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P.O. Box 100
Thompson's Station, TN 37179

PC STAFF REPORT

May 28, 2024

TO: Planning Commissioners

FROM: Micah Wood, Interim Town Administrator
Micah Sullivan, Community Development Planner
Bryan King, Public Works Director
Will Owen, Town Engineer
Andrew Mills, Town Attorney

SUBJECT: Item 5 – Review and Recommendation of changes to the Adoption Draft the Land Development Ordinance (LDO) All Aboard Comprehensive Updates

PURPOSE

This memo outlines information related to the All Aboard Comprehensive Updates to the LDO (LDO Updates) and includes updates to the Adoption Draft since TSPC review in March and BOMA 1st reading in April. All update are included in Attachment 3 to this memo.

BACKGROUND AND STAFF REPORT

The comprehensive updates included in the Adoption Draft of the LDO are the result of more than three years of planning by the Town. The overall changes to the LDO are based on the All Aboard Plan's policy (AA Plans) objectives, as well as addressing issues with current minimum standards throughout the Ordinance. This updated LDO will help to ensure that the built environment for new developments reflects the character of the Town of Thompson's Station.

The following provides an overview of the public process related to the LDO Updates:

- Work sessions by the BOMA and the TSPC were held in January and February, respectively.
- Public Draft of the comprehensive changes to the LDO has been available since late February.
- A Joint BOMA-TSPC worksession was held on March 25.
- Public comments are of course still welcome as the Adoption Draft moves through the TSPC and BOMA review and adoption process.
- LDO Updates website contains continuously updated information:
<https://www.thompsons-station.com/2539/NEW-LDO-Updates>

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This Staff Report includes:

- Attachment 1: Adoption Draft Cover Letter
- Attachment 2: Adoption Draft Article-by-Article Change Outline Memo
- Attachment 3: Adoption Draft Revision Tracking Memo- includes all changes since 1st reading of the Adoption Draft.
- Attachment 4: Open Space Recommendations

STAFF RECOMMENDATION:

Favorable recommendation onto BOMA of all changes for 2nd and final reading of the LDO Updates

Attachment 1:
LDO Update Cover Letter

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ADOPTION DRAFT OF THE LDO COMPREHENSIVE UPDATE

This document is the Adoption Draft of the All Aboard Comprehensive Update to the Thompson's Station Land Development Ordinance (LDO), released 3-19-24. It's the culmination of more than 3 years of comprehensive planning efforts by the Town. This Adoption Draft builds on the Public Draft and is offered as part of the Planning Commission or BOMA review of the Comp Updates to the LDO to allow residents, property owners, business owners, members of the development community, and other stakeholders in the future of the Town of Thompson's Station to review and provide comments to Town Staff.

The purpose of this comp update to the LDO is to:

- Implement the policies of the All Aboard General Plan and Major Thoroughfare Plan;
- Connect development with the Town's utility policies;
- Address issues with minimum standards; and
- Introduce state of the practice regulations and standards.

Some things to keep in mind as you review the document:

- This is still a draft, so there will be formatting issues, drafting errors, and other similar grammatic errors that will be corrected as the Adoption Draft moves through TPSC and BOMA review/approval.
- Is a draft document; therefore, it will continue to evolve throughout the comment and review period.
- We want to hear your feedback!

If you have comments, questions, or want to set up a meeting to discuss, please reach out to us!

Electronically: <https://www.thompsons-station.com/2539/LDO-Updates>

By phone: 615-794-4333 x3

In person: [1110 Fountain View Boulevard](#) (come visit us at our new Town Hall!)

This update is an important next step for the Town as we balance growing development pressures with the Town's founding desire to preserve what makes Thompson's Station where the Town meets the Country.

Micah Wood 

Community & Economic Development Director

Attachment 2:
Adoption Draft Article-by-Article Change Outline Memo

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LDO COMPREHENSIVE UPDATE: What's Changed

The All Aboard Comprehensive Update to the Thompson's Station Land Development Ordinance (LDO Update) is the culmination of more than 3 years of comprehensive planning efforts by the Town. To stay current on changes and latest updates to the LDO Update Process, visit: <https://www.thompsons-station.com/2539/NEW-LDO-Updates>. If you have questions or comments please call (615) 794-4333 or email Micah Wood mwood@thompsons-station.com or Micah Sullivan msullivan@thompson-station.com.

The LDO Update changes in total are broad in scope and, thus, too numerous to allow for a redline document to identify each revision. This memorandum provides a generalized list of changes, per Article and per Section, from the Current LDO to the LDO Update. This list is general in nature and by no means itemizes each and every change in the LDO Update.

