

# **AGENDA**

Board of Mayor and Aldermen  
September 2, 2025 Public Hearing @ 5:45 PM

- Call meeting to order.

## **ORDER OF BUSINESS**

1. **Ordinance #2025-25** - An Ordinance to Amend the City of La Vergne Zoning Ordinance by Changing the Official Zoning Map for Tax Map 18K, Group A, Parcel 6. Property Consists of Approximately 13.63 Acres. Property Located at the end of Wheeler Street. Current Zoning: I-1 (Light Industrial) Zoning District; Proposed Zoning: I-2 (Heavy Industrial) Zoning District. (This received a favorable recommendation from the Planning Commission on July 29, 2025.)
2. **Ordinance #2025-26** - An Ordinance to Amend the City of La Vergne Zoning Ordinance by Changing the Official Zoning Map for Tax Map 29, Parcel 42. Property Consists of Approximately 32.5 Acres. Property Located at 180 Blair Road. Current Zoning: R-1 (Low Density Residential) Zoning District; Proposed Zoning: R-3 (High Density Residential) Zoning District. (This received a favorable recommendation from the Planning Commission on July 29, 2025.)
3. **Ordinance #2025-27** – An Ordinance Repealing the Existing Zoning Ordinance and Zoning Map, Adopting a New Zoning Ordinance and Zoning Map, and Amending Title 14 of the La Vergne Municipal Code in Conformity with the Same. (This received a favorable recommendation from the Planning Commission on July 29, 2025.)

## **ADJOURN**



**ITEM REPORT**  
**Board of Mayor and Aldermen**  
**Meeting Date: September 2, 2025**

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**Item #: 1.**                      **Ordinance #2025-25** - An Ordinance to Amend the City of La Vergne Zoning Ordinance by Changing the Official Zoning Map for Tax Map 18K, Group A, Parcel 6. Property Consists of Approximately 13.63 Acres. Property Located at the end of Wheeler Street. Current Zoning: I-1 (Light Industrial) Zoning District; Proposed Zoning: I-2 (Heavy Industrial) Zoning District. (This received a favorable recommendation from the Planning Commission on July 29, 2025.)

**Department:**                      Planning

**Presented By:**                      Bo Logan

**Item Attachments:**              1.      Ordinance #2025-25

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**Summary:**

This is an ordinance to rezone property located at the end of Wheeler Street from I-1 to I-2.

**Background Information:**

84 Lumber has been operating in the La Vergne area for approximately twenty years and is seeking to grow. The parcel is currently zoned Light Industrial (I-1) and is identified as Parcel 6.00 of Tax Map 18K. 84 Lumber is requesting to rezone approximately 13.63 acres to Heavy Industrial (I-2), with approximately 1.28 acres remaining as Light Industrial (I-1) along Jefferson Pike.

The existing 84 Lumber property to the north is zoned Heavy Industrial (I-2). Land to the east is zoned Light Industrial (I-1). Land to the southeast, west, and southwest are zoned Medium Density Residential (R-2).

Currently, the parcel is vacant and heavily wooded, with a gas easement as its largest feature. The proposed site will be accessed through the existing 84 Lumber property, which is located on Wheeler Street.

**Financial Summary:**

Revenues: The city should receive impact fees and property taxes from any development of the property.

Expenditures: Other than normal services being provided by the city, there are no specific expenditures required from the city for the development of this property.

**Staff Recommendation:**

Staff does not typically give recommendations on whether to approve or deny rezoning requests. This is a decision for the Board of Mayor and Aldermen.

## **ORDINANCE #2025-25**

AN ORDINANCE TO AMEND THE CITY OF LA VERGNE ZONING ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP FOR TAX MAP 18K, GROUP A, PARCEL 6. PROPERTY CONSISTS OF APPROXIMATELY 13.63 ACRES. PROPERTY LOCATED AT THE END OF WHEELER STREET. CURRENT ZONING: I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT; PROPOSED ZONING: I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT.

**WHEREAS**, a request has been made by Brian Grover, to rezone property located within the City of La Vergne; and

**WHEREAS**, the City of La Vergne Planning Commission, on July 29, 2025, made a favorable recommendation to the Board of Mayor and Aldermen that this request be approved.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LA VERGNE BOARD OF MAYOR AND ALDERMEN THAT:**

**SECTION 1.** That the Zoning Ordinance be and is hereby amended by making certain changes to the Official Zoning Map for the City of La Vergne, by changing the property identified as Tax Map 18K, Group A, Parcel 6 from an I-1 (Light Industrial) Zoning District to an I-2 (Heavy Industrial) Zoning District. This property consists of approximately 13.63 acres and is owned by Pierce Hardy Limited Partnership / 84 Lumber, who submitted application #ZR-2025-03 for the rezoning of this property, which is attached to and made a part of this ordinance as though copied herein.

**SECTION 2. BE IT FURTHER ORDAINED**, that the Codes and Planning Departments are hereby authorized and directed, upon approval of this Ordinance to cause the change to be made on the Official Zoning Map, as set out in Section 1 of this Ordinance, and to make notation thereon of reference to the date of passage and approval of this Ordinance.

**SECTION 3. BE IT FURTHER ORDAINED**, that this Ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the City of La Vergne requiring it.



**LEGAL STATUS PROVISIONS**

Approved and certified by the Planning Commission:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

Public Hearing Held: \_\_\_\_\_

Approved by the Mayor and Board of Aldermen:

\_\_\_\_\_  
1st Reading

\_\_\_\_\_  
Jason Cole, Mayor

\_\_\_\_\_  
2nd Reading

ATTEST:

\_\_\_\_\_  
Bruce E. Richardson, City Recorder

Published in the Murfreesboro Post on \_\_\_\_\_.

**City of La Vergne, Tennessee**  
5093 Murfreesboro Road, La Vergne, TN 37086 ♦ (615) 793-6295

**REZONING REQUEST APPLICATION**

For a Rezoning Request, the City of La Vergne **requires** the following:

1. Completion of this application. Please type or print the information in blue or black ink.
2. A map of the property. (See Zoning Ordinance for Specific Details.)
3. A label matrix with a list of Names **and** addresses of all adjacent property owners within 500 feet.
4. A legal description of the property, if available.
5. If the applicant is not the property owner, a letter from the property owner must be attached giving the applicant the authority to request rezoning.
6. A letter summarizing the project proposal, including the proposed usage of the land, reason for the rezoning request and justification for the rezoning request.
7. Payment of a Non-Refundable \$300.00 application fee. (Checks should be made payable to "City of La Vergne")

**Request No. ZR-2025-03**

(Assigned by the City Recorder)

**Date Submitted:** \_\_\_\_\_

**SECTION 1 - Applicant Information** (Any Correspondence from the City will be addressed to the applicant.)

- ☐ Property Owner      ☐ Purchaser of Property      ☐ Engineer      ☐ Trustee  
☐ Architect      ☒ Other: LANDSCAPE ARCHITECT

Name: BRIAN GROVER Phone #: (615-648-7085)

Business: S.E.C. Inc. E-Mail: bgrover@sec-civil.com

Address: 850 MIDDLE TN BLVD. Best Way to Contact: E-MAIL  
(Mail, E-Mail, Phone)

City: MURFREESBORO State: TN Zip: 37129

**SECTION 2 - Property Information for the Rezoning Request**

| Tax Map | Parcel(s) | Current Zoning District | Requested Zoning District | # of Acres | Property Owner |
|---------|-----------|-------------------------|---------------------------|------------|----------------|
| 018K    | 6.00      | I-1                     | I-2                       | 13.63      | 84 LUMBER      |
|         |           |                         |                           |            |                |
|         |           |                         |                           |            |                |
|         |           |                         |                           |            |                |
|         |           |                         |                           |            |                |

\*\*\* Reason for Rezoning must be included on an attached sheet.

Project Name: 84 LUMBER

Project Address: WHEELER STREET

Existing Land Use: VACANT

Proposed Land Use: STORAGE/PRODUCTION

Total Acreage of Project / Rezoning: REZONING  $\approx$  13.63 OF THE 14.91 ACRES TO I-2

The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to the Board of Mayor and Aldermen. The Board of Mayor and Aldermen must approve a Rezoning Ordinance on two readings and hold a public hearing before the rezoning request is considered approved.

Applicant's Signature: Brian Grover Date: 12/14/2022

**CITY OF LA VERGNE  
PLAN REVIEW APPLICATION**

|                                            |
|--------------------------------------------|
| For Staff Use Only                         |
| Project Name: _____ Date: _____ Fee: _____ |

**Please submit Application Forms in person to the  
City of La Vergne Codes Building Front Desk/City Planner**

Project Name: 84 LUMBER

Project Address: WHEELER STREET

Land Use Existing: LIGHT-INDUSTRIAL (I-1) VACANT

Land Use Proposed: HEAVY-INDUSTRIAL (I-2) STORAGE/PRODUCTION

Existing Zoning District LIGHT INDUSTRIAL (I-1)

Tax Map(s) & Parcel Number(s): TAX MAP O1&K GROUP A' PARCEL 6.00

**Check one or more of the following:**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Concept Plan for Major Subdivision<br><input type="checkbox"/> Preliminary Subdivision Plat for Minor Subdivision<br><input type="checkbox"/> Preliminary Subdivision Plat for Major Subdivision<br><input type="checkbox"/> Final Subdivision Plat for Minor Subdivision<br><input type="checkbox"/> Final Subdivision Plat for Major Subdivision<br><input type="checkbox"/> Final Subdivision Plat for Condominium | <input type="checkbox"/> Site Plan<br><input type="checkbox"/> Variance*<br><input checked="" type="checkbox"/> Rezoning*<br><input type="checkbox"/> Road or alley abandonment<br><input type="checkbox"/> Special Exception* |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\*These requests require an additional application form.

**\*\*\*\*NOTE: A letter explaining the proposal must accompany all requests.\*\*\*\***

**Environmental Constraints on Site?**

- |                                                                       |        |
|-----------------------------------------------------------------------|--------|
| 1. Are there slopes of 12-20% or greater on site?                     | Yes No |
| 2. Is the development located in a local regulatory flood plain/zone? | Yes No |

**Engineer/Designer (if applicable)** Print Name BRIAN GROVER

Address 850 MIDDLE TN BLVD Zip Code 37129

Daytime Phone 615-890-7901 Fax \_\_\_\_\_ E-mail: bgrover@sec-civil.com

**Attorney (if applicable)** Print Name \_\_\_\_\_

Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Contact Person**Print Name BRIAN GROVERAddress 850 MIDDLE TN BLVD. Zip Code 37129Daytime Phone 615-640-7085 Fax \_\_\_\_\_ E-mail bgrover@SEC-civil.com

The undersigned has read the application associated with the above listed review request and is familiar with the information submitted herewith. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned warrants their authority to bind the owner and to subject the property to restrictions and conditions that may be attached to the proposed development.

**Applicant (if other than owner)**Print Name BRIAN GROVER Signature Brian GroverAddress 850 MIDDLE TN BLVD Zip Code 37129Daytime Phone 615-648-7085**Owner(s)**Print Name Jim Zaunick Signature [Signature]Address 1019 Route 519 EIGHTH FIVE PA Zip Code 15330Daytime Phone 412 997 0068

Print Name \_\_\_\_\_ Signature \_\_\_\_\_

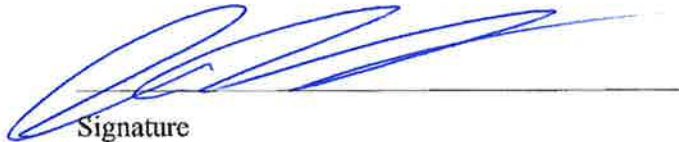
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Phone \_\_\_\_\_

## Certification Statement

I hereby certify that Pierce Hardy Limited Partnership is the owner of the property located at JEFFERSON PIKE, LA VERGNE TN which is the subject of this application, and that I, Jim Zaunick in my capacity as ASSIST Secretary, am authorized to sign this application on behalf of the owner.

I understand that knowingly providing false information on this Application may result in any action taken heron being declared null and void. I further understand that pursuant to TCA 39-16-301 et seq., knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his duty is punishable as a Class B misdemeanor.

  
Signature

2-23-22

Date

Jim Zaunick ASSIST Secretary  
Printed Name and Title

**Note:** A Certification Statement must be submitted with an application form requiring the owner's signature if the owner of the subject property is a corporation, limited liability company, partnership, association, trustee, etc., or if someone other than the owner signs the application. All Certification Statements must be notarized.

  
Notary Signature

11/23/2022

Date

Notary Seal  
Commonwealth of Pennsylvania - Notary Seal  
Timothy J. Deer, Notary Public  
Washington County  
My commission expires November 22, 2024  
Commission number 1037043  
Member, Pennsylvania Association of Notaries

City of La Vergne Planning Department  
5089 Murfreesboro Road  
La Vergne, TN 37086  
Phone: 615-213-2624 Fax: 615-213-8692

Property Description  
84 Lumber - Jefferson Pike  
(Owned by Jefferson Pike Church of Christ)  
Tax Map 018K Group A, Parcels 005.00 & 006.00  
Deed Book 626, Page 649  
Record Book 110, Page 1081

Located in the 3<sup>rd</sup> Civil District of Rutherford County, Tennessee. Bound on the south by the remaining property of Jefferson Pike Church of Christ (Record Book 110, Page 1081), Merritt Cemetery, Jefferson Pike, BellSouth Mobility Inc DBA (Deed Book 581, Page 796), David Glen Warnack (Record Book 160, Page 2722), and Nebert R. Trobaugh (Deed Book 339, Page 490); on the west by BellSouth Mobility Inc DBA and Hillview Drive; on the north by Pierce Hardy Limited Partnership (Record Book 1442, Page 1841); and on the east by LBP Investors (Deed Book 672, Page 235), the remaining property of Jefferson Pike Church of Christ (Record Book 110, Page 1081), and the Merritt Cemetery.

**Beginning** at an iron pin found in the northeast corner of Merritt Cemetery; thence N85°16'37"W, 47.15 feet along the north line of said cemetery to an iron pin found; thence along the west line of said cemetery S8°58'19"W, 39.41 feet to an iron pin found along the north right-of-way of Jefferson Pike in the southwest corner of said cemetery; thence N81°50'14"W, 87.24 feet along said right-of-way to an iron pin found; thence along the east line of BellSouth Mobility property N9°06'37"E, 803.24 feet to an iron pin found; thence along the north line of BellSouth Mobility property N80°57'50"W, 197.13 feet to an iron pin found; thence along the north line of David Glen Warnack property N79°04'29"W, 305.43 feet to an iron pin found; thence along the north line of Nebert R. Trobaugh property N82°51'16"W, 105.11 feet to an iron pin found; thence along the east right-of-way of Hillview Drive N9°13'31"E, 363.35 feet to an iron pin; thence along the south line of Pierce Hardy Limited Partnership property S73°01'23"E, 631.78 feet to an iron pin; thence along said line S72°54'11"E, 708.06 feet to an iron pin found; thence along the west line of LBP Investors property, S26°17'45"W, 602.79 feet to an iron pin; thence along the north line of the remaining property of Jefferson Pike Church of Christ property N79°40'50"W, 400.22 feet to an iron pin; thence along the west line of the remaining property of Jefferson Pike Church of Christ property S10°19'10"W, 222.76 feet to an iron pin, thence along said line S10°19'10"W, 152.99 feet to **The Point of Beginning** containing, 14.91 acres more or less.



Map 18K, Group A, Parcel 6.00



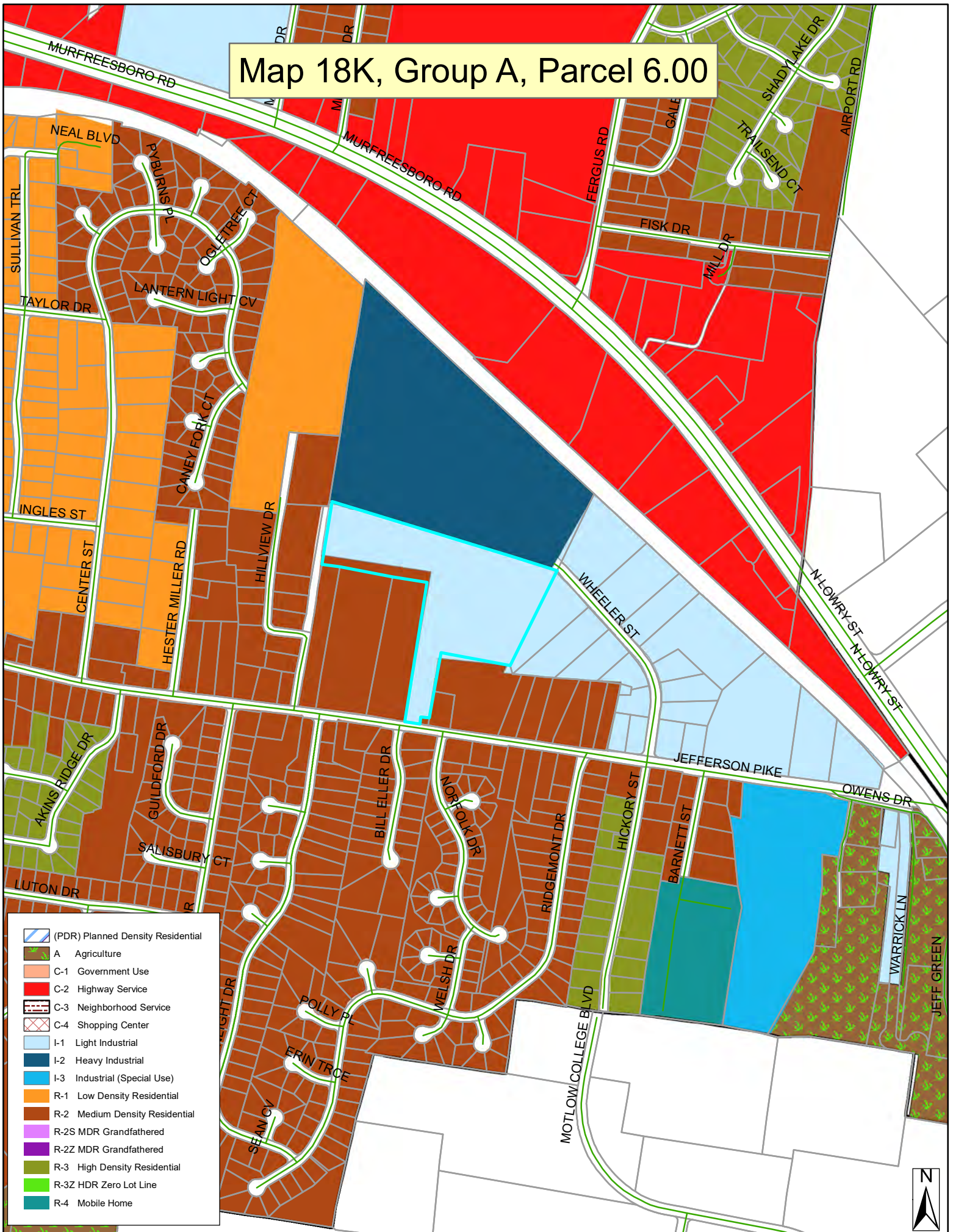


Map 18K, Group A, Parcel 6.00





# Map 18K, Group A, Parcel 6.00













CONCEPTUAL SITE PLAN  
City of LaVergne, TN

LAND USE DATA:  
EXISTING ZONING: I-1 (Light Industrial)  
PROPOSED ZONING: I-2 (Heavy Industrial)

TOTAL LAND AREA: ± 14.91 ACRES  
PROPOSED AREA TO BE REZONED TO (I-2) = ± 13.63 ACRES  
AREA TO REMAIN ZONED (I-1) = ± 1.28 ACRES

Existing Trees To Remain. Trees removed or damaged during construction shall be supplemented to achieve the Type 3 Transitional Buffer performance standards.

Existing Zoning to Remain I-1  
±1.28 AC

Proposed 13.62 Acres to be Rezoned to I-2

Proposed Access

Potential Storage Area

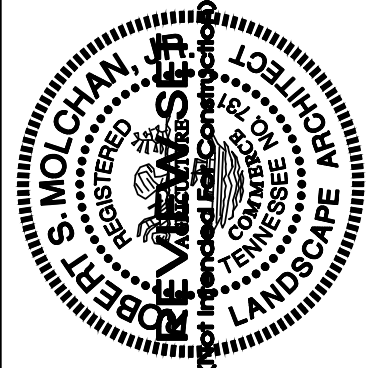
Gas Easement

Engineered Wood Product

Storage Area

Existing 84 Lumber Site

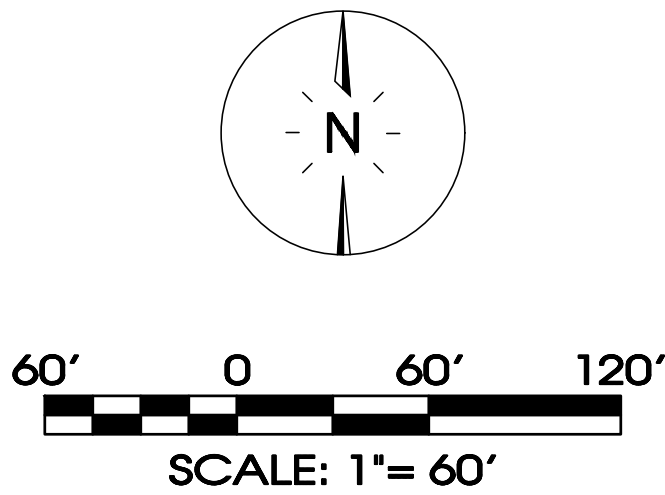
SEC, Inc.



84 Lumber  
LaVergne, Tennessee

Concept Plan  
CP1.0

SITE ENGINEERING CONSULTANTS  
ENGINEERING • SURVEYING • LAND PLANNING  
LANDSCAPE ARCHITECTURE  
850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129  
PHONE: (615) 890-7901 WWW.SEC-CIVIL.COM FAX: (615) 895-2567  
NO PORTION OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF SEC, INC.  
The site as shown on these construction drawings is intended to achieve specific engineering design criteria and objectives. It is the sole responsibility of the owner/developer to ensure that the construction of the site shown on these construction drawings is in total accordance with the design as noted, described, and dimensioned on these drawings. The engineer assumes no responsibility for the assurance that the site is constructed in accordance with the construction plans.







**CONCEPTUAL SITE PLAN**  
City of LaVergne, TN

|                                      |                        |
|--------------------------------------|------------------------|
| LAND USE DATA:                       |                        |
| EXISTING ZONING:                     | I-1 (Light Industrial) |
| PROPOSED ZONING:                     | I-2 (Heavy Industrial) |
| TOTAL LAND AREA:                     |                        |
| PROPOSED AREA TO BE REZONED TO (I-2) | = ± 14.91 ACRES        |
| AREA TO REMAIN ZONED (I-1)           | = ± 13.63 ACRES        |
|                                      | = ± 1.28 ACRES         |

Roadway Exhibit

Provided exhibit created from GIS data. Shown exhibit is conceptual in nature and does not represent a final layout. A finalized plan shall be submitted at the site plan level for staff review.

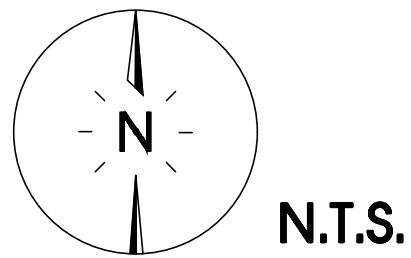


Photo depicting the intersection of Jefferson Pike and Wheeler Street.

SEC, Inc.

SITE ENGINEERING CONSULTANTS

ENGINEERING • SURVEYING • LAND PLANNING

LANDSCAPE ARCHITECTURE

850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129

PHONE: (615) 890-7901 WWW.SEC-CIVIL.COM FAX: (615) 895-2567

NO PORTION OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM SEC, INC. 2022

The site as shown on these construction drawings is intended to achieve specific engineering design criteria and objectives. It is the sole responsibility of the owner/developer to ensure that the construction of the site shown on these construction drawings is in total accordance with the design as noted, described, and dimensioned on these drawings. The engineer and/or architect assumes no responsibility in the assurance that the site is constructed in accordance with the construction plans.

84 Lumber

LaVergne, Tennessee

|                  |  |
|------------------|--|
| REVISED:         |  |
| DRAWN: BPG       |  |
| DATE: 12-14-2022 |  |
| CHECKED:         |  |
| BPG              |  |
| FILE NAME:       |  |
| 22778            |  |
| SCALE:           |  |
| NTS              |  |
| JOB NO.          |  |
| 22778            |  |
| SHEET:           |  |
| CP2.0            |  |

Roadway Exhibit

Page 18 of 301





**ITEM REPORT**  
**Board of Mayor and Aldermen**  
**Meeting Date: September 2, 2025**

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**Item #: 2.**                      **Ordinance #2025-26** - An Ordinance to Amend the City of La Vergne Zoning Ordinance by Changing the Official Zoning Map for Tax Map 29, Parcel 42. Property Consists of Approximately 32.5 Acres. Property Located at 180 Blair Road. Current Zoning: R-1 (Low Density Residential) Zoning District; Proposed Zoning: R-3 (High Density Residential) Zoning District. (This received a favorable recommendation from the Planning Commission on July 29, 2025.)

**Department:**                      Planning

**Presented By:**                      Bo Logan

**Item Attachments:**              1.      Ordinance #2025-26

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**Summary:**

This is an ordinance to rezone property located at 180 Blair Road from R-1 to R-3.

**Background Information:**

The parcel is currently zoned Low Density Residential (R-1) and is identified as Parcel 042.00 of Tax Map 029.00. The applicant is requesting to rezone approximately 32.50 acres to High Density Residential (R-3) along Blair Road.

The property to the north is currently zoned High Density Residential (R-3). Land to the east is zoned Low Density Residential (R-1). Lands to the west and southwest, as well as south are zoned Planned Density Residential (PDR).

Currently, the parcel is vacant and heavily wooded, with the remnants of a dilapidated house as its largest feature. The proposed site will be accessed by Blair Road.

**Financial Summary:**

Revenues: The city should receive impact fees and property taxes from any development of the property.  
Expenditures: Other than normal services being provided by the city, there are no specific expenditures required from the city for the development of this property.



**Staff Recommendation:**

Staff does not typically give recommendations on whether to approve or deny rezoning requests. This is a decision for the Board of Mayor and Aldermen.

## **ORDINANCE #2025-26**

AN ORDINANCE TO AMEND THE CITY OF LA VERGNE ZONING ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP FOR TAX MAP 29, PARCEL 42. PROPERTY CONSISTS OF APPROXIMATELY 32.5 ACRES. PROPERTY LOCATED AT 180 BLAIR ROAD. CURRENT ZONING: R-1 (LOW DENSITY RESIDENTIAL) ZONING DISTRICT; PROPOSED ZONING: R-3 (HIGH DENSITY RESIDENTIAL) ZONING DISTRICT.

**WHEREAS**, a request has been made by Nanu Patel / Evergreen Capital Ventures, to rezone property located within the City of La Vergne; and

**WHEREAS**, the City of La Vergne Planning Commission, on July 29, 2025, made a favorable recommendation to the Board of Mayor and Aldermen that this request be approved.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LA VERGNE BOARD OF MAYOR AND ALDERMEN THAT:**

**SECTION 1.** That the Zoning Ordinance be and is hereby amended by making certain changes to the Official Zoning Map for the City of La Vergne, by changing the property identified as Tax Map 29, Parcel 42 from a R-1 (Low Density Residential) Zoning District to a R-3 (High Density Residential) Zoning District. This property consists of approximately 32.5 acres and is owned by Evergreen Capital Ventures, LLC, who submitted application #ZR-2025-04 for the rezoning of this property, which is attached to and made a part of this ordinance as though copied herein.

**SECTION 2. BE IT FURTHER ORDAINED**, that the Codes and Planning Departments are hereby authorized and directed, upon approval of this Ordinance to cause the change to be made on the Official Zoning Map, as set out in Section 1 of this Ordinance, and to make notation thereon of reference to the date of passage and approval of this Ordinance.

**SECTION 3. BE IT FURTHER ORDAINED**, that this Ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the City of La Vergne requiring it.



**LEGAL STATUS PROVISIONS**

Approved and certified by the Planning Commission:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

Public Hearing Held: \_\_\_\_\_

Approved by the Mayor and Board of Aldermen:

\_\_\_\_\_  
1st Reading

\_\_\_\_\_  
Jason Cole, Mayor

\_\_\_\_\_  
2nd Reading

ATTEST:

\_\_\_\_\_  
Bruce E. Richardson, City Recorder

Published in the Murfreesboro Post on \_\_\_\_\_.

**City of La Vergne, Tennessee**  
5093 Murfreesboro Road, La Vergne, TN 37086 ♦ (615) 793-6295

**REZONING REQUEST APPLICATION**

For a Rezoning Request, the City of La Vergne **requires** the following:

1. Completion of this application. Please type or print the information in blue or black ink.
2. A map of the property. (See Zoning Ordinance for Specific Details.)
3. A label matrix with a list of Names **and** addresses of all adjacent property owners within 500 feet.
4. A legal description of the property, if available.
5. If the applicant is not the property owner, a letter from the property owner must be attached giving the applicant the authority to request rezoning.
6. A letter summarizing the project proposal, including the proposed usage of the land, reason for the rezoning request and justification for the rezoning request.
7. Payment of a Non-Refundable \$300.00 application fee. (Checks should be made payable to "City of La Vergne")

**Request No. ZR-2025-04**

**Date Submitted:** \_\_\_\_\_

(Assigned by the City Recorder)

**SECTION 1 - Applicant Information** (Any Correspondence from the City will be addressed to the applicant.)

☒ Property Owner      ☐ Purchaser of Property      ☐ Engineer      ☐ Trustee  
☐ Architect      ☐ Other: \_\_\_\_\_

Name: NAVU PATEL Phone #: \_\_\_\_\_

Business: EVERGREEN CAPITAL VENTURES E-Mail: \_\_\_\_\_

Address: 900 S WILLOW AVE NO 3469 Best Way to Contact: \_\_\_\_\_  
(Mail, E-Mail, Phone)

City: COOKVILLE State: TN Zip: 38501

**SECTION 2 - Property Information for the Rezoning Request**

| Tax Map | Parcel(s) | Current Zoning District | Requested Zoning District | # of Acres | Property Owner                 |
|---------|-----------|-------------------------|---------------------------|------------|--------------------------------|
| 029 -   | 04200-000 | R-1                     | R-3                       | 32.5       | EVERGREEN CAPITAL VENTURE, LLC |
|         |           |                         |                           |            |                                |
|         |           |                         |                           |            |                                |
|         |           |                         |                           |            |                                |
|         |           |                         |                           |            |                                |

\*\*\* Reason for Rezoning must be included on an attached sheet.



Project Name: BLAIR ROAD

Project Address: 180 BLAIR RD LA VERGNE TN 37086

Existing Land Use: R-1

Proposed Land Use: P-3

Total Acreage of Project / Rezoning: 32.5

The rezoning process takes approximately three to four months depending on when the application is received by the City. The request must go to the Planning Commission where it receives a recommendation to the Board of Mayor and Aldermen. The Board of Mayor and Aldermen must approve a Rezoning Ordinance on two readings and hold a public hearing before the rezoning request is considered approved.

Applicant's Signature:  Date: \_\_\_\_\_

**CITY OF LA VERGNE**  
**PLAN REVIEW APPLICATION**

For Staff Use Only

|                                 |                      |                                |
|---------------------------------|----------------------|--------------------------------|
| Project Name: <u>BLAIR ROAD</u> | Date: <u>6-27-25</u> | Fee: <u>1,150<sup>00</sup></u> |
|---------------------------------|----------------------|--------------------------------|

Please submit Application Forms in person to the  
City of La Vergne Codes Building Front Desk/City Planner

Project Name: BLAIR ROAD

Project Address: 180 BLAIR ROAD LA VERGNE TN 37086

Land Use Existing: R-1

Land Use Proposed: R-3

Existing Zoning District R-1

Tax Map(s) & Parcel Number(s): 029-042-00-000

**Check one or more of the following:**

- |                                                                             |                                                    |
|-----------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Concept Plan for Major Subdivision                 | <input type="checkbox"/> Site Plan                 |
| <input type="checkbox"/> Preliminary Subdivision Plat for Major Subdivision | <input type="checkbox"/> Variance*                 |
| <input type="checkbox"/> Final Subdivision Plat for Minor Subdivision       | <input type="checkbox"/> Special Exception*        |
| <input type="checkbox"/> Final Subdivision Plat for Major Subdivision       | <input type="checkbox"/> Road or alley abandonment |
| <input type="checkbox"/> Final Subdivision Plat for Condominium             |                                                    |

\*These requests require an additional application form.

**\*\*\*\*NOTE: A letter explaining the proposal must accompany all requests.\*\*\*\***

**Environmental Constraints on Site?**

- |                                                                       |     |    |
|-----------------------------------------------------------------------|-----|----|
| 1. Are there slopes of 12-20% or greater on site?                     | Yes | No |
| 2. Is the development located in a local regulatory flood plain/zone? | Yes | No |

**Engineer/Designer (if applicable)** Print Name THOMAS HUTTON

Address 500 11<sup>TH</sup> AVE STE 800 NASHVILLE TN Zip Code 37203

Daytime Phone 615-349-4990 Fax \_\_\_\_\_ E-mail: CLAXTONJ@tandh.com

**Attorney (if applicable)** Print Name \_\_\_\_\_

Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

City of La Vergne Planning Department  
5175 Murfreesboro Road  
La Vergne, TN 37086  
Phone: 615-287-8702 Fax: 615-213-8692



**Contact Person**Print Name HIRAN PATELAddress 900 S WILLOW AVE # 3469 COOKVILLE Zip Code 38501

Daytime Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

The undersigned has read the application associated with the above listed review request and is familiar with the information submitted herewith. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned warrants their authority to bind the owner and to subject the property to restrictions and conditions that may be attached to the proposed development.

**Applicant (if other than owner)**

Print Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Phone \_\_\_\_\_

**Owner(s)**Print Name EVERGREEN CAPITAL VENTURES, LLC  
NANU PATEL Signature [Signature]Address 900 S WILLOW AVE # 3469 Zip Code 38501  
COOKVILLE TN

Daytime Phone \_\_\_\_\_

Print Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Daytime Phone \_\_\_\_\_

City of La Vergne Planning Department  
5175 Murfreesboro Road  
La Vergne, TN 37086

Phone: 615-287-8702 Fax: 615-213-8692

## Certification Statement

I hereby certify that Nanu Patel is the owner of the property located at 180 Blair Road La Vergne, TN which is the subject of this application, and that I, Nanu Patel, in my capacity as Managing Member, am authorized to sign this application on behalf of the owner.

I understand that knowingly providing false information on this Application may result in any action taken hereon being declared null and void. I further understand that pursuant to TCA 39-16-301 et seq., knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his duty is punishable as a Class B misdemeanor.

Nanu Patel  
Signature

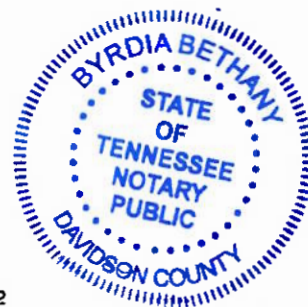
6/24/25  
Date

NANU PATEL managing member  
Printed Name and Title

**Note:** A Certification Statement must be submitted with an application form requiring the owner's signature if the owner of the subject property is a corporation, limited liability company, partnership, association, trustee, etc., or if someone other than the owner signs the application. All Certification Statements must be notarized.

Byrdia Bethany  
Notary Signature

6/24/2025  
Date





Map 29, Parcel 42



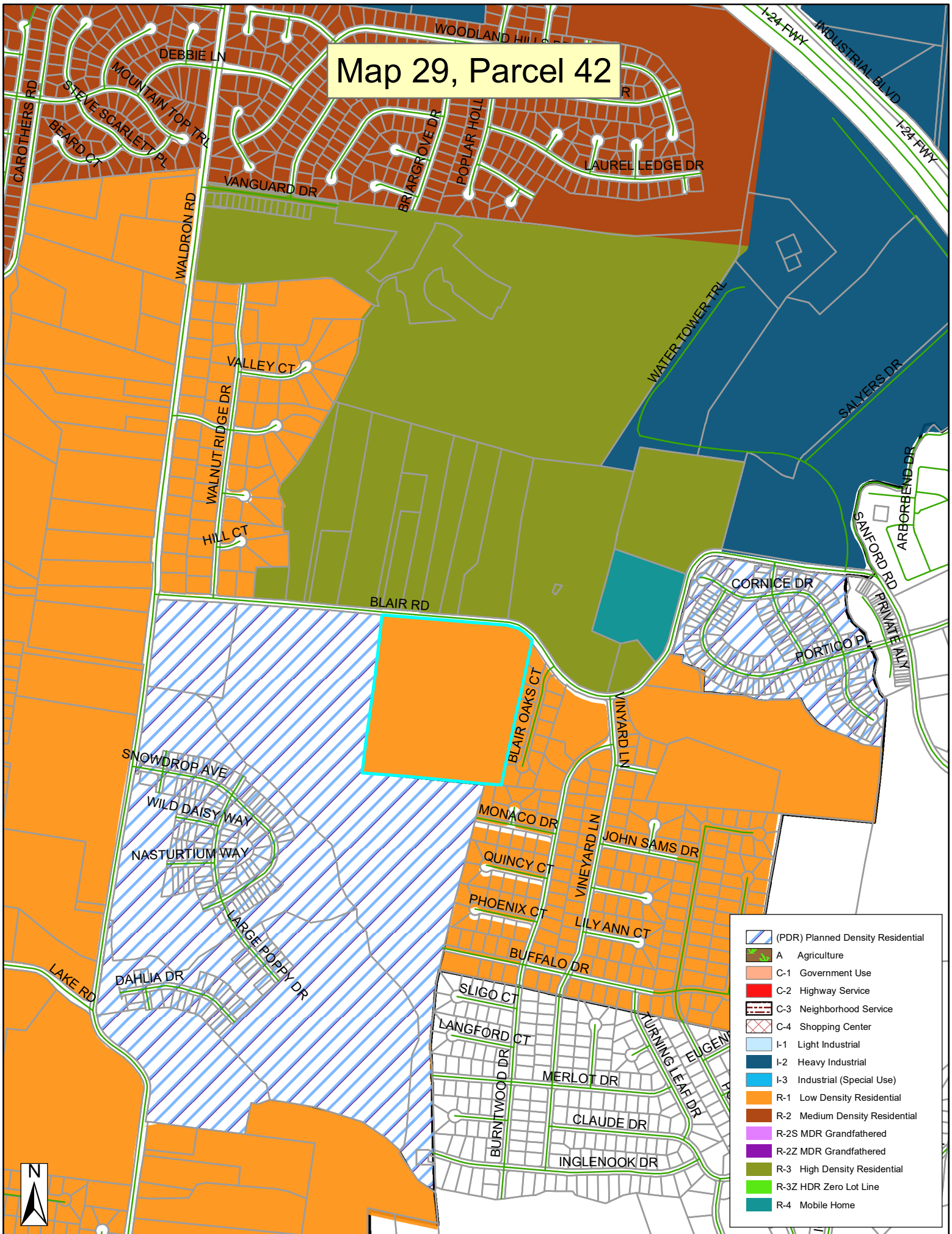


# Map 29, Parcel 42





# Map 29, Parcel 42



- (PDR) Planned Density Residential
- A Agriculture
- C-1 Government Use
- C-2 Highway Service
- C-3 Neighborhood Service
- C-4 Shopping Center
- I-1 Light Industrial
- I-2 Heavy Industrial
- I-3 Industrial (Special Use)
- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-2S MDR Grandfathered
- R-2Z MDR Grandfathered
- R-3 High Density Residential
- R-3Z HDR Zero Lot Line
- R-4 Mobile Home

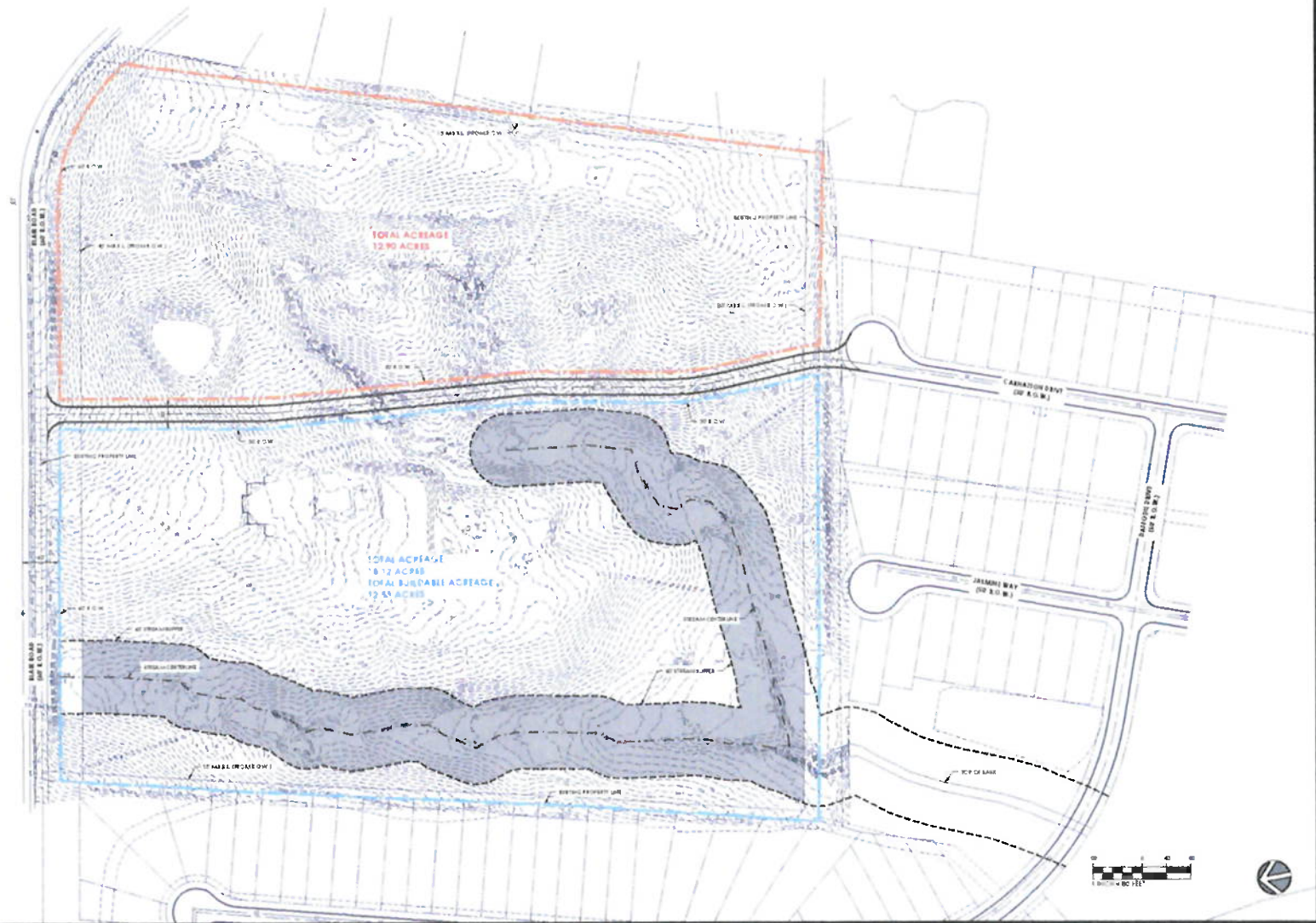












ZONING EXHIBIT  
**BLAIR ROAD MULITFMAILY**  
 BLAIR ROAD LA VERGNE, TN

June 23, 2025

**THOMAS  
 &  
 HUTTON**  
 620 11th Avenue, N. • Suite 100  
 Nashville, TN 37203 • 615.349.4190  
[www.thomashutton.com](http://www.thomashutton.com)

This map is a general plan of the development and is for illustrative purposes only. It does not constitute a legal description, and it is subject to change and revision without notice to the public. The owner, developer, and engineer are responsible for the accuracy of the information and the results of the survey and design. The map is not to be used for any other purpose without the written consent of Thomas & Hutton.

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## Board of Mayor and Aldermen

**Meeting Date: September 2, 2025**

**Item Attachments:**

1. Ordinance #2025-27
2. Exhibit 1 - New Zoning Ordinance
3. Exhibit 2 - New Zoning Map and Overlays

This is an ordinance that will repeal the existing zoning ordinance and zoning map, adopt a new zoning ordinance and zoning map and also amends Title 14, Chapter 2 of the La Vergne Municipal Code regarding the new zoning ordinance.

This item is for the adoption of the new zoning ordinance and zoning map that has been worked on for several years. There have been public meetings and many meetings of the Planning Commission to get to this point. There will be a public hearing prior to both first reading and second reading to ensure our residents have the ability to make comments about the new ordinance or map.

The Board will need to determine when the new zoning ordinance and zoning map will become effective. It could either become effective immediately after passage (after it is advertised in the newspaper), or it could become effective on a specific date. If approved on first reading on September 2, 2025 and second reading on October 9, 2025, that date could be something like November 1, 2025, December 1, 2025 or some other date agreed upon by the Board.

**Financial Summary:**

N/A

**Staff Recommendation:**

Staff recommends approval.



## **ORDINANCE #2025-27**

AN ORDINANCE REPEALING THE EXISTING ZONING ORDINANCE AND ZONING MAP, ADOPTING A NEW ZONING ORDINANCE AND ZONING MAP, AND AMENDING TITLE 14 OF THE LA VERGNE MUNICIPAL CODE IN CONFORMITY WITH THE SAME.

**WHEREAS**, the City of La Vergne's current zoning ordinance, as amended from time to time, was adopted February 6, 1990 (the "Existing Zoning Ordinance"); and

**WHEREAS**, the City of La Vergne's current zoning map, as amended from time to time, was adopted on April 3, 2007 (the "Existing Zoning Map"); and

**WHEREAS**, the City of La Vergne identified a need for new comprehensive zoning regulations and a new zoning map; and

**WHEREAS**, the City of La Vergne identified detailed project goals related to new zoning regulations and a new zoning map including, without limitation: updating outdated portions of the existing zoning ordinance, and creating a new zoning ordinance and map consistent with the adopted City of La Vergne Future Land Use Plan designed to manage growth and development in the City in order to enhance the quality of life of residents and visitors; and

**WHEREAS**, the City of La Vergne's proposed new zoning ordinance attached hereto as Exhibit 1 and incorporated herein by reference as if set forth, at length, verbatim (the "New Zoning Ordinance") and the City of La Vergne's proposed new zoning map attached hereto as Exhibit 2 and incorporated herein by reference as if set forth, at length, verbatim (the "New Zoning Map"), were recommended for approval by the City of La Vergne's planning commission on July 29, 2025; and

**WHEREAS**, public meetings have been held, and public comments have been addressed; and

**WHEREAS**, the City of La Vergne's Board of Mayor and Aldermen finds that the New Zoning Ordinance and New Zoning Map reasonably meet the project goals and the needs of the City of La Vergne; and

**WHEREAS**, the City of La Vergne's Board of Mayor and Aldermen finds that the New Zoning Ordinance and New Zoning Map comply with T.C.A. §13-7-201 et seq.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF LA VERGNE THAT:**

**SECTION 1.**        Repeal of the Existing Zoning Ordinance and Existing Zoning Map.

The Existing Zoning Ordinance and the Existing Zoning Map are hereby repealed.

**SECTION 2.**        Adoption of the New Zoning Ordinance and New Zoning Map.

The New Zoning Ordinance and the New Zoning Map are hereby adopted.

**SECTION 3.**        Amendment of Title 14, Chapter 2 of the La Vergne Municipal Code.

Title 14, Chapter 2 of the La Vergne Municipal Code be deleted in its entirety and replaced to read as follows:

**CHAPTER 2 – ZONING ORDINANCE**

**Sec. 14-201 – Land use to be governed by zoning ordinance.**

Land use within the City of La Vergne shall be governed by Ordinance Number 2025-27 titled “City of La Vergne Zoning Ordinance” and any amendments thereto.

**SECTION 4.**        Severability.

Each section, subsection, paragraph, sentence, and clause of the New Zoning Ordinance, and each zoning designation set forth in the New Zoning Map, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, and clause of the New Zoning Ordinance, or and zoning designation set forth in the New Zoning Map, shall not affect the validity of any other portion of the New Zoning Ordinance or New Zoning Map, and only that portion declared to be invalid or otherwise unenforceable by a court of competent jurisdiction shall be deleted therefrom.

