

**ORDINANCE 2023-11**  
**AN ORDINANCE AMENDING CHAPTER 18 “LAND USE REGULATIONS – TOWNHOUSES, (RESIDENTIAL AND COMMERCIAL)” IN THE CODE OF ORDINANCES FOR THE TOWN OF NASHVILLE**

**WHEREAS**, a Public Hearing of the Nashville Planning Board and Nashville Town Council was scheduled, advertised, and conducted on November 30, 2022, and May 2, 2023, respectively; and

**WHEREAS**, the Nashville Planning Board made a favorable recommendation to approve the proposed Ordinance Amendment at its November 30, 2022 meeting,

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council of the Town of Nashville that the recommendation is favorably acted upon and provides that the following amendment be included in: Chapter 18, Land Use Regulations, Article II. Zoning, of the Town of Nashville Code of Ordinances be made:

**SECTION 1. Amended Section.** That Section 18-109: “Table of Permitted Uses” of Chapter 18 of the Code of Ordinances of the Town of Nashville are hereby amended as follows:

|                       |     |      |      |      |      |     |     |    |     |     |     |     |
|-----------------------|-----|------|------|------|------|-----|-----|----|-----|-----|-----|-----|
|                       | A-1 | R-30 | R-15 | R-10 | R-6M | R-6 | R-4 | MF | O-I | B-1 | B-2 | I-1 |
| Dwellings, Townhouses |     |      |      | S    | S    | S   | S   | S  | S   |     | S   |     |

**SECTION 2. Amended Section.** That Section 111: “Regulations for Special Uses” of Chapter 18 of the Code of Ordinances of the Town of Nashville are hereby amended as follows:

**Section 18-111. Regulations for Special Uses.**

(33) Townhouses, (residential and commercial).

- a. Approved by: This use is approved by Town Council.
- b. Special use districts: The special use districts are as follows:
  - 1. Residential townhouses: R-4, R-10, R-6M, R-6, MF, O-I and B-2.
  - 2. Commercial townhouses: O-I, B-1, B-2, and I-1.
- c. Townhouse Development Requirements:
  - 1. Plats Required. A preliminary plat and a final plat of the proposed townhouse development shall be submitted pursuant to the provisions of the special use permit to the Town Council.
    - a. Site Plan. The site plan shall show the location of the buildings, streets, alleys, walks, parking area, recreation areas, and facilities, numbered and dimensioned residential sites, and common areas to be conveyed to an owners' association, the members of which shall be all the owners of sites within the development. Buildings and structures within 500 feet of the site may be required to be shown as needed.
    - b. Circulation. Proposed points of ingress and egress and proposed pattern of automobile and pedestrian circulation shall be shown on site plan.
  - 2. Density. The minimum lot area for the townhouse development shall be 7,000 square feet for the first two (2) dwelling units and two thousand (2,000) square feet for each additional dwelling unit of each building. Individual lots shall be exclusive of any publicly dedicated land or street right-of-way. In no case shall the number of dwelling units exceed thirteen (13) per acre. The Town Council may require, a lower dwelling unit density per acre than the density specified by the minimum lot area due to factors such as, but not limited to, traffic congestion, projected demands on community facilities, availability of water, sewer and electrical utilities, and consistency with the Nashville Comprehensive Plan of the town.
  - 3. Watershed Overlay District (WS). Townhouse developments proposing to locate within the NCDEQ Water Supply Watershed must comply with the requirements of the Watershed Overlay District in Section 18-109: Note 15 of Nashville Code of Ordinances.
  - 4. Minimum Lot Size Per Townhouse Unit. The minimum lot size of each townhouse unit shall be no less than 2,000 square feet.