Table Key:

Text in red reflects actions to delete, extensively edit, or reorder section(s) of the Current LDO.

Text in blue reflects high level changes to the LDO Update.

Text in green reflects changes from the Public Draft of the LDO Update to the Adoption Draft of the LDO Update.

Note- from the Public Draft to the Adoption Draft, there have been formatting, grammar, and other editing revisions not otherwise noted in the Article-by-Article overview.

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| Current LDO | LDO Update |
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| <p>Article 1: General Provisions</p> | <p>Article 1: General Provisions Minor changes throughout the Article, particularly to Section 1.1 & 1.2.</p> |
| <p><u>1.1 Authority and Applicability</u></p> | <p><u>1.1 Authority, Applicability, Select Provisions, and Effective Date</u> Changes to augment the overall authority of the LDO. Several sections were added for clarity.</p> <ul style="list-style-type: none"> • 1.1.8 adds the Concurrency provision to ensure that development decisions are consistent with the AA Plans. |
| <p><u>1.2 Intent</u></p> | <p><u>1.2 Intent and Purpose</u> This subsection has been overhauled to remove distinction between transect and use zones and to provide a very clear itemized list of the stated intent and purpose of the LDO.</p> |
| <p><u>1.3 Definitions</u></p> | <p><u>1.3 Definitions</u> Select definitions were rewritten and refined throughout this subsection.</p> <ul style="list-style-type: none"> • Definitions of Planned Development Plan (PDP), Development Agreement (DA), Endangered/threatened Flora, Invasive Plant Species, & Native Plant Species have been added. • Right-of-Way was noted synonyms with ROW. • Food Truck definition has been refined to remove on-street parking as part of the definition. • Natural Vegetation definition has been refined to clarify region is Middle Tn |

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| <p>Article 2: Section Plans This article was deleted in its entirety, since the Concurrency provision in Article 1 allows for the All Aboard (AA) Future Land Use Map to function in a similar fashion to the Sectors and Sectors Map. The Community Types are similarly replaced with the Character Areas in the AA General Plan and Future Land Use Map. Civic Types have been eliminated and a new Open Space regulatory standard utilized in the LDO Update Article 5, Section 5.4.</p> | <p>Article 2: Approval Authority and Procedures New Article 2 establishes the approval authority per commission and board, as well as enumerating in a step-by-step manner the procedure for each plan type and permit required by the LDO. Portions of this new Article were taken from Current LDO Article 5 and portions were extensively updated to provide for more clarity in the development review process.</p> |
| <p><u>2.1 Sector Plan Adopted</u> Section deleted.</p> | <p><u>2.1 Decision-Marking and Review Bodies</u> This section clearly establishes the decision-making bodies and their responsibilities.</p> |
| <p><u>2.2 Community Types</u> Section deleted.</p> | <p><u>2.2 General Development Review Requirements</u> This section provides for the LDO's general development review requirements.</p> |
| | <p><u>2.3 Public Notifications</u> This section outlines the public notification requirements for developments, including mailed notice and posted sign on properties with proposed development</p> |
| | <p><u>2.4 Specific Development Review Procedures</u> The section includes a subsection-by-subsection list out of development review processes by development type.</p> <ul style="list-style-type: none"> • 2.4.2 introduces a specified process for Annexations that codifies the Town's Annexation Policy. • 2.4.3 introduces new steps into the rezoning process, prior to any application for TSPC review. First, a neighborhood meeting is required. |

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| | <p>Second, a new Joint TSPC-BOMA meeting is established.</p> <ul style="list-style-type: none"> • 2.4.4 reintroduces a Planned Unit Development process as the Planned Development Plan (PDP) process. The PDP process also includes the pre-application requirements for neighborhood meetings & Joint TSPC-BOMA Workshops. PDPs are required for any development in the D3, T3-T5, or if it contains: 250+ acres, 150+ dwelling units of any kind, and/or 75+ attached dwelling units. Added SP & PN to list of automatic triggers for PDP zoning districts. Added • 2.4.8 establishes new permits for Fences, Pools, Accessory Structures, and a revised Land Development (Grading) Permit process. Added clarifying language to Accessory Structure Permit & Retaining Wall Permit. Added a Miscellaneous/Remodel Permit. |