**SECTION 5.**        Construction of conflicting provisions.

Where any provision of the New Zoning Ordinance or New Zoning Map is in conflict with any other provision of the New Zoning Ordinance or New Zoning Map, the provision which establishes the higher standard for the promotion and protection of the public health, safety and welfare shall prevail

**SECTION 6.**        Effective Date.

That this Ordinance shall take effect on \_\_\_\_\_, the public welfare requiring it.



**LEGAL STATUS PROVISIONS**

Approved and certified by the Planning Commission:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

Public Hearing Held: \_\_\_\_\_

Approved by the Mayor and Board of Aldermen:

\_\_\_\_\_  
1st Reading

\_\_\_\_\_  
Jason Cole, Mayor

\_\_\_\_\_  
2nd Reading

ATTEST:

\_\_\_\_\_  
Bruce E. Richardson, City Recorder

Published in the Murfreesboro Post on \_\_\_\_\_.

# City of La Vergne



## Zoning Ordinance

La Vergne Municipal Planning Commission – Recommended: July 29, 2025

La Vergne Board of Mayor and Aldermen – Adopted: (Date)

Last Amended with Ordinance #2025-27 – (Date)



## Table of Contents

|                                                                            |            |
|----------------------------------------------------------------------------|------------|
| <b>Preface - General Planning Principles.....</b>                          | <b>5</b>   |
| General Planning Principles in the City of La Vergne .....                 | 5          |
| <b>Chapter 1 - General Provisions.....</b>                                 | <b>8</b>   |
| 1.1    Legal Provisions.....                                               | 8          |
| 1.2    Transitional Rules .....                                            | 10         |
| 1.3    Relationship to the La Vergne 2040 Comprehensive Land Use Plan..... | 10         |
| 1.4    Zoning Map .....                                                    | 11         |
| <b>Chapter 2 - Definitions.....</b>                                        | <b>12</b>  |
| <b>Chapter 3 - Non-Conformities .....</b>                                  | <b>68</b>  |
| 3.1    General Provisions .....                                            | 68         |
| 3.2    Nonconforming Uses.....                                             | 68         |
| 3.3    Nonconforming Structures.....                                       | 69         |
| 3.4    Nonconforming Lots .....                                            | 70         |
| <b>Chapter 4 – Planning Areas.....</b>                                     | <b>71</b>  |
| 4.1    General .....                                                       | 71         |
| 4.2    Planning Districts .....                                            | 75         |
| <b>Chapter 5 - Development Standards .....</b>                             | <b>120</b> |
| 5.1    Purpose and Applicability .....                                     | 120        |
| 5.2    Additional Requirements .....                                       | 120        |
| <b>Chapter 6 - Design Standards.....</b>                                   | <b>147</b> |
| 6.1    Purpose and Intention .....                                         | 147        |
| 6.2    Applicability & Administration .....                                | 147        |
| 6.3    General Site Design Requirements.....                               | 147        |
| 6.4    General Building Design Requirements.....                           | 151        |
| 6.5    Specific Building Type Requirements .....                           | 154        |
| 6.6    Renovation of Existing Structures .....                             | 159        |
| <b>Chapter 7 - Parks and Open Space .....</b>                              | <b>160</b> |
| 7.1    Purpose & Intention.....                                            | 160        |
| 7.2    Park Standards .....                                                | 160        |
| 7.3    Open Space Standards .....                                          | 164        |
| 7.4    Ownership and Maintenance.....                                      | 165        |

|                                                                  |            |
|------------------------------------------------------------------|------------|
| <b>Chapter 8 – Parking and Driveways.....</b>                    | <b>167</b> |
| 8.1    Purpose and Intention .....                               | 167        |
| 8.2.    Applicability .....                                      | 167        |
| 8.3    Type & Amount of Parking .....                            | 167        |
| 8.4    Parking Lot Design Standards.....                         | 168        |
| 8.5    Driveways.....                                            | 170        |
| <b>Chapter 9 - Landscaping.....</b>                              | <b>172</b> |
| 9.1    Purpose & Intention.....                                  | 172        |
| 9.2    General Provisions .....                                  | 172        |
| 9.3    Overall Required Plantings .....                          | 173        |
| 9.4    Installation & Maintenance Standards .....                | 174        |
| <b>Chapter 10 - Lighting.....</b>                                | <b>180</b> |
| 10.1    Purpose.....                                             | 180        |
| 10.2    Applicability .....                                      | 180        |
| 10.3    General Standards for Exterior Lighting .....            | 180        |
| 10.4    Exemptions .....                                         | 182        |
| <b>Chapter 11 - Signs .....</b>                                  | <b>183</b> |
| 11.1    Purpose and Intention .....                              | 183        |
| 11.2    Applicability and Administration .....                   | 183        |
| 11.3    General Provisions .....                                 | 184        |
| 11.4    Primary Sign Types.....                                  | 185        |
| 11.5    Other Sign Types .....                                   | 187        |
| 11.6    Signs That Do Not Require a Permit .....                 | 189        |
| 11.7    Prohibited Signs .....                                   | 191        |
| 11.8    Maintenance & Upkeep of Sign.....                        | 191        |
| 11.9    Signs Allowed By Planning Area/District .....            | 192        |
| <b>Chapter 12 - Special Districts .....</b>                      | <b>193</b> |
| 12.1    Purpose.....                                             | 193        |
| 12.2    Waldron Road/Murfreesboro Road Streetscape District..... | 194        |
| 12.3    South Waldron Overlay .....                              | 197        |
| 12.4    Old Nashville Highway Overlay.....                       | 201        |
| 12.5    Smyrna Airport.....                                      | 204        |
| 12.6    Nashville International Airport (BNA).....               | 212        |



|                                                         |                                                         |            |
|---------------------------------------------------------|---------------------------------------------------------|------------|
| 12.7                                                    | Floodway Overlay.....                                   | 212        |
| <b>Chapter 13 - Boards and Commissions .....</b>        |                                                         | <b>237</b> |
| 13.1                                                    | Purpose.....                                            | 237        |
| 13.2                                                    | General Authority .....                                 | 237        |
| 13.3                                                    | Board of Mayor and Alderman (BOMA) .....                | 237        |
| 13.4                                                    | La Vergne Municipal Planning Commission (LMPC) .....    | 237        |
| 13.5                                                    | Board of Zoning and Appeals (BOZA) .....                | 238        |
| 13.6                                                    | Design Review Board .....                               | 238        |
| <b>Chapter 14 - Administration and Procedures .....</b> |                                                         | <b>239</b> |
| 14.1                                                    | Purpose and Intention .....                             | 239        |
| 14.2                                                    | Development Applications .....                          | 239        |
| 14.3                                                    | Annexations .....                                       | 242        |
| 14.4                                                    | Text Amendment.....                                     | 244        |
| 14.5                                                    | Rezoning (Map Amendment) .....                          | 244        |
| 14.6                                                    | Planned Development Plans (PDR) .....                   | 245        |
| 14.7.                                                   | Variances.....                                          | 249        |
| 14.8                                                    | Certificate of Appropriateness (COA) .....              | 251        |
| 14.9                                                    | Site Plan .....                                         | 252        |
| 14.10                                                   | Building Permit .....                                   | 255        |
| 14.11                                                   | Appeal of Administrative Decision .....                 | 255        |
| <b>Chapter 15 - Violations and Penalties .....</b>      |                                                         | <b>257</b> |
| 15.1                                                    | Notice to Comply .....                                  | 257        |
| 15.2                                                    | Penalties for Violation and Enforcement Mechanisms..... | 257        |
| 15.3                                                    | Separability .....                                      | 258        |
| 15.4                                                    | Interpretation. ....                                    | 258        |
| 15.5.                                                   | Effective Date. ....                                    | 258        |

## Preface - General Planning Principles

### General Planning Principles in the City of La Vergne

The City of La Vergne will grow. We must ensure that its growth is beneficial to our existing citizens and sustainable for future generations. La Vergne must remain a livable, healthy, and vibrant community.

1. We must create a healthy, environmentally sustainable, and socially connected La Vergne. The natural environment enhances our quality of life, both physically and socially. We will preserve this irreplaceable asset for future generations by:
  - Preserving rural views, significant hardwood forests, farmland, wildlife habitats, rock outcroppings, parkland, and watersheds in their pristine form.
  - Balancing natural habitat with active and passive recreational opportunities in our preserved open space.
  - Provide a mixture of housing types throughout the community.
  - The design of our public spaces, parks, and plazas will encourage social interaction, cultural experiences, and recreational opportunities.

La Vergne (referred to as “The City” throughout this ordinance) planning areas are determined by the adopted City of La Vergne Future Land Use Plan.

We will encourage the development of local businesses and personal services within La Vergne.

In La Vergne, we want economic development to foster business growth in a way that enhances community vitality through:

- Programs and policies that positively influence the shape of places, talent, and resources that create jobs and revenue.
- Creating clear and timely development review processes and ordinances.
- Maintaining policies that keep a low city property tax.

We will position Murfreesboro Road as La Vergne’s “Main Street” by:

- Encouraging investment and revitalization through the expansion of retail, commercial, restaurant, office, and personal service uses.

2. We must manage growth in an orderly process to enhance the quality of life for the residents of La Vergne.

Livability depends on the timely provision of transportation, schools, public safety, utilities, commercial life, spiritual life, and job opportunities. It is our intent that all parts of a vibrant community grow together through:



- Establishment and maintenance of an adequate commercial tax base.
  - A healthy diversity of uses in walkable neighborhoods.
  - Encouragement of growth without jeopardizing the quality of life for the residents of La Vergne.
  - Decisions based on the long-term goals of the comprehensive plan rather than a short-term benefit.
3. We must consider multimodal connections as part of all transportation projects and development applications.

The built environment can enhance the use of alternatives to the car and increase our physical health. We will make it preferable to do some of life's activities without driving by:

- Development and redevelopment in walkable, mixed-use, connected neighborhoods.
  - Planning commercial centers so walking, bicycling, and riding public transit to these destinations are viable options.
  - New greenway, bike, and sidewalk connections to existing developments.
4. We must promote safety for all users of La Vergne's transportation network.

La Vergne is a transportation link across the Nashville Metropolitan area and provides a network of transportation links between the neighboring communities as well as to the residents of La Vergne. As such, it is vital that we maintain safe travel ways through the community through:

- Maintaining a safe and efficient movement of people and goods.
  - Spend Public funds wisely by ensuring a return on investment.
  - Build partnerships for sustainable and livable communities.
5. We will work cooperatively with La Vergne's neighboring communities, governments, and agencies on regional growth and transportation issues.

La Vergne is connected in the larger Nashville Metropolitan region through both residents that work in the larger area and commuters that come to La Vergne daily for economic opportunities. We must work cooperatively to preserve the character of La Vergne as well as to maintain safe roadways and economic opportunities in the larger region by:

- Collaborate with Agencies such as the Nashville Area Metropolitan Planning Organization and the State of Tennessee Department of Transportation on regulations and projects impacting traffic within the City of La Vergne.
- Create clear regulations that assist local developers in seamlessly completing the development process in La Vergne.
- Maintain clear communications with neighboring governmental departments.

6. We must utilize the strategies and programs created by citizen-led focus groups/committees to foster an increased sense of community identity, community pride, and interconnectedness for La Vergne.

La Vergne is the heart of the Nashville Metropolitan area, as this community creates, makes, and services products as well as provides a vibrant community of citizens who work, live, and play in the Metropolitan area. This sense of community is enhanced by:

- Developments with community open space.
- A street, sidewalk, and greenway network that knits the community together.
- Neighborhoods welcoming to all citizens.



# Chapter 1 - General Provisions

## 1.1 Legal Provisions

### 1.1.1 Title.

This Ordinance shall be officially known as the “La Vergne Zoning Ordinance”, referred to throughout this document as “this Ordinance”.

### 1.1.2 Authority.

This Ordinance is enacted pursuant to the authority granted by the Tennessee Code Annotated (T.C.A.) § 13-7-201 et seq., § 13-7 401 et seq., and § 13-4-101 through § 13-4-310 et seq.

### 1.1.3 Effective Date.

This Ordinance was adopted by the Board of Mayor and Aldermen (BOMA) and became effective on                     .

### 1.1.4 Establishment.

The adoption of this Ordinance hereby establishes all its Chapters, Sections, Subsections, sentences, phrases, and all other contents.

### 1.1.5 Applicability.

This Ordinance applies to all land, lots, buildings, structures, uses, improvements, and development or redevelopment activity located within the City of La Vergne (referred to as “The City” throughout this ordinance) planning areas as determined by the adopted La Vergne 2040 Comprehensive Land Use Plan.

### 1.1.6 Purpose.

The regulations contained in the La Vergne Zoning Ordinance have been adopted in accordance with the current version of the La Vergne Comprehensive Plan or equivalent document and other adopted plans and policies, in order to promote the health, safety, morals and general welfare of the community and to incorporate the planning principles as described in the Preface to this Ordinance.

### 1.1.7 Minimum Requirements.

The requirements of this Ordinance are considered the minimum requirements for the promotion of the public health, safety, and general welfare of the City. All development or redevelopment shall occur in accordance with the regulations in this Ordinance. No land, lot, building, structure, development, improvement, establishment, facility, or premises shall be used or developed for any purpose or in any manner other than in compliance with this Ordinance.

**1.1.8 Relationship to other Provisions.**

If any provisions of this Ordinance are inconsistent with similar provisions of any other City, State, or Federal regulation, law, statute, or ordinance, the more restrictive provision shall control, to the extent permitted by law.

Conflicting provisions in cases where two or more standards within this Ordinance conflict with one another, the more restrictive standard shall be controlling, unless one of the provisions in conflict expressly states that it shall apply, control, or take precedence.

**1.1.9 Conflicts with Private Agreements.**

This Ordinance is not intended to modify, revoke, or repeal any easement, covenant, or other private agreement; however, where the regulations of this Ordinance are more restrictive, the requirements of this Ordinance shall be controlling. The City does not enforce the provisions of easements, covenants, or agreements between private or third parties.

**1.1.10 Continuation of Violations.**

Any violation of previous versions of this Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties and enforcement set forth in Chapter 15, unless the applicable use, development, improvement, construction, or activity complies with the provisions of this Ordinance. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this Ordinance.

**1.1.11 Non-conformities.**

Any use, building, structure, development, improvement, or lot that legally existed on the effective date of this Ordinance that does not meet all provisions set forth in this Ordinance shall be considered nonconforming and shall be controlled by Chapter 3, Non-conformities.

**1.1.12 Severability.**

It is expressly declared that this Ordinance and each Chapter, Section, Subsection, sentence, phrase, and all other content are adopted and enforceable regardless of whether one or more other portions of this Ordinance are judged invalid or unconstitutional by a court of competent jurisdiction. Such judgment shall not affect:

- A. The validity and continued enforcement of any other provision of this Ordinance;
- B. The application of this Ordinance to any other building, structure, development, improvement, lot, land, or situation not specifically included in that judgment; or
- C. Any other conditions or requirements attached to the same approval that are not specifically included in that judgment. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this Ordinance and believed that the condition or limitation was lawful.



## **1.2 Transitional Rules**

The following transitional rules will resolve the status of properties with pending or approved applications at the time of adoption of this Ordinance:

### **1.2.1 Pending Applications.**

All applications submitted on or after [REDACTED] shall comply with this Ordinance, including applications submitted for the [REDACTED] Planning Commission or administrative agenda. An applicant with a pending application may waive review under prior ordinances through a written letter to the Department of Planning and request review and vesting under the provisions of this Ordinance.

### **1.2.2 Approved Plans.**

Approved development plans, site plans, variances, certificates of appropriateness, land disturbance permits, tree removal permits, or building permits that are valid on the effective date of this Ordinance shall remain valid until their expiration date, where applicable. Plans approved under prior ordinances, such as concept plans, regulating plans, and conservation plans that are valid on the effective date of this Ordinance, shall also remain valid until their expiration date, where applicable.

### **1.2.3 Vested Plans.**

The specific plans listed below that are approved by the applicable review body on or after January 1, 2015, cause a vested property right to be established per T.C.A. § 13-4- 310:

- A. Development plan;
- B. Preliminary plat;
- C. Final Plat; or
- D. Site plan that is not associated with an approved development plan or preliminary plat.

### **1.2.4 Amendments or Revisions.**

Amendments or revisions to previously approved plans shall comply with this Ordinance unless the original approval is vested.

### **1.2.5 Re-Applications of Expired Plans.**

Any re-application following the expiration of an approved plan shall be subject to the Ordinance in effect on the date the application is resubmitted.

## **1.3 Relationship to the La Vergne 2040 Comprehensive Land Use Plan**

The La Vergne 2040 Comprehensive Land Use Plan is a general plan that articulates the long-term vision for growth and development throughout the City. The policies may be amended from time

to time to meet the changing requirements of the City. Text amendments to this Ordinance should maintain and enhance consistency with the Comprehensive Plan.

## **1.4 Zoning Map**

### **1.4.1 Establishment of the Zoning Map.**

- A. The location and boundaries of zoning districts and overlay zoning districts established by this Ordinance are shown and maintained as part of the City's Geographic Information System (GIS). The zoning GIS layers constitute the City's zoning map and are hereby adopted and made a part of this Ordinance.
- B. The zoning map shall be maintained and made available in accordance with T.C.A. §13-7-12. When a property is rezoned, the change shall be identified by updating the original electronic data with details of the change.



## Chapter 2 - Definitions

### Intent

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

### Rules of Interpretation

For the purposes of these regulations, the following rules of interpretation apply.

- A. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
- B. In the event of any conflict in standards applying to a project, the standard more consistent with the Comprehensive Plan shall apply.
- C. The words “shall,” “must,” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- D. The word “may” is permissive in nature, except when used in the negative.
- E. The word “should,” whether used in the positive or the negative, is a suggested guideline.
- F. References to “days” will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- G. For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.
- H. Whenever the Planning Director is required or permitted to exercise discretion with respect to any matter subject to this Land Development Ordinance, the Planning Director shall exercise that discretion in a manner most likely to create a result that is consistent with (in the following order of priority):
  - (1) The Comprehensive Plan;
  - (2) The Planning Principles set out in the Preface to the Zoning Ordinance; or
  - (3) The purpose and intent of the specific Planning Ordinance provision to which the exercise of discretion applies.

At the request of any person affected by the exercise of discretion by the Planning Director and who would have standing to appeal the Planning Director’s decision, the Planning Director shall provide a written statement explaining the basis for the decision in relation to the above standards.

### Abut

The condition of two adjoining parcels having a common property line or boundary, including cases where two or more parcels adjoin a corner, but not including cases where adjoining lots are

separated by a street or alley. Where not describing land, property, lot lines, or parcel lines, abut describes touching or sharing a common boundary with.

### **Accent Materials**

The exterior building materials used as an accent to the primary materials on a building facade, including trim around doors and windows. Accent materials do not exceed 25 percent of the building facade.

### **Access**

A private driveway or other point of vehicle access, such as a street, that intersects or connects to the general street system.

### **Accessible Parking Space**

A space designated for the parking or temporary storage of one vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

### **Accessory Structure or Use**

An accessory structure or use is a structure or use which:

- A. is subordinate to and serves a principal building or a principal use;
- B. is subordinate in area, extent, and purpose to the principal structure or principal use served;
- C. contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal structure or the principal use served; and,
- D. is located on the same zoning lot as the principal structure or principal use served.

### **Active Construction Site**

Any site that is under construction and has a current and valid building permit.

### **Active Recreation**

Land used for specific recreational activities that are generally facility-oriented, such as swimming pools, sports courts, sports arenas, sports fields, skate parks, playgrounds, and other facilities that address sports or physical activity.

### **Adjacent**

The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, street, or internal drive. Where not describing land, property, lots, or parcels, adjacent describes being next to or nearby one another.

### **Administrative Decision**

A decision in an order, requirement, permit, interpretation, or refusal made by any administrative official in carrying out or enforcing any provision of this Ordinance.



**Administrator**

The Administrator is the Planning Director.

**Adult Oriented Establishments**

A use type with the same meaning as the term “adult oriented establishment,” as used in T.C.A. § 7-51-1102, and the term “sexually oriented business,” as used in La Vergne Municipal Code (LMC) Title 9, Chapter 8, and in construing this term, the definitions contained LMC Title 9, Chapter 8, and in T.C.A. § 7-51-1102 (1) – (6) and (9) – (31) are likewise incorporated by reference into and made a part of this Ordinance.

**Age-Restricted Multifamily**

A type of multifamily residential that limits the residency to individuals who are at least 55 years of age or older.

**Aggregate Caliper Inch (ACI)**

The number of caliper inches of proposed trees used to meet a planting requirement. Caliper inch sizes for individual proposed trees are measured as indicated in the American Standard for Nursery Stock (ANSI 260.1-2004).

**Agricultural Lands**

Lands actively engaged in direct production of agricultural goods or products.

**Agricultural Structure**

A structure used in agricultural operations.

**Agricultural Uses**

Agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products grown on the premises.

**Alcove**

A recess in a wall, or partly enclosed extension connected to or forming part of a room, often curved and often used to house sculpture, a seat, or a fountain.

**Alley**

A minor public or private way intended to be used primarily for vehicular service access to the rear or side of properties.

**Alteration**

A change, addition, or modification in construction, structure, or occupancy of a structure.

**Alternative Financial Services**

Any non-chartered financial institution offering check cashing services, currency exchange, pay-day loans, car title loans, and/or similar services as its primary function.

**American Standard for Nursery Stock**

A publication prepared by the American Nursery and Landscape Association that provides standards related to size and planting for newly planted landscaping material.

**Animal hospital or veterinary clinic**

Facility providing medical services to animals with no outside facilities.

**Antenna**

An exterior transmitting or receiving device mounted on a building, structure, or tower that radiates or captures analog or digital signals, electromagnetic waves, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

**Appeal**

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

**Appeal of Administrative Decision**

A type of process to appeal a decision by an administrative official.

**Applicant**

The owner of property or the authorized representative of the owner who is applying for development approval.

**Appurtenance**

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, porches, decks, stoops, bay windows, roof overhangs, awnings, steps, and similar features.

**Arcade**

A succession of continuous arches.

**Architectural Lighting**

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

**Area of Shallow Flooding**

An area designated as an AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a 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**

The land within a community that 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 Flood Insurance Rate Map, Zone E may be further refined.

**Arterial Street**

A type of street defined by La Vergne's Major Thoroughfare Plan that is designed and intended for use by large volumes of through traffic, receives traffic flow from collector and local streets, allows for major movement between areas of the City, and usually has heavy traffic moving at relatively high speeds. This includes both major and minor arterial streets.

**Assessed Value**

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Rutherford County Property Appraiser's office for the purposes of taxation.

**Automated Teller Machine (ATM)**

An automated, mechanized consumer banking device.

**Awning**

A sheet of canvas or other material stretched on a frame and affixed to a building directly above a doorway or window. Awnings are used for protection from the elements.

**Awning Sign**

The use of an awning attached to a building for advertisement, identification, or promotional purposes. Only that portion of the awning that bears graphics, symbols, and/or written copy shall be construed as being a sign.

**Balcony**

A porch or other enclosed outdoor use area associated with the upper floors of a building.

**Balloon**

A stationary or mobile inflated device used to attract attention.

**Bank/Credit Union/Financial Services**

Establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, and investment companies.



**Bar/Tavern**

A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service or entertainment is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment, including live music, and/or dancing, comedy, etc., may also be included as an incidental use.

**Base**

The structural elements, design features, and materials associated with a part of the building that meets the ground to differentiate it from the middle and anchors the building to the ground.

**Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent annual chance flood.

**Basement**

Any portion of a building located below ground level on all sides.

**Bed and Breakfast Establishment**

An owner-occupied single-family dwelling in which the owner rents rooms to overnight guests and may offer meals only to those guests.

**Bench Sign**

A sign affixed to or painted on a bench.

**Berm**

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

**Bicycle Locker**

A fully enclosed space for one bicycle, accessible only to the owner or operator of the bicycle. It protects the entire bicycle, its components, and accessories from theft and inclement weather. Bicycle lockers may be pre-manufactured or may be designed for individual sites.

**Bicycle Rack**

A stationary object to which the bicycle user can lock the frame and one or both wheels of a bicycle with a user-provided U-shaped lock or cable, and which is either anchored to an immovable surface or is heavy enough that it cannot be easily moved.

**Bioretention**

A stormwater management feature that uses soil and plants to remove pollutants from stormwater runoff.

**Block**

A parcel of land composed of one or more individual lots or building sites surrounded by streets or by any combination of streets, internal drives, open space, watercourses, or railroad right-of-way.

**Block Face**

The lots or building sites along one side of a block.

**Block Length Perimeter**

For the purposes of vehicular connectivity, the distance around outer edges of a block enclosed by streets.

**Box Window**

A window or windows located within a wall projection.

**Breakaway Wall**

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 typically associated with flooding, without causing damage to the elevated portion of the building or supporting foundation system.

**Breezeway**

A roofed outdoor passage, as between a house and a garage.

**Buffer**

Vegetative material, walls, fences, berms, or any combination of these elements located on land that is used for screening.

**Building**

A fully enclosed structure with a roof and walls.

**Building Addition**

Any walled and roofed expansion to or extension of the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "new construction".

**Building Codes**

A collection of regulations adopted by the City of La Vergne to govern the design, construction, and modification of buildings and other structures.

**Building Coverage**

The gross area of a lot, parcel of land, or building site occupied by all the ground floor of a building or structure that is under roof. As a percentage, it is the relationship between the ground floor area of a building or structure under roof and the net area of the site.

**Building Footprint**

The area of a lot, parcel of land, or building site included within the exterior walls or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.

**Building Permit**

A permit required by this Ordinance prior to commencement of certain types of construction or development activities.

**Building Site**

A parcel of land that has not been subdivided as a separate lot, which is designated by an applicant as a building site in a development plan, site plan, or permit application, and which accommodates, or is available to accommodate, a principal building.

**Building Setback**

The linear organization of building form within a single building that establishes portions of a building with a higher or lower height in a deliberate progression. Buildings may be “stepped-back” from the street edge, from a lot line, or from adjacent buildings.

**Building Type**

Names that are used to describe different categories of structures in accordance with the manner in which they address the street and the types of uses they typically accommodate. The specific building types are as follows: Institutional, Detached House, Attached House, Townhouse, Live/Work, Storefront, and Workplace.

**Building Wall**

The entire surface area, including windows and doors, of an exterior wall of a building.

**Caliper**

A method of measuring the diameter of the trunk of a tree for the purpose of determining size. The caliper of a mature, established tree is measured at diameter at breast height (DBH). The caliper of a young, nursery-grown tree is taken at six inches above the soil. If the caliper of the nursery-grown tree exceeds four inches, then the tree is measured at 12 inches above the soil.

**Campaign Sign**

A type of temporary sign as regulated by Tennessee Code Annotated § 2-7-143.



**Canopy**

A permanent, but not completely enclosed structure, which may be attached to or near a building for the purpose of providing shelter. For the purposes of this Ordinance, carports and awnings are defined separately and not regulated as canopies.

**Canopy Sign**

A building-mounted sign that serves as a marquee, or a sign mounted on a canopy or marquee.

**Canopy Tree**

A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

**Cap**

The structural elements, design features, and materials associated with the top floor or top edge of the building to differentiate it from the middle and create a visual end to the building.

**Carport**

A type of accessory structure. A roofed structure not more than 75 percent enclosed by walls and attached to or near the principal building that is provided for the purpose of sheltering one or more vehicles.

**Carnival**

A type of temporary use that typically consists of amusement rides and games.

**Cemeteries**

Land used or intended to be used for burying the remains of human dead and dedicated for cemetery purposes, including mausoleums and mortuaries, when operated in conjunction with and within the boundaries of the cemetery.

**Certificate of Occupancy**

The final permit or authorization issued by the City allowing occupancy or use of a building, certifying that the building has been constructed in accordance with all applicable requirements.

**Certified Arborist**

A certified arborist shall mean any International Society of Arboriculture (ISA) Certified Arborist, ISA Board Certified Master Arborist, or current member of the American Society of Consulting Arborists.

**Change of Use**

The act of replacing a use in favor of another use.

**Charitable, Fraternal, or Social Organizations**

A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members, and guests.

**Church**

A place devoted primarily to religious worship or religious education but excluding private schools. The definition for churches shall apply to all places used primarily for religious worship or religious education and shall be inclusive of all religious affiliations, even though called a “mosque,” “temple,” or otherwise. [Note: By use of the word “primarily,” it is the intent to permit home worship in the residence of a citizen, which includes people who do not reside therein.]

**Civic Building**

A building operated by a government or not-for-profit organizations dedicated to arts, culture, education, recreation government, transit, and municipal uses.

**Clinic**

An establishment providing therapeutic, preventative, or corrective medical treatment or health care services. Activities include health care appointments, medical procedures, surgical procedures, emergency treatment, diagnostic services, walk-in medical services, and other health-related care. Services are provided on an outpatient basis, generally requiring a stay of less than 24 hours.

**Close**

A square or rectangular open space with a street or internal drive surrounding it that provides access to lots or other building sites, which performs the same function as a cul-de-sac.

**Cobra-Head Style Fixture**

Light fixture consisting of an oval-shaped head and curved arm mounted to a pole. This type of light is typically used to light parking areas or other outdoor areas.

**Collector Street**

A type of street defined by The City of La Vergne’s Major Thoroughfare Plan that carries traffic from local streets to the arterial system, consists of principal entrance streets for residential, nonresidential, and mixed-use developments, and provides for major circulation within the developments. This includes both major and minor collector streets.

**Commercial, Primary Uses**

Uses that provide personal or business services, such as automobile accessories and supplies (excluding installation); banquet/ meeting facility; business support services; catering establishment; conference center; entertainment venue, including live music, dancing, or comedy; hotel/inn, including conference center as accessory use; and printing, lithographing, or publishing.

**Commercial Recreation**

An establishment primarily engaged in providing participatory athletic, recreational, or physical fitness services to the public for a fee, such as fitness and recreational sports centers, health and

fitness studios, gym/fitness facilities, bowling centers, miniature golf courses, paintball or laser tag arenas, recreational day camps, and other recreational activities.

### **Commercial Sign**

Any sign, display, or device designed, intended, or used to encourage or promote purchases or use of goods or services.

### **Commercial, Secondary Uses**

Uses that, by their nature or service characteristics, are auto-dependent, have potential for environmental degradation, or are otherwise incompatible with nearby uses. Uses include animal hospital or veterinary clinic with outside facilities; automotive repair and service; contractor, plumber, or electrician supply yards with office and service as auxiliary uses; funeral home/mortuary; kennel – commercial; research laboratory and development facilities whose products or waste products entail no special environmental handling requirements; marina – commercial; nursery/garden center; and wholesale establishments.

### **Commercial Services Uses**

Uses that provide personal services often in small storefronts, such as appliance or computer repair; bank, credit union, or financial institution; cosmetic services, including hair and nail salon and barber shop; clothing alterations, tailoring and dressmaking; dry cleaning or laundry services, including coin-operated laundries, but not including industrial dry cleaning or laundry; day spa; healthcare, medical, dental, optical, or auditory clinics (outpatient only) or laboratories; locksmith; massage therapy; nonpermanent make-up services; pet grooming; private postal services; shoe repair; and weight loss center. Includes the small-scale production and processing of painting, sculpture, pottery, musical instruments, and photography; individual and group instruction and training in the arts; production rehearsal; martial arts training studios; yoga, and similar instruction.

### **Commercial, Restricted**

A retail or personal service establishment that may tend to have a blighting and/or deleterious effect on surrounding areas and that may need to be separated from other similar uses to minimize its adverse impact. Uses include billiard/pool hall, check-cashing service, piercing or tattoo parlor, and similar services; palmistry; and pawnshop, including lending of money on security of pledged goods. These uses may also include accessory retail sales of products related to the services provided.

### **Community Garden**

An exterior area available for the small-scale production of vegetables and flowering plants, cultivated by a group with either one large plot or individual plots. Does not include large-scale crop production, nor wholesale or retail nursery and garden center. Community Garden is one of the park types.



**Community Support Facility**

A nonprofit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food service provisions, counseling, instruction, medical services, and other incidental services. Conference Center: A facility for hosting meetings, conferences, banquets, and similar events, usually for 500 persons or less. A conference center may or may not be an auxiliary use to a hotel.

**Compact Spaces**

Parking spaces with a minimum square footage of approximately 128 square feet intended for small or compact cars.

**Companion Animal**

Any dog, cat, or other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal.

**Complete Application**

A complete application is one that:

- A. Contains all information and materials required for submittal of the correct type of application, and in sufficient detail, format/organization, and readability for staff to evaluate the application for compliance with applicable review standards pertaining to the City of La Vergne Zoning and Subdivision regulations, policies procedures, and practices; and
- B. Is accompanied by the appropriate, completed application(s) and fee(s) established for the correct type of application.

**Conservation Easement**

The grant of a property right to create an environment where the land and the landscape will remain in its natural state but does allow for supplementation of additional landscape plantings and removal of dead, dying, or invasive plant material.

**Construction**

For purposes of the State Vested Property Rights Act of 2014, means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition, or removal shall be deemed to be construction; provided that work shall be carried on diligently and complies with all applicable requirements.

**Construction Dumpster**

Temporary trash receptacles used to hold waste from construction projects.

**Construction Trailer**

Mobile structures used to accommodate temporary offices, dining facilities, and storage of building materials during construction projects.

**Continuum of Care Facilities**

A facility providing one or any combination of assisted living, nursing home, or skilled nursing for the elderly or for other individuals incapacitated in some manner for medical reasons, as determined and licensed and/or certified by the Tennessee Department of Health, Board of Licensing Health Care Facilities. Included in this definition are homes for the aged, as defined by T.C.A. § 68-11-201. Continuum of care facilities may include a small amount of age-restricted independent living as part of the overall continuum of care.

**Convenience Store**

Any business offering retail sale of beer, cigarettes, vapes, vape products, and/or similar services and/or similar products as its primary function. Such business may or may not also conduct gasoline and/or petroleum sales.

**Corner Lot**

A lot located at the intersection of two streets that has frontage on each street. Each street frontage is considered a front lot line.

**Cornice**

A horizontal member, structural or nonstructural, of any building, projecting outward from the top of exterior walls, including eaves and other roof overhang.

**Correctional Facilities**

A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of City or county law enforcement and are typically government-owned.

**Critical Root Zone (CRZ)**

A circular area measured outward from a tree trunk, representing the essential area of the roots that must be maintained for the tree's survival. The CRZ is measured one foot of radial distance for every inch of tree at diameter at breast height, with a minimum of ten feet.

**Cross Access**

Vehicular and pedestrian access provided between parking areas of two or more development sites or parcels of land intended to allow movement between the sites without the use of a public street.

**Cross Access Easement**

An easement or other development right offered to one party by another party that allows ingress and egress across private lands. Cross-access easements are typically granted over or across surface parking areas.

**Cross Section**

A conceptual vertical plane cut through a space or building, illustrating widths and heights of the diagrammed elements.

**Cul-de-Sac**

A street having one end open to traffic and the other terminated by circular vehicular turnaround.

**Cultured Stone**

A refined architectural concrete building unit manufactured to simulate natural cut stone.

**Cupola**

A structure on top of a roof or dome often used as a lookout or to admit light and air.

**Cut**

A portion of land surface or area from which earth has been removed or will be removed by excavation, or the depth below original ground surface to the excavated surface.

**Data Centers**

An establishment primarily engaged in providing infrastructure for hosting and data processing services that businesses and other organizations use to organize, process, store, and disseminate large amounts of data.

**Day Care Centers**

An establishment designed to provide daytime care and instruction for children or adults.

**Deciduous Tree**

A tree that drops its foliage annually before becoming dormant.

**Deferred Parking**

A portion of the required parking associated with a use that is not installed at the time of construction but delayed or deferred.

**Detention (Dry) Pond**

A stormwater management feature using a dry basin to temporarily detain stormwater runoff then gradually release it into a watercourse or other stormwater feature. A detention pond is designed to be dry except after storm events.

**Developable**

The portion of a lot or development site that is available for development that is not within a resource and open space area (e.g., tree-saving areas, riparian buffers, floodplain, and open space set aside).



**Developer**

Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land.

**Development**

The construction, reconstruction, infill development, redevelopment, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, portion of a structure, or sign; any change in use in land, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading, paving, or land disturbance; and any act of subdivision of land.

**Development Plan**

Means both a preliminary development plan and a final development plan .

**Development Site**

The total area of land contained within a development project.

**Development Standards**

For purposes of the State Vested Property Rights Act of 2014, all locally adopted or enforced standards, regulations, or guidelines applicable to the development of property, such as the following: planning; local stormwater requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning; lot size; lot configuration; yard dimensions; and all other development standards under this Ordinance, and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to the Act. Development standards do not include standards required by Federal or State law; or building construction safety standards which are adopted pursuant to authority granted under T.C.A. § 68-120-101.

**Diameter at Breast Height (DBH)**

The measurement of the diameter of a tree trunk taken at a height of 4.5 feet above the ground. Trees with multiple trunks should be treated as multiple trees, and the DBH for each trunk added to aggregate diameter measurement.

**Dormer**

A roofed structure that contains a window and projects vertically from the plane of a sloping roof.

**Double Frontage Lot**

A lot having frontage on two parallel streets or approximately parallel streets.

**Drive Aisle (of a Parking Area)**

A vehicular accessway located within a parking area that serves individual parking spaces and driveways.

**Drive-In/Drive-Through Facilities**

A facility where a type of service is provided by a business that allows customers to purchase products without leaving their vehicles.

**Drive-In/Drive-Through Restaurants**

An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, which has drive-in or drive-through facilities so that patrons may be served while remaining in their vehicles.

**Driveway**

A vehicular accessway within a lot, building site, or development site from a street or internal drive to provide access to a parking area, garage, parking structure, or building entrance.

**Driveway Apron**

The portion of the driveway extending from the edge of the pavement of the street to the back of sidewalk section, or the right-of-way line if no sidewalk exists.

**Dry-Stack**

A building method by which structures are constructed from stones without any mortar to bind them together.

**Duplex (Use Type)**

A type of residential use in a building containing two dwelling units, each of which has direct access to the outside or a common hallway leading outside.

**Dwelling Unit**

An area within a structure designed and constructed to be occupied for human habitation by one family. A structure may consist of one detached dwelling unit (house) or more than one attached dwelling unit in the case of duplexes, townhouses, multiplexes, and multifamily. Dwelling units do not include hotels, motels, boarding houses, group homes, correctional facilities, continuum of care facilities, rehabilitation centers, tents, travel trailers, shipping containers, recreational vehicles, or other structures designed for transient occupation.

**Easement**

A grant by a landowner to another person, entity, or to the public for the right to occupy or use designated land for specific purposes such as access, drainage, utilities, conservation, the location of public improvements, or other specified purposes. An easement does not constitute fee simple ownership of the land.

**Eave**

The projecting lower edges of a roof that overhang the wall of a building.

**Educational Facilities**

A public, parochial, private, charitable, or nonprofit school, college, or university, including related instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**Effluent**

A discharge of liquid waste.

**Elevated Building**

A building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of 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.

**Elevation Certificate**

A certificate as defined and regulated by the Federal Emergency Management Agency. Emergency Flood Insurance Program The program as implemented on an emergency basis in accordance with Section 1336 of the Emergency Flood Insurance 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 Floodplain Insurance Rate Map.

**Encroachment**

The portion of a structure or improvement that intrudes into a required setback, right-of-way, or easement; the placement of vehicles or equipment into a tree protection zone; or the access location.

**Entitlement**

Legal rights granted by approvals from the City to develop and use property.

**Environmentally Sensitive Areas**

Lands containing specimen trees, steep slopes, wetlands, watercourses, floodplains, habitat of endangered or threatened species, hillcrests, and similar features.

**Erosion**

The process of the gradual wearing away of land.

**Essential Services**

Government facilities, public utilities, and private utilities necessary for the exercise of a principal use or service of a principal building.

**Establishment**

A place of business with its furnishings and staff.



**Event Tent**

Collapsible tents and membrane structures used as temporary shelter for events and parties.

**Event Venue**

An establishment that hosts special events, such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits, and similar events.

**Evergreen Tree**

A tree with foliage that is not dropped annually or that remains green throughout the year.

**Exception**

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 the Floodplain Regulations.

**Existing Grade**

The slope or elevation of existing ground surface prior to cutting, grading, or filling.

**Exterior Insulated Finish System (EIFS)**

Acrylic, rubber-based material applied over a fiberglass mesh attached to a foam backing used as a facade material.

**FAA**

The division of the Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety, and installs and maintains air navigation and traffic control facilities.

**Façade**

An exterior side of a building.

**Fair Market Value**

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

**Familial Relationship**

For purposes of this ordinance, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

**Family**

Either (a) an individual, or two (2) or more persons related by blood, marriage, or adoption, maintain a common household in a dwelling unit; or (b) a group of not more than four (4) persons not related by blood, marriage, or adoption living together as a common household in a dwelling unit, of (c) a group of not more than eight (8) unrelated persons with disabilities as defined by applicable federal law, which may have up to three (3) additional persons acting as support staff or guardians, which additional persons need not be related to any of the persons with disabilities residing in the home, living together as a common household in a dwelling unit; provided, however, a domestic worker, as defined by applicable state or federal law, who resides in the dwelling unit in question shall not be included in calculation the number of persons for purposes of subdivisions (a), (b), or (c).

Note: Persons (i) who have been convicted of a crime involving violence, (ii) who have been convicted of unlawfully manufacturing or distributing any illegal drug or controlled substance, (iii) who are registered or are required to be registered as sex offenders, (iv) who are currently illegally using a controlled substance, and/or (v) whose tenancy would constitute a direct threat to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others shall not be deemed to be persons with disabilities for purposes of this definition solely by virtue of the status.

**Farm Animal**

An animal kept for agricultural purposes, including animals raised for home use or for profit, such as cattle, horses, goats, or other domestic livestock.

**FCC**

An independent government agency that regulates all U.S. Interstate and international communications.

**Feather Banner**

A type of sign that has the general shape of a feather. Also called feather sign or feather flag.

**Fence**

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

**Fill**

A portion of land surface or area to which soil, rock, or other materials have been or will be added; the height above original ground surface after the material has been or will be added; or the material used for the purposes of filling.

**Final Development Plan**

Means a plan approved by the local government describing with reasonable certainty the use of property. Such plan may be in the form of, but not limited to, a planned unit development plan; subdivision plat; general development plan; subdivision infrastructure construction plan; final

engineered site plan; or any other land-use approval designation utilized. UNLESS otherwise expressly provided by the city, such a plan shall include the boundaries of the site; significant topographical features affecting the development of the site; locations of improvements; building dimensions; and the location of all existing and proposed infrastructure on the site. Neither a sketch plan or other document that fails to describe with reasonable certainty the use and development scheme may constitute a final development plan.

**Final Plat**

A type of application to finalize a layout for subdividing land into two or more lots suitable for recording at the Register of Deeds.

**Finished Floor Elevation**

The height of the finished flooring of the lowest floor serving habitable space within a structure or building.

**Flag Sign**

A piece of cloth, typically rectangular, attached by one edge to a pole.

**Flag Lot**

A lot configured so that access to the street is provided by a linear strip of land and the bulk of the buildable portion of the lot is located behind one or more other lots.

**Flood**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Elevation Determination**

A determination by the floodplain 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**

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslides (i.e., mudflow) or flood-related erosion hazards.

**Flood Hazard Boundary Map (FHBM)**

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)**

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 Studies (FIS)**

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.

**Flood Protection System**

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.

**Flood-Related Erosion**

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**

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**

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.

**Floodplain or Flood-Prone Area**

Any land area susceptible to being inundated by water from any source.

**Floodplain Management**

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.

**Floodproofing**

Any combination of structural and nonstructural additions changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway**

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**

The top surface of an enclosed area in a building, including the 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.

**Floor Area**

The area located within the inside perimeter of the exterior walls of a structure and including the area occupied by closets, corridors, stairs, and other features protected by enclosed surfaces. The floor area is considered to be exclusive of those areas that are open and unobstructed to the sky. The floor area includes the area of all floors, including the attic and the basement.

**Food Sales (as an Accessory use)**

The sale of prepared or processed food, snacks, baked goods, or other products intended for human consumption either for or not for profit, whether prepared on or off-site as an accessory or subordinate activity to the principal use.

**Foot-Candle**

A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

**Freeboard**

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.

**Front Facade**

The side of the building that faces the street or internal drive and has a main entrance.

**Front Lot Line**

The boundary line of a lot, which typically abuts an existing or proposed street or internal drive

**Front Yard**

The open area located between the facade of a building or structure and the front lot line. The front yard extends the entire width of the lot.

**Frontage-Facing Garage**

A garage whose vehicular entrance faces a frontage.

**Functionally Dependent Use**

A use the intended purpose of which cannot be utilized unless it is located or carried out in close proximity to water, such as docking facilities, port facilities, or shipbuilding/repair facilities. In the context of floodplain management, this means that the use cannot perform its intended purpose if it's not near a water source.

**Funeral Homes**

An establishment engaged in undertaking services, such as preparing the human dead for burial or cremation and arranging and managing funeral services.

**Garage**

A detached accessory structure or part of a dwelling unit used for the parking or storage of vehicles as an accessory use.

**Garage/Yard Sale**

The occasional sale of miscellaneous household goods in the garage or yard of a resident's dwelling.

**Garden Center**

A retail operation that sells plants and related products for the domestic garden as its primary business. Their plant stock is typically propagated elsewhere, such as by specialist nurseries or wholesalers.

**Gas Station**

An establishment where fuel is sold for automotive vehicles, often with a small convenience store carrying a limited selection of groceries and household items.

**Gazebo**

A freestanding, roofed, usually open-sided structure providing seating or an area for gathering.

**General Warehousing**

Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

**Genus**

A taxonomic category ranking of types of organisms below a family and above a species and generally consisting of a group of species exhibiting similar characteristics.

**Geotechnical Report**

A comprehensive assessment of geological conditions of a particular area where construction is proposed.



**Glare**

The reflection or harsh, bright light and the physical effect resulting from high luminance or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

**Glazing**

The portion of an exterior building surface occupied by glass.

**Golf Course**

Land laid out for golf with a series of nine or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. Golf courses typically include a clubhouse with ancillary restaurant and driving range.

**Grading**

An operation or occurrence by which existing site elevations are changed, or where ground cover, natural or man-made is removed, or a watercourse or body of water, either natural or man-made, is relocated on a site. This includes stripping, cutting, filling, stockpiling, or any combination thereof and shall apply to the land in its cut or filled condition.

**Green Space**

A type of Open Space that has an area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes in an otherwise developed environment. This includes parks, community gardens, and cemeteries.

**Greenway**

A linear natural preserve that incorporates a multi-use path.

**Gross Floor Area**

The sum of the gross area of every story of a building measured from the exterior limits of the faces of the structure. Gross floor area does not include basements, garages, parking structures, or parking areas.

**Ground Cover**

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

**Group Home**

See definition of “family” sub-item “c”

**Guyed Tower**

A structure composed of three or four support legs, that is “guyed” by wires to anchors in the ground placed at distances radially from the tower and is used to support telecommunications equipment and antennas.

**Heavy Industrial Uses**

A use characterized by manufacturing, mining, or compounding processes of raw materials that often involves outdoor operations as part of the process.

**Hedge**

A group of shrubs planted in a continuous line or in groups that forms a continuous compact, living wall.

**Highest Adjacent Grade**

The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**Hillcrest**

The summit line of a hill or mountain.

**Historic Structure or Resource**

Any building, structure, site, district, area, or land of architectural, historical, archaeological, or cultural importance or value, which the City protects, enhances, and preserves in the interest of the culture, prosperity, education, and general welfare of the citizens. It may be inclusive of, but not limited to, any of the following:

- A. Any that are listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Any that are 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.
- C. Any that are 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.

**Home Occupation**

A business, profession, occupation, or trade which is conducted completely within a residential single-family dwelling for the economic gain or support of a resident of the dwelling and which is incidental and secondary to the residential use.

**Homeowner Association**

An incorporated nonprofit organization operating under recorded agreements through which each owner in the development is automatically a member, and each lot is subject to a proportionate share of the expenses of the organization's activities or responsibilities.

**Horse Farm**

Any tract of land of 3 or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including one dwelling unit and facilities for the sale of horses raised or maintained on the immediate premises.

**Hospital**

A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, and administration, and services to patients, employees, or visitors.

