

# City of La Vergne



# Zoning Ordinance

**ZONING ORDINANCE  
FOR  
LA VERGNE, TENNESSEE**

**FEBRUARY 6, 1990  
(Adopted)**

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**ARTICLE I**  
**ENACTMENT**

**SECTION**

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose
- 1.050 Development Review Fees and  
Development Approval Procedure

1.010. Authority. An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the City of La Vergne, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020. Title. This ordinance shall be known as The Zoning Ordinance of La Vergne, Tennessee, dated February 6, 1990. The zoning map shall be referred to as the Official Zoning Map of La Vergne, Tennessee, and all explanatory matter thereof.

1.030. Enactment. Whereas, Section 13-7-201 through 13-7-401 of the Tennessee Code Annotated empowers the city to enact a zoning ordinance and to provide for its administration enforcement, and amendment, and

Whereas, the City Commission deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the city to enact such an ordinance, and

Whereas, all the requirements of Section 13-7-201 through 13-7-401 of the Tennessee Code Annotated with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the City Commission have been met;

Now Therefore Be It Ordained by the City Commission that the Zoning Ordinance of La Vergne, Tennessee, be Enacted into Law.

1.040. Purpose. The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- a. enhancing the character and stability of residential, business, commercial and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing overcrowding of land;
- c. conserving the value of land and buildings;
- d. minimizing traffic hazards and congestion;

- e. preventing undue concentration of population;
- f. providing for adequate light, air, privacy and sanitation.
- g. reducing hazards from fire, flood and other dangers;
- h. assisting in the economic provision, utilization and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools and emergency services;
- i. encouraging the most appropriate uses of land;
- j. enhancing the natural, man-made and historical amenities of La Vergne, Tennessee.

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.

1. Rezoning Request

\$300.00

2. Concept Subdivision Plan

\$100.00

3. Preliminary Subdivision Plat

\$100.00 plus \$20.00 per dwelling unit or lot.

4. Construction Drawings

\$50.00 plus \$10.00 per dwelling unit or lot.

5. Final Subdivision Plat

\$100.00 plus \$25.00 per dwelling unit or lot.

6. Site Plan

\$100.00 plus \$.02 per square foot for nonresidential buildings.

- B. Applicants shall contact the staff planner or Codes Enforcer to schedule a pre-application conference. It shall be the responsibility of the applicant to become familiar with the regulations, policies and procedures of the city.

**ARTICLE II**  
**DEFINITIONS**

**SECTION**

- 2.010 Scope
- 2.020 Definitions

2.010. Scope. For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used."
- F. The word "lot" includes the words "plot" or "parcel."

2.020. Definitions. The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not hereby defined shall have their standard dictionary definition or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADULT DAY CARE HOME: A place providing or designed to provide a structured program of personal care and activities offered for less than twenty-four hours a day for more than four but less than eight adults who may not be capable of full independent living as a result of physical disability, developmental disability, emotional impairment, and/or frailty resulting from advanced age.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURE USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests and woods; provided, however, all health codes of La Vergne, Tennessee, are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

AGRICULTURE ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principle building and all necessary buildings exclusive of uncovered porches, terraces and steps.

ASSISTED LIVING FACILITY: A residential home or facility licensed by the State of Tennessee Department of Health typically for aged occupants who are primarily unrelated and need help with the activities of daily living, such as meals, medication, and grooming. This includes retirement facilities and homes for the aged. This does not include rehabilitation/transitional homes and rehabilitation centers.

AUTOMOTIVE DISMANTLERS AND RECYCLERS: Any person, firm, association, corporation, or resident or nonresident who is engaged in the business and/or providing facilities for the purposes of recovering parts from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles with said parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

AUTOMOBILE DISMANTLING: The dismantling, storage, sale or dumping of used motor vehicles, trailers or parts thereof.

AUTOMOBILE REPAIR: any building, structure, improvements, or land used for the general repair, adjusting, overhauling, removing, replacing, rebuilding, or reconditioning of automobiles and engines, including but not limited to body, frame or fender straightening or repair, welding, painting, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of



automobiles, in whole or in part. No abandoned vehicles shall be stored on the premises. No vehicle to be repaired shall remain on the premises more than forty-five days.

AUTOMOBILE SERVICE: means any building, structure, improvements, or land used for the replacement of any part, or repair of any part, to an automobile that does not require removal of the engine head or pan, engine transmission or differential, including, but not limited to oil change and lubrication, cooling, electrical, fuel and exhaust systems, wheel alignment and balancing, brake adjustment, relining and repairs, mufflers, batteries, new tire services and sales, shock absorbers, upholstery, installation of stereo equipment, car alarms or cellular phones, but excludes dismantling, rebuilding, reconditioning, or salvage of automobiles, in whole or in part. No abandoned vehicles shall be stored on the premises. No vehicle to be serviced shall remain on the premises more than forty-five days.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half(1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BOARD: The La Vergne, Tennessee Board of Zoning Appeals.

BREWERY: A facility where beer and ale are brewed.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards and the building setback line.

BUILDING COMMISSIONER: The Codes Enforcer for the city of La Vergne.

BUILDING FACE: All window and wall area on the front, side, or rear of a building or structure, determined by the Codes and Planning Departments.

BUILDING FRONT: The length of a building that faces a public or private way, as determined by the Codes and Planning Departments.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**BUILDING OFFICIAL:** The officer or other designated authority charged with administration and enforcement of this ordinance, or duly authorized representative.

**BUILDING SETBACK LINE, SIDE:** A line delineating the minimum allowable distance between the side property line and a building on a lot (other than for permitted accessory structures).

**BUILDING SETBACK LINE, FRONT:** A line delineating the minimum allowable distance between the street right-of-way or if an official future street right-of-way has been established from that future street right-of-way line and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

**BUILDING SETBACK LINE, REAR:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures).

**BUSINESS AND COMMUNICATION SERVICES:** The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multicopy and blueprinting services, custom printing, but excluding the printing of books other than pamphlets and small reports.

**CAMPING GROUND:** A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by camping trailers, tents, movable or temporary dwellings, rooms or sleeping quarters of any kind.

**CANOPY TREE:** A tree that would occupy the upper canopy of a forest in a natural ecological situation. These trees often are referred to as shade trees. Examples include beech, hickory, oak, maple and tulip trees.

**CARNIVAL:** A traveling amusement show or festival that usually includes rides, games, and sideshows.

**CEMETERY:** A place used to inter the remains of human dead. A cemetery may include a single burial plot or a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of such. A cemetery may include a funeral home, or facilities for cremation, or both if such home or facility are located and operated completely within the boundaries of the cemetery and accessory to the cemetery.

**CHANGE OF USE:** Change of the existing occupancy classification of a building or structure or portion thereof requiring a change in the certificate of occupancy, and/or a change to a use requiring a different parking ratio. Any addition of outdoor storage or display shall also constitute a change in use. This shall not apply to Home Occupations.

**CIRCUS:** entertainment typically held in an area, often covered by one or more tents, used for variety shows usually including feats of physical skill, wild animal acts, and performances by clowns.

CLINIC: See Medical Facility.

COMMISSION: The City Commission of La Vergne, Tennessee.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care, and includes the operation of self-service laundromats, but excludes other apparel cleaning and repair services.

CORRECTIONAL FACILITY: A state-approved facility for the housing and care for primarily unrelated individuals legally confined for violations of the law.

COVERAGE: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf courses, riding, club house, pool, dining facilities, lounge.

CUL-DE-SAC COURT: Only that portion of a cul-de-sac or dead-end street designed and utilized for the traffic turnaround.

DAY CARE CENTER: Any place, home, or institution, licensed and inspected annually by the State of Tennessee's Department of Human Services, that receives more than twelve (12) young children for less than 24 hours a day, for the purpose of cultivating the normal aptitude for exercise, play, observation, initiation, and education.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drill operations. Agricultural activities, such as plowing, cultivating or gardening activities, are not included in this definition of development.

DISTRIBUTIVE BUSINESS/WHOLESALE: means the sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom and office space within tenant areas, with the showroom and office area not exceeding fifty percent of the total floor area permitted on the parcel.

DISTRICT: Any section or sections of the area lying within La Vergne, Tennessee, for which the regulations governing the use, density, bulk, height and coverage of buildings and other structures are in force.

DWELLING: A building or part thereof used as habitation under one of the following not all related by blood, marriage or adoption, occupying the premises and living as a single, nonprofit, housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be

deemed to include domestic servants employed by said family.

- a. Single detached dwelling means a building and accessories thereto principally used, designed or adapted for use by a single family.
- b. Duplex dwelling means a building and accessories thereto principally used, designed or adapted for use by two (2) families, the living quarters of each of which are completely separate.
- c. Apartment dwelling means a building and accessories thereto principally used, designed or adapted for use as occupancy by three (3) or more families each of which has separate living quarters. This includes triplexes and quadruplexes.
- d. Rooming house means a building and accessories thereto principally used, designed or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities. The maximum stay shall be fourteen (14) consecutive days.
- e. Boarding house, or bed and breakfast, means a building and accessories thereto principally used, designed or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities. The maximum stay shall be fourteen (14) consecutive days.
- f. Town house means a residential structure containing three or more single nondetached dwelling units separated by a common vertical wall.
- g. Condominium means an apartment building or townhouse containing three or more dwelling units being under or intended for separate ownership for each household living accommodation.
- h. Multi-family means a townhouse or apartment dwelling.
- i. Triplex dwelling means units designed for use by three families located on the same tract in one ownership.
- j. Quadruplex dwelling means four units designed for use by four families located on the same tract in one ownership.
- k. Prefabricated dwelling means a single, detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to such systems with the modular home label issued by the Department of Commerce and Industry, State of Tennessee, attached to the dwelling. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum floor area of 600 feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such structure meets the above stated requirements it shall qualify as a single, detached dwelling.
- l. Mobile home or trailer means a vehicular portable structure built on a chassis, designed for year-round occupancy and designed to have no foundation (but not prohibited) other than wheels, jacks or skirting sand which is capable of being moved, towed or transported by another vehicle, with the mobile home label issued by the United States Department of Housing and Urban Development attached to the dwelling.

FACADE: The entire building face, including the parapet, windows, doors, canopy, and roof on any complete elevation.

FAMILY: One or more persons related by blood, marriage or adoption, or a group not all related by blood, marriage or adoption, occupying the premises and living as a single, nonprofit, housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

FAMILY CRISIS SHELTER: A facility operated by a public or private agency providing temporary housing for individuals or families who are displaced from their homes by an urgent event, such as a fire, flood, or incidence of family violence.

FORTUNE TELLING: The service provided by fortune tellers, clairvoyants, hypnotists, spiritualists, palmists, phrenologists, or other mystics endowed with supernatural powers.

FUNERAL HOME: An establishment engaged in undertaking services, such as preparing the human dead for burial, and arranging and managing funerals.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but butane or propane fuels) or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The Rutherford County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME DAY CARE: Any place, home, or institution, licensed and inspected annually by the State of Tennessee's Department of Human Services, that receives between five (5) and twelve (12) young children for less than 24 hours a day, for the purpose of cultivating the normal aptitude for exercise, play, observation, initiation, and education. Homes having fewer than five (5) children shall be considered an accessory use.

HOME OCCUPATION: See Section 4.040

HOMELESS SHELTER: A state-approved temporary residence for homeless individuals or groups who are primarily unrelated.

HOSPITAL: See Medical Facilities.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

KENNEL/STABLE: any lot, building, structure or premises used for the boarding, breeding, training, and/or raising of domestic animal/wildlife (excluding livestock), whether by owners of such animals or by persons providing facilities and care, whether or not for compensation, but shall not apply to the keeping of animals in a municipal animal pound, pet store, a bona fide laboratory for scientific or experimental purposes (e.g. dental, veterinary, pharmaceutical or biological) or in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.

LANDFILL, SANITARY: the burial of nonhazardous and non-medical farm, residential, institutional, commercial or industrial waste.

LIGHT INDUSTRY: Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of industrial wastes, psychological effects and generation of motor vehicle traffic.

LOADING SPACE: An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance providing for the standing, loading or unloading of a truck or other vehicle.

LOT: A piece, plot or parcel of land in one ownership which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this ordinance.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimensions of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

- a. Nursing Home: a state licensed facility providing full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves and require skilled nursing and related medical services.
- b. Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
- c. Hospitals: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities, such as services and staff offices which are an integral part of the facility.
- d. Public Health Center: A facility utilized by a health unit for the provision of public health services.
- e. Hospice: an establishment that provides for the physical and emotional needs of terminally ill individuals.

MEDICAL WASTE FACILITY: means a facility used to store and/or repackage medical waste for transportation to a processing facility.

MENTAL HEALTH FACILITY: a use operated by a public or private agency, which provides a program of services for primarily unrelated individuals who are deficient in mental functions.

MICROBREWERY: means the production of beer, regardless of the percentage of alcohol by volume (ABV), in quantities not to exceed five thousand (5,000) barrels per month, with a barrel containing thirty-one U.S. liquid gallons.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection or other placement of any floor, including a basement floor.

MINING. The extraction of mineral substances from the earth.

MOBILE HOME PARK: Any area, tract, site or plot of land where upon mobile homes as herein defined are placed, located or maintained in single ownership for rental purposes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

MOBILE RECYCLING CENTER: A receptacle used for the collection and accumulation of recyclable materials.

MORTUARY: An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions or detrimental effects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

OUTDOOR DISPLAY: The placement of goods for sale outside of a building or structure.

OUTDOOR STORAGE: The placement of materials or equipment outside of a building or structure for the purposes of storing the materials or equipment for future use.

OVERLAY DISTRICT: An area having special design standards in addition to the underlying zone, further defined in Section 5.056 of the La Vergne Zoning Ordinance.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access and for entrance and exit.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PAWNSHOP: any building, room, space or portion thereof where a pawnbroker regularly conducts business, as regulated by Title 45, Chapter 6, of the Tennessee Code Annotated.

PEDESTRIAN COURT / PROMENADE: A landscaped concrete walkway adjacent to and typically separating commercial or civic buildings. Pedestrian courts or promenades, which also may be referred to as plazas, may contain a fountain, statue, gazebo, pavilion, bench, or any combination thereof.

PLANNED UNIT DEVELOPMENT: A single planned area of land which (1) has both individual building sites and common property such as a park and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Planned unit developments consist of relatively large, inter-related developments located on a single tract of land. Cluster developments and mixed use developments of all types are planned unit developments.

PLANNING COMMISSION: The La Vergne Municipal Planning Commission.

PLAT: A map, plan or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.



**PRIVATE WASTEWATER TREATMENT:** Individual subsurface sewage disposal systems (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the local health office.

**PROFESSIONAL OFFICE:** The office of a physician, dentist, attorney, architect, engineer, planner, accountant or similar professions.

**PUBLIC SQUARE:** A landscaped open space bordered by public ways on at least three sides. Public squares have sidewalks, and may contain a civic building, fountain, statue, gazebo, pavilion, bench, or any combination thereof.

**PUBLIC USES:** Public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**PUBLIC WASTEWATER SYSTEMS:** A municipal, community or utility district sewerage treatment and disposal system of a type approved by the State of Tennessee Department of Health and Environment and the Public Service Commission.

**PUBLIC WATER:** A municipal, community or utility district water treatment and distribution system of a type approved by the State of Tennessee Department of Health and Environment and the Public Service Commission.

**PUTRESCIBLE WASTE:** material which is capable of undergoing the process of decomposition resulting in the formation of malodorous byproducts.

**QUARRY.** An open excavation for obtaining building stone, slate, limestone, or other mineral substances. The process of removal can include blasting, crushing, screening, sizing and conveying of the material. The material derived is usually sold on a commercial basis.

**RECYCLING COLLECTION CENTER:** a drop-off facility for the temporary assemblage of small recyclable materials, which must be non-putrescible waste.

**RECYCLING FACILITY:** a facility, other than a facility open to the public to receive recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse of a solid waste may not be used in a manner that would constitute solid waste disposal.

**RECYCLABLE MATERIAL:** Aluminum cans, plastic, glass, paper, and cardboard items which may be recycled for remanufacturing or reprocessing of similar materials.

**REHABILITATION/TRANSITIONAL HOME:** A residence used for the purposes of rehabilitating the disabled, including people from correctional facilities, mental institutions, and alcoholic and drug rehabilitation centers, which are operated by a public or private agency to house individuals they deem capable of living and functioning within the community and may provide professional guidance. These

residences house eight (8) or fewer primarily unrelated people, and are defined as a single family residence by T.C.A. 13-24-102.

REHABILITATION CENTER: A facility housing primarily unrelated individuals not in accordance of T.C.A. 13-24-102, which is used for the purposes of rehabilitating the disabled, including people from correctional facilities, mental institutions, and alcoholic and drug rehabilitation centers, which are operated by a public or private agency to house individuals they deem capable of living and functioning within the community and may provide professional guidance.

RIGHT-OF-WAY: The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets the right-of-way shall be thirty (30) feet from the street center line. On all arterial streets the right-of-way shall be forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of La Vergne.

ROADWAY: The actual road surface, including necessary road shoulders and drainage facilities, including ditches and curbs and gutters, which is used to transport motor vehicles.

SALVAGE YARD: Any establishment or place of business which is maintained, used, or operated as a principal, accessory or ancillary use for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. One or more such vehicles will constitute a salvage yard. This definition includes junk yards and wrecking yards having various other items. This definition for salvage yard does not include automobile dismantlers and recyclers, recycling centers, or vehicle storage areas.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State of Tennessee Department of Health and Environment.

SCRAP OPERATION: the storage, processing and/or sale from the premises of used or waste material, including automotive dismantlers and recyclers, where a person, firm, association, corporation, or trust resident or nonresident, is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks, which have been wrecked or otherwise rendered inoperable as transportation vehicles with the parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms or other emergencies.

SHOPPING CENTER: A group of compatible commercial establishments planned, developed and managed as a unit with automobile storage area provided on the property; the center must also be related in location, size and type of the shop to its trade area.