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| <p>Article 3: Subdivision Regulations Changes to subsections throughout, as noted. No impact on the overall structure and purpose of the Sub Regs.</p> | <p>Article 3: Subdivision Regulations Minor updates to clarify, streamline, and update sections throughout to bolster minimum requirements for subdivision of land within the Town.</p> |
| <p><u>3.1 General Provisions</u></p> | <p><u>3.1 General Provisions</u> Minor changes to this section.</p> |
| <p><u>3.2 Character of the Land</u></p> | <p><u>3.2 Character of the Land</u> Minor changes to this section.</p> |
| <p><u>3.3 Resource Management</u></p> | <p><u>3.3 Environmental and Natural Resource Protection</u> Changes to this section to increase minimum requirements and protections to environmentally sensitive land and overall natural resource protections. This includes:</p> <ul style="list-style-type: none"> • 3.3.8: an overhaul of steep slope standards to increase protections on slopes from 14-19% and make slopes over 20% no touch zones. Current LDO provides no touch zones starting at 25%. • 3.3.12: Refinement of the stormwater regulations. • Minor clarifications to <ul style="list-style-type: none"> ○ 3.3.2 Wetlands related to timing of a hydrologic determinations ○ 3.3.4 Stream Buffers related to averaging of a 60ft buffer ○ 3.3.14 Tree Removal- clarified the list kept by TN Invasive Plant Council |
| <p><u>3.4 Floodplain Regulations</u></p> | <p><u>3.4 Floodplan Regulations</u> Limited changes, as floodplain regulations are standard per the FEMA NFIP requirements.</p> |

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| <p><u>3.5 Civic and Open Space Standards</u> This section was deleted and replaced by new Open Space Standards in Article 5, Section 5.4.</p> | <p><u>3.5 Lot Standards</u> New section to establish clear requirements for lots under the LDO, while included many standards from the Current LDO Section 3.6. Subsection 3.5.3 includes a new provision to prohibit the creation of new buildable lots within the floodplain after the effective date of the LDO Update.</p> |
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| <p><u>3.6 Lot Standards</u> Moved to the new Section 3.5 and revised.</p> | <p><u>3.6 Access Management (AM)</u> New section to create a set of access management standards for new driveways and roadways. Portions of the old section 3.7 are included. This section includes:</p> <ul style="list-style-type: none">• 3.6.4: updated driveway setbacks, access point requirements, driveway and roadway spacing requirements;• 3.6.8: cross-access requirements; and• 3.6.10: turn lane requirements.• 3.6.12: Traffic Signal spacing standards• 3.6.13: Linkage of TDOT & local standards• 3.6.1 General provisions- added new provision for TSPC to make exceptions to the AM standards.• 3.6.2 Access to Lots- clarified that major throughfares are arterials & collectors per MTP• 3.6.4(b)(vi) Driveways- clarified access determination on lots with similar street classification.• 3.6.6 Residential Driveways- clarified driveway slope capped at 10% from 15 ft from back of sidewalk• 3.6.8(c)- Driveway consolidation- defined that this standard is defined by closest edge of pavement• 3.6.9(a) Cross-street alignment- clarified that major traffic generators are as defined by staff• 3.6.12 Traffic Signals- clarified that updated signal timing is required with TIS• 3.6.13(a) Relationship to State Standards- clarified that more restrictive standard always apply |
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| | <ul style="list-style-type: none"> • 3.6.13(c) Relationship to State Standards- new subsection added to require resubmittal of any plan changes for Town Staff review/approval. |
| <p align="center"><u>3.7 Access</u> Moved to the new Section 3.6 and revised.</p> | <p align="center"><u>3.7 Block Standards</u> Minor changes to this section.</p> |
| <p align="center"><u>3.8 Block Standards</u> Moved to the new Section 3.7 and revised.</p> | <p align="center"><u>3.8 Public Roadways</u></p> <p>This section expands on the old Section 3.9 but consolidates standards to a unified set of cross-sections, based on the AA MTP.</p> <ul style="list-style-type: none"> • 3.8.5 includes the Town roadway standards • 3.8.6 includes the Country roadway standards • 3.8.9(c) throughfare standards- clarified that MU paths are 10ft min. • Table 3-10 Design Speed- clarified that design speed may be higher than posted speed. If posted speed is higher than table, Town Engineer determines. • Table 3-16 Min Grade at Intersection- added footnote for clarification related to % grade required at intersections • 3.8.14(a)(i) Arrangement of Dead-end Roads- clarified how local stub roads are permitted • 3.8.14(a)(iii) Arrangement of Dead-end Roads- clarified that temp turnaround not required if only 1 lot is served • 3.8.18(b) MU Path- clarified 10 ft min standard • 3.8.19(c) Bike Lanes- added to be constructed to Town Roadway Specs |

