

Planning Commission Report
Draft for Review

City of La Vergne



Request: Revisions to the Zoning Ordinance

Proposed by: Grant Green, City Planner

Changes to the Ordinance

1. The former C-1 zoning district is changed to a G (Government) district. Many prior requirements of the C-1 district remain. Current uses are considered nonconforming, but use is technically “grandfathered” until abandoned.
2. A new C-1 zoning district is added (Restricted Commercial). C-1 uses are clearly designated, creating a separation from the C-2 zoning district.
3. The C-4 zoning district is revised to be a commercial office district. The shopping center district is prohibitive to development, especially for small parcels, and the C-2 district serves as a better model for shopping centers.
4. Sign ordinance is updated. Slight adjustments are added into the sign ordinance to accommodate current issues. New wooden and hand-painted signs are no longer allowed per ordinance.
5. Transitional screening chart is updated.
6. Residential zoning districts are updated in order to help clarify some existing issues. Boarding and rooming houses are moved from permitted uses in R-3 to uses granted by special exception, which requires a BOZA review for the facility in question. PDR zoning districts are would be limited to 50% multi-family and attached dwellings for the residential component. The current requirement would allow 100% multi-family and/or attached dwellings.

7. Multiple requests are received each year for written zoning letters and written information from planning and codes. A fee of \$25.00 per written request, similar to other cities, is added for the financial institutions and other requestors of this information.
8. Overlay districts are added to incorporate development standards for facades, utilities, landscaping, vehicle and pedestrian access, and street lighting. These standards are applied to specific areas. Impact fee credits could encourage retail development.
9. The city will have fees waived when rezoning city property.
10. A liability clause is added for the Board of Mayor and Aldermen, Planning Commission, and city employees when acting to enforce the provisions of zoning ordinance.

1.050. Development Review Fees and Development Approval Procedure.

A. Review Fees Schedule

The city has determined that the cost for the review of plans or plats for new development should be borne by the person or entity (other than any governmental entity) submitting the plans or plats instead of by the general taxpayers of the city. The following fees shall be paid at the time of submission to the planning department of any rezoning request,, concept subdivision plan, preliminary subdivision plat, construction drawings, final subdivision plat or a site plan, for consideration, review and approval or disapproval by the planning commission.

8. Zoning Letter or Written Information Request
\$25.00

3.130. Buffer Strips and Landscaping Requirements

D. Additional Requirements

1. Transitional Screening

The Transitional Screening Matrix indicates which type of screening will be required **for each land use and zoning transition. This is applied according to the chart below, which is used** when more restrictive land uses abut the less restrictive use.

Transitional 1

Apartments **R-3** - Single Family **R-1, R-2**
Mobile Homes Apartments

Transitional 2

Mobile Homes **C-1, C-2, C-3** - Single Family
Industrial - Residential
C-1, C-2, C-3

Transitional 3

Mobile Homes **R-4** - **R-1, R-2, R-3, C-1, C-2, C-3**
C-1, C-2
Industrial - Residential **R-1, R-2, R-3, R-4**

3.140 Outdoor display and outdoor storage

B. Outdoor storage is allowed in the C-1, C-2, C-3, C-4, I-1, I-2, I-3, and G zoning districts, unless specifically prohibited. Outdoor storage must be located behind the principal structure away from the public right-of-way. In the case of a lot with multiple road frontages, outdoor storage must be located away from all public rights-of-way. Parking per Section 4.010 must be provided.

4.070. Standards for Signs

G. Variances

1. Generally

The Board of Zoning Appeals may grant variances for the following reasons:

- a. To allow a setback for a sign that is less than the required setback.
- b. To allow the area or height of a sign to be increased by up to 25 percent of the maximum height or area allowed.
- c. To allow an additional sign, if property borders two public streets.**

2. Standard of Review

The Board of Zoning Appeals shall consider applications for variances only in situations where the applicant ~~has been~~ **would be** denied a sign permit by the codes enforcer.

J. Standards and Criteria

~~10. C 1, and C 3 Districts~~

~~a. Zoning Lots With One Establishment. Any establishment located on a zoning lot with one establishment may erect signs as follows:~~

~~(1) Number maximum of 2 signs, but in no case shall two freestanding signs be allowed on the same zoning lot.~~

~~(2) Types wall, monument, pole, projecting, awning, canopy, or marquee.~~

~~(3) Maximum Sizes and Heights:~~

~~i. Wall or Marquee Sign. Three (3) square feet of sign area per linear foot of building~~

~~frontage on which the sign or signs are to be attached, up to a maximum of 100 square feet in area for all wall or marquee signs.~~

~~ii. Pole Sign. Maximum of 24 square feet in area. The top of the sign shall not exceed 20 feet in height and the base of the sign shall be at least seven feet above the ground.~~

~~iii. Monument Sign. Maximum of 32 square feet in area. The height of a monument sign shall not exceed 5 feet.~~

~~iv. Projecting Sign. Maximum of 12 square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than 16 feet above the ground. The base of all projecting signs shall be no less than 8 feet above the ground. Projecting signs shall not project from the exterior wall of a building more than 4 feet.~~

~~v. Awning or Canopy Sign. Maximum of 16 square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.~~

~~b. Gasoline Stations. Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:~~

~~(1) Changeable Fuel Price Signs. Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be included in determining the sign area for the business.~~

~~(2) Gas Pump Signs. Each gas pump shall be permitted a total of one square foot of sign area to identify the product dispensed.~~

~~c. Theaters. Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy~~

~~board displaying the name(s) and time(s) of the current motion picture or theatrical production.~~

11. C-1, C-2, C-3, C-4, I-1, I-2 and 1-3 Districts

b. Multiple Establishments on Single Zoning Lots. Multiple establishments on single zoning lots may erect one monument sign with a maximum size of 32 square feet and height of 5 feet or one pole sign with a maximum size of 125 square feet and height of 30 feet. In addition, each establishment located on a single zoning lot with two or more establishments may erect one sign as follows:

(1) Type - wall, projecting, awning, canopy, **directory**, or marquee.

(2) Maximum Size and Height:

i. Wall or Marquee Sign. Three (3) square feet of sign area per linear foot of building frontage on which the sign or signs are to be attached, up to a maximum of 100 square feet in area for all wall or marquee signs.

ii. Projecting Sign. Maximum of 12 square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than 16 feet above the ground. The base of all projecting signs shall be no less than 8 feet above the ground. Projecting signs shall not project from the exterior wall of a building more than 4 feet.

iii. Awning or Canopy Sign. Maximum of 16 square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

iv. **Directory Sign. Maximum of 16 square feet in area. The height of the sign shall not exceed 5 feet.**

L. Prohibited Signs

The following are expressly prohibited unless specifically stated otherwise in this ordinance:

Animated and Moving Signs. Including signs which revolve or rotate and incorporate any noisy mechanical device, propellers, discs, and searchlights.

Flashing Signs. Any signs that include lights which flash, blink, or turn and off intermittently, not including time and temperature signs or holiday decorations in a residential zone.

Glaring Signs. Signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Administrator.