**Hotel/Motel/Inn**

A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or rooming houses. Hotels include a high level of guest services and on-site amenities such as pools, restaurants, fitness centers, and similar features. Guest rooms are only accessible from an indoor corridor.

**Hue**

The visible color emitted from an artificial source of exterior lighting.

**Illumination**

Brightening or shining with light or a luminous substance.

**Impervious Surface**

Buildings, parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel, or other compacted aggregate, and areas covered by the outdoor storage of goods or materials that do not absorb water.

**Improvement**

Any human-made alteration of land, a lot, a building, or structure.

**Independent Living Facility**

Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons.

Distinguished from multi-family or attached housing by the provision of some communal services.

**Indoor Animal Services**

A facility that regularly offers to the public indoor pet care services for companion animals, such as veterinary services, day care, overnight boarding, grooming, or training for a fee. There are no dedicated outdoor facilities.

**Indoor/Outdoor Animal Services**

A facility that regularly offers pet care services to the public which include both indoor and outdoor facilities. Services include veterinary services for companion animals or farm animals, overnight animal boarding, day care, grooming, or training for a fee.

**Industrial Sales**

Retail or wholesale sales of bulk materials used for manufacturing, construction, machinery and equipment, or landscape materials, such as mulch or stone.

**Industrial Services**

An establishment engaged in the repair, servicing, or contracting of industrial, business, or consumer machinery, equipment, products, or by-products. These establishments may service consumer goods by providing centralized services for other businesses. Examples include building maintenance services, construction contractors, landscape services, and similar establishments engaged in performance of services off-site.

**Interconnected**

Refers to streets which provide through access to other streets.

**Infill development**

Development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

**Integral Sign**

A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum, or other permanent type metal materials, and made an integral part of the structure.

**Intensity**

The amount of nonresidential square feet of gross floor area.

**Internal Drive**

A curbed pedestrian and vehicular accessway and parallel parking accommodation within a lot or development site that connects to a street or another internal drive and provides access and circulation to or through such lot or development site and the building(s) and parking accommodations thereon.

**Invasive Exotic Pest Plants of Tennessee**

A document published by the Tennessee Exotic Pest Plant Council that specifies nuisance plants that shall not be used toward meeting the landscaping requirements in this Ordinance.

**Jail**

A building, and all accessory uses and accessory structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities



that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Junk Yard/Salvage Yard**

A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

**Kennel - Commercial**

A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. Commercial kennels may include outdoor facilities.

**Kiosk**

small structure in a public area used for providing information, displaying advertisements, or selling goods.

**Knee Wall**

A low wall that is often part of or within a building.

**Land**

The earth, water, and air, above, below, or on the surface, including any improvements or structures customarily regarded as land.

**Land-Disturbing Activity**

Any human-made change of the land surface including removing vegetative cover, demolition, excavating, filling, or grading, but not including agricultural uses.

**Landscape**

Vegetation, whether existing or planted that is located on a lot or site. Landscape includes areas used by such vegetation that are occupied by a ground cover such as mulch, pine straw, or living ground cover.

**Landscape Island**

A planting area within a surface parking area that is designated for trees, shrubs, and ground cover for the purposes of providing visual relief and heat abatement.

**Landscape Plan**

Separate sheets of a submittal for a site plan application that show how the development is designed to meet tree protection, landscape, buffers, and screening requirements.

**Landscape Surface Area**

The portion of a lot or development site not covered by impervious surface and is available for accommodating landscape material.

**Lattice Tower**

A structure composed of three or four support legs with crossed frame design.

**LED Display Screen**

A flat display panel that uses an array of light-emitting diodes as pixels for a display of an image or video. This definition includes plasma or similar screens.

**Levee**

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**

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.

**Light Industrial Uses**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties.

**Linear Frontage**

The length of a property abutting a public right-of-way from one side lot line to another.

**Live/Work Building Type**

An attached building type, similar to a townhouse, with small commercial enterprises on the ground floor and a residential unit above. Each unit has its own entrance, is a minimum of 2 stories, and provides off-street parking behind the building only. Commercial space may be a home-based business or may be leased independently

**Loading Area**

Area conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required parking spaces.

**Local Street**

A type of street defined by The Major Thoroughfare Plan designed primarily for access directly to individual lots or developments.

**Logo**

Business trademark or symbol.

**Lot**

A parcel of land occupied, or intended to be occupied, by one main building, or a group of main buildings, including open spaces as required by this Ordinance and other regulations and ordinances.

**Lot of Record**

A lot or tract of land, described by deed and/or subdivision plat, filed in the Register's Office, Rutherford County, Tennessee.

**Lot Size**

The area, measured in gross square feet or acres, contained within a lot.

**Lot Width**

The distance between the side lot lines measured at the point of the front yard setback line. For corner lots, the lot width is the distance between the side lot line and the side street-facing lot line, measured at the point of the front yard setback line.

**Lowest Floor**

The floor surface of the lowest enclosed area of a structure, including a basement. An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access, or storage, in an area other than a basement area, is not considered to be the lowest floor of a building, provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**Machinery Assembly and Repair Facility**

An establishment engaged in the assembly, maintenance, or repair of commercial and industrial machinery and equipment.

**Mailbox Delivery Facilities**

Two or more mailboxes located within a common supporting structure.

**Main Body**

The primary mass of a building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

**Main Color**

A color used on the facade of a building that constitutes the majority of the color on such facade.

**Main Entrance**

A place of ingress and egress to a building that faces the frontage.

**Maintained Easement**

A recorded right-of-way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

**Major Intersection**

An intersection of one arterial street with another arterial, collector, or Interstate highway.

**Mobile Home**

A factory-assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without a permanent foundation for permanent occupancy but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. The term “mobile home” does not include “recreational equipment” or “recreational vehicle”.

**Mobile Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

**Masonry**

Brick, stone, or concrete. Fiber cement siding, stucco, and exterior insulation and finish systems (EIFS) are not considered masonry.

**Mass Grading**

Any stripping, cutting, filling, or stockpiling of earth or stone as a means of establishing new grades over a significant portion of a lot or site prior to new construction.

**Massing**

The shape and form a building or assemblage of buildings assumes through architectural design.

**Master Plan**

A plan depicting more than two principal buildings on a single lot, buildings planned concurrently as part of the same development process, or any development subject to this ordinance not clearly falling under one of the categories listed.

**Mean Sea Level**

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 the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.



**Measurement**

A straight line from one lot line to another, from a building or structure to a lot line, or from a building or structure to another building or structure unless otherwise stated.

**Mezzanine**

An intermediate floor between the main floors of a building, often with a low ceiling or a projecting balcony. Mezzanines with less than 50% of the floor area of the floor below shall not be considered a story.

**Median**

A portion of a street or internal drive separating the opposing traffic flow and designed to prevent crossover movements by vehicles.

**Micro-Brewery**

A small usually independent brewery that produces fewer than 15,000 barrels (465,00 gallons) per year of specialized beers. The product may be sold and distributed to a retailer or sold directly to customers, often for consumption on the premises.

**Minor Accessory Structure**

A type of accessory structure that has a footprint of 200 square feet or less. Examples include storage or potting sheds, workshops, and greenhouses.

**Mixed-Use Development**

A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within one or more buildings on a lot or development site.

**Mobile Service Provider Office**

A home occupation use that is limited to the office accommodations for a professional service that is carried out in transitory locations. Examples include but are not limited to mobile automotive detailing services and mobile pet grooming services.

**Monopole**

A structure composed of a single pole used to support telecommunications equipment and antennas.

**Moving Sign**

A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices, not including a hanging sign.

**Multi-Phase Development**

A development consisting of two or more distinct phases intended to occur in a sequential order.

**Multi-Stemmed Tree**

A canopy or understory tree having two or more primary stems or trunks, each of which is included within the determination of caliper or DBH.

**Multifamily (Use Type)**

A type of residential use with a building containing five or more individual dwelling units, with the units often stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, often called apartments, lofts, condominiums, stacked flats, or age-restricted independent living, and may include units for sale or rent. This definition also includes any number of attached dwelling units above ground floor nonresidential use in a commercial/mixed-use building.

**Mural**

Any picture, scene, or diagram painted on any exterior wall or fence that does not serve as advertising. To be defined as a mural it must meet the following standards:

- A. Include no specific commercial product or text, although it may include such generic products as automobiles, furniture, soft drinks, or other items where the brand is not apparent; and
- B. Includes no legible text, picture, symbol, or device of any kind that relates to a commercial business, product, or service offered on the premises where the wall is located.

**National Geodetic Vertical Datum (NGVD)**

A vertical control used as a reference for establishing varying elevations within the floodplain.

**National Historic Landmarks**

Nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

**National Register of Historic Places**

The Secretary of the Interior's official list of the nation's historic places worthy of preservation; lands and structures on the list possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

**Native Vegetation**

Any indigenous tree, shrub, ground cover, or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

**Natural Areas**

A type of open space having a physical and cultural individuality developed through natural growth rather than design or planning which is a natural state or is of high scenic value.

**Naturally Occurring Slope**

The changes in grade or elevation on a lot or site that result from natural processes, not land-disturbing activities.

**Nature Trail**

A type of pedestrian path through natural areas, including hiking, walking/jogging, and mountain bike trails.

**Neighborhood Amenities**

Outdoor recreation areas, such as pools, sports fields, sports courts, playgrounds, and dog parks typically for use by residents of the development.

**Neon**

Lights, tubes, or other devices used to emit neon light.

**Net Facade**

The area on a facade, excluding door and window openings.

**Non-Buildable**

Land not suitable or permitted to be built upon.

**Nonconforming Lots of Record**

A lot that was legally created by deed or other legal mechanism before it was in the City or prior to the City and County initial adoption of Subdivision Regulations that does not meet the dimensional standards established by the applicable zoning district.

**Nonconforming Sign**

A sign or sign structure constructed or erected prior to the effective date of this Ordinance or amendment containing provisions with which the sign or sign structure does not comply, or any sign that was lawfully erected and complied with the sign regulations in effect at the time it was erected but is no longer in compliance.

**Nonconforming Structure**

A structure or portion thereof, not including signs, legally developed before the effective date of this Ordinance or any amendment thereto, but that does not comply with one or more provisions of this Ordinance.

**Nonconforming Use**

The use of a building or land lawful at the time of the enactment of this Ordinance that does not conform with the provisions of this Ordinance for the zoning district in which it is located.

**Nonconformity**

An existing use, structure, lot of record, sign, or tower that was lawfully established before this Ordinance was adopted that no longer conforms with one or more provisions of this Ordinance.

**Nonresidential Building**

Any building containing solely nonresidential uses.

**Nonresidential Structure**

Any structure containing solely nonresidential uses.

**Nonresidential Use**

A use of land for recreation, civic or institutional, commercial, or industrial purposes that excludes any residential use.

**North American Vertical Datum (NAVD)**

A vertical control used as a reference for establishing varying elevations within the floodplain.

**Nuisance**

Any interference with the use and enjoyment of a neighboring property that is substantial and unreasonable, such as would be offensive or inconvenient to the normal person. Examples may include any interference or disturbance, which renders physical occupation of a neighboring property uncomfortable, endangers life or health, gives offense to the senses, or violates the laws of decency.

**Nuisance Tree**

A tree that interferes with the quiet enjoyment of real or personal property or public infrastructure.

**Off-Road Head Style Fixture**

Light fixture consisting of a rectangular head and arm affixed to a pole. This type of light is typically used to light parking areas or other outdoor areas.

**Office**

The premises used by an establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services.

**On-Site Parking**

Parking on a lot, not inclusive of parallel parking on internal drives.

**One-Half Story**

The uppermost habitable building level in which a sloping roof replaces the upper part of one or more of the facade walls, and which level contains less finished area than the first level of the building.

**One Hundred-Year Flood**

Floods of a large magnitude that are only expected to be equaled or exceeded once (on average) during any 100-year period.



**Opacity**

A measurement indicating the degree of obscuration of light or visibility.

**Opaque Screen**

Any combination of vegetative material, fences, or walls and designed to completely obstruct off-site views into the area.

**Open Space**

Land used for active or passive recreation or resource protection purposes, not including residential lots, right-of-way, or parking or loading areas. Any area which cannot be divided into building lots, or improved as streets, rights-of-way, or parking, and is subject to a permanent open space easement. Open space may also include portions of private building lots subject to a permanent open space easement.

**Open Space Lot**

A single lot or group of lots intended to contain open space set-asides.

**Open Space Set-Aside**

Portion of a proposed development required for reservation as permanent open space.

**Ornamental Fixture**

A pole-mounted light fixture with an ornamental head, such as a colonial head, coach head, acorn head, or other decorative head.

**Outdoor Sales**

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

**Outdoor Storage**

The keeping, in an unroofed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. This does not include the display of vehicles or equipment for sale or rental in a sales lot.

**Owner**

Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

**Parallel Parking Space**

A parking space located parallel to a public or private street or internal drive.

**Parapet or Parapet Wall**

That part of a building facade that rises above the roof level, typically obscuring a flat roof as well as any roof-mounted equipment.

**Parcel**

See "Lot".

**Parked Vehicle Sign**

Signs placed on or affixed to vehicles or trailers that are parked on a public or private street or on public or private property so as to be visible from a public or private street or internal drive. This does not pertain to signs placed on or affixed to vehicles, where the sign is incidental to the primary use of the vehicle or trailer or to exclude the advertising of the vehicle for sale.

**Parking Area**

Parking spaces that serve a principal use.

**Parking Bay**

A parking area consisting of one row of parking spaces or stalls and the drive aisle from which vehicles enter and leave the spaces.

**Parking Pad**

An improved surface located on a residential lot for vehicle parking.

**Parking Space**

A space that is designated for the parking or temporary storage of one vehicle.

**Parking Structure**

A structure designed for vehicular parking below, at, and/or above grade, excluding, however, a garage.

**Passive Parks, Passive Recreation**

Land used for low-intensity recreation, open space, and conservation of natural habitat. Improvements are natural resource-oriented, such as picnic areas, canoe launches, arboretums, benches, trails for hiking, biking, or horseback riding, and archaeological and historical sites. Site disturbances, such as grading, vegetation removal, and lighting are minimal. These facilities are often located within dedicated natural areas.

**Pedestrian**

A person traveling on foot under their own locomotion.

**Pedestrian-Scale Lighting**

Devices intended to provide exterior lighting that are lower in height than commercial lighting and located proximate to pedestrian areas such as sidewalks, open space areas, or plazas.

**Performance Agreement**

An agreement between an applicant or developer and the City to ensure the completion of required improvements as part of site plan or final plat approval.

**Perimeter Landscape**

A planting area with vegetative material, walls, fences, and/or associated ground cover located along the perimeter of a surface parking area used as screening.

**Perimeter Planting Strip**

A planting area along the outer edge of a surface parking area.

**Person**

Person means any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Enforcement, for violating this Ordinance shall include an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs.

**Personal Services**

An establishment that primarily engages in providing services generally involving the care of the person or person's possessions. Personal services include laundry and dry-cleaning services, barber shops, salons, day spas, informational and instructional services, tanning salons, portrait studios, and other personal care services. Services associated with an animal are not included in this definition.

**Pervious Surface**

A surface that absorbs water or allows the passage of water through it to the ground below.

**Pier**

Posts, columns, or similar devices designed to elevate a building or structure above the grade level.

**Pilaster**

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

**Place of Public Assembly**

An institution or facility that congregations of people regularly attend to participate in or hold meetings, workshops, lectures, civic activities, religious services, performances, and other similar activities, including buildings or performance venues in which such functions and activities are held.

**Plan of Services**

A plan for how the City would provide municipal services to land if annexed.

**Planned Development**

A tract of land under single ownership planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations according to an approved development plan.

**Planning Area**

Same as Zoning District.

**Planting Season**

The dormant time of the year for trees beginning with leaf drop and ending with bud break; which is generally late fall (November) to early spring (March), excluding winter months when the ground is frozen.

**Planting Strip**

An area located immediately between the sidewalk and the curb or street pavement that serves as the area where street trees are planted.

**Platted Lot**

A lot shown on a recorded final plat.

**Playground**

Playgrounds provide permanent play equipment sunny and shaded play areas for children as well as shelters with benches for parents. Playgrounds may be built within squares or parks or may stand alone within a residential block. Playground is one of the Park types allowable as Open Space.

**Plaza**

A paved, open area adjacent to a civic or commercial building. Plazas function as gathering places and may contain a variety of intermittent activities, such as vendors and display stands. Plaza is one of the Park types allowable as Open Space.

**Pocket Park**

A small park or outdoor area for public leisure, especially an urban plaza or courtyard with benches and fountains. Pocket Parks are frequently created on small, irregular pieces of land.

**Porch**

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements, which is at least six feet deep.

**Portable Shipping Container**

A large metal or wooden container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.



**Portable Sign**

A sign or device, counterbalance sign, trailer sign, or any variation thereof, located on the ground, easily movable, not permanently attached thereto. Also includes any single or double surface painted or poster panel type sign or any variation thereof.

**Preliminary Development Plan**

Means a plan submitted to facilitate initial public feedback, and secure preliminary approvals from local government. It serves as a guide for all future improvements.

**Preliminary Plat**

A type of application to propose a layout for subdividing land into more than two lots.

**Primary Materials on a Facade**

The exterior building materials used to clad most of a building facade.

**Principal Building**

A building in which the principal use of the lot is conducted on which it is situated.

**Principal Use**

The primary use or activity taking place on a lot. The principal use does not include any accessory uses occurring on the same lot.

**Private Street**

Any street or road owned and maintained by a private individual, organization, or company rather than by a unit of government.

**Project Area**

Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

**Property Owners Association**

An incorporated nonprofit organization operating under recorded agreements through which each owner in the development is automatically a member, and each lot is subject to a proportionate share of the expenses of the organization's activities or responsibilities.

**Public Access Easement**

A grant by a landowner to the public for ingress and egress across private lands, commonly to provide access to public improvements, infrastructure, open spaces, or other specified purposes. A public access easement does not constitute fee simple ownership of the land.

**Public Improvement**

Street, park, or other public way, ground, place or space, public building or structure, facility, or public utility, which serves and is available to the public.

**Public or Private Infrastructure**

Facilities and services needed to sustain development and land-use activities, including water, sewer, drainage, stormwater management improvements, streets, sidewalks, and other similar facilities.

**Public Sign**

A sign erected by a governmental entity or agency in the public interest, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

**Public Street**

Any street or road owned or maintained by a unit of government.

**Quadrangle**

An area, such as a courtyard, enclosed by buildings.

**Quarry**

An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

**Quasi-Judicial Decision**

A decision involving the finding of facts regarding a specific application of a development regulation that requires the exercise of discretion when applying the standards of the regulation. The term includes but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

**Quick Service Restaurant**

A type of restaurant that serves fast service food cuisine.

**Rear Facade**

The side of a building facing the rear or back of a lot or building site, not facing a street.

**Rear-Loaded Garage**

A garage whose vehicular entrance faces the rear lot line.

**Rear Lot Line**

The rear boundary line of a lot which is generally opposite of, and does not intersect, the front lot line.

**Rear Yard**

The open area, except as otherwise authorized in this Ordinance, located between the rear of a building or structure and the rear lot line, and extending from one side lot line to the other side lot line.

**Reasonably Safe from Flooding**

Base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**Recreational Equipment**

A vehicular or portable structure transportable on a mobile chassis, designed to be used for recreational and vacation uses, including travel trailers, pickup campers, coaches, motorized dwellings, tent trailers, boats, boat trailers, other motorized watercraft, and other similar recreational equipment.

**Recreation Facility – Indoor**

Uses or structure for amusement or active recreation including billiard/pool hall; gymnasium, natatorium, fitness center including aerobics, dance and cheerleading, martial arts, yoga, athletic equipment, indoor running track, climbing facility, court facility, skating rink. This definition is inclusive of both non-profit and for-profit operations and homeowner/ property owner associations. Indoor recreation facility may include accessory uses, such as snack bars, pro shops, and locker rooms which are designed and intended primarily for the use of patrons of the principal recreational use.

**Recreation Facility - Outdoor**

Use or structure for active outdoor amusement or recreation including uses not primarily conducted within a structure such as swimming pool, tennis court, ball field, or court, skateboard park, miniature golf, and outdoor theatre. This definition is inclusive of both non-profit and for-profit operations and homeowner/property owner associations. Such uses shall include any accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use.

**Recreational Vehicle**

A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycling Drop-Off Center**

A small collection facility where recyclable materials are purchased or accepted from the public. It is an accessory use.

**Redevelopment**

The demolition and reconstruction of a building or a portion of a building.

**Refuse Area**

Area containing dumpsters, trash compaction, garbage or recycling collection, and other similar service areas.

**Regulatory Flood**

A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region. Religious Institution: A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, daycare center, or dwelling, located on the same lot.

**Research Laboratory**

A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic.

**Residential Care Facility**

A staffed premise (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include dependent and independent living facilities, group homes, nursing homes, residential child-care facilities, assisted living residences, adult care homes, retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services, and orphanages. This term excludes residential/family care homes and halfway houses.

**Retail, Primary**

Uses in which the principal purpose is the sale of goods, products, merchandise, or services directly to the consumer. Retail establishments promote high walk-in customer counts, are shopping destinations, provide visual interest, and create active street life but are not detrimental to the district in which they are located. Uses include but are not limited to: alcoholic beverage retail sales; bar/tavern/nightclub, beer or wine shops, or brewpubs; clothing, shoe, dry goods, or notions store; cosmetic and beauty supply store; department, furniture, home furnishings and small appliances; drugstore; electronics store; grocery store; hardware, paint, hobby, or handcraft store; indoor movie theater with six screens or fewer; interior decorating store (with incidental interior consulting); music/ video sales or rental; optical/auditory store (with incidental exam); pet shop; vintage or consignment shop; sporting goods store; and variety store. This definition does not include convenience stores.

**Retail, Secondary**

Art or antique shop, including art supplies and framing materials; book, stationery, card store, or newsstand; florist, flower or plant store; gift shop; restaurant, coffee shop, or delicatessen;



specialty food store, including bakery, fruit, vegetable, fish, or meat market. Restaurant: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e., cafeteria or limited-service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter but do not include mobile food service (food trucks) or vending carts. This definition does not include convenience stores.

### **Ridgeline**

The topmost point of a roof pitch, excluding chimneys, antennas or utility equipment.

### **Roof Line**

The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

### **Rezoning**

A change in the district assigned to a lot pursuant to a public hearing before the Board of Commissioners and a subsequent decision by the Board. (Also called a “Rezoning” or a “Map Amendment”.)

### **Right-of-Way (ROW)**

An area owned or maintained by the City, County, the State of Tennessee, the federal government, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

### **Riparian Buffer**

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands which is intended to remain undisturbed.

### **Riverine**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

### **Roof Forms**

The type, arrangement of ridges or parapet walls, or materials used on a roof.

### **Roof Line**

The highest point of a flat roof or mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys, or other minor projection.

### **Roof Sign**

An attached sign wholly or partially dependent upon the roof of any building for support.

**Routine Maintenance**

The preventative or cyclical maintenance that is a part of the on-going care and upkeep of any building, structure, property, or improvement.

**Rural Character**

The development patterns, architecture, and arrangement of land uses such as agriculture and undeveloped lands found in sparsely settled areas.

**Screening**

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms in certain instances, gates, parapets, penthouse enclosures, features of a building, or densely planted vegetation.

**Seasonal Agricultural Sales**

Temporary retail sales of fresh fruits, vegetables, flowers, herbs, or plants. Such use may also involve the accessory sales of other unprocessed foodstuffs, home-processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts.

**Secondary Street**

A street, by virtue of its use, location, absence of pre-existing pedestrian supportive qualities, or lack of prominence, that may be allowed to have some screened parking along the lot frontage.

**Self-Storage Facilities**

A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

**Service Area**

Maintenance areas, equipment areas, loading docks, loading berths, or similar spaces that serve the principal use or building.

**Setback**

A setback refers to the distance which a building is required to be set back from a lot line or from the nearest building or structure.

**Severe Pruning**

The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or installed, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/ trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts.

**Shared Parking**

Parking spaces shared by two or more uses that are in proximity to one another and the parking area, and that have different operational characteristics such that utilization of the parking spaces by one use will not generally overlap with the utilization of the parking spaces by the other use(s).

**Shed**

A simple roofed accessory building that is typically used for storage, a shelter for animals, or a workshop.

**Shoebox-Style Fixture**

An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a discrete area directly beneath the lighting fixture.

**Short-Term Vacation Rental**

A dwelling unit used, in its entirety, for transient occupancy, for which the City has issued to the owner a business license for such use, in accordance with the Municipal Code.

**Showroom**

A large room used for displaying a company's products for sale, such as vehicle models, appliances, furniture, plumbing or lighting fixtures. Showrooms typically have a small office component for sales.

**Shrub**

A woody plant, growing 18 inches to 15 feet in height at maturity, consisting of several small stems emerging from the ground or small branches near the ground. Shrubs may be deciduous or evergreen.

**Side Façade**

A side of a building that connects the front and rear façade. A side façade faces an internal lot line or a secondary street or secondary internal drive.

**Side-Loaded Garage**

A garage whose vehicular entrance faces a side lot line that is not along a side street.

**Side Lot Line**

The boundary line of a lot that intersects the front lot line, and the rear lot line, and any other side lot line.

**Side Street**

For a corner lot, the side street is the side that is fronted by a side facade of the building, rather than the front facade and main entrance.

**Side Yard**

The open area located between a side façade of a building or structure and the nearest boundary of a lot.

**Sidewalk**

A paved path for pedestrians.

**Sight Distance Visibility**

The area located at the intersection of two streets, whether public or private, or a street and private driveway or internal drive through which an unobstructed view of approaching traffic is necessary for motorists.

**Sightline Analysis**

A line-of-sight analysis that provides a simulation of the visibility of rooftop mechanical equipment from anywhere along the adjacent right-of-way from a pedestrian's viewpoint. This analysis includes elevation of the right-of-way, future grade, building height, and adjacent structures.

**Sign**

Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity or to communicate information of any kind.

**Sign Area**

The sign area is the computed area of the background upon which lettering, insignia, or other devices are placed.

**Sign Permit**

A type of permit to ensure that signs are in compliance with this Ordinance.

**Site**

The spatial location of an actual or planned structure or set of structures. The term includes lots, building sites, and development sites.

**Site Area**

The total area of land contained within the property lines of a development project.

**Site Landscape**

Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions.

**Site Lighting**

Exterior lights and light fixtures intended to illuminate on-site parking areas, access drives, and other areas.



**Site Preparation**

Excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

**Sleeping Room**

A room or group of rooms forming a single habitable unit that is used, or intended to be used, for sleeping and living, but not for cooking or eating purposes, and that is leased individually as a unit within a bed and breakfast establishment or similar use.

**Slope**

The degree of deviation of surface from the horizontal, usually expressed in percent or a ratio.

**Special Flood Hazard Area (or Areas of Special Flood Hazard)**

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 Flood Hazard Boundary Map. After detailed ratemaking has been completed in preparation for publication of the Floodplain Insurance Rate Map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

**Special Hazard Area**

An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or Floodplain Insurance Rate Map as Zone A, AO, A1-30, AE, A99, or AH.

**Specimen Tree**

Any canopy tree with a diameter of 24 inches or greater measured at diameter breast height (DBH).

**Spire**

A tall, pyramidal, polygonal, or conical structure rising from a tower, turret, or roof (usually of an institutional use) and terminating in a point.

**Sports Courts/Sports Fields**

A court or field for playing a sport.

**Stacking**

A portion of a site that is dedicated to the temporary storage or “standing” of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is typically not permitted within the stacking/standing area.

**Steep Slope**

Any slope of 14 percent or greater.

**Steeple**

A tower that tapers to a point at the top typically used as a decorative feature on a building or as an area on or within a building to house church bells, clocks, antennas, or similar devices.

**Stoop**

A small staircase ending in a platform and leading to the entrance of the building, which is between three and six feet deep.

**Storage Building**

A building used for the storage or warehousing of goods, but not including temporary storage containers such as portable on-demand units or tractor trailers used for storage.

**Stormwater Management Feature**

Any device, facility, or infrastructure that serves to collect, convey, temporarily detain, permanently retain, infiltrate, treat, or otherwise manage stormwater.

**Story**

A habitable level of a building, excluding attics and basements.

**Streamers**

A series of long, narrow banners, flags, or pennants attached to a cord.

**Street**

An existing or planned public or private right-of-way that is designed, dedicated, or used principally for vehicular and pedestrian circulation, which provides access for abutting properties.

**Streetlights**

Exterior lights and light fixtures intended to illuminate public and private street and other rights-of-way.

**Street Network**

A system of higher and lower-order streets that are generally arranged in a pattern where most streets and internal drives are connected and dead-end streets are minimized.

**Street Stub**

A nonpermanent, dead-end street intended to be extended in conjunction with development on adjacent property.

**Street Tree**

A canopy tree planted or existing within the planting strip or along either side of a public or private street or internal drive.

**String Lights**

Small white electric lights spaced evenly along a cable and used for decoration and/or low-level lighting.

**Structure**

Anything constructed or erected requiring more or less permanent location on the ground or attachment to something having permanent location on the ground, excluding wheels.

**Substantial Damage**

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. The market value is the assessed value of the structure per the Rutherford County Property Assessor, plus an additional 15 percent of that assessed value. In calculating the substantial damage, construction improvement costs are tracked cumulatively over ten years.

**Teardown**

The act or process of disassembling, demolishing, or destroying a building or structure.

**Telecommunication Towers and Antennas**

A free-standing structure or any structure to be attached to a building or other structure, that is used for telecommunications.

**Temporary Field Office**

A temporary nonresidential use employed as a temporary working space while an existing principal use is rebuilt, altered, expanded, or renovated.

**Temporary Holiday Storage in a Shipping Container**

A shipping container used for holiday storage that serves an existing principal use.

**Temporary Housing**

A temporary residential use employed as a temporary living space while an existing dwelling is rebuilt, altered, expanded, or renovated on a site where a previous dwelling was destroyed or rendered uninhabitable.

**Temporary Place of Business**

An approved structure intended to provide a temporary place of business on a site where the previous place of business was destroyed or deemed unsafe for human occupancy by natural disaster or hazard.

**Temporary Storage in a Shipping Container**

A storage shipping container that serves an existing principal use.

**Temporary Structures for Institutional Uses**

Modular classrooms or portable buildings serving institutional uses.

**Tenant Space**

The portion of a building being occupied or leased for the purchase or use of goods and services.

**Ten-Year Flood Zone**

The area which has a minimum statistical probability of one in ten of being flooded in any given year.

**Tent**

A temporary portable structure typically composed of fabric or plastic stretched over poles or other support structure intended to provide habitable space on a short-term basis.

**Text Amendment**

A change in the wording or substance of this Ordinance.

**Theater**

A structure used for dramatic, operatic, motion pictures, or other performance.

**Thoroughfare**

Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan.

**Thoroughfare Plan or Transportation Plan**

The most recent map adopted by the Planning Commission indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

**Three-Dimensional Model**

Three-dimensional imagery of proposed buildings and the surrounding buildings to better understand how the proposed building will impact the nearby built and natural environment. The three-dimensional model shall include height, massing, scale, and setbacks.

**Tower**

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for radio, telephone, and similar communications purposes, including self-supporting guyed towers, lattice towers, or monopole towers. The term includes cellular telephone towers, common-carrier towers, microwave towers, radio and television transmission towers, and the like. This term includes any alternative tower structures, such as man-made trees, bell steeples, clock towers, light poles and similarly designed mounting structures that camouflage or conceal the presence of antennas or towers. The term includes the structure and any support thereto.

**Townhouse (Use Type)**

A type of residential use where the dwelling units are joined side-by-side and separated by shared walls. They have independent access to the exterior and generally have small yards.

**Traditional Neighborhood**

A traditional neighborhood incorporates design principles that produce mixed-use, pedestrian-scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

- A. The neighborhood is limited in area to that which can be traversed in a 10-to-15- minute walk.
- B. Residences, shops, workplaces, and civic buildings are in proximity.
- C. A well-defined and detailed system of interconnected streets serve the needs of the pedestrian, bicyclists, and the car equally, providing multiple routes to all parts of the neighborhood.
- D. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
- E. Private buildings form a clear edge, delineating the private from the public realm.
- F. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.
- G. Traditional Neighborhoods pursue certain objectives through their design, including:
  - (1) Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
  - (2) Reduced traffic congestion and road construction costs by reducing number and length of car trips.
  - (3) Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
  - (4) Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
  - (5) Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
  - (6) Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

**Traffic Calming Measure**

A natural or constructed feature located within or adjacent to a street that is designed to reduce motorist speed and/or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.

**Traffic Impact Study**

An analysis of the effect of traffic generated by a proposed development or redevelopment on street capacity, operations, and public safety.



**Trail**

An access way, whether paved or unpaved, that is intended to serve multiple modes of travel including walking, jogging, bicycling, or other forms of non-motorized transport.

**Transitional Features**

Architectural elements or site aspects that provide a compatible transition between land uses, subdivisions, sites, lots, or structures throughout the City.

**Transportation and Street Technical Standards**

The transportation design requirements that present a comprehensive approach to designing new and modified streets within the City.

**Travel Lane**

Portions of a public or private street, internal drive, or drive aisle intended solely for the movement of vehicles, not parking or standing.

**Tree, Canopy**

Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

**Tree Pit**

Pervious areas within a sidewalk, plaza, or other impervious surface that have been designated for the growth of street tree roots. Tree pits may or may not be covered by a grate or other protective device.

**Tree Removal Permit**

A type of permit to remove a tree not associated with an approved building permit, grading permit, site plan, preliminary plat, final plat, or stormwater management permit.

**Tree Save Area**

The portion of a development site or lot located under existing tree canopy that is to be retained during the development process.

**Tree, Specimen**

A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance as determined by the Arborist. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a DBH of 24" or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 10" or greater.

**Tree, Street**

A tree planted along the street within the right-of-way except along the park side of the parkway, a rural road, or alley.

**Tree Topping**

Removal of entire branches, leaves, and/or trunk from the top of a tree.

**Trim Color**

A color used on the trim of a building.

**Understory Tree**

A small to medium-sized tree, growing 15 to 40 feet at maturity and often used for aesthetic purposes.

**Uniformity Ratio**

A measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single parcel of land.

**Use Classification**

A designation of the use of land in one of six basic classifications, including agricultural, residential, institutional, commercial, or industrial.

**Utilities**

A supply of gas, electricity, water, cable, fiber optic, or telephone service to homes, businesses, and development.

**Variance**

Relief granted from certain provisions of this Ordinance.

**Vehicle**

A car, truck, or motorcycle, but excluding recreational equipment.

**Vehicle Rental/Leasing/Sales**

Establishments which may have showrooms or open lots for selling, renting, or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycles, ATVs, or boat and marine craft dealers. This definition shall also include taxi and limousine services or other uses that include the storage/display of automobiles as a primary characteristic of the use.

**Vehicle Repair Facilities**

An establishment engaged in major repair and maintenance services for automotive vehicles, such as passenger cars, trucks, vans, and trailer bodies and interiors. Services are typically non-routine and include auto body work, collision repair, replacement of major parts, painting, or customization.

**Vehicle Service Facilities**

An establishment providing a range of minor, routine maintenance services for automotive vehicles. These services are performed indoors and include oil changes, lubrication, fluid replacement, tire rotation and sales, and other quick service activities.

**Vehicle Wash Facilities**

An area or structure equipped with automatic or self-service facilities for washing automotive vehicles.

**Vested Right**

The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved plan.

**Veterinary Clinic**

A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

**Viewshed**

The sphere of locations and/or objects visible from one or more specified points or lines. Viewshed analysis involves identification of important landscape and site features, including spaces of cultural or historic value, both within and external to the site. Analysis entails study of specific points within a defined topographical context, and how key features of the existing landscape are impacted by proposed development. It reflects both digital and site-collected data, as available.

**Vines**

A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls, and on trellises.

**Vocational School**

A use, whether privately owned or publicly owned, that trains persons in specific trades or occupations such as mechanics, computers, or similar skills.

**Wall Offset**

Projections or recess in the facade of a building for the purposes of screening mechanical or utility equipment.

**Water Surface Elevation**

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.

**Watercourse**

A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which stormwater runoff and flood water flows either regularly or infrequently and includes major drainage ways for carrying urban stormwater runoff.

**Wetland**

Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**Wheel Stop**

Precast concrete or other manufactured ground-mounted device located at the head of a parking space that is intended to prevent the wheels of a vehicle from moving beyond the stop.

**Wholesale Sales**

An establishment primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at large.

**Wildlife Habitat**

Areas where animals live and where ecologically supportive environments provide animals the necessities of life, food, water, cover, and places to raise young.

**Window**

An opening in the wall of a building that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

**Wing Wall**

A smaller wall attached or next to a larger wall or structure.

**Wrecker Service**

A service for towing wrecked or disabled vehicles or freeing vehicles stalled in snow or mud.

**Yard**

An open area that lies between a building or structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this Ordinance.

**Zoning District**

Areas of land divided into zones within which various uses are permitted and standards are applicable. This term may be referred to as a “district”.

**Zoning Map**

The official map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance. The zoning map may be found on the City website.

## Chapter 3 - Non-Conformities

### 3.1 General Provisions

#### 3.1.1 Purpose & Applicability

The purpose of this chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this ordinance (or any amendment subsequent thereto) that do not conform to this ordinance. Many nonconformities may continue, but the provisions of this section are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the city in accordance with the intent of this ordinance.

Any principal or accessory use, structure, lot of record, sign, or tower that was lawfully established before the effective date of this Ordinance and no longer complies with this Ordinance is considered nonconforming. Nonconformities shall be allowed to continue pursuant to this Chapter.

#### 3.1.2 Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be on the owner of the property on which the purported nonconformity is located.

### 3.2 Nonconforming Uses

#### 3.2.1 Change of Use

- A. A nonconforming use shall not be changed to or replaced with another use unless that use conforms to the requirements of this Ordinance.
- B. A change in occupancy or ownership shall not, by itself, constitute a change of use.
- C. If the use is changed to, or replaced by a conforming use, it shall lose its nonconforming status.

#### 3.2.2 Discontinuance or Abandonment of a Nonconforming Use

- A. When a nonconforming use is discontinued or abandoned for a period of 30 months, as specified by T.C.A. § 13-7-208, the use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such property or structure shall comply with the regulations of the zoning district in which such land or structure is located.
- B. Operation only of an accessory use to the principal nonconforming use during the 30-month period shall not constitute continuation of the principal nonconforming use.

#### 3.2.3 Expansion of a Nonconforming Use

Nonconforming uses may be expanded, provided the following is met:

- A. The nonconforming use shall not be enlarged, expanded, or altered in a way that increases the degree of nonconformity. Any proposed expansion must conform to all other applicable standards of this Ordinance. For example:



- (1) The expansion of a nonconforming use cannot include any additional uses not permitted by the applicable zoning district; and
- (2) A duplex use in a single-family residential district is not permitted to add any additional dwelling units, inclusive of accessory dwellings.
- B. The type, size, and intensity of the proposed expansion, including such considerations as the size of the site, the location of the nonconforming use upon it, the hours of operation, the amount of noise generated, and the number of people who are likely to patronize the use will be adequate with respect to minimizing any negative impacts on adjoining lots and avoiding nuisances to adjacent landowners; and
- C. The nonconforming use shall not be expanded through the acquisition of additional land beyond that in use by the nonconformity on the effective date of this Ordinance.

### **3.3 Nonconforming Structures**

#### **3.3.1 Applicability**

This Section shall apply to nonconforming structures, other than signs and towers.

#### **3.3.2 Repair and Maintenance of a Nonconforming Structure**

Routine maintenance, stabilization, or restoration to a safe condition of any part of a nonconforming structure is permitted in accordance with this Chapter.

#### **3.3.3 Expansion of a Nonconforming Structure**

A nonconforming structure may be expanded, provided the following is met:

- A. The nonconforming structure shall not be enlarged, expanded, or altered in a way that increases the degree of nonconformity. Any proposed expansion must conform to all other applicable standards of this Ordinance. For example:
  - (1) For a building that is located five feet from a side lot line, where this Ordinance requires a ten-foot minimum side yard setback, any building addition or increase in building height must comply with the ten-foot setback; and
  - (2) For a building that is entirely within a required front yard setback, any building addition must occur only to the rear of the building.
- B. The type, size, and intensity of the proposed expansion, such as the size of the site and the location of the nonconforming structure upon it, will be adequate with respect to minimizing any negative impacts on adjoining lots and avoiding nuisances to adjacent landowners; and
- C. The nonconforming structure shall not be expanded through the acquisition of additional land beyond that in use by the nonconformity on the effective date of this Ordinance.

#### **3.3.4 Reconstruction of a New Structure**

An existing nonconforming structure, other than for a multifamily residential or manufactured home park use, may be torn down and a new structure of a building type permitted in the applicable zoning district may be reconstructed, provided the following is met:

- A. There is a reasonable amount of space on the property so as to avoid nuisances to adjacent landowners. Any reconstruction or redevelopment must conform to all other applicable standards of this Ordinance; and
- B. The type, size, and intensity of the proposed reconstruction, such as the size of the site and the location of the nonconformity upon it, will be adequate with respect to minimizing any negative impacts on adjoining lots.

### **3.3.5 Multifamily Residential**

New structures for a nonconforming multifamily residential use may be reconstructed only in the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster, pursuant to T.C.A. § 13-7-208.

### **3.3.6 Manufactured Home Parks**

Within a legally established mobile home park, an existing manufactured home or mobile home (both definitions found at T.C.A. 68-126-202) may be replaced by another manufactured home on a one-per-one basis pursuant to T.C.A 68-126-403.

## **3.4 Nonconforming Lots**

### **3.4.1 Nonconforming Platted Lots**

A lot in a subdivision that was legally created by final plat and recorded prior to the effective date of this Ordinance that does not meet the dimensional standards of the applicable zoning district:

- A. May be developed with the uses permitted in the applicable zoning district; and
- B. Shall retain the approved dimensional standards and minimum required open space.

### **3.4.2 Nonconforming Lots of Record**

A lot that was legally created by deed or other legal mechanism before it was in the City or prior to the City and County initial adoption of the Subdivision Regulations that does not meet the dimensional standards of the applicable zoning district:

- A. May be developed with the uses permitted in the applicable zoning district;
- B. Shall comply with the dimensional standards of the applicable zoning district as closely as possible; and
- C. Must conform to all other applicable provisions of this Ordinance.

## Chapter 4 – Planning Areas

### 4.1 General

#### 4.1.1. Planning Areas

In order to implement the purpose and intent of the Planning Ordinance, planning areas are established in this section.

Planning areas are different from conventional zoning districts in that they are defined not by land use but by geographical areas related to the historical and topographical patterns of growth in the community and the Comprehensive Plan. Therefore, we have replaced the conventional terminology of “Zoning District” with “Planning Areas.” These planning areas have the same legal authority as zoning districts.

There are detailed provisions, uses, and standards for the design of the built environment within each respective planning area, including dimensional standards, permitted building types, height, parking, lighting, signage, permitted uses, and other development standards.

There are hereby established the following planning areas:

- Agricultural District – AG
- Estate Residential District – ER
- Single Family Residential Neighborhood Area – R1
- Mixed Residential Neighborhood Area – R2
- Mixed Use Residential Area – R3
- Mobile Home Residential District – R4
- Neighborhood Commercial District – NCD
- Gateway District – GD
- Central Commercial District – CC
- Downtown District – DD
- Civic and Institutional District – CI
- Innovation District – LI
- Interchange District – HI
- Planned Residential District – PDR

#### 4.1.2 Overlay Districts

An overlay district is a separate set of regulations applicable only to a specific geographic area for the purpose of managing certain environmentally sensitive, culturally/ historically significant, and/or visually important community resources. An overlay district may grant additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying planning area. The underlying planning areas and overlay districts together will control development. These districts are located in Chapter 12 - Special Districts.

### 4.1.3 Permitted Uses

Permitted uses are those activities which are allowed or allowed with additional requirements in each planning area. Permitted uses are listed in the Use Table in the respective planning area section. Additional requirements are listed in Section 5.2.

All uses in the Use Table have been divided into categories, defined as follows:

- A. Residential.  
Residential uses are premises available for long-term human habitation by means of ownership and rental, excluding short-term leasing or rental of less than one month.
- B. Commercial / Office / Retail.  
Commercial, office, and retail uses are premises available for the transaction of general business and the provision of services, retail sales and commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing, except as a minor component.
- C. Civic / Educational / Institutional.  
Civic, educational and institutional uses are premises available for organizations dedicated to education, religion, government, social service, arts and culture, recreation and sports, and other similar areas of public assembly.
- D. Industrial / Wholesale / Storage.  
Industrial, wholesale, and storage uses are premises available for the creation, assemblage, storage, repair, and wholesale selling of items including their storage and wholesale of product.
- E. Agriculture.  
Agricultural uses are premises for growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitat and all related functions.
- F. Infrastructure.  
Infrastructure are uses and structures dedicated to transportation, communication, and utilities essential to the public safety and welfare.
- G. Accessory Uses.  
An accessory use is a use that is clearly and customarily subordinate to a principal use or principal structure. An accessory use is smaller in area, extent, or purpose to the principal use or principal structure served.
- H. Park & Open Space Uses.  
Parks and open spaces are permitted in all Planning Areas. Park types and open space must conform to the requirements listed in Chapter 7.

Whether or not a use is permitted in a specific planning area is determined by the Use Table associated with the respective planning area. The use allowances in the Use Table shall be interpreted as: P = Permitted; or AR = Permitted with Additional Requirements.

Uses not listed in the Use Table may, upon determination of the Planning Director, be identified with the next-closest use or identified as a conditional use.

In the event that a particular use is not listed in the Use Table or in the list of prohibited uses, and such use is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar use exists in this section. Should the Planning Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Planning Director's decision shall be recorded in writing. Should the Planning Director determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question. Any use not otherwise listed within the La Vergne Zoning Ordinance shall be permitted in the Interchange District H-I.

**Materially Similar Uses:** The Planning Director may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:

- American Planning Association Land-Based Classification Standards (LBCS)
- North American Industrial Classification System (NAICS)
- Institute of Transportation Engineers (ITE) Trip Generation Guide

#### **4.1.4 Building Types**

Building types are used as a regulatory mechanism in this planning ordinance. Not all building types are permitted in all planning areas. Additional design standards and additional requirements for each building type are in Chapter 6, Design Standards.

Whether or not a building type is permitted or required in a specific planning area is determined by the Building Type Table associated with the respective planning area. The building type allowances in the Building Type Table shall be interpreted as: P = Permitted; R = Required with approval of the Design Review Board.

Building types not listed in the Building Type Table are presumed to be prohibited. There are hereby established the following building types:

**A. Detached House (Single-Family).**

Detached houses are the most predominant residential building type in La Vergne. Detached houses are suitable for single-family residences. They are appropriate on a wide variety of lot sizes.

**B. Townhouse.**

Townhouses are residential buildings with three or more dwelling units that share a common wall. Each unit has its own entrance and is a minimum of two stories. Units are typically aligned close to the public sidewalk, although sometimes there are small variations in setback to provide landscaping or diversity in the streetscape.



- C. Attached House (Duplex, Triplex, Quadplex).  
Attached houses have the outward appearance of detached houses but accommodate two, three or four completely separate dwelling units within one building. They are appropriate on a wide variety of lot sizes.
- D. Multi-Family (Apartments, Condominiums, Flats).  
Multi-family buildings incorporate more than four dwelling units in a vertical arrangement within one building. Common entrances and interior corridors serve multiple units. These buildings are a minimum of two stories with parking typically located behind the buildings or underground.
- E. Mixed Village Housing (Village Walkup, Village Courtyard).  
Mixed Village housing includes well-scaled buildings designed to fit within the context of surrounding residential or mixed-use neighborhoods. These buildings are a minimum of two stories, include a minimum of four to a maximum of eighteen units, feature individual or shared entrances, and provide walkable access to nearby destinations for multiple tenants. Examples of Mixed Village buildings include walkup and courtyard dwellings.
- F. Live / Work.  
Live / work buildings are designed to combine commercial and residential uses within a single building of two or more stories. They are similar to a townhouse, with a storefront on the ground floor and a residential unit above. Storefront space may be a home- based business or may be leased independently; however, different TN State Building Code regulations apply in each case.
- G. Institutional.  
Institutional buildings are used for public or semi-public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. Their uses may include churches, libraries, post offices, and schools. Institutional buildings serve as landmarks and places of assembly. They have a sense of prominence within their respective neighborhoods.
- H. Workplace.  
The workplace building is designed to accommodate either single or multiple uses or tenants with a wide range of internal activities in a single building.
- I. Storefront.  
A storefront building is designed to accommodate either single or multiple uses or tenants in a single building. A group of storefront buildings can be combined to form a mixed-use center. For example, individual storefront buildings can provide commercial uses with residential, or office uses on the upper floors. They are a minimum of two stories, typically are aligned adjacent to the public sidewalk, and include a high percentage of transparency in the ground-level façade to encourage pedestrian activity.

