

## **ORDINANCE 2014-03**

**AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE TO AMEND THE ZONING ORDINANCE, SAME BEING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, BY CHANGING THE PRESENT ZONING CLASSIFICATION ON CERTAIN PROPERTY LOCATED ON THE EAST SIDE OF MALLORY LANE, NORTH OF WILLIAMSON COUNTY PARCEL NUMBER 036M B 00800, FROM THE SI-3/SR (SERVICE INSTITUTION CULTURAL, RECREATIONAL AND GOVERNMENTAL/SPECIAL RESTRICTIONS) ZONING DISTRICT TO THE C-3/SR (COMMERCIAL SERVICE-WAREHOUSE/SPECIAL RESTRICTIONS) ZONING DISTRICT, SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE BY REFERENCE, AND SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE BY REFERENCE; AND TO AMEND THE OFFICIAL ZONING MAP ACCORDINGLY**

**WHEREAS**, Section 78-381 of the Brentwood Municipal Code allows the Board of Commissioners to apply additional special restrictions on permitted uses and/or technical and development standards for property for which rezoning to a commercial or service institution zoning district is requested, if the Board determines that the otherwise permitted uses and/or applicable technical development standards for the district at the specific location are inadequate to preserve traffic control and aesthetics and to protect the health, safety, conveniences, quality of life and general welfare of the citizens of Brentwood; and

**WHEREAS**, a change to the C-3 zoning district has been requested for certain property located on the east side of Mallory Lane, north of Williamson County Parcel Number 036M B 00800, to be combined with other property for which C-3 zoning is already in effect; and

**WHEREAS**, the Board of Commissioners has determined that the otherwise permitted uses and applicable technical development standards for the C-3 district at the location of said property are inadequate to preserve traffic control and aesthetics and to protect the health, safety, conveniences, quality of life and general welfare of the citizens of Brentwood.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE AS FOLLOWS:**

**SECTION 1.** That the present zoning classification on certain property located on the east side of Mallory Lane, north of Williamson County Parcel Number 036M B 00800, be and it is hereby changed from the SI-3/SR (Service Intuition, Cultural, Recreational and Governmental/Special Restrictions) zoning district to the C-3/SR (Commercial Service-Warehouse/Special Restrictions) zoning district, said property being more particularly described in the property description attached hereto as Attachment

“A,” and being more particularly shown on Attachment “B,” said attachments being made a part of this ordinance by reference.

**SECTION 2.** That all development and use of the property rezoned by this ordinance shall be subject to the special restrictions set forth on Attachment “C” hereto.

**SECTION 3.** That the official zoning map be and the same is hereby amended accordingly.

PASSED:	1st reading	_____	PLANNING COMMISSION	_____
	2nd reading	_____	NOTICE OF PASSAGE	
			Notice published in:	_____
PUBLIC HEARING			Date of publication:	_____
Notice published in:		_____		
Date of publication:		_____		
Date of hearing:		_____	EFFECTIVE DATE	_____

\_\_\_\_\_  
MAYOR Betsy S. Crossley

\_\_\_\_\_  
RECORDER Deborah Hedgepath

*Approved as to form:*

\_\_\_\_\_  
CITY ATTORNEY Roger A. Horner

**ATTACHMENT A**  
**ORDINANCE 2014-03**

Being a tract of land lying in Brentwood, Williamson County, Tennessee, and being more particularly described as follows;

Commencing at the northerly terminus of Mallory Lane, 60' in width, at a corner common with Lot B of Mallory Park, as of record in Plat Book 45, Page 97, at the Register's Office for Williamson County, Tennessee, also being the property of Mallory Park Property Owners Assoc., as of record in Record Book 4072, Page 713, at the Register's Office for Williamson County, Tennessee, and at a corner common with Lot 16 of the Resubdivision of Lot 14, Mallory Park, as of record in Plat Book 56, Page 69, at the Register's Office for Williamson County, Tennessee, also being the property of SRE Tennessee-1, LLC, as of record in Record Book 5551, Page 774, at the Register's Office for Williamson County, Tennessee;