**SPECIAL EXCEPTION:** A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards or qualifying conditions.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

**STREET:** A public road, highway or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

**STRUCTURE:** Any combination of materials, including building, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things signs, billboards and fences.

**SUBSTANCE CONTROL CENTER:** A center for the treatment of primarily unrelated individuals for substance abuse, such as those for the treatment for the abuse of non-prescription drugs and alcohol.

**TITLE LOAN:** any building, room, space or portion thereof where a business operates that makes loans in exchange for possession of the certificate of title to property or a security interest in titled property, as regulated by Title 45, Chapter 15, of the Tennessee Code Annotated.

**TOXIC MATERIALS:** Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

**TRAVEL TRAILER:** A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses.

**TRAVEL TRAILER PARK:** A plot of land designed and equipped to accommodate travel trailers for short periods of time.

**UNDERSTORY TREE:** A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, holly and dogwood.

**UNIT FRONT:** The length of a portion of building, divided by interior walls or divisions, that faces a public or private way, as determined by the Codes and Planning Departments.

**USE:** The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

VEHICLE STORAGE AREA: A holding location for the storage of either recovered or repossessed vehicles in operable or inoperable condition. This also includes operable or inoperable vehicles awaiting adjustment or settlement of insurance claims or motor vehicles that have been impounded by a governmental law enforcement agency. Motor vehicles in holding areas shall neither be dismantled nor crushed.

VEHICULAR SALES AND SERVICE, LIMITED: the retail or wholesale sale of motorcycles, trucks and vans, recreational vehicles, boats, or similar motorized recreational equipment, along with incidental service or maintenance related to boat dealers, motorcycle dealers, and recreational vehicle dealers.

WASTE DISPOSAL: means a combination of structures, machinery or devices at a place or facility which receives solid waste taken from public or private collection vehicles or from individuals and which is placed in other transportation units for movement to another solid waste management facility or landfill. The facility may also provide for the sorting, processing and temporary storage of recyclable items.

YARD: An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

YARD, FRONT: The required open landscaped space measured between the front lot line and the nearest point of the principal building or parking lot and between the side lot lines.

YARD, REAR: The required open landscaped space measured between the rear lot line and the nearest point of the principal building or parking lot and between the side lot lines.

YARD, SIDE: The required open landscaped space measured between the side lot line and the nearest point of the principal building or parking lot and between the front yard and the rear yard.

**ARTICLE III**  
**GENERAL PROVISIONS**

**SECTION**

- 3.010 Scope
- 3.020 Only One Principal Building On Any Lot
- 3.030 Lot Must Abut A Public Street
- 3.040 Rear Yard Abutting A Public Street
- 3.050 Corner Lots
- 3.060 Future Street Lines
- 3.070 Reduction In Lot Area Prohibited
- 3.080 Obstruction To Vision At Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Site Plan Requirements
- 3.120 Solar Orientation
- 3.130 Buffer Strips and Landscaping Requirements

3.010. Scope. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

3.020. Only One Principal Building On Any Lot. In agricultural and residential districts, only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot. This provision does not prohibit multi-family dwellings.

3.030. Lot Must Abut a Dedicated or Public Street. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least fifty (50) feet, abut at least thirty (30) feet on cul-de-sac courts, or abut at least fifty (50) feet on a street shown on a final subdivision plat as approved by the La Vergne Planning Commission, unless another frontage provision is provided for in individual zoning district regulations.

3.040. Rear Yard Abutting A Public Street. When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050. Corner Lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

3.060. Future Street Lines. For the purpose of providing adequate space for the future widening of streets, required setbacks or front yards shall be determined by the right-of-way as shown on the most current official Major Thoroughfare Plan of La Vergne.

3.070. Reduction In Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3.080. Obstruction To Vision At Street Intersection and Railroad Intersections Prohibited. On a corner lot in any district, except the Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and height of ten (10) feet above the average grade of each street and/or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict of reducing the points of contact, the following regulations shall apply:

- A. In residential districts, a point of access for vehicles on to a street shall not exceed thirty (30) feet in width. In non-residential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width, provided that they do not exceed fifty (50%) percent of their respective road frontage. All points of access shall be constructed as to provide for proper drainage of property and public streets. A minimum of an eighteen (18) inch approved culvert shall be provided at the ditch line.
- B. There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collector or arterial streets this minimum shall be forty (40) feet.
- D. No curb on city streets or rights-of-way shall be cut or altered without written approval of the La Vergne Street Superintendent, and if a state highway, a permit also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.100. Accessory Use Regulations. The use of land, buildings and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.

- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of uses of such principal use.
- E. Total accessory use in residential areas shall be limited to covering no more than one-half the size of the principal use on any lot.

In addition, all accessory structures must be detached and shall be further regulated according to the current principal use. The maximum lot coverage for any zoning district shall not be exceeded. The maximum allowable square footage shall apply as a per lot total for all accessory buildings:

- 1. For principal residential use parcels, the maximum size shall be 1,500 square feet.
- 2. For principal commercial and industrial use parcels, the maximum size shall be 1,500 square feet.
- 3. Agricultural accessory structures are allowed in conjunction with parcels having principal agricultural uses as defined in Article 2.020 on parcels of land at least three (3) acres in size. These structures shall not exceed 5,000 square feet for one or multiple structures.

3.110. Site Plan Requirements. The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use and adapting to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular types of development proposals, to the La Vergne Municipal Planning Commission in accordance with the following procedures. All site plans shall expire two (2) years after the date of approval.

- A. Proposals for construction or location of one or more principal structures, buildings and activities on a lot (with the exception of individual single-family and two-family dwellings), including any change of use requiring a different parking ratio or different occupancy classification, shall be submitted at a scale no smaller than 1"=100' and indicate:
  - 1. The actual shape, location and dimensions of the lot;
  - 2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structure already on the lot;
  - 3. The existing and intended use of the lot and of all such structures upon it, including for residential activities, the number of dwelling units the building is intended to accommodate;
  - 4. Topographic features (contours not greater than 5 foot intervals);

5. Location of all driveways and entrances;
6. Location of all accessory off-street parking areas to include a site plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided;
7. Location of all necessary off-street loading berths;
8. Location of open space;
9. Building setbacks and other yard requirements, floor area and building heights;
10. Position of fences and walls (material specified);
11. Position of screen planting (type of planting specified);
12. Location, type and size of proposed signs;
13. Proposed means of surface drainage;
14. Location of all easements and rights-of-way;
15. Location and availability of servicing utilities;
16. Location of areas subject to flooding;
17. Trees:
  - a. Appropriate locations of tree masses and natural hedgerows;
  - b. General description of the principal species of trees and range of sizes within tree masses;
  - c. Approximate location and identification of trees fifteen (15) inches in caliper or larger measured from six (6) inches above the ground;
18. Identification of slopes twelve (12) to twenty (20) percent or greater and identification of soils on slopes (taken from a generalized soil map); and
19. Selected profiles demonstrating the adaptability of proposed buildings and structures to site conditions in areas where cutting and filling is proposed to exceed five (5) feet from natural grade.



- 20. Sidewalks as detailed in Article 4, Section 4-108 of the La Vergne Subdivision Regulations. Six (6) foot sidewalks or a fee-in-lieu are required on site plans.
  - 21. Public right-of-way, if dedication is needed, must be recorded at the Rutherford County Register of Deeds no more than ten (10) business days after La Vergne Planning Commission approval. A copy of the recorded document must be provided to the City Planner. Building permits and/or certificates of occupancy will be withheld until the copy of the recorded document is provided to the City. Failure to provide this can result in nullification of site plan approval.
- B. Proposals for mobile home parks shall follow separate provisions outlined elsewhere in this ordinance.
  - C. Application form must be filled out completely, including all contact information for all parties listed. The property owner must sign the application, or the written and signed certification of the owner permitting a representative to sign on the owner's behalf must be on or with the application and be notarized.
  - D. A written description of the project explaining the site plan proposal.
  - E. The above applications must be supported by any other information or data as might be deemed necessary by the La Vergne Planning Commission.
  - F. The site plan must be accompanied by a Compact Disc (CD) with a digital version of the site plan or emailed to the city planner.
  - G. Any submittal without all of the above information will not be accepted by the City of La Vergne for processing, except that, with regard to the requirements set forth in parts one (1) through nineteen (19) of paragraph A of this section, failure to meet the requirements as set forth therein shall not be a basis for the rejection of a submittal but may be considered by the Planning Commission in determining whether or not a submittal is approved or denied.

3.120. Solar Orientation. Solar energy devices shall be subject to the setback and height limitations affecting dwellings, buildings and other major improvements. The use of solar energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure or an independent structure. In order to maximize solar access, whenever possible, the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on a east/west axis to the greatest possible extent in order that all lots be oriented with the greatest dimension on a north/south axis. Whenever possible lot orientation from the north/south axis should vary no more than twenty (20) degrees from the north/south axis. There shall be no device between the front yard setback line and the principle structure.

3.130. Buffer Strips and Landscaping Requirements. The purpose and intent of this section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the recreation of a convenient, attractive and harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the character of an area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate use of land. More specifically this section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this section is intended to require the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; and to enhance the blighted appearance of parking lots.

- A. The provisions of this section shall apply to all developments where site plans are filed and shall also pertain to buffer strips as required.
- B. Provisions for administration shall be as follows:
  - 1. Following the adoption of this ordinance no site plan shall be approved which does not meet the landscaping requirements pertaining to it.
  - 2. No application for a zoning change shall be recommended for approval by the planning commission nor approved by the city commission unless such application demonstrates that the provisions of this section pertaining to buffering and screening can be met.
  - 3. No site development plan shall be approved for any use located along the boundary of any zoning district unless such site development plan is in compliance with the buffering and screening provisions set out in this section.
  - 4. The planning commission shall not recommend and the Board of Zoning Appeals shall not approve any request for a conditional use permit unless and until such request demonstrates that the provision of this section pertaining to buffering and screening of such use can be met.
  - 5. The landscaping measures as required by this and as approved on the landscaping plan submitted in conformance with these provisions shall be completed according to specifications prior to issuance of any use and occupancy permit.

C. General Requirements

<u>Type of Development</u>	<u>Minimum Number Trees/Shrubs</u>	<u>Minimum Size</u>
Residential Per Lot	1 Canopy Tree 1 Understory Tree	2.5" Caliper 1.5" Caliper

Non Residential Per Acre	3 Canopy Trees 3 Understory Trees 15 Shrubs	2.5" Caliper 1.5" Caliper 18" High
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D. Additional Requirements

1. Transitional Screening

The Transitional Screening Matrix indicates which type of screening will be required when more restrictive land uses abut the less restrictive use.

Transitional 1

Apartments Mobile Homes	Single Family Apartments
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Transitional 2

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

C-1,C-2, Industrial	Residential
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2. Buffer strips and transitional screening shall be subject to the following:

- a. Transitional screening and barriers shall be provided along all zoning district boundaries and all boundaries separating any special exceptions from permitted uses.
- b. Transitional screening shall be located along the outer perimeter of a lot or parcel and shall extend to the lot or parcel boundary line. The required minimum yard may be utilized to provide transitional screening. There shall be three (3) different transitional screening requirements as identified on the matrix, which shall be provided as follows:
  - i. Transitional Screening 1. Shall consist of an unbroken strip of open space a minimum of twenty-five (25) feet wide and planted with:

One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen with an ultimate height of 20 to 40 feet for every five linear feet, or with the approval of the Codes Enforcer one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet plus one

medium evergreen with an ultimate height of 20 to 40 feet for every five linear feet.

- ii. Transitional Screening 2. Shall consist of an unbroken strip of open space a minimum of 35 feet wide and planted with:

One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen with an ultimate height of 20 to 40 feet for every five linear feet, plus one deciduous tree with an ultimate height of 50 feet or greater for each 30 linear feet, or with the approval of the Codes Enforcer one large deciduous tree with an ultimate height of fifty (50) feet or greater for every 15 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every five linear feet, plus one small deciduous tree with an ultimate height of 20 feet for each 12 linear feet.

- iii. Transitional Screening 3. Shall consist of an unbroken strip of open space a minimum of 50 feet wide planted with:

One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen with an ultimate height of 20 to 40 feet for every five linear feet, plus one deciduous tree with an ultimate height of 50 feet or greater for each 30 linear feet, plus one medium evergreen shrub with an ultimate height of 12 feet or less for every 15 linear feet, or with the approval of the planning commission, one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every five linear feet, plus one small deciduous tree with an ultimate height of 20 feet for each 12 linear feet, plus seven medium evergreen shrubs with an ultimate height of 12 feet or less for each 10 linear feet.

- 3. A performance bond shall be required to cover all landscaping. The bond will be released after two (2) years if all landscaping has met the appropriate standards and is in good condition.

#### E. Modifications and Waivers

Transitional screening and barriers may be waived or modified by the planning commission in any of the following circumstances. Conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this section may be attached. When requirements are waived or modified the

planning commission shall require the dedication of landscaping to designated public areas.

1. Transitional screening may not be required between uses that are to be developed under a common development plan or series of development plans within a planned unit development district or a common site plan.
2. Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening and/or barriers may be waived or modified by that planning commission where the side of a building, barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.
3. Transitional screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping technique.
4. Transitional screening may be modified or waived where the subject property abuts a railroad or limited access highway right-of-way or existing tree masses and natural hedge rows.
5. The planning commission may issue or modify the barrier requirements where the topography of the lot providing the transitional screening and the lot being protected is such that a barrier would not be effective.
6. Transitional screening may be waived or modified for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.
7. In certain unusual circumstances of topography, such as soil which is not conducive to landscaping purposes, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the planning commission may require the use of an earth berm or more specialized fence material inn lieu of, or in combination with, any of the transitional screening requirements.

F. Landscaping Maintenance

1. The owner, or his agents, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.
2. If in the opinion of the Codes Enforcer the landscaped area is not maintained, a written notice shall be delivered to the owner, or his agent. The owner or his agent, shall be given sixty (60) days to bring

the area into healthy condition. If at the end of sixty (60) days conditions are not improved a daily fine shall begin accruing as set by the Codes Enforcer.

3.140 Outdoor display and outdoor storage. Outdoor display and outdoor storage are permitted, subject to the following limitations:

- A. Outdoor display is allowed within all Commercial and Industrial zoning districts. Outdoor display shall be limited to no more than one half the length of the storefront, and within 20 feet of the structure, except for large motorized items which are difficult to store inside, such as vehicles. In addition, there shall be no display in a driveway, fire lane, loading area, right-of-way, or on any city owned sidewalk located in a right-of-way or easement. Parking per Section 4.010 must be provided.
- B. Outdoor storage is allowed in the C-2, C-4, I-1, I-2, and I-3 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.
- C. Outdoor storage must be adequately screened with opaque material 6' tall or taller. The screen must be located within or beside a 5' wide landscape buffer area. Acceptable opaque materials include wood fences, brick/concrete/stucco walls, and dense evergreen vegetation. If dense evergreen vegetation is used, a fence must also be constructed and it may be chain link or other material. The vegetation must be on the outside of the fence line.
- D. Items allowed to be stored outdoor include equipment and materials used in the everyday operations of the principal use on site. No repair work is allowed to take place outdoors. In any case where an area to be used for outdoor storage abuts a residential zoning district, the outdoor storage shall be located as far away from the residentially zoned lots as possible.
- E. Vehicular storage areas must adhere to the principles above, the zoning districts that specifically allow this use, and to Section 4.090 where applicable.

## ARTICLE IV

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupation
- 4.050 Fall-Out Shelter Restrictions
- 4.060 Gasoline Service Station Restrictions
- 4.070 Standards For Signs, Billboards, and Other Advertising Structures
- 4.080 Development Standards For Mobile Home Parks
- 4.090 Development Standards For Automobile Wrecking, Junk and Salvage Yards

#### 4.010. Off-Street Parking Requirements

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be minimally 9 feet x 18 feet for 90-degree parking spaces. One (1) vehicle space shall be minimally 8 feet x 22 feet for parallel parking spaces. Handicapped spaces shall be constructed per guidelines of the Americans with Disability Act (ADA) and shall be required for all uses except single family. All parking spaces shall be provided with vehicular access to a street or an alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below in the Parking Ratio Table. For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals. The amount of ADA spaces shall be provided in accordance with ADA guidelines. When the calculation of the number of required or allowed parking spaces result in fractions, any fraction shall be rounded up to the next whole number.

**Parking Ratio Table**

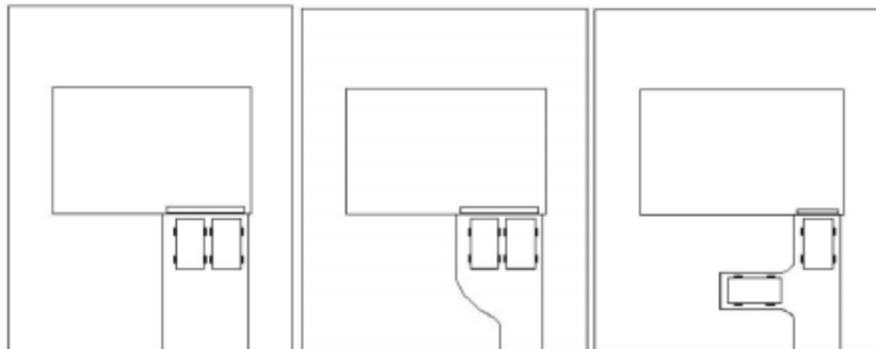
USE CATEGORY	SPECIFIC USE	MINIMUM SPACES REQUIRED
<b>RESIDENTIAL Group Living</b>		
	Assisted Living Residences	0.5 spaces for each dwelling unit, plus 1 space for each 2 employees on maximum shift
	Dwellings for Persons with Disabilities that Preclude Driving	0.25 spaces for each dwelling unit plus 1.5 spaces for each dwelling unit intended to be occupied by support staff
	Rehabilitation Home	.75 spaces for each bedroom

	Rooming, Boarding and Lodging Houses/Bed and Breakfast	.75 spaces for each bedroom
	Senior Citizen or Retirement Facilities	.5 spaces for each dwelling unit, plus 1 space for each 2 employees on maximum shift
<b>RESIDENTIAL Household Living</b>		
	All Dwellings	3 spaces per dwelling unit - A garage may be used to account for a maximum of one space. Driveways must be constructed to allow simultaneous alternate ingress and egress for two vehicles (See Figures 4.1-4.3). The minimum width of a residential driveway shall be 14 feet.