J. Commercial.

A commercial building is designed to accommodate either single or multiple- use tenants within a single building. A group of commercial buildings can be combined to form a commercial center. Commercial Buildings typically provide landscaped areas and parking areas.

K. Industrial Buildings.

Industrial Buildings include metal buildings, warehouses, distilleries and other industrial use buildings and accessory buildings for storage.

L. Agricultural Buildings.

Agricultural buildings include barns, sheds, farm stands, greenhouses, silos, and other structures with the primary purpose of housing animals, crops, or plants.

M. Accessory Structure.

An accessory structure is an above-ground structure that is clearly and customarily subordinate to a principal use or principal structure. An accessory structure is smaller in area, extent, or purpose to the principal use or principal structure served.

#### **4.1.5 Development Standards**

The purpose of development standards is to establish criteria for the development, redevelopment, construction, reconstruction, use, reuse, or subdivision of land within the La Vergne planning jurisdiction. These standards serve as the foundation to development but are not to be considered all-inclusive. Minor variations from the development standards established in this ordinance may be approved by the Planning Director based on environmental conditions of the site.

## **4.2 Planning Districts**

### **4.2.1 Agricultural District – AG**

A. Description

The Agriculture Planning District places a high priority on the preservation of active farmland, open space, and the rural landscape. Development should be limited to clustered, residential neighborhoods with emphasis on protection of natural features and environmentally sensitive areas. The extension of sewer infrastructure and the construction of new roads must be carefully planned to preserve the rural character.

B. Permitted Uses

The following table establishes the permitted uses for the District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.1 (1): Agriculture District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

|                                                 |    |
|-------------------------------------------------|----|
| <b>Residential Uses</b>                         |    |
| • Bed & Breakfast                               | AR |
| • Mobile Home                                   | AR |
| • Single Family Residential                     | P  |
| <b>Commercial/Office/Retail Uses</b>            |    |
| • Event Venues                                  | AR |
| • Home Occupation                               | AR |
| • Indoor/Outdoor Animal Services                | P  |
| • Indoor Animal Services                        | P  |
| • Outdoor Sales                                 | AR |
| • Outdoor Storage                               | AR |
| • Short-Term Vacation Rentals                   | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Cemeteries                                    | P  |
| • Charitable, Fraternal or Social Organizations | AR |
| • Places of Public Assembly                     | AR |
| <b>Agricultural Uses</b>                        |    |
| • Agricultural Structures                       | P  |
| • Community Gardens                             | P  |
| • Greenhouses                                   | P  |
| • Horse Farms                                   | P  |
| • Kennel-Commercial                             | P  |
| <b>Infrastructure Uses</b>                      |    |
| • Essential Services                            | P  |
| • Mailbox Delivery Facilities                   | P  |
| • Recycling Drop-off Center                     | AR |
| • Refuse Area                                   | AR |
| <b>Accessory Uses</b>                           |    |
| • Accessory Structures                          | P  |
| • Minor Accessory Structures                    | P  |
| • Sheds                                         | P  |
| <b>Parks and Open Space Uses</b>                |    |
| • Active Recreation                             | P  |
| • Campgrounds                                   | P  |
| • Golf Course                                   | P  |
| • Green Space                                   | P  |
| • Greenway                                      | P  |
| • Neighborhood Amenities                        | P  |
| • Open Space                                    | P  |
| • Outdoor Recreation Facility                   | P  |

|                                 |   |
|---------------------------------|---|
| • Passive Parks                 | P |
| • Playground                    | P |
| • Plaza                         | P |
| • Sports Courts / Sports Fields | P |
| • Trails                        | P |

#### C. Permitted Building Types

The following Table establishes the permitted building types for the District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.1 (2) - Agriculture District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types         | Allowance | Design Review | Height    |           |
|------------------------|-----------|---------------|-----------|-----------|
|                        |           |               | Minimum   | Maximum   |
| Detached House         | P         |               | 1 Story   | 3 Stories |
| Institutional          |           | R             | 2 Stories | 3 Stories |
| Agricultural Buildings | P         |               | 1 Story   | 3 Stories |
| Accessory Structure    | P         |               | 1 Story   | 2 Stories |

#### D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.1 (3) - Agriculture District Site Design Standards**

| Building Types         | Front Setback |      | Side Setback |      | Rear Setback |      |
|------------------------|---------------|------|--------------|------|--------------|------|
|                        | Min.          | Max. | Min          | Max. | Min.         | Max. |
| Detached House         | 40 ft         | n/a  | 15 ft        | n/a  | 30 ft        | n/a  |
| Institutional          | 40 ft         | n/a  | 15 ft        | n/a  | 30 ft        | n/a  |
| Agricultural Buildings | 25 ft         | n/a  | 10 ft        | n/a  | 10 ft        | n/a  |
| Accessory Structure    | 25 ft         | n/a  | 10 ft        | n/a  | 10 ft        | n/a  |

#### E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.1 (4) Agriculture District Development Standards**

|                        | <u>Required % of Development</u> |
|------------------------|----------------------------------|
|                        | Minimum                          |
| Open Space Requirement | 40%                              |
| Lot Size               | 2 acres                          |

#### 4.2.2 Estate Residential District - ER

##### A. Description

The Estate Residential District is intended to provide for single-family residential on estate-sized lots and for preservation of rural character. Development in this planning area is low-density residential consisting primarily of single-family homes.

Transportation systems, with an emphasis on greenways and bicycle or multi-use paths, should be evaluated to improve connectivity without jeopardizing sensitive natural features or viewsheds.

##### B. Permitted Uses

The following table establishes the permitted uses for the District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.2 (1): Estate Residential Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

|                                                 |    |
|-------------------------------------------------|----|
| <b>Residential Uses</b>                         |    |
| • Single Family Residential                     | P  |
| <b>Commercial/Office/Retail Uses</b>            |    |
| • Home Occupation                               | AR |
| • Short-Term Vacation Rentals                   | AR |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Cemeteries                                    | P  |
| • Charitable, Fraternal or Social Organizations | AR |
| • Places of Public Assembly                     | AR |
| <b>Agricultural Uses</b>                        |    |
| • Agricultural Structure                        | AR |
| • Community Garden                              | P  |
| • Greenhouse                                    | AR |
| • Horse Farm                                    | AR |
| <b>Infrastructure Uses</b>                      |    |
| • Essential Services                            | P  |
| • Mailbox Delivery Facilities                   | P  |
| <b>Accessory Uses</b>                           |    |
| • Accessory Structures                          | P  |
| • Minor Accessory Structures                    | P  |
| • Sheds                                         | P  |
| <b>Parks and Open Space Uses</b>                |    |
| • Active Recreation                             | AR |
| • Golf Course                                   | P  |



|                                 |    |
|---------------------------------|----|
| • Green Space                   | P  |
| • Greenway                      | AR |
| • Neighborhood Amenities        | P  |
| • Open Space                    | P  |
| • Outdoor Recreation Facility   | AR |
| • Passive Parks                 | P  |
| • Playground                    | P  |
| • Plaza                         | P  |
| • Sports Courts / Sports Fields | AR |
| • Trails                        | AR |

C. Permitted Building Types

The following Table establishes the permitted building types for District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.2 (2) - Estate Residential District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types         | Allowance | Design Review | Height    |           |
|------------------------|-----------|---------------|-----------|-----------|
|                        |           |               | Minimum   | Maximum   |
| Detached House         | P         |               | 1 Story   | 3 Stories |
| Institutional          |           | R             | 2 Stories | 3 Stories |
| Agricultural Buildings |           | R             | 1 Story   | 3 Stories |
| Accessory Structure    | P         |               | 1 Story   | 2 Stories |

D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.2 (3) - Estate Residential District Site Design Standards**

| Building Types         | Front Setback |      | Side Setback |      | Rear Setback |      |
|------------------------|---------------|------|--------------|------|--------------|------|
|                        | Min.          | Max. | Min          | Max. | Min.         | Max. |
| Detached House         | 40 ft         | n/a  | 15 ft        | n/a  | 30 ft        | n/a  |
| Institutional          | 40 ft         | n/a  | 15 ft        | n/a  | 30 ft        | n/a  |
| Agricultural Buildings | 40 ft         | n/a  | 10 ft        | n/a  | 10 ft        | n/a  |
| Accessory Structure    | 40 ft         | n/a  | 10 ft        | n/a  | 10 ft        | n/a  |

E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.2 (4) Estate Residential District Development Standards**

|                        | <u>Required % of Development</u><br>Minimum |
|------------------------|---------------------------------------------|
| Open Space Requirement | 40%                                         |
| Lot Size               | 43,560 sq. ft.                              |

**4.2.3 Single Family Residential Neighborhood Area – R1****A. Description**

The Single-Family Residential Neighborhood Area is established to transition between La Vergne’s urban areas and its rural periphery. Development in this planning area is low-density residential consisting primarily of single-family homes. Transportation systems, with an emphasis on greenways and bicycle or multi-use paths, should be evaluated to improve connectivity without jeopardizing sensitive natural features or viewsheds.

**B. Permitted Uses**

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.3 (1) Single Family Residential Neighborhood District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

|                                           |    |
|-------------------------------------------|----|
| <b>Residential Uses</b>                   |    |
| • Single Family Residential               | P  |
| <b>Commercial/Office/Retail Uses</b>      |    |
| • Home Occupation                         | AR |
| • Short-Term Vacation Rentals             | AR |
| <b>Civic/Education/Institutional Uses</b> |    |
| • Churches                                | AR |
| • Cemeteries                              | P  |
| • Places of Public Assembly               | AR |
| <b>Agricultural Uses</b>                  |    |
| • Agricultural Structures                 | AR |
| • Community Gardens                       | P  |
| • Greenhouses                             | AR |
| <b>Infrastructure Uses</b>                |    |
| • Essential Services                      | P  |
| • Mailbox Delivery Facilities             | P  |
| <b>Accessory Uses</b>                     |    |
| • Accessory Structures                    | AR |
| • Minor Accessory Structures              | P  |
| • Sheds                                   | AR |
| <b>Parks and Open Space Uses</b>          |    |

|                                 |    |
|---------------------------------|----|
| • Active Recreation             | AR |
| • Golf Course                   | AR |
| • Green Space                   | P  |
| • Greenway                      | AR |
| • Neighborhood Amenities        | P  |
| • Open Space                    | P  |
| • Outdoor Recreation Facility   | AR |
| • Passive Parks                 | P  |
| • Playground                    | P  |
| • Plaza                         | P  |
| • Sports Courts / Sports Fields | AR |
| • Trails                        | AR |

#### C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.3 (2) - Single Family Residential Neighborhood District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types      | Allowance | Design Review | Height    |           |
|---------------------|-----------|---------------|-----------|-----------|
|                     |           |               | Minimum   | Maximum   |
| Detached House      | P         |               | 1 Story   | 3 Stories |
| Townhouse           |           | R             | 1 Story   | 2 Stories |
| Attached House      |           | R             | 1 Story   | 2 Stories |
| Institutional       |           | R             | 2 Stories | 3 Stories |
| Accessory Structure | P         |               | 1 Story   | 2 Stories |

#### D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.3 (3) - Single Family Residential Neighborhood District Site Design Standards**

| Building Types      | Front Setback |      | Side Setback |      | Rear Setback |      |
|---------------------|---------------|------|--------------|------|--------------|------|
|                     | Min.          | Max. | Min          | Max. | Min.         | Max. |
| Detached House      | 40 ft         | n/a  | 15 ft        | n/a  | 25 ft        | n/a  |
| Townhouse           | 40 ft         | n/a  | 15 ft        | n/a  | 25 ft        | n/a  |
| Attached House      | 40 ft         | n/a  | 15 ft        | n/a  | 25 ft        | n/a  |
| Institutional       | 50 ft         | n/a  | 30 ft        | n/a  | 30 ft        | n/a  |
| Accessory Structure | 20 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |

#### E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.3 (4) Single Family Residential Neighborhood District Development Standards**

|                        | <u>Required % of Development</u><br>Minimum |
|------------------------|---------------------------------------------|
| Open Space Requirement | 30%                                         |
| Lot Size               | 15,000 sq. ft.                              |

**4.2.4 Mixed Residential Neighborhood Area – R2****A. Description**

The Mixed Residential Neighborhood Area is established to accommodate medium-density development with a variety of housing types within cohesive neighborhoods in close walking or biking proximity to La Vergne’s planned mixed-use nodes and employment centers. These neighborhoods should be designed at a pedestrian scale with parks and other public amenities as gathering places.

**B. Permitted Uses**

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.4 (1) Mixed Residential Neighborhood District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

|                                                 |    |
|-------------------------------------------------|----|
| <b>Residential Uses</b>                         |    |
| • Bed and Breakfast Establishment               | AR |
| • Duplexes                                      | P  |
| • Multi-Family Residential                      | AR |
| • Multiplexes                                   | AR |
| • Single Family Residential                     | P  |
| • Townhouses                                    | AR |
| <b>Commercial/Office/Retail Uses</b>            |    |
| • Home Occupation                               | AR |
| • Short-Term Vacation Rentals                   | AR |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Churches                                      | AR |
| • Cemeteries                                    | P  |
| • Charitable, Fraternal or Social Organizations | AR |
| • Civic Building                                | AR |
| • Independent Living Facility                   | AR |
| • Places of Public Assembly                     | AR |
| <b>Agricultural Uses</b>                        |    |
| • Community Gardens                             | P  |
| <b>Infrastructure Uses</b>                      |    |

|                                  |    |
|----------------------------------|----|
| • Educational Services           | AR |
| • Essential Services             | P  |
| • Mailbox Delivery Facilities    | P  |
| <b>Accessory Uses</b>            |    |
| • Accessory Structures           | P  |
| • Minor Accessory Structures     | P  |
| • Sheds                          | AR |
| <b>Parks and Open Space Uses</b> |    |
| • Active Recreation              | AR |
| • Golf Course                    | AR |
| • Green Space                    | P  |
| • Greenway                       | P  |
| • Neighborhood Amenities         | P  |
| • Open Space                     | P  |
| • Outdoor Recreation Facility    | AR |
| • Passive Parks                  | P  |
| • Playground                     | P  |
| • Plaza                          | P  |
| • Sports Courts / Sports Fields  | AR |
| • Trails                         | P  |

C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.4 (2) - Mixed Residential Neighborhood Area Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types        | Allowance | Design Review | Height    |           |
|-----------------------|-----------|---------------|-----------|-----------|
|                       |           |               | Minimum   | Maximum   |
| Detached House        | P         |               | 1 Story   | 3 Stories |
| Townhouse             |           | R             | 1 Story   | 2 Stories |
| Attached House        | P         |               | 1 Story   | 2 Stories |
| Multi-Family          |           | R             | 2 Stories | 4 Stories |
| Mixed Village Housing |           | R             | 1 Story   | 4 Stories |
| Live/Work             |           | R             | 2 Stories | 4 Stories |
| Workplace             |           | R             | 2 Stories | 3 Stories |
| Storefront            |           | R             | 2 Stories | 3 Stories |
| Institutional         |           | R             | 2 Stories | 3 Stories |
| Accessory Structure   | P         |               | 1 Story   | 2 Stories |

D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.



**Table 4.2.4 (3) - Mixed Residential Neighborhood District Site Design Standards**

| Building Types        | Front Setback |      | Side Setback |      | Rear Setback |      |
|-----------------------|---------------|------|--------------|------|--------------|------|
|                       | Min.          | Max. | Min          | Max. | Min.         | Max. |
| Detached House        | 35 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Townhouse             | 35 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Attached House        | 35 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Multi-Family          | 35 ft         | n/a  | 20 ft        | n/a  | 30 ft        | n/a  |
| Mixed Village Housing | n/a           | n/a  | n/a          | n/a  | 30 ft        | n/a  |
| Live/Work             | n/a           | n/a  | n/a          | n/a  | n/a          | n/a  |
| Workplace             | 35 ft         | n/a  | 20 ft        | n/a  | 30 ft        | n/a  |
| Storefront            | 35 ft         | n/a  | 20 ft        | n/a  | 30 ft        | n/a  |
| Institutional         | 50 ft         | n/a  | 20 ft        | n/a  | 30 ft        | n/a  |
| Accessory Structure   | n/a           | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |

**E. Development Standards**

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.4 (4) Mixed Residential Neighborhood District Development Standards**

|                        | <u>Required % of Development</u> |
|------------------------|----------------------------------|
|                        | Minimum                          |
| Open Space Requirement | 20%                              |
| Lot Size               | 10,000 sq. ft.                   |

**4.2.5 Mixed Use Neighborhood Residential Area – R3****A. Description**

The Mixed-Use Residential Neighborhood Area is established to accommodate high density development with a variety of housing types within cohesive neighborhoods in close walking or biking proximity to La Vergne’s planned mixed-use nodes and employment centers. These neighborhoods should be designed at a pedestrian scale with parks and other public amenities as gathering places.

**B. Permitted Uses**

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.5 (1) Mixed-Use Residential Neighborhood District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

|                                                 |    |
|-------------------------------------------------|----|
| <b>Residential Uses</b>                         |    |
| • Condominiums                                  | P  |
| • Duplexes                                      | P  |
| • Multi-Family Residential                      | P  |
| • Multiplexes                                   | P  |
| • Single Family Residential                     | P  |
| • Townhouses                                    | P  |
| <b>Commercial/Office/Retail Uses</b>            |    |
| • Gas Stations                                  | AR |
| • Home Occupation                               | AR |
| • Short-Term Vacation Rentals                   | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Cemeteries                                    | P  |
| • Charitable, Fraternal or Social Organizations | AR |
| • Civic Building                                | AR |
| • Independent Living Facility                   | AR |
| • Places of Public Assembly                     | AR |
| <b>Agricultural Uses</b>                        |    |
| • Community Gardens                             | P  |
| <b>Infrastructure Uses</b>                      |    |
| • Educational Services                          | AR |
| • Essential Services                            | P  |
| • Mailbox Delivery Facilities                   | P  |
| <b>Accessory Uses</b>                           |    |
| • Accessory Structures                          | P  |
| • Minor Accessory Structures                    | P  |
| • Sheds                                         | AR |
| <b>Parks and Open Space Uses</b>                |    |
| • Active Recreation                             | AR |
| • Golf Course                                   | AR |
| • Green Space                                   | P  |
| • Greenway                                      | P  |
| • Neighborhood Amenities                        | P  |
| • Open Space                                    | P  |
| • Outdoor Recreation Facility                   | AR |
| • Passive Parks                                 | P  |
| • Playground                                    | P  |
| • Plaza                                         | P  |
| • Sports Courts / Sports Fields                 | AR |
| • Trails                                        | P  |

## C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.5 (2) - Mixed Residential Neighborhood Area Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types        | Allowance | Design Review | Height    |           |
|-----------------------|-----------|---------------|-----------|-----------|
|                       |           |               | Minimum   | Maximum   |
| Detached House        | P         |               | 1 Story   | 3 Stories |
| Townhouse             | P         |               | 1 Story   | 2 Stories |
| Attached House        | P         |               | 1 Story   | 2 Stories |
| Multi-Family          |           | R             | 2 Stories | 4 Stories |
| Mixed Village Housing | P         |               | 1 Story   | 4 Stories |
| Live/Work             |           | R             | 2 Stories | 4 Stories |
| Workplace             |           | R             | 2 Stories | 3 Stories |
| Storefront            |           | R             | 2 Stories | 3 Stories |
| Institutional         |           | R             | 2 Stories | 3 Stories |
| Accessory Structure   | P         |               | 1 Story   | 2 Stories |

## D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.5 (3) - Mixed Residential Neighborhood District Site Design Standards**

| Building Types        | Front Setback |      | Side Setback |      | Rear Setback |      |
|-----------------------|---------------|------|--------------|------|--------------|------|
|                       | Min.          | Max. | Min          | Max. | Min.         | Max. |
| Detached House        | 15 ft         | n/a  | 5 ft         | n/a  | 15 ft        | n/a  |
| Townhouse             | 35 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Attached House        | 35 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Multi-Family          | 35 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Mixed Village Housing | n/a           | n/a  | n/a          | n/a  | 20 ft        | n/a  |
| Live/Work             | n/a           | n/a  | n/a          | n/a  | 20 ft        | n/a  |
| Workplace             | 35 ft         | n/a  | 20 ft        | n/a  | 20 ft        | n/a  |
| Storefront            | 35 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |
| Institutional         | 35 ft         | n/a  | 30 ft        | n/a  | 30 ft        | n/a  |
| Accessory Structure   | n/a           | n/a  | 10 ft        | n/a  | 10 ft        | n/a  |

## E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.5 (4) Mixed Residential Neighborhood District Development Standards**

|                        | <u>Required % of Development</u><br>Minimum |
|------------------------|---------------------------------------------|
| Open Space Requirement | 20%                                         |
| Lot Size:              |                                             |
| • Single Family        | 3,000 sq. ft.                               |
| • All Others           | 10,000 sq. ft.                              |

**4.2.6 Mobile Home Residential District – R4****A. 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 provide 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 installations are benefited by such an environment.

**B. Permitted Uses**

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.6 (1) Mobile Home Residential District Use Table**

|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| <b>Residential Uses</b>                                                                       |
| Mobile Homes on Individual Lots in a Mobile Home Subdivision with a Minimum of Five (5) Acres |
| Customary Incidental Home Occupations as Regulated in this Ordinance.                         |

**Table 4.2.6 (2) – Dimensional Regulations**

| <b>Building Types</b> | <b>Minimum Lot Size</b> | <b>Front Setback</b> | <b>Side Setback</b> | <b>Rear Setback</b> | <b>Max. Lot Coverage</b> |
|-----------------------|-------------------------|----------------------|---------------------|---------------------|--------------------------|
| Mobile Home           | 7,000 sq. ft.           | 35 ft.               | 10 ft               | 20 ft               | 40%                      |
| Mobile Home Park      | 5 Acres                 | 35 ft                | 10 ft               | 20 ft               | 40%                      |

**C. Development Standards for Mobile Home Park**

The following land development standards shall apply for all mobile home parks:

- (1) No parcel of land containing less than five (5) acres and less than ten (10) mobile home spaces, available at the time of the first occupancy, shall be utilized for a mobile home park.

- (2) 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.
- (3) Dimensional Requirements for Mobile Home Parks:
  - (a) 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.
  - (b) 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.
  - (c) In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
  - (d) 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.
  - (e) 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 light 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 twenty (20) foot clearance between 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 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 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 or the City.
- (4) Cabanas, travel trailers, and other similar enclosed structures are prohibited.
- (5) 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 name and address of the applicant.
- (8) A comprehensive drainage plan.
- (9) 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.
- (10) 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.

#### **4.2.7 Neighborhood Commercial District – NCD**

A. Description

The Neighborhood Commercial District is established to create small nodes within residential development that increase walkability, create a sense of place, and provide a concentration of goods and services for the daily needs and activities of nearby residents. The buildings within the Neighborhood Commercial District should be at a pedestrian scale with retail frontage.

## B. Permitted Uses

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.7 (1) Neighborhood Commercial District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

| <b>Residential Uses</b>                         |    |
|-------------------------------------------------|----|
| • Bed and Breakfast Establishment               | P  |
| • Condominiums                                  | AR |
| • Duplexes                                      | P  |
| • Multi-Family Residential                      | AR |
| • Multiplexes                                   | AR |
| • Single Family Residential                     | P  |
| • Townhouses                                    | P  |
| <b>Commercial/Office/Retail Uses</b>            |    |
| • Alternative Financial Services                | AR |
| • Bank / Credit Union / Financial Services      | AR |
| • Bar / Tavern                                  | AR |
| • Commercial Recreation                         | AR |
| • Commercial Services Uses                      | P  |
| • Day Care Centers                              | P  |
| • Event Venues                                  | AR |
| • Gas Stations                                  | AR |
| • Home Occupation                               | P  |
| • Indoor Animal Services                        | AR |
| • Micro-Brewery                                 | AR |
| • Offices                                       | P  |
| • Personal Services                             | P  |
| • Quick Service Restaurant                      | P  |
| • Restaurants                                   | P  |
| • Retail Establishment                          | AR |
| • Retail, Secondary                             | P  |
| • Short-Term Vacation Rentals                   | P  |
| • Theaters                                      | AR |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Charitable, Fraternal or Social Organizations | P  |
| • Civic Building                                | AR |
| • Educational Facilities                        | AR |
| • Independent Living Facility                   | AR |
| • Parking Structure                             | AR |
| • Places of Public Assembly                     | AR |

|                                  |    |
|----------------------------------|----|
| <b>Agricultural Uses</b>         |    |
| • Community Gardens              | P  |
| <b>Infrastructure Uses</b>       |    |
| • Educational Services           | AR |
| • Essential Services             | P  |
| • Hospitals                      | AR |
| • Mailbox Delivery Facilities    | P  |
| • Transportation Facilities      | AR |
| <b>Accessory Uses</b>            |    |
| • Accessory Structure            | AR |
| • Minor Accessory Structure      | AR |
| • Shed                           | AR |
| <b>Parks and Open Space Uses</b> |    |
| • Active Recreation              | P  |
| • Golf Course                    | AR |
| • Green Space                    | P  |
| • Greenway                       | P  |
| • Neighborhood Amenities         | P  |
| • Open Space                     | P  |
| • Outdoor Recreation Facility    | AR |
| • Passive Parks                  | P  |
| • Playground                     | P  |
| • Plaza                          | P  |
| • Sports Courts / Sports Fields  | AR |
| • Trails                         | P  |

C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.7 (2) - Neighborhood Commercial District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types        | Allowance | Design Review | Height    |           |
|-----------------------|-----------|---------------|-----------|-----------|
|                       |           |               | Minimum   | Maximum   |
| Detached House        | P         |               | 1 Story   | 3 Stories |
| Townhouse             | P         |               | 1 Story   | 2 Stories |
| Attached House        | P         |               | 1 Story   | 2 Stories |
| Multi-Family          |           | R             | 2 Stories | 4 Stories |
| Mixed Village Housing | P         |               | 1 Story   | 4 Stories |
| Live/Work             | P         |               | 2 Stories | 4 Stories |
| Workplace             | P         |               | 2 Stories | 3 Stories |
| Storefront            | P         |               | 2 Stories | 3 Stories |

|                     |   |   |           |           |
|---------------------|---|---|-----------|-----------|
| Commercial          |   | R | 1 Story   | 2 Stories |
| Institutional       |   | R | 2 Stories | 3 Stories |
| Accessory Structure | P |   | 1 Story   | 2 Stories |

#### D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.7 (3) - Neighborhood Commercial District Site Design Standards Table**

| Building Types        | Front Setback |       | Side Setback |       | Rear Setback |      |
|-----------------------|---------------|-------|--------------|-------|--------------|------|
|                       | Min.          | Max.  | Min          | Max.  | Min.         | Max. |
| Detached House        | n/a           | 20 ft | n/a          | n/a   | 10 ft        | n/a  |
| Townhouse             | n/a           | 20 ft | n/a          | n/a   | 10 ft        | n/a  |
| Attached House        | n/a           | 30 ft | n/a          | 30 ft | 10 ft        | n/a  |
| Multi-Family          | n/a           | 30 ft | n/a          | 30 ft | 25 ft        | n/a  |
| Mixed Village Housing | n/a           | 20 ft | n/a          | n/a   | 25 ft        | n/a  |
| Live/Work             | n/a           | 20 ft | n/a          | n/a   | 10 ft        | n/a  |
| Workplace             | n/a           | 20 ft | n/a          | n/a   | 10 ft        | n/a  |
| Storefront            | n/a           | 40 ft | n/a          | n/a   | 10 ft        | n/a  |
| Commercial            | n/a           | 40 ft | 20 ft        | n/a   | 25 ft        | n/a  |
| Institutional         | n/a           | 40 ft | 20 ft        | n/a   | 30 ft        | n/a  |
| Accessory Structure   | n/a           | n/a   | 10 ft        | n/a   | 10 ft        | n/a  |

#### E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.7 (4) Neighborhood Commercial District Development Standards Table**

|                        | <u>Required % of Development</u> |
|------------------------|----------------------------------|
|                        | Minimum                          |
| Open Space Requirement | 40%                              |
| Lot Size               | 10,000 sq. ft.                   |

### 4.2.8 Gateway District – GD

#### A. Description

The Gateway District was established to provide employment opportunities and commercial and retail services to our citizens and regional travelers along and near major thoroughfares. Development is encouraged to be compact and provide off-road pedestrian and bicycle facilities. These commercial nodes will accommodate the high volume of regional traffic along the corridors. The design of a required frontage parkway through developments along the I-24 corridor will provide safe access between neighborhoods and destinations.

## B. Permitted Uses

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.8 (1) Gateway District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

| <b>Residential Uses</b>                         |    |
|-------------------------------------------------|----|
| • Bed and Breakfast Establishment               | P  |
| • Multi-Family Residential                      | P  |
| • Multiplexes                                   | P  |
| • Single Family Residential                     | AR |
| • Townhouses                                    | AR |
| <b>Commercial/Office/Retail Uses</b>            |    |
| • Alternative Financial Services                | AR |
| • Bank / Credit Union / Financial Services      | P  |
| • Bar / Tavern                                  | AR |
| • Commercial Primary Uses                       | P  |
| • Commercial Recreation                         | P  |
| • Drive-in / Drive-through Facilities           | P  |
| • Drive-in / Drive-through Restaurants          | P  |
| • Event Venues                                  | AR |
| • Gas Stations                                  | P  |
| • Home Occupation                               | P  |
| • Hotel / Motel / Inn                           | P  |
| • Indoor Animal Services                        | P  |
| • Micro-Brewery                                 | P  |
| • Mobile Service Provider Office                | P  |
| • Offices                                       | P  |
| • Personal Services                             | P  |
| • Quick Service Restaurant                      | P  |
| • Restaurants                                   | P  |
| • Retail Establishment                          | P  |
| • Retail, Secondary                             | P  |
| • Showrooms                                     | P  |
| • Theaters                                      | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Charitable, Fraternal or Social Organizations | P  |
| • Churches                                      | P  |
| • Independent Living Facility                   | P  |
| • Parking Structure                             | AR |
| • Places of Public Assembly                     | P  |

|                                         |    |
|-----------------------------------------|----|
| <b>Industrial / Wholesale / Storage</b> |    |
| • General Warehousing                   | AR |
| • Industrial Sales                      | P  |
| • Industrial Services                   | P  |
| <b>Infrastructure Uses</b>              |    |
| • Essential Services                    | P  |
| • Hospitals                             | AR |
| • Mailbox Delivery Facilities           | P  |
| • Telecommunication Towers and Antennas | AR |
| • Transportation Facilities             | AR |
| <b>Accessory Uses</b>                   |    |
| • Accessory Structure                   | P  |
| • Minor Accessory Structure             | P  |
| <b>Parks and Open Space Uses</b>        |    |
| • Active Recreation                     | P  |
| • Campgrounds                           | AR |
| • Golf Course                           | AR |
| • Green Space                           | P  |
| • Greenway                              | P  |
| • Neighborhood Amenities                | P  |
| • Open Space                            | P  |
| • Outdoor Recreation Facility           | AR |
| • Passive Parks                         | P  |
| • Playground                            | P  |
| • Plaza                                 | P  |
| • Sports Courts / Sports Fields         | AR |
| • Trails                                | P  |

C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.8 (2) - Gateway District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types        | Allowance | Design Review | Height    |           |
|-----------------------|-----------|---------------|-----------|-----------|
|                       |           |               | Minimum   | Maximum   |
| Detached House        |           | R             | 1 Story   | 3 Stories |
| Townhouse             |           | R             | 1 Story   | 2 Stories |
| Attached House        | P         |               | 1 Story   | 2 Stories |
| Multi-Family          | P         |               | 2 Stories | 4 Stories |
| Mixed Village Housing | P         |               | 1 Story   | 4 Stories |
| Live/Work             | P         |               | 2 Stories | 4 Stories |



|                     |   |   |           |           |
|---------------------|---|---|-----------|-----------|
| Workplace           | P |   | 2 Stories | 3 Stories |
| Storefront          | P |   | 2 Stories | 3 Stories |
| Commercial          | P |   | 1 Story   | 7 Stories |
| Industrial          |   | R | 1 Story   | 7 Stories |
| Institutional       | P |   | 1 Story   | 7 Stories |
| Accessory Structure | P |   | 1 Story   | 2 Stories |

#### D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.8 (3) - Gateway District Site Design Standards Table**

| Building Types        | Front Setback |      | Side Setback |      | Rear Setback |      |
|-----------------------|---------------|------|--------------|------|--------------|------|
|                       | Min.          | Max. | Min.         | Max. | Min.         | Max. |
| Detached House        | 25 ft         | n/a  | 15 ft        | n/a  | 25 ft        | n/a  |
| Townhouse             | 25 ft         | n/a  | 15 ft        | n/a  | 25 ft        | n/a  |
| Attached House        | 25 ft         | n/a  | 15 ft        | n/a  | 25 ft        | n/a  |
| Multi-Family          | 30 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |
| Mixed Village Housing | 30 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |
| Live/Work             | 30 ft         | n/a  | 25 ft        | n/a  | 25 ft        | n/a  |
| Workplace             | 30 ft         | n/a  | 25 ft        | n/a  | 25 ft        | n/a  |
| Storefront            | 30 ft         | n/a  | 25 ft        | n/a  | 25 ft        | n/a  |
| Commercial            | 40 ft         | n/a  | 30 ft        | n/a  | 25 ft        | n/a  |
| Industrial            | 40 ft         | n/a  | 30 ft        | n/a  | 25 ft        | n/a  |
| Institutional         | 40 ft         | n/a  | 30 ft        | n/a  | 25 ft        | n/a  |
| Accessory Structure   | 25 ft         | n/a  | 15 ft        | n/a  | 10 ft        | n/a  |

#### E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.8 (4) Gateway District Development Standards Table**

|                        | <u>Required % of Development</u> |
|------------------------|----------------------------------|
|                        | Minimum                          |
| Open Space Requirement | 30%                              |
| Lot Size               | 15,000 sq. ft.                   |

### 4.2.9 Central Commercial District – CC

#### A. Description

The Central Commercial District was established to create a strong emphasis on development and redevelopment of commercial, retail, and residential land uses at a higher intensity. Development should generate a dense mix of retail frontage, upper-story

residential, and high-density residential with structured parking. Provisions for pedestrians, bicyclists, and transit riders are essential to the success of the Central Commercial District.

#### B. Permitted Uses

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3 Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.9 (1) Central Commercial District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

| <b>Residential Uses</b>                    |    |
|--------------------------------------------|----|
| • Bed and Breakfast Establishment          | P  |
| • Multi-Family Residential                 | P  |
| • Multiplexes                              | P  |
| <b>Commercial/Office/Retail Uses</b>       |    |
| • Alternative Financial Services           | AR |
| • Bank / Credit Union / Financial Services | P  |
| • Bar / Tavern                             | P  |
| • Commercial Primary Uses                  | P  |
| • Commercial Recreation                    | P  |
| • Commercial Secondary Uses                | P  |
| • Commercial Services Uses                 | P  |
| • Convenience Stores                       | AR |
| • Day Care Centers                         | P  |
| • Drive-in / Drive-through Facilities      | P  |
| • Drive-in / Drive-through Restaurants     | P  |
| • Event Venues                             | P  |
| • Funeral Homes                            | P  |
| • Garden Centers                           | P  |
| • Gas Stations                             | P  |
| • Home Occupation                          | P  |
| • Hotel / Motel / Inn                      | P  |
| • Indoor / Outdoor Animal Services         | AR |
| • Animal Hospital / Veterinary             | P  |
| • Micro-Brewery                            | P  |
| • Mobile Service Provider Office           | P  |
| • Offices                                  | P  |
| • Personal Services                        | P  |
| • Quick Service Restaurant                 | P  |
| • Restaurants                              | P  |
| • Retail Establishment                     | P  |
| • Retail, Primary                          | P  |

|                                                 |    |
|-------------------------------------------------|----|
| • Retail, Secondary                             | P  |
| • Showrooms                                     | P  |
| • Theaters                                      | P  |
| • Vehicle Sales and Rental                      | P  |
| • Vehicle Service Facilities                    | AR |
| • Wholesale Sales                               | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Carnival                                      | AR |
| • Charitable, Fraternal or Social Organizations | P  |
| • Churches                                      | AR |
| • Civic Building                                | AR |
| • Clinics                                       | P  |
| • Continuum of Care Facilities                  | P  |
| • Education Facilities                          | P  |
| • Group Homes                                   | P  |
| • Independent Living Facility                   | P  |
| • Parking Structure                             | P  |
| • Places of Public Assembly                     | P  |
| • Rehabilitation Centers                        | AR |
| • Residential Care Facility                     | P  |
| <b>Industrial / Wholesale / Storage</b>         |    |
| • Data Centers                                  | P  |
| • General Warehousing                           | AR |
| • Vehicle Repair Facilities                     | AR |
| <b>Infrastructure Uses</b>                      |    |
| • Educational Services                          | P  |
| • Essential Services                            | P  |
| • Hospitals                                     | P  |
| • Mailbox Delivery Facilities                   | P  |
| • Telecommunication Towers and Antennas         | AR |
| • Transportation Facilities                     | AR |
| <b>Accessory Uses</b>                           |    |
| • Accessory Structure                           | P  |
| • Minor Accessory Structure                     | P  |
| <b>Parks and Open Space Uses</b>                |    |
| • Active Recreation                             | P  |
| • Campgrounds                                   | AR |
| • Golf Course                                   | P  |
| • Green Space                                   | P  |
| • Greenway                                      | P  |
| • Neighborhood Amenities                        | P  |
| • Open Space                                    | P  |

|                                 |   |
|---------------------------------|---|
| • Outdoor Recreation Facility   | P |
| • Passive Parks                 | P |
| • Playground                    | P |
| • Plaza                         | P |
| • Sports Courts / Sports Fields | P |
| • Trails                        | P |

C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.9 (2) – Central Commercial District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types        | Allowance | Design Review | Height    |           |
|-----------------------|-----------|---------------|-----------|-----------|
|                       |           |               | Minimum   | Maximum   |
| Attached House        |           | R             | 1 Story   | 2 Stories |
| Multi-Family          | P         |               | 2 Stories | 4 Stories |
| Mixed Village Housing | P         |               | 1 Story   | 4 Stories |
| Live/Work             |           | R             | 1 Story   | 4 Stories |
| Workplace             | P         |               | 1 Story   | 3 Stories |
| Storefront            | P         |               | 1 Story   | 3 Stories |
| Commercial            | P         |               | 1 Story   | 4 Stories |
| Industrial            |           | R             | 1 Story   | 4 Stories |
| Institutional         | P         |               | 1 Story   | 3 Stories |
| Accessory Structure   | P         |               | 1 Story   | 2 Stories |

D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.9 (3) - Central Commercial District Site Design Standards Table**

| Building Types        | Front Setback |      | Side Setback |      | Rear Setback |      |
|-----------------------|---------------|------|--------------|------|--------------|------|
|                       | Min.          | Max. | Min.         | Max. | Min.         | Max. |
| Attached House        | 25 ft         | n/a  | 10 ft        | n/a  | 15 ft        | n/a  |
| Multi-Family          | 25 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Mixed Village Housing | 25 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Live/Work             | 30 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Workplace             | 30 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Storefront            | 30 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Commercial            | 40 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |
| Industrial            | 40 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |
| Institutional         | 40 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |
| Accessory Structure   | 25 ft         | n/a  | 10 ft        | n/a  | 10 ft        | n/a  |

#### E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.9 (4) Central Commercial District Development Standards Table**

|                        | <u>Required % of Development</u><br>Minimum |
|------------------------|---------------------------------------------|
| Open Space Requirement | 20%                                         |
| Lot Size               | 10,000 sq. ft.                              |

#### 4.2.10 Civic and Institutional District – CI

##### A. Description

The Civic and Institutional District was established to protect and cultivate the unique environment of La Vergne. It is designed to provide for governmental or public uses specifically. New development in the Civic and Institutional District should be multi-story, multi-use, and transit-supportive.

##### B. Permitted Uses

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.10 (1) Civic and Institutional District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

| <b>Commercial/Office/Retail Uses</b>            |    |
|-------------------------------------------------|----|
| • Commercial Recreation                         | P  |
| • Event Venues                                  | P  |
| • Garden Centers                                | AR |
| • Offices                                       | P  |
| • Theaters                                      | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Carnival                                      | AR |
| • Charitable, Fraternal or Social Organizations | P  |
| • Churches                                      | AR |
| • Civic Building                                | P  |
| • Clinics                                       | P  |
| • Continuum of Care Facilities                  | P  |
| • Education Facilities                          | P  |
| • Group Homes                                   | AR |
| • Independent Living Facility                   | P  |
| • Parking Structure                             | P  |

|                                         |    |
|-----------------------------------------|----|
| • Places of Public Assembly             | P  |
| • Residential Care Facility             | AR |
| <b>Industrial / Wholesale / Storage</b> |    |
| • NONE                                  |    |
| <b>Infrastructure Uses</b>              |    |
| • Correctional Facilities               | AR |
| • Educational Services                  | P  |
| • Essential Services                    | P  |
| • Hospitals                             | P  |
| • Jail                                  | AR |
| • Mailbox Delivery Facilities           | P  |
| • Telecommunication Towers and Antennas | AR |
| • Transportation Facilities             | P  |
| <b>Accessory Uses</b>                   |    |
| • Accessory Structure                   | P  |
| • Minor Accessory Structure             | P  |
| <b>Parks and Open Space Uses</b>        |    |
| • Active Recreation                     | P  |
| • Campgrounds                           | AR |
| • Golf Course                           | P  |
| • Green Space                           | P  |
| • Greenway                              | P  |
| • Neighborhood Amenities                | P  |
| • Open Space                            | P  |
| • Outdoor Recreation Facility           | P  |
| • Passive Parks                         | P  |
| • Playground                            | P  |
| • Plaza                                 | P  |
| • Sports Courts / Sports Fields         | P  |
| • Trails                                | P  |

### C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.10 (2) - Civic and Institutional District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types        | Allowance | Design Review | Height    |           |
|-----------------------|-----------|---------------|-----------|-----------|
|                       |           |               | Minimum   | Maximum   |
| Attached House        | P         |               | 1 Story   | 2 Stories |
| Multi-Family          | P         |               | 2 Stories | 4 Stories |
| Mixed Village Housing | P         |               | 1 Story   | 4 Stories |



|                     |   |   |         |           |
|---------------------|---|---|---------|-----------|
| Live/Work           | P |   | 1 Story | 4 Stories |
| Workplace           | P |   | 1 Story | 3 Stories |
| Storefront          | P |   | 1 Story | 3 Stories |
| Commercial          |   | R | 1 Story | 4 Stories |
| Industrial          |   | R | 1 Story | 4 Stories |
| Institutional       | P |   | 1 Story | 3 Stories |
| Accessory Structure | P |   | 1 Story | 2 Stories |

#### D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.10 (3) - Civic and Institutional District Site Design Standards Table**

| Building Types        | Front Setback |      | Side Setback |      | Rear Setback |      |
|-----------------------|---------------|------|--------------|------|--------------|------|
|                       | Min.          | Max. | Min.         | Max. | Min.         | Max. |
| Attached House        | 20 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Multi-Family          | 20 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Mixed Village Housing | n/a           | n/a  | n/a          | n/a  | 25 ft        | n/a  |
| Live/Work             | n/a           | n/a  | n/a          | n/a  | 25 ft        | n/a  |
| Workplace             | n/a           | n/a  | n/a          | n/a  | 25 ft        | n/a  |
| Storefront            | n/a           | n/a  | n/a          | n/a  | 25 ft        | n/a  |
| Commercial            | 20 ft         | n/a  | 20 ft        | n/a  | 30 ft        | n/a  |
| Industrial            | 25 ft         | n/a  | 25 ft        | n/a  | 30 ft        | n/a  |
| Institutional         | 25 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |
| Accessory Structure   | 20 ft         | n/a  | n/a          | n/a  | 10 ft        | n/a  |

#### E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.10 (4) Civic and Institutional District Development Standards Table**

|                        | <u>Required % of Development</u><br>Minimum |
|------------------------|---------------------------------------------|
| Open Space Requirement | 40%                                         |
| Lot Size               | 10,000 sq. ft.                              |

### 4.2.11 Downtown District - DD

#### A. Description

The Downtown District was established to protect and cultivate a vibrant central business district. It is the community's commercial, civic, cultural, and transportation hub. Infill development must complement the traditional built environment and encourage small, independent retailers.

## B. Permitted Uses

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.11 (1) Downtown District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

|                                                 |    |
|-------------------------------------------------|----|
| <b>Residential Uses</b>                         |    |
| • Condominiums                                  | P  |
| • Multi-Family Residential                      | P  |
| <b>Commercial/Office/Retail Uses</b>            |    |
| • Alternative Financial Services                | AR |
| • Bank / Credit Union / Financial Services      | P  |
| • Bar / Tavern                                  | P  |
| • Commercial Primary Uses                       | P  |
| • Commercial Recreation                         | P  |
| • Commercial Secondary Uses                     | P  |
| • Commercial Services Uses                      | P  |
| • Event Venues                                  | P  |
| • Micro-Brewery                                 | AR |
| • Mobile Service Provider Office                | P  |
| • Offices                                       | P  |
| • Personal Service                              | P  |
| • Restaurants                                   | P  |
| • Retail Establishment                          | P  |
| • Retail, Secondary                             | P  |
| • Short Term Rentals                            | P  |
| • Theaters                                      | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Charitable, Fraternal or Social Organizations | P  |
| • Civic Building                                | P  |
| • Parking Structure                             | P  |
| • Places of Public Assembly                     | P  |
| <b>Infrastructure Uses</b>                      |    |
| • Essential Services                            | P  |
| • Mailbox Delivery Facilities                   | P  |
| • Transportation Facilities                     | P  |
| <b>Parks and Open Space Uses</b>                |    |
| • Green Space                                   | P  |
| • Greenway                                      | P  |
| • Passive Parks                                 | P  |
| • Plaza                                         | P  |

## C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.11 (2) - Downtown District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types        | Allowance | Design Review | Height    |           |
|-----------------------|-----------|---------------|-----------|-----------|
|                       |           |               | Minimum   | Maximum   |
| Attached House        |           | R             | 1 Story   | 2 Stories |
| Multi-Family          |           | R             | 2 Stories | 4 Stories |
| Mixed Village Housing |           | R             | 1 Story   | 4 Stories |
| Live/Work             |           | R             | 1 Story   | 4 Stories |
| Workplace             |           | R             | 1 Story   | 3 Stories |
| Storefront            |           | R             | 1 Story   | 3 Stories |
| Commercial            |           | R             | 1 Story   | 4 Stories |
| Institutional         |           | R             | 1 Story   | 4 Stories |

## D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.11 (3) - Downtown District Site Design Standards Table**

| Building Types        | Front Setback |      | Side Setback |      | Rear Setback |      |
|-----------------------|---------------|------|--------------|------|--------------|------|
|                       | Min.          | Max. | Min.         | Max. | Min.         | Max. |
| Attached House        | 20 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Multi-Family          | 20 ft         | n/a  | 10 ft        | n/a  | 20 ft        | n/a  |
| Mixed Village Housing | 0             | n/a  | 0            | n/a  | 10 ft        | n/a  |
| Live/Work             | 0             | n/a  | 0            | n/a  | 10 ft        | n/a  |
| Workplace             | 0             | n/a  | 0            | n/a  | 10 ft        | n/a  |
| Storefront            | 0             | n/a  | 0            | n/a  | 10 ft        | n/a  |
| Commercial            | 20 ft         | n/a  | 20 ft        | n/a  | 30 ft        | n/a  |
| Institutional         | 25 ft         | n/a  | 25 ft        | n/a  | 30 ft        | n/a  |

## E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.11 (4) Downtown District Development Standards Table**

|                        | <u>Required % of Development</u> |
|------------------------|----------------------------------|
|                        | Minimum                          |
| Open Space Requirement | 40%                              |
| Lot Size               | 10,000 sq. ft.                   |

**4.2.12 Innovation District – LI****A. Description**

The Innovation District was established to allow the development of employment- based uses such as corporate offices, light manufacturing, and other uses that contribute to the creation of a regional employment center. Because of the presence of a high number of employees, these developments should be designed in a manner that accommodates pedestrians, bicycles, and public transit.