Thence leaving the northerly terminus of Mallory Lane with the westerly property line of said Lot B, North 16 deg 11 min 22 sec East, 228.03 feet to a point;

Thence with the northerly property line of said Lot B, South 83 deg. 09 min 43 sec East, 2.88 feet to the **TRUE POINT OF BEGINNING**;

Thence with a line through the property of Tennsco Corp., as of record in Record Book 1327, Page 540, at the Register's Office for Williamson County, Tennessee for the following three calls;

- 1) North 19 deg. 35 min 54 sec East, 120.89 feet to a point;
- 2) South 75 deg. 52 min 51 sec East, 375.48 feet to a point;
- 3) South 16 deg. 15 min 32 sec West, 71.28 feet to a point in the northerly property line of said Lot B;

Thence with the northerly property line of said Lot B, North 83 deg. 09 min 43 sec. West, 387.48 feet to the **POINT OF BEGINNING**. Containing 36,217 square feet or 0.831 acres more or less.

Being part of the same property conveyed to Tennsco Corp., as of record in Record Book 1327, Page 540, at the Register's Office for Williamson County, Tennessee.

**ATTACHMENT “C”**  
**ORDINANCE 2014-03**  
**Special Restrictions**  
**For the Development and Use of Rezoned Property**  
**(Mallory Park, Phase II, Commercial Area)**

All development within the property rezoned by Ordinance 2014-03 shall be required to comply with all technical and development standards set forth in the zoning ordinance of the City of Brentwood (the “City”) for the underlying C-3/SR (Commercial Service – Warehouse/Special Restrictions) zoning district. In addition, given the location of the property near established residential subdivisions, the special restrictions listed below are applied, as authorized under Section 78-381 of the zoning ordinance, due to the inadequacy of the otherwise permitted uses and applicable technical and development standards to preserve traffic control and aesthetics and to protect the health, safety, conveniences, quality of life and general welfare of the citizens of Brentwood.

The property rezoned under Ordinance 2014-03 is hereinafter referred to as the “C-3/SR Property.” The C-3/SR Property shall be subject to the following additional conditions and limitations:

1. Except for security lighting approved by the Planning Commission, timers shall be required on all outdoor lighting to reduce the visual impact to nearby residential properties. All exterior lighting shall be turned off from 10:00 PM until 6:00 AM. All outdoor lighting shall be designed and installed so as not to exceed three (3) foot candles, measured at the interior boundary line of the required buffer areas for the C-3/SR Property. In addition, interior lighting from structures in the C-3/SR Property shall be designed and configured to reduce external visibility of the structure interior from nearby residential properties at night. The Planning Commission may require additional landscaping and plantings to further minimize the impact of external, internal and vehicle lighting on nearby residential properties.
2. All pick-up and delivery of materials and products by commercial haulers within the C-3/SR Property shall be limited to the hours between 7:00 AM and 7:00 PM. In addition, existing Brentwood Municipal Code requirements and limitations on the collection of refuse and recycling materials shall apply to all areas within the C-3/SR Property, regardless of the distance to nearby residential properties.
3. A property owners association, consisting of each of the owners of the C-3/SR property, shall be formed. The property owners association shall be required to have an independent landscape architect, licensed by the State of Tennessee, conduct an inspection of all required buffer areas during August or September of each year. A report, along with sufficient supporting documentation, shall be submitted to the Planning Department by October 10 of each year, addressing the status and condition of existing vegetation and supplemental plantings and their compliance with the approved plan. Any identified deficiencies shall be corrected by the property owners and/or property owners association prior to the winter season. The requirements of this paragraph shall be included in the recorded covenants of the property owners association. The covenants shall be submitted to the City Attorney for verification that said requirements are included.

4. The height limitation for all future buildings and structures within the C-3/SR Property shall be limited to a maximum of 42 feet or three (3) stories, plus screening for the mechanical penthouse.