**Figure 4.1**

**Figure 4.2**

**Figure 4.3**



**Above are some examples of simultaneous alternate ingress and egress.**

<b>OFFICE/FINANCIAL</b>		
	Banks, Credit Unions and Related Financial Institutions	1 space for each 300 sq. ft. of gross floor area
	General/Professional Office (excluding medical)	1 space for each 350 sq. ft. of gross floor area
	Medical/Dental/Veterinary Office or Clinic	1 space for each 250 sq. ft. of gross floor area



	Studios for Artist, Designers, Photographers and Similar Professionals	1 space for each practitioner occupying the site on a full time basis, plus 1 space for every student if classes are conducted on the site
	Studios for Audio and Video	2 spaces plus 1 space for each employee on maximum shift
<b>GOVERNMENT</b>		
	Fire Stations	1 space for each employee on the maximum shift
	Libraries, Museums, and similar uses	1 space for each 300 sq. ft. of gross floor area
	Post Office	1 space for each 300 sq. ft. of gross floor area
<b>INDUSTRIAL AND MANUFACTURING</b>		
	Industrial, Wholesale, Warehouses, and Storage Uses	One (1) space per 400 sq. ft. of floor area for office and/or sales, plus one (1) space for every 4,000 sq. ft. of gross floor area.
	Manufacturing	One (1) space for every 1.5 employees on the main shift.
<b>RETAIL</b>		
	Book, Art, Gift, Pet, Music, Flower Shops and Similar Retail Uses	1 space for each 250 sq. ft. of gross floor area
	Convenience Stores and Gas Stations	1 space for each 200 sq. ft. of gross floor area (Parking spaces at gasoline pumps maybe used to satisfy these requirements)
	Department/Discount Stores	1 space for each 300 sq. ft. of gross floor area, plus the requirements for any outdoor sales area
	Furniture Stores	1 space for each 400 sq. ft. of gross floor area
	Greenhouses and Nurseries	1 space for each 300 sq. ft. of gross floor area, plus the requirements for any outdoor sales area

	Grocery Stores	1 space for each 250 sq. ft. of gross floor area
	Hardware/Home Improvement Stores	1 space for each 300 sq. ft. of gross floor area, plus the requirements for any outdoor display or sales area
	Liquor Stores (packaged sales, no consumption on site)	1 space per 250 sq. ft. of gross floor area
	Manufactured/Modular Home Sales	2 spaces for each employee on maximum shift, plus requirements for offices
	Motor Vehicle Sales	One (1) space for each 3,000 sq. ft. of outdoor display/sales area, plus One (1) space for each 750 sq. ft. of interior display/sales area, plus parking requirements for auto service establishment (if applicable)
	Outdoor Display/Sales	1 space for each 500 sq. ft. of outdoor display/sales area
	Pawn Shops	1 space for each 300 sq. ft. of gross floor area
	Pharmacies/Drug Stores	1 space for each 300 sq. ft. of gross floor area used by pharmacist and related waiting areas, plus 1 space for each 250 sq. ft. of gross floor area of retail space
<b>NON-RETAIL COMMERCIAL</b>		
	Auto Rental Agency	1 space for each 400 sq. ft. of gross floor area in the building, plus 1 space for each 2 employees on maximum shift, with a minimum of 5 spaces
	Auto Service Establishments	One (1) space for each 150 sq. ft. of gross floor area.
	Barber and Beauty Shops	1 space for each 250 sq. ft. of gross floor area
	Bingo Halls	1 space for each 100 sq. ft. of gross floor area

	Car Wash - Conveyor Type Operated by Customer	1 space for each conveyor unit or stall plus 1 space for each vacuum unit (stall may count as 1 space)
	Car Wash - Conveyor Type Operated/Washed by Employees	1 space for each 2 employees on maximum shift
	Car Wash - Self-Service Manual Type	2 spaces for each stall, plus 1 space for each vacuum unit (stall may count as 1 space)
	Catering Kitchen preparing food for off-site consumption	2 spaces, plus 1 space for each employee on maximum shift, plus 1 space for each business vehicle
	Electronic and Electrical Repair Service Shop	1 space for each 300 sq. ft. of gross floor area, with a minimum of 3 spaces
	Funeral Parlor	1 space for each 150 sq. ft. of floor area devoted to parlor or assembly area
	Hotels and Motels	1 space for each sleeping room or individual suite of sleeping rooms, plus 1 space for each 250 sq. ft. of gross floor area within the restaurant/bar/entertainment facility (if applicable)
	Ice Cream Parlor/Coffee Shop * outside dining subject to same requirement as inside dining	1 space for each 200 sq. ft. of gross floor area
	Laundromats and Dry Cleaners	1 space for each 300 sq. ft. of gross floor area
	Movie Theaters and Cinemas	1 space for each 4 seats
	Night Clubs, Taverns, Dance Halls, Pool Halls, Banquet Halls, and similar uses	1 space for each 100 sq. ft. of gross floor area
	Pet Grooming and Kennels	3 spaces, plus 1 for each 2 employees on maximum shift, plus 1 space for each 3 pet owners at maximum capacity if animal training classes taught on-site

	Picture Framing, Photo Copying, Tailor Shops and Similar Service Shops	1 space for each 250 sq. ft. of gross floor area, with a minimum of 3 spaces
	Restaurants - Sit-down *outdoor dining area included (with or without drive through windows)	One (1) space for each 150 sq. ft. of gross floor area, or one (1) for every 2.5 seats, whichever is greater.
	Restaurants - Carry-out only with no customer seating (with or without drive-through window)	1 space for each 200 sq. ft. of gross floor area
	Video Rental Stores	1 space for each 250 sq. ft. of gross floor area
<b>RECREATION</b>		
	Arcades, Game Rooms, Go-Cart Facilities and other similar uses	1 space for each 125 sq. ft. of gross floor area
	Bowling Alleys	4 spaces for each alley or lane
	Indoor Athletic and Exercise Facilities/Health Club/Gymnastic, Karate, Yoga Studios and similar facilities	1 space for each 300 sq. ft. of gross floor area
	Public Swimming Pools	1 space for each 100 sq. ft. of water surface areas, plus 1 space for each 50 sq. ft. of site area used for spectator seating
	Skateboard Parks	1 space for each 5 people the facility is designed to accommodate at maximum capacity
	Tennis Centers	One (1) space for each 500 sq. ft. of gross floor area, plus one (1) space for each court
	Amusement Parks	One (1) space for every 200 sq. ft. of gross floor area, plus fifteen (15) spaces for every acre.
	Stadium / Amphitheatre	One (1) space for every four (4) seats.
<b>EDUCATIONAL</b>		

	Day Care Centers, Day Nurseries, Nursery Schools and similar uses	One (1) space for every 250 square feet, plus an area designated for children drop-off and pick-up that must be approved by the Codes and Planning Departments
	Grade, Elementary, and Junior High Schools	2 spaces for each classroom, or 1 space for each 5 seats in the primary assembly area, whichever is greater
	High Schools	5 spaces for each classroom, or 1 space for each 4 seats in the primary assembly area, whichever is greater
	Trade, Business and Other Proprietary Schools	1 space for each 4 classroom seats, plus 1 space for each 3 employees on maximum shift
<b>RELIGIOUS</b>		
*When calculating the required parking for this use, one shall consider all uses associated with the primary use on the site and their hours of operation and peak hours of usage to determine the minimum number of parking spaces needed to adequately serve all uses associated with the primary use. The Planning Director may waive the requirements of this Section if adequate information is provided by the applicant to determine the cumulative parking needs on the site.		
	Churches, Synagogues and similar religious uses - Where permanent seats installed	1 space for each 3 seats in the sanctuary or primary assembly area
	Churches, Synagogues and similar religious uses - Where no permanent seats installed	1 space for each 50 sq. ft. of seating area in the sanctuary or primary assembly area

4.011. Certification of Minimum Parking Requirements. Each application for building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Codes Enforcer to determine whether or not the requirements of this section are met.

4.012. Combination of Required Parking Space. The required parking space(s) for any number of separate use may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use, except that the parking spaces

required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.013. Remote Parking Space. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014. Extension of Parking Space Into A Residential District. Required parking spaces may be extended one hundred (100) feet into a residential district provided that:

- A. The parking space adjoins a commercial or industrial district.
- B. The parking space has its only access to or fronts upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- C. The parking space is separated from abutting properties in the residential districts by a buffer strip.

4.015. Requirements For Design of Parking Lots

- A. Except for parcels of land devoted to single family residences and duplexes, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Except for parcels of land devoted to single family residences and duplexes, all parking lots and spaces shall be covered with a dustless, asphalt material and spaces lined and marked.
- C. Each parking space shall be no less than one hundred sixty-two (162) square feet in area for standard parking spaces on a lot. Each parking space shall be no less than one hundred seventy-six (176) square feet in area for on-street parking..
- D. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.
- E. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- F. All parking lots shall be screened from the road and from adjacent properties using a 3-foot tall screen in the form of an evergreen hedge, a berm, or a masonry wall. This screen must be located within a 5-foot wide landscape buffer area on the perimeter of the parking lot.
- G. Drive aisles should be a minimum of 12 feet in width, unless the Planning Commission finds there are special circumstances in which less than 12 feet is acceptable, at which point they can determine what width is acceptable. If the Planning Commission determines that

12 foot lanes shall be the minimum, and the applicant wishes to proceed with the design using narrower lanes, a variance must be obtained by the applicant.

4.020. Off-Street Loading and Unloading Requirements. Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is not alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area For Principal Building</u>	<u>Spaces Required (See Article II, Definition)</u>
0 to 4,999 sq. ft.	1 Space
5,000 to 14,999 sq. ft.	2 Spaces
15,000 to 19,000 sq. ft.	3 Spaces
Over 20,000 sq. ft.	1 Space for each Additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. The dimension of a loading space shall be as defined in the Definitions section of the Ordinance for large trucks and shall be reduced to the size of a standard parking space for deliveries by light trucks and passenger vehicles.

4.030. Temporary Use Regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Codes Enforcer. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirement, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

- A. Carnival or Circus. May obtain a Temporary Use Permit in the C-1, C-2, I-1, I-2, or F-1 Districts; however, such permit shall be issued for a period of not longer than 15 days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sale. May obtain a 30 day Temporary Use Permit for the display and sale of Christmas Trees on open lots in any district.
- C. Temporary Buildings. In any district, a Temporary Use Permit may be issued for contractors temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one year but may be renewed for six month extensions; however, not more than three extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

- D. Religious Tent Meetings. In any district, a Temporary Use Permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a 30 day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
  
- E. Temporary Dwelling Unit in Cases of Special Hardship. In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena, and in the case of sickness or disability of individual(s) or relatives of the individual(s) residing within the primary residence. The purpose of such placement temporarily shall be to provide shelter for only the residents or their relatives of the principal structure during the period of reconstruction, sickness or disability and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the La Vergne Utilities System and the Rutherford County Health Department when applicable, approving the water supply and sewage disposal systems of the temporary structures. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
  
- F. Fireworks Tent. May obtain a Temporary Use Permit in the C-2, I-1, or I-2 Districts; however, such permit shall be issued for a period of not longer than 15 days. Permits may be issued to allow fireworks tents between June 21<sup>st</sup> and July 5<sup>th</sup> or between December 19<sup>th</sup> and January 2<sup>nd</sup>. Such use shall only be permitted on lots where adequate off-street parking can be provided. All fireworks tents must comply with all requirements of the City of La Vergne. All distribution and sales of fireworks must be made in accordance with T.C.A. Title 68, Chapter 104.

4.040. Customary Incidental Home Occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, engineer, and the like, barber, beauty and tailor shops), conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction except piano instruction, tea rooms, home improvement offices, tourist homes, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050. Fall-out Shelter Restrictions. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than



thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint, shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060. Gasoline Service Station Restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in Article IV, Section 4.070, shall be met.

4.070. Standards for Signs. Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and property. The provisions of this ordinance are made to establish reasonable and impartial regulations for all exterior signs to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to impair the visibility of motorists and pedestrians; to insure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

A. Applicability

These sign regulations shall apply to all exterior signs within La Vergne.

B. Definitions

Awning. Any material such as metal, fabric, or flexible plastic that is supported by or stretched over a factory-manufactured frame and attached to an exterior wall.

Big-Box Retail Development. A large-size, industrial-style retail building or facility with footprints comprising 30,000 square feet or greater.

Codes Enforcer. The designated government official whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs, and enforcing the provisions of this ordinance.

Canopy. An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Copy. Letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Decals. Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishment.

Holiday Decorations. Temporary decorations, clearly incidental to and customarily and commonly associated with any national or local holiday.

Marquee. A permanent structure other than a roof attached to, supported by, and projecting from a building.

Sign. Any structure, device, display or part thereof which may display copy.

- a. Awning Sign: A sign placed directly on the surface of an awning.
- b. Banner. A manufactured sign that is composed of a non-rigid surface such as cloth, fabric, or paper.
- c. Billboard. A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground and supported by a single pole.
- d. Bulletin Board Sign. A particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.
- e. Business Sign: A sign which directs attention to the business or profession conducted on the premises.
- f. Canopy Sign. A sign attached to a canopy.
- g. Changeable Copy Sign. A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign. Signs having changeable copy shall only be allowed in commercial and industrial districts, the commercial portion of a PDR district, and approved special exceptions.
- h. Changeable Fuel Price Signs. Freestanding or portable signs, which may include changeable copy, indicating the current price of fuel dispensed on the premises.
- i. Civic Signs. Signs that identify or provide related information about the community, put in place by the local, state, or federal government. This includes signs in the public right-of-way or private property of the

City of La Vergne, Rutherford County, or the State of Tennessee, or other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historical place, shrine, or hospital. This includes signs used to regulate or direct traffic, denote any railroad crossing, bridge, or other infrastructure are allowed for the direction and safety of the public. These do not include Public Signs.

- j. Directional Sign. A sign that provides on-site directional assistance for the convenience of the public for location of exits, entrances, and parking lots. These signs shall include only one or more of the following: the address, an arrow, and/or the company name or logo.
- k. Directory Sign. A monument or pole sign located in commercial and industrial developments that displays the names and/or addresses of the establishments or uses of a group of buildings or a building, provided there are multiple tenants. A directory sign precludes the use of any other freestanding sign for the zoning lot on the same street frontage.
- l. Fireworks Tent Sign. Sign advertising the temporary sales of fireworks in conjunction with a fireworks tent permit.
- m. Flashing Sign: Any illuminated sign, whether stationary, revolving or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
- n. Freestanding Sign. The general term for any on-site sign which is supported from the ground and not attached to a building.
- o. Future Development Sign. A sign that identifies future development, in which a site plan or plat has approval and is valid.
- p. Garage or Yard Sale Sign. A sign which identifies, describes, or directs attention to garage sale or yard sale.
- q. Gas Pump Sign. A sign on a gas pump used to identify the product dispensed.
- r. Handicapped Parking Space Sign. A sign used to identify parking spaces for handicapped motorists.
- s. Home Occupation Signs. On-premise identification signs for home occupations which contain only the name of the business and/or business owner.

- t. Illegal Sign. A sign that was constructed in violation of regulations that existed at the time it was built.
- u. Illuminated Sign. A sign illuminated in any manner by an artificial light source, whether internally or externally lit. Illuminated signs shall only be allowed in commercial and industrial districts, the commercial portion of a PDR district, and approved special exceptions.
- v. Indirect Illumination Sign: Any illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.
- w. Inflatable Signs. An inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.
- x. Interstate On-Signs. Sign located no more than a 3000 linear foot radius from the center of the interchange, and within 1000 feet from the interstate right-of-way. Sign must be a minimum of 50 feet in height.
- y. Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building face.
- z. Monument Sign. A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.
- aa. Moving Sign. Signs which swing, undulate or otherwise attract attention through the movement of part or through the impression of movement.
- bb. Nonconforming Sign. A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.
- cc. Off-Premises Sign: A sign relating to a product, service or establishment that is not on the premises on which the sign is located. This does not include billboards or exempt civic signs.
- dd. On-Premise Sign: A sign relating to a product, service or establishment that is on the premises on which the sign is located.
- ee. Pennant. A type of flag, typically in the shape of a triangle, that does not exceed nine square feet. A pennant sometimes bears an emblem or dealership flag, and is typically suspended or projecting from a dedicated pole.

- ff. Pole Sign: A freestanding sign with a sign base at least ten feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.
- gg. Political Signs. Signs erected by political candidates or groups, for the purpose of advertising a candidate or regarding an issue on which there will be a public vote.
- hh. Portable Sign. A portable sign shall include any advertising sign or device, counterbalance sign, trailer sign, or any variation thereof, located on the ground, easily moveable, and not permanently attached thereto. Portable signs are a painted or poster panel type sign, or any variation thereof, having a single or double surface, and typically two-sided. Portable signs are temporary in nature.
- ii. Private Drive Sign. A sign with language limited to the words "private drive" or specific street name, and the addresses of any residences utilizing the private roadway.
- jj. Projecting Sign. A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.
- kk. Public Sign. Sign and/or banner erected for public information purposes, limited to those involving schools and school related activities, athletic leagues, and special events. This also includes scoreboard and ball field signs located inside athletic fields.
- ll. Real Estate Signs. Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold.
- mm. Roof Sign: A sign supported upon the roof or wall of a building.
- nn. Security and/or Warning Sign. A sign regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs.
- oo. Streamer. A series of long, narrow banners, strips, flags, pennants, or other material attached to a cord or other device.
- pp. String Lighting. String lighting of rigid or flexible construction used to outline a building structure and used to attract attention for commercial purposes.
- qq. Strip Lighting. Attached lighting that is of constant intensity which is placed on the exterior of a building for the purpose of attracting the attention of the general public to any place or business.