Obscene Signs. Obscene means the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; the average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and, the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Wooden or Hand-Painted Signs. Wooden and hand-painted signs shall not be granted a sign permit. Signs shall have a professional appearance, and material and manner of print must be provided to the permit technician.

ARTICLE V

ZONING DISTRICTS

SECTION

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Zoning of Annexed Territory
- 5.050 Specific District Regulations

5.010. Classification of Districts. For the purpose of this ordinance, the following zoning districts are hereby established in the City of La Vergne, Tennessee:

Zoning Districts

Agriculture	A
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3

High Density Residential - Zero Lot Line	R-3Z
Mobile Home Residential	R-4
Planned Density Residential	PDR
<u>Restricted Commercial</u>	<u>C-1</u>
Highway Service	C-2
Neighborhood Service	C-3
<u>Commercial Office</u>	<u>C-4</u>
Light Industrial	I-1
Heavy Industrial	I-2
Industrial District - Special	I-3
<u>Government</u>	<u>G</u>
Floodway	F-1
 <u>Overlay Districts</u>	
<u>Waldron/Murfreesboro Road Streetscape District</u>	<u>W</u>
<u>South Waldron Streetscape District</u>	<u>S</u>

5.020. Zoning Map. The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Official Zoning Map of La Vergne, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted Official Zoning Map and amendments thereto shall be maintained in the Office of the City Recorder and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030. Zoning District Boundaries. Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the La Vergne Board of Zoning Appeals.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

5.040. Zoning of Annexed Territory. Concurrent with the annexation of additional territory into the City of La Vergne shall be the zoning of that property and the amending of the official zoning map in accordance with the provisions of Section 7.090 of this ordinance. The Planning Commission shall make a recommendation to the City Commission as to the appropriate zoning classifications for the property.

5.050. Specific District Regulations. The following regulations shall apply in the **sixteen (16) zoning districts established in Section 5.010 of this ordinance, the two (2) overlay districts established in Section 5.056., and the charts shown in Section 5.057. of this ordinance.**

5.051. A, Agricultural District

A. District Description

The Agricultural District established by this ordinance is designed to provide a low density residential environment, having some or no access to public water and sewerage services. This district is designed to protect agricultural and other low density residential areas from heavy traffic and incompatible land use which would otherwise be a hindrance to such agricultural and low-density residential land use.

B. Uses Permitted

In the A, Agricultural District, the following use and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwelling.
3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
4. Customary incidental home occupations as regulated in Article IV, Section 4.040.
5. Agriculture.

C. Uses Permitted as Special Exceptions

In the A, Agricultural District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Day care centers.

4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.

D. Uses Prohibited

Mobile home parks; billboards and similar advertising structures; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the A, Agricultural District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

Area	20,000 sq. ft.
Area Per Family	20,000 sq. ft.
Lot Width at Building Setback Line	100 feet

2. Minimum Yard Requirements

Front setback	40 feet
Side	15 feet
Rear	15 feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all building including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

5.052. Residential Districts. The Residential districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

- A. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population with due allowance for the need for a choice of sites and building types;
- B. To protect residential areas, as far as possible against heavy traffic and against through traffic of all kinds;
- C. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
- D. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;
- E. To provide for access of light and air to windows and for privacy by control over the spacing and height of buildings and other structures;
- F. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences.
- G. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote tablet of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the values of land and buildings, and to protect the city's tax revenues.

5.052.1 R-1, Low Density Residential District

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by a compatible residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-1, Low-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwelling.
3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
4. Customary incidental home occupation as regulated in Article IV, Section 4.040.

C. Uses Permitted as Special Exceptions

In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Churches.
2. Public and private schools offering general education courses.

3. Public and semi-public recreational facilities and grounds.
4. Utility facilities (without storage yards) necessary for the provision of public services.
5. Government buildings and community centers.
6. Cemeteries.
7. Home Day Care.

D. Uses Prohibited

Mobile homes, mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-1, Low-Density Residential District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

Area	15,000 sq. ft.
Area Per Family	15,000 sq. ft.
Lot Width at Building Setback Line	100 Feet

2. Minimum Yard Requirements

Front Setback	40 Feet
Side	15 Feet
Rear	25 Feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any property located within

the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

5.052.2 R-2, Medium Density Residential District

A. District Description

This district is designed to provide suitable areas for medium density single family residential development where complete urban services and facilities are provided or where the extension of such services and facilities shall be physically and economically facilitated.

Most generally, this district will be characterized by single family detached dwellings and such other structures as are accessory thereto. This district is intended also to permit community facilities and public utility installations which are necessary to service specifically the residents of the district, or which are benefited by a compatible residential environment. It is the express purpose of this section to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-2, Medium Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwellings.
2. Customary accessory buildings, including private garages and noncommercial workshops; provided that they are located in the rear yard and not closer than ten (10) feet to any lot line.
3. Customary incidental home occupations as regulated in Article IV, Section 4.040.

C. Uses Permitted as Special Exceptions

In the R-2, Medium Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Churches
2. Public and private school offering general education courses.
3. Public and semi-public recreational facilities.
4. Utility facilities (without storage yards) necessary for the provisions of public services.
5. Government buildings and community centers.
6. Cemeteries.
7. Home Day Care.

D. Uses Prohibited

Mobile homes and mobile home parks; billboards, and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-2, Medium Density Residential District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

Area	10,000 sq. ft.
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Length Width at Building Setback Lines	75 Feet
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2. Minimum Yard Requirements

Front Setback	35 Feet
Side	10 Feet
Rear	20 Feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

5.052.3 R-3, High Density Residential District

A. District Description

This district is designed to provide suitable areas for high density residential development where sufficient urban facilities are available or where such facilities will be available prior to development wherever possible. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single and two family (duplex) detached dwellings. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This district is intended also to permit community facility and public utility installations which are necessary to review and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance that structures and uses having commercial characteristic and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-3, High Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwelling.
3. Duplex dwelling.
4. Multi-family dwelling.
5. ~~Boarding and rooming houses.~~
6. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
7. ~~Home day care.~~
8. Customary incidental home occupations as regulated in Article IV, Section 4.040.

C. Uses Permitted as Special Exceptions

In the R-3, High Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Churches.
2. Public and private schools offering general education courses.
3. **Home day care and** day care centers.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provisions of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Mobile homes.
9. **Boarding and rooming houses.**

D. Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-3, High Density Residential District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size Area

Single Detached Dwelling	10,000 sq. ft.
Duplex Dwelling	12,000 sq. ft.
Multi-Family Dwelling	15,000 sq. ft.

Per Family

Single detached	10,000 sq. ft.
Duplex	6,000 sq. ft.
Multi-Family	3,000 sq. ft.