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| <p><u>3.9 Thoroughfares</u> Moved to the new Section 3.8 and revised.</p> | <p><u>3.9 Drainage and Storm Sewer</u> Minor changes to this section.</p> <ul style="list-style-type: none"> 3.9.2(e) Areas of Poor Drainage-clarified that a PE has to prepare the Flood Study. |
| <p><u>3.10 Drainage and Storm Sewers</u> Moved to the new Section 3.9 and revised.</p> | <p><u>3.10 Wastewater and Sewerage Facilities</u> Updates to the section include aligning the Town's wastewater ordinance and on-site wastewater policy with the LDO requirements.</p> <ul style="list-style-type: none"> 3.10.4: Pulls the dedication of drip field or a fee in lieu of payment from the Development Agreement into the regular LDO standards 3.10.5: Pulls in the on-site & septic policies into the LDO standards |
| <p><u>3.11 Sewerage Facilities</u> Moved to the new Section 3.10 and revised.</p> | <p><u>3.11 Utilities and Telecommunications</u> No changes to this section.</p> |
| <p><u>3.12 Utilities and Telecommunications</u> Moved to the new Section 3.11 and revised.</p> | <p><u>3.12 Water Facilities</u> Added a provision to allow for sprinklers if the 1,500 gpd cannot be attained with approval by the TSPC.</p> |
| <p><u>3.13 Water Facilities</u> Moved to the new Section 3.12 and revised.</p> | <p><u>3.13 Signage</u> No changes to this section.</p> |
| <p><u>3.14 Signage</u> Moved to the new Section 3.13 and revised.</p> | <p><u>3.14 Addressing and Mailboxes</u> Minor changes to this section to add more standards for shared mailbox locations and to establish a requirement for painted addresses on curbs.</p> <ul style="list-style-type: none"> 3.14(b)(c) Addressing & Mailboxes-clarified that parking for mailboxes shall be out of ROW 3.14(b)(e) Addressing & Mailboxes-new subsection to specify that mailboxes shall be covered under a roofed structure. |

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| <p><u>3.15 Addressing and Mailboxes</u> Moved to the new Section 3.14 and revised.</p> | |
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| <p style="text-align: center;">Article 4: Zoning</p> <p>Changes to sections throughout, as noted. No impact to the overall structure and purpose of the Sub Regs.</p> | <p style="text-align: center;">Article 4: Zoning</p> <p>Article 4 has been reconstructed & updated to follow more conventional zoning district standards</p> |
| <p><u>4.1 General</u></p> | <p style="text-align: center;"><u>4.1 General</u></p> <p>Minor changes to this section.</p> |
| <p><u>4.2 Nonconformities</u></p> | <p style="text-align: center;"><u>4.2 Nonconformities</u></p> <p>This section has been updated to better conform to state law.</p> |
| <p style="text-align: center;"><u>4.3 Special Requirements</u></p> <p>This section was deleted and replaced by new standards in Articles 2 & 3.</p> | <p style="text-align: center;"><u>4.3 Annexation of Newly Annexed Property</u></p> <p>New section to specifically establish standards and procedure for annexations.</p> |
| <p><u>4.4 Lot Standards</u></p> | <p style="text-align: center;"><u>4.4 Bulk and Lot Standards</u></p> <p>Substantially revised and updated section, that includes several sections from the current LDO. Updated Section 4.4 includes a more standardized set of regulations governing the bulk standards, building placement, building height, lot coverage, and lot standards per zoning district.</p> <ul style="list-style-type: none"> • 4.4.2 clarifies and cleans up the measurements, computations, & exceptions framework for the LDO • 4.4.3 & Tables 4-1 & 4-4 reestablish & standardize the bulk lot standards per development type & zoning district. Table 4-1 introduces an impervious area (Landscape Surface Area) per zone & increases the available building height to 4 stories in T4-T5 & CC zones, as well as permitted a smaller lot size subdivision in the T2 zone for generational farms with a conservation easement. |