- rr. Temporary Sign. A sign that is displayed only for a specified period of time.
- ss. Theater Sign. Signs at theaters with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production.
- tt. Vehicular Sign. Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. This includes vehicles left unattended, whose owner is not present at a business or employed on the specific lot it is located. This does not include vehicles parked at residences having business logos or advertising painted on or magnetically attached to the vehicle, or vehicles in motion traveling on a public or private way.
- uu. Window Sign. A sign inside of a window, or painted on the outside glass exterior.
- vv. Wall Sign. A sign located on the exterior wall of a structure, including those erected parallel to the face or on the outside wall of any building which projects out at any angle and projects no more than twelve (12) inches beyond the face of such wall. Wall signs also include those that are painted, and shall be measured by the size of the painted area or copy, whichever is larger.

Sign Distance Triangle. The land adjoining a street intersection that is kept clear of obstructions between three and ten feet above ground to protect the visibility and safety of motorist and pedestrian. The protected sight distance area is the triangle with legs that are the intersecting centerlines of two streets at an intersection. Where local streets meet, the legs shall extend 35 feet away from the intersection of the centerlines. Where collector or arterial streets meet, the legs shall extend 45 feet away from the intersection of the centerlines.

C. Administration

The codes enforcer shall have the responsibility and full authority to administer and enforce all provisions of this ordinance, other than those provisions specifically reserved for the authority of the Board of Zoning Appeals.

D. Permit Procedures

1. Permit Required

No sign or sign structure, except as provided in Section G (exempt signs), shall be erected, displayed, altered, relocated, or replaced until

a sign permit has been issued. For the purpose of this ordinance, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.

2. Permit Application

Applications for sign permits shall be submitted on a form provided by the codes enforcer and shall contain or have attached at a minimum the following information in either written or graphic form:

- a. Application date.
- b. Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
- c. Name, address and telephone number of the contractor.
- d. Address of the property where the sign or sign structure will be erected.
- e. Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
- f. The proposed use of the sign.
- g. A map or aerial photo showing the location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, adjacent signs, and intersections. Map or photo must be to scale.
- h. Type of sign (i.e., monument, wall) and general description of structural design and construction materials.
- i. Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions, means of support, method of illumination if any, and any other significant aspect of the proposed sign. The drawing shall also indicate if the sign is to have changeable copy. For changeable copy signs, the method of display (LCD, LED, multi-vision, etc.) shall be indicated, as well as the time interval to be used between message changes.
- j. Method of illumination, whether indirect or luminous background. Brightness must be indicated in lamberts or candles.

- k. Copy of the electrical permit for signs, when required by electrical inspector.
- l. Any other information requested by the codes enforcer in order to carry out the purpose and intent of these regulations.

3. Schedule of Sign Permit Fees

- a. The fee for all signs not exempt from the fee shall be fifty dollars (\$50.00) plus one dollar (\$1.00) per square foot of surface area display; except for temporary signs requiring a permit, the fee shall be a flat rate of twenty-five dollars (\$25.00).
- b. For the relocation or moving of any sign or sign structure, the fee shall be twenty-five dollars (\$25.00), except that no fee shall be required if such move is being made in order to comply with this chapter where prior to such move the sign was legally nonconforming. To relocate on a different lot of record the other provisions of this section shall apply.

4. Location to be Marked.

Before any sign permit can be issued, the proposed location shall be marked by stake or caulk line or other similar manner for location inspection.

5. Permit Review, Issuance, and Recording

The codes enforcer shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this ordinance. Such approved applications shall serve as sign permits. The codes enforcer shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance.

6. Inspections

A final inspection by the codes enforcer or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so ordered by the codes enforcer.

7. Complaints and Revocations



The codes enforcer shall investigate any complaints of violations of this ordinance and may revoke a permit if there is any violation of the provisions of this ordinance or there was misrepresentation of any material facts in either the application or plans.

E. Expiration of Sign Permits

If an approved sign is not erected within a period of 6 months from the date the permit was originally issued, the permit shall expire and become null and void.

F. Removal

1. Illegal Signs

Any person, firm, or corporation violating any provisions of this ordinance shall be deemed in violation of this ordinance. Upon violation, the property owner or tenant shall be cited by the codes enforcer. The person or entity displayed on signs will be responsible for any fines that accrue upon citation. Each day that a violation continues shall be considered a separate offense, and an additional violation.

2. Immediate Peril

If the codes enforcer shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the codes enforcer cannot locate the sign owner or lessor for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

3. Signs Placed in Right-Of-Way.

Signs placed in the public right-of-way shall be immediately confiscated and discarded.

G. Exempt Signs

The following signs are exempt from permitting. With the exception of necessary civic signs, no sign shall be placed within the public right-of-way. Sign permits shall not be required for the following:

Address and Name of Occupant. Signs indicating address and/or name of occupants of the premises, not exceeding two square feet in area.

Banners. Two banners per lot and the total area of the banners shall not exceed one hundred-twenty (120) square feet. Banners shall be attached to

buildings or canopies only. Banners shall not be allowed to deteriorate, and must conform to the current ordinance upon replacement.

Changeable Fuel Price Signs. The combined area of all changeable fuel price signs may not exceed twenty (20) square feet.

Civic Signs.

Decals.

Directional Signs. Directional signs shall not exceed two square feet, shall not exceed two per lot, shall not impair sight-distance or pose a hazard, and shall be located only at driveway entrances in commercial or industrial zones. If lighted, directional signs must be internally lit or illuminated by white light only. Driveways in industrial areas where large trucks make deliveries may be allowed up to eight square feet to ensure visibility.

Fireworks Tent Signs. Signs shall not exceed two per tent, with both signs not exceeding a total of 100 square feet.

Flags, Emblems, and Insignia and Pennants of any governmental agency or religious, charitable, public or non-profit organization, subject to the following: No single flag that is flown shall exceed 40 square feet in area, no pennant shall exceed nine square feet, and no single zoning lot shall fly more than three such flags and/or pennants. Flagpoles shall not exceed 25 feet in height. Wall-mounted flags, emblems, or insignia, or pennants shall be limited to one per zoning lot and shall not exceed 40 square feet in area. Flags, emblems, insignia, and/or pennants shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The conditions shall be repaired or removed within thirty (30) days of receipt of notice.

Future Development Signs. One sign per approved plat or site plan that shall not exceed 100 square feet. Sign shall only be placed on a property after La Vergne Planning Commission approval, only remain while planning commission approval is valid, and must be removed after another permanent or temporary sign is erected, or issuance of a Certificate of Occupancy, whichever occurs first.

Garage or Yard Sale Signs. Signs not exceeding six (6) square feet in sign face area may be erected provided the signs do not pose a distraction, traffic hazard, or sight-distance problem. Garage or yard sale signs shall only be displayed from Thursday morning through Sunday night, and must be removed from the property by Monday morning.

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

Handicapped Parking Space Sign. Signs must meet all Americans with Disabilities Act (ADA) requirements.

Holiday Decorations. Temporary decorations clearly incidental to and customarily and commonly associated with any national or local holiday. Holiday decorations shall only be displayed 60 days prior to the holiday, and must be removed no later than 30 days after the holiday.

Home Occupation Signs. On-premise identification signs for home occupations shall not exceed four square feet in area.

Political Signs. There shall be a maximum of two (2) signs per property for a candidate on any individual parcel designated as a polling place. No political signs shall be placed on city property not designated as a polling place. Signs shall not be displayed until two months prior to the corresponding election, and removed within one month after the election. Signs shall be a maximum of 36 square feet each, and 10 feet in height.

Private Drive Signs. Private drive signs limited to one per drive entrance, and not to exceed four square feet in area.

Public Signs. Signs shall not be in the right-of-way, and are limited to one per lot. Lots having a temporary sign requiring a permit shall not also display a public sign at the same time. Scoreboard and ball field signs located inside athletic fields may be placed where needed.

Security and Warning Signs. Signs not to exceed two square feet in area in residential areas and five square feet in area in commercial and industrial areas.

Real Estate Signs. Display of such signs shall be limited to one per property or frontage on a public way, not exceeding six feet in height and not exceeding twelve square feet in area in residential zones and twenty-four square feet in area in all other zones. Such signs shall be removed within seven days of the settlement or lease of the property.

Theater Sign. Up to three wall or marquee signs with a changeable copy board may be displayed.

Window Signs.

H. Temporary Signs Requiring a Sign Permit

The following signs may be erected only after obtaining a temporary sign permit from the codes enforcer. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the codes enforcer may remove it and charge the costs of removal to the individual or

enterprise responsible. All information, including square footage and height of sign, aerial photo with precise distances, and signed agreement of time period to display must be provided to the permit technician in order to receive a permit.

Permits for temporary signs and streamers shall only be issued for the current calendar month, or the month immediately following. If issued for a current month, the permit is only valid for the remainder of the month. One lot may only be issued a maximum of six temporary sign/streamer permits per year.

Inflatable Signs. One inflatable sign per lot with a minimum setback of five (5) feet from any right-of-way and eight (8) feet from any power lines plus the distance to its inflated height minimum. The height of any inflatable sign shall not extend 120 feet.

Portable and Special Event Signs. One portable or special event sign per lot and the total area of the sign shall not exceed 32 square feet, nor shall any sign exceed seven (7) feet in height. Portable or special event signs shall be spaced 150 feet from any other temporary sign. If portable, sign shall be secured to the ground at four (4) points by means of one-half (1/2) inch diameter spike or bolt, driven eighteen (18) inches into the ground. Sign shall be UL approved. If not UL approved, plug must be removed or housed within sign casing prior to placement. Where an electrical cord is being extended it shall be in rigid conduit that is either underground or along the ground surface, which will not be crossed by traffic, and secured to the ground surface, except that a maximum of eighteen (18) inches of flexible conduit is permitted at each end. The connecting plugs shall be of a weather head type. The electrical installation shall meet all code requirements.

Streamers. Three (3) linear feet of streamers for every one of road frontage per lot, with a maximum height of thirty-five (35) feet. Streamers shall be setback a minimum of one (1) foot from any right-of-way and eight (8) feet from any power lines.

Temporary Farm Products Signs. Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two and the total area of all such signs shall not exceed 20 square feet, nor shall any sign exceed six feet in height.

I. Standards and Criteria

1. Generally.

The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within La Vergne and which require a permit.

2. Determination of Sign Area.

In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the gross area of the smallest geometric shape that can encompass the letters or sign face. Awning and canopy signs shall be measured by the copy.

3. Determination of Sign Height.

The height of a sign erected within 30 feet of a street shall be the distance from the average grade level of the nearest curb or edge of pavement of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than 30 feet from a street shall be the average grade within five feet of the sign.

4. Street Frontage Requirements For Freestanding Signs.

Freestanding signs shall be permitted only on zoning lots with 75 feet or more of street frontage.

5. Spacing of Freestanding Signs.

No freestanding sign shall be erected within 100 feet of another freestanding sign.

6. Sign Requirements

Single and Multi-Family Residential Subdivision

Maximum Number	Type	Maximum Size	Maximum Height	Additional
1 Per Entrance	Monument	100 Square Feet	10 Feet	

Agricultural Zones (must advertise a farm)

Maximum Number	Type	Maximum Size	Maximum Height	Additional
1 Per Lot	Monument	100 Square Feet	10 Feet	

Commercial and Industrial Zones (including commercial lots in PDR zones)

Maximum Number	Type	Maximum Size	Maximum Height	Additional
2 Per Lot (e)	Awning	16 Square Feet	(a)	(a), (e)
	Canopy	16 Square Feet	(a)	(a), (e)

	Monument	100 Square Feet	10 Feet	(e)
	Pole	125 Square Feet	30 feet	(c), (e)
	Projecting	16 Square Feet	(c)	(d), (e)
	Wall	100 Square Feet	n/a	(b), (e)

Office Buildings and Shopping Centers (minimum of three establishments or units)

Maximum Number	Type	Maximum Size	Maximum Height	Additional
1 Per Shopping Center	Monument	100 Square Feet	10 Feet	
	Pole	125 Square Feet	30 Feet	(c)
2 Per Unit	Awning	16 Square Feet	(a)	(f)
	Canopy	16 Square Feet	(a)	(f)
	Projecting	12 Square Feet	(d)	(d), (f)
	Wall	100 Square Feet	n/a	(b), (f)

Office and Industrial Centers (minimum two acres and two principal buildings)

Maximum Number	Type	Maximum Size	Maximum Height	Additional
1 Per Entrance	Monument	100 Square Feet	10 Feet	
1 Per Building	Monument	100 Square Feet	10 Feet	
1 Per Unit	Wall	100 Square Feet	n/a	(b)

Interstate On-Signs

Maximum Number	Type	Maximum Size	Maximum Height	Additional
1 Per Lot	Pole	300 Square Feet	120 Feet	

Billboards (commercial and industrial districts)

Maximum Number	Type	Maximum Size	Maximum Height	Additional
n/a	Pole	775 Square Feet	50 Feet	(g)

Big-Box Retail Development

Maximum Number	Type	Maximum Size	Maximum Height	Additional
n/a	Wall	10% of Wall Area if on Road Frontage	n/a	
n/a	Wall	100 Square Feet	n/a	

NOTES

- (a) sign shall not extend above top of awning or canopy.
- (b) 3 square feet per linear foot of building front, to a maximum of 100 square feet. 3 square feet per linear foot of unit front for shopping centers and offices, to a

	maximum of 100 square feet.
(c)	sign must be 10 feet in height from ground.
(d)	sign shall not be more than 16 feet in height, and shall not project from building wall more than 4 feet. Sign base must be no less than 8 feet from ground.
(e)	the two signs shall consist of one monument or pole sign, and/or one awning, canopy, projecting, or wall sign. If multiple buildings exist on the lot, an awning, canopy, projecting, or wall sign may be allowed for each principal structure.
(f)	the two signs shall consist of one wall sign and/or one awning, canopy, or projecting sign.
(g)	billboards must be freestanding and mounted on a single support pole, and shall not be double stacked or constructed side by side. In addition, they must not be located closer than 1,000 linear feet (straight line distance) from any part of another billboard located on either side of the road.

7. Other Uses.

In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the Building Official shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application.

8. Signs Allowed by Special Exception.

Commercial uses allowed by special exception in residential zones shall follow the commercial sign requirements.

J. Construction and Maintenance

1. Building Code Compliance.

All signs shall be constructed in compliance with the currently adopted Code.

2. General Restrictions

Signs shall not be erected in or over a street or highway right of way, or on public land except as permitted in Section G (public civic signs). No permanent sign, or part thereof, shall contain or consist of banners, pennants, ribbons, streamers, spinners or other similar moving or fluttering devices. Banners, pennants, ribbons, streamers, spinners and fluttering devices shall not be attached to other temporary signs. As an exception, banners may be attached to on-site signs for a maximum of thirty (30) days following the opening or start up of a new business, profession, service or entertainment which is primarily conducted upon the same lot of record. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new signage is being prepared for

installation. This exception shall not have any application after the permanent signage is installed.

3. Condition of Signs

All signs and components shall be maintained in good repair and in a safe and clean condition.

4. Obstructions

No signs, nor any means of supporting or staying such signs, shall be placed or constructed so as to obstruct or interfere with any means of egress or ventilation.

5. Unlawful Cutting of Trees and Shrubs

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

- a. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate.
- b. On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing, the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by his site plan without first obtaining approval of an amendment to the site plan by the planning commission of the city.
- c. In any area where such trees or shrubs are required to remain under a permit issued under this chapter.

6. Sign Variation from Approved Plans

Pole and monument signs approved by the planning commission may not be changed for a period of five (5) years after approval, unless the sign in question is what was originally approved. Any pole or monument sign change with a variation during this time must have their sign specifically approved by the La Vergne Planning Commission. This may be done without submitting plans for the entire site.

K. 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.

Signs in Disrepair, Dilapidated, and Hand Drawn Signs. Signs that are in need of maintenance, painting, or repair. In addition, hand drawn or hand painted signs that are not drawn by a professional sign company are not permitted.

Flashing Signs. Any signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs or holiday decorations in a residential zone. This does not include LED or similar displays with copy.

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

Obscene Signs. Obscene means the average person Codes Enforcer applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; the average person Codes Enforcer 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.

Community means La Vergne, Tennessee.

Matter means any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.

Patently Offensive means that which goes substantially beyond customary limits of candor in describing or representing such matters.

Prurient Interest means a shameful or morbid interest in sex.

Sexual Conduct means patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. "Ultimate sexual acts" means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy;

or patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.

Other Signs. Signs which contain false, misleading or deceptive information, promote illegal activity or not expressly permitted by this section. No sign of any type or any foundation or vertical support thereof shall be placed in or over any utility and drainage easement.

Off-Premise Signs.

Posters and Handbills. Any signs affixed to trees or other natural vegetation, rocks, or utility poles, trash receptacles, benches, or any sign, including civic signs.

Roof Signs.

Simulated Traffic, Warning or Instructional Signs, and Obstructions. Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal and warning or instructional signs, obstruct the sight distance triangle at any street intersection or placed into the public right-of-way.

Strings of Lights. Strings of lights that outline property lines, sales areas, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity, except used as a holiday decoration.

Vehicular Signs

L. Nonconforming Signs

1. Generally

Any sign which does not conform to the provisions herein on the date of enactment of this ordinance or any date on which the ordinance is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in height, sign area, and/or projection and a sign permit is issued for the sign face change.