**B. Permitted Uses**

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.12 (1) Innovation District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

| <b>Residential Uses</b>                    |    |
|--------------------------------------------|----|
| • Mobile Home                              | AR |
| • Multi-Family Residential                 | P  |
| <b>Commercial/Office/Retail Uses</b>       |    |
| • Alternative Financial Services           | AR |
| • Bank / Credit Union / Financial Services | P  |
| • Bar / Tavern                             | AR |
| • Commercial Primary Uses                  | AR |
| • Commercial Recreation                    | AR |
| • Commercial Secondary Uses                | P  |
| • Commercial Services Uses                 | P  |
| • Convenience Stores                       | AR |
| • Day Care Centers                         | P  |
| • Event Venues                             | P  |
| • Funeral Homes                            | P  |
| • Garden Centers                           | P  |
| • Gas Stations                             | P  |
| • Indoor / Outdoor Animal Services         | P  |
| • Micro-Brewery                            | P  |
| • Mobile Service Provider Office           | P  |
| • Offices                                  | P  |
| • Outdoor Sales                            | AR |
| • Personal Services                        | P  |
| • Quick Service Restaurant                 | P  |
| • Restaurants                              | P  |
| • Retail Establishment                     | P  |

|                                                 |    |
|-------------------------------------------------|----|
| • Retail, Primary                               | P  |
| • Retail, Secondary                             | P  |
| • Showrooms                                     | P  |
| • Theaters                                      | P  |
| • Vehicle Sales and Rental                      | P  |
| • Vehicle Service Facilities                    | AR |
| • Wholesale Sales                               | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Charitable, Fraternal or Social Organizations | P  |
| • Churches                                      | P  |
| • Civic Building                                | AR |
| • Clinics                                       | P  |
| • Continuum of Care Facilities                  | P  |
| • Education Facilities                          | AR |
| • Independent Living Facility                   | P  |
| • Parking Structure                             | P  |
| • Places of Public Assembly                     | P  |
| • Rehabilitation Centers                        | AR |
| • Residential Care Facility                     | P  |
| <b>Industrial / Wholesale / Storage</b>         |    |
| • Data Centers                                  | P  |
| • General Warehousing                           | P  |
| • Industrial Sales                              | P  |
| • Industrial Services                           | P  |
| • Light Industrial Uses                         | P  |
| • Machinery Assembly and Repair Facilities      | P  |
| • Self-Storage Facilities                       | P  |
| • Vehicle Repair Facilities                     | AR |
| <b>Agricultural Uses</b>                        |    |
| • Kennel-Commercial                             | P  |
| <b>Infrastructure Uses</b>                      |    |
| • Correctional Facilities                       | AR |
| • Educational Services                          | P  |
| • Essential Services                            | P  |
| • Hospitals                                     | P  |
| • Jail                                          | AR |
| • Mailbox Delivery Facilities                   | P  |
| • Recycling Drop-off Center                     | P  |
| • Refuse Area                                   | P  |
| • Telecommunication Towers and Antennas         | AR |
| • Transportation Facilities                     | P  |
| <b>Accessory Uses</b>                           |    |

|                                  |    |
|----------------------------------|----|
| • Accessory Structure            | P  |
| • Minor Accessory Structure      | P  |
| • Shed                           | P  |
| <b>Parks and Open Space Uses</b> |    |
| • Active Recreation              | AR |
| • Green Space                    | P  |
| • Greenway                       | P  |
| • Neighborhood Amenities         | P  |
| • Open Space                     | P  |
| • Outdoor Recreation Facility    | P  |
| • Passive Parks                  | P  |
| • Playground                     | AR |
| • Plaza                          | P  |
| • Sports Courts / Sports Fields  | P  |
| • Trails                         | P  |

#### C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.12 (2) - Innovation District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types      | Allowance | Design Review | Height    |           |
|---------------------|-----------|---------------|-----------|-----------|
|                     |           |               | Minimum   | Maximum   |
| Detached House      |           | R             | 1 Story   | 2 Stories |
| Multi-Family        | P         |               | 2 Stories | 4 Stories |
| Workplace           | P         |               | 1 Story   | 4 Stories |
| Storefront          | P         |               | 1 Story   | 4 Stories |
| Commercial          | P         |               | 1 Story   | 4 Stories |
| Industrial          | P         |               | 1 Story   | 4 Stories |
| Institutional       | P         |               | 1 Story   | 3 Stories |
| Accessory Structure | P         |               | 1 Story   | 2 Stories |

#### D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.12 (3) - Innovation District Site Design Standards Table**

| Building Types | Front Setback |      | Side Setback |      | Rear Setback |      |
|----------------|---------------|------|--------------|------|--------------|------|
|                | Min.          | Max. | Min.         | Max. | Min.         | Max. |
| Detached House | 15 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Multi-Family   | 15 ft         | n/a  | 15 ft        | n/a  | 20 ft        | n/a  |
| Workplace      | 20 ft         | n/a  | 20 ft        | n/a  | 25 ft        | n/a  |



|                     |       |     |       |     |       |     |
|---------------------|-------|-----|-------|-----|-------|-----|
| Storefront          | 20 ft | n/a | 20 ft | n/a | 25 ft | n/a |
| Commercial          | 25 ft | n/a | 25 ft | n/a | 25 ft | n/a |
| Industrial          | 30 ft | n/a | 30 ft | n/a | 30 ft | n/a |
| Institutional       | 30 ft | n/a | 30 ft | n/a | 30 ft | n/a |
| Accessory Structure | 15 ft | n/a | 10 ft | n/a | 10 ft | n/a |

#### E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.12 (4) Innovation District Development Standards Table**

|                        | <u>Required % of Development</u><br>Minimum |
|------------------------|---------------------------------------------|
| Open Space Requirement | 20%                                         |
| Lot Size               | 15,000 sq. ft.                              |

#### 4.2.13 Interchange District – HI

##### A. Description

The Interchange District was established to allow the development of regional employment centers, heavy manufacturing, and other land uses that may not be suitable near residential developments. Because of the presence of a high number of employees, these developments should be designed in a manner that accommodates pedestrians, bicycles, and public transit.

##### B. Permitted Uses

The following table establishes the permitted uses for this District. For uses not listed in the table, please see 4.1.3. Additional Requirements are set out in Chapter V, Development Standards.

**Table 4.2.13 (1) Interchange District Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

| <b>Commercial/Office/Retail Uses</b>       |    |
|--------------------------------------------|----|
| • Alternative Financial Services           | AR |
| • Bank / Credit Union / Financial Services | P  |
| • Bar / Tavern                             | P  |
| • Commercial Primary Uses                  | AR |
| • Commercial Recreation                    | AR |
| • Commercial Secondary Uses                | P  |
| • Commercial Services Uses                 | P  |
| • Commercial, Restricted                   | AR |
| • Day Care Centers                         | P  |
| • Event Venues                             | P  |

|                                                 |    |
|-------------------------------------------------|----|
| • Funeral Homes                                 | P  |
| • Garden Centers                                | P  |
| • Gas Stations                                  | P  |
| • Indoor / Outdoor Animal Services              | P  |
| • Indoor Animal Services                        | P  |
| • Micro-Brewery                                 | P  |
| • Mobile Service Provider Office                | P  |
| • Offices                                       | P  |
| • Personal Services                             | P  |
| • Quick Service Restaurant                      | P  |
| • Restaurants                                   | P  |
| • Retail Establishment                          | P  |
| • Retail, Primary                               | P  |
| • Retail, Secondary                             | P  |
| • Showrooms                                     | P  |
| • Theaters                                      | P  |
| • Vehicle Service Facilities                    | AR |
| • Wholesale Sales                               | P  |
| <b>Civic/Education/Institutional Uses</b>       |    |
| • Charitable, Fraternal or Social Organizations | P  |
| • Churches                                      | P  |
| • Civic Building                                | AR |
| • Education Facilities                          | AR |
| • Independent Living Facility                   | P  |
| • Parking Structure                             | P  |
| • Places of Public Assembly                     | P  |
| <b>Industrial / Wholesale / Storage</b>         |    |
| • Adult Oriented Establishments                 | AR |
| • Data Centers                                  | P  |
| • General Warehousing                           | P  |
| • Heavy Industrial Uses                         | P  |
| • Industrial Sales                              | P  |
| • Industrial Services                           | P  |
| • Junk Yard / Salvage                           | AR |
| • Light Industrial Uses                         | P  |
| • Machinery Assembly and Repair Facilities      | P  |
| • Quarry                                        | AR |
| • Self-Storage Facilities                       | P  |
| • Vehicle Repair Facilities                     | P  |
| • Wrecker Services                              | AR |
| <b>Agricultural Uses</b>                        |    |
| • Kennel-Commercial                             | P  |

|                                         |    |
|-----------------------------------------|----|
| <b>Infrastructure Uses</b>              |    |
| • Correctional Facilities               | AR |
| • Educational Services                  | P  |
| • Essential Services                    | P  |
| • Hospitals                             | P  |
| • Jail                                  | AR |
| • Mailbox Delivery Facilities           | P  |
| • Recycling Drop-off Center             | P  |
| • Refuse Area                           | P  |
| • Telecommunication Towers and Antennas | AR |
| • Transportation Facilities             | P  |
| <b>Accessory Uses</b>                   |    |
| • Accessory Structure                   | P  |
| • Minor Accessory Structure             | P  |
| • Shed                                  | P  |
| <b>Parks and Open Space Uses</b>        |    |
| • Active Recreation                     | AR |
| • Green Space                           | P  |
| • Greenway                              | P  |
| • Neighborhood Amenities                | P  |
| • Open Space                            | P  |
| • Outdoor Recreation Facility           | P  |
| • Passive Parks                         | P  |
| • Playground                            | AR |
| • Plaza                                 | P  |
| • Sports Courts / Sports Fields         | AR |
| • Trails                                | P  |

C. Permitted Building Types

The following Table establishes the permitted building types for this District. Building Types not listed in the Building Type Table are presumed to be prohibited.

**Table 4.2.13 (2) - Interchange District Building Type Table**

(P = Permitted; R = Required with approval of the Design Review Board)

| Building Types      | Allowance | Design Review | Height  |           |
|---------------------|-----------|---------------|---------|-----------|
|                     |           |               | Minimum | Maximum   |
| Workplace           | P         |               | 1 Story | 3 Stories |
| Storefront          | P         |               | 1 Story | 3 Stories |
| Commercial          | P         |               | 1 Story | 4 Stories |
| Industrial          | P         |               | 1 Story | 4 Stories |
| Institutional       | P         |               | 1 Story | 3 Stories |
| Accessory Structure | P         |               | 1 Story | 2 Stories |

## D. Site Design Standards

The following Table establishes the minimum and maximum setbacks for buildings on lots within this district.

**Table 4.2.13 (3) - Interchange District Site Design Standards Table**

| Building Types      | Front Setback |      | Side Setback |      | Rear Setback |      |
|---------------------|---------------|------|--------------|------|--------------|------|
|                     | Min.          | Max. | Min.         | Max. | Min.         | Max. |
| Workplace           | 25 ft         | n/a  | 20 ft        | n/a  | 20 ft        | n/a  |
| Storefront          | 25 ft         | n/a  | 20 ft        | n/a  | 20 ft        | n/a  |
| Commercial          | 30 ft         | n/a  | 25 ft        | n/a  | 25 ft        | n/a  |
| Industrial          | 35 ft         | n/a  | 25 ft        | n/a  | 25 ft        | n/a  |
| Institutional       | 30 ft         | n/a  | 30 ft        | n/a  | 25 ft        | n/a  |
| Accessory Structure | 25 ft         | n/a  | 30 ft        | n/a  | 15 ft        | n/a  |

## E. Development Standards

The following Table establishes the development standards within the district for open space and lot size.

**Table 4.2.13 (4) Interchange District Development Standards Table**

|                        | <u>Required % of Development</u><br>Minimum |
|------------------------|---------------------------------------------|
| Open Space Requirement | 20%                                         |
| Lot Size               | 20,000 sq. ft.                              |

#### 4.2.14 Planned Density Residential District - PDR

## A. District Description

The Planned Density Residential District is established to accommodate the existing PDR residential developments in the City as well as future PDR's that have approved design books and development plans. These districts are designed to create a planned development that would not be allowed in another district. These developments may include mixed-use developments and residential developments.

## B. Applicability

- (1) Development plans are specific to the PDR district. Development plans shall comply with the specific review procedures in this Section.
- (2) Rezoning of property to a PDR district and the subsequent development plan shall not be proposed or used to avoid, or have the effect of avoiding compliance with the standards and requirements of this Ordinance or for the other zoning districts, and instead, shall be used sparingly in the following situations:

- (a) Rezoning of property to a PDR district and the corresponding development plan shall be limited to situations where this district is needed in order to implement the Comprehensive Plan's guiding principles and design concepts; or
- (b) Rezoning of property to a PDR district and the corresponding development plan shall be limited to situations where a property, due to unique site conditions or the necessary intrinsic size, use, building placement, building elements, building configuration, building type, or other building and development characteristics, cannot under any other circumstances conform to one or more of the other zoning districts or standards specified in this Ordinance.
- (3) Development plans shall provide for innovative planning and design that respects the surrounding established land use, character, and natural or manmade features of the property, such as trees, historic features, streams, hillsides, and floodplains, and promotes quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses, which could not be achieved in accordance with the standards for any other zoning district.

C. Establishment of Standards

Design standards and Building Types shall be identified within the approved design book and development plan.

D. Modification of Standards

- (1) The purpose of a modification of standards is to allow the consideration of a request to modify a development standard of this ordinance where the modification:
  - (a) will enhance the design of the development more than if the standards were strictly adhered to,
  - (b) the conditions upon which the request is based are unique to the design intent for the development and are not generally applicable to other property; and
  - (c) the modification is consistent with the intent of the Comprehensive Plan.
- (2) In order for a modification to be considered, the applicant shall provide the standard requested for modification, an alternate standard to be considered, and written documentation and justification for the request.

E. Uses Permitted

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

- (1) Accessory buildings (Residential only)
- (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.

## F. Density

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

## G. Regulations of General Applicability for PDRs

- (1) Gross tract size for initial zoning purposes: No less than ten (10) 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 book must accompany a development plan delineating setbacks dependent 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) Ownership and division of land. No tract(s) of land may be considered for or approved as a planned development unless such tract(s) is under the single ownership of a landowner as defined in this article. The holder of a written option to purchase or any governmental agency shall be considered a landowner for purposes of this section. Unless otherwise provided as a condition of approval of a planned development, the landowner of an adopted planned development may divide and transfer parts of such development provided that the transferee shall be obligated to complete each such part, and use and maintain it in strict conformance with the approved planned development.

## H. Height Requirements

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Section 6.4. Any property located within the Smyrna Airport Restricted Height Boundary must also comply with the height restrictions as provided in Section 12.5.

## I. Open Space Requirements

- (1) Required open space shall be as follows:

| <b>Residential Density in PDR Tract</b> | <b>% of Gross Site Area as Open Space</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 count-ed toward the open space requirement.



- (4) Open space shall be established on the development 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 development 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.

J. Buffer Areas.

The Planning Commission shall determine the required buffer areas

K. Additional Requirements.

- (1) A development plan 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 development plan recommended (favorably or unfavorably) by the Planning Commission. The Planning Commission shall have the right to recommend, favorably or unfavorably, the development 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 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 development 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 development plan, an amendment is required to be approved per the requirements listed later in section 4.2.14.
- (5) The development phasing sequence must coordinate construction of improvements. In no event shall occupancy permits for any phase of the planned development be issued unless and until the common space and common elements which are part of that phase have been dedicated, or conveyed and improved, or performance bonds, letters of credit or other acceptable performance guarantees have been posed to assure completion.
- (6) 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. Further, the architectural guidelines for multi-family shall apply to all multi-family structures in the PDR district.

- (7) Condominiums and townhouses (ownership) shall be recorded in accordance with Tennessee Code Annotated, Sections 66-27-120 through 66-27-123.
- (8) Signs shall be governed by the applicable sections of the City of La Vergne Zoning Ordinance.
- (9) Attached dwellings, multi-family dwellings, condominiums, and townhouses shall be limited to a maximum of 50% of the total residential unit total.

L. Development Plan Requirements.

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

Significant modifications to the concept plan or design book after the public hearing by the Board of Mayor and Aldermen may warrant another public hearing. Conditions placed upon a development plan/design book are considered requirements, and fully enforceable as ordinance re-quirements. The applicant may add other information to the concept plan or design book, 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.

M. 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 footprint of any single commercial establishment shall not exceed 10,000 square feet. An exception to this requirement may be granted by the Planning Commission if appropriate buffers, etc. are shown.
- (3) Uses shall be limited to: offices, financial institutions, retail shops including grocery stores, personal service establishments, and restaurants with or without drive-thru windows.

N. Expiration of a development plan.

- (1) In accordance with TCA §13-4-310, development plans will expire three years after their approval date, corresponding to the expiration of their vesting the approval date is the effective date of the approval by resolution as voted on by BOMA.
- (2) Development plan validity. To keep a development plan valid, an applicant must:
  - (a) Secure the approval of a site plan.
  - (b) Obtain necessary permits to start site preparation; and
  - (c) Begin site preparation work, which includes any of the following activities: excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements, such as water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.
  - (d) If all three requirements are met, a development plan will be valid for an additional two years.

- (3) If construction commences within five years of the original approval date, the development plan will remain valid for
  - (a) Ten years from the original approval date for single-phase development plan or
  - (b) Fifteen years from the original approval date for a multi-phase development plan.
- (4) If a project is not complete by the end of this time period, the applicant/developer may request an extension of the vesting period and extension of the development plan expiration date.

O. Revisions to an approved Development Plan

Revisions to an approved development plan are still subject to the expiration date of the original approval of the development plan. As such, revisions to development plans approved after a project has commenced construction will also not “restart” the clock on expiration timelines.

Revisions to an approved development plan that are denied by the applicable review body may affect the vesting property rights.

Review of requests for revisions to an approved development plan are subject to one of the three processes described.

P. Revision by BOMA Ordinance

See Section 14.6.11(A)

Q. Revision by LMPC Approval

See Section 14.6.11(B)

R. Minor Revisions

See Section 14.6.11(C)

**Principal Use Table**

(P = Permitted; or AR = Permitted with Additional Requirements)

| Principal Use                        | Planning Area Districts |    |     |     |     |     |     |    |    |    |    |    |    |
|--------------------------------------|-------------------------|----|-----|-----|-----|-----|-----|----|----|----|----|----|----|
| Residential                          | AG                      | ER | R-1 | R-2 | R-3 | R-4 | NCD | GD | CC | CI | DD | LI | HI |
| Bed and Breakfast Establishment      | AR                      | AR |     |     |     |     |     |    |    |    |    |    |    |
| Condominiums                         |                         |    |     |     | P   |     | AR  | AR | P  |    | P  | P  |    |
| Duplexes                             |                         |    |     |     | P   |     | P   |    |    |    |    |    |    |
| Mobile Home                          | AR                      | AR | AR  | AR  | AR  | P   | AR  | AR | AR | AR | AR | AR | AR |
| Multi-Family Residential             |                         |    |     |     | P   |     | AR  | AR | P  |    | P  | P  |    |
| Multiplexes                          |                         |    |     |     | P   |     | AR  | AR | P  |    |    |    |    |
| Single Family Residential            | P                       | P  | P   | P   | P   |     |     | AR |    |    |    |    |    |
| Townhouses                           |                         |    |     |     | P   |     | P   | AR |    |    |    |    |    |
|                                      |                         |    |     |     |     |     |     |    |    |    |    |    |    |
| Commercial/Office/Retail             | AG                      | ER | R-1 | R-2 | R-3 | R-4 | NCD | GD | CC | CI | DD | LI | HI |
| Alternative Financial Services       |                         |    |     |     |     |     | AR  | AR | AR |    | AR | AR | AR |
| Bank/Credit Union/Financial Services |                         |    |     |     |     |     | AR  | P  | P  |    | P  | P  | P  |
| Bar/Tavern                           |                         |    |     |     |     |     | AR  | AR | P  |    | P  | AR | P  |
| Commercial Primary Uses              |                         |    |     |     |     |     | P   | P  | P  |    | P  | AR | AR |
| Commercial Recreation                |                         |    |     |     |     |     | AR  | P  | P  |    | P  | AR | AR |
| Commercial Secondary Uses            |                         |    |     |     |     |     | P   |    | P  |    | P  | P  | P  |
| Commercial Services Uses             |                         |    |     |     |     |     | P   | P  | P  |    | P  | P  | P  |
| Commercial, Restricted               |                         |    |     |     |     |     |     |    |    |    |    | AR | AR |
| Convenience Stores                   |                         |    |     |     |     |     |     |    | AR |    |    | AR |    |
| Day Care Centers                     |                         |    |     |     |     |     | P   |    | P  |    |    | P  |    |
| Drive-in/Drive-through Restaurants   |                         |    |     |     |     |     |     | P  | P  | P  | P  | P  |    |
| Event Venues                         | AR                      |    |     |     |     |     |     | AR | P  |    |    | P  |    |
| Funeral Homes                        |                         |    |     |     |     |     | P   | P  | P  |    |    | P  | P  |
| Garden Centers                       |                         |    |     |     |     |     |     |    | P  |    |    | P  | P  |
| Gas Stations                         |                         |    |     |     | AR  |     | AR  | P  | P  |    |    | P  | P  |
| Home Occupation                      | AR                      | AR | AR  | AR  | AR  |     | P   | P  | P  |    |    |    |    |
| Hotel/Motel/Inn                      |                         |    |     |     |     |     |     | P  | P  |    | AR |    |    |
| Indoor/Outdoor Animal Services       | P                       |    |     |     |     |     |     |    | AR |    |    | P  | P  |
| Indoor Animal Services               | P                       |    |     |     |     |     | AR  | P  | P  | P  |    | P  | P  |
| Micro-Brewery                        |                         |    |     |     |     |     | AR  | P  | P  |    | P  | P  | P  |
| Mobile Service Provider Office       |                         |    |     |     |     |     |     | P  | P  | P  |    | P  | P  |
| Offices                              |                         |    |     |     |     |     | P   | P  | P  | P  | P  | P  | P  |

| <b>Commercial/Office/Retail</b>               | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
|-----------------------------------------------|-----------|-----------|------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Outdoor Sales                                 | AR        |           |            |            |            |            |            |           |           |           |           | AR        |           |
| Outdoor Storage                               | AR        |           |            |            |            |            |            |           |           |           |           | AR        | AR        |
| Personal Services                             |           |           |            |            |            |            | P          | P         | P         | P         | P         | P         | P         |
| Quick Service Restaurants                     |           |           |            |            |            |            | P          | P         | P         |           |           | P         | P         |
| Restaurants                                   |           |           |            |            |            |            | P          | P         | P         |           | P         | P         | P         |
| Retail Establishment                          |           |           |            |            |            |            | AR         | P         | P         |           | P         | P         | P         |
| Retail, Primary                               |           |           |            |            |            |            |            |           | P         |           |           | P         | P         |
| Retail, Secondary                             |           |           |            |            |            |            | P          | P         | P         |           | P         | P         | P         |
| Short-Term Vacation Rentals                   | P         | AR        | AR         | AR         | AR         |            | AR         |           |           |           | P         |           |           |
| Showrooms                                     |           |           |            |            |            |            |            | P         | P         |           |           | P         | P         |
| Theaters                                      |           |           |            |            |            |            | AR         | P         | P         | P         | P         | P         | P         |
| Vehicle Sales and Rental                      |           |           |            |            |            |            |            |           | AR        |           |           | AR        |           |
| Vehicle Service Facilities                    |           |           |            |            |            |            |            |           | AR        |           |           | AR        | AR        |
| Wholesale Sales                               |           |           |            |            |            |            |            | P         |           |           |           | P         | P         |
|                                               |           |           |            |            |            |            |            |           |           |           |           |           |           |
| <b>Civic/Educational/Institutional</b>        | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
| Carnival                                      |           |           |            |            |            |            |            |           | AR        | AR        |           |           |           |
| Cemeteries                                    | P         | P         | P          | P          | P          |            |            |           |           |           |           | AR        | AR        |
| Charitable, Fraternal or Social Organizations | AR        |           |            | AR         | AR         |            | P          | P         | P         | P         | P         | P         | P         |
| Church                                        | AR        | AR        | AR         | AR         | P          |            | P          | P         | P         | P         | P         | P         |           |
| Civic Building                                |           |           |            | AR         | AR         |            | AR         | AR        | P         | P         | P         | AR        | AR        |
| Clinics/Medical Uses                          |           |           |            |            |            |            |            |           | P         | P         |           | P         |           |
| Continuum of Care Facilities                  |           |           |            |            |            |            |            |           | P         | P         |           | P         |           |
| Educational Facilities                        |           |           |            |            |            |            | AR         | P         |           |           |           | AR        | AR        |
| Group Homes                                   |           |           |            |            |            |            |            |           | P         | AR        |           |           |           |
| Independent Living Facility                   |           |           |            | AR         | AR         |            | AR         | P         | P         | P         |           | P         | P         |
| Parking Structure                             |           |           |            |            |            |            | AR         | AR        | P         | P         | P         | P         | P         |
| Places of Public Assembly                     | AR        | AR        | AR         | AR         | AR         |            | AR         | P         | P         | P         | P         | P         | P         |
| Rehabilitation Centers                        |           |           |            |            |            |            |            |           | AR        |           |           | AR        |           |
| Residential Care Facility                     |           |           |            |            |            |            |            |           | P         | AR        |           | P         |           |
|                                               |           |           |            |            |            |            |            |           |           |           |           |           |           |
| <b>Industrial/Wholesale/Storage</b>           | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
| Adult Oriented Establishments                 |           |           |            |            |            |            |            |           |           |           |           |           | AR        |
| Data Centers                                  |           |           |            |            |            |            |            |           | P         | AR        |           | P         | P         |
| General Warehousing                           |           |           |            |            |            |            |            | AR        |           |           |           | P         | P         |
| Heavy Industrial Uses                         |           |           |            |            |            |            |            |           |           |           |           |           | P         |
| Industrial Sales                              |           |           |            |            |            |            |            | P         |           |           |           | P         | P         |

| <b>Industrial/Wholesale/Storage</b>           | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
|-----------------------------------------------|-----------|-----------|------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Industrial Services                           |           |           |            |            |            |            |            |           |           |           |           | P         | P         |
| Junk Yard/ Salvage Yard                       |           |           |            |            |            |            |            |           |           |           |           |           | AR        |
| Light Industrial Uses                         |           |           |            |            |            |            |            | AR        |           |           |           | AR        | AR        |
| Manufacturing, Assembly and Repair Facilities |           |           |            |            |            |            |            | AR        |           |           |           | P         | P         |
| Quarry                                        |           |           |            |            |            |            |            |           |           |           |           |           | AR        |
| Self-Storage Facilities                       |           |           |            |            |            |            |            |           |           |           |           | P         | P         |
| Vehicle Repair Facilities                     |           |           |            |            |            |            |            |           |           |           |           | AR        | AR        |
| Wrecker Service                               |           |           |            |            |            |            |            |           |           |           |           | AR        | AR        |
|                                               |           |           |            |            |            |            |            |           |           |           |           |           |           |
| <b>Agriculture</b>                            | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
| Agriculture Structures                        | P         | AR        | AR         |            |            |            |            |           |           |           |           |           |           |
| Community Gardens                             | P         | P         | P          | P          | P          |            | AR         |           |           |           |           |           |           |
| Greenhouses                                   | P         | AR        | AR         |            |            |            |            |           |           |           |           |           |           |
| Horse Farm                                    | P         | AR        |            |            |            |            |            |           |           |           |           |           |           |
| Kennel-Commercial                             | P         |           |            |            |            |            |            | AR        |           |           |           | P         | P         |
|                                               |           |           |            |            |            |            |            |           |           |           |           |           |           |
| <b>Infrastructure Uses</b>                    | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
| Correctional Facilities                       |           |           |            |            |            |            |            |           |           |           |           | AR        | AR        |
| Educational Facilities                        |           |           |            |            |            |            | GD         | P         |           |           |           | P         |           |
| Essential Services                            | P         | P         | P          | P          | P          |            | P          | P         | P         | P         | P         | P         | P         |
| Hospitals                                     |           |           |            |            |            |            |            | AR        |           |           |           | P         | P         |
| Jail                                          |           |           |            |            |            |            |            |           |           |           |           | AR        |           |
| Mailbox Delivery Facilities                   | P         | P         | P          | P          | P          |            | P          | P         | P         | P         | P         | P         | P         |
| Recycling Drop-off Center                     | AR        |           |            |            |            |            |            |           |           |           |           | P         | P         |
| Refuse Area                                   | AR        |           |            |            |            |            |            |           |           |           |           | AR        | AR        |
| Telecommunication Towers & Antennas           |           |           |            |            |            |            |            | AR        |           |           |           | AR        | AR        |
| Transportation Facilities                     |           |           |            |            |            |            |            | AR        |           |           |           | P         | P         |
|                                               |           |           |            |            |            |            |            |           |           |           |           |           |           |
| <b>Accessory Uses</b>                         | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
| Accessory Structure                           | P         | AR        | P          | P          | P          |            |            | P         |           |           |           | P         | P         |
| Minor Accessory Structure                     | P         | P         | P          | P          | P          |            | AR         |           |           |           |           | P         | P         |
| Shed                                          | P         | AR        | AR         | AR         | AR         |            | AR         |           |           |           |           | P         | P         |
|                                               |           |           |            |            |            |            |            |           |           |           |           |           |           |
| <b>Park &amp; Open Space Uses</b>             | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
| Active Recreation                             | P         | AR        | AR         | AR         | AR         |            | P          | P         | P         | P         |           | AR        | AR        |
| Campgrounds                                   | P         |           |            |            |            |            |            |           |           |           |           | AR        |           |
| Golf Course                                   | P         | P         | AR         | AR         | AR         |            | AR         | AR        | P         | P         |           |           |           |



| <b>Park &amp; Open Space Uses</b> | <b>AG</b> | <b>ER</b> | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> | <b>NCD</b> | <b>GD</b> | <b>CC</b> | <b>CI</b> | <b>DD</b> | <b>LI</b> | <b>HI</b> |
|-----------------------------------|-----------|-----------|------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Green Space                       | P         | P         | P          | P          | P          | P          | P          | P         | P         | P         | P         | P         | P         |
| Greenway                          | P         | AR        | AR         | P          | P          | P          | P          | P         | P         | P         | P         | P         | P         |
| Neighborhood Amenities            | P         | P         | P          | P          | P          | P          | P          | P         | P         | P         |           | P         | P         |
| Open Space                        | P         | P         | P          | P          | P          | P          | P          | P         | P         | P         |           | P         | P         |
| Outdoor Recreation Facility       | P         | AR        | AR         | AR         | AR         | AR         | AR         | AR        | P         | P         |           | P         | P         |
| Passive Parks                     | P         | P         | P          | P          | P          | P          | P          | P         | P         | P         | P         | P         | P         |
| Playground                        | P         | P         | P          | P          | P          | P          | P          | P         | P         | P         |           | AR        | AR        |
| Plaza                             | P         | P         | P          | P          | P          | P          | P          | P         | P         | P         | P         | P         | P         |
| Sports Courts/Sports Fields       | P         | AR        | AR         | AR         | AR         | AR         | AR         | AR        | P         | P         |           | P         | AR        |
| Trail                             | P         | AR        | AR         | P          | P          | P          | P          | P         | P         | P         |           | P         | P         |

## Chapter 5 - Development Standards

### 5.1 Purpose and Applicability

There are certain uses which, by their nature, have the potential to create adverse impacts on nearby properties. It is the purpose of this section to allow such uses by establishing standards that mitigate the impacts of their design or operation. The specified standards are intended to ensure that these uses fit the vision of the planning areas in which they are permitted and that these uses are compatible with other developments permitted within the planning area.

#### 5.1.1 **Uses Permitted With Additional Standards**

- A. Uses listed in the Permitted Uses Tables in The Planning Areas Chapter 4 as Uses Permitted with Additional Requirements (AR) shall comply with the additional criteria set forth in this section for such uses in addition to other applicable criteria contained in this ordinance.
- B. Approval procedures for uses permitted with additional requirements are found in Chapter 14 – Administration and Procedures.

#### 5.1.2 **General Provisions**

- A. Separation Requirements
  - (1) Separation requirements are included in this chapter for certain uses which, by their nature, tend to have a blighting effect upon surrounding properties when they are permitted to cluster in groups of more than one such use, or when they are located too near adjacent sensitive uses.
  - (2) When separation requirements are established, the distance specified shall be measured as a straight line on a map, not street distance.
  - (3) When separation requirements are established from specific uses, the distance specified shall be enforced from any buildings used for the purpose identified and any off-street parking areas associated with such uses.
  - (4) Any use lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a different use from which a separation requirement is established in this chapter.

### 5.2 Additional Requirements

#### 5.2.1 **Accessory Building**

- A. Accessory Buildings must utilize the same or similar material to the primary building on the lot in the Estate Residential and Neighborhood Commercial Districts.
- B. A minimum of 10 feet shall be maintained between the principal structure and the accessory building.
- C. An accessory building may also include other uses by the resident, including but not limited to, a garage, a workshop, a home occupation, and other accessory uses permitted within the applicable planning area.

### 5.2.2 Accessory Structure

- A. Accessory structures must utilize the same or similar material to the primary building on the lot in the Estate Residential and Neighborhood Commercial Districts.
- B. A minimum of 10 feet shall be maintained between the principal structure and the accessory building.

### 5.2.3 Active Recreation

- A. Residential Districts (ER, R-1, & R-2)

#### (1) Swimming Pools

- (a) Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
- (b) All swimming pools located in residential districts shall be located in the side or rear yard and shall be setback at minimum of 10 feet from any property line.
- (c) All outdoor swimming pools shall be enclosed by a barrier to prevent unauthorized access by small children and to provide a degree of security. In the case of in-ground pools, this shall be accomplished using a fence or wall not less than four feet in height located not less than four feet from each side of such pool. In the case of aboveground pools, a combination of fence or wall and the water-enclosing wall of the swimming pool may be used, provided that the pool is reasonably secure, and the effective enclosure height is not less than four feet. For all swimming pools, any opening to the swimming pool shall be equipped with a self-closing and self-latching device with locking provisions for keeping the gate or door securely closed at all times when not in actual use.
- (d) Community or Neighborhood pools are allowed but must include the following:
  - (i) Located within a secure barrier or fence no less than four feet in height and securely locked.
  - (ii) Parking shall be provided at 1 space per every 250 sq ft. of pool area.

#### (2) Outdoor Recreation Facilities

- (a) Sports Parks, Sports Arenas, and other large outdoor recreation facilities require a 30-foot landscape buffer to adjacent property.
- (b) Any outdoor recreation facilities must be located on a collector or minor arterial roadway as determined by the La Vergne Thoroughfare plan or a traffic study completed by a licensed engineer must be submitted and approved by the La Vergne Planning Commission prior to approval.

### 5.2.4 Adult Oriented Establishments

- A. No adult establishment shall be located within 1,000 feet of any other adult establishment.
- B. No adult establishment shall be located within 500 feet of any single-family home, religious institution, elementary/secondary school, park, or daycare center.

- C. For the purposes of this section, measurement shall be made in a straight line, from the nearest property line on which an adult establishment is located to the nearest property line of the premises of any use listed above.
- D. All requirements in La Vergne Municipal Code, Title 9, Chapter 8 will apply to this section.

#### **5.2.5 Agriculture Structures**

Agriculture Structures located in the Estate Residential District, or the Single-Family Residential Neighborhood shall not be permitted on lots less than five acres.

#### **5.2.6 Alternative Financial Services**

- A. No alternative financial services business shall be located less than 1,320 linear feet (1/4 mile) from another alternative financial services business measured in a straight line from the closest point of the building to the closest point of the second building. If one or both locations are in a shopping center or strip mall, the measurement shall be in a straight line from the closest point of the nearest interior wall containing the business to the other location's building or interior wall, whichever is applicable.
- B. No alternative financial services business shall be located less than 1,320 linear feet (1/4 mile) from the property line of a property zoned for single-family or multifamily purposes measured in a straight line from the closest point of the building or interior wall to the property line.

#### **5.2.7 Bank/Credit Union/ Financial Services**

- A. Bank/Credit Union /Financial Services shall not be allowed a drive-thru facility on site.
- B. Buildings shall be pedestrian-oriented with sidewalks, pathways, and parking located in the rear.

#### **5.2.8 Bar/Tavern**

- A. Bars and Taverns shall not be located within 200 feet of any school, church, licensed daycare center, public playground, or park.
- B. Bars and Taverns shall be pedestrian-oriented with sidewalks, pathways, and parking in the rear.

#### **5.2.9 Bed and Breakfast**

- A. Such uses shall be located in a detached house (excluding duplex) building type only.
- B. An owner of a bed and breakfast shall reside on the property.
- C. Such use shall not employ more than two full-time employees in addition to the owner/manager.
- D. Such uses shall only serve meals to guests staying at the bed and breakfast.
- E. No detached house less than 3,000 square feet may be used as a bed and breakfast.
- F. Two car parking space shall be provided per bedroom. Permitted on-street parking along frontage of the property may count toward this total.
- G. Stays shall be less than 30 days.

### 5.2.9 Campgrounds

- A. Primitive Campground. A campground accessible by walk-in, pack-in equestrian, motorized trail vehicles campers. Primitive Campgrounds shall comply with the following: or vehicular traffic where basic facilities may be provided for the comfort and convenience of the camper.
  - (1) Length of Stay. All campers are limited to a 14-day length of stay.
  - (2) Zones. Primitive Campgrounds are allowed in the Agriculture District only.
  - (3) Buffers. Any tent sites shall be located no less than 30 feet from any property line.
  - (4) No RV's or motorized camping trailers shall be allowed.
  - (5) Tree Requirements. Existing Trees shall be left on site, when practical. If there are no trees between campsites at least two trees shall be planted between each campsite.
  - (6) Accessory Uses. Facilities for the comfort and convenience of the camper may be provided such as bathing facilities, flushing toilets, grills, tables, fire pits, fire circles, and refuse collection.
- B. Developed Campground. A campground with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular Sites may be substantially developed with tables, refuse containers, flush toilets, bathing facilities, and one or more service buildings. These campsites may have individual water, sewer, and electrical connections. Developed Campgrounds shall comply with the following:
  - (1) Length of Stay. All camping units are limited to a 30-day length of stay.
  - (2) Zones. Developed Campgrounds can be located within Agriculture District, Gateway District, Central Commercial District and Civic District.
  - (3) Buffers. This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.
  - (4) Minimum RV Pad Size. If RV pads are provided, they shall be a minimum of 1,600 square feet. A maximum number of 400 camp sites.
  - (5) Tree Requirement. Existing trees shall be left between all campsites and/or RV pads, to the maximum extent practical. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite, tent site or RV Pad.
  - (6) Accessory Uses. Recreational facilities and rural recreation businesses such as zip lines, horse riding trails, arcades, camp stores, small cafes, small offices, or a club house. Such businesses are intended to be of smaller size, intensity, and scale than commercial uses, which would be more commonly found in commercial zoning districts.

### 5.2.10 Carnivals

- A. Carnivals and circuses shall be permitted in Central Commercial and Civic and Institutional Districts, provided they are operated for a period not exceeding ten (10) days.
- B. A festival may be permitted in any district for a period not to exceed ten (10) days.
- C. The operator of a carnival, circus, or festival shall be subject to the following conditions:
  - (1) Any structures associated with a carnival or circus shall be setback at least 200 feet from any residential zoned lot and any structure associated with a festival shall be setback at least 100 feet from any residential zoned lot.

- (2) Adequate off-street parking area shall be provided on or adjacent to the grounds.
- (3) Site security shall be provided, and the Police Department shall be notified of the dates of the activities.
- (4) All trash and garbage shall be removed from the area.
- (5) All activities shall be conducted within the hours of 9:00 a.m. and 10:00 p.m. on Sunday through Wednesday and 9:00 a.m. to 11:00 p.m. on Thursday through Saturday. Federal Holidays are exempt and may be conducted between the hours of 9:00 a.m. to 11:00 p.m.
- (6) Comply with all fire and safety regulations.

#### **5.2.11 Cemetery**

A cemetery in the Central Commercial District, Innovation, or Interchange District shall only be permitted as an accessory to a religious institution.

The planning commission, at its discretion, may require the following for cemeteries or lots adjacent to cemeteries:

- 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 materials. The evergreen hedge shall be 24"-36" tall at the 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.

#### **5.2.12 Charitable, Fraternal, or Social Organizations**

Charitable, Fraternal, or Social Organizations within the Agriculture and the Mixed Residential Neighborhood District must meet the following:

- A. Maximum Occupancy Capacity of 100 people.
- B. Alcohol or Beer License not permitted.

#### **5.2.13 Check Cashing Facilities**

See Alternative Financial Services.

#### **5.2.14 Churches**

- A. Churches located in the Agriculture or Estate Residential District must be located on a minimum of two acres.



- B. Churches located in the R-1 and R-2 Districts must be located on a minimum of one-half acre (1/2 acre).

#### **5.2.15 Civic Building**

- A. Civic Buildings located in the Mixed Residential or Neighborhood Commercial District should be cohesive within the existing neighborhood development and shall be pedestrian-oriented and require the following:
  - (1) Parking located in the rear and adjacent to the principal building.
  - (2) A minimum of a two-story structure incorporating a brick façade with elevations approved by the Planning Commission.
- B. Civic Buildings located in the Gateway District should be destinations and highlight the best aesthetic qualities in the community and shall require the following:
  - (1) Open Space that includes a plaza or other public gathering place.
  - (2) Architectural components incorporated within the structure that are approved by the Planning Commission.

#### **5.2.16 Commercial Primary Uses**

- A. Commercial Primary Uses in the Civic and Institutional District shall be individual structures and not shopping center-type facilities.
- B. Commercial Primary Uses in the Innovation and Interchange Districts shall provide a traffic study indicating the impact on the local transportation to the adjacent industrial businesses.

#### **5.2.17 Commercial Recreation**

- A. Commercial Recreation Facilities within the Neighborhood Commercial District shall be a minimum of two-stories and be pedestrian-oriented providing parking in the rear and adjacent to the building.
- B. Commercial Recreation Facilities within the Innovation and Interchange Districts shall provide a traffic study indicating the impact on the local transportation to the adjacent industrial businesses.

#### **5.2.18 Commercial, Restricted**

- A. Commercial, Restricted services shall only be permitted in storefront and workplace building types.
- B. They shall only be permitted on the ground floor.

#### **5.2.19 Community Gardens**

A legal document recording ownership and maintenance shall be provided to the La Vergne Planning Director.

#### **5.2.20 Condominiums**

Condominium developments within the Neighborhood Commercial District shall be limited to less than 20 units per development.

**5.2.21 Convenience Stores**

- A. No convenience store sales business shall be located less than 1,320 linear feet (1/4 mile) from another convenience store sales business measured in a straight line from the closest point of the convenience store sales business building to the closest point of the second convenience store sales business building. If one or both locations are in a shopping center or strip mall, the measurement shall be in a straight line from the closest point of the nearest interior wall containing the convenience store sales business to the closest point of the other convenience store sales business building or the nearest interior wall containing the other convenience store sales business, whichever is applicable
- B. No convenience store sales business shall be located less than 1,320 linear feet (1/4 mile) from the property line of a property zoned for single family or multifamily purposes measured in a straight line from the closest point of the convenience store sales business building or the nearest interior wall containing the convenience store sales business, as the case may be, to the property line.
- C. Convenience stores shall only be permitted on the ground floor.

**5.2.22 Correctional Facilities**

- A. Correctional Facilities shall be no less than 1,000 feet from any residential district.
- B. Correctional Facilities shall provide a 100 ft buffer to all adjacent properties.
- C. Fencing or another barrier shall be placed completely around the facility.

**5.2.23 Data Centers**

- A. Data Centers within the Civic and Institutional District shall be pedestrian friendly with parking located in the rear and adjacent to the building.
- B. Data Centers shall provide a plaza or other public gathering place to meet the open space requirements.

**5.2.24 Daycare Centers**

- A. Any outdoor play space must be enclosed on all sides by building and/or permitted types of walls/fences and may not be located in the front yard. Outdoor play space may not include driveways, parking areas, or land otherwise unsuited for children's play space.
- B. There is no limit to the hours of operation for such facility, but such facilities shall not serve any client on a continuous 24-hour basis.
- C. Such facilities shall meet all applicable requirements of the State of Tennessee.
- D. All day care centers shall provide sufficient stacking lanes for drop-off and pick-up on the site so that traffic circulation is not impeded on any public right-of-way.
- E. Sufficient space must be provided for drop-off and pick-up onsite because no vehicle is allowed to back up into any street.
- F. Must be on a minimum lot size of 20,000 square feet or more.

**5.2.25 Duplexes**

Duplexes shall be permitted with required design standards.

**5.2.26 Educational Facilities**

- A. Educational Facilities shall only be permitted on Arterial, Minor Arterial, and Collector roadways as determined by the La Vergne Thoroughfare plan.
- B. A traffic analysis and recommendations shall be provided to the Planning Commission prior to approval.
- C. Mobile classroom units may only be permitted as an accessory structure in the side yard or rear yard.
- D. Pick-up and Drop-off shall be designed so students do not have to cross parking lot lanes, driveways, or streets.

**5.2.27 Event Venues**

- A. Event Venues shall provide a minimum of a 50 ft buffer between adjacent properties.
- B. Event Venues shall provide adequate parking for the maximum occupancy capacity.
- C. All large gatherings of over 50 people shall not operate between 11:00 p.m. and 6:00 a.m.

**5.2.28 Garden Centers**

- A. Outdoor storage and outdoor sales are not permitted in required setbacks, fire lanes, drive aisles, required parking areas, or areas intended for pedestrian circulation.
- B. Any outdoor storage other than live vegetation shall be located behind the building and screened from public view and adjacent properties with an opaque fence or wall with a height of at least six feet. Landscaping may be used if a six-foot tall solid evergreen screen is provided at the time of planting.

**5.2.29 Gas Stations**

- A. No visibly damaged or junk vehicle may be stored outdoors on the property overnight. No vehicle awaiting repair, maintenance, or pick-up may be stored on the property longer than 48 hours.
- B. All outdoor areas where vehicles are stored temporarily shall be considered parking lots. Such parking lots must be located at the rear of the building and must comply with the applicable provisions.
- C. Gasoline service stations shall have a maximum of six pumping stations.
- D. Temporary signage is limited to 2 signs per acre of development.

**5.2.31 General Warehousing**

No outdoor storage.

**5.2.32 Golf Course**

- A. Where the golf course abuts a residential zone, a landscape buffer of 30 feet is required.
- B. Safety netting of not less than 32 feet in height shall be placed along the perimeter of the golf course playing areas which abuts any public road frontage.

**5.2.33 Greenhouses**

- A. Greenhouses in the Estate Residential District and Single-Family Residential District must be located in the rear of the property.
- B. Must be located a minimum of 10 ft from other structures on the parcel.

- C. Must be located a minimum of 30 ft from all property lines.

#### **5.2.34 Greenways**

Greenways in the Estate Residential District and the Single-Family Residential District must be located in the front of the parcel unless the greenway falls on an adopted greenway plan.

#### **5.2.35 Group Homes**

- A. No such use shall be located within 2,640 feet (or ½ mile) of residential/family care home, residential care facility, or other such use.
- B. Group Homes shall meet all applicable Tennessee General Statutes, rules, and regulations.
- C. Group Homes shall accommodate a maximum of 10 residents and a maximum of 2 residents per bedroom.