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| <p style="text-align: center;"><u>4.5 Lot Use Restrictions</u></p> <p>This section deleted and folded into the new subsection 4.4.</p> | <p style="text-align: center;"><u>4.5 Use Restrictions and Permitted Use Table</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.1)</i></p> <p>This section has been substantially revised to consolidate permitted uses from both Transect Zones & Use Zones into 1 more user-friendly permitted use table.</p> <ul style="list-style-type: none"> • Table 4-4 clarifies and cleans up the LDO Permitted Use Table |
| <p style="text-align: center;"><u>4.6 Building Placement and Standards</u></p> <p>This section deleted and folded into the new subsection 4.4.</p> | <p style="text-align: center;"><u>4.6 Use Regulations and Conditions for Agricultural Uses</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.2)</i></p> <p>This section has been added to introduce & clarify the LDO use standards for Ag uses.</p> |
| <p style="text-align: center;"><u>4.7 Height Restrictions</u></p> <p>This section deleted and folded into the new subsection 4.4.</p> | <p style="text-align: center;"><u>4.7 Use Regulations and Conditions for Residential Building Types</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.3)</i></p> <p>This section has been updated from the current LDO Section 4.10 to clarify the LDO use standards for Residential uses.</p> <ul style="list-style-type: none"> • 4.7.2 Regs for Townhomes, MX, & Live/Work- clarified that parking is in addition to min requirements of Table 4-5 • 4.7.3(h) Regs for MF- clarified that dumpster enclosures have to be sized appropriately & enclosed by gates • 4.8.18 Mobile Business Services- added this to account for mobile services in res districts. |



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| <p><u>4.8 Transect Zoning District Frontage Requirements</u></p> <p>This section deleted and some elements into the new subsection 4.4 or in the access requirements in Article 3.</p> | <p><u>4.8 Use Regulations and Conditions for Nonresidential Building Types and Uses</u></p> <p><i>(note due to a numbering error the Public Draft lists this as Section 4.4)</i></p> <p>This section has been updated from the current LDO Section 4.9 to clarify the LDO use standards for Nonresidential uses.</p> <ul style="list-style-type: none"> • 4.8.6 Automotive Uses includes a change to permit 2 auto uses per 3,000 linear feet. • 4.8.7 Self-Storage adds prohibition along an arterial road & requires greater design compatibility of the structure, which shall be completely enclosed. • 4.8.17 Drive-in/Drive Throughs adds a greater allowance for these commercial establishments throughout Town, with restrictions on design. No drive through window/facility shall be located along any road-facing building elevation. • 4.8.1 General Nonres Standards- clarified that dumpster enclosures have to be sized appropriately & enclosed by gates |
| <p><u>4.9 Specific Zoning District Standards</u></p> <p>This section deleted and folded into the new subsection 4.4.</p> | <p><u>4.9 Parking Standards</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.5)</i></p> <p>New section to establish clear requirements for parking under the LDO.</p> <ul style="list-style-type: none"> • Table 4-5 Required Parking Table has been updated to clarify requirements • Moved table 4-5 under Section 4.9.2 Min Required Parking • 4.9.5 Max Parking- clarified that max allowed parking is 120% min of table 4-5. |

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| <p><u>4.10 Use Residential Property Standards</u> Subsection deleted & standards moved to new subsection 4.7.</p> | <p><u>4.10 Lighting Standards</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.6)</i> Updated lighting section based on the Current LDO subsection 4.13. Changes to establish clear 1.0 foot-candle limit at adjoining property lines. Additional requirement to make new fixtures Dark Sky compliant.</p> |
| <p><u>4.11 Non-residential Use Property Development Standards</u> Subsection deleted & standards moved to new subsection 4.8.</p> | <p><u>4.11 Landscaping Standards</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.7)</i> Updated landscaping section based on the Current LDO subsection 4.14. 4.11.1(g) General Landscape standards- Added a 50% min requirement for native species.</p> |
| <p><u>4.12 Parking Standards</u> Moved to the new Section 4.5 and revised.</p> | <p><u>4.12 Fencing Standards</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.8)</i> Updated fencing section based on the Current LDO subsection 4.15.</p> |
| <p><u>4.13 Lighting Standards</u> Moved to the new Section 4.6 and revised.</p> | <p><u>4.13 Buffer Standards</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.9)</i> Updated buffer section based on the Current LDO subsection 4.16.</p> |
| <p><u>4.14 Landscaping Standards</u> Moved to the new Section 4.7 and revised.</p> | <p><u>4.14 Sign Ordinance</u> <i>(note due to a numbering error the Public Draft lists this as Section 4.10)</i> Updates to the sign ordinance include streamlining to a single set of standards (merged Transect & Use standards). Additional updates include a consolidated Summary of Sign Standards in Table 4-10.</p> |
| <p><u>4.15 Fencing Standards</u> Moved to the new Section 4.8 and revised.</p> | <p><u>4.15 Surety for Public Improvements</u> Updates to this section include ensuring that the LDO surety process matches the Town's Infrastructure Policy.</p> |

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| <p><u>4.16 Buffering Standards</u> Moved to the new Section 4.9 and revised.</p> | |
| <p><u>4.17 Sign Standards</u> Moved to the new Section 4.10 and revised.</p> | |