2. Removal

Nonconforming sign may remain, provided they are maintained in good repair, except for the following:

- a. Damage or Destruction of Sign. A nonconforming sign or which is damaged or destroyed to the extent of 50 percent or more of its sign face shall not be altered, replaced, or reinstalled unless it is in conformance with these regulations. If the damage or destruction is less than 50 percent of the sign face, the sign may be restored within one year of the damage or destruction, but shall not be enlarged in any manner.
- b. Change of Use. Whenever a land use changes, any previously nonconforming sign or signs which become nonconforming because of the change in land use must be modified so as to be in full compliance with these sign regulations.

M. Severable Nature of Ordinance

The various sections, subsections, paragraphs, and clauses of this ordinance are severable and in the event that any section, subsection, paragraph, or clause is adjudged invalid, the remainder of the ordinance shall remain in full force and effect.

N. Protection of First Amendment Rights

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

4.080. Development Standards For Mobile Home Parks. The following land development standards shall apply for all mobile home parks:

- A. No parcel of land containing less than five (5) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
- C. Dimensional Requirement For Parks
  - 1. Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
  - 2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.

3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

D. Dimensional Requirements for Mobile Home Spaces. Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
5. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet. In areas without public wastewater service, the minimum lot area shall be seven thousand five hundred (7,500) square feet for single-wide mobile home and ten thousand (10,000) square feet for a double-wide mobile home unless a higher density is approved by the Rutherford County Environmentalist and the Board of Zoning Appeals

after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field.

E. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet in accordance with the procedures and standards for minor residential streets as specified in the La Vergne Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut the access road as described in Subsection E.1. of this section.
3. Each mobile home space shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Rutherford County Health Department and the Board of Zoning Appeals.
4. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.

F. Plans and Schedules Required. The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.

6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. A comprehensive drainage plan.
10. Such other architectural, engineering, and topographic data as may be required to permit the local health department, the La Vergne Codes Enforcer, staff planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
12. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of Section 6.020 of this ordinance.

G. Application for Mobile Home Park Building Permit. An application for a permit to develop and construct a mobile home park shall be filed in accordance with Article VIII, Section 8.060, of this ordinance and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner:

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Rutherford County Health Department will be submitted to the La Vergne Codes Enforcer and staff planner. The Codes Enforcer and staff planner shall duly review these material and shall coordinate the review with other affected agencies and departments.
2. The La Vergne Codes Enforcer and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

4.090. Development Standards for Automobile Wrecking, Junk and Salvage Yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether

proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitos may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking. As regulated in Article IV, Section 4.010.
- F. Ingress and Egress. The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. Application for Automobile Wrecking, Junk, or Salvage Yard Permit. No person shall own or maintain an automobile wrecking, junk, or salvage yard within La Vergne until he has secured a permit from the La Vergne Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VIII, Section 8.060, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in Section 8.060.

4.100. Development Standards for Cemeteries and lots adjacent to Cemeteries. The Planning Commission, at its discretion, may require the following:

- A. Screening - A fence, wall, or evergreen hedge, with a minimum height of 6 feet, shall be erected around the property perimeter of a cemetery with openings only for ingress and egress. Brick, stone, stucco, wood, and metal are all acceptable fence and wall materials. Chain link, wire, and barbed wire are not acceptable materials. The evergreen hedge shall be 24"-36" tall at time of planting and the species must be approved by the City Planner. If development occurs adjacent to a cemetery that does not contain this screening requirement, then the adjacent development must provide the required screening.
- B. Required Yards - No required yard shall be occupied by graves. There shall be a 30 foot wide landscaped or open space buffer yard between the property line and any building, structure, or gravesite. No gravesites shall be placed closer than 30 feet from any property line and at least 30 feet from the right-of-way line for existing and planned public streets. This shall not apply to roads designed for internal circulation within the cemetery. If development occurs adjacent to a cemetery that does not contain this yard requirement, then the adjacent development must provide a 5 foot wide landscaped or open space buffer yard.

4.110. Development Standards for Recycling Collection Centers, Recycling Facilities, and Mobile Recycling Centers. These uses and sites shall be maintained in a clean, safe, and sanitary condition and free of litter, vermin, and odors associated with the items proposed to be stored on-site and to assure operation of the site in conformance with the City's regulations and Codes regarding litter, trash, and garbage. Lots with these uses must remain free of litter, trash, and garbage outside of the structures. No recycling processes, including separation, shall take place unless within a recycling facility. These uses are also subject to the following:

- A. Except for up to two mobile recycling centers per structure, no items may be stored outside at recycling collection centers and recycling facilities, including machinery, recyclable materials, and/or storage bins not meeting the criteria of a mobile recycling center. One outside dumpster used specifically for trash service shall be allowed, provided it is not used to store items to be used in the recycling activities of the site.
- B. All doors and windows of a recycling facility must be closed when operating compactors or other devices in order to reduce the impact of noise on the surrounding properties.
- C. An opaque fence having a minimum height of 6' must be installed along any property line adjacent to residential or commercial zoning districts.
- D. New recycling collection centers and recycling facilities that are proposed after July 1, 2011 shall be required to submit a site plan to the planning commission to ensure property is in compliance with all current regulations, including those listed in section 3.110 of the La Vergne Zoning Ordinance.



- E. A mobile recycling center shall not exceed 40 feet in length or width, and must be enclosed in a manner where recyclable materials cannot escape due to wind or other factors, but can still be accessed for removal. Up to two mobile recycling centers may be operated as an accessory use per commercial or industrial structure, and must be located at least 50 feet from residential properties. One mobile recycling center may be operated at a multi-family development, and must be located at least 50 feet from lots with a single family dwelling. Mobile recycling centers are prohibited on lots with single family dwellings. In addition, the operator of a mobile recycling facility must be able to produce documentation to the Codes Enforcer upon request showing a regular schedule for pickup of recyclable materials.
- F. Any operations found in violation of this section are not deemed a permitted use, and shall be subject to the appropriate municipal penalty.

4.120. Development Standards for Cellular Towers.

- A. Definitions. For the purposes of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE CELLULAR ANTENNA TOWER: Man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, minimize or conceal the presence of cellular antennas or cellular antenna towers that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure. For the provisions of these regulations, an alternative cellular antenna tower is considered a cellular antenna tower.

ANTENNAS OR RELATED EQUIPMENT: Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

CELLULAR ANTENNA TOWER: A tower constructed for, or an existing facility that has been adapted for, the locations of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services, such as Wi-Fi.

CELLULAR TELECOMMUNICATIONS SERVICE: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION: Locating two or more transmission antennas or related equipment on the same cellular antenna tower.

GUYED CELLULAR ANTENNA TOWER: A type of wireless transmission tower that is supported by thin guy wires.

LATTICE CELLULAR ANTENNA TOWER: A self-supporting tower with multiple legs and cross bracing of structural steel.

MONOPOLE CELLULAR ANTENNA TOWER: A slender self-supporting tower on which wireless antennas can be placed.

CAMOUFLAGED TOWERS: Self-supporting towers concealed so that they blend with their surrounds. Such towers may be constructed to resemble objects, such as a tree or a streetlight, or may be concealed within another structure, such as a clock tower, church steeple or lamp post.

B. Application fee

An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee of \$1,000.00.

C. Height and Type

A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of 150 feet. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Board of Zoning Appeals may allow antennas greater than 150 feet in height upon review of the applicant's justification.

Guyed or lattice towers may only be considered if reasonable justification exists and is provided to planning commission. Monopole towers are required otherwise.

D. Separation from Other Uses

The off-site/designated area separation distance from all residential or PDR dwelling units, or vacant residential or PDR lots shall be 200 feet or 300 percent of tower height, whichever is greater. The separation shall be measured from the base of the tower to the closest lot line.

E. Screening and Aesthetics

Screening shall be provided by evergreen trees, with a minimum height of six feet, planted in a staggered pattern. The screening shall be placed in an area between the property line, or lease line, and the required fence.

The Planning Commission may require that the tower be camouflaged in order to blend in as best as possible with the surrounding area. The planning commission can require the applicant to present multiple options to camouflage the tower.

F. Number Of Service Providers

All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three service providers. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

In addition, an applicant for a tower and/or an antenna shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas that are within the city, and towers outside of the city which serve areas within the city, as well as within the coverage area of the proposed tower or antenna, whether within the city or outside its jurisdiction, including specific information about the design, height, and location of each tower. The planning department may share this information, provided that the planning department is not, by sharing such information, in any way representing or warranting that these sites are available or suitable for tower or antenna construction.

The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment.

If the Planning commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:

Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structure such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

1. Identifies the location of the towers or other structures on which the applicant attempted to co-located; and

2. Lists the reasons why the co-location was unsuccessful in each instance.

The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to collocate additional transmitting or related equipment on any new or existing towers or other structures.

G. Lease Agreements

All option and site lease agreements shall not prohibit the possibility of collocation, and in the case of abandonment, shall include a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.

H. Factors to Consider in Granting Site Plan Approval for Towers

The planning commission shall consider the following factors in approving applications for towers and antennas and may attach conditions consistent with these factors:

1. Tower or antenna height.
2. Proximity of the tower or antenna to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Tower or antenna design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Proposed ingress and egress.
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
9. Fall zone.

I. Other Requirements

Applicant must submit Form 7460-1, Notice of Proposed Construction or Alteration and all other Federal Aviation Administration (FAA) required materials to FAA.

Documentation showing approval of the FAA must be submitted prior to planning commission approval of the cellular antenna tower.

The lease area or a minimum 150 square foot area surrounding the tower must be enclosed by a fence no less than 6 feet in height. The access gate must be locked when site is unoccupied by authorized personnel.

The Planning Commission may require that the tower have lighting, even if not required by the FAA.

J. Abandonment and Dismantling

Any cellular antenna tower including but not limited to guyed, lattice and monopole cellular antenna towers, alternative cellular antenna towers, antennas and related equipment) hereinafter referred to as “structure”) shall be deemed abandoned when such structure is removed from or no longer in service for a period in excess of thirty (30) days. At the point in time any structure is considered to be abandoned within the meaning of this section, the structure shall be disassembled and removed from the property upon which is located within sixty (60) days thereafter. The property owner shall ultimately be held responsible for tower removal, and enforcement of any agreements between lessor and lessee is the responsibility of the property owner.

K. Nonconforming Uses

Preexisting towers shall be permitted to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted. New construction other than routine maintenance shall comply with the requirements of this ordinance.

Applications not approved prior to enactment of this ordinance must meet all new requirements.

L. Legal Interpretation and Severability

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the City of La Vergne Zoning Ordinance, not specifically amended herein, shall remain in full force and

effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

**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
Governmental and Public Service	C-1
Highway Service	C-2
Neighborhood Service	C-3
Shopping Center	C-4
Light Industrial	I-1
Heavy Industrial	I-2
Industrial District - Special	I-3
Floodway	F-1

Overlay Districts

Waldron Road / Murfreesboro Road Streetscape District	W
South Waldron Road Overlay District	S

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 fifteen (15) zoning districts established in Section 5.010 of this ordinance, and in the overlay districts established in Section 5.056.

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.

8. Mobile home - One mobile home per five (5) acres on a lot or parcel of not less than five (5) acres.

D. Uses Prohibited

Mobile homes, except as may be permitted by special exception; 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. Home day care.
7. Adult day care home.

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. Home day care.
7. Adult day care home.

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.

Length Width at Building

Setback Lines 75 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 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. 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.
6. 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 in a single detached dwelling.
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. Mobile homes.
8. Adult day care home in a single detached dwelling.
9. Boarding and rooming houses in a single detached dwelling.

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	3,000 sq. ft.
Duplex Dwelling	12,000 sq. ft.
Multi-Family Dwelling	15,000 sq. ft.

Per Family

Single Detached	3,000 sq. ft.
Duplex Dwelling	6,000 sq. ft.
Multi-Family Dwelling	3,000 sq. ft.

Lot Width at Building Setback Line

Single Detached	*40 ft.
Duplex Dwelling	100 ft.
Multi-Family Dwelling	100 ft.

\*Single-family units must have at least 40 ft. of road frontage in the R-3 district.

2. Minimum Yard Requirements

Front Setback

Single Detached	15 ft.
Duplex	35 ft.
Multi-Family Dwelling	35 ft.

Side Setback

Single Detached	5 ft.
Duplex	10 ft.
Multi-Family Dwelling	15 ft.

Rear Setback

Single Detached	15 ft.
Duplex	20 ft.
Multi-Family Dwelling	20 ft.

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 duplex or multifamily lot or parcel and may not exceed sixty (60) percent of the area of such single family 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.

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:

<b><u>Residential Density in PDR Tract</u></b>	<b><u>% of Gross Site Area as Open Space</u></b>
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 dwellings, multi-family dwellings, condominiums, and townhouses shall be limited to a maximum of 30% of the total residential unit total, unless the development is a private community with a Homeowners Association with a Property Management Policy.

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. An exception 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). An exception to the drive-thru limitation may be granted by the Planning Commission if the structure and site layout does not affect or create problems with access or sight-distance, or conflict with the character of the surrounding development.

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, Governmental and Public Services 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 C-1, Governmental and Public Services District, the following uses and their accessory uses are permitted.

1. Governmental buildings and community centers.
2. Utility facilities (without storage) necessary for the provision of public services, other than cellular towers.
3. Communication services, other than cellular towers.
4. Educational services.
5. Signs and billboards as regulated in Article IV, Section 4.070.

C. Uses Permitted as Special Exception

In the C-1, Governmental and Public Services 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.
2. Day care centers.
3. Cellular Towers

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, Central Business 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 C-1 District.

2. Minimum Yard Requirements: Front yard - 20 feet. If a building or buildings on an adjacent lot or lots provide front yards less than 20 feet in depth, a front yard equal to the average of adjacent front yards shall be provided. Rear yard - 20 feet. Side yard - none is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.

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: The maximum height of all buildings located in the C-1 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.

5.053.2 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.

B. Uses Permitted

In the C-2, Highway Service District, the following uses and their accessory uses are permitted.

1. Cultural and recreational services.
2. Essential public transport, communication and utility services, other than cellular towers.
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.
5. Convenience retail sales and services.
6. Consumer repair services.
7. Entertainment and amusement services.
8. Financial, insurance, real estate and consulting services.
9. Food and beverage services.
10. Food service (take out).
11. Animal care and veterinarian services provided there is no outside housing of animals.
12. General business services.
13. General personal services.
14. General retail trade.
15. Medical services.
16. Professional services not otherwise listed.
17. Transient habitation, excluding sporting and recreational vehicle camps.
18. Automobile sales, rental and delivery, excluding aircraft dealers, boat dealers, recreational and utility trailer dealers.
19. Religious facilities.
20. Wholesale sales provided there is no outdoor storage.

21. Health care facilities.
22. Plant and forest nurseries.
23. Mortuaries and funeral homes.
24. Day Care Centers.
25. 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.
26. Kennels/Stables
27. Commercial Uses as permitted in the C-1 Zoning District.

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, providing a fifty (50) foot buffer is installed.
2. Sporting and recreational vehicle camps.
3. Group assembly, other than race tracks and drag strips.
4. Automobile repair.
5. Assisted living facility.
6. Cellular Towers

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

Side Yard 10 Feet  
Rear Yard 20 Feet  
Building Setback 35 Feet

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. 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



dwelling units 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.
2. Personal service establishment which performs services on the premises such as repair shops (radio, television, shoe and etc.), beauty parlors or barbershops and self-service laundries.
3. Signs as regulated in Article IV, Section 4.070.
4. Upper story residential dwellings.

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.
3. Cellular Towers

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	35 Feet*
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) 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, Shopping Center 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.

B. Uses Permitted

In the C-4 Shopping Center 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.

C. Uses Permitted as Special Exceptions

In the C-4 Shopping Center 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.
4. Hotels, motels, and tourist courts.
5. Transportation, communication and utility services.
6. Cellular Towers

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, Shopping Center District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

40,000 square feet

2. Minimum Yard Requirements

Front	40 Feet
Side	15 Feet
Rear	15 Feet

3. Maximum Lot Coverage

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

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.

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 exists 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. 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).

5.054. Industrial Districts. The Industrial 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. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area of La Vergne's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to

strengthen the economic base of the La Vergne area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect La Vergne's tax revenues.

5.054.1 I-1, Light Industrial District

A. District Description

This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influence. Community facilities which provide needed services to industrial development are permitted. Other types of uses may be allowed by special exception to ensure they promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the city. This is intended to provide a reasonable accommodation for these uses within the City of La Vergne's expansive industrial zoning area, while at the same time meeting the standard requirements of a special exception, including those to ensure that there are adequate utilities, parking, and yard area for the specific site.

B. Uses Permitted

In the I-1, Light Industrial District, the following uses and their accessory uses are permitted:

1. Furniture and fixtures manufacturing.
2. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
3. Textile mill products manufacturing except dyeing and finishing of textiles.
4. Printing and publishing industries.
5. Fabricated metal products manufacturing except ordinance and accessories.
6. Stone, clay, and glass products manufacturing.
7. Professional, scientific, and controlling instruments, photographic and optical goods, watches and clocks manufacturing.
8. Manufacturing including musical instruments, toys, amusement, and sporting goods, pens, pencils, office materials, motion picture production.

9. Distributive business/wholesale.
10. Agricultural equipment sales and repairs.
11. Automobile repair.
12. Animal health facilities.
13. Communication services.
14. All public utilities including buildings, necessary structures, screened storage areas, and other related uses.
15. Signs as regulated in ARTICLE IV, Section 4.070.
16. Vehicle Storage Areas, including development standards set forth in Article IV, Section 4.090, Paragraphs A-F and Site Plan approval by the Planning Commission.
17. Self Storage Mini Warehousing.

C. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the following uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, SECTION 8.060.

1. Day Care Centers.
2. Commercial Uses as permitted in a C-1, C-2, C-3, or C-4 Zoning Districts.
3. Rehabilitation Centers.
4. Substance Control Centers.
5. Mental Health Facilities.
6. Homeless Shelters.
7. Family Crisis Shelters.
8. Recycling collection centers and recycling facilities, provided the requirements of section 4.110 are met.
9. Cellular Towers



D. Uses Prohibited

Incineration, burning or smelting of any type is prohibited in the I-1 District. Activities which operate over thirty (30) percent.

