design Review Committee or other reviewing body for the project.
- b. Projects located in the National Register Historic District:
The proposed work complies with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation.
- c. Building additions and modifications:
The proposed work will neither adversely affect the significant architectural features of the building, nor adversely affect the character of historical, architectural, or aesthetic interest or value of the building, its site, or the surrounding area.
- d. New construction:
The use and design of any new criteria shall not adversely affect, and shall be compatible with, the use and design of existing buildings within the Historic District.

4.1.5.5 Facades

Each individual building façade plays a basic role in the visual makeup of the Historic District. Storefronts, signs, window displays, color, etc.; all play an

integral part in the successful design of individual buildings. Collectively, these individual elements can bring visual order to the district; isolated changes in storefronts, signs, and complete facades have altered the visual unity of individual structures and have led, in part, to the visual disorder of today's commercial street. To restore visual harmony to the Historic District, the following standards shall apply:

- a. Only parapet building facades shall be allowed. No exposed sloped roofs are allowed.
- b. All existing historic elements of the building shall be preserved.
- c. Entryways, doors, windows, transoms, and storefronts shall be consistent and regularly modulated throughout the facade, not haphazardly placed, and consistent with the dominant historic style of the Historic District.
- d. All decorative elements such as awnings, signage, or lighting shall be symmetrically integrated.
- e. Rehabilitation of many rear elevations can be achieved through replacement of windows, doors, or second story porches, along with cleaning, painting, and brick restoration.
- f. All existing conduits and brackets shall be removed at such time as related renovations occur.

4.1.5.6 Windows

“Blocking down” or altering window or door openings shall be avoided. If original openings have already been altered, open the blocked window to its original height or width and replace the full cavity with a new or restored window frame.

If a new interior ceiling must be dropped below the height of existing windows, use a recessed setback for the dropped ceiling along the window wall. This will allow for a dropped ceiling while retaining the full window opening to remain without any alteration in exterior appearance.

Security bars, if needed, shall be mounted on the exterior of the building.

Windows may be infilled (with approval) on walls that are not the principal façade if an appropriate infill material is used and recessed according to adopted standards.

4.1.5.7 Parapets and Ornamentation

Parapets and ornamentation shall be braced.

Missing segments of original parapets and ornaments may be replaced with lightweight material that duplicates the appearance of the original member.

Original parapets and ornamentation on principal facades shall not be removed. Other parapets may be removed with Town staff approval.

The exposed exterior edge of concrete beams shall be veneered in matching brick.

4.1.5.8 Materials

Material substitutes will be considered during project review (fiberglass columns, tin cornices, etc.); however traditional detailing and intent shall be maintained. Any improvements, restoration or new construction shall duplicate traditional original details and material as accurately as possible.

Contemporary roll-up service doors are not permitted.

No chain link or rough-wood appearance fencing shall be permitted.

4.1.5.9 Colors

Samples of period colors are available at Town Hall.