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| <p>Article 5: Administration and Process This Article has been deleted and replaced. The provisions of the Current Article 5 have been moved to Article 2 & Article 6</p> | <p>Article 5: Development Standards The new Article 5 includes the Design Standards, which allows the Town to move away from the current Design Guidelines. Instead of overall guidelines, with this new Article, the Town will have specific minimum standards to require of all new developments.</p> |
| <p><u>5.1 General</u> Section has been deleted & merged into Article 2.</p> | <p><u>5.1 General</u> New Section to establish the Town's Development Standards.</p> |
| <p><u>5.2 Subdivision Process</u> Section has been deleted & provisions merged into Articles 2 & 3.</p> | <p><u>5.2 Development Standards for All Development</u> New Section that establishes town-wide development standards to help ensure new development matches the character of the Town.</p> |
| <p><u>5.3 Zoning Process</u> Section has been deleted & merged into Articles 2 & 4.</p> | <p><u>5.3 Development Standards for all Development Types</u> New Section that establishes the minimum standards for all development types. The TSPC will continue to function as the Design Review Committee for the Town to ensure that these standards are achieved with each new development.</p> |
| <p><u>5.4 Plans and Applications</u> Section has been deleted & merged into Article 2.</p> | <p><u>5.4 Open Space Standards</u> New section to update and revise the Town's open space minimum requirements.</p> <ul style="list-style-type: none"> • 5.3.5 & Table 5-1 establish the new Formal/Informal Open Space requirements, per development type. This section also establishes the parameters for what counts as an open space & introduces an adjacency requirement of ¼ mile for formal open spaces. |

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| | |
|--|--|
| <p><u>5.5 Approval Authority</u> Section has been deleted & merged into Article 2.</p> | |
| <p><u>5.6 Interpretation</u> Section has been deleted & merged into Articles 1, 2, & 6.</p> | |

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| Current LDO | LDO Update |
|-------------------------------|--|
| Current LDO ends at Article 5 | <p>Article 6: Implementation & Enforcement This is a completely new Article that contains all the implementation & enforcement provisions for the LDO. The standards in this new Article have been pulled from Current Articles 1 & 5.</p> |
| | <p><u>6.1 Implementation</u> This new section clearly establishes the Town Planner as the implementation officer for the LDO.</p> |
| | <p><u>6.2 Enforcement</u> This new section clearly establishes the Town Planner as the enforcement officer for the LDO.</p> |
| | <p><u>6.3 Permits Required</u> This new section lists the required permits under the LDO.</p> |
| | <p><u>6.4 Issuance of Permits</u> This new section describes the permitting process under the LDO.</p> |
| | <p><u>6.5 Certificate of Occupancy</u> This new section describes the Certificate of Occupancy process under the LDO. Clarified timing of CO & Building Official's powers under this section.</p> |
| | <p><u>6.6 Penalties</u> This new section describes the penalties for noncompliance of provisions of the LDO.</p> |
| | <p><u>6.7 Remedies</u> This new section describes the remedies held by the Town for instances of non-compliance or violations of any provisions of the LDO.</p> |

**Attachment 3:
Revision Tracking List**

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LDO COMPREHENSIVE UPDATE: Adoption Draft Revision Tracking List

Includes all changes to the LDO Update Adoption Draft

This memorandum provides a list of sections that have been revised within the LDO Comprehensive Update Adoption Draft since TSPC review in March and BOMA 1st reading in April.

These changes represent the final Adoption Draft for review by the TSPC and BOMA for 2nd and final reading of the LDO Update.

Table Key

Orange Text indicates changes from the 3/25/24 BOMA/TSPC Joint Workshop.

Blue Text indicates the amendment from TSPC review/recommendation on the LDO Update from the 3/26/24 TSPC Meeting.

Green text indicates Staff amendments/updates included in the Adoption Draft since 1st reading.

Planning Commission Recommendation

The TSPC provided a favorable recommendation for BOMA adoption of the LDO Comprehensive Updates, with the items noted in the revision tracking list.

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LDO Update Adoption Draft Revision Tracking List

Throughout the LDO- formatting & grammar changes

Article 1: General Provisions No pending changes.