E. Dimensional Regulations

All uses permitted in the I-1, Industrial District shall comply with the following requirements.

1. Minimum Lot Size:

No minimum lot size is required in the I-1 District.

2. Minimum Yard Requirement

Front Yard	20 Feet
Front Building Setback	40 Feet
Side Yard	10 Feet
Side Building Setback	20 Feet
Rear Yard	15 Feet
Rear Building Setback	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 fifty (50) percent of the total area of such lot or parcel.

4. 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 Requirements

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 this district.

- a. All off-street parking lots and loading areas shall be surfaced with a dustless, hard surfaced material such as asphalt or concrete and so constructed to prevent the release of dust.

- b. Each parking space shall be appropriately marked with painted lines or curbs.
- c. Entrances and exists onto and off of a public street shall be paved with a dustless, hard surfaced 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.

6. Landscaping Requirements

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

5.054.2 I-2, Heavy Industrial District.

A. District Description:

This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the La Vergne area. Other types of uses may be allowed by special exception to ensure they promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the city. This is intended to provide a reasonable accommodation for these uses within the City of La Vergne's expansive industrial zoning area, while at the same time meeting the standard requirements of a special exception, including those to ensure that there are adequate utilities, parking, and yard area for the specific site.

B. Uses Permitted

In the I-2, Heavy Industrial District, the following uses and their accessory uses are permitted.

- 1. Uses that are permitted in the I-1, Restrictive Industrial District.
- 2. Lumber and wood products manufacturing, providing there is no outdoor storage.
- 3. Meat products manufacturing.
- 4. Paper and allied products manufacturing.
- 5. Primary metal industries.

6. Airports.
7. Automotive and truck assembly manufacturing.
8. Block and brick manufacturing.
9. General Non-Hazardous Warehousing.
10. Dry goods, or general commodity storage.
11. Self-Storage Warehousing.
12. Light Assembly / Manufacturing, provided warehousing, storage, or distribution is the principle occupancy.
13. Signs as regulated in ARTICLE IV, Section 4.070.
14. Commercial Uses that comply with Title 9, Chapter 9 of the City of La Vergne Municipal Code - Sexually Oriented Businesses.
15. Vehicle Storage Areas, including development standards set forth in Article IV, Section 4.090, Paragraphs A-F and Site Plan approval by the Planning Commission.
16. Self Storage Mini-Warehousing.

C. Uses Permitted as Special Exceptions

In the I-2, Heavy Industrial 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. Truck terminal facilities provided that such facility has direct access to an arterial street, as shown on the official Major Thoroughfare Plan of La Vergne.
3. Commercial uses as permitted in a C-1, C-2, C-3, or C-4 Zoning Districts.
4. Fortune telling.
5. Rehabilitation centers.
6. Substance control centers.

7. Mental health facilities.
8. Homeless shelters.
9. Family crisis shelters.
10. Limited vehicular sales and service.
11. Breweries and microbreweries.
12. Medical waste facility, provided there is no outdoor storage.
13. Recycling collection centers and recycling facilities, provided the requirements of section 4.110 are met.
14. Cellular Towers
15. Uses Not Otherwise Listed Within the La Vergne Zoning Ordinance.

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 I-2, Heavy Industrial District shall comply with the following requirements except as provided in ARTICLE VI (nonconforming uses).

1. Minimum Lot Size: No minimum lot size is required in the I-2 District.
2. Minimum Yard Requirements:

Front Yard	10 feet
Front Building Setback	40 feet
Side Building Setback	20 feet
Rear Building Setback	15 feet
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 Requirement: 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 Requirements

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 this district.

- a. All off-street parking lots and loading areas shall be surfaced with a dustless, hard surfaced material such as asphalt or concrete and so constructed to provide for adequate drainage and to prevent the release of dust.
- b. Each parking space shall be appropriately marked with painted lines or curbs.
- c. Entrances and exists onto and off of a public street shall be paved with a dustless, hard surfaced 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.

6. Landscaping Requirements

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

5.054.3 I-3, Industrial District (Special)

A. District Description:

The I-3, Industrial District (Special) is intended to provide suitable areas for intense or potentially noxious industrial and scrap operations, including open land operations. Secondly, to protect these industrial lands from encroachment by other uses.

B. Uses Permitted:

- 1. None.

C. Uses Permitted as Special Exception

In the I-3, Industrial District (Special), the following uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Dyeing and finishing textiles.
2. Automobile recycling, dismantling, and salvage yards.
3. Private sanitary landfill operations, subject to approval of the Rutherford County Sanitarian, the Tennessee Department of Health and Environment, and the City Commission of La Vergne.
4. Chemicals and allied products manufacturing.
5. Petroleum refining or related industries.
6. Rubber and miscellaneous plastic products manufacturing.
7. Chemical storage, storage of products treated with potentially hazardous chemicals.
8. Radioactive materials waste handling.
9. Waste disposal.
10. Explosives manufacturing.
11. Hazardous waste transfer or storage.
12. Race tracks and drag strips.
13. Correctional Facilities, subject to the approval of the State of Tennessee Department having control over such facilities, and the Mayor and Board of Aldermen of the City of La Vergne.
14. Extensive Manufacturing and Scrap Operations, provided the requirements of section 5.054.4 are met.
15. Mining and Quarrying Activities, provided the requirements of section 5.054.5 are met.
16. Cellular Towers.

D. Uses Prohibited:

Residential uses and limited and intermediate manufacturing activities.

E. Dimensional Regulations

1. Minimum Lot Area:

The minimum lot area shall be five (5) acres.

2. Yard Requirements

Due to the potentially noxious activities which may be permitted within the I-3, Districts, special yard provisions are required.

In its review of any application for approval of an extensive manufacturing activity proposed for location within a I-3 District, the City Council shall establish yards and building separations sufficient to protect the health safety and economic benefit of persons owning or occupying nearby property. As an absolute minimum such yards shall be as indicated below.

- a. Use Adjoins Residential Property: Along any rear or side lot line which adjoins residential property, whether such property is presently occupied for residential purposes or only zoned for such use, an open area unobstructed from the ground to the sky at least one hundred fifty (150) feet wide shall be provided within the industrial district. Such open area shall not be used for off-street loading, or storage or processing of any kind.
- b. Use Adjoins Commercial or Industrial Property: Along any lot line which adjoins property, either classified or presently utilized for commercial or industrial purposes, an open area at least one hundred (100) feet wide shall be provided. Such area may be utilized for off-street parking or loading, but shall not be used for storage or processing of any kind.
- c. Front Yard Setback . . . . . 50 Feet

F. Limitation on Signs: As regulated in Article IV, Section 4.080.

5.054.4. Special Provisions Applicable to Extensive Manufacturing and Scrap Operations Proposed for Location Within I-3, Special Industrial Districts. Due to the potential for environmental damage associated with certain noxious uses classified as extensive manufacturing and scrap operations, a special procedure is established for the review and approval of such uses.

A. General: Each application for a reclassification of property, where such may be required, or for the establishment or expansion of any use or activity, or for the construction of any building involving any use classified as either an "extensive manufacturing" or a "scrap operation" under the provisions of this ordinance shall be subject to review in the manner set forth herein.

- B. Nature of Review Process: The general purpose of the review process required by this section is to assure protection of the public health, safety and welfare from potential harm inherent within these two activity groupings. It is intended that this shall be accomplished by the requirement that each and every such use or activity subject to the provisions of this section shall, prior to either its establishment or enlargement, receive approval of a certificate of environmental review as provided herein.
- C. Information Required: Any applicant filing for approval under the provisions of this section shall upon request provide information as to:
1. The nature of the operations and/or processes proposed;
  2. The materials, including storage, processing and handling methods, proposed; and
  3. The nature and potential level of atmospheric emissions, ground or water contamination and decibel level associated with the intended operation.

In general such information shall be complete and sufficient to reveal the intended function and ultimate operation of such use. In this regard, the reviewing agencies shall adjudge the adequacy of the information provided.

- D. Initial Review and Recommendation by the Board of Zoning Appeals: The Board of Zoning Appeals shall hear all requests for approval of special exceptions proposed for location within I-3, Special Industrial Districts. In general, the Board of Zoning Appeals shall proceed in the manner set forth in Article 8, Section 8.060, for consideration of a special exception. However, the action of the Board of Zoning Appeals shall be in the form of a recommendation to the Board of Mayor and Aldermen concerning the suitability of the particular use being proposed for location within the proposed I-3, Special Industrial District and shall not be construed to permit such use without review and approval by the Board of Mayor and Aldermen. In its review of the proposed use or activity, the Board of Zoning Appeals may, in addition to the information supplied with the initial application, require such additional information (to include expert testimony) to be presented as may in the view of the Board of Zoning Appeals be necessary to substantiate the adequacy of measures being employed to assure protection of the public health and safety.

The action of the Board of Zoning Appeals shall be in the form of a written recommendation to the Board of Mayor and Aldermen and shall contain explicit recommendations as to conditions for safe operation of the proposed use or activity. Upon completion of its review and recommendation process the Board of Zoning Appeals shall forward its report to the Board of Mayor and Aldermen for consideration.



- E. Review and Public Hearing by the Board of Mayor and Aldermen: Upon receipt of a report prepared in accordance with Subsection 5.054.4(D), above, the Board of Mayor and Aldermen shall proceed in the manner established in Article 8, Section 8.090 for consideration of an amendment to the zoning ordinance.

The Board of Mayor and Aldermen shall consider the report prepared by the Board of Zoning Appeals along with such other information as it may require to establish the findings necessary for approval of such request. Prior to final consideration of any request all information which has been provided to the city concerning such matter shall be made available for public review and comment.

- F. Action by the Board of Mayor and Aldermen: Once a public hearing has been concluded, the Board of Mayor and Aldermen may move to consider final action upon the request. The Board of Mayor and Aldermen may:

1. Unconditionally approve the application as submitted;
2. Disapprove the application; or
3. Conditionally approve the application.

In any instance where a conditional approval may be granted such approval is continuously subject to compliance with the conditions set out in the grant of approval and any violation shall be deemed a violation of this ordinance to be pursued as set out in Article VIII, Section 8.100.

5.054.5 Special Provisions Applicable to Resource Productions, Extractions, Quarrying, Mining, and Related Activities for Location by Special Exception Within I-3, Heavy Industrial District.

- A. General: Resource production and extractive, mining activities and related services industries play a minor role in the overall economy. However, to the extent that natural resources can be used to minimize materials costs for local production activities, as well as provide economic benefits to the community, such activities should be encouraged, provided that the economic benefits are not offset by adverse social, physical, and environmental impacts. This district is intended to accommodate such uses. Specific site operation and restoration plans are required. Site plans approved by planning commission are contingent on approval by the Board of Mayor and Aldermen.
- B. Resource production and extraction type operations (e.g. of, coal, zinc, limestone, soil, etc.) shall not be located closer than one and one-half (1 1/2) miles to any school site; shall set back at least two thousand (2,000) feet (excavation area) from both churches and property classified as residential within the City of La Vergne.

Site Plan Requirements: The following shall be shown on the site plan:

1. Drainage plan (1"=200') showing course of water before and after development; method of channelization of water (e.g. cuts, drainage, swells, earth berms, holding bonds); and, figures showing compliance with the Stormwater Management Ordinance (Program).
  2. Proposed depth of quarry pit or borrow area.
  3. Average weight of trucks leaving the site.
  4. Show and give dimensions of areas which will have change in environment and topography.
  5. Proposed hours of operation.
  6. Detailed facilities plan (1"=100'), showing the location of permanent facilities.
  7. Location of seismic monitors for quarry operation.
  8. Dimensions of yard and proposed changes of contour elevations.
  9. Location of proposed stockpile areas.
  10. On the parcel(s) where the quarry is located, a landscaped buffer area of 300 feet must be shown adjacent to residential zoning. The amount of landscaping shall be two times what is required by the Transitional Screening 3 requirement, located in section 3.130 of the zoning ordinance.
- C. Prior to approval of a site plan for the development of resource extraction operation the developer shall submit eight copies of an Environmental Impact Statement (EIS) and a Reclamation-Safety Plan, prepared by an independent licensed engineer, approved by the planning commission. The following standard format for Environmental Impact Statements shall be followed:
1. Description of the proposed development.
  2. Survey of existing environmental conditions. A survey of existing environmental conditions shall include an informative description of these factors:
    - a. Slope stability
    - b. Foundation conditions

- c. Terrain
  - d. Soil erodibility
  - e. Watershed boundaries
  - f. Highway and bridge capability
  - g. Neighborhood character
  - h. Population density
  - i. Public facilities - within one and one-half (1 1/2) miles of site
  - j. Archaeological survey
3. Engineering report. An engineering report discussing the details of alternative engineering methods to accomplish the proposed development shall include the following:
- a. Cut and fill operation
  - b. Clearing
  - c. Removal of ground cover
  - d. Erosion control measures
  - e. Buffering plan
  - f. Blasting procedures and safety measures
  - g. Reclamation plan (criteria detailed in part 5)
4. Assessment of environmental impact. An identification of the nature, magnitude, and extent of all environmental impacts. Each development should be evaluated based on its potential impact on the environment as well as how the environment will impact the project. Specific impacts to be addressed include:
- a. Impact on geological features and resources
  - b. Impact on rock and soil stability
  - c. Impact on soil erodibility
  - d. Impact on aquifers, ground water and open streams

- e. Impact on plant and animal life
  - f. Impact on social fabric and community structures
  - g. Impact on aesthetics and character
  - h. Impact on existing infrastructure including schools bridges, traffic density and mix, water supply and other utilities
  - i. Impact and number of persons exposed or affected by pollutants (parts per million) and noise (db), and indicated time and duration.
  - j. A detailed description of the measures to be taken during the extraction and reclamation process to assure protection of:
    - 1) The quantity and quality of surface and ground water systems, both on and off site, from adverse effects.
    - 2) The right of present users to such water.
    - 3) Alternative sources of water at least equal in quantity and quality, and how it would be obtained by the present users if necessary.
  - k. A list of the steps to be taken to comply with applicable air, water and blasting laws and regulations.
5. Reclamation Plan. The reclamation plan shall consist of the following:
- a. Use, capability and productivity of land prior to the development.
  - b. A description of the use which is proposed to be made of the land following reclamation.
  - c. A detailed description of how the proposed post-development land use is to be achieved.
  - d. A list of the revegetation, safety and engineering techniques proposed to be used in the reclamation.
  - e. Certificate of public liability insurance.
  - f. A statement of the consideration which has been given to maximizing the utilization and conservation of the mineral being covered so that re-affecting the land in the future can be minimized.

- D. Extraction operations shall not be allowed in a flood plain area, nor in protection areas or drainage ways. If extraction uses are permitted in an area where slope is 15% to 25%, 40% of the site must remain undisturbed. If the slope is more than 36%, 95% of the site must remain undisturbed. Hill and ridge top areas are to be protected due to the increase runoff and erosion, and, therefore, a minimum of 80% of these areas must be maintained as open space. Clearing activity is restricted to the central area of the hill and ridgetop, except for access, and stormwater drainage must be conveyed to the bottom of the hill by an erosion-resistant channel.
- E. It is not the intent of this ordinance to require that property be zoned I-3 or require a special exception for grading activity related to a construction site for a specific project. A preliminary plat, concept plan, or site plan showing proposed development for the entire area to be graded must be approved by the planning commission in order to be considered a normal grading activity. In addition, to be categorized as a normal grading activity, sites must not be classified as a mine or quarry by the Tennessee Department of Environment and Conservation (TDEC), and portable rock crushers, sawmills, and related equipment shall not be operated permanently.
- F. Initial Review and Recommendation by the Zoning Board of Appeals: The Board of Zoning Appeals shall hear all requests for approval of special exceptions proposed for location within I-3, Special Industrial Districts. In general, the Board of Zoning Appeals shall proceed in the manner set forth in Article 8, Section 8.060, for consideration of a special exception. However, the action of the Board of Zoning Appeals shall be in the form of a recommendation to the Board of Mayor and Aldermen concerning the suitability of the particular use being proposed for location within the proposed I-3, Special Industrial District and shall not be construed to permit such use without review and approval by the Board of Mayor and Aldermen. In its review of the proposed use or activity, the Board of Zoning Appeals may, in addition to the information supplied with the initial application, require such additional information (to include expert testimony) to be presented as may in the view of the Board of Zoning Appeals be necessary to substantiate the adequacy of measures being employed to assure protection of the public health and safety.

The action of the Board of Zoning Appeals shall be in the form of a written recommendation to the Board of Mayor and Aldermen and shall contain explicit recommendations as to conditions for safe operation of the proposed use or activity. Upon completion of its review and recommendation process the Board of Zoning Appeals shall forward its report to the Board of Mayor and Aldermen for consideration.

- G. Review and Public Hearing by Board of Mayor and Aldermen: Upon receipt of a report prepared in accordance with Subsection 5.054.5(F), above, the Board of Mayor and Aldermen shall proceed in the manner established in

Article 8, Section 8.090 for consideration of an amendment to the zoning ordinance.

The Board of Mayor and Aldermen shall consider the report prepared by the Board of Zoning Appeals along with such other information as it may require to establish the findings necessary for approval of such request. Prior to final consideration of any request all information which has been provided to the city concerning such matter shall be made available for public review and comment.

H. Action by Board of Mayor and Aldermen: Once a public hearing has been concluded, the Board of Mayor and Aldermen may move to consider final action upon the request. The Board of Mayor and Aldermen may:

1. Unconditionally approve the application as submitted;
2. Deny the application; or
3. Conditionally approve the application.

In any instance where a conditional approval may be granted such approval is continuously subject to compliance with the conditions set out in the grant of approval and any violation shall be deemed a violation of this ordinance to be pursued as set out in Article VIII, Section 8.100.