#### **5.2.36 Home Occupation**

- A. The following home occupations are permitted:
  - (1) Artistic and creative professions, such as artist, author, baker, caterer, event planner, graphic designer, interior designer, recording artist, sewist, songwriter, tailor, or like profession, where business conducted shall be limited to one on-site client at a time. All other client and business contact shall be via phone/internet or off-site.
  - (2) Counseling services that do not provide services to more than two clients at a time; however, this shall not preclude a family counseling session, provided that all other provisions are followed.
  - (3) Office for mobile service provider, such as dog grooming, auto detailing or maintenance, courier service, mobile food vendor, or office for like mobile service, where business conducted shall be limited to one on-site client at a time. All other client and business contact shall be via phone/internet or off-site.
  - (4) Pet sitting that provides at-home services or overnight boarding to no more than two pets at a time and keeps pets mostly indoors.
  - (5) Pet grooming that provides services to no more than one pet at a time.
  - (6) Professional services, such as accountant, architect, attorney, contractor (office only), data entry clerk, engineer, planner, draftsman, information technology consultant, management or financial consultant, real estate agent, insurance agent, or like profession, where business conducted shall be limited to one on-site client at a time. All other client and business contact shall be via phone/internet or off-site.
  - (7) Salespersons, sales agents, and sales representatives provided customer contact is via phone/internet or off-site.
  - (8) Small-scale childcare that does not provide care for more than four children not related to the resident who is operating the business and meets the standards for a Family Child Care Home, as regulated by the State of Tennessee Department of Human Services.
  - (9) Tutoring and instructional services that provide instruction to no more than two pupils at a time.
- B. Personal services other than as permitted above and retail sales from on-site inventory are prohibited as home occupations.

C. Home occupations shall:

- (1) Be located entirely within the principal building and not exceed 25 percent of the total floor area of the principal building. Swim lessons and small-scale childcare home occupations may have outdoor activities that take place in side or rear yards only.
- (2) Be owned and operated by the person residing in the principal building.
- (3) Employ no more than one person who does not reside on the premises.
- (4) Not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises.
- (5) Cause no change in the exterior appearance of the existing dwelling or other structures on the premises.
- (6) Not include more than one vehicle not customarily found in a residential district parked on the premises overnight.

#### **5.2.37 Horse Farm**

Must be located on no less than 3 acres.

#### **5.2.38 Hospitals**

- A. Hospitals located in the Neighborhood Commercial District shall not be more than 20- bed facilities.
- B. Hospitals located in the Gateway District shall provide a master plan that must be approved by the La Vergne Planning Commission.

#### **5.2.39 Independent Living Facility**

Independent Living Facilities within the Mixed Residential Neighborhood Area or the Neighborhood Commercial district shall be limited to 20 beds or less.

#### **5.2.40 Indoor Animal Services**

The building footprint for indoor animal services shall not be located within 200 feet of a property line of a residential lot but may be reduced to 10 feet if the building is soundproofed.

#### **5.2.41 Indoor/Outdoor Animal Services**

- A. The outdoor portion of any indoor/outdoor animal services for:
  - (1) Companion animals shall not take place within 50 feet of a property line of a residential lot; and
  - (2) Farm animals shall not take place within 100 feet of a property line of a residential lot.
- B. The building footprint for any indoor portion of animal services shall not be located within 200 feet of a property line of a residential lot but may be reduced to 100 feet if the building is soundproofed.
- C. Outdoor runs, kennels, and storage areas shall not be visible from streets or adjacent properties.

#### **5.2.42 Jail**

- A. Jails shall be no less than 1,000 feet from any residential district.

- B. Jails shall provide a 100 ft buffer to all adjacent properties.
- C. Fencing or another barrier shall be placed completely around the facility.

#### **5.2.43 Junk Yard/Salvage Yard**

- A. Any property used for automobile dismantling yards, junk yards, scrap metal processing, or open-air storage of used materials, used equipment and used machinery shall be enclosed with a minimum of an eight (8) feet high solid wall or opaque fence, along with necessary solid gates of like height, maintained straight and in good repair.
- B. No crushing, smashing, or reduction of metal shall be conducted on the premises unless it is conducted without producing substantial amounts of dust and the noise emanating therefrom, as measured from any point on adjacent property, shall be no more audible than the noise emanating from ordinary street traffic and from other commercial or industrial uses.
- C. Stacking of materials other than empty secondhand wooden boxes and crates is not permitted higher than the top of the height of the provided wall/fence.
- D. 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.
- E. 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.
- F. All such yards shall be so maintained as to be in a sanitary condition as so as not to be a menace to public health or safety.
- G. A minimum 20 feet landscape buffer is required along the perimeter of the property.

#### **5.2.44 Kennel – Commercial**

- A. Solid Fencing is required in the Gateway District around the perimeter of any area in which animals are allowed outdoors.
- B. A 20 feet landscaping buffer is required adjacent to the street.

#### **5.2.45 Light Industrial Uses**

- A. In the Gateway District, all structures must be a minimum of three hundred (300) linear feet from any residential dwelling unit on a residentially zoned property, as well as three hundred (300) linear feet from any school or religious institution. Does not apply to LI or HI Districts.
- B. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on the lot. Does not apply to LI or HI Districts.
- C. Outdoor storage in all districts shall be screened from view from all abutting properties by a landscape screen and/or an opaque privacy fence at least 6 feet in height. Landscaping or shrubs may not be substituted for fence.



**5.2.46 Mobile Home**

- A. Mobile homes are only permitted if they exist on the effective date of this ordinance. The existing mobile home may be replaced with another mobile home less than five years old, of comparable size or smaller, and placed on a masonry foundation.
- B. All wheels, axles, hitches, lights, and other mechanisms designed for transporting the mobile home shall be removed.

**5.2.47 Micro-Brewery**

- A. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot and shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen.
- B. Such uses should include a beverage tasting facility if located in the Neighborhood Commercial District or the Civic and Institutional District.

**5.2.48 Minor Accessory Structure**

- A. Minor Accessory Structures located in the Neighborhood Commercial District shall be constructed of like materials to the primary structure.
- B. Minor Accessory Structures shall be located at the rear of the property.

**5.2.49 Multi-family Residential**

- A. Multi-family Residential within the Neighborhood Commercial District must be pedestrian-oriented with sidewalks and pathways connecting to the street and parking located in the rear.
- B. Multi-family Residential shall not be over 20 units within the Neighborhood Commercial District per development. This also includes Townhomes.
- C. All Multi-Family Uses must meet the design standards.

**5.2.50 Multiplexes**

- A. Multiplexes may be no more than four (4) units per development within the Mixed Residential and Neighborhood Commercial District.
- B. All Multiplex uses must meet the design standards.

**5.2.51 Outdoor Recreation Facility**

- A. Outdoor Recreation Facilities within the residential districts shall only be permitted as an accessory use to a residential or neighborhood development provided it is or will be controlled by a legal community entity such as a Homeowner's Association or governmental body.
- B. Outdoor Recreation Facilities within the Neighborhood Commercial District shall be pedestrian oriented with sidewalks and pathways connecting to the street and parking located in the rear.
- C. Outdoor Recreation Facilities within the Gateway District shall provide a 20 feet landscape buffer to all adjacent street fronts.

**5.2.52 Outdoor Sales**

Outdoor sales areas associated with commercial uses shall:

- A. Be located immediately adjacent to the front building facade.
- B. Be limited to no more than one-half of the length of the front building facade. In the case of a shopping center, the outdoor sales area shall be limited to a maximum of one-half of the retail storefront associated with the display area.
- C. Be prohibited in fire lanes, drive aisles, parking spaces, or areas intended for pedestrian circulation.
- D. Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display; and
- E. Take place only on an improved surface such as the sidewalk or pavement.

**5.2.53 Outdoor Storage**

- A. Permitted only as an accessory use in conjunction with a building. No storage area shall be placed in any building setback area or closer than 40 feet from a street right-of-way.
- B. All areas established for outdoor storage shall be screened from view from any street (public or private) and also from all abutting properties by an opaque landscape screen at least 6 feet in height, or screened by an opaque privacy fence at least 6 feet in height. Wherever security fencing is desired, it shall be placed on the interior side of the screen.

**5.2.54 Parking Structure**

Where an above-ground parking structure fronts a public street, the ground level shall be screened by retail, office, or multi-family uses, if permitted in the planning area, in such a way that cars are not visible from the sidewalk.

**5.2.55 Places of Public Assembly**

- A. Places of Public Assembly located in the Agriculture or Estate Residential District must be located on a minimum of two acres.
- B. Places of Public Assembly located in the R-1, R-2, R-3 and NCD Districts must be located on a minimum of one-half acre (1/2 acre).
- C. All places of public assembly shall not have an occupancy capacity over 150 occupants.
- D. No place of public assembly shall operate between the hours of 11:00 p.m. and 6:00 a.m.

**5.2.56 Playgrounds**

Playgrounds located in the Innovation or Interchange Districts shall be a minimum of 1,000 feet from any structure used for Industrial Uses.

**5.2.57 Quarry**

- 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.
- 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:
    - (i) The quantity and quality of surface and ground water systems, both on and off site, from adverse effects.
    - (ii) The right of present users to such water.
    - (iii) 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 H-I 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. Action by Planning Commission: The Planning Commission shall review an application for a quarry as a site plan submitted.  
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 Chapter 15 of this Zoning Ordinance.
- G. Additional Provisions:
  - (1) Mining and quarrying operators or landowners shall post a Land Reclamation Bond, as set forth in the fee schedule adopted with the annual budget, 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) A fence shall be provided around the perimeter of the property or not less than 25 feet from the outer edge of any excavation that is 10 feet or greater in depth. Such fence shall be a minimum of 8 feet in height and a maximum of 12 feet in height and shall be constructed of visually screening material.
  - (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) All properties operating a quarry shall have a minimum of 60 feet of frontage on at least one adjacent public right-of-way or recorded easement at least 60 feet in width, which provides ingress or egress to public roads.
- (15) A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within 500 feet of any perimeter property line of the property within the district or public right-of-way except as required for establishing fencing and berming as provided for herein and for providing a 20-foot-wide access road for the purpose of establishing and maintaining fencing, landscaping, access and/or security patrol.
- (16) Notwithstanding subsection (2) above, greater visual screening is required at any point where the extraction is located within 1,000 feet of a public right-of-way carrying pedestrian or vehicular traffic. In such areas, the visual screen shall not be less than eight feet in height at or near the property line and shall be made up of any combination of the following materials: existing native plant materials, supplementary plant materials, existing grading, berming, and/or fencing.
- (17) A fence shall be provided around the perimeter of the property or not less than 25 feet from the outer edge of any excavation that is 10 feet or greater in depth. Such

fence shall be a minimum of 8 feet in height and a maximum of 12 feet in height and shall be constructed of visually screening material.

- (18) No excavation or extraction of material (other than is required for the installation and maintenance of fences, landscape screens, access points, crossings, or clear vision zones at entry points) shall be allowed closer than 500 feet from the property line.
- (19) All facilities to produce excavated and processed products shall be located at least 500 feet from the property line of any adjoining property that is developed and/or zoned for residential use and at least 50 feet from any public right-of-way on which pedestrian or vehicular access is allowed.
- (20) A triangular clear vision zone shall be provided on the subject property at the intersection of all access points with public roads to provide an area of clear vision of vehicles. The zone shall be defined by a triangle consisting of 200 feet parallel with the public road and 50 feet along the access road or drive measured from the intersection point of the two rights-of-way. A queuing area accommodating four trucks of no less than 2,400 square feet shall be provided between the edge of the public right-of-way and the access point or gate station, whichever is nearest the public right-of-way.
- (21) All walls of the pit or excavated areas shall be maintained in compliance with applicable state and federal safety requirements.
- (22) No building may be placed within 150 feet from the outer limit of a 100-year floodplain. The hours of mining, quarrying, and excavating operations shall be as follows:
  - (a) Drilling – Monday through Friday, 6:00 a.m. to 6:00 p.m.
  - (b) Blasting – Monday through Friday, 8:00 a.m. to 3:00 p.m.
  - (c) Loading and Trucking – Monday through Friday, 6:00 a.m. to 6:00 p.m., and Saturday, 6:00 a.m. to 12:00 p.m. (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.

#### **5.2.58 Recycling Drop-off Center**

Recycling Drop-off Centers shall be located away from frontages and to the side or rear of the building, and at least five feet from any lot line. These uses and sites shall be maintained in 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 structure. 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 services 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 shall be required to submit a site plan to the planning commission to ensure property is in compliance with all current regulations.
- 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 a single-family dwelling. 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.

#### **5.2.59 Refuse Area**

- A. Refuse areas, such as dumpsters, trash compaction, garbage, or recycling collection, and other similar service areas shall be located away from frontages and to the side or rear of the building, and at least five feet from any lot line.
- B. Walls shall be provided to fully screen refuse areas from public view and be no less than six feet in height. The walls shall be opaque and constructed of brick or stone materials that complement the main colors and materials of the associated building they serve.
- C. Gates shall be opaque and designed to complement the wall materials. To allow dumpster gates to remain closed as often as possible, either a pedestrian door, wall offset for pedestrian access, or self-closing gates shall be provided.
- D. Building design or other structural features, such as knee walls, alcoves, or wing walls may also be used to fully or partially enclose site items required to be screened. In cases where only partial enclosure is achieved, the enclosure shall include an opaque gate or door designed to be compatible with the building colors and materials.
- E. Refuse not allowed on ground or outside of the required enclosures for dumpsters.

#### **5.2.60 Rehabilitation Centers**

- A. No facility shall allow outdoor seating areas, queues, or customer waiting areas. All activities shall be conducted within the building and adequate indoor waiting areas shall be provided for all patients and business invitees.

- B. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen.
- C. The facility shall post a conspicuous sign stating that no loitering is allowed on the property. A sign shall also be posted stating that no drugs/medications are stored or distributed on property; and
- D. Provide name and phone number of the community relations contact who will respond to complaints.

#### **5.2.61 Residential Care Facility**

Shall not exceed 10,000 square feet of building area in the Civic and Institutional Area.

#### **5.2.62 Retail Establishment**

In the Neighborhood Commercial District it shall be permitted in storefront and detached housing building types only.

#### **5.2.63 Security/Caretaker's Quarters**

Security and/or Caretaker's Quarters are not allowed in La Vergne.

#### **5.2.64 Self Storage Facilities**

- A. The building footprint for a self-storage facility shall not be located within 500 feet of an arterial street; however, a self-storage facility may be closer than 500 feet if it is not visible from the arterial street.
- B. Outdoor storage associated with this use shall comply with the additional regulations listed within this section.

#### **5.2.65 Shed**

Sheds located in the Neighborhood Commercial District must be a similar color as the primary residence.

#### **5.2.66 Short-Term Vacation Rentals**

- A. Accessory Structures shall not be used as Short-Term Vacation Rentals.
- B. Shall provide off-street parking at a 1 per 4 ratio based on the occupancy rate of the facility.
- C. No events shall be hosted between the hours of 11:00 p.m. and 6:00 a.m.
- D. All Stays must be less than 30 days.

#### **5.2.67 Single Family Residential**

Single-family residential in the Gateway District is limited to parcels over two acres.

#### **5.2.68 Sports Courts/Sports Fields**

Must have a 30 feet landscape buffer to adjacent residential properties within the Residential Districts, the Neighborhood Commercial District, and the Gateway District.

#### **5.2.69 Telecommunication Towers and Antennas**

- A. Applicability

HAM radio antennas are exempt from these requirements.

**B. General Requirements**

- (1) Towers and antennas may be either principal or accessory uses.
- (2) Towers shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, then the lighting alternatives and design chosen shall cause the least disturbance to surrounding views.
- (3) Towers and antennas shall comply with current regulations of the FAA, the Federal Communications Commission (FCC), and any other federal or state government agency with the authority to regulate towers and antennas. If those regulations are changed, then the owners of the towers and antennas shall bring them into compliance within the time mandated by the controlling federal or state agency. Failure to bring towers and antennas into compliance with such revised regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.
- (4) Owners or operators of towers and antennas shall:
  - (a) Certify that all franchises required by law for constructing or operating a wireless communication system in the City have been obtained; and
  - (b) File a copy of all required franchises with the City.
- (5) Signs on towers or antennas shall be prohibited, except for those required by regulatory agencies.
- (6) Buildings, equipment cabinets, or structures associated with towers shall comply with all applicable building codes.

**C. Separation Distances Between Towers and Off-Site Lots**

The minimum separation between a new tower or an existing tower to be modified or rebuilt to a taller height and an off-site lot shall comply with the table below:

| <b>Off-Site Lot</b>                                               | <b>Separation Distance</b>                                 |
|-------------------------------------------------------------------|------------------------------------------------------------|
| Lot for a House, Modular Home, or Mobile Home                     | 200 feet or 30% of tower height whichever is greater       |
| Lot for a Duplex, Multiplex, Townhouse, Multi-family or Mixed-Use | 200 feet or 20% of tower height whichever is greater       |
| Lot in a Nonresidential Planning Area                             | Minimum setbacks per the applicable planning area district |

- *Notes: 1. Tower separation shall be measured from the base of the tower to the lot line of the off- site lot. 2. Measurements shall be measured from the outer perimeter of the towers included in AM array (excluding guy anchors).*

**D. Separation Distances Between Existing and Proposed Towers**

The minimum separation between a new tower or an existing tower to be modified or rebuilt to a taller height and an existing tower shall comply with the table below:

| Tower Type                              | Lattice or Guyed Tower | Monopole 60 feet in Height or Less | Monopole Greater than 60 feet in Height |
|-----------------------------------------|------------------------|------------------------------------|-----------------------------------------|
| Lattice or Guyed                        | 5,000 feet             | 5,000 feet                         | 1,500 feet                              |
| Monopole 60 feet in Height or Less      | 750 feet               | 250 feet                           | 750 feet                                |
| Monopole Greater than 60 feet in Height | 1,500 feet             | 750 feet                           | 1,500 feet                              |

• *Notes: 1. Required separation distances are measured from the base of the existing tower to the base of the proposed tower. 2. Measurements shall be measured from the outer perimeter of the towers included in an AM array (excluding guy anchors). 3. Additional towers and antennas may be constructed on a lot with existing towers and antennas and their associated structures.*

#### E. Fall Radius Requirements

Towers shall be located so that there is sufficient radius of land around the tower so that its collapse will be contained on the property where located. A professional engineer licensed under the guidelines of the State of Tennessee shall certify technical documentation concerning the tower fall radius.

#### F. Aesthetic Requirements

- (1) Towers shall have either a galvanized steel finish or be painted a neutral color to reduce visual obtrusiveness, subject to any applicable FAA standards.
- (2) The design of the buildings, related structures, and equipment cabinets shall use colors, landscaping, materials, screening, and textures that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, then the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

#### G. Landscape and Fencing

- (1) In addition to landscape otherwise required, tower facilities shall be landscaped with plant materials that effectively screen the view of the tower compound and ground-based equipment from off-site view.
- (2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent practicable. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be accepted as effective screening.
- (3) Towers and related appurtenances, such as guy wire anchors, shall be enclosed by security fencing at least six feet in height that shall be equipped with appropriate anti-climbing devices.

#### H. Application Submittal

- (1) Telecommunication construction plans shall be submitted in accordance with the requirements established by the La Vergne Codes Department.
- (2) An applicant 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.

#### I. Administrative Final Action

The La Vergne Codes Department may administratively approve the following:

- (1) Telecommunication towers with a height of 60 feet or less, including small cellular potential support structures, that are located on a lot. Small cellular facilities in the right-of-way are subject to the Municipal Code.
- (2) Antennas on existing structures as an accessory use to a nonresidential, mixed-use, or multifamily residential structure of eight or more dwelling units, provided that the antenna:
  - (a) Extends no more than 30 feet above the highest point of the structure.
  - (b) Complies with applicable FAA and FCC regulations; and
  - (c) Complies with all applicable building codes. In the event an antenna can not be a concealed device, the applicant shall provide documentation supporting non-concealment, and
  - (d) Antennas on existing towers for collocation purposes. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
    - (i) A tower that is modified or reconstructed to accommodate the collocation of additional antennas shall be of the same tower type as the existing tower, unless the La Vergne Codes Department permits reconstruction as a monopole, or otherwise determines that a different tower type would enhance collocation possibilities.
    - (ii) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's original height, to accommodate the collocation of additional antennae. The tower's pre-modification height shall be used to calculate distance separation requirements; and
    - (iii) A tower that is being rebuilt to accommodate the collocation of an additional antenna may be moved within 50 feet of its existing location, or elsewhere on the site, as determined by the La Vergne Codes Department. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site. The relocation of a tower shall in no way be deemed to cause a violation of this Subsection.

#### J. Administrative Appeal

If an administrative final action is for disapproval, then the applicant may file an appeal to the La Vergne Planning Commission.

K. FMPC Final Action

Except for telecommunications towers approved administratively in accordance with this subsection I. Administrative Final Action, all other towers or antennas must obtain approval from the Planning Commission.

L. Approval Criteria

The applicable review body shall consider the following criteria in approving applications for towers and antennas and may impose conditions necessary to minimize adverse effects of proposed towers or antennas on adjoining properties:

- (1) The applicable standards of the zoning district;
- (2) The standards in this Subsection and other applicable standards in this Ordinance;
- (3) Tower or antenna height;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Proposed ingress and egress; and
- (7) Availability of suitable existing towers, other structures, or alternative technologies that do not require a tower or structure. No new tower shall be permitted unless the applicant submits evidence that meets one of the following criteria that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna:
  - (a) No existing towers or structures are located within the geographic area that meets the applicant's engineering conditions consistent with these requirements.
  - (b) Existing towers or structures are of insufficient height to meet the applicant's engineering requirements, or they have insufficient structural strength to support the applicant's proposed antenna and related equipment.
  - (c) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (d) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing exceed the cost of new tower development.
  - (e) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; or
  - (f) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

M. Maintenance

To ensure the structural integrity of towers and antennas, owners shall ensure that they are maintained in compliance with standards contained in applicable building codes and the applicable standards published by the Electronic Industries Association. If, upon inspection, the tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being given, the owner shall have 30 days to bring such tower or antenna into compliance. Failure to do so shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**N. Removal of Abandoned Towers and Antennas**

Any tower or antenna that is not operated for a continuous period of 12 months or more shall be considered to have been abandoned, and the owner shall remove the same within 90 days of receipt of notice of abandonment from the La Vergne Codes Department. Failure to remove an abandoned tower or antenna within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower. A performance agreement shall be established with appropriate financial security to defray the costs of removal.

**O. Nonconforming Towers**

- (1) Nonconforming towers and antennas approved prior to the effective date of this Ordinance shall be permitted to continue their usage as they presently exist. Routine maintenance shall be permitted. All other construction or improvements must comply with this Ordinance.
- (2) Notwithstanding the section above, Removal of Abandoned Towers and Antennas, nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to meet separation requirements. Building permits to rebuild the facility shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, then the tower or antenna shall be deemed abandoned.

**5.2.70 Theaters**

- A. Theaters seating no more than 150 people are allowed in the Neighborhood Commercial District.
- B. Theaters must be pedestrian-oriented with sidewalks and pathways to the street and parking located in the rear.

**5.2.71 Townhouses**

- A. Townhouses located in the Gateway District shall be higher density with no less than 5 units per acre with 30% open space on the site.
- B. All Townhouses must meet the design standards.



**5.2.72 Transportation Facilities**

- A. Transit shelters may be located within any street right-of-way or within an established yard fronting a street but may not be located so as to obstruct the sight triangle.
- B. Transit Shelters must include a bench and be developed with brick or similar materials in the Neighborhood Commercial District and the Gateway District.

**5.2.73 Vehicle Repair Facilities**

In any district that allows vehicle repair, all repairs shall take place within an enclosed structure.

**5.2.74 Vehicle Sales and Rental**

- A. Vehicle Sales and Rental shall have a 20 feet landscaped front street yard that does not allow any vehicles within that area.
- B. Used Vehicle Sales shall not be located less than 1,320 linear feet (1/4 mile) from another used vehicle sales business measured in a straight line from the closest point of the used vehicle sales building to the closest point of the second used vehicle sales building. If one or both locations are in a shopping center or strip mall, the measurement shall be in a straight line from the closest point of the nearest interior wall containing the used vehicle sales business to the closest point of the other used vehicle sales business building or the nearest interior wall, whichever is applicable.
- C. Used Vehicle Sales shall not be located less than 1,320 linear feet (1/4 mile) from the property line of a property zoned for single-family or multifamily purposes measured in a straight line from the closest point of the used vehicle sales business building or the nearest interior wall containing the used vehicle sales business, as the case may be, to the property line.

**5.2.75 Vehicle Service Facilities**

- A. In any district that allows vehicle service, all service shall take place within an enclosed structure. The only exception is car washing or vacuuming.
- B. All parking lots, parking areas and vehicle storage areas associated with these facilities shall include a 10 ft landscape buffer along the entire perimeter.

**5.2.76 Vehicle Storage Areas**

All Vehicle storage areas and parking lots shall provide the following improvements:

- A. An opaque privacy fence of at least 6 feet in height. The fence shall completely surround the property on all sides.
- B. Full-service restroom facilities located inside a building that is stick-built and constructed using traditionally accepted and Code-compliant construction techniques. Bathrooms must be hooked up to public water and public sewer service. No portalets, Porta-johns, or similar temporary bathroom facilities will be considered as meeting the intent of this ordinance.
- D. Adequate fire protection which may include new fire hydrants, new water lines, upgraded water lines, etc.
- E. Vehicle storage areas will not be allowed in any overlay district.

**5.2.77 Wastewater Treatment Facility**

Wastewater Treatment Facilities will be located in areas appropriate for the health, safety and welfare of the citizens of La Vergne. Where allowed they shall include a 20 ft landscape buffer along all adjacent street frontage.

**5.2.78 Wrecker Service**

- A. Any property used for open-air storage of used materials, used equipment, used machinery and/or used or new vehicles shall be enclosed with a minimum eight (8) feet high solid wall or opaque fence, along with necessary solid gates of like height maintained straight and in good repair.
- B. No crushing, smashing, or reduction of metal shall be conducted on the premises unless it is conducted without producing substantial amounts of dust and the noise emanating therefrom, as measured from any point on adjacent property, shall be no more audible than the noise emanating from ordinary street traffic and from other commercial or industrial uses.
- C. Stacking of materials other than empty secondhand wooden boxes and crates is not permitted higher than the top of the height of the provided wall/fence.
- D. A minimum 20 feet landscape buffer is required along the perimeter of the property.

## Chapter 6 - Design Standards

### 6.1 Purpose and Intention

The purpose of this chapter is to provide physical standards and guidelines for site and building design. Design regulations are not intended to replicate existing built form or achieve a specific stylistic result, but to allow imaginative design that respects the neighborhood context. It is the specific intention of this chapter to ensure that development:

- Is compatible with surrounding areas.
- Supports the unique visual character and streetscapes in La Vergne.
- Utilizes architectural styles which respect the existing historic character of the area.
- Spatially defines streets, squares, and parks through careful building placement and site design.
- Encourages walking by orienting buildings to public streets, providing easy pedestrian connections, and bringing activities and visually interesting features closer to the street.

### 6.2 Applicability & Administration

The standards in this section shall:

- Serve as criteria for the review of the application and decision to approve, deny, or approve with conditions.
- Serve as criteria to evaluate the application and prepare an analysis of the application for the appropriate decision-making board.
- Serve as the basis for the decision-making bodies' deliberations.
- "Shall" and "Must", when used, denote a design requirement. "Should" and "May" denote a design guideline.

### 6.3 General Site Design Requirements

#### 6.3.1 Standards

##### A. Pedestrian and Vehicular Access

- (1) The primary pedestrian entry to all storefront and workplace buildings and access to first-floor retail shall face a fronting, primary street. There shall be a connecting walkway from the primary entry to the street.
- (2) Secondary access for all building types may be provided from parking areas located to the rear of a building.
- (3) Large buildings fronting more than one street shall provide multiple building entrances on each fronting street.
- (4) Large buildings fronting a single street shall have multiple entrances on the fronting street.
- (5) Developments that include or front on an existing street must integrate that street into the development. Vehicular access may be from existing or new streets.

##### B. Building Location and Orientation

- (1) Buildings must front on a public street, pedestrian way, or a dedicated public plaza that is open to a public street.
- (2) A building located at a street intersection shall not have parking, loading, or service areas at the corner.
- (3) Significant Street vistas should terminate in a focal point, such as a distinct building, architectural or natural feature.

C. Fences, Hedges, and Garden Walls

- (1) All Planning Areas: Fences, hedges, and/or garden walls located in front of the building line shall be no greater than three feet in height and fences shall be no more than two-thirds solid. Fences, hedges, and/or garden walls located behind the front building line shall be no greater than six feet in height. Standard chain link fencing is allowed in residential. All commercial uses that utilize fencing must be either black vinyl coated chain link, wrought iron, decorative metal, block, or brick. Wrought Iron fencing is required in the overlay districts except single-family residential developments. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. For buildings on corner lots, both facades fronting a street shall be considered a front building line for purposes of fencing, hedges, and garden walls. Utility fencing shall be at an appropriate height to screen any utilities. Governmental uses are exempt from fence requirements.
- (2) Retaining Walls: The maximum height of retaining walls behind the front building line is six feet. In front of the building line the maximum height of retaining walls is three feet. Taller retaining walls may be tiered, with a minimum two-foot separation between walls.

D. Loading/Service Areas, Mechanical Equipment and Utilities

- (1) Loading facilities, loading docks, service doors, and other service areas shall not be located along a primary street-facing façade, nor visible from a park or public open space.
- (2) Mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they shall be so located as not to be visible from a primary fronting public street. In certain cases, screening using natural materials may be preferable. Note: Natural screening alternatives must be approved by the Planning Director.
- (3) Screening is not required for electronic vehicle charging stations.
- (4) Off-street parking shall not be located forward of the front façade of the building unless on a corner lot. On a corner lot, parking may not be located in front of the facade on the primary street.
- (5) Underground Utilities: All utilities must be underground from the point of connection.

E. Development Plans with Multiple Buildings

- (1) In order to encourage pedestrian activity, buildings should be grouped together or attached along the primary fronting street or along an internal network of interconnecting streets.
- (2) Building sites should be clustered in order to minimize their impact on the landscape and preserve views and historical features.

#### F. Public Spaces

Public spaces are required or encouraged in mixed-use, commercial, or employment nodes based upon the requirements of the specific planning area. The design and location of urban open space on a site is an important factor in a successful pedestrian environment. To ensure that the open space is well-used, it is essential to locate and design it carefully in accordance with the following general standards:

- (1) Urban open spaces shall be fronted by streets and buildings to encourage its use and its safety.
- (2) The space shall be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks).
- (3) The space should be located to take views and sun exposure into account.
- (4) The space shall be well-buffered from moving cars so that users can enjoy and relax in the space.
- (5) The space shall be visible from streets or internal drives but should not be wholly exposed to them.
- (6) The space shall be partially enclosed with building walls, freestanding walls, landscaping, or raised planters to help buffer it and create a comfortable “outdoor room.”

#### G. Exceptions

Exceptions from the site and building design standards established in this section may be approved by the Planning Director to preserve mature trees and natural features.

#### H. Sidewalks and Sidewalk Fees In-Lieu

- (1) Sidewalks along streets and internal drives shall comply with applicable standards and placed in either a public right-of-way or a public access easement.
- (2) Sidewalk widths shall, in no case, be less than five feet wide.
- (3) Sidewalk connections shall be provided when:
  - (a) Between each building main entrance and the nearest street or internal drive. These connections shall be placed in a straight and direct route;
  - (b) Between each dwelling unit entrance in a multiplex, townhouse, residential, or multifamily building and the nearest street or internal drive;
  - (c) Between differing uses, such as neighborhood commercial centers or open spaces with residential uses;
  - (d) That connect to existing, planned, or potential future sidewalks or multi-use paths at adjacent property boundaries;
  - (e) That connect to existing or planned private trail systems in adjacent developments, where possible;

- (f) Between open spaces within a development; and
- (g) Between building main entrances and associated parking areas.
- (h) Applicability
  - (i) This section shall apply to Development Plans, Preliminary Plats, Final Plats, and Site Plans.
  - (ii) Payment of fees in-lieu of installing a required public sidewalk may occur only when:
    - a. The timing of the installation of the sidewalk would result in its removal shortly thereafter due to a fully-funded street widening, streetscape project, or other capital improvement, or
    - b. The right-of-way, developing lot, or lot abutting a required sidewalk is not suitable for sidewalks due to floodplain, wetlands, riparian buffers, or naturally occurring slopes exceeding 20 percent.

The determination of whether payment of fees in-lieu are applicable shall be reviewed by the Planning Commission as part of the development plan, site plan, or final plat. If, after consideration by the Planning Commission, a required sidewalk is waived, then a fee-in-lieu shall be required.

Fees in-lieu of sidewalks shall be paid prior to:

- a. Recording the final plat; or
- b. Issuance of a building permit or a land disturbance permit when a final plat is not required.

Fees received pursuant to this Subsection (h) shall be used in accordance with the City Sidewalk Fund.

### **6.3.2 Guidelines for Development or Redevelopment in Existing Buildings**

This section is intended to ensure the compatibility of infill development and redevelopment to surrounding neighborhoods and shall apply to new construction and the expansion of existing buildings. As a means to provide guidance for the design of buildings that integrate well into the context of La Vergne, this section identifies the following key features necessary to ensure compatibility.

- A. Street Frontage: Street trees should be preserved.
- B. Rhythm of Development along the Street: Established building rhythms along street frontages should be continued. Larger buildings can be integrated into smaller-scale neighborhoods by creating repetitive bays with facade articulation.
- C. Building Orientation: Main entrances, and other primary building façade elements should be oriented toward the street. Courtyard buildings should orient main entrances toward courtyards that open to the street and serve as a semi-public extension of the public realm.
- D. Front Setback Patterns: Established building setback patterns should be continued as practical. Deep front setbacks can compromise the pedestrian realm.
- E. Building Form: Massing, proportion, scale, setbacks, spaces between buildings, and their relative positions should be used to integrate new development into existing streetscapes.
- F. Density: Density should increase closer to mixed use and commercial nodes.

- G. Building Design: Buildings should be designed to respect the existing built environment, but not be explicit reproduction of past historical styles.

## **6.4 General Building Design Requirements**

This section shall apply to all buildings, excluding the detached house and accessory structure building types.

### **6.4.1 Standards**

The design of buildings should be complementary with prevalent architectural features of the surrounding neighborhood, especially in areas where patterns established by recurring architectural features are well-documented and valued.

#### **A. Building Height**

- (1) Building height, as established in each respective planning area, is measured as the number of stories in a building. A story is a habitable level in a building.
- (2) The following elements shall not be calculated as stories:
  - (a) Under-roof areas less than seven feet clear height with dormers.
  - (b) Unoccupied residential attics less than seven feet above the eaves.
  - (c) Raised basements less than four feet exposed at the lowest grade at the front façade.
  - (d) Mezzanines
- (3) Building height is measured from the finished floor elevation of the façade facing the street to the ridgeline or the highest point of the roof (where there is no ridgeline), excluding chimneys and basements, excepting raised basements described above. Unless specifically stated elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to:
  - (a) Building elements (such as church spires, belfries, cupolas, domes, parapets, etc.) which are not intended for human occupancy.
  - (b) Mechanical penthouses which are set back at least 20 feet from the front elevation of the building.

#### **B. Form and Massing**

- (1) Franchise architecture, where buildings are stylized in an attempt to use the building itself as advertising, is not permitted.
- (2) For large scale buildings, the front façade shall create repetitive bays, or the façade shall be divided into an asymmetrical, yet balanced, composition.
- (3) Buildings on a corner or axial terminus should be designed with additional height or architectural embellishments to emphasize their location.
- (4) Building design shall take the natural topography of the site into consideration. Construction techniques shall be used to have the least amount of impact on sites with a slope greater than 15 percent. Examples of such techniques include avoiding excessive cut and fill on site during construction, building into the slope (if topography



permits), terracing the building and site improvements to match topography as closely as possible, and controlling water runoff.

- (5) Structured parking shall be screened in such a way that cars are not visible from the sidewalk in front of the building. Locating structured parking at the interior of the block surrounded by buildings is the preferred method.
- (6) Large scale single-use buildings, such as parking garages, athletic arenas, and big box retail stores, should be located behind two story liner buildings or above a one-story storefront.

#### C. Facade Articulation

All building facades visible from a public street or park/open space shall have:

- (1) A recognizable base, distinguished from the body of the building by features such as, but not limited to:
  - (a) thicker walls, ledges, or sills.
  - (b) Visually heavier materials (such as brick, stone, tile, or other masonry) than those used on the body of the building; and/or
  - (c) Lighter or darker colored materials, mullions, panels, or planters.
- (2) A recognizable top, occupying the highest portion of the building and distinguished from the body of the building by features such as, but not limited to:
  - (a) A dimensional cornice capping the top of a building wall.
  - (b) Different materials or differently colored materials.
  - (c) A roof overhang with brackets; and/or
  - (d) Stepped parapets. Parapets shall be proportional to the height of the building.
- (3) Large building facades shall be modulated through the use of repetitive bays separated by piers or columns, the use of reveals or recesses in the surface of the wall itself, the placement of window and door openings, or the placement of balconies, awnings, canopies, and sunshades.

#### D. Materials

- (1) Materials shall be selected for suitability to the type of building and design for which they are used.
- (2) Piecemeal embellishment and frequent changes in material should be avoided.
- (3) All sides of the building should use materials consistent with those on the front if visible from public streets or neighboring properties and should be carefully designed with similar detailing, comparable quality, and compatible materials.
- (4) Building materials and colors shall be:
  - (a) Complementary to the materials already being used in the neighborhood, or
  - (b) If dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that the building relates to the rest of the neighborhood.
- (5) All facades visible from a public street or park/open space shall utilize high-quality finish materials including, but not limited to:
  - (a) Brick, masonry, or stone
  - (b) Integrally tinted, textured masonry block

- (c) Stucco
- (d) Wood or cementitious siding
- (e) Glass, Stucco or EIFS system finishes may be used as secondary materials but should not be greater than 25 percent of a facade.
- (6) Where any sloped roofs and structural canopies are used, they shall be covered with:
  - (a) Asphalt shingles
  - (b) Clay tile
  - (c) Slate
  - (d) Concrete tile
  - (e) Ribbed metal
  - (f) Wood shakes or shingles
- (7) The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with the roof colors. They shall extend above the roof only the minimum required by the building code and located on the rear of the roof whenever possible.
- (8) Materials used only on one face of a structure, which give the impression of “thinness” and artificiality, are prohibited. Brick/stone needs to turn corners a minimum of 12".
- (9) Contrasting quoins are prohibited.
- (10) Vinyl siding is prohibited on all building types except on Detached House and Townhouse building types. However, it is strongly discouraged on these building types.

#### E. Architectural Details

- (1) Windows and door openings shall be arranged and proportioned so that vertical dimensions dominate horizontal dimensions. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
- (2) Architectural treatments which create the appearance of false entrances facing the street are prohibited. Faux windows and doors are prohibited. Visible false fronts are prohibited.
- (3) Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
- (4) Fenestration shall be architecturally related to the style, materials, colors, and details of the building.
- (5) When a mansard roof has dormers, they shall project out from the roof.
- (6) The main entry to a building should be emphasized at the street level. Appropriate methods include, but are not limited to:
  - (a) Recessing the door within a larger cased opening.
  - (b) Flanking the door with columns, decorative fixtures, or other details.
  - (c) An awning or canopy, providing a sheltered transition to the interior.
- (7) Interior walls should butt to mullions rather than to exterior windows and dropped ceilings should not obscure any portion of a window.

## **6.5 Specific Building Type Requirements**

### **6.5.1. Detached House (Single Family)**

Detached houses are dwelling units with open yards, including modular homes but not including manufactured homes, mobile homes, or recreational or motor vehicles. Examples of detached homes are single-family residences. Single family homes require permit approval but do not have specific design standards.

### **6.5.2. Townhouse**

A townhouse building type consists of a structure that contains two or more dwelling units placed side by side sharing a party wall. Each unit has its own exterior entrances. Units are typically aligned close to the public sidewalk, although sometimes there are variations in setback to provide landscaping or variety in the streetscape. A small rear yard or courtyard is provided for each unit as private open space.

All townhouse type buildings are subject to the Individual Building process and Design Review Board approval.

- A. Each unit shall have a separate exterior entrance that includes a porch, stoop, courtyard, or similar element which provides a transition from the public sidewalk to the private space within the building or unit.
- B. Complexes with multiple townhomes shall arrange the buildings to front the streets or to frame common open space and amenities.
- C. The first floor shall be taller than upper floors.
- D. Townhouses shall not have front-loaded garages.
- E. All Townhouses shall include 80% of the façade as brick.

### **6.5.3 Attached House (Duplex, Triplex, Quadplex)**

Attached houses have the outward appearance of detached houses but accommodate two, three, or four completely separate dwelling units within one building. Duplexes, triplexes, and quadplexes are examples of attached houses. Duplexes, triplexes, and quadplexes may be located on a single lot of record or subdivided for individual sale.

Duplexes and all attached houses are subject to the Individual Building Process and Design Review Board approval.

- A. Attached houses shall face a street or pedestrian way and have a walkway connecting the front of the house to a pedestrian way or the street.
- B. Where home designs are repeated in new development, materials, color, and detailing should be varied to distinguish between houses. All facades must be 80% brick.
- C. Complexes with multiple attached houses shall arrange the buildings to front the streets or to frame common open space and amenities.
- D. Roofs shall be simple forms such as hip, shed, or gable and shall avoid excessive articulation. No flat roofs shall be permitted.
- E. The following requirements apply to attached house building types with attached garages.

- (1) In all planning areas, attached garages with street-facing doors shall have a maximum width of 25 feet.
- (2) The street-facing doors shall be no wider than 10 feet each.
- (3) In all planning areas, except as stated below, the front setback of a street-facing, attached garage or carport shall be recessed a minimum of 10 feet behind the front façade of the house and shall be a minimum of 20 feet behind the front property line; except if the house has a porch with a depth of at least six feet extending along a minimum of 60 percent of the front façade (excluding garage width), the attached garage shall be a minimum of 10 feet behind the front of the porch, but not in front of the front facade.

#### **6.5.4. Multi-Family (Apartments, Condominiums, Flats)**

Multi-family buildings incorporate more than four dwelling units within one building. These buildings are a minimum of two stories with parking typically located behind the buildings or underground. Examples of multi-family buildings include apartment complexes and condominiums. All multi-family buildings are subject to the Individual Building process and Design Review Board approval.

- A. The first floor shall be taller than the upper floors.
- B. Building and outdoor unit entrances on the first floor shall face the street and include a porch, stoop, courtyard, or similar element which provides a transition from the public sidewalk to the private space within the building or unit. Units above the first floor may be accessed from a common stairwell. Common stairwells shall also have access from the fronting street. Exterior corridors fronting the street are not allowed. All Units must have two exits and must include a porch, patio, or balcony.
- C. Complexes with multiple buildings should arrange the buildings to front the street or to frame common open space and amenities. Windows must be included in the front façade facing the street.
- D. Entrances should be differentiated architecturally to create a sense of human scale. The façade shall be composed of 80% brick. No flat roofs are permitted.
- E. Multi-family buildings with storefront facades on the first floor fronting primary public streets may be considered storefront buildings.
- F. Each Multi-Family Development must include an open space element of no less than 20% of the total property. These open space features may be amenities and outdoor space for the residents.

#### **6.5.5 Mixed Village Housing (Village Walkup, Village Courtyard)**

Mixed Village housing includes well-scaled buildings designed to fit within the context of surrounding residential or mixed-use neighborhoods. These buildings are a minimum of two stories, include individual or shared entrances, and provide walkable access to nearby destinations. Examples of Mixed Village buildings include walkup and courtyard dwellings, as described below. All Mixed Village buildings are subject to the Master Plan or Individual Building processes as well as Design Review Board approval.

- A. Village Walkup: Small-scale buildings comprised of 4-12 units that typically feature a shared entrance or corridor.

- B. Village Courtyard: Small-scale buildings comprised of 10-18 units arranged around a courtyard and including individual or shared entrances.
- C. Features:
  - (1) Sites with multiple buildings shall arrange the buildings to front the street and to frame common open space and amenities. Village Courtyard buildings must include a courtyard, and courtyard proportions shall feature a maximum of 2:1 or minimum 1:2 height-to-width ratio. Courtyard depth shall be at least one times the width but not exceed two times the width of the courtyard opening.
  - (2) Entrances should be differentiated architecturally to create a sense of human scale.
  - (3) Building and outdoor unit entrances on the first floor shall face the street or courtyard and may include a porch, stoop, or similar element which provides a transition from the courtyard area/public sidewalk to the private space within the building or unit. The primary pedestrian entrance to end unit(s) of courtyard buildings shall face the primary fronting street. Units above the first floor shall be accessed from an interior stairwell. Entrances to common stairwells shall also have access from the courtyard or the fronting street. Exterior corridors fronting the street are not allowed.
  - (4) Generally, parking shall be located behind the building where required.

#### **6.5.6. Live/Work**

Live/work units combine commercial and residential uses within a single dwelling unit of two or more stories. All units must be constructed to meet the commercial building code standards. At least 50 percent of the heated floor area must contain the residential dwelling unit(s).

Live/work buildings are subject to the Individual Building process and Design Review Board approval. \*

- A. Each unit shall have a separate exterior entrance that includes a porch, stoop, courtyard, or similar element which provides a transition from the public sidewalk to the private space within the building or unit.
- B. Live/work units shall arrange the buildings to front the streets or to frame common open space and amenities.
- C. The first floor shall be taller than upper floors.
- D. Live/work units shall not have front-loaded garages.
- E. Roofs: Roof forms shall not be flat.

#### **6.5.7. Institutional**

Institutional buildings are typically used for public or semi-public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. Institutional buildings serve as places of assembly. They have a sense of prominence within their respective neighborhoods. Their uses may include churches, libraries, post offices, and schools. All institutional buildings are subject to the Individual Building process and Design Review Board approval.

- A. The scale and architectural sophistication of these buildings should support their civic importance and complement La Vergne's existing civic buildings.

- B. Complexes with multiple institutional buildings should arrange the buildings to front the streets or to frame common open space and amenities.
- C. Elevators shall be required for any structures over one story.

#### **6.5.8. Workplace**

The workplace building type may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical. Southern mill villages provide examples of how these buildings can reasonably coexist with other businesses and homes. Workplace buildings are crucial to the town as employment centers and commercial service locations. They provide space for industry and offices. All workplace buildings are subject to the Individual Building process and Design Review Board approval.

- A. Multiple-story buildings with office, industrial, or commercial uses on all floors are typical workplace buildings. Residential tenants on upper floors are permitted.
- B. At least 65% of the first-floor facade between 2'-0" and 10'-0" above grade facing the primary streets must be transparent. At least 30% of the upper floors' facades between 3'-0" and 120'-0" above finished floor must be transparent.
- C. Off-street parking areas are located behind the building or underground.
- D. The first floor shall be taller than upper floors and lower floors should be differentiated architecturally to create a sense of human scale.
- E. Main entrances shall be distinguished architecturally from the remainder of the building.
- F. Major building entrances that provide access to the primary use of the building shall be distinguished from the entrances used for secondary uses.
- G. The principal entrance to a building, and any ground floor tenant space entrance shall front the primary public street or a public open space such as a square, plaza, courtyard, or pedestrian way.
- H. Secondary uses and entrances may be located off a rear parking area.
- I. Large buildings fronting multiple streets shall provide entrances from each street.

#### **6.5.9. Storefront**

Storefront buildings may accommodate either single or multiple uses or tenants in a single building. A group of storefront buildings may be combined to form a mixed-use neighborhood center. Individual storefront buildings shall be designed to accommodate commercial/retail uses on the first floor, though office or residential uses are permitted. Upper Floors are appropriate for office or residential use. They are a minimum of two stories, typically are aligned adjacent to the public sidewalk and include a high percentage of transparency in the ground level façade to encourage pedestrian activity. All storefront buildings are subject to the Individual Building process and Design Review Board approval.

- A. The first floor facing the primary streets shall be designed to accommodate retail uses.
- B. At least 65% of the first-floor facade between 2'-0" and 10'-0" above grade facing the primary streets must be transparent. At least 30% of the upper floors' facades between 3'-0" and 120'-0" above finished floor must be transparent.
- C. The first floor shall be taller than upper floors and lower floors should be differentiated architecturally to create a sense of human scale.
- D. Buildings elements shall have a dominant vertical proportion.

- E. All buildings shall provide street level, pedestrian-oriented, active uses on principal street fronts.
- F. Large buildings fronting multiple streets should provide entrances from each street.
- G. Major building entrances that provide access to the primary use of the building or a central lobby shall be distinguished from the entrances used for secondary uses.
- H. The principal entrance to a building, and any ground-floor tenant space entrance, both functionally and architecturally, shall front the primary public street or a public open space such as a square, plaza, courtyard, or sidewalk.
- I. Secondary uses and entrances may be located off a rear parking area.
- J. For Storefront buildings located in the Neighborhood Commercial District:
  - (1) The ground floor of the building must be used as commercial or retail use.
  - (2) Roofs: Roof forms shall not be flat.
  - (3) Transparency: At least 50% of the first-floor facade between 2'-0" and 10'-0" above grade facing the primary streets must be transparent. At least 30% of the upper floors facades between 3'-0" and 37'-0" above finished floor must be transparent.
  - (4) Materials: Building design shall use materials consistent with rural vernacular architecture, as illustrated in the Rural Area Plan precedent images.