Article 2: Approval Authority and Procedures

- 2.4.4(c)(ii)(a) PDP Project Requirements- add D2 to the zoning districts that automatically trigger a PDP review.
- 2.3(c)(i)- revise adjacent property owner notification from 500 feet to 1056 feet (0.2 of a mile)
- 2.4.4 Planned Development Plan
 - 2.4.4(f)- added Transect Community (TC) zoning to the PDP process to pull those few existing TC zoned parcels into the PDP process.
 - 2.4.4(i) permits single use nonresidential development in T4, T40, & T5 to submit a PDP that also is a specific site plan. Allows nonresidential developments to move from PDP approval to land development (grading) permit and building permit directly from TSPC/BOMA approval.
- 2.4.7(i)- new subsection to clarify what plats may be administratively approved by Town Staff (a plat for a 1-lot subdivision; combination plat of existing, approved lots; a plat that revises existing easement(s); a plat that revises existing lot lines)
- 2.4.9(b) added requirement for Public Infrastructure Protection Agreement

Article 3: Subdivision Regulations

- Review/study adding 3.8 Public Roadways, Section 3.8.26 Local Road Traffic Calming requirement (speed control measures- speed tables, enhanced speed signage, etc)
- Review/study adding 3.8 Public Roadways, Section 3.8.27 On-Street Parking to clarify on-street parking design requirements
- 3.14(b)(i)(f) Addressing and Mailboxes, cluster mailbox requirements- add a new subsection that specifies that cluster mailboxes shall be maintained by an HOA.
- Table 3-5: clarified and refined the number of access points per type of development
- 3.12- clarified that the 500 ft maximum fire hydrant spacing shall be no more than 500 ft, as measured running along the public or private roadway.

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LDO Update Adoption Draft Revision Tracking List

Article 4: Zoning

- Section 4.5, Permitted Uses, Table 4-4 Permitted Use Table Updates
 - Correctional Facilities- added it as a Special Exception (S) in Medium Industrial (IM) Zone
 - Live/Work- removed as a permitted use in Mixed Residential District (D3) Zone
 - Removed the Multiplex residential use classification
 - Added townhomes back to D3 (inadvertently left out of the new PU table. Continues the existing permitted use in current LDO.
- Section 4.7 Residential Use Restrictions, Section 4.7.7(c) Mobile Business Service- revise subsection to read: "Times of operation shall be limited to 8:00 AM to 6:00 PM." This revision removes references to days of the week & eliminates the prohibition of work on holidays.
- 4.8.6(b) Automotive Use restrictions- added language to allow for limited canopy frontage so long as: canopy has a pitched roof and the bays are oriented away from ROW. This would allow for a gas station similar to the Twice Dailys in Berry Farms along Goose Creek Bypass.
- 4.9.6 Parking- revision to clarify that all parking shall be asphalt or concrete.

Article 5: Development Standards

- 5.3.3(b)(i) a-d) refined language in to ensure more specifically defined standards for formal open space.
- 5.3.3(b)(ii)(g)- refined language to allow TSPC to consider informal open space of dripfields outside of Regional Coverage Area.
- 5.3.3(c)- added clarifying language that adjacency may result in inclusion of more than the minimum required Formal Open Space than listed in Table 5-1.

Article 6: Implementation & Enforcement

No pending changes.

Appendices- technical documents added to the LDO

- A. Development Agreement
- B. Public Infrastructure Protection Plan
- C. Plat Certificates
- D. Ridgeline and Hilltop Protection Area (RHPA) Map
- E. Traffic Study Guidelines

**Attachment 4:
Open Space
Recommendation**



LDO COMPREHENSIVE UPDATE: Adoption Draft
Open Space Recommendation

This memorandum provides a comparison of current LDO Open Space requirements with the recommended updates to raise the overall requirements for open space amenities. The focus of this memo is on residential subdivisions, as was requested during the Joint BOMA/TSPC LDO workshop in March and is presented to provide assurance that the proposed open space standards will address and implement the Town's expectations for developments.

Current LDO Open Space Requirements

The current LDO in Table 2.3 provides for a 45% open space requirement. The Civic Space requirement is 5-15% of the total open space requirement. This standard is highlighted from current LDO, below:

TABLE 2.3 COMMUNITY TYPES, AREAS AND CIVIC SPACE

| STANDARDS COMMUNITY TYPES | SIZE (ACRES) | TYPE OF MAIN CIVIC SPACE | CIVIC SPACE % OF AREA | ZONING DISTRICTS (PERCENT OF COMMUNITY AREA) | | | |
|---------------------------------|-----------------|--------------------------------|-----------------------------|---|----------|----------|---------|
| | | | | T1 OR T2 | T3 | T4 | T5 |
| FARM | Unlimited | N/A | N/A | | | | |
| HAMLET | 10 – 60 | Green or Square | 0 - 5% | 60% min. | 10 - 20% | 10 - 20% | 0 - 10% |
| VILLAGE | 40 – 200 | Green, Square or Plaza | 10-20% | 40% min. | 0-30% | 30-60% | 0-15% |
| TOWN | 40 - 200 | Square or Plaza | 5-15% | N/A | 0-20% | 40-70% | 10-25% |
| RESIDENTIAL SUBDIVISION | Varies | Green, Square or Plaza | 5 - 10% | 45% min. | N/A | N/A | N/A |
| WORKPLACE | Varies | Optional | 5 - 10% | N/A | N/A | N/A | N/A |
| COMMERCIAL CENTER | Varies | Square or Plaza | 5 - 10% | N/A | N/A | N/A | N/A |