Lot Width at Building Setback Line

Single Detached	75 Feet
Duplex	100 Feet
Multi-Family	100 Feet

2. Minimum Yard Requirements

Front Setback	35 Feet
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Side Setback

Single Detached Dwelling	10 Feet
Duplex	10 Feet
Multi-Family Dwelling	15 Feet

Rear Setback	20 Feet
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3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any

property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

5.052.4 R-3Z, High Density Residential - Zero Lot Line District

A. District Description

This district is designed to provide suitable areas for medium density residential development where sufficient urban facilities are available or where such facilities will be available prior to development wherever possible. Most generally this district will be characterized by residential structures each containing single and two family (duplex), and multi-family dwellings. This district is intended also to permit community facility and public utility installations which are necessary to review and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance that structures and uses having commercial characteristic and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-3Z, Medium Density Residential Zero Lot Line District, the following uses and their accessory uses are permitted:

1. Duplex dwelling.
2. Multi Family Dwelling
3. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
4. Customary incidental home occupations as regulated in Article IV, Section 4.040.

C. Uses Permitted as Special Exceptions

In the R-3Z, Medium Density Residential Zero Lot Line District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Public and semi-public recreational facilities and grounds.
4. Utility facilities (without storage yards) necessary for the provisions of public services.
5. Government buildings and community centers.
6. Cemeteries.

D. Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-3Z, Medium Density Residential Zero Lot Line District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size Area

Duplex Dwelling	12,000 sq. ft.
Multi Family Dwelling	3,000 sq. ft.

Per Family	
Duplex	6,000 sq. ft.

Lot Width at Building Setback Line	
Duplex	75 Feet
Multi Family	35 Feet

2. Minimum Yard Requirements

Front Setback	30 Feet
Side Setback	

Duplex	10 Feet
Multi Family	10 Feet*
Rear Setback	20 Feet

* Each End of a Multi-Unit Building Must have side setbacks on each end. (Buildings of 3 or more units)

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Home Owners Association

All homes built in the R-3Z zone shall be maintained on the outside by a Home Owners Association and paid for by dues collected by the Association.

7. Aesthetics and conformity

All homes in this zoning district shall conform to the following conditions:

- A. 40 % of house frontage shall be brick.
- B. Driveway must be a hard dustless surface (Concrete / Asphalt type).
- C. All Mailboxes shall match.
- D. All Rooftops shall match as close as possible.
- E. Pedestrian Ways shall be installed.
- F. All utility service lines shall be underground, transmission lines are at the discretion of the Planning Commission.
- G. Property Management Policy shall be approved by the Planning Commission.

H. Greenspaces may be required at the discretion of the Planning Commission.

5.052.5 R-4, Mobile Home Residential District

A. District Description

This district is designed to provide a suitable residential environment exclusively for mobile home dwellings located where sufficient public facilities are available or where facilities will be available prior to development wherever possible. Such districts shall also provided adequate landscaping requirements and buffer areas to protect any adjoining property from adverse impact due to the architectural differences inherent in mobile homes. This class of district is intended also to permit community facilities and public utility installations which are necessary to review the residents of the district, or which installation are benefited by such an environment.

B. Uses Permitted

In the R-4, Mobile Home Residential District, the following uses and their accessory uses are permitted:

1. Mobile homes on individual lots in a mobile home subdivision with a minimum of four (4) acres.
2. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yards and not closer than ten (10) feet to any lot line.
3. Customary incidental home occupations as regulated in Article IV, Section 4.040.
4. Home day care.

C. Uses Permitted as Special Exceptions

In the R-4 Mobile Homes Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Mobile home parks as regulated in Article IV, Section 4.080.
2. Utility facilities (without storage yards) necessary for the provisions of public services.

D. Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as special exceptions.

E. Dimensional Regulations

All uses permitted in the R-4, Mobile Home Residential District shall comply with the following requirements except as provided in Subsection (C)(1) above and in Article VI.

1. Minimum Lot Size

Area	7,000 sq. ft.
Lot Width at Building Setback Line	60 Feet

2. Minimum Yard Requirements

Front Setback	35 Feet
Side	10 Feet
Rear	20 Feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirement

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

5. Parking Space Requirements

As regulated in Article I, Section 4.010.

F. Other Requirements

Where a district is established for the creation of a mobile home subdivision, the minimum area shall be four (4) acres. For the purpose of this ordinance, a mobile home subdivision shall mean a residential

development designed and intended for the sale of lots for occupancy by mobile home dwellings.

5.052.6 PDR, Planned Density Residential District

A. District Description

This district is designed to allow for design flexibility, encourage efficient use of land, and public services and to promote high quality design that will provide a variety of dwelling types, as well as adequate support services and open space for the residents of the development.

B. Uses Permitted

In the PDR, Planned Density Residential District, the following uses and their accessory uses are permitted:

1. Accessory buildings
2. Detached single-family dwellings.
3. Two-family and three-family attached dwellings.
4. Multi-family dwellings.
5. Condominiums / townhouses attached (ownership)
6. Limited Office / Commercial.

C. Density

The specific density will be the same as the density before rezoning.

D. Dimensional Regulations

1. Gross tract size for initial zoning purposes: No less than five (5) acres.
2. Minimum Lot Area and Setbacks. The PDR District provides for a variety of dwelling unit styles and supports uses without restrictions to the lot area, setbacks, and yard requirements provided in other districts: therefore, no minimum lot area is specified. A design booklet must accompany a concept plan delineating setbacks dependant upon the development and its specific needs.

3. **Building to Building Relationships:** All buildings shall be separated by at least ten (10) feet per Municipal Fire Code, unless a firewall is constructed.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

E. Open Space Requirements

1. Required open space shall be as follows:

<u>Residential Density in PDR Tract</u>	<u>% of Gross Site Area as Open Space</u>
1.0 to 3.0 Units per Acre	10
3.1 to 5.9 Units per Acre	15
6.0 or More Units per Acre	20

Useable open space consists of property that is naturally vegetated or revegetated to appear naturally vegetated, or water features held in common ownership or governmental ownership and property that is to remain undeveloped, including properties in the floodway, floodway fringe, water bodies, exceptionally low or wet soils, sinkholes, and steep slopes (15% or greater).

2. Fifty Percent (50%) of the required open-space shall be useable space unless specific justification is provided to the Planning Commission.

3. Streets, driveways and yard spaces provided for the residences may not be counted toward the open space requirement.

4. Open space shall be established on the concept plan with provisions for permanent maintenance either through dedication and acceptance by the City of La Vergne for public use, or by dedication to an entity identified for permanent maintenance.

5. Open space property shall be described and identified by location, size, use and improvements on the concept plan prior to dedication to a public or private entity.

6. Open space property shall not be disturbed, graded or cleared

except in conformance with an approved plan.

F. Transitional Buffer Areas.

1. Where a PDR District adjoins a nonresidential district, the buffer area shall be a planted buffer area, following the Transitional Screening 3 requirements in the La Vergne Zoning Ordinance, Section 3.130, subsection (D)(3)(iii).
2. Where a PDR District adjoins a residential district, the buffering shall follow the Transitional Screening 2 requirements in the La Vergne Zoning Ordinance, Section 3.130, subsection (D)(2)(b)(ii).
3. If sufficient design considerations are made the above-referenced transitional buffer areas can be waived by the Planning Commission.