5. Minimum Lot Width of Townhouse Unit. The minimum lot width shall be no less than twenty (20) feet.
6. Height. The maximum height for any townhouse unit shall not exceed that allowed in the district in which the development is located.
7. Grouping. The maximum number of dwelling units shall not exceed six (6) per building.
8. Yard Requirements. The minimum yard requirements shall be no less than what is allowed in the zoning district in which the development is located.
9. Building Separation. Each group of townhouse buildings must be separated by a minimum of twenty (20) feet.
10. Townhouses with Garages. Garage opening shall not be more than ½ the width of the dwelling unit, unless two architectural/decorative features (windows, varying texture, custom hardware, etc.) are attached to the garage door, all of which are subject to Town Council approval.
11. Detached Accessory Structures. Shall not be erected within five feet of any other buildings or six feet of the side or rear property line and must follow the owner's association standards.
12. Parking. The number of parking spaces shall be a minimum of two (2) per dwelling unit and one (1) additional space per three (3) units for overflow off-street parking.
13. Access.
  - a. Public access to the development shall be provided either by an abutting street or public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than twenty-eight (28) feet in width.
  - b. All dwelling units must be set back a minimum of twenty-five (25) feet from a public street and a minimum of twenty (20) feet from the perimeter of the subject development.
  - c. Each townhouse dwelling unit must have its own principal entrance.
  - d. A five (5) foot drainage and utility easement shall be provided on each lot along the entire length of all rear lot lines and the side lot lines which are situated between the end walls of buildings.
  - e. No fences, trees, shrubbery, or other similar obstructions shall be permitted in that five (5) foot drainage and utilities easement.
  - f. Proper and adequate access for emergency vehicles to all parts of the townhouse development and to each dwelling unit shall be provided.
  - g. For developments with 10 or more townhomes, a traffic study is required.
14. Sidewalk Requirements. A townhouse development shall provide the following:
  - a. A minimum five (5) foot wide sidewalk must be provided on at least one side of every proposed street.
  - b. A minimum three (3) foot wide sidewalk from the front entrance of each dwelling unit shall connect to a concrete driveway or a five (5) foot wide sidewalk that abuts to a parking area or curb and gutter within the right-of-way, unless an alternative pedestrian access to the public sidewalk is approved by the Town Council.
15. Fire Safety.
  - a. Townhouse developments shall provide fire hydrants on or adjacent to the area to be developed as required by the fire department.
  - b. Each dwelling shall be within 300' feet of a fire hydrant.
16. Public Utilities and Services. Townhouse developments shall be permitted only where approved municipal water and municipal sewer systems are available or are programmed for construction. All electrical and other utility lines shall be placed underground.
17. Driveways. Driveways along a public right-of-way shall comply with the following criteria as listed in Section 34-57: "Driveway Specifications" of the Nashville Code of Ordinances.
18. Proposed Solid Waste Requirements. Proposed solid waste or trash storage facilities (dumpsters, compactors, etc.) shall be screened from the view of public rights-of-way and adjacent properties by the use of a solid fence, wall, and/or dense vegetation.

19. Street Tree Requirement. Street tree requirements shall be in accordance with Sections 18-406, 18-407, 18-408, 18-409, 18-410, and 18-411 of Nashville's Code of Ordinances, for newly created streets.
20. Lighting.
  - a. Street lighting shall be installed by the developer in accordance with a street lighting plan submitted and approved concurrently with the development plan.
  - b. The lighting in common areas, if applicable, shall be full cutoff with limited spillage on adjacent areas.
21. Recreation Area. Recreational areas shall be provided for all residential townhouse developments or structures with over five (5) dwelling units (total or per structure).
  - a. A minimum play area of 2,000 square feet with a minimum width of 40' shall be provided for the first 5 to 20 dwelling units.
  - b. For each townhouse unit over 20, an additional 56 square feet per dwelling unit shall be provided.
22. Common Areas. All areas on the site plan, other than public streets and sites, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the owners' association. Such common areas shall not be subdivided or conveyed by the owners' association. The site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a structure and shall be sufficient in size to contain the structure to be constructed thereon.
23. Covenants and restrictions. The declaration of restrictive covenants shall prevent changes to the development that would violate this article, and the declaration shall address the uniqueness of a townhouse development. The developer shall file with an application for preliminary approval a declaration of covenants and restrictions governing the common areas, the owners' association and sites. The restrictions shall contain, but not be limited to, provisions for the following:
  - a. The owners' association shall be organized and in legal existence prior to the sale of any structures in the development.
  - b. Membership in the owners' association shall be mandatory for each successive purchaser of a site.
  - c. The owners' association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of facilities located on the common areas, payment of assessments for public or private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all structures located within the development. It shall be further provided that upon default by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of six months, each owner of a site in the development shall become personally obligated to pay to the taxing or assessing governmental authority a portion of such taxes assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of sites in the development. If such sum is not paid by the owner within 30 days following receipt of notice of the amount due, then such sum shall become a continuing lien on the site of the owner, his heirs, devisees, personal representatives, and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the lien or may elect to foreclose the lien against the lot of the owner.
  - d. The owners' association shall be empowered to levy assessments against the owners of sites within the development for the payment of expenditures made by the owners' association for the items set forth in the preceding paragraph and any such assessments


not paid by the owner against whom such are assessed shall constitute a lien on the site of the owner.

- e. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a site.
- f. All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction damages shall be established.
- g. Maintenance Agreement. A townhouse development shall have a recorded maintenance agreement for the common areas and any guest parking.
- h. Uniformity. Covenants and restrictions must address design standards of roofs and their replacements, maintenance of exterior facades, accessory structures, and the like, in order to maintain a uniform look of townhomes.


24. Special Conditions. The Town Council may impose special conditions on the approval of a special use permit where it determines that such conditions: (1) are necessary and appropriate to fulfill the intent of this article; (2) are not detrimental to the development or surrounding area; and (3) achieve a more desirable result.

**SECTION 3. Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED this 2<sup>nd</sup> day of May 2023.

  
Brenda Brown, Mayor

Attest:

  
Louise Bennett, Town Clerk