#### **6.5.10. Commercial**

##### **A. Compatibility with Surroundings**

Building forms should be tailored to fit within the existing topography and site features as much as possible. In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. While architectural style may vary, buildings of a proposed development shall be compatible with surrounding buildings with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.

##### **B. Materials**

The use of materials and colors compatible with buildings adjacent to a site is required. The use of materials and colors on buildings and structures, which are along arterial streets, are to create a unified appearance.

The following are acceptable as primary exterior materials: brick, stone, and glass and glazing.

The following are acceptable as secondary exterior materials: tile, stucco, EIFS architectural pre-cast, ground face masonry, and engineered fiber cement products (e.g. James Hardie products).

The following are acceptable as accent materials: standard block, metal, vinyl, and any other material not specifically allowed as a primary or secondary material.

For non-residential developments, 75% of any building façade that is visible from a public street is required to be finished with primary exterior materials. At least 50% of the entire



building is required to be finished with primary exterior materials. No more than 10% of the entire building may be finished with accent materials.

#### **6.5.11. Industrial**

Industrial Building Types require permit approval but do not have specific design standards.

#### **6.5.12. Agriculture**

Agriculture Building Types require permit approval but do not have specific design standards.

#### **6.5.13. Accessory Structure**

Accessory Structure types must follow planning area requirements for specific areas. Accessory Structures require permit approval and are subject to the following design standards:

A. Compatibility with Surroundings

Accessory structures should be tailored to fit within the existing topography and the primary structure.

B. Materials

Accessory Structures must utilize the same materials at the primary building.

### **6.6 Renovation of Existing Structures**

All new construction, including changes to existing storefront, workplace, institutional, townhouse, live/work, or attached house building types must comply with these regulations.

Changing or rebuilding 50 percent or more of any façade of a building, requires the entire building to comply with the design regulations that are specific to facades, except the requirement for two-story buildings.

Changing or rebuilding less than 50 percent of any façade of a building requires only that façade to comply.

All new openings, including windows, entrances, storefronts, and doorways must be designed in accordance with these regulations.

Any addition of 50 percent or more of the first-floor area of a one-story building requires the entire building to come into compliance with the design regulations. Additions of less than 50 percent of the floor area of the buildings less than 5,000 square feet do not need to comply with the regulations for building height. In general, additions to two-story buildings shall be two stories. Exceptions will be made if there are topographic constraints. One-story addition to two-story buildings may only be built if the addition is on the rear of the building and does not front on a street or pedestrian way.

Routine maintenance and repair are exempt from these requirements.

## Chapter 7 - Parks and Open Space

### 7.1 Purpose & Intention

#### 7.1.1 Purpose & Intention

It is the intent of this chapter to:

- Ensure that new development provides centrally located, unencumbered land as improved park space for resident use.
- Preserve rural views, significant hardwood forests, wildlife habitats, and watersheds in pristine form.
- Conserve areas which are inappropriate for development because they contain stream buffers, floodplains, or steep slopes.
- Incorporate urban open space and plaza design that responds to the unique conditions of the site.

#### 7.1.2 Open Space and Parks

- A. Open Space: Open space are those areas set aside and protected from development.
- B. Parks: Parks, a type of open space that are a publicly accessible and set aside for public use and recreation.

### 7.2 Park Standards

#### 7.2.1 Standards for All Parks

- A. Location
  - (1) Land for parks shall be located so as to serve the needs of the residents of the neighborhood or the residents of the immediate area within which the development is located.
  - (2) Required Park spaces shall provide focal points for developments and the City.
- B. Topography
  - (1) The average slope of land for active recreation shall not exceed 7.5 percent.
  - (2) The average slope of land for passive recreation shall not exceed 15 percent.
- C. Shape & Dimensions
  - (1) The shape and dimensions of required parks shall be usable for the recreational activities proposed, as determined by the Planning Commission.
  - (2) All parks shall have at least 50 feet of frontage on at least one public street within the development.
- D. Accessibility
 

All parks shall be conveniently accessible to all residents of the development.

E. Unity

Where the amount of required park area is  $\frac{1}{2}$  acre or less, such park area shall be dedicated as a single parcel of land, except where two or more parcels are necessary to meet the mile accessibility requirement above, or where it is determined by the Planning Director that two or more parcels would be in the public interest.

F. Minimum Amenities

- (1) Public seating areas shall be provided which are appropriate to the intended use of the park area (e.g. benches and/or durable chairs may be appropriate for formal/active spaces; garden wall seats and landscape terraces may be appropriate for informal/passive spaces).
- (2) Garbage receptacles are required at each public entrance and gathering space.

### 7.2.2 Types of Parks and Public Spaces

All parks shall be designed in accordance with the requirements of one or more of the eight park types established in this section.

A. Neighborhood Park

Neighborhood parks are protected natural spaces that provide opportunities for active and passive recreation. They may include ball fields, tennis courts, basketball courts, fitness areas, paths, trails, meadows, waterbodies, woodland, open shelters, performance areas and other recreational amenities. Requirements:

- (1) Parks should be designed for both passive and active recreational use.
- (2) A minimum of 0.5 linear feet of seating shall be provided for every 1,000 square feet of neighborhood park area.
- (3) At least 25 percent of the park area shall be dedicated to active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc.
- (4) Neighborhood parks shall be a minimum of half of a contiguous acre in size.

B. Plaza

A plaza is an open area adjacent to an institutional, multi-family, workplace, or storefront building. Plazas function as gathering places and may contain a variety of intermittent activities such as vendors and display stands. Plazas can add vitality, promote security, and draw people to ground level retail. Incorporate seating, special paving, special landscaping, and focal features such as public art into urban open spaces. Articulated and differentiated paving patterns can direct circulation, seating designed as a part of raised planters can provide shade in small urban plazas, and public art can create a sense of place. Requirements:

- (1) Generally, the shorter dimension of a plaza should be less than three times the height of surrounding buildings.
- (2) Plazas shall be at least partially paved with brick, concrete, permeable pavers, or similar material and may include areas of crushed stone.
- (3) Natural elements should be included in all plazas. A landscape plan should be submitted.

- (4) Buildings adjacent to plazas shall promote and accommodate outdoor activity with balconies, arcades, terraces, decks, and courtyards for residents' and workers' use and interaction.
- (5) Plazas should provide an appropriate amount of seating, as determined by the Planning Director. A portion of outdoor café seating areas may contribute to meeting this requirement.
- (6) Plazas should provide art, sculpture, or fountains that people can touch. Include fountains for visual attraction, to screen traffic noise, and for cooling effects.
- (7) Trash containers shall be conveniently located within the plaza.
- (8) Plazas shall be leveled, stepped, or gently sloping (less than 3 percent grade).

#### C. Square / Green

Squares and greens are open spaces that are spatially defined by building frontages and/or landscaping. They provide space for unstructured recreation and civic purposes.

Requirements:

- (1) Squares and greens shall be paved with brick pavers or similar material, or partially paved with areas of soft landscape and crushed stone.
- (2) Where adjacent to street ROW's, squares and greens shall be planted parallel to such ROW's with one tree species a minimum of 10 feet and a maximum of 30 feet on center.

#### D. Close

A close is a front space for buildings interior to the block. The close is a superior alternative to the cul-de-sac, as the focus is a green rather than vehicular paving. Requirements:

- (1) A close may be used in a residential or commercial area.
- (2) Closes may be designed with only pedestrian access, or they may have a roadway loop around the green area.
- (3) If a roadway loop for cars is included, the paved area used for cars shall not exceed 50 percent of the total area of the close.

#### E. Playground

Playgrounds provide permanent play equipment within sunny and shaded play areas for children as well as shelters with benches for parents. Playgrounds may be built within squares or parks or may stand alone within a residential block. Requirements:

- (1) Playing surfaces shall be covered in sand, wood chips, or other equivalent material.
- (2) Paths and walkways shall be paved in concrete, pervious pavers, crushed stone, brick pavers, or similar material.
- (3) Playground equipment shall be equivalent to the standards established by the Consumer Products Safety Commission and ASTM for playgrounds.

#### F. Community Garden

A community garden is a grouping of garden plots available for small-scale cultivation, generally to residents of nearby neighborhoods.

Community gardens must include garden sheds for the storage of gardening equipment and access to a water source unless the Planning Director determines that site constraints prohibit such facilities.

#### G. Pedestrian Passageways

Pedestrian passageways are relatively narrow public spaces between buildings, allowing pedestrian access from rear parking areas to the public sidewalk. These passageways can be attractive, successful locations for store entries, window displays, and cafe seating.

Pedestrian passageways may be covered or uncovered, shall be a minimum of six feet in width and paved.

#### H. Greenway

Greenways are corridors of protected open space managed for conservation and recreation purposes, often following natural land or water features. Greenways include pathways for walking and cycling which are separated from vehicular traffic, providing commuters who use the greenways a viable active transportation alternative. Greenways link commercial areas, parks, cultural features, and historic sites with each other and with neighborhoods. Requirements:

- (1) **Minimum Width:** All greenways shall be a minimum of 10 feet wide within a dedicated right-of-way or public easement of at least 20 feet. Greenway connectors shall be a minimum of 6 feet wide.
- (2) **Paving Standards:** All greenways and greenway connectors (except Boardwalk Trails) shall be paved with 2 inches of machine-laid asphaltic concrete surface with a 6-inch aggregate base over compacted soil.
- (3) **Greenway Stubs:** Greenway stubs must extend to the neighboring property line in locations that are easily accessible for future connectivity through adjacent parcels.
- (4) **Topography:** Greenways and connectors should be designed to fit the contours of the land and should minimize removal of significant trees.
- (5) **Accessibility:** All greenways shall be designed to accommodate a variety of users including walkers, joggers, cyclists, and rollerblades.
- (6) **Public Access:** All greenways, greenway connectors, and neighborhood trails shall be maintained for public access whether by easement or by public dedication.
- (7) **Amenities:** Greenways shall provide amenities, such as drinking fountain(s), trash receptacles, bike rack(s), and pet station(s),
- (8) **Drainage and Erosion Control:** Greenways must have a minimum cross slope of two percent (2%) to adequately provide for drainage. Slope should be in one direction instead of crowning. On curves, the cross slope should be towards the inside of the curve. In addition, to ensure proper stormwater runoff and trail longevity, catch basins with drains and underground culverts may be required. Natural ground cover should be preserved on each side of the path for erosion control.
- (9) **Bridges:** Railings or barriers shall be provided on both sides of a greenway bridge and must be a minimum of 54 inches high. The ends of railings must be offset away from the adjoining path to minimize the danger of cyclists running into them. Bridge decks

shall be designed for a live load of 85 pounds per square foot (psf). Concrete decks must have bicycle-safe expansion joints. Wood decks must have smooth joints and be laid at least 45 degrees to the direction of travel.

- (10) Clearance: The vertical clearance from obstructions (e.g., tree limbs, street overpasses, etc.) shall be a minimum of eight feet. A minimum clearance of 10 feet shall be required where the passage of maintenance vehicles is expected.

## **7.3 Open Space Standards**

### **7.3.1 Standards for all Open Space**

The location, nature, configuration, and use of the open space shall be determined by the following regulations and criteria:

#### **A. Location**

- (1) Primary Conservation Areas: Primary conservation areas have been determined as inappropriate for development because they contain stream buffers, flood plains, or slopes greater than 20 percent. Dedication of open space shall include all primary conservation areas and designate any additional open space for preservation as necessary to attain the minimum required percentage of open space.
- (2) Additional Open Space: Additional required open space may lie within other protected areas but shall be subject to all applicable provisions of this ordinance as well as any applicable State or Federal regulatory jurisdiction. The following criteria should be considered in the conservation of open space beyond primary conservation areas:
  - (a) Proximity or relationship to other open space within or outside the proposed development.
  - (b) The presence of significant natural features (rock outcroppings, forests, ponds, streams, upland areas, etc.), viewsheds, wildlife habitats, trails, and/or community farms and gardens.
- (3) Non-Contiguous Open Space Areas: The open space requirement for a development may be met by property that is not contiguous with the development, nor owned by the applicant, as long as a 10 percent minimum requirement for open space is met on-site and the non-contiguous property is approved by the Planning Director. The Planning Director will consider the following factors in approving/disapproving the use of non-contiguous property to meet the minimum open space conservation requirement:
  - (a) Size and location of utility and/or road rights-of-way on the property.
  - (b) Legal or practical restrictions to the development of the property.
  - (c) Size of the property.
  - (d) Location of the property in relation to roads or other open space.
  - (e) The number of non-contiguous properties proposed; and
  - (f) Environmental conditions on the property.

- (4) Utility Easements: Easements for overhead public utility transmission lines shall not be considered for required open space areas.
- (5) All open space must be publicly accessible unless the land's biological features and conservation values as determined by the Planning Director or their designated administrator are deemed to require protection.

## **7.4 Ownership and Maintenance**

### **7.4.1 Ownership of Parks and Open Space**

- A. Permitted Ownership Entities: Parks and open space shall be separately deeded to one of the following:
  - (1) The City of La Vergne (upon acceptance by the Board of Mayor and Alderman),
  - (2) Rutherford County,
  - (3) A non-profit land trust or conservancy,
  - (4) A homeowner's association, or
  - (5) A private owner.
- B. Ownership Conditions:
  - (1) Non-public ownership strategies (i.e., ownership by non-profit land trust or conservancy, a homeowner's association, or a private owner) must be accompanied by a long-term maintenance plan. Maintenance plans must be deemed to be financially viable by the City Attorney or their designated administrator. Plans must be approved and contracts, easements, funds, etc. established prior to recording of any Final Plat approval by the City of La Vergne.
  - (2) Ownership by a non-profit land trust or conservancy must be recorded by contract in a form approved by the City.
  - (3) Ownership by a homeowner's association or private owner must be accompanied by a permanent conservation easement placed upon the land. Each conservation easement must be accompanied by a stewardship endowment properly funded by the developer and held by the conservation easement holder. At a minimum the endowment must cover annual monitoring, reporting, and maintenance costs.
  - (4) The City reserves the right to designate a third party to maintain, manage, and/or hold ownership of any parks and open space land dedicated to the City.
- C. Property Description:
  - (1) A metes and bounds description of the park or open space and limits on its use shall be recorded on the development plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common.

### **7.4.2 Maintenance of Park and Open Space**

- A. Cost and Responsibility: Unless accepted for dedication or otherwise agreed to by the City of La Vergne, another unit of government, or a private non-profit land conservancy, the cost and responsibility of maintaining park or open space and any associated facilities shall be borne by the property owner. Long-term maintenance plans must include and maintain



a long-term funding plan acceptable to the Planning Commission that can only be used for maintaining the subject area. Failure to maintain the park or open space in compliance with the long-term maintenance plan will subject the violator to the penalties listed in Section 15.

- B. Maintenance of Designated Open Space Areas: Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functionality, or overall condition, at the discretion of the Planning Director in consultation with experts. Permitted modifications may include:
- (1) Reforestation,
  - (2) Woodland management,
  - (3) Pasture or cropland management,
  - (4) Buffer area landscaping,
  - (5) Stream bank protection, and/or
  - (6) Wetlands management.

## Chapter 8 – Parking and Driveways

### 8.1 Purpose and Intention

Parking lots and similar facilities are necessary elements in the urban environment. While it is expected that on-street parking will contribute substantially to parking needs, sufficient off-street parking must also be provided to serve the particular needs of the building(s). The purpose of this section is to ensure that development in La Vergne:

- Provides adequate parking without degrading the urban or natural environment.
- Limits curb cuts which interrupt the continuity of the streetscape environment and the pedestrian walking experience.
- Uses internal streets and alleys to access centrally located, shared parking lots or structures with one entry/exit per block face.
- Incorporates permeable parking surfaces and porous pavement to reduce stormwater run-off.

### 8.2. Applicability

The provisions of this section shall apply to all new and expanded developments, as well as any changes in use.

### 8.3 Type & Amount of Parking

#### 8.3.1 Amount Required

Permanent off-street parking is required subject to the table below. If required, parking shall be provided at the time of construction, alteration, enlargement, establishment or change of use of any building or land, except as provided in Section 8.3.2. The following table details the required parking ratios by major land use type. All area calculations use gross leasable area (GLA). Calculations which result in a fraction of a space shall be rounded up to the next whole number. For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Planning Director.

**Table 8.1 Parking Requirements**

| Use Type                                                            | Auto-Parking Minimum                                                                                                                 |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Residential (Single Family)                                         | 4 spaces per unit                                                                                                                    |
| Residential (All Other)                                             | 4 spaces per unit for all dwellings except a gated apartment complex with a minimum of 50 units.                                     |
| Residential<br>(Gated Apartment Complex with a Minimum of 50 Units) | For each dwelling unit with 1 bedroom, 1.75 spaces shall be provided with any fraction of a space rounded to the next higher number. |

|                               |                                                                                                                                                               |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | For each dwelling unit with 2 or more bedrooms, 1.1 spaces shall be provided for each bedroom with any fraction of a space rounded to the next higher number. |
| Commercial (excluding retail) | 4 spaces per 1000 square feet of commercial use                                                                                                               |
| Retail                        | 4 spaces per 1000 square feet of commercial use                                                                                                               |
| Civic/Institutional           | 2 spaces for every 8 seats in the main assembly area                                                                                                          |
| Schools                       | 2 spaces per classroom                                                                                                                                        |
| Industry/Wholesale/Storage    | 1 space for every 1,000 square feet                                                                                                                           |

### 8.3.2 Exceptions to Parking Requirements

- A. Where motor vehicle access is provided between adjoining non-residential sites and the operating hours of adjoining uses do not significantly overlap, the uses may share up to 50 percent of required parking spaces. Shared use of motor vehicle parking shall be guaranteed by a contract or other legally binding document.
- B. Off-site parking is allowed wherever Parking as a Principal Use is permitted. Off-site parking must be 1/4 mile or less, measured along the pedestrian access route, from the primary structure requiring the parking.

## 8.4 Parking Lot Design Standards

### 8.4.1 General Design Principles

Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. The following standards shall therefore be met.

- A. Curb cuts must be minimized in width and number.
- B. Parking Lots should be placed behind buildings when possible.
- C. Uninterrupted areas of parking lot shall be limited to 36 spaces. Large parking lots shall be broken by buildings and/or landscape features.
- D. To maintain pedestrian comfort and to calm the speed of entering traffic, driveways to parking areas should not exceed 24 feet in width (two lanes) or 14 feet in width (one lane), except those with turn lanes.
- E. Adjoining parking lots serving non-residential and multi-family buildings shall be interconnected.
- F. Parking, loading, and other vehicular access shall occur at mid-block of secondary streets or via an alley, to the extent practical.
- G. Parking areas shall not abut pedestrian-oriented street intersections or institutional buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
- H. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.

- I. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- J. All paved parking areas shall be curbed using a standard curb meeting City of La Vergne Public Works Standard Specifications. Curbs and lowered curbs may be used with the approval of the City Engineer to permit sheet flow drainage into rain gardens or other bioretention areas as part of an alternative engineered storm water retention system.
- K. All parking lots, regardless of surfacing, shall retain stormwater on-site or drain to a catch basin in a public street. Low impact stormwater management devices (such as pervious paving, bioretention areas, vegetated landscape islands, and the use of absorbent landscaping) are encouraged for all parking areas. Parking areas should be organized to provide consolidated landscape areas as opportunities for passive stormwater management.
- L. Parking may not interfere with sightlines for vehicles or pedestrians.
- M. Suitable paving materials for off-street parking areas include but are not limited to, asphalt, porous asphalt, concrete, porous concrete, and paving blocks.
- N. See Section 8.5 for additional standards regulating driveways to off-street parking areas.

#### **8.4.2 Structured Parking**

- A. When above-ground structured parking is located along a road right-of-way, the first two floors adjacent to the right-of-way shall be lined with a permitted building type for the planning area in which it is located. If the structured parking fronts multiple rights-of-ways or pedestrian ways, the Planning Director may determine a hierarchy and the extent to which buildings shall line each.
- B. All structured parking should be screened so as not to be visible from a public street or park/open space. Locating structured parking at the interior of the block, surrounded by buildings, is the preferred method.

#### **8.4.3 Parking Space Dimensions**

Each parking space shall be no less than 10 ft wide and 20 ft long.

#### **8.4.5 Pedestrian Access**

Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots (thirty-six spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, parking rows shall be oriented perpendicular to the main building entrance(s) and corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors shall be delineated by a paving material that differs from that of vehicular area. The use of small posts or bollards is encouraged to provide additional separation of pedestrian and vehicular corridors.

#### **8.4.6 Parking Lots**

Adjoining parking lots serving non-residential and multifamily uses shall be interconnected according to the following standards:

- A. At least one connection “stub” shall be provided at all lot lines that are coincident for at least 60 feet.
- B. All connection(s) shall be at least 20 feet wide and permit two-way vehicular circulation.
- C. The connection(s) shall align with any previously established connection(s) on an adjacent property.
- D. The connection(s) shall have a slope of no greater than 15 percent.
- E. The connection(s) shall not be placed where a building on an adjacent property would hamper traffic movements within the parking lot.
- F. The connection(s) shall be placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 6 inches or more.
- G. An easement for ingress and egress to adjacent lots through the connection(s) shall be recorded by the property owner with the County Register of Deeds in the form of an easement document.
- H. In the event these conditions create an undue hardship, or if such connections would create undesirable traffic flow, the Planning Director may modify or adjust the connection requirements as appropriate.

## **8.5 Driveways**

Any use which requires a driveway (lowered or cutaway curbs, for purposes of ingress or egress) shall be subject to the provisions of this section. All new driveways must be approved by the city and/or TDOT, as appropriate. Driveways connecting to a right-of-way shall be reviewed and approved as part of a subdivision or site plan approval, or as an independent Building Permit.

### **8.5.1 Number**

Maximum Permitted Number: For Detached House, Attached House, Live Work, and Townhouse building types only one driveway shall be permitted per lot except that a duplex, triplex, or quadplex on a corner lot may have one driveway on each fronting street.

### **8.5.2 Location**

- A. Visibility
  - (1) Driveways shall be located at a point along the frontage where it is possible for drivers of vehicles entering the street to see in both directions along the traveled way far enough to allow entering the roadway without creating a hazardous situation.
  - (2) A 15-foot by 15-foot sight distance triangle shall be maintained at all intersections between driveways and streets. Within the sight distance triangle, no fence, wall, sign (except regulatory and street name signs), embankment, landscaping or structure shall be placed, erected, or maintained which will obstruct visibility between two and ten feet, vertically.
- B. Minimum Separation: All driveways shall have a minimum separation from certain features as follows:

**Table 8.2 Minimum Separation Requirement**

|                                                                    |         |
|--------------------------------------------------------------------|---------|
| Fire Hydrants, Street lights, benches, and trash receptacles       | 3 feet  |
| Internal Sidewalk or other Pedestrian/Bicycle Path                 | 5 feet  |
| Another Driveway                                                   | 15 feet |
| Street Intersection (point of intersection of extended curb lines) | 50 feet |

**8.5.3 Width**

- A. To maintain pedestrian comfort and calm the speed of entering traffic, driveways for parking in all residential areas except a gated apartment complex with a minimum of 50 units shall be a minimum of 14 feet in width and shall not exceed 28 feet in width. Each driveway to residence(s) must be at minimum of 22 feet in length measured from the back side of the sidewalk (side away from the road) to the front of the garage door.
- B. To maintain pedestrian comfort and calm the speed of entering traffic, driveways for parking in a gated apartment complex with a minimum of 50 units shall be a minimum of 14 feet in width and shall not exceed 28 feet in width (2 lanes) or 14 feet in width (1 lane), except those with turn lanes required. Each driveway to residence(s) must be at minimum of 22 feet in length measured from the back side of the sidewalk (side away from the road) to the front of the garage door.

## Chapter 9 - Landscaping

### 9.1 Purpose & Intention

The purpose and intent of this ordinance is to establish minimum standards for the preservation of existing and the planting of new trees and shrubbery in order to:

- Better control soil erosion.
- Protect and improve the existing tree canopy in order to enhance the health and quality of life of citizens.
- Maintain or increase the tree cover in all areas of the planning jurisdiction.
- Preserve and enhance the natural environment.
- Provide habitat resources to native plants and animals.
- Ensure compatibility between vegetation and adjacent infrastructure or utility systems.
- Reduce the hazards of flooding.
- Balance preservation of tree canopy with recognition of private property rights.

### 9.2 General Provisions

#### 9.2.1 Review for Compliance

Review for compliance with this Chapter shall occur at the time of submittal of development plans, site plans, and preliminary plats.

#### 9.2.2 Landscape Plan

A landscape plan that demonstrates how landscape will be planted on a development site shall be submitted as a part of a site plan application. Additional landscape plantings may be required by the Stormwater Management Ordinance.

#### 9.2.3 Minimum Landscape Surface Area

Development sites and lots shall have a minimum LSA acreage according to the table below:

**Table 9.1 Landscape Surface Area**

| District                               | Minimum Landscape Surface Area (LSA) |
|----------------------------------------|--------------------------------------|
| Agriculture (AG)                       | 70%                                  |
| Estate Residential (ER)                | 60%                                  |
| Residential - (R-1)                    | 50%                                  |
| Mixed Residential (R-2)                | 40%                                  |
| Mixed Use Residential (R-3)            | 40%                                  |
| Planned Development Residential (PDR)  | 30%                                  |
| Neighborhood Commercial District (NCD) | 20%                                  |
| Downtown District (DD)                 | 20%                                  |
| Gateway District (GD)                  | 20%                                  |
| Central Commercial District (CC)       | 10%                                  |



|                           |     |
|---------------------------|-----|
| Innovation District (LI)  | 20% |
| Interchange District (HI) | 20% |

### 9.3 **Overall Required Plantings**

All Non-Residential Developments shall be required to meet the following requirements for Landscaping.

#### 9.3.1 **Street Yard**

- A. The minimum landscape area must include 1 canopy tree (2.5 Caliper) or 2 understory trees (1.5" Caliper) per each 25 feet of road frontage of the lot.
- B. Trees may be clustered to provide visibility but must be located within the front setback area of each district.
- C. All Commercial Developments shall have a minimum of 15 shrubs (minimum 18" high).

#### 9.3.2 **Parking Areas**

- A. Landscape Islands
  - (1) Surface parking areas of 20 spaces or more shall provide landscape islands that:
    - (a) Are placed at maximum intervals of every ten parking spaces and at the end of each row of parking spaces.
    - (b) Provide a minimum width of at least eight feet and the same length as adjacent parking spaces.
    - (c) Contain one canopy tree within a landscape island that spans one parking space length: and
    - (d) Contain two canopy trees within a landscape island that spans two parking space lengths.
  - (2) Additionally, surface parking areas of 100 or more spaces shall be organized into a series of smaller modules, no more than four parking bays wide, separated by a landscape island that:
    - (a) Is a minimum of eight feet wide, or 17 feet wide if accommodating a sidewalk that connects a building main entrance with its associated parking area.
    - (b) Runs the length of the parking bay.
    - (c) Contains a minimum of two canopy trees.
- B. Perimeter Landscape
 

Perimeter landscape shall screen the view of surface parking areas from streets and adjacent properties with an opaque screen, excluding required sight clearances at driveways and ingress/egress locations.

  - (1) A perimeter planting strip shall:
    - (a) Be located along the perimeter of a surface parking area and maintain a minimum average width of six feet, as measured from the outer edge of the parking area.

- (b) Contain a continuous hedge composed of a double staggered row of evergreen shrubs and deciduous shrubs with a minimum planting height of 30 inches and planted three feet on-center. Up to 25 percent may be deciduous.
  - (c) Include three canopy trees per 100 linear feet of the perimeter of the total parking area. Clustering is permitted. In areas where overhead utilities prevent the use of canopy trees, understory trees may be substituted.
- (2) A perimeter planting strip shall not be required when:
  - (a) A parking area is contiguous to a required buffer and the screening intent of this Section is met; or
  - (b) A parking area is contiguous to another parking area that is on an adjacent property.

#### C. Fences and Walls

The width of a perimeter planting strip may be reduced to three feet when a fence or wall is provided that meets one of the following:

- (1) An opaque brick or stone wall of between three and six feet tall shall be located along the perimeter of the parking area adjacent to the right-of-way; or
- (2) A decorative metal fence of between three and six feet tall shall be located within the planting strip, supplemented with evergreen shrubs planted between the fence and the property line. The shrubs shall be 30-inches high and planted three feet on-center.

#### D. Buffers

Landscape Buffers may be required by the Planning Commission or Design Board anywhere that a use has Additional Requirements within a planning area or district. Buffers are also required along all detention ponds.

- (1) Minimum Width: For a landscape screen, a minimum 15-foot-wide pervious space shall be provided, unless based on site conditions another width is deemed appropriate by the Planning Director.
- (2) Minimum Required Landscaping:
  - (a) A minimum of six large maturing trees and 40 shrubs shall be planted for each 100 linear feet of landscape screen area to provide continuous coverage.
  - (b) Trees shall be a minimum 50 percent evergreen.
  - (c) Shrubs shall be a minimum 75 percent evergreen.
- (3) Existing Vegetation: Existing vegetation located in the required landscape screen area may be counted toward the minimum required landscaping for landscape screens provided it is approved by the Planning Director.

## 9.4 Installation & Maintenance Standards

All trees and shrubs required by this ordinance shall meet the planting specifications provided below.

#### 9.4.1 General Standards

- A. Quality of Plantings: All new plant material shall be of good quality, installed in a sound, workmanlike manner and meet the standards set forth in the American Standard for Nursery Stock by AmericanHort.
- B. The contractor shall warrant all new plant material as follows: Twenty-four (24) month warranty period for all other plantings. A maintenance bond shall be submitted to the Planning Director.
- C. Soil Compaction: Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction.
- D. Staking and Groundcover: All trees shall be properly guyed or staked and mulched (3–4-inch layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.
- E. Chain Link Fencing: Chain link and similar fencing materials, if used, shall be landscaped on their exterior side with evergreen shrubs minimum three feet in height and six feet on center at installation.
- F. Sight Distance Triangles: No plants shall be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30 inches and 72 inches in height is maintained.
- G. Overhead Utility Lines: Public and private utilities which install overhead and underground utilities shall be subject to this ordinance and the industry's best pruning and trenching specifications. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted one per 30 linear feet shall be substituted with the approval of the Planning Director.

#### 9.4.2 Planting Specifications

The following documents inform this ordinance's standards and shall apply to all proposals:

- A. Tree Specification List: This document contains a list of approved species permitted to be considered for proposals.
- B. Shrub Specification List: This document contains a list of approved species permitted to be considered for proposals.

#### 9.4.3 Time Limits

All landscape, including mulching and seeding, shall be completed in accordance with the approved development plan, site plan, preliminary plat, or building permit prior to issuance of a certificate of occupancy, unless a performance agreement and surety is in place.

#### 9.4.4 Maintenance

- A. The property owner shall be responsible for the maintenance of all required landscape areas on the lot.
- B. Street trees shall be maintained in accordance with this Chapter and the Municipal Code.
- C. Homeowners associations (HOAs) and property owner associations (POAs) are responsible for the maintenance of open space lots and medians associated with the development. Street trees associated with the development with a specified HOA or POA shall be maintained in accordance with this Chapter and the Municipal Code.

- D. Landscape areas shall be maintained in accordance with the approved landscape plan and shall present a healthy and orderly appearance free from refuse and debris.
- E. All plant life shown on an approved landscape plan used to meet a minimum standard of this Ordinance shall be maintained thereafter in a healthy growing condition and shall be replaced if it dies, is seriously damaged, or removed.
- F. Plants shall be maintained in a way that does not obstruct sight distances at intersections of streets or internal drives or driveways, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.
- G. All required trees and shrubs used for screening purposes and buffering shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared or topped. Required trees shall not be shaped as shrubs. Trees and shrubs required by this Ordinance that have been severely pruned, sheared, topped, or any trees shaped as shrubs that no longer meet their intended function shall be considered damaged vegetation in need of replacement and shall be replaced within one year.

**Table 9.2 Tree Specification List**

| <b>Canopy Trees</b>    |                                 |
|------------------------|---------------------------------|
| <b>Common Name</b>     | <b>Scientific Name</b>          |
| River Birch            | Betula nigra                    |
| Princeton American Elm | Ulmus americana                 |
| Allee Elm              | Ulmus parvifolia                |
| Athena Elm             | Ulmus parvifolia                |
| Drake Elm              | Ulmus parvifolia                |
| Ginkgo                 | Ginkgo biloba (male)            |
| Golden Raintree        | Koelreuteria paniculata         |
| Black Gum              | Nyssa sylvatica                 |
| Sweetgum               | Liquidambar styraciflua         |
| Seedless Honey Locust  | Gleditsia triacanthos cultivars |
| American Hophornbeam   | Ostrya virginiana               |
| American Hornbeam      | Caprinus caroliniana            |
| European Hornbeam      | Carpinus betulus and cultivars  |
| Katsura Tree           | Cercidophyllum japonicum        |
| Littleleaf Linden      | Tilia cordata                   |
| Silver Linden          | Tilia tomentosa                 |
| Red Maple              | Acer rubrum and cultivars       |
| Southern Sugar Maple   | Acer barbatum                   |
| Sugar Maple            | Acer saccharum and cultivars    |
| English Oak            | Quercus robur                   |
| Northern Red Oak       | Quercus borealis                |

|                       |                                     |
|-----------------------|-------------------------------------|
| Overcup Oak           | Quercus lyrata                      |
| Pin Oak               | Quercus palustris                   |
| Red Oak               | Quercus rubra                       |
| Sawtooth Oak          | Quercus acutissima                  |
| Scarlet Oak           | Quercus coccinea                    |
| Shumard Oak           | Quercus shumardii                   |
| Swamp White Oak       | Quercus bicolor                     |
| Water Oak             | Quercus nigra                       |
| White Oak             | Quercus alba                        |
| Willow Oak            | Quercus phellos                     |
| Aristocrat pear       | Pyrus calleryana "Aristocrat"       |
| Cleveland Select Pear | Pyrus calleryana "Cleveland Select" |
| Chinese Pistache      | Pistacia chinensis                  |
| Japanese Pogodatree   | Sophora japonica                    |
| Dawn Redwood          | Metasequoia glyptostroboides        |
| Japanese Zelkova      | Zelkova serrata                     |
| Yellowwood            | Cladrastis kentukea                 |

| Canopy Trees (Under Overhead Powerlines) |                                            |
|------------------------------------------|--------------------------------------------|
| Common Name                              | Scientific Name                            |
| Autumn flowering cherry                  | Prunus subhitell var. autumnalis           |
| Okame Cherry                             | Prunus campanulata                         |
| Yoshino Cherry                           | Prunus yedoensis                           |
| Crapemyrtle                              | Lagerstroemia indica cultivars             |
| Flowering Dogwood                        | Cornus florida and cultivars               |
| Kousa Dogwood                            | Cornus Kousa and cultivars                 |
| Thornless Cockspur                       | Crataegus crusgalli var. Hawthorne inermis |
| Winter King Hawthorne                    | Crataegus viridis "Winter King"            |
| Sweetbay Magnolia                        | Magnolia virginiana                        |
| Amur Maple                               | Acer ginnala                               |
| Hedge Maple                              | Acer campestre                             |
| Trident Maple                            | Acer buergerianum                          |
| Golden Raintree                          | Koelreuteria paniculata                    |
| Redbud                                   | Cercis canadensis                          |
| Serviceberry                             | Amelanchier species                        |

| Landscape Buffer Trees |                 |
|------------------------|-----------------|
| Common Name            | Scientific Name |

|                   |                            |
|-------------------|----------------------------|
| Atlas Cedar       | Cedrus atlantica           |
| Deodar Cedar      | Cedrus deodara             |
| Eastern Red Cedar | Juniperus virginiana       |
| Leyland Cypress   | Cupressocypariss leylandii |
| Carolina Hemlock  | Tsuga caroliniana          |
| Canadian Hemlock  | Tsuga canadensis           |
| American Holly    | Ilex opaca                 |
| Foster Holly      | Ilex attenuata "Fosteri"   |
| Southern Magnolia | Magnolia grand flora       |
| Loblolly Pine     | Pinus taeda                |
| Virginia Pine     | Pinus virginiana           |
| White Pine        | Pinus strobus              |

**Table 9.2 Shrub Specification List**

| <b><u>Deciduous Shrubs</u></b> |                                   |
|--------------------------------|-----------------------------------|
| <b>Common Name</b>             | <b>Botanical Name</b>             |
| Glossy Abelia                  | Abelia x grandiflora & cultivars  |
| Red Chokecherry                | Aronia arbutifolia & cultivars    |
| Japanese Barberry              | Berberis thunbergii & cultivars   |
| Flowering Quince               | Chaenomeles speciosa              |
| Flowering Forsythia            | Forsythia x intermedia            |
| Oakleaf Hydrangea              | Hydrangia quercifolia & cultivars |
| Finetooth Holly                | Ilex serrata                      |
| Winterberry                    | Ilex verticillata                 |
| Virginia Sweetspire            | Ilex virginica                    |
| Beauty Bush                    | Kolkwitzia amabilis               |
| Viburnum                       | Viburnum species & cultivars      |

| <b><u>Evergreen Shrubs</u></b> |                        |
|--------------------------------|------------------------|
| <b>Common Name</b>             | <b>Botanical Name</b>  |
| American Boxwood               | Buxus sempervirens     |
| Chinese Hollies                | Ilex cornuta cultivars |
| Dense Yew                      | Juniperus chinensis    |
| Japanese Holly                 | Ilex crenata           |
| Meserveae hybrid Hollies       | Ilex x meserveae       |
| Otto Luyken & Schip Laurel     | Prunus laurocerasus    |
| Leatherleaf Mahonia            | Mahonia bealei         |
| Chinese Juniper                | Juniperus chinensis    |





## Chapter 10 - Lighting

### 10.1 Purpose

All exterior lighting shall be designed and installed to maintain adequate, safe illumination levels in public areas and on private lands, utilizing durable light fixtures and minimal mounting heights that minimize objectionable off-site glare. The purpose of this chapter is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting.

### 10.2 Applicability

#### 10.2.1. General

Unless exempted, the provisions of this section shall apply to multi-family residential, nonresidential, commercial, industrial, and mixed-use development.

#### 10.2.2. Public and Private Lighting Distinguished

For the purposes of this section, public light poles and fixtures shall refer to lighting intended to illuminate rights of way or streets and private lighting fixtures shall refer to lighting intended to illuminate private parking areas and access drives.

### 10.3 General Standards for Exterior Lighting

#### 10.3.1. Lighting Plan Required

A Lighting Plan shall be submitted with an application for a site plan. The Lighting Plan shall include a scaled layout of the site showing the location of lights, the height and type of proposed fixtures, and a footcandle diagram extending to and including all adjacent driveways, rights of way, easements, etc. Such plans shall be prepared and certified by a licensed electrical engineer.

#### 10.3.2. Illumination Direction

With the exception of public and security lighting provided by the local Utility Systems, all lighting shall:

- A. Be arranged to minimize glare and reflection upon adjacent lands.
- B. Be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.
- C. Not distribute light onto surrounding lands beyond an angle of 35 degrees from a vertical plane.

- D. Use low-wattage architectural lighting for upwardly directed lighting intended to illuminate structures or landscape elements.
- E. All pole lights shall be directed toward the ground. No portion of the bulb or the globe/glass/plastic surrounding the bulb shall protrude from the light box/housing. The shoebox style fixture shall be used unless it can be shown that a different style would be equivalent to or better than these requirements.
- F. All ground-mounted lights, whether used to illuminate a building or a sign, shall be designed to minimize light that does not illuminate the target area. Blinders, or some other type of protectors, may be required to be placed on the lights so as to direct the beam away from adjacent properties, right of way, access easements or driveways.
- G. Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or the rights of way. Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield and the main beam from the light source is not visible from adjacent lands or adjacent right of way.

#### **10.3.3. Equipment and Location:**

- A. Public lighting poles or light standards shall be of a type approved by the local Utilities System. The final installation location and quantity of all streetlights shall be determined by the City of La Vergne.
- B. Private lighting poles may be located within landscaped areas of planting islands, but in no such instance shall poles be located in a manner that conflicts with required landscape such as canopy trees.
- C. Ground-oriented, pedestrian-scale lighting is encouraged as an alternative to pole-mounted fixtures, particularly along pedestrian walkways.
- D. All lights and/or light fixtures in public and private areas must be LED.

#### **10.3.4. Maximum Lighting Height:**

- A. Public Lighting Fixtures in Nonresidential Areas: The height and style of public lighting fixtures serving nonresidential uses shall be exempt from the standards in this subsection.
- B. Private Lighting Fixtures in Non-residential Areas: Private Fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest part of fixture or pole assembly. Light fixtures shall not exceed twenty (20) feet in height within fifty (50) feet of single-family residential dwelling units or vacant single-family residentially zoned land that is either platted, has a Preliminary Plat or Site Plan approval that has not expired.

#### **10.3.5. Shielding Canopies**

Lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than these requirements.

**10.3.6. Light levels:**

The maximum number of foot-candles at a property line that is adjacent to non-commercial zoned land shall be 0.5 foot-candles. The maximum number of foot candles at a street right of way or a property line that is adjacent to commercial-zoned land shall be 3.0 foot candles.

**10.4 Exemptions**

Government facilities, parks and open areas, public safety, and other uses where sensitive or dangerous materials are stored may submit to the Planning Commission a Site Security Plan requesting exterior lighting that deviates from the standards in this subsection. The Planning Commission shall approve the Site Security Plan, or approve it with conditions, upon a finding:

- A. Necessary for Public Safety: The deviation from the standards in this subsection is necessary for the adequate protection of the public.
- B. Site or Area Conditions: The condition, location or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land.
- C. No Significant Adverse Effect: The deviation from the standards in this subsection indicated in the Site Security Plan is the minimum required and will not have a significant adverse effect on neighboring lands.

# Chapter 11 - Signs

## 11.1 Purpose and Intention

The purpose of this section is to:

- Establish reasonable and improved standards to assist property owners and business owners in understanding city expectations.
- Encourage creative and innovative approaches to signs within an established framework.
- Promote economic vitality and enhance property values.
- Encourage signs that are integrated into the architectural scheme of the building facade and discourage signs that contribute to the visual clutter of the streetscape.
- Promote a quality visual environment by allowing signs that are compatible with their surroundings and which effectively communicate their message.
- Ensure signs and any associated text, logos, and artwork are pedestrian-oriented, enhancing pedestrian safety and experiences.
- Achieve signs that are consistent and complementary to the overall design of the building which they serve, in terms of size, shape, color, texture, and lighting.
- Ensure signs are properly maintained in clean, working condition, and the copy is not obscured or damaged.

## 11.2 Applicability and Administration

### 11.2.1 Applicability

The regulations of this chapter shall apply to the placement, construction, erection, alteration, replacement, maintenance, use, type, quantity, location, material, and size of all exterior signs within the planning jurisdiction of the City of La Vergne, except those listed under Section 11.6.

### 11.2.2 Required Permits

- A. A permit is required for the installation, alteration, or replacement of any sign, except those listed in Section 11.6.
- B. An application for a sign permit, a recent photo of the façade where the sign will be placed, a list of all existing signs for the business, including their dimensions and their location, and the appropriate fee must be submitted to the Planning Director (see fee schedule). The Planning Director shall review the sign application for compliance with the Planning Ordinance.
- C. Before any sign permit can be issued, the proposed location shall be marked by stake or chalk line or other similar manner for location inspection.

## **11.3 General Provisions**

### **11.3.1 Number of Primary Signs Permitted**

- A. Single Tenant Buildings
  - (1) One sign from the following list is allowed on each façade: wall, projecting, hanging, freestanding, and two additional from the following: sidewalk, awning, canopy, window, and door.
  - (2) One additional sign may be located at the secondary entrance from the following: wall, awning, canopy, window, or door.
  - (3) One sign may be placed to identify a service entry.
  - (4) One parking directional sign is allowed to identify rear parking lots.
- B. Multi-Tenant Buildings
  - (1) Each tenant on the street or ground level may display one of the following signs on each façade: wall, projecting, hanging, freestanding, and two additional signs from the following: sidewalk, awning, canopy, window, or door.
  - (2) Upper-level tenants with a shared primary entrance at ground level may display the following signs: door, window, projecting, and hanging.
  - (3) Second-floor tenants with separate entry accessed via an exterior arcade may display within the arcade one of the following signs: wall, projecting, hanging, and two additional signs from the following: sidewalk, awning, window, and door.
  - (4) The following additional regulations apply:
    - (a) One building directory sign per multi-tenant entrance is allowed.
    - (b) One service entrance sign is allowed.
    - (c) One parking directional sign per rear parking lot is allowed.

### **11.3.2 Computation of Sign Area**

- A. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can be reasonably calculated.
- B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
- C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.

### **11.3.3 Computation of Sign Height**

- A. For the purposes of interpreting the height requirements of this chapter, height shall be measured from the grade directly below a sign, canopy, wall sign, or other feature to the top of any proposed sign.
- B. If multiples of a similar sign type are under review as part of a single sign permit application or package and distance to grade changes adjacent to the building, a consistent sign height or distance to grade must be established.

### **11.3.4 Placement of Design**

- A. Placement: Except as permitted specifically in this chapter, signs shall not be posted in the public right-of-way, on trees or utility poles, and shall be outside of required site triangles.
- B. Materials: Sign structures shall be constructed of durable materials such as wood, concrete, metal, brick, or other similar materials, except as noted otherwise in this chapter.

## **11.4 Primary Sign Types**

### **11.4.1 Primary Sign Type Definitions & Illustrations**

#### **A. Freestanding Sign**

A sign erected independent of a building with an integral support structure. There are two types of freestanding signs: Pole Signs and Monument Signs. Only one is permitted per parcel within specified planning areas. Monument signs are permitted at the entrance of a residential development.

##### **(1) Pole Signs**

- (a) Permitted Location: Allowed for all buildings whose main entrance is setback at least 30 feet from the right-of-way. Signs may be located anywhere within the front setback as long as it does not interfere with required visibility triangles.
- (b) Area & Dimensions: 125 square feet
- (c) Height: 30 feet maximum; a minimum of three feet clearance must be maintained between the bottom of the signboard and the grade.

##### **(2) Monument Signs**

- (a) Permitted Location: Allowed for all buildings whose main entrance is setback at least 30 feet from the right-of-way. Signs may be located anywhere within the front setback as long as it does not interfere with required visibility triangles.
- (b) Area & Dimensions: 100 square feet
- (c) Height: 10 feet maximum.

#### **B. Wall Sign**

A sign directly attached and parallel to a building façade or dependent upon a building for its support. Wall signs may consist of sign board, metal, or channel letters mounted directly on wall or via raceway, neon, or paint directly on brick.

- (1) Permitted Location: Building facades that face the right-of-way, pedestrian passageways, and/or parking associated with the establishment.
- (2) Area & Dimensions: Maximum sign area per facade is 100 square feet.
- (3) Height: The top of a wall sign shall not exceed 30 feet above grade.

#### **C. Window Sign**

A sign affixed to the surface of a window or displayed within one foot of the window and visible from a street or park.

- (1) Permitted Location: Windows on ground-level facades and upper-level \*arcades only.

- (2) Area & Dimensions: Maximum size is 25 percent of the window area Neon signs mounted on the interior of storefront windows shall not exceed 10 square feet in area and shall be counted as part of the total window sign area.
- (3) Height: No maximum, but signs are limited to windows on ground-level facades and upper-level \*arcades only.
- (4) Additional Requirements: Internally illuminated signs, including LED and neon, are not permitted, except for interior mounted neon signs not exceeding 10 square feet in area. To ensure that visibility both in and out of the window is not obscured, such signs may be silk-screened, vinyl, etched, or hand painted.

#### D. Door Sign

A sign applied, mounted or painted on the solid portion of a door; or a sign that is attached, applied, painted, silk screened, or etched onto the glass pane of a door.

- (1) Permitted Location: Storefront doors only.
- (2) Area & Dimensions: Two square feet maximum per door.
- (3) Height: None.
- (4) Additional Requirements: Internally illuminated signs, including LED signs, are not permitted.

#### E. Canopy Sign

A sign attached to, painted on, or printed onto a canopy.