G. Additional Requirements.

1. A concept plan (Article III, 3-101, City of La Vergne Subdivision Regulations) and a copy of the Draft development's homeowner bylaws / restrictive covenants shall accompany all rezoning applications for a PDR District.
2. Approval / Rejection of any PDR zoning application by the Board of Mayor & Alderman shall be based upon the concept plan recommended (favorably or unfavorably) by the Planning Commission. The Planning Commission shall have the right to recommend, favorably or unfavorably, the concept plan if it feels that the PDR does not meet the requirements or area.
3. After the rezoning application is approved by the La Vergne Board of Mayor & Aldermen, if any subdividing is proposed, the property shall be subdivided, following the guidelines as set by the respective legislation by Tennessee Code Annotated and the La Vergne Subdivision Regulations. The Planning Commission shall have the right to turn down the preliminary and final plats if it the plats do not substantially meet the intent of the concept plan.
4. Uses shall be permitted only in the locations shown on the approved concept plan. Development of the property shall not begin until grading permits have been approved for that portion of the property. Should alterations or changes present a substantial departure from the approved concept plan, an amendment is required to be approved by the Planning Commission.

5. In order to provide diversity and to avoid long rows of attached dwelling units, no more than five (5) contiguous townhouse units shall be allowed with the same setbacks. Variations in building setback must be a least two (2) feet unless Architectural design allows for sufficient diversity in appearance.
6. Condominiums and town-houses (ownership) shall be recorded in accordance with Tennessee Code Annotated, Sections 66-27-120 through 66-27-123.
7. Signs shall be governed by Section 4.070 in the City of La Vergne Zoning Ordinance.
8. **Attached and multi-family residences shall be limited to 50% of the residential development. This must be indicated on the concept plan. No single phase of development may have more than 60% attached or multi-family development.**

H. Concept Plan Requirements.

Concept plans shall be prepared by a professional engineer, professional architect, registered land surveyor, or registered landscape architect.

The applicant may add other information to the concept plan or in a design booklet, if the applicant wishes. Supporting information may include details pertaining to the proposed improvements, to the dimensions, landscaping details, building elevations and other information as may be appropriate. Significant modifications to the concept plan or design booklet after the public hearing by the Board of Mayor and Aldermen may warrant another public hearing. Conditions placed upon a concept plan are considered requirements, and fully enforceable as ordinance requirements.

I. Standards for Retail and Office.

1. The development shall contain fifty (50) or more dwelling units in order to have commercial and retail opportunities.
2. The total square footage of floor area of all commercial and offices uses in the development shall not exceed fifty (50) percent of the total floor area of all dwelling units.
3. The total footprint of any single commercial establishment shall not exceed 3,000 square feet. A variance to this requirement may be granted by the Planning Commission upon sufficient design considerations.

4. Uses shall be limited to: offices, financial institutions, retail shops including grocery stores, personal service establishments, and restaurants (no drive-thru windows).

5.053. Commercial Districts. The Commercial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. The goals include, among others, the following:

- A. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
- B. To both protect and retain service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- C. To protect both retail and service departments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
- D. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of La Vergne and in particular the need for medical services, and the needs of the general public traveling along major highways.
- E. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
- F. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- G. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high density of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.

- H. To promote the most desirable use of land and direction of building development in accord with a well considered plan, to promote stability of commercial development, to strengthen the economic base of La Vergne, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect La Vergne's tax revenues.

5.053.1 C-1, Restricted Commercial District

A. District Description

This district provides for limited commercial uses, many of which are not located in a pedestrian accessible location. C-1 uses are typically a less intensive land use, located along major traffic arteries in outlying areas, and not generally near residential areas. Minimal traffic is usually associated with these districts.

B. Uses Permitted

In the C-1, **Restricted Commercial** District, the following uses and their accessory uses are permitted.

~~2. Utility facilities (without storage) necessary for the provision of public services.~~

~~3. Communication services.~~

1. **Building materials and farm equipment sales, provided there is no outdoor storage with the exception of retail nurseries and farm equipment vehicles.**

2. **Contract construction services provided there is no outdoor storage, with the exception of construction vehicles, which must be screened by an opaque fence, wall, or berm.**

3. **Vehicular and related equipment sales, vehicle rental and delivery, aircraft dealers, boat dealers, recreational, and utility trailer dealers.**

4. **Motorcycle and ATV sales.**

5. **Auto service and repair.**

6. **Automotive tire sales and tire repair.**

7. **Motorcycle, ATV, and other motorized repair shops.**

8. Car washes.
9. Self-storage mini-warehousing.
10. Plant and forest nurseries.
6. Special personal and group care facilities.
7. Equipment rental.
8. Electrical repair.
9. Refrigeration and air conditioning repair.
10. Exterminating service.
11. Taxidermist.
12. Mobile home sales.
13. Flea Markets, pawn shops, and other used merchandise sales.
14. Commercial printing.
15. Gunsmith shops.
16. Furniture repair and reupholstery.
17. Signs and billboards as regulated in Article IV, Section 4.070.

C. Uses Permitted as Special Exception

In the C-1, **Restricted Commercial** District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

- ~~1. Automotive parking lot.~~
1. Day care centers.
2. **Limited manufacturing and warehousing conducted in completely enclosed building, as buffer II screen is provided, and the building does not exceed thirty (30) feet in height.**

3. Transient habitation: Sporting and recreational vehicle camps.

3. Group assembly, race tracks, and drag strips.

4. Automotive parking lots and parking garages

D. Uses Prohibited

Industrial uses; automobile wrecking, junk and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the C-1, **Restricted Commercial** shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

No minimum lot size shall be required in the C-1 District.

2. Minimum Yard Requirements:

Front Setback 35 Feet

Front Yard 20 Feet*

***(Two-thirds of the front yard must be dedicated to landscaping).**

Side Yard 10 Feet

Rear Yard 20 Feet

3. Maximum Lot Coverage: There is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.

4. Height Requirements: **No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.**

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

F. Landscaping Requirements

1. The required front yard, extending from the front lot line, shall be maintained as a permanently open, landscaped area, broken only by permitted driveways.
2. Also as required in Article III, Section 3.130.C.

5.053.2 C-2, Highway Service District.

A. District Description:

This district is designed to provide for a wide range of retail, office, amusement and service uses with adequate space in appropriate locations which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Some light industrial uses involving high performance standards are also allowed. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building or proximate residential districts. Appropriate locations for this district is along major traffic arteries, **typically near the central business district.**

B. Uses Permitted

- ~~3. Building materials and farm equipment sales, provided there is no outdoor storage with the exception of retail nurseries and farm equipment vehicles.~~
- ~~4. Contract construction services provided there is no outdoor storage.~~
- ~~15. Professional services (medical).~~
- ~~18. Vehicular and related equipment sales, rental and delivery, excluding aircraft dealers, boat dealers, recreational and utility trailer dealers.~~
- ~~19. Limited manufacturing conducted in completely enclosed building.~~
- ~~22. Community assembly.~~

- ~~23. Health care facilities.~~
- ~~24. Intermediate impact facilities.~~
- ~~25. Special personal and group care facilities.~~
- ~~26. Plant and forest nurseries.~~
- ~~30. Commercial Uses as permitted in the C-1 Zoning District.~~
 1. Cultural and recreational services.
 2. Essential public transport, communication and utility services.
 3. Convenience retail sales and services.
 4. Consumer repair services.
 5. Entertainment and amusement services.
 6. Financial, insurance, real estate and consulting services.
 7. Food and beverage services.
 8. Food service (take out).
 9. Animal care and veterinarian services provided there is no outside housing of animals.
 10. General business services.
 11. General personal services.
 12. General retail trade.
 13. Professional services (non-medical).
 14. Transient habitation, such as hotels and motels, excluding sporting and recreational vehicle camps.
 15. Religious facilities.
 16. Wholesale sales provided there is no outdoor storage.
 17. Mortuaries and Funeral Homes.