I. Additional Provisions:

1. Mining and quarrying operators or landowners shall post a Land Reclamation Bond in the amount of \$65,000 per acre for the entire project. The Land Reclamation Bond shall be payable at a local bank within a 50-mile radius of the corporate limits of the City of La Vergne. The bond or irrevocable letter of credit shall be valid for one (1) year and must contain automatic renewal provisions, in language satisfactory to the City Attorney, that provide for automatic renewal, unless the city receives a written notice of non-renewal at least ninety (90) days in advance of expiration.
2. The Codes Department may conduct unannounced site inspections at least three times a year on an unscheduled basis.
3. Measures will be used to reduce dust, and watering equipment will be used during crushing and/or loading when conditions warrant.
4. Fencing around the quarry and mining operation shall be required when it has been determined that the location, type, and nature of the operation poses a hazard to the safety of surrounding residents, public property, or private property.

5. Methods proposed for blasting shall not include prohibited “pop shots”.
6. All records of blasting shall be maintained for at least two years. These records shall contain:
  - a. Date and time of blast.
  - b. Description of explosives and accessories use.
  - c. Any other information as may be required by the La Vergne Fire Marshal and the State of Tennessee.
7. All mining spoils shall be disposed of in such a manner that they will not create a geological hazard or contribute to water pollution through leaking, leaching, or erosion.
8. Overburden and topsoil not removed from the site shall be placed and stabilized in a manner that does not create safety hazards or nuisances for adjacent properties.
9. When the mining, quarry, and/or excavating operation includes the use of open shafts or tunnels, the entrance to all shafts and tunnels shall be covered, closed off, or otherwise protected against entry during non-working hours.
10. All buildings and structures used in conjunction with the extraction and storing of minerals shall be removed from the property following completion of the operation. The Land Reclamation Bond may be used to remove buildings if needed.
11. Material used in refilling holes, pits, and excavations shall be of a quality that will not decompose, contaminate, or pollute the groundwater or surface, or cause subsidence either during the operation of the excavation or upon termination of the operations.
12. All graded or backfilled areas, or banks shall be covered with topsoil to a depth sufficient to support vegetation and/or other approved cover adequate to control soil erosion.
13. Slopes that are steeper than that of the surrounding area shall be acceptable if they are designed by an engineer with the expertise in the field of rock and soils mechanics and licensed by the State of Tennessee.
14. The hours of mining, quarrying, and excavating operations shall be as follows:
  - a. Drilling – Monday through Friday, 6:00 a.m. to 6:00pm
  - b. Blasting – Monday through Friday, 8:00 a.m. to 3:00pm

- c. Loading and Trucking – Monday through Friday, 6:00 a.m. to 6:00pm, and Saturday, 6:00 a.m. to 12:00 noon.
- d. Maintenance, crushing, and processing operations - Monday through Friday, 24 hours. Maintenance, crushing, and processing facilities shall use strobe lights for evening operations in place of back-up alarms when permitted by State and Federal law.
- e. Under emergency conditions, the Director of Codes shall have the power to enact emergency operational hours. In addition, the Director may also issue a cease and desist on operations if there is imminent risk to health, safety, or public welfare.

5.055 Floodway and Flood Fringe Districts

A. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of La Vergne, Tennessee Board of Mayor and Aldermen, does ordain as follows:

2. Findings of Fact

- a. The City of La Vergne Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
- b. Areas of City of La Vergne are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- c. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

3. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:



- a. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
- d. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. Objectives

The objectives of this Ordinance are:

- a. To protect human life, health and property;
- b. To minimize expenditure of public funds for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
- f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
- g. To ensure that potential homebuyers are notified that property is in a floodable area; and
- h. To maintain eligibility for participation in the National Flood Insurance Program.

B. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under

specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure")

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"Existing Structures" see "Existing Construction".

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;

2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the

composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or

- b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", unless such transportable structures are placed on a site for 180 consecutive days or longer.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

## C. GENERAL PROVISIONS

### 1. Application

This Ordinance shall apply to all areas within the incorporated area of the City of La Vergne, Tennessee.

### 2. Basis for Establishing the Areas of Special Flood Hazard



The Areas of Special Flood Hazard identified on the City of La Vergne, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Map Numbers 47149C0010H, 47149C0015H, 47149C0028H, 47149C0105H, and 47149C0106H, dated January 5, 2007, and Community Map Numbers 47149CINDOC, 47149C0020J, and 47149C0040J dated October 16, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

3. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

4. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

5. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

6. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

7. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of La Vergne, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

8. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein

contained shall prevent the City of La Vergne, Tennessee from taking such other lawful actions to prevent or remedy any violation.

D. ADMINISTRATION

1. Designation of Ordinance Administrator

The Building Official is hereby appointed as the Administrator to implement the provisions of this Ordinance.

2. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

a. Application stage

- i. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- ii. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- iii. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section D(2).
- iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### 3. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

- a. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- b. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- c. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- d. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- e. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section D(2).
- f. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Section D(2).

- g. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section D(2).
- h. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- i. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section D(2).

- j. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

**E. PROVISIONS FOR FLOOD HAZARD REDUCTION**

**1. General Standards**

In all flood prone areas the following provisions are required:

- a. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- b. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- c. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

- d. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
- e. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
- j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

2. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

- a. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section E(2).

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section D(2).

- b. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building,

when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section D(2).

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section D(2).

- c. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
  - i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
    - (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (2) The bottom of all openings shall be no higher than one foot above the finish grade; and
    - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - ii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

- iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Ordinance.

d. Standards for Manufactured Homes and Recreational Vehicles

- i. All manufactured homes placed, or substantially improved, on:  
(1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - (1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
  - (2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- iii. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Section E(2)(d) of this Ordinance.
- iv. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- v. All recreational vehicles placed on identified flood hazard sites must either:
  - (1) Be on the site for fewer than 180 consecutive days;
  - (2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
  - (3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

e. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- iv. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

3. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in Article III. Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- b. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section E.

4. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated



Located within the Areas of Special Flood Hazard established in Section C(2), where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- a. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- b. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section E(2).

5. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Section C, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

- a. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Section E. ONLY if data is not available from these sources, then the following provisions (b. & c.) shall apply:
- b. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- c. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section E(2), and "Elevated Buildings".

6. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Section C(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section E(2), and "Elevated Buildings".
- b. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Section D(2).
- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- d. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

7. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Section C, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Section D and Section E(1) shall apply.

8. Standards for Unmapped Streams

Located within City of La Vergne, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

- a. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
- b. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Section D.

9. Standards for Letters of Map Revision and Adjustment

LOMR-F (Letter of Map Revision based on Fill) and CLOMR-F (Conditional Letter of Map Revision based on Fill) applications submitted to FEMA require a community acknowledgement form, which requires a city official to state that all of the structures and/or land on which fill has been placed is “reasonably safe from flooding”. Due to this requirement, all requests for a community acknowledgement form supporting any LOMR-F or CLOMR-F application must include a professional certification form (such as in FEMA Technical Bulletin 10-01) from a licensed individual representing the applicant. This completed certification form must be included with the completed application form and submitted to the city before the community acknowledgement letter is issued. The stamp and signature on the certification form cannot be one of a City of La Vergne employee.

In addition, all LOMA or LOMR applications must include documentation as requested by the city prior to completion of the community acknowledgement letter.

F. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within the City of La Vergne, Tennessee.

1. Board of Zoning Appeals

- a. The City of La Vergne Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- b. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

- c. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - i. The danger that materials may be swept onto other property to the injury of others;
  - ii. The danger to life and property due to flooding or erosion;
  - iii. The susceptibility of the proposed facility and its contents to flood damage;
  - iv. The importance of the services provided by the proposed facility to the community;
  - v. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - viii. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - ix. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
- e. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Conditions for Variances

- a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- b. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a

variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

- c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- d. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

#### 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. In the event that the overlay district encompasses only a portion of the parcel, the portion of the parcel within the overlay shall be required to adhere to the requirements set forth within the overlay. In addition, structures and proposed structures shall be governed by the following:

1. Any primary structure building footprint that is between 50% to 100% within the overlay boundaries, shall be required to adhere to the overlay requirements.
2. Any primary structure building footprint that lies less than 50% within the overlay boundary shall be required to meet the overlay requirements for exteriors for the building front. Any side having road frontage shall also meet the requirements for exteriors. The exterior allowed to be used for all other sides shall be at the discretion of the planning commission.

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. 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 Road \ 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 new commercial and industrial development within this district. Existing structures, structure additions of less than 50%, and parking lot improvements shall be exempt from the requirements of this district.

B. Design and Development Standards

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

1. Setbacks, Yards, Access, and Parking:

- a. The La Vergne Planning Commission may allow a reduction of setbacks and yards if either the structure will conform with the surrounding structures, or a town center style development is perceived to be suitable for the lot or area. If allowed, greenspace and landscaping must be added to the front, sides, and rear of the structure(s) per planning commission request.
- b. 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 shall be installed along all road frontages. The Planning Commission may also require sidewalks to 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 may be required by the Planning Commission 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 directly behind the sidewalk at intervals sufficient to prevent excessive dark spots for pedestrians and drivers.
- b. Pole and Luminaries - Decorative poles shall be black, traditional in style, and durable. 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.



4. Landscaping/Beautification:

- a. Street trees - Trees shall be planted in the sidewalk area, in front of the building, and where possible between the sidewalk and the building. Staff and/or the Planning Commission may determine the type 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, and canopy trees should be placed in another location.
- b. Canopy Trees – Canopy trees are required to be a minimum 4” caliper and 10 feet tall within this district. Preferred trees include the Nuttall Oak, Willow Oak, Bosque or Chinese Elm, Princeton Elm, Black Gum, Green Ash, Tulip Poplar, Sycamore, Red or Autumn Blaze Maple, Trident Maple, and Green Vase Zelkova.
- c. Understory\Ornamental Trees – Understory trees must be a minimum 8 feet tall. Preferred trees include the Crape Myrtle, Southern Magnolia, White Fringetree, Snow Goose Cherry, or Yellowwood Tree.



- d. Buffers – If a transitional screen is required, it shall only account for 75% of the required per acre landscaping. There must be landscaping at multiple locations on the site.

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 new primary structures and subdivided lots in the district. Preliminary and final plats must have a note stating underground utilities shall be installed. 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 or industrial development 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, must be shown in detail with material type. Certain materials, such as aluminum or metal, may not be allowed by the Planning Commission.
- b. Exterior front façades are required to have a minimum 80% combination of brick, stone, or hard-coat stucco, excluding windows, trim, and doors. In addition, any side of the structure or any rear with road frontage must have a minimum 50% brick, stone, or hard-coat stucco, excluding windows, trim, and doors. Use of concrete block, split-face block, Quik-Brik, or other related concrete-masonry block materials, EIFS, manufactured / pre-cast panels (with the exception of architectural concrete “tilt-up” panels), and vinyl or aluminum siding is prohibited.

C. Additional Site Plan Requirements:

- 1. Color Elevation Drawings: Drawings should show height, design, and exterior treatments of buildings as required in this district. Percentage of brick and stone must be indicated.

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. Signage: Signage must be shown and meet all city requirements. Signs shall not be replaced with a different sign using a sign permit unless five years has elapsed from site plan submittal.
4. 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 shall waive requirements in this district for site plans showing a building addition not exceeding 50% 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. Variance requests for requirements of this district may be granted by the La Vergne Board of Zoning Appeals.

E. Impact Fee Reduction:

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

Road impact fees may be reduced by seventy five percent (75%) of the estimated construction cost of the improvements specified in this section. The itemized construction estimate must be stamped by a professional engineer and provided to the Planning and Engineering Department for review and approval prior to payment of road impact fees and submittal to the Finance Department. Road impact fee reduction may be available for sites having the following:

- a. Pedestrian courts / promenades having no less than one-half acre surrounded by multiple businesses and/or used for outside seating, which must be landscaped and linked to sidewalks along roads. Development should be in the style shown in Figures 5.056-3 and/or Figure 5.056-4.

Figure 5.056-3



Figure 5.056-4



- b. Public squares dedicated to the city having no less than one half-acre. Public squares must have sidewalks and canopy trees installed by the developer to be eligible for credits, and be central to pedestrian accessible development.
2. Applicants with reduced road impact fees must construct site per plans. Any deviation from the site plan not approved by Planning, Engineering, or Codes may void the approval of the reduction, and result in the denial of any Certificate of Occupancy until the remainder of the road impact fees are paid.

5.056.2 South Waldron Road Overlay 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 commercial, industrial, and multi-unit residential development within this district. Existing structures, structure additions of less than 50%, and parking lot improvements shall be exempt from the requirements of this district.

B. Design and Development Standards

For all new development, redevelopment, and major additions within the South Waldron Overlay District, the following standards apply:

1. Setbacks, Yards, Access, and Parking:

- a. The La Vergne Planning Commission may allow a reduction of setbacks and yards if either the structure will conform with the surrounding structures, or a town center style development is perceived to be suitable for the lot or area. If allowed, greenspace and landscaping must be added to the front, sides, and rear of the structure(s) per planning commission request.
- b. 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 shall be installed along all road frontages. The Planning Commission may also require sidewalks to 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 may be required by the Planning Commission 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 directly behind the sidewalk at intervals sufficient to prevent excessive dark spots for pedestrians and drivers.
- b. Pole and Luminaries - Decorative poles shall be black, traditional in style, and durable. 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.



4. Landscaping/Beautification:

- a. Street trees - Trees shall be planted in the sidewalk area, in front of the building, and where possible between the sidewalk and the building. Staff and/or the Planning Commission may determine the type 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, and canopy trees should be placed in another location.
- e. Canopy Trees – Canopy trees are required to be a minimum 4” caliper and 10 feet tall within this district. Preferred trees include the Nuttall Oak, Willow Oak, Bosque or Chinese Elm, Princeton Elm, Black Gum, Green Ash, Tulip Poplar, Sycamore, Red or Autumn Blaze Maple, Trident Maple, and Green Vase Zelkova.
- f. Understory\Ornamental Trees – Understory trees must be a minimum 8 feet tall. Preferred trees include the Crape Myrtle, Southern Magnolia, White Fringetree, Snow Goose Cherry, or Yellowwood Tree.
- g. Buffers – If a transitional screen is required, it shall only account for 75% of the required per acre landscaping. There must be landscaping at multiple locations on the site.

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 new

primary structures and subdivided lots in the district. Preliminary and final plats must have a note stating underground utilities shall be installed. 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 or industrial development 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, must be shown in detail with material type. Certain materials, such as aluminum or metal, may not be allowed by the Planning Commission.
- b. Exterior front façades are required to have a minimum 80% combination of brick, stone, or hard-coat stucco, excluding windows, trim, and doors. In addition, any side of the structure or any rear with road frontage must have a minimum 50% brick, stone, or hard-coat stucco, excluding windows, trim, and doors. Use of concrete block, split-face block, Quik-Brik, or other related concrete-masonry block materials, EIFS, manufactured/pre-cast panels (with the exception of architectural concrete “tilt-up” panels), and vinyl or aluminum siding is prohibited.

C. Additional Site Plan Requirements:

1. Color Elevation Drawings: Drawings should show height, design, and exterior treatments of buildings as required in this district. Percentage of brick and stone must be indicated.
2. Exterior Lighting: Location and lighting patterns of exterior lighting must be provided. This may be shown as a separate sheet on a site plan submittal.
3. Signage: Signage must be shown and meet all city requirements. Signs shall not be replaced with a different sign using a sign permit unless five years has elapsed from site plan submittal.

4. 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 shall waive requirements in this district for site plans showing a building addition not exceeding 50% and / or a change of use for an existing building. 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. Variance requests for requirements of this district may be granted by the La Vergne Board of Zoning Appeals.

E. Impact Fee Reduction:

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

Road impact fees may be reduced by seventy five percent (75%) of the estimated construction cost of the improvements specified in this section. The itemized construction estimate must be stamped by a professional engineer and provided to the Planning and Engineering Department for review and approval prior to payment of road impact fees and submittal to the Finance Department. Road impact fee reduction may be available for sites having the following:

- a. Pedestrian courts / promenades having no less than one-half acre surrounded by multiple businesses and/or used for outside seating, which must be landscaped and linked to sidewalks along roads. Development should be in the style shown in Figures 5.056-3 and/or Figure 5.056-4.

Figure 5.056-3



Figure 5.056-4



- b. Public squares dedicated to the city having no less than one half-acre. Public squares must have sidewalks and canopy trees to be eligible for credits, and be central to pedestrian accessible development.

2. Applicants with reduced road impact fees must construct site per plans. Any deviation from the site plan not approved by Planning, Engineering, or Codes may void the approval of the reduction, and result in the denial of any Certificate of Occupancy until the remainder of the road impact fees are paid.

5.060 Smyrna Airport Height Restrictions An ordinance regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Smyrna Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones, defining certain terms used herein; referring to the Smyrna Airport Part 77, Airspace Plan and avigation easements which are incorporated in and made a part of this ordinance; providing for enforcement; establishing a board of adjustment; and imposing penalties.

This ordinance is adopted pursuant to the authority conferred by Tennessee Code 42-6-103. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Smyrna Airport, and property or occupants of land in its vicinity; that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Smyrna Airport and the public investment therein. Accordingly, it is declared:

- A. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Smyrna Airport.
- B. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- C. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

The Smyrna/Rutherford County Airport Authority hereby adopted this ordinance when meeting in regular session on October 12, 2005 and recommends its adoption by the Town of Smyrna, City of La Vergne and Rutherford County to be incorporated into their respective zoning ordinances.

5.060.1 Definitions. As used in this Section, unless the context otherwise requires the following words and terms shall have the following meanings:

Airport – Smyrna Airport



Airport Elevation – 543 ft MSL

Airport Zoning Map – A map produced in order to outline the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, dated 2005 contained in the Airport Master Plan, identified as Part 77, Airspace Plan, and incorporated into this ordinance and made a part hereof.

Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 5.060.3.

Approach, Transitional, Horizontal, and Conical Zones – These zones are set forth in Section 5.060.2.

Avigation Easements - Perpetual rights for the use and benefit of the public in its use of Smyrna Airport, as described, identified and recorded with the County of Rutherford, Deed Book 208, and Page 145.