Through the application of these standards to multiple developments over the past several years, it became clear that both the TSPC and the BOMA were unsatisfied with these minimum standards for residential subdivisions, particularly in terms of formally developed amenities for residents of these new developments. Therefore, raising the open space minimum standards became a main focus of the overall LDO Update.

It must be noted how much higher the Town's current standards are for residential developments with a 45% open space threshold than other jurisdictions. For comparison, Franklin requires 15% open space for a residential development. However, the Town's ethos has been, and continues to be, to ensure a balance between development and overall common open space. As such, the LDO Update continues the minimum requirement for 45% overall open space for residential

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developments, while creating additional thresholds for formal open space development to ensure that development specific amenities are included and distributed throughout the development.

Updated LDO Open Space Requirements

The overall open space standards have been completely rewritten in the LDO Update in order to realign the minimum standards with the TSPC and BOMA expectations for developments within Town. The updated standards are in Article 5, Section 5.4. Table 5-1 which establishes the total open space required as a percentage, per development type, and the additional, new standards of formal and informal open space, required as a percentage of the total open space required.

Focusing on residential development the 45% total required open space is carried forward from the current LDO; however, there is now a 25% of the total required open space that must be developed to meet the LDO standards for a formal open space. The remaining 75% must be developed as informal open space. The 25% formal open space requirement is an increase from the 5-10% requirement of Civic Space in the Current LDO. The proposed open space requirement for residential development is highlighted below.

| Table 5-1 | REQUIRED OPEN SPACE | | |
|-------------------------|---------------------|---|---|
| | Total Requirement | Formal Open Space (% of the Total Requirement) | Informal Open Space (% of the Total Requirement) |
| Residential Development | 45% | 25% | 75% |
| Mixed Use Development | 20% | 20% | 80% |
| Nonresidential | 3% | 100% | None |

Because not all sites contain natural features appropriate as informal open space, open space provided in accordance with the formal open space requirements may be credited towards fulfilling the informal open space requirement, subject to approval by the TSPC.

Proposed LDO Formal Open Space

Section 5.5.3(b) includes four categories of formal open space development: Neighborhood Amenities, Active Recreation Areas and Gathering Areas, Formal Gardens and Public Art, and Squares, Plazas, and Active Parks. The designation of any of these formal open space categories shall be required on any vesting document (preliminary plat or planned development plan) for the TSPC and/or BOMA review as part of the overall development review process. These

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categories are more defined and detailed than the current Civic Space LDO standards and are included to help ensure that the formal open space provided is developed per the Town's expectations.

Proposed LDO Formal Open Space Adjacency

Another new provision provided in the updated LDO to help ensure that expectations are met is the requirement for formal open space adjacency. Section 5.3.3(c) requires that each lot within a residential subdivision be within ¼ mile of formal open space area to ensure that site amenities are distributed and accessible to all residents of the subdivision. This section requires the formal open space areas to be walkable and bikeable to the rest of the subdivision.

In order to provide a comparison of the current LDO open space provision to the updated LDO, Town Staff created a comparison table, provided below.

| | Canterbury | Littlebury | Parsons Valley | The Hills | Holt Ridge |
|--|------------|------------|----------------|-----------|------------|
| Open Space Provided | 140.29 | 21.22 | 53.43 | 101.56 | 9.98 |
| Civic Space Required | 38.37 | 6.94 | 11.80 | 22.56 | 2.00 |
| Open Space Required per LDO Update | 172.64 | 31.21 | 53.10 | 101.53 | 8.99 |
| Formal Open Space Required per LDO Update | 43.16 | 7.803 | 13.27 | 25.38 | 2.24 |
| Additional Amenities Provided (comparison between Civic Space and Formal Open Space) | 4.80 | 0.87 | 1.48 | 2.82 | 0.25 |

With these new standards and approach to open space, Town Staff found in every case study that the proposed formal open space standards will result in more amenities provided for each development. In the case of Canterbury, it would result in nearly 4.8 acres of newly required amenities. Parsons Valley would have 1.48 acres of additional amenities as part of the development. Town Staff believes that these proposed standards will implement the higher expectations for amenities within proposed developments and recommends that they be included in the Adoption Draft unamended.