18. Day Care Centers.
19. Self-Storage Mini-Warehousing, providing that the self-storage mini-warehousing facility and any associated development, including, but not limited to office facilities and outdoor storage, must be located a minimum of 220 feet from any road frontage, measured in a straight line from the nearest edge of road pavement to the nearest point of the self-storage mini-warehousing facility.
20. **Public and private schools offering general education courses.**
21. **Postsecondary education institutions.**
22. **Clubs, lodges, fraternal, and non-profit organizations.**
23. **Nursing homes, assisted living facilities, and retirement centers.**
24. **Beauty salons and barber shops.**
25. **Gas stations.**
26. **Antique stores.**
27. **Gift shops.**
28. **Florists.**
29. **Pet shops.**
30. **Furniture and home furnishing stores.**
31. **Bookstores.**
32. **Bakeries.**
33. **Drugstores.**
34. **Grocery stores.**
35. **Department stores.**
36. **Clothing stores.**
37. **Shoe stores.**

- 38. **Jewelry stores.**
- 39. **Sewing shops.**
- 40. **Laundromats and dry cleaning services.**
- 41. **Household appliance stores.**
- 42. **Hardware stores.**
- 43. **Signs as regulated in Article IV, Section 4.070.**

C. Uses Permitted as Special Exceptions

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as a special exception after review and approval in accordance with Article VIII, Section 8.060.

- ~~1. Limited manufacturing and warehousing conducted in completely enclosed building, as buffer II screen is provided, and the building does not exceed thirty (30) feet in height.~~
- ~~2. Transient habitation: Sporting and recreational vehicle camps.~~
- ~~3. Group assembly, other than race tracks and drag strips.~~
- 1. **Amusement parks and fairgrounds.**
- 2. **Golf course and driving ranges.**
- 3. **Skating facilities.**
- 4. **Commercial sports arenas, stadiums, and playing fields.**
- 5. **Vehicular and related equipment sales, other than vehicle rental and delivery, aircraft dealers, boat dealers, recreational, and utility trailer dealers.**
- 6. **Automotive tire sales and tire repair.**

D. Uses Prohibited

Industrial uses, automobile wrecking recycling, junk or salvage yards, vehicle storage areas, uses not specifically permitted or permitted as a special exception.

E. Dimensional Regulations

All uses permitted in the C-2, Highway Service District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

No minimum lot size shall be required.

2. Minimum Yard Requirements

Front Setback	35 Feet
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Front Yard	20 Feet*
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*(Two-thirds of the front yard must be dedicated to landscaping).

Side Yard	10 Feet
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Rear Yard	20 Feet
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Building Setback	35 Feet
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3. Maximum Lot Coverage

Provided landscaping and parking requirements are met there is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-2 District.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

F. Landscape Requirements

1. The required portion of front yard, extending from the front lot line shall be maintained as a permanently open, landscaped area broken only by permitted driveways.

2. Also as required in Article III, Section 3.130.C.

5.053.3 C-3, Neighborhood Service Business District.

A. District Description:

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas, most typically near the central business

_____. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. Live/work units where residential dwellings comprise the stories above the first floor commercial uses are encouraged. The bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, cafés, drugs, dry goods, ~~and notions or hardware, gas stations.~~ **gift shops, antiques, bookstores, florists, clothing, and hobby, toy, or game stores.**
2. Personal service establishment which performs services on the premises such as repair shops **for household items** (radio, television, shoe and etc.), beauty parlors or barbershops, **financial, insurance, real estate, consulting services,** and self-service laundries.
3. Signs as regulated in Article IV, Section 4.070.
4. Upper story residential dwellings.
5. **Hotels and motels.**
6. **Professional medical offices.**
7. **Professional services (non-medical).**
8. **Religious facilities.**
9. **Cultural and recreational services.**
10. **Essential public transport, communication and utility services.**

11. Signs as regulated in Article IV, Section 4.070.

C. Uses Permitted as Special Exceptions

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Day care centers.
2. ~~Auto repair.~~
- 2. Uses permitted in the C-2 and C-4 zoning districts.**

D. Uses Prohibited

In the C-3, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor and package stores.

E. Dimensional Regulations

All uses permitted in the C-3, Neighborhood Service Business District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size: The minimum lot size in the C-3 District shall be 15,000 square feet.
2. Minimum Yard Requirements:

Front Setback	<u>20</u> Feet*
<u>Front Yard</u>	<u>10 Feet</u>
<u>(Two-thirds of the front yard must be dedicated to landscaping).</u>	
Side Yard	20 Feet**
Rear Yard	20 Feet

*Front Setback is reduced to 10 feet for structures with upper story residential dwellings if parking is located on-site behind the structure or on the street in front of the structure (where permitted on the street and where designated by signage).

**Side yard reduced to 0 feet for C-3 adjoining any Commercial Zoning District when a unified development with shared parking is designed.

3. Maximum Lot Coverage: On any lot or parcel of land, the footprint occupied by all buildings including accessory buildings, may not exceed sixty (60) percent of the total area of such lot or parcel.
4. Height Requirements: No building shall exceed ~~thirty-five (35)~~ **fifty (50)** feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.
5. Density
7.00 dwelling units per acre (approximately half of R-3)

F. Landscaping Requirements

1. The required portion of the side and rear yard, extending from the lot line, shall be maintained as a permanently open, landscaped area broken only by permitted driveways.
2. Also as regulated in Article III, Section 3.130.C.

G. Parking Requirements: The total parking required for a development may be reduced by 10% if residential dwellings comprise the upper stories of a building.

H. Design Guidelines for Upper Story Residential Structures

1. There shall be no blank walls facing public streets. Principal building entrances shall face the primary street serving the development.
2. Ground floor facades at these locations shall be articulated to provide visual interest and a pedestrian scale. Such facades shall employ the use of windows, columns, awnings, entrances, storefront windows, and other animating features along no less than 60 percent of their length.
3. The upper story residential portion shall be articulated to provide visual interest along no less than 40 percent of the façade length and be differentiated from the commercial portion below. Such facades shall employ the use of windows, columns, variation of material, awnings, shutters, and other animating features.