Board of Zoning Appeals – A Board consisting of 5 members, appointed by the Board of Mayor and Aldermen of the City of La Vergne as provided in Title 14, Chapter 5 of the La Vergne Municipal Code.

Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4000 feet.

Hazard to Air Navigation – An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.

Height – For the purpose of determining the height limits in all zones set forth in this Section and shown on the Airport Zoning Map.

Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger Than Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft. Smyrna's runway 01/19 and runway 14/32 meet this designation.

Nonconforming Use – Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Section or an amendment thereto.

Non-Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or

area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. Smyrna's Runway 01/19 and Runway 14 meet this designation.

Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5.060.3.

Person – An individual, firm, partnership, corporation, company, association, joint venture or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or other Precision Approach such as a Global Positioning System (GPS). (Smyrna's Runway 32 and 14 meet this designation.) It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document. (Smyrna Runway 01 and 19 meet this designation.)

Primary Surface – A surface longitudinally centered on a runway and extending 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section 5.060.2. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway – A defined area of an airport prepared for landing and take-off of aircraft along its length.

Structure – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

Transitional Surfaces – These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree – Any object of natural growth.

Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures.

Zoning Map – Smyrna Airport’s Master Plan Update, Part 77 Airspace Plan, is hereby attached to this Section and made a part hereof.

5.060.2 Airport Zones. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Smyrna Airport. Such zones are shown on the Smyrna Airport Zoning Map. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive limitation. The various zones are hereby established and defined as follows:

- A. Utility Runway Visual Approach Zone (Future Runway 14L/32R) – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Runway Larger Than Utility With A Visibility Minimum As Low As  $\frac{3}{4}$  Mile Non-precision Instrument Approach Zone (Runway 012, Runway 19, Runway 14) – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- C. Precision Instrument Runway Approach Zone (Runway 32, future Runway 32L) – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- D. Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.
- E. Horizontal Zones – The horizontal zones are established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zones so not include the approach and transitional zones.
- F. Conical Zones – The conical zones are established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance or 4,000 feet.

5.060.3 Airport Zone Height Limitations. Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height

limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Utility Runway Visual Approach Zone (Future Runway 14L/32R) – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- B. Runway Larger Than Utility With A Visibility Minimum As Low As  $\frac{3}{4}$  Mile Non-precision Instrument Approach Zone (Runway 012, Runway 19, Runway 14) – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- C. Precision Instrument Runway Approach Zone (Runway 32, future Runway 32L) – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence, slopes forth (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- D. Transitional Zone – Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to the height of 150 feet above the airport elevation, which is 543 feet above, mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the Runway 32 approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- E. Horizontal Zone – Established at 150 feet above the airport elevation or at a height of 693 feet above mean seal level.
- F. Conical Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- G. Excepted Height Limitations – Nothing in this Section shall be construed as height above the surface of the land (AGL) as follows:
  - 1. Runway 01 – 25 feet

2. Runway 32 (future runway 32L) – 30 feet
3. Runway 19 – 60 feet
4. Runway 14 (future runway 14R) – 50 feet

5.060.4 Use Restrictions. Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

5.060.5 Nonconforming Uses.

- A. Regulations Not Retroactive – The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted.
- B. Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Smyrna/Rutherford County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Airport Authority.

5.060.6 Permits.

- A. Future Uses – Except as specifically provided in 1, 2 and 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted by the Codes Department of the City of La Vergne. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for

a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with Section 5.060.6 (D).

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy –five feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 5.060.3.

- B. Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction of permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. Nonconforming Uses Abandoned or Destroyed – Whenever the City of La Vergne determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances – Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Zoning Appeals of the City of La Vergne for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the

operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Smyrna/Rutherford County Airport Authority for advice as to the aeronautical effects of the variance. If the Smyrna/Rutherford County Airport Authority does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

- E. Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary.

5.060.7 Enforcement. It shall be the duty of the City of La Vergne to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City of La Vergne upon a form published for that purpose. Applications required by this Section to be submitted to the City of La Vergne shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted thereto.

5.060.8 Judicial Review. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Zoning Appeals, may appeal to the Chancery Court of Rutherford County as provided in Public Law.

5.060.9 Penalties. Each violation of this Section or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable pursuant to the General Penalty Clause found in Section 5 of Ordinance #94-19 and any amendment thereto; each day a violation continues to exist shall constitute a separate offense.

5.060.10 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or tree, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

5.060.11 Severability. If any of the provisions of this Section or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Section which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.





**ARTICLE VI**  
**EXCEPTIONS AND MODIFICATIONS**

**SECTION**

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Exceptions to Height Limitations
- 6.040 Lots Of Record
- 6.050 Exception to Front Setback Requirements
- 6.060 Absolute Minimum Lot Size

6.010. Scope. Article VI of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article IV and V.

6.020. Nonconforming Uses. It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures of uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of nonconforming uses, buildings, structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the item of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions. These provisions are applicable to all uses which are permitted within the districts in which they area located.

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification; provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area. A change in occupancy or ownership shall not, by itself, constitute a change of use.
- B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this ordinance.
- C. When a nonconforming use of any structure of land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.
- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other acts of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance and the nonconforming use shall terminate.

- E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. The provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
- F. Any commercial or industrial use subject to the provisions of this section shall be allowed to destroy and reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding:
  - 1. shall result in a change of nonconforming use to another nonconforming use;
  - 2. shall infringe upon, or increase the extent of any infringement existing at the time of this ordinance, upon any open space required by this ordinance;
  - 3. shall take place upon a zone lot(s) other than that upon which said use was operating as to the effective date of this ordinance.
- G. Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use to another nonconforming use and further provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.
- H. Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:
  - 1. shall result in a change of one nonconforming use to another nonconforming use;
  - 2. shall infringe, or increase the extent or any infringement exiting at the time of adoption of this resolution, upon any open space required by this ordinance,
  - 3. shall take place upon a zone lot(s) other than upon which said use was operating as of the effective date of this ordinance.

6.030. Exception to Height Limitations. The height limitation of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission and radio towers other than cellular towers, windmills, chimneys, smokestacks, conveyors, flag poles, masts and aerials.

6.040. Lots of Record. The following provisions shall apply to all existing lots of record.

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient

land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.

- B. No lot which is not or here after built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

6.050. Exceptions to Setback Requirements. The front setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

6.060. Absolute Minimum Lot Size. In no case shall the Codes Enforcer or the Board of Zoning Appeals permit any lot in a residential district to be used as a building site which is less than the required minimum lot size for that residential district.

## ARTICLE VII

### PERFORMANCE STANDARDS

#### SECTION

- 7.010 Purpose and Intent
- 7.020 Performance of Standard Regulations

7.010. Purpose and Intent. The purpose of this article is to establish regulations and standards for the installation and operation of industrial, commercial, community facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable performance standards shall apply to such extended, enlarged, reconstructed portions of such use of building or other structure.

The provisions of this article shall apply notwithstanding the issuance after the effective date of this ordinance of any zoning permit or use and occupancy permit.

Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a community facility activity.

In the case of any conflict between the activity type and the performance standards, the latter shall control. In the case of any conflict between the performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

7.020. Performance of Standard Regulations. The following performance standard regulations shall apply to all uses of property in commercial or industrial districts.

A. Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, code, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area; provided, that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this chapter limiting dangerous and objectionable elements at the point of the determination of their existence.

B. Performance Standards for Noise

At no point on or beyond the boundary of any lot which abuts a lot in the same district, shall the sound pressure level resulting from any use or activity, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below:

<u>Octave Band, Frequency in Cycles Per Second</u>	<u>Sound Pressure Level in Decibels</u>
0-74	79
75-149	74
150-299	66
300-599	59
600-1,199	53
1,200-2,399	47
2,400-4,799	41
4,800 and over	39

Where any Industrial or Commercial District adjoins a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

C. Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot lone of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted thought the earth and impact vibration which is an earthborne vibration produced by two or more objects (or parts of a machine) striking each other.

D. Performance Standards Regulating Smoke

No emission shall be permitted at any point from any stack, chimney, or other source of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 1 except as provided below:

Within the IR Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

Within the IB Districts, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2 shall not be permitted, except that visible gray smoke of a shade equal to Ringlemann No. 3 may be permitted for three (3) minutes in any one (1) hour period.

E. Performance Standards Regulating Gases, Dust, and Particulate Matter

No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the zone lot line on which the source is situated.

F. Performance Standards Regulating Odors

Odorous matter released from any operation shall not exceed the lowest concentration which will produce an olfactory response in a person beyond the zone lot line.

G. Performance Standards Regulating Toxic Matter

No emission which would be demonstrably injurious to human health, animals, or plant life at or beyond the zone lot line will be permitted. Where an industrial use could produce such emission as a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken.

H. Performance Standards Regulating Fire and Explosive Hazards

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior and protected throughout by an automatic fire extinguishing system.

All activities involving the use and/or storage and/or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standard to the industry involved.

Outdoor storage of any such materials shall be no less than forty (40) feet from all zone lot lines.

I. Performance Standards Regulating Glare and Heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.

J. Performance Standards Regulating Electromagnetic Interference

In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

K. Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection Against Radiation" issued by the Tennessee Department of Health and Environment.

L. Nonconforming Uses by Reason of Performance Standards

Any use existing on the effective date of this ordinance, subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this article or by reference shall be subject to the nonconforming use provisions of Article VI, Section 6.020.

## ARTICLE VIII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

8.010	Administration of the Ordinance
8.020	The Enforcer Officer
8.030	Building Permits
8.040	Temporary Use Permits
8.050	Certificate of Occupancy
8.060	Procedure for Authorizing Special Exceptions
8.070	Board of Zoning Appeals
8.080	Variances
8.090	Amendments to the Ordinance
8.100	Penalties
8.110	Remedies
8.120	Separability
8.130	Interpretation
8.140	Effective Date

8.010. Administration of the Ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements, adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

8.020. The Enforcement Officer. The provisions of this ordinance shall be administered and enforced by the City Codes Enforcer. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.



- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Codes Enforcer shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

8.030. Building Permits. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure. Including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land without a permit therefore, issued by the Codes Enforcer.

No Building Permit shall be issued by the Codes Enforcer, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application

Application for a Building Permit shall be made in writing to the Codes Enforcer on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Fee

The La Vergne City Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the office of the Codes Enforcer and at City Hall. Only the City Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Codes Enforcer shall issue a Building Permit for such excavation or construction. If an application for a building permit is not approved, the Codes Enforcer shall state in writing on the application the cause for such

disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this ordinance.

D. Construction Progress

Any Building Permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

8.040. Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Codes Enforcer, as provided for in Article IV, Section 4.030 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Codes Enforcer on the form provided for that purpose. The fee for all temporary use permits except for a fireworks tent shall be \$50.00. The fee for a temporary use permit for a fireworks tent shall be \$250.00. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050. Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Codes Enforcer shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the Codes Enforcer to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

8.060. Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Codes Enforcer to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. Criteria For Review

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangement has been made concerning all the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case off fire or catastrophe.

2. Off-street parking and loading areas where required, with particular attention to the items in Item 1 above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the Items in 1. and 2. above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. All items required on a site plan or preliminary or final plat according to submittal.

C. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

D. Validity of Plans

All approved plans, conditions, restrictions, and rules made apart of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all items.

E. Time Limit

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

F. Specific Standards for Day Care Centers

1. No such facility shall be permitted on a lot unless such lot contains at least one half acre.
2. A fenced outdoor play area shall be provided of at least 200 square feet per child or 2,000 square feet whichever is greater.
3. All bulk and space regulations of the district shall be met.

4. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver children. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.
5. One accessory off-street parking space for each five children accommodated shall be provided.
6. All public utilities and sanitary sewers shall be available and connected at the site.
7. All regulations of the State of Tennessee that pertain to the use shall be met.
8. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facilities.
9. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area as well as the facility.
10. A site plan shall be submitted in conjunction with the application for a conditional use permit.

#### 8.070. Board of Zoning Appeals

##### A. Procedure

Meeting of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

##### B. Appeals to the Board

An appeal to the La Vergne Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Codes Enforcer based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Codes Enforcer shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

##### C. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Codes Enforcer certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of acts

stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a refraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Codes Enforcer, and on due cause shown.

D. Appeal to the Court

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

E. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Codes Enforcer or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear request for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this ordinance.

F. Application Fees for the Board of Zoning Appeals.

A fee of one hundred dollars (\$100.00) payable to the City of La Vergne shall be charged to cover partial review and processing of each application, except that the fee shall be waived for a governmental agency.

8.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where it is necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Hearings

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Standards for Variances

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purpose and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.
6. For variance requests in overlay districts, the Board of Zoning Appeals should determine whether the size of the building or lot in relation to the design standards presents a substantial hardship for its owner. The determination of a substantial hardship shall be at the discretion of the Board of Zoning Appeals. Variances shall not be granted from the exterior requirements for the front of the structure or the sides of the structure having roadway frontage, except for structures located in industrial zoning districts. In addition, variances shall not be granted to allow for exteriors utilizing prohibited materials, except for structures located in industrial zoning districts. However, the use of exterior insulation finish system (EIFS), vinyl and aluminum siding shall not be allowed in any instance.

D. Sign Variances

1. Generally

Scale drawings of the sign must be submitted. The Board of Zoning Appeals may grant variances for the following reasons:

- a. To allow for an additional wall, monument, or pole sign, provided that, in the opinion of the Board of Zoning Appeals, the current or planned signage does not address the needs of the building or lot, and provided that, after the granting of such variance, the lot will only have one monument and one pole sign in total. In no event shall a lot have more than one pole sign.
- b. To allow for an off-premise directory monument sign at the entrance of office and industrial centers. The sign shall serve a minimum of five businesses or industries.
- c. To allow the area or height of a sign to be increased by up to 50 percent of the maximum height or area allowed.
- d. To allow for an Interstate On-Sign at a commercial or industrial place of business that does not meet the distance requirement of being located no more than a 3,000 linear foot radius from the center of the interchange and within 1,000 feet from the interstate right-of-way, provided that, in the opinion of the Board of Zoning Appeals, the current or planned signage does not address the needs of the building or lot.

2. Standard of Review

The Board of Zoning Appeals may grant a variance authorized by this section if it finds that any of the following special physical conditions exist:

- a. The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
- b. Such physical characteristics prevent legal signing from identifying the activity as compared to legal signing identifying other activities in the immediate area.
- c. The sign is located on a lot with multiple road frontages.

3. Effect of Board Denial

No appeal which has been denied, wholly or in part, by the Board of Zoning Appeals, in accordance with the provisions established herein, upon which no variance has been granted, may be resubmitted for a period of one (1) year from the date of such denial except on grounds of new evidence or proof of changed conditions found to be valid by the board.

8.090. Amendments to the Ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the City Commission of La Vergne. Any member of the City Commission may introduce such legislation, or any official, board, or any other person may present a petition to the City Commission requesting an amendment or amendments to this ordinance or map. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

No amendment to this ordinance or map shall become effective unless it shall have been proposed by or shall have first been submitted to the La Vergne Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days, within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of a majority of the City Commission to become effective. If the Planning Commission fails to submit a report within the thirty (30) days period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or if disapproved, received the favorable vote of a majority of the entire membership of the City Commission.

Before enacting an amendment to this ordinance or map, the City Commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City of La Vergne.

A. Amendment to the Zoning Ordinance

A fee of two hundred fifty dollars (\$250) due and payable at the time of filing of petition shall be posted with requests to amend the zoning ordinance. The fee is to be used by the City of La Vergne to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance. The proposed changes to the ordinance must be submitted digitally on a disc or emailed to the City Planner, along with being printed out in hard copy format. The submittal shall be at the office of the City Planner by 2:00 pm on the Monday, four weeks prior to the planning commission meeting.

B. Amendments to the Zoning Map

Amendments to the zoning map shall be initiated by the filing of an application with the La Vergne Planning Commission. Said application shall contain:



1. Application forms that must be filled out completely, including all contact information for all parties listed. The property owner must sign the application, or the written and signed certification of the owner permitting a representative to sign on the owner's behalf must be on or with the application and be notarized.
2. A written description of the project explaining the rezoning request, purpose and justification for the request, surrounding neighborhood conditions and site conditions.
3. A written legal description of the subject property including the Rutherford County Tax Plat number and acreage.
4. A label matrix and a photo copy of the label matrix containing the names and addresses of the adjacent property owners abutting the property, across streets, roads, highways, and/or railways, and waterways which border the applicant's property within 500 feet of the property boundaries.
5. Fee of \$300.00.
6. 10 copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1" = 100' and no larger than 1" = 10' and show the following information:
  - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
  - b. Bearings and dimensions of property to be rezoned.
  - c. All roads and easements within or adjoining property to be rezoned.
  - d. Location, size, type and current use of any buildings on the property requested for rezoning.
  - e. Location of the adjoining property owners in relation to the property to be rezoned.
  - f. Setbacks, yards, and transitional buffers shown and labeled for proposed zone
7. A digital version of the rezoning plan/map on Compact Disc (CD) or emailed to the City Planner.
8. Be submitted at the office of the City Planner by 2:00 pm on the Monday, four weeks prior to the planning commission meeting.

9. Any submittal without all of the above information will not be accepted by the City of La Vergne for processing, except that, with regard to the requirements set forth in parts (a) through (f) of paragraph 6 of this section, failure to meet the requirements as set forth therein shall not be a basis for the rejection of a submittal but may be considered by the Planning Commission in determining whether or not a submittal is approved or denied.

8.100. Penalties. Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

8.110. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Codes Enforcer or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

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.

8.130. Interpretation. Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern.

8.140. Effective Date. This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the La Vergne Municipal Planning Commission

S/S: Donald Gannon

Approved and adopted by the City Commission of the City of La Vergne.

February 6, 1990  
Date

S/S: Jack L. Moore  
Mayor  
La Vergne, Tennessee

Attest:

S/S: Virginia C. Frizzell  
City Recorder