5.053.4 C-4, Commercial Office District

A. District Description

~~This district is designed specifically for planned development shopping centers. It is designated in order to encourage and facilitate commercial developments on large tracts of land and to discourage "strip" development along thoroughfares. As the area continues to grow there will be an increasing demand for "mall" type development. It is important to ensure land is available and is the proper location for safety and convenience.~~

This district is designed to provide adequate space in appropriate locations suitable for accommodating the population needs of medical, personal services, and uses broadly ancillary thereto; and to provide for financial services as well as professional offices. In addition, limited commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting this district.

~~Community facilities and utilities necessary to serve this district, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in this district, in part, are designed to maximize compatibility with lesser intense use of land or building in proximity residential districts.~~

B. Uses Permitted

In the C-4 Commercial Office District the following uses are permitted:

1. ~~Retail Trade~~
 - a. ~~Apparel and accessories.~~
 - b. ~~Furniture, home furnishings and equipment.~~
 - c. ~~General merchandise.~~
 - d. ~~Hardware and farm equipment.~~
 - e. ~~Drugs, antiques, books, sporting goods, garden supplies, jewelry.~~
2. ~~Signs and billboard as regulated in Article IV, Section 4.070.~~
3. ~~Personal services.~~
4. ~~Business services.~~
5. ~~Repair services, except automotive.~~
6. ~~Government services.~~

~~7. Educational services.~~

1. **Professional medical offices.**

2. **Professional services (non-medical).**

3. **Government services.**

4. **Financial, insurance, real estate and consulting services.**

5. **Hospitals.**

6. **Essential public transport, communication and utility services.**

7. **Signs as regulated in Article IV, Section 4.070.**

C. Uses Permitted as Special Exceptions

In the C-4 **Commercial Office District**, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

~~1. Gasoline service station subject to the provisions of Article IV, Section 4.060.~~

~~2. Automotive repairs.~~

~~3. Automotive, marine craft, aircraft and accessories.~~

1. **Uses permitted in the C-2 and C-3 zoning districts.**

D. Uses Prohibited

Industrial uses, truck terminals, junk yards, including automobile wrecking and salvages, uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the C-4, **Commercial Office District** shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

40,000 **15,000** square feet

2. Minimum Yard Requirements

Front	40 Feet <u>20 Feet</u>
<u>(Two-thirds of the front yard must be dedicated to landscaping).</u>	
Side	15 Feet <u>10 Feet</u>
Rear	15 Feet <u>20 Feet</u>

3. Maximum Lot Coverage

~~Floor area ratio shall not exceed fifty (50) percent.~~

On any lot or parcel of land, the footprint occupied by all buildings including accessory buildings, may not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirement

~~No maximum height shall be imposed in the C-4 District unless the property is located within the Smyrna Airport Restricted Height Boundary. These properties must also comply with the height restrictions as provided in Article V, Section 5.060.~~

Height Requirements: No building shall exceed fifty (50) feet in height, except as provided in Article VI, Section 6.030. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.

5. Parking Space Requirement

~~In addition to the provisions of this ordinance regulating parking spaces and loading areas (Section 4.010 and 4.020), the following provisions shall apply to parking and loading areas for uses permitted in the district:~~

- ~~a. All off-street parking lots and loading areas shall be surfaced with asphalt or concrete and so constructed to provide for adequate drainage.~~
- ~~b. Each parking space shall be approximately marked with painted lines or curbs.~~
- ~~c. Entrances and exits onto and off of a public street shall be paved with a hard surface, dustless material for a distance~~

~~which is at least the equivalent of the required front building setback line measured from the property line at which the access point is located.~~

- ~~d. Circulation and parking layout. An automobile storage area and adequate servicing driveways shall be provided within the boundaries of a shopping center. Space to the rear of shops shall not be considered usable by the public and shall be credible to fifty (50) percent of the number of required parking spaces for employees. An exception to this requirement may be made by the Planning Commission, if a shopping center is the central mall type. In such case all sections of the required automobile storage area shall be provided with adequate connection to internal driveways and means of ingress and egress to the public streets.~~
- ~~e. Off street parking. Each shop shall be provided with a rear or side entrance that is accessible to a servicing driveway. Loading and unloading facilities shall be arranged so that trucks will not block the passage of other vehicles on servicing driveways, nor extend into other private or public driveways, or streets for vehicular circulation.~~

~~6.5.~~ Landscaping Requirements

The required front yard, extending from the front lot line, shall be maintained as a permanently open, landscaped area, broken only by permitted driveways. The refuse disposal area and storage containers shall be maintained in such manner as to meet local health requirements, and shall be screened from view. A landscaped area of one hundred square feet shall be required for every twenty-five (25) parking spaces. (See Section 3.130C).

5.055. G, Government District (Formerly C-1 zoning district)

A. District Description

This district provides for governmental uses, and community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structures to permit maximum freedom of pedestrian movement. Relative high density and intensity of use is permitted in this district.

B. Uses Permitted

In the G, Government District, the following uses and their accessory uses are permitted.

1. Government owned buildings, community centers, and recreation areas.
2. Utility facilities (without storage) necessary for the provision of public services.
3. Communication services.
4. Educational services.
5. Signs and billboards as regulated in Article IV, Section 4.070.

C. Uses Permitted as Special Exception

In the G, Government District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Automotive parking lot or parking garage.

D. Uses Prohibited

Industrial uses; automobile wrecking, junk and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the G, Government District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

No minimum lot size shall be required in the G District.

2. Minimum Yard Requirements:

<u>Front Yard</u>	<u>20 Feet</u>
<u>(Two-thirds of the front yard must be dedicated to landscaping).</u>	
<u>Side Yard</u>	<u>0 Feet</u>
<u>Rear Yard</u>	<u>20 Feet</u>

3. **Maximum Lot Coverage:** There is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the G District.
4. **Height Requirements:** The maximum height of all buildings located in the G District shall be established as follows, except as provided in Article VI, Section 6.030.
 - a. The maximum building height at the street line shall be four (4) stories or fifty (50) feet.
 - b. For each foot the building is set back from the street line, the height of the building may be increased by 1.5 feet to a maximum height of sixty-five (65) feet.
 - c. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Article V, Section 5.060.
5. **Parking Space Requirements:** As regulated in ARTICLE IV, SECTION 4.010.

F. Landscaping Requirements

1. The required front yard, extending from the front lot line, shall be maintained as a permanently open, landscaped area, broken only by permitted driveways.
2. Also as required in Article III, Section 3.130.C.

5.056 OVERLAY DISTRICTS

A. Description

The purpose of an overlay district is to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the urban setting, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of this title. Application of this special overlay district shall be limited to areas requiring specialized design standards either to maintain and reinforce an established form or character of development, or to

achieve a specific design objective for new development. Any application for an urban design overlay district shall include design goals and objectives that embody this purpose and intent.

B. Overlay Designation

All overlay districts established by this title shall be made a part of the official zoning map of the City of La Vergne. An urban design overlay district shall be depicted as a geographical area on the official zoning map. Boundaries indicated on the official zoning map shall approximately follow platted lot lines or deeded property lines, and shall be interpreted as being coincident with those lines.

C. Permitted Land Uses

The range of land uses permitted within an urban design overlay district shall be those afforded by the underlying zoning district(s) as established by the zoning district land use.

D. Development Incentives

To promote the inclusion of properties within an urban design overlay district for the purpose of achieving specified design objectives, the enacting ordinance may establish development incentives for each district.

E. Amendments to the Overlay District

The La Vergne Board of Mayor and Aldermen may amend the boundary of the overlay district by means of majority vote. Rezoning applications may be initiated by the property owner and submitted to the La Vergne City Planner. The rezoning procedure and fees shall follow those of a standard rezoning.

5.056.1 Waldron\Murfreesboro Road Streetscape District

A. Intent and Purpose

The purpose of this district is to enhance the development standards for the two major transportation corridors in La Vergne. This district, when combined with appropriate underlying zoning, intends to encourage pedestrian-oriented commercial areas near residential districts and mixed-use development. Architectural standards shall be applied to all development within this district.

B. Design and Development Standards

For all new development or redevelopment within the Waldron\Murfreesboro Road Streetscape District, the following standards apply:

1. **Access and Parking:**
 - a. **Parking areas should be located to the rear and side of the main structure, where possible. Parking lots in the front of a main structure are prohibited, unless specifically allowed by the Planning Commission.**

2. **Sidewalks:**
 - a. **Sidewalks should be connected to parking areas and all entrances adjacent to the building.**

3. **Outdoor Lighting:**
 - a. **Street - To maintain adequate visibility for pedestrians and drivers at night, the developer or property owner shall be encouraged to install ornamental street lighting in the area of the development fronting a public street where overhead utilities are not in conflict. The lighting should meet the Illuminating Engineers Society of North America (IESNA) and local standards for lighting and shall be installed to a uniform design standard approved by the Planning Commission. The poles shall have a maximum of 25 feet and a minimum of 16 feet in height and be located in the buffer strip of directly behind the sidewalk at intervals sufficient to prevent excessive dark spots for pedestrians and drivers.**

 - b. **Pole and Luminaries - Decorative pole should be black, traditional in style, durable and cost effective. Poles shall be rated for banners, accommodate banner arms, and meet all standards of the Tennessee Department of Transportation and be of a single uniform design standard and specifications approved by the Planning Commission. Luminaries shall be metal halide or color corrected high-pressure sodium. To reduce light pollution, luminaries should be semi-cutoff. Streetlights must be black decorative dual lamps, such as the Holophane Washington Series WE15AHPMAB3B6H-PS, noted in the Nashville Electric Service Streetlight Design Manual, or the Holophane Arlington Series ARU100HPMABG3T, as noted in the Middle Tennessee**

Electric Membership Corporation Streetlight Design Manual. Parcels with road frontage along public streets other than Waldron or Murfreesboro Roads may use a single lamp, such as a Hadco Acorn or a Holophane Granville (residential) or the Holophane Washington Series (commercial). Cobrahead lights are not to be considered ornamental and shall not apply.

Figure 5.056-1



Holophane Washington Series

Figure 5.056-2



Hadco Acorn Fixture

4. **Landscaping/Beautification:**
 - a. **Street trees** - Trees shall be planted in the sidewalk area, in front of the building, and where possible either between the street curb and the sidewalk, or between the sidewalk and the building. The Planning Commission may determine the type, caliper, and location of the trees. Trees should not interfere with street lighting or overhead utilities. In the event that overhead utilities exist, understory trees, hedges, shrubs, or combination thereof may be used.
 - b. **Canopy Trees** – Canopy trees are required to be a minimum 4” caliper within this district.
 - c. **Street furniture** – The planning commission may require a developer to provide benches, trash receptacles, and/or bicycle racks to serve the business on the right-of-way abutting the business. Bench specifications shall meet all ADA requirements, and companion seating for wheelchairs should be provided next to at least 50% of all benches.
5. **Utility Provisions:**

- a. **All new electric, telephone, and similar distribution lines and wiring serving the district shall be installed underground. In addition, there shall be no overhead wiring to serve newly developed or redeveloped lots in the district. The placement of any utilities within the public sidewalk shall be coordinated with the locations of proposed street trees.**

6. **Noise:**

- a. **In instances where the Planning Commission determines that a new commercial development site plan or redevelopment or reuse of the existing building and lot may create objectionable noise or a nuisance to any adjacent property, additional sound buffers such as brick walls may be required by the Planning Commission to mitigate noise.**

7. **Exterior:**

- a. **Buildings should clearly articulate the ground floor from any upper stories. Windows, doors, shutters, columns, and/or masonry detailing is encouraged. Awnings, if used, should be canvas. Plastic, metal, or aluminum awnings are prohibited unless otherwise allowed by the Planning Commission.**
- b. **High quality materials shall be used on all buildings. The building should have an exterior façade (excluding windows, trim, and doors) predominantly comprised of brick and/or stone (minimum 75%). Use of concrete block, split-face block, other related concrete-masonry block materials, manufactured/pre-cast panels, and vinyl or aluminum siding is prohibited. Colors should be compatible with surrounding buildings.**

C. **Additional Site Plan Requirements:**

- 1. **Color Elevation Drawings: Drawings should show height, design, and exterior treatments of buildings as required in this district.**
- 2. **Exterior Lighting: Location and lighting patterns of exterior lighting should be provided. This may be shown as a separate sheet on a site plan submittal.**

3. **Miscellaneous:** Applicant shall place any other requirement, such as use of underground utilities, on the site plan as required by the Planning Commission.

D. Exclusions:

The Planning Commission may waive requirements in this district for site plans showing a building addition not exceeding 10% and/or a change of use for an existing building (if acceptable hardship is presented for either circumstance). Site plans for parking lot additions shall only be subject to location requirements of this district. Rear and side parking is required unless site conditions do not allow, in which case the Planning Commission may exempt the applicant from this requirement.

E. Impact Fee Credits:

1. Certain types of development encourage and increase pedestrian movement and decrease congestion on local roadways.

Road impact fee credits may be provided at seventy five percent (75%) of the actual cost of the construction. The itemized bill for construction must be stamped by a professional engineer and provided to the Planning and Engineering Department for review and submittal to the Finance Department. Road impact fee credits may be available in the form of a refund after construction for sites having all of the following:

- a. Pedestrian courts/promenades for multiple businesses and/or used for outside seating, which must be linked to sidewalks along roads.

Figure 5.056-3



Pearl Street, Boulder CO

Figure 5.056-4



**Charlottesville, VA
Pedestrian Mall**

- b. Street lighting.

5.056.2 **South Waldron Development District**

A. **Intent and Purpose**

The purpose of this district is to enhance the development standards for the primary open land area that remains in La Vergne, located south of I-24. This district, when combined with appropriate underlying zoning, intends to encourage pedestrian-oriented commercial areas near residential districts and mixed-use development. Architectural standards shall be applied to all development within this district.

B. **Design and Development Standards**

For all new development or redevelopment within the South Waldron Development District, the following standards apply:

1. **Access and Parking:**

- a.** **Parking areas should be located to the rear and side of the main structure, where possible. Parking lots in the front of a main structure are prohibited, unless specifically allowed by the Planning Commission.**

2. **Sidewalks:**

- a.** **Sidewalks should be connected to parking areas and all entrances adjacent to the building.**

3. **Outdoor Lighting:**

- a.** **Street - To maintain adequate visibility for pedestrians and drivers at night, the developer or property owner shall be encouraged to install ornamental street lighting in the area of the development fronting a public street where overhead utilities are not in conflict. The lighting should meet the Illuminating Engineers Society of North America (IESNA) and local standards for lighting and shall be installed to a uniform design standard approved by the Planning Commission. The poles shall have a maximum of 25 feet and a minimum of 16 feet in height and be located in the buffer strip of directly behind the sidewalk at intervals sufficient to prevent excessive dark spots for pedestrians and drivers.**

- b. **Pole and Luminaries** - Decorative pole should be black, traditional in style, durable and cost effective. Poles shall be rated for banners, accommodate banner arms, and meet all standards of the Tennessee Department of Transportation and be of a single uniform design standard and specifications approved by the Planning Commission. Luminaries shall be metal halide or color corrected high-pressure sodium. To reduce light pollution, luminaries should be semi-cutoff. Streetlights must be black decorative dual lamps, such as the Holophane Washington Series WE15AHPMAB3B6H-PS, noted in the Nashville Electric Service Streetlight Design Manual, or the Holophane Arlington Series ARU100HPMABG3T, as noted in the Middle Tennessee Electric Membership Corporation Streetlight Design Manual. Parcels with road frontage along public streets other than Waldron or Murfreesboro Roads may use a single lamp, such as a Hadco Acorn or a Holophane Granville (residential) or the Holophane Washington Series (commercial). Cobrahead lights are not to be considered ornamental and shall not apply.

Figure 5.056-1



Holophane Washington Series

Figure 5.056-2



Hadco Acorn Fixture

4. **Landscaping/Beautification:**

- a. **Street trees** - Trees shall be planted in the sidewalk area, in front of the building, and where possible either between the street curb and the sidewalk, or between the sidewalk and the building. The Planning Commission may determine the type, caliper, and location of the trees. Trees should not interfere with

street lighting or overhead utilities. In the event that overhead utilities exist, understory trees, hedges, shrubs, or combination thereof may be used.

- b. **Canopy Trees** – Canopy trees are required to be a minimum 4” caliper within this district.
- c. **Street furniture** – The planning commission may require a developer to provide benches, trash receptacles, and/or bicycle racks to serve the business on the right-of-way abutting the business. Bench specifications shall meet all ADA requirements, and companion seating for wheelchairs should be provided next to at least 50% of all benches.

5. **Utility Provisions:**

- a. All new electric, telephone, and similar distribution lines and wiring serving the district shall be installed underground. In addition, there shall be no overhead wiring to serve newly developed or redeveloped lots in the district. The placement of any utilities within the public sidewalk shall be coordinated with the locations of proposed street trees.

6. **Noise:**

- a. In instances where the Planning Commission determines that a new commercial development site plan or redevelopment or reuse of the existing building and lot may create objectionable noise or a nuisance to any adjacent property, additional sound buffers such as brick walls may be required by the Planning Commission to mitigate noise.

7. **Exterior:**

- a. Buildings should clearly articulate the ground floor from any upper stories. Windows, doors, shutters, columns, and/or masonry detailing is encouraged. Awnings, if used, should be canvas. Plastic, metal, or aluminum awnings are prohibited unless otherwise allowed by the Planning Commission.
- b. High quality materials shall be used on all buildings. The building should have an exterior façade (excluding

windows, trim, and doors) predominantly comprised of brick and/or stone (minimum 75%). Use of concrete block, split-face block, other related concrete-masonry block materials, manufactured/pre-cast panels, and vinyl or aluminum siding is prohibited. Colors should be compatible with surrounding buildings.

C. Additional Site Plan Requirements:

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3. Miscellaneous: Applicant shall place any other requirement, such as use of underground utilities, on the site plan as required by the Planning Commission.

D. Exclusions:

The Planning Commission may waive requirements in this district for site plans showing a building addition not exceeding 10% and/or a change of use for an existing building (if acceptable hardship is presented for either circumstance). Site plans for parking lot additions shall only be subject to location requirements of this district. Rear and side parking is required unless site conditions do not allow, in which case the Planning Commission may exempt the applicant from this requirement.

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Road impact fee credits may be provided at seventy five percent (75%) of the actual cost of the construction. The itemized bill for construction must be stamped by a professional engineer and provided to the Planning and Engineering Department for review and submittal to the Finance Department. Road impact fee credits may be available in the form of a refund after construction for sites having all of the following:

- a. Pedestrian courts/promenades for multiple businesses and/or used for outside seating, which must be linked to sidewalks along roads.

Figure 5.056-3



Pearl Street, Boulder CO

Figure 5.056-4



Charlottesville, VA
Pedestrian Mall

- b. Street lighting.

5.057 CHARTS

5.057.1 Setbacks and Yards

	Front Set.	Side Set.	Rear Set.	Front Yd.	Side Yd.	Rear Yd.
A	40	15	15	0	15	15
R-1	40	15	25	0	15	25
R-2	35	10	20	0	10	20
R-3	35	15/10*	20	0	15/10*	20
R-3Z	30	10	20	0	0	0
R-4	35	10	20	0	10	20
PDR	0**	0**	0**	0**	0**	0**
C-1	35	10	20	20***	10	20
C-2	35	10	20	20***	10	20
C-3	20/10****	20/0****	20	10****	20/0****	20
C-4	20	10	20	20***	10	20
I-1	40	20	20	20	10	15
I-2	40	20	15	10	0	0
I-3	50	150/100/0	150/100/0	0	0	0
G	20	0	20	20	0	20

* **Multi-family units require a 15 foot setback. Single family and duplexes require a 10 foot setback.**

** **PDR districts have open space and fire code requirements.**

*** **2/3 of front yard must be dedicated to landscaping.**

**** **C-3 zone has setback exceptions if certain requirements are met.**

5.058 FLOODWAY AND FLOOD FRINGE DISTRICTS

8.090. Amendments to the Ordinance

B. Amendments to the Zoning Map

10. The City of La Vergne Planning and Engineering Department may initiate a rezoning request for city owned property. Fees will be waived for such a request. Staff must present appropriate materials for presentation to the Planning Commission and Board of Mayor and Aldermen.

8.120. Separability. Should any section, clause, or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

8.121. Liability of Mayor and Aldermen, Planning Commission, and City Employees. Any mayor and aldermen member, member of the planning commission, or city employee charged with the enforcement of this ordinance, acting for the City of La Vergne, in the discharge of his/her duties, shall not thereby render themselves liable personally, and all such persons are hereby relieved from all personal liability and shall be held harmless by the city of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member or city employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the City until the final termination of such proceedings.