- (1) Permitted Location: On the canopy fascia or above the canopy of any canopies above entryways or storefront windows.
- (2) Area & Dimensions: Maximum sign area is 16 square feet
- (3) Height: 18 feet maximum - applies to both the sign and the canopy. A minimum of seven feet of clearance must be maintained between the bottom of the sign and the grade.
- (4) Additional Requirements: Internally illuminated signs, including LED signs are not permitted. Signs on the canopy above gas pumps at gasoline service stations are subject to the requirements of Section 11.5.4.

#### F. Awning Sign

A sign painted or printed onto an awning.

- (1) Permitted Location: On the awning fascia only of awnings located above first-floor windows or doors only.
- (2) Area & Dimensions: Eight square feet maximum area. Maximum area may be split into no more than three signs - the front and two sides of the canopy.
- (3) Height: No maximum, but signs are limited to first-floor awnings. A minimum of seven feet of clearance must be maintained between the bottom of the sign and the grade.
- (4) Additional Requirements: Internally illuminated signs, including LED signs are not permitted.

**G. Projecting Sign**

A sign directly attached and not parallel to a building facade or dependent upon a building for its support.

- (1) Permitted Location: Building facades that front a right-of-way, pedestrian passageway, and/or parking associated with the establishment.
- (2) Area & Dimensions: 12 square feet maximum, per side. Three feet maximum width. Four feet maximum projection from building.
- (3) Height: 18 feet maximum. A minimum of seven feet of clearance must be maintained between the bottom of the sign and the grade.
- (4) Additional Requirements: Must be perpendicular to the building facade. Internally illuminated signs are not permitted. Any external illumination may not be attached to the sign.

**H. Hanging Sign**

A sign suspended from an arcade, under a second floor balcony, or within an entry alcove.

- (1) Permitted Location: Building facades that front a right-of-way, pedestrian passageway, and/or parking associated with the establishment.
- (2) Area & Dimensions: 12 square feet maximum area per side.
- (3) Height: No maximum, but signs are limited to the bottom of second-floor arcades or balconies, or within a first-floor entry alcove. A minimum of seven feet of clearance must be maintained between the bottom of the sign and the grade.
- (4) Additional Requirements: Must be hung parallel to the building facade from a second-floor arcade or balcony, or within a first-floor entry alcove. Internally illuminated signs are not permitted. Any external illumination may not be attached to the sign.

**11.5 Other Sign Types****11.5.1 Building Directory Signs**

- A. Description: A sign that identifies the occupants of a multi-tenant building that has a shared entrance.
- B. Permitted Location: Building Directory Signs are allowed next to a shared entrance only.
- C. Maximum Number: One per multi-tenant building.
- D. Maximum Area
  - (1) Wall-mounted: Six square feet
  - (2) Ground-mounted: Three square feet
- E. Maximum Height: (Ground-mounted only) Seven feet
- F. Additional Requirements:
  - (1) Wall-mounted: Shall extend no more than six inches from building facade.
  - (2) Ground-mounted: Shall be supported by a single post no more than four inches in width or depth.



**11.5.2 Service Entrance/Directional Signs**

- A. Description: Service Entrance/Directional Signs are signs used solely for the purpose of identifying the location of building entrances, parking areas, loading docks, and similar features.
- B. Permitted Location: Service Entrance or Directional Signs may be wall-mounted or ground-mounted and may be placed at the driveway access from public right-of-way or on the rear building facade.
- C. Maximum Area: Three square feet
- D. Maximum Height
  - (1) Wall-mounted: Eight feet
  - (2) Ground-mounted: Three feet
- E. Additional Requirements:
  - (1) Wall-mounted: Shall extend no more than six inches from building facade.
  - (2) Ground-mounted: Shall be supported by a single post no more than four inches in width or depth.

**11.5.3 Wall Murals**

- A. Description: Any picture, scene, or diagram painted on any exterior wall or fence that does not serve as advertising.
- B. Maximum Area: The size of a Wall Mural must be proportional to the wall on which it is painted and the existing structures nearby.
- C. Maximum Number: Only one Wall Mural on one façade is allowed per structure.
- D. Additional Requirements
  - (1) Materials: The materials used to produce the Wall Mural shall be appropriate for outdoor use (i.e., long-lasting and graffiti-resistant to the greatest extent possible).
  - (2) Design: The colors used should be harmonious with the exterior colors of the building. Neon, fluorescent, or reflective colors or materials are not permitted.
  - (3) Content: The content of a Wall Mural must reflect the values of the community and must be approved by the Planning Commission. Wall Murals shall not contain advertising for an extant business or product, though generic items where a specific brand is not apparent are permitted.

**11.5.4 Gasoline Service Station Canopy Signs**

- A. Description: A sign affixed or painted to the canopy above gas pumps at a gasoline service station: Only one sign is permitted per right-of-way entrance/ access point/ frontage.
- B. Permitted Location: Signs may be placed on canopies above gas pumps on the side of the canopy that faces a public right-of-way.
- C. Maximum Area: 12 square feet. Letter height is limited to 18 inches.
- D. Maximum Height: The top of the signboard or individual letters may not exceed 30 feet nor extend above the top of the canopy.

### **11.5.5 Temporary Project Construction and Marketing Signs**

- A. Description: A Temporary Project Construction Sign is a sign that identifies a construction project. A Temporary Project Marketing Sign is a sign that advertises the availability of space within a completed construction project.
- B. Permitted Location: Temporary project construction or marketing signs are allowed on the frontage of a project site only.
- C. Time Period: Such signs shall not be installed prior to the issuance of a building permit for the development.
  - (1) Project Construction Signs: Commercial project construction signs must be removed upon issuance of a certificate of occupancy. Residential project construction signs must be removed when 95 percent of the lots owned by the developer or builder are sold. For mixed use development, containing both commercial and residential, signs must be removed on attainment of a certificate of occupancy.
  - (2) Project Marketing Signs: May be displayed for six months and may be renewed every six months.
- D. Maximum Area: 32 square feet
- E. Maximum Width: Eight feet
- F. Maximum height: Height of sign shall not exceed eight feet, with any associated posts, brackets, or other supporting elements not exceeding nine feet above grade. Sign may have a single or double post or other supporting structure having a minimum clearance of three feet from grade.
- G. Maximum Number: One project construction sign or one project marketing sign is permitted per development. Project construction sign must be removed before a marketing sign is permitted and erected.
- H. Additional Requirements: Project construction signs may include information related to the developer, contractor, financial institution, marketing agency, etc.

### **11.5.6 Temporary Promotional Banners**

- A. Description: Temporary banners that announce a grand opening, under new management, or going out of business event are allowed one time per event. These are the only events in which temporary banners are permitted.
- B. Time Period: 60 days maximum
- C. Permitted Location: Above a public entrance. In no case may the banner be freestanding.
- D. Maximum Area: 12 square feet
- E. Maximum Height: 18 feet
- F. Maximum Number: One banner per frontage per tenant; two banners total per tenant per event.

## **11.6 Signs That Do Not Require a Permit**

The following signs do not require a permit but shall conform to all applicable requirements of this chapter:

**11.6.1 Municipal Signs**

Signs may be erected for orderly traffic control and other municipal or government purposes, including historical monuments, markers, and signs erected by a public authority.

**11.6.2 Addresses**

All structures must display address numbers visible for emergency purposes. Single-family residential structures and all other structures requiring an address must display address numbers that are a minimum of four inches in height. The number height may increase one inch for every 10 feet of distance between the displayed number and the centerline of the road, but not to exceed 18 inches.

**11.6.3 Hours of Operation**

A commercial establishment may display the hours of operation on the main entry or on a window next to the main entry. Such signs may not display letters or numbers exceeding three inches in height. The sign area may not exceed one square foot. The sign must be vinyl, etched, silk-screened, or painted on glass.

**11.6.4 Temporary Uses**

One sign advertising temporary uses that does not exceed four square feet in area shall be permitted for each street abutting the lot. Such signs shall be displayed only for the duration of time that the temporary use is permitted and active.

**11.6.5 Temporary Real Estate Signs**

Temporary real estate signs advertising property for sale or for rent, on the premises, may not exceed four square feet per side in area. Such signs are limited to one sign per road right-of-way. Sign must be removed within two weeks of sale or rental of the property.

**11.6.6 Temporary Window Signs**

- A. Temporary window posters announcing civic and cultural events or public services may be displayed by commercial establishments on the inside of windows at street level.
- B. Temporary promotional or special sales window signs may be displayed by commercial establishments on the inside of windows at street level for up to 14 days.

**11.6.7 Outfield Wall Signs**

Commercial copy signs on ball fields shall only be mounted on exterior fences, facing toward the field.

**11.6.8 Menu Display**

A restaurant menu display box can be permanently mounted on the building façade adjacent to the entry. The display box shall not exceed five square feet. Menu displays are excluded from the permitted area and number of signs specified elsewhere in this section.

**11.6.9 Replacement of Tenant Identification Signs**

A permit is not required for the replacement of tenant identification on a multi-tenant sign.

**11.6.10 Building Name Signs**

A permit is not required for signs used solely for the purpose of displaying the building name provided that such signs are no more than 10 square feet in area and are not illuminated. Such signs may be a wall sign, projecting sign, or canopy/awning sign. No more than two such signs (one per frontage) are allowed without a permit.

**11.6.11 Flags**

- A. Flags or insignia of any nation, organization of nations, state, county or municipality; any religious, civic or fraternal organization; or any educational or cultural facility are permitted, provided that the height of any pole shall not exceed the maximum building height for the district.
- B. Flags with commercial messages or flags used for the sole purpose of identifying a building or use are not permitted.

**11.7 Prohibited Signs****11.7.1 Prohibited Signs**

The following signs are prohibited within the planning jurisdiction of the City:

- A. Signs that are dilapidated or in disrepair as outlined in Section 11.8.
- B. Signs on roofs, chimneys, and balconies.
- C. Billboards.
- D. Off-premises advertising signs and banners except for temporary promotional banners as outlined in Sections 11.5.6.
- E. Flashing, blinking, or moving signs.
- F. Mobile signs and vehicular signs.
- G. Plastic A-frame signs.

**11.8 Maintenance & Upkeep of Sign****11.8.1 Applicability**

Signs shall be kept in proper repair. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of the City of La Vergne.

**11.8.2 Damaged Signs**

- A. Surface Appearance: No sign shall have more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.
- B. Broken Displays: No sign shall remain with a bent or broken display area, broken supports, loose appendages, or struts or stand more than 15 degrees from the perpendicular for a period of more than 30 successive days.

- C. Illuminated Signs: No indirect or internally illuminated sign shall have only partial illumination for a period of more than 30 successive days.

## 11.9 Signs Allowed By Planning Area/District

**Table 11.1 Signs Allowed by Planning Area / District**

| District                           | Pole Sign | Monument Sign | Wall Sign | Door Sign | Canopy Sign | Awning Sign | Projecting Sign | Hanging Signs | Wall Murals |
|------------------------------------|-----------|---------------|-----------|-----------|-------------|-------------|-----------------|---------------|-------------|
| Agriculture (AG)                   |           | X             | X         | X         |             | X           | X               | X             | X           |
| Estate Residential (ER)            |           | X             |           | X         |             |             |                 |               |             |
| Residential (R-1)                  |           | X             |           | X         |             |             |                 |               |             |
| Mixed Residential (R-2)            |           | X             |           | X         |             | X           | X               | X             |             |
| Mixed Use Residential (R-3)        |           | X             | X         | X         | X           | X           | X               | X             |             |
| Mobile Home District (R-4)         |           | X             |           | X         |             |             |                 |               |             |
| Planned Residential District (PDR) |           | X             |           | X         |             |             |                 | X             |             |
| Neighborhood Commercial (NCD)      |           | X             | X         | X         | X           | X           | X               | X             | X           |
| Downtown District (DD)             |           | X             | X         | X         | X           | X           | X               | X             | X           |
| Central Commercial (CC)            | X         | X             | X         | X         | X           | X           | X               | X             |             |
| Gateway District (GD)              | X         | X             | X         | X         | X           | X           | X               | X             |             |
| Civic and Institutional (CI)       |           | X             | X         | X         | X           | X           | X               | X             | X           |
| Innovation District (LI)           |           | X             | X         | X         | X           | X           | X               | X             |             |
| Interchange District               | X         | X             | X         | X         | X           | X           | X               | X             |             |

*\*Note: Monument Signs are only allowed at the entrance of a residential development in the following districts: AG, ER, R- 1, R-2, and R-3. Monument Signs are only allowed in the NCD District as part of a multi-tenant development or residential development.*

## Chapter 12 - Special Districts

### 12.1 Purpose

#### 12.1.1 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.

#### 12.1.2 Overlay Designation

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

- A. Any primary structure building footprint that is between 50% to 100% within the overlay boundaries, shall be required to adhere to the overlay requirements.
- B. 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.

#### 12.1.3 Permitted Land Uses

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

#### 12.1.4 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.

### **12.1.5 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 Planning Director. The rezoning procedure and fees shall follow those of a standard rezoning.

## **12.2 Waldron Road/Murfreesboro Road Streetscape District**

### **12.2.1 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 both commercial and industrial developments within this district.

### **12.2.2 Design and Development Standards**

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

#### **A. Setbacks, Yards, Access, and Parking:**

- (1) 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 the proposed development is allowed, greenspace and landscaping must be added to the front, sides, and rear of the structure(s) per Planning Commission request.
- (2) Rear and side parking is required unless site conditions do not allow, in which case the Planning Commission may elect to excuse the applicant from this requirement.
- (3) Site plans for parking lot additions shall only be subject to location requirements of this district.

#### **B. Sidewalks:**

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.

#### **C. Outdoor Lighting:**

- (1) 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 minimum of 16 feet in height and a maximum of 25 feet and a be

located in the buffer strip directly behind the sidewalk at intervals sufficient to prevent excessive dark spots for pedestrians and drivers.

- (2) Pole and Luminaries – If the Developer/Applicant chooses they may use decorative black, lighting poles. They may be traditional in style as well.
  - (a) Luminaries may be metal halide or color-corrected high-pressure sodium, but all lighting shall be LED.
  - (b) To reduce light pollution, luminaries should be semi-cut off.
  - (c) Cobrahead lights are not to be considered ornamental and shall not be used.

Some examples of acceptable lighting are pictured below.

Figure 12.2-1



Holophane Washington Series

Figure 12.2-2



Hadco Acorn Fixture

#### D. Landscaping/Beautification:

- (1) 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.
- (2) Canopy Trees – Canopy trees are required to be a minimum 4" caliper and 10 feet tall within this district. Preferred trees include the Willow Oak, Princeton Elm, Black Gum, Red Maple, and Japanese Zelkova.
- (3) Understory/Ornamental Trees – Understory trees must be a minimum 8 feet tall. Preferred trees include the Crape Myrtle, Southern Magnolia, Yoshino Cherry, or Yellowwood Tree.
- (4) 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.

#### E. Utility Provisions:

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.



**F. Noise:**

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.

**G. Exterior:**

- (1) 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 used for awnings, such as aluminum or metal, may not be allowed by the Planning Commission.
- (2) Exterior front façades are required to have a minimum 80% combination of brick and/or stone, excluding windows, trim, and doors. EIFS may be used for the remaining 20%. In addition, any side of the structure and any rear visible from a street must have a minimum 50% brick and/or stone, excluding windows, trim, and doors. EIFS may be used for the remaining 50%. Use of concrete block, split-face block, Quik-Brik, or other related concrete-masonry block materials is prohibited. Manufactured/pre-cast panels (with the exception of architectural concrete “tilt-up” panels) are also prohibited. Vinyl and/or aluminum siding is prohibited as is all types of exterior metal and any exterior material made of metal.

**12.2.3 Additional Site Plan Requirements:**

- A. 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.
- B. 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.
- C. 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.
- D. Materials Board: Applicant shall submit a materials board including samples of all proposed exterior treatments and finishes and specific color samples with manufacturer’s information, including but not limited to paint part numbers.
- E. Miscellaneous: Applicant shall place any other requirement, such as use of underground utilities, on the site plan as required by the Planning Commission.

**12.2.4 Variances:**

Variances from these requirements may be granted by the Planning Commission.

**12.2.5 Impact Fee Reduction:**

- A. 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:

- (1) 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 12.2-3 and/or Figure 12.2-4.

Figure 12.2-3



Figure 12.2-4



- (2) 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.

- B. 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.

## 12.3 South Waldron Overlay

### 12.3.1 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.

### 12.3.2 Design and Development Standards

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

- A. Setbacks, Yards, Access, and Parking.
  - (1) 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.

- (2) 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.
- (3) Site plans for parking lot additions shall only be subject to location requirements of this district.

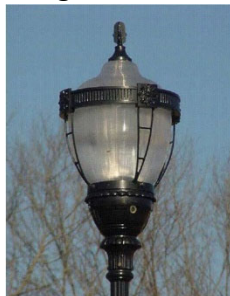
**B. Sidewalks:**

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.

**C. Outdoor Lighting:**

- (1) 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.
- (2) Pole and Luminaries – If the Developer/Applicant chooses they may use decorative black, lighting poles. They may be traditional in style as well.
  - (a) Luminaries may be metal halide or color-corrected high-pressure sodium, but all lighting shall be LED.
  - (b) To reduce light pollution, luminaries should be semi-cut off.
  - (c) Cobrahead lights are not to be considered ornamental and shall not be used. Some examples of acceptable lighting are pictured below.

Figure 12.3-1



Holophane Washington Series

Figure 12.3-2



Hadco Acorn Fixture

**D. Landscaping/Beautification:**

- (1) 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.
- (2) Canopy Trees – Canopy trees are required to be a minimum 4” caliper and 10 feet tall within this district. Preferred trees include the Willow Oak, Princeton Elm, Black Gum, Red Maple, and Japanese Zelkova.
- (3) Understory/Ornamental Trees – Understory trees must be a minimum 8 feet tall. Preferred trees include the Crape Myrtle, Southern Magnolia, Yoshino Cherry, or Yellowwood Tree.
- (4) 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.

E. Utility Provisions:

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.

F. Noise:

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.

G. Exterior:

- (1) 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 used for awnings, such as aluminum or metal, may not be allowed by the Planning Commission.
- (2) Exterior front façades are required to have a minimum 80% combination of brick and/or stone, excluding windows, trim, and doors. EIFS may be used for the remaining 20%. In addition, any side of the structure and any rear visible from a street must have a minimum 50% brick and/or stone, excluding windows, trim, and doors. EIFS may be used for the remaining 50%. Use of concrete block, split-face block, Quik-Brik, or other related concrete-masonry block materials is prohibited. Manufactured/pre-cast panels (with the exception of architectural concrete “tilt-up” panels) are also prohibited. Vinyl and/or aluminum siding is prohibited as is all types of exterior metal and any exterior material made of metal.

**12.3.3 Additional Site Plan Requirements:**

- A. 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.
- B. 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.
- C. 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.
- D. Materials Board: Applicant shall submit a materials board including samples of all proposed exterior treatments and finishes and specific color samples with manufacturer's information, including but not limited to paint part numbers.
- E. Miscellaneous: Applicant shall place any other requirement, such as use of underground utilities, on the site plan as required by the Planning Commission.

**12.3.4 Variances:**

Variances from these requirements may be granted by the Planning Commission.

**12.3.5 Impact Fee Reduction:**

- A. 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:
  - (1) 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 12.3-3 and/or Figure 12.3-4.

Figure 12.3-3



Figure 12.3-4



- (2) 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.

- B. 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.

## **12.4 Old Nashville Highway Overlay**

### **12.4.1 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 along Old Nashville Highway. 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.

### **12.4.2 Design and Development Standards**

For all new development, redevelopment, and major additions within the Old Nashville Highway Overlay District, the following standards apply:

- A. Setbacks, Yards, Access, and Parking.
  - (1) 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.
  - (2) 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.
  - (3) Site plans for parking lot additions shall only be subject to location requirements of this district.
- B. Sidewalks:
 

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.
- C. Outdoor Lighting:
  - (1) 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.

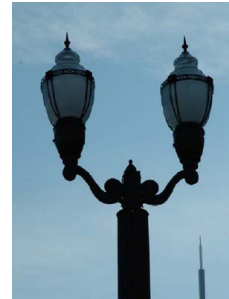
- (2) Pole and Luminaries – If the Developer/Applicant chooses they may use decorative black, lighting poles. They may be traditional in style as well.
  - (a) Luminaries may be metal halide or color-corrected high-pressure sodium, but all lighting shall be LED.
  - (b) To reduce light pollution, luminaries should be semi-cut off.
  - (c) Cobrahead lights are not to be considered ornamental and shall not be used. Old Nashville Highway may use a single lamp, such as a Hadco Acorn or a Holophane Granville (residential) or the Holophane Washington Series (commercial).

Figure 12.4-1



Holophane Washington Series

Figure 12.4-2



Hadco Acorn Fixture

#### D. Landscaping/Beautification:

- (1) 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.
- (2) Canopy Trees – Canopy trees are required to be a minimum 4" caliper and 10 feet tall within this district. Preferred trees include the Willow Oak, Princeton Elm, Black Gum, Red Maple, and Japanese Zelkova.
- (3) Understory/Ornamental Trees – Understory trees must be a minimum 8 feet tall. Preferred trees include the Crape Myrtle, Southern Magnolia, Yoshino Cherry, or Yellowwood Tree.
- (4) 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.

#### E. Utility Provisions:

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.

**F. Noise:**

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.

**G. Exterior:**

- (1) 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 used for awnings, such as aluminum or metal, may not be allowed by the Planning Commission.
- (2) Exterior front façades are required to have a minimum 80% combination of brick and/or stone, excluding windows, trim, and doors. EIFS may be used for the remaining 20%. In addition, any side of the structure and any rear visible from a street must have a minimum 50% brick and/or stone, excluding windows, trim, and doors. EIFS may be used for the remaining 50%. Use of concrete block, split-face block, Quik-Brik, or other related concrete-masonry block materials is prohibited. Manufactured/pre-cast panels (with the exception of architectural concrete “tilt-up” panels) are also prohibited. Vinyl and/or aluminum siding is prohibited as is all types of exterior metal and any exterior material made of metal.

**12.3.3 Additional Site Plan Requirements:**

- A. 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.
- B. 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.
- C. 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.
- D. Materials Board: Applicant shall submit a materials board including samples of all proposed exterior treatments and finishes and specific color samples with manufacturer’s information, including but not limited to paint part numbers.
- E. Miscellaneous: Applicant shall place any other requirement, such as use of underground utilities, on the site plan as required by the Planning Commission.

**12.3.4 Variances:**

Variances from these requirements may be granted by the Planning Commission.

**12.3.5 Impact Fee Reduction:**

- A. 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:

- (1) 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 12.4-3 and/or Figure 12.4-4.

Figure 12.4-3



Figure 12.4-4



- (2) 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.
- B. 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.

## 12.5 Smyrna Airport

### 12.5.1 Intent and Purpose

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 aviation 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 Annotated § 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.

#### **12.5.2 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 2020 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 12.5.3.

##### **Approach, Transitional, Horizontal, and Conical Zones**

These zones are set forth in Section 12.5.3.

**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 effect 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 4.2.3 – C.

**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 Global Positioning System (GPS). (Smyrna's Runway 32 and 14 meet this designation.) (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 4.2.3-C. 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 2020, Part 77 Airspace Plan, is hereby attached to this Section and made a part hereof.

### **12.5.3 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— 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 Nonprecision Instrument Approach Zone (Runway 01, 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) – 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.

### **12.5.4 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 Nonprecision 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) Future Runway 14L – 30 feet
  - (3) Runway 19 – 60 feet
  - (4) Runway 14 (future runway 14R) – 50 feet

#### **12.5.5 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.

**12.5.6 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.

**12.5.7 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 12.5.7 (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 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 12.5.4.

- 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.

#### **12.5.8 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.

#### **12.5.9 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.



**12.5.10 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 #2009-33 and any amendment thereto; each day a violation continues to exist shall constitute a separate offense.

**12.5.11 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.

**12.5.12 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.

**12.6 Nashville International Airport (BNA)****12.6.1 Airport Zone.**

In order to carry out the provisions of this Section, there are hereby created and established a certain zone which includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they may apply to the Nashville International Airport. Such zone is shown on the BNA Overlay Zone.

**12.7 Floodway Overlay**

\* Definitions in this section apply to the flood plain overlay only.

**12.7.1 Statutory Authorization, Findings of Fact, Purpose, and Objectives****A. 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:

**B. Findings of Fact**

- (1) The City of La Vergne, Tennessee, Mayor and its Board of Alderman, wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

- (2) Areas of the City of La Vergne, Tennessee 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.
- (3) 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, floodproofed, or otherwise unprotected from flood damages.

C. 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:

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

D. Objectives

The objectives of this Ordinance are:

- (1) To protect human life, health, safety and property;
- (2) To minimize expenditure of public funds for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- (7) To ensure that potential homebuyers are notified that property is in a floodprone area;
- (8) To maintain eligibility for participation in the NFIP.

### 12.7.2 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**

A subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- A. Accessory structures shall only be used for parking of vehicles and storage.
- B. Accessory structures shall be designed to have low flood damage potential.
- C. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- D. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- E. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**Act**

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

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter or height of a building.

**Appeal**

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**

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**

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**

See "Special Flood Hazard Area"

**Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

**Basement**

Any portion of a building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall**

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**

See "Structure"

**Development**

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 storage of equipment or materials.

**Elevated Building**

A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of 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**

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**

The process of the gradual wearing away of land masses. This peril is not “per se” covered under the Program.

**Exception**

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**

Any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**Existing Manufactured Home Park or Subdivision**

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 NFIP.

**Existing Structures**

See "Existing Construction"

**Expansion to an Existing Manufactured Home Park or Subdivision**

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**

- A. 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.
  - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(2) of this definition.

**Flood Elevation Determination**

A determination by the Federal Emergency Management Agency (FEMA) 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**

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)**

An official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**Flood Insurance Rate Map (FIRM)**

An official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**Flood Insurance Study**

The official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**Floodplain or Floodprone Area**

Any land area susceptible to being inundated by water from any source (see definition of "flooding").

**Floodplain Management**

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**

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**

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 and structures and their contents.

**Flood-related Erosion**

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**

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**

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 floodplain management regulations.

**Floodway**

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.

**Freeboard**

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, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

**Functionally Dependent Use**

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**

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. 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;
- C. 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
- D. Individually listed on the City of La Vergne, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

- (1) By the approved Tennessee program as determined by the Secretary of the Interior or
- (2) Directly by the Secretary of the Interior.

### **Levee**

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**

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**

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**

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".

### **Manufactured Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

### **Map**

The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

### **Mean Sea Level**

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 the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, 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, a vertical control used as a reference for establishing varying elevations within the floodplain.



**New Construction**

Any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

**New Manufactured Home Park or Subdivision**

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 on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

**North American Vertical Datum (NAVD)**

As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**100-year Flood**

See "Base Flood"

**Person**

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

**Reasonably Safe from Flooding**

Base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**Recreational Vehicle**

A vehicle which is:

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

**Regulatory Floodway**

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.

**Regulatory Flood Protection Elevation**

The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

**Riverine**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area**

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.

**Special Hazard Area**

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 Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**Structure**

For purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial Damage**

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

**Substantial Improvement**

Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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**

Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Variance**

A grant of relief from the requirements of this Ordinance.

**Violation**

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**

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**12.7.3 General Provisions****A. Application**

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of La Vergne, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47149C0010J, 47149C0015J, 47149C0020K, 47149C0028J, 47149C0040K, 47149C0105J, and 47149C0106J, dated May 9, 2023, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. 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.

E. 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.

F. 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.

G. 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.

H. 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. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. 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.

#### **12.7.4 Administration**

##### **A. Designation of Ordinance Administrator**

The Codes Director is hereby appointed as the Administrator to implement the provisions of this Ordinance.

##### **B. 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:

##### **(1) Application stage**

- (a) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- (b) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- (c) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Sections 12.7.5(A) and 12.7.5(B).
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (e) In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
  - (i) An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators

- (ii) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- (iii) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- (iv) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

(2) Construction Stage

- (a) Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
- (b) Within approximate A Zones, where Base 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. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
- (c) For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.
- (d) 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) Finished Construction Stage

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

C. Duties and Responsibilities of the Administrator

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

- (1) Review 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.
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- (4) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (5) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (6) 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 and substantially improved buildings, in accordance with Section 12.7.4(B).
- (7) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 12.7.4(B).
- (8) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 12.7.4(B).
- (9) 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), 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.
- (10) When Base Flood Elevation data and floodway data have not been provided by FEMA, 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 City of La Vergne, Tennessee FIRM meet the requirements of this Ordinance.
- (11) Maintain all records pertaining to the provisions of this Ordinance 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.
- (12) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy

issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

#### **12.7.5 Provisions For Flood Hazard Reduction**

##### **A. General Standards**

In all areas of special flood hazard, the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (2) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) 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;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) 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;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;



- (9) 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;
- (10) 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;
- (11) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- (12) All subdivision proposals and other proposed new development proposals shall meet the standards of Section 12.7.5(B);
- (13) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- (14) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

#### B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 12.7.5(A), are required:

##### (1) Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to 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 shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate 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 to a level of at least three (3) feet above the highest adjacent grade (as defined in Chapter 2). 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 shall be provided in accordance with the standards of this section: "Enclosures"

##### (2) Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower

than one (1) foot above the level of 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 shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 12.7.2). 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 shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, 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 Tennessee 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 12.7.4(B).

### (3) Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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.

- (a) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - (i) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - (ii) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (b) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

- (c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 12.7.5(B).
- (4) Standards for Manufactured Homes and Recreational Vehicles
  - (a) 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.
  - (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
    - (i) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
    - (ii) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 12.7.2).
  - (c) Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Sections 12.7.2(A) and 12.7.2(B).
  - (d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - (e) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
    - (i) Be on the site for fewer than 180 consecutive days;
    - (ii) 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), or;
    - (iii) The recreational vehicle must meet all the requirements for new construction.
- (5) Standards for Subdivisions and Other Proposed New Development Proposals
 

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

  - (a) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
  - (b) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
  - (c) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - (d) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and

subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 12.7.5(E)).

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

Located within the Special Flood Hazard Areas established in Section 12.7.3(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:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
- (2) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
- (3) ONLY if Section 12.7.5(C), provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 12.7.5(A) and 12.7.5(B).

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

Located within the Special Flood Hazard Areas established in Section 12.7.3(B), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- (1) Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed 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.
- (2) A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

- (3) ONLY if Section 12.7.5(D) provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 12.7.5(A) and 12.7.5(B).
- E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)  
 Located within the Special Flood Hazard Areas established in Section 12.7.3(B), where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:
- (1) The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see Section (2) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 12.7.5(A) and 12.7.5(B).
  - (2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
  - (3) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, 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 (as defined in Section 12.7.2). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 12.7.4(B). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 12.7.5(B).
  - (4) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee 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 City of La Vergne, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
  - (5) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 12.7.5(A) and 12.7.5(B). Within approximate A Zones, require that those subsections of Section 12.7.5(B) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

F. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 12.7.3(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 12.7.5(A) and 12.7.5(B), all new construction and substantial improvements shall meet the following requirements:

- (1) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 12.7.5(F) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 12.7.4(B)(1)(c) and Section 12.7.5(B)(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. Standards For Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Section 12.7.3(B), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Sections 12.7.5(A) and 12.7.5(B), all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Section 12.7.3(B), are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 12.7.4 and Section 12.7.5 shall apply.

I. Standards for Unmapped Streams

Located within the 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:

- (1) No encroachments including fill material or other development including 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 Tennessee 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 La Vergne.

- (2) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections D and E.
- (3) ONLY if Section 12.7.5(I) provisions (1) and (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Sections 12.7.5(A) and 12.7.5(B).

### **12.7.6 Variance Procedures**

#### **A. Board of Zoning Appeals**

##### **(1) Authority**

The City of La Vergne Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

##### **(2) Appeals: How Taken**

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator 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. In all cases where an appeal is made by a property owner or other interested party, an application fee as set forth in the fee schedule adopted with the annual budget shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

##### **(3) Powers**

The Board of Zoning Appeals shall have the following powers:

##### **(a) Administrative Review**

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

##### **(b) Variance Procedures**

In the case of a request for a variance the following shall apply:

- (i) The City of La Vergne Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

- (ii) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, 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 necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- (iii) 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:
  - a. The danger that materials may be swept onto other property to the injury of others;
  - b. The danger to life and property due to flooding or erosion;
  - c. The susceptibility of the proposed facility and its contents to flood damage;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i. 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;
  - j. 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, water systems, and streets and bridges.
- (iv) 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.
- (v) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**B. Conditions for Variances**

- (1) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 12.7.6(A).
- (2) 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.

- (3) 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 Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- (4) The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

## Chapter 13 - Boards and Commissions

### 13.1 Purpose

The following board are hereby established in fulfillment of the goals of the Comprehensive Plan and the guidelines set for the Land Development Ordinance.

### 13.2 General Authority

The following review bodies may exercise any and all powers and duties prescribed by State law, Charter, Municipal Code, and as described in this Ordinance.

### 13.3 Board of Mayor and Alderman (BOMA)

#### 13.3.1 Specific Authority

The BOMA is responsible for final approval of:

- A. Text amendments;
- B. Rezoning;
- C. Development plans;
- D. Public improvements; and
- E. Annexations and accompanying plans of services.

#### 13.3.2 Additional Authority

The BOMA may initiate text amendments and rezonings.

### 13.4 La Vergne Municipal Planning Commission (LMPC)

#### 13.4.1 Specific Review Authority

The LMPC is responsible for review and recommendation to the BOMA of:

- A. Text amendments;
- B. Rezoning;
- C. Development plans;
- D. Public improvements; and
- E. Annexations; and
- F. Plans of services.

#### 13.4.2 Specific Approval Authority

The LMPC is responsible for review and final approval of:

- A. Site plans;
- B. Preliminary plats;
- C. Final plats;

- D. General plans and plan amendments; and
- E. Performance agreements.

#### **13.4.3 Additional Authority**

The LMPC may initiate text amendments, rezonings, and plan amendments. The LMPC may also review projects of other governmental agencies.

#### **13.4.4 Bylaws**

The LMPC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, in accordance with State law.

### **13.5 Board of Zoning and Appeals (BOZA)**

#### **13.5.1 Specific Approval Authority**

The BOZA is responsible for review and final approval of:

- A. Variances; and
- B. Appeals of administrative decisions.

#### **13.5.2 Membership**

The BOZA shall consist of five members and shall be appointed by the Mayor and confirmed by a majority vote of the BOMA. The terms of membership shall be four years. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

#### **13.5.3 Bylaws**

The BZA may, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, in accordance with State law.

### **13.6 Design Review Board**

#### **13.6.1 Specific Approval Authority**

- A. Review and approve the building schematic design of all individual buildings in approved plans.
- B. Propose changes to the design standards in the Zoning Ordinance.
- C. Undertake programs of research, information, education, or analysis relating to any matter under its purview.
- D. Provide such recommendations or approvals as required by the Zoning Ordinance or as requested by the Board of Commissioners.

#### **13.6.2 Membership**

Members of the Design Review Board also serve on the LMPC.

## Chapter 14 - Administration and Procedures

### **14.1 Purpose and Intention**

It is the intent of this section to provide a clear and comprehensive development process that is fair and equitable to all interests including the petitioners, affected neighbors, citizens, City staff and related agencies, the Planning Commission, the Design Review Board, and the Board of Mayor and Alderman.

### **14.2 Development Applications**

#### **14.2.1 Application Procedures**

Applications shall be submitted in accordance with the requirements and checklists established by the La Vergne Planning Department.

**Application Submittal:** Applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

**Application Review:** Initial applications will be reviewed for completeness according to the steps below. Subsequent document submittals within the same development process will be reviewed for completeness based on staff capacity and not according to the timelines listed below.

#### **A. Completeness Determination:**

Applicants shall submit applications to the Planning Department. Until an application is determined to be complete and in accordance with ordinance requirements, an application has not been submitted.

On receiving a development application, Planning Department shall determine whether the application is complete or incomplete within ten business days.

A complete application is one that:

- (1) Contains all information and materials required for submittal of the correct type of application, and in sufficient detail, format/organization, and readability for staff to evaluate the application for compliance with applicable review standards pertaining to the City of La Vergne Zoning and Subdivision regulations, policies, procedures, and practices; and

- (2) Is accompanied by the appropriate, completed application(s) and fee(s) established for the correct type of application.

**B. Application Incomplete:**

- (1) On determining that the application is incomplete, the staff shall, as appropriate, provide the applicant written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness review.
- (2) If the applicant fails to resubmit an application within 30 calendar days after being first notified of submittal deficiencies, the application submittal shall be considered abandoned.

**C. Application Complete:**

On determining that the application is complete, the staff shall accept the application as submitted in accordance with the procedures and standards of this ordinance in effect at the time of the submittal and provide the applicant written notice (which may be an email) of application submittal acceptance.

Applications shall be submitted according to the submittal deadlines for the scheduled meetings of the applicable review bodies as posted on the City website.

**D. Overview of Applications**

The table below outlines the types of applications, their scope, and the review bodies who make recommendations and take final action.

**Table 14.1 Overview of Applications**

| <b>Type of Application</b>     | <b>Scope</b>                                                                                         | <b>Recommendation</b> | <b>Approval</b> |
|--------------------------------|------------------------------------------------------------------------------------------------------|-----------------------|-----------------|
| Annexation                     | Annex property into the City Limits                                                                  | LMPC                  | BOMA            |
| Text Amendment                 | Change the wording or substance of the zoning ordinance                                              | LMPC                  | BOMA            |
| Rezoning (Map Amendment)       | Change in the District boundaries or district classifications on the map                             | LMPC                  | BOMA            |
| Preliminary Plat               | Propose layout for subdividing land into more than two lots, pursuant to the Subdivision Regulations | Planning Director     | LMPC            |
| Variance                       | Grant relief from certain zoning requirements                                                        | Planning Director     | BOZA            |
| Certificate of Appropriateness | Propose development or alterations to existing development within certain planning areas             | Planning Director     | Design Board    |

|                                              |                    |                   |                   |
|----------------------------------------------|--------------------|-------------------|-------------------|
| Site Plan Subject to LMPC approval           | Finalize Site Plan | Planning Director | LMPC              |
| Site Plan subject to Administrative Approval | Finalize Site Plan | None              | Planning Director |

#### 14.2.2 Development Approvals

Unless provided otherwise by this ordinance or law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this ordinance attach to and run with the land.

#### 14.2.3 Fee Schedule

- A. Fees shall be required to help defray the costs of processing applications. The fee schedule shall be available in the planning department and may be adjusted periodically by the BOMA, pursuant to the Municipal Code.
- B. Applicable fees shall be paid in full prior to processing an application for review.
- C. No fee shall be required if the application is made by the City or any agency created or appointed by the BOMA to perform government functions.
- D. No refund of the fee or any part of the fee shall be made, unless the Planning Department determines that an application was accepted in error or the fee paid exceeds the amount due. In these cases, the amount of the overpayment will be refunded to the applicant.

#### 14.2.4 Waiver of Required Meetings

Applications have various required meetings described in each type of application. If the Planning Director finds the application has minimal impacts on the surrounding properties, environment, or infrastructure, then it may waive any or all of the following meetings:

- A. Pre-application meeting;
- B. On-site meeting;
- C. Neighborhood meeting; or
- D. Joint conceptual workshop.

#### 14.2.4 Public Notice Requirements

Applications shall comply with public notice requirements pursuant to the table below, State law, and the applicable review body bylaws. Public notice that exceeds State law requirements is considered a courtesy, and any defect or failure to provide the additional notice is not a basis for declaring any decision invalid.

**Table 14.2 Public Notice Requirement**

| <b>Application</b>                           | <b>Published Notice</b> | <b>Mailed Notice</b> | <b>Posted Notice</b> | <b>Timing</b>                                                                                                                                                                     |
|----------------------------------------------|-------------------------|----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Annexation                                   | Required                | Required             | Required             | Various published, mailed, and posted notices in accordance with State law                                                                                                        |
| Text Amendment                               | Required                | Required             | Required             | Published notice shall be included on the published agenda for the applicable review body                                                                                         |
| Rezoning (Map Amendment)                     | Required                | Required             | Required             | Published notice of the public hearing shall be published at least 15 days before the BOMA Meeting. Mailed notice shall be postmarked at least 15 days prior to the BOMA meeting. |
| Preliminary Plat                             |                         |                      |                      | See Subdivision Regulations                                                                                                                                                       |
| Variance                                     | Required                | Required             | Required             | Published notice shall be included on the published BOZA agenda. Mailed notice shall be postmarked at least 15 days prior to the BOZA meeting.                                    |
| Certificate of Appropriateness               | Required                |                      |                      | Published Notice shall be included on the published LMPC agenda                                                                                                                   |
| Site Plan Subject to LMPC Approval           | Required                |                      |                      | Published Notice shall be included on the published LMPC agenda                                                                                                                   |
| Site Plan Subject to Administrative Approval |                         |                      |                      | No notice required                                                                                                                                                                |
| Final Plat                                   |                         |                      |                      | See Subdivision Regulations                                                                                                                                                       |
| Minor Subdivision                            |                         |                      |                      | See Subdivision Regulations                                                                                                                                                       |

### **14.3 Annexations**

#### **14.3.1 Purpose**

The purpose of an annexation is to expand City boundaries into unincorporated land that allows for orderly growth, efficient delivery of municipal services, and proactive planning for future development.

**14.3.2 Applicability**

Annexation by resolution shall comply with the specific review procedures in this Section and State law. Annexation by referendum shall comply with State law.

**14.3.3 Application Submittal**

- A. The applicant shall submit an annexation application in accordance with the requirements of the Planning Department; however, annexation by resolution may only be initiated by the owner of the property or the owner's authorized agent.
- B. The applicant shall submit a rezoning application concurrently with an annexation application.

**14.3.4. Staff Review**

The Planning Department shall coordinate a draft plan of service for the annexation application and a draft feasibility study on the City of La Vergne's cost to supply the services. Based on this review, the planning director shall provide a report to the La Vergne Municipal Planning Commission.

**14.3.5 Municipal Planning Commission Recommendation**

The LMPC shall review the plan of service and annexation resolutions at a public meeting and make a recommendation to the BOMA. If the LMPC gives a positive recommendation, then the annexation will move immediately to the BOMA for consideration. If the LMPC gives a negative recommendation, then the property owner must make a written request for the BOMA to review the request.

**14.3.6 Board of Mayor and Aldermen Final Action**

- A. Except for annexations that require a referendum per State law, the BOMA shall hold one reading on the plan of services resolution, with a public hearing and vote on the resolution concurrent with the second reading of the annexation resolution, and vote for:
  - (1) Approval;
  - (2) Disapproval; or
  - (3) Deferral for continued review of the application.
- B. Except for annexations that require a referendum per State law, the BOMA shall hold two readings on the annexation resolution, with a public hearing during the second reading, and vote for:
  - (1) Approval;
  - (2) Disapproval; or
  - (3) Deferral for continued review of the application.



## **14.4 Text Amendment**

### **14.4.1 Purpose**

The purpose of a text amendment is to modify the provisions of this Ordinance to address changed conditions, changes in public policy, or changes necessary to advance the health, safety, and welfare of the City.

### **14.4.2 Application Submittal**

A text amendment application shall be initiated by the applicant, BOMA, LMPC, or Planning Director.

### **14.4.3 LMPC Recommendation**

The LMPC shall review the text amendment at a public meeting and make a recommendation to the BOMA.

### **14.4.4 BOMA Final Action**

- A. The BOMA shall hold two readings on the text amendment, with a public hearing before the first reading, and vote for:
  - (1) Approval;
  - (2) Approval with conditions;
  - (3) Disapproval; or
  - (4) Deferral for continued review of the application.
- B. A majority vote of the full membership of the BOMA shall be required for passage of the text amendment ordinance on second and final reading.

## **14.5 Rezoning (Map Amendment)**

### **14.5.1 Purpose**

The purpose of a rezoning is to amend the official zoning map to address annexation, changed conditions, changes in public policy, or changes necessary to advance the health, safety, and welfare of the City.

### **14.5.2 Preliminary Meeting**

The applicant shall meet with the Planning Department to discuss the initial concepts of the rezoning, its compliance with the Comprehensive Plan, and review procedures. The applicant shall supply preliminary information to the Planning Department at least three business days prior to the meeting.

### **14.5.3 Application Submittal**

- A. The applicant shall submit a rezoning application in accordance with the requirements of the Planning Department.

- B. Applications for rezoning shall include a conceptual site plan drawn to scale showing the proposed location of the structures, signs, landscaping, parking and driveway locations.

#### **14.5.4 Staff Review**

In accordance with the submittal schedule posted in the Planning Department:

- A. The Planning staff shall review the submittal and provide a report to LMPC or BOMA as needed.

#### **14.5.5 LMPC Recommendation**

The LMPC shall review the rezoning at a public meeting and make a recommendation to the BOMA.

#### **14.5.6 BOMA Final Action**

- A. The BOMA shall hold two readings on the map amendment, with a public hearing before the first reading, and vote for:
  - (1) Approval;
  - (2) Approval with conditions;
  - (3) Disapproval; or
  - (4) Deferral for continued review of the application.
- B. A majority vote of the full membership of the BOMA shall be required for passage of the map amendment ordinance on second and final reading.

### **14.6 Planned Development Plans (PDR)**

#### **14.6.1 Purpose**

The purpose of a development plan is to:

- A. Allow for the review and approval of entitlements for development in the PDR district and any associated modification of standards (MOS) requests;
- B. La Vergne Comprehensive Plan guiding principles and design concepts; and
- C. Utilize the planned unit development process in accordance with State law.

#### **14.6.2 Establishment of Standards**

- A. Development plans establish entitlements for a property in the PDR district, including a customized combination of permitted uses, building types, frontage types, setbacks, and any modifications of standards in accordance with Subsection 4.2.14 (D), Modifications of Standards.

#### **14.6.3 Preliminary Meeting**

The applicant shall meet with the Planning Department to discuss the initial concepts for the development plan, the Comprehensive Plan, and procedures.

**14.6.4 Application Submittal**

- A. The applicant shall submit a development plan application in accordance with the requirements of the Planning Department.
- B. If an applicant wishes to request a modification of standards, the request shall be made as part of the initial application submittal. A modification of standards is not needed for a standard that allows the LMPC to approve an alternative.

**14.6.5 Joint Conceptual Workshop**

- A. Prior to the joint conceptual workshop, the applicant shall submit the following to the La Vergne Planning Department:
  - (1) A brief overview of the project size and scope.
  - (2) A summary of the existing site conditions.
  - (3) A summary of any modification of standards requests; and
  - (4) A summary of the pre-application meeting in a format suitable for display during the workshop and posting in the planning department.
- B. The applicant shall present the project at a joint conceptual workshop.
- C. The BOMA and LMPC may offer the applicant an initial informal reaction to the project plans, but comments are advisory only and shall in no manner commit or bind the BOMA or LMPC to any proposal or element thereof.

**14.6.6 Staff Review**

In accordance with the submittal schedule posted in the Planning Department:

- A. The Planning staff shall review the application.
- B. The Planning Director shall send comments to the applicant.
- C. The applicant shall address the comments and submit a revised application; and
- D. The Planning Director shall prepare the final review and make a recommendation to the LMPC.

**14.6.7 LMPC Recommendation**

The LMPC shall review the development plan and any associated MOS at a public meeting and make a recommendation to the BOMA.

**14.6.8 BOMA Final Action**

- A. The BOMA shall hold two readings on the development plan by ordinance, with a public hearing and vote on the development plan and any associated modifications of standards for:
  - (1) Approval;
  - (2) Approval with conditions;
  - (3) Disapproval; or
  - (4) Deferral for the continued review of the application.
- B. If the BOMA approves the development plan (with or without conditions), then the development plan shall be considered approved on the effective date of the associated rezoning ordinance. If there is not an associated rezoning, the development plan shall be considered approved on the effective date of the resolution.

**14.6.9 Expiration of a Development Plan**

- A. In accordance with T.C.A. § 13-4-310, development plans will expire three years after their approval date, corresponding to the expiration of their vesting. The approval date is the effective date of the ordinance as voted on by the BOMA.
- B. To keep a development plan valid, an applicant must:
  - (1) Secure the approval of a site plan (for purposes of T.C.A. in this instance is considered the final development plan).
  - (2) Obtain necessary permits to start site preparation; and
  - (3) Begin site preparation work, which includes any of the following activities: excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements, such as water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.
- C. If all three requirements are met, a development plan will be valid for an additional two years.
- D. A development plan will then expire within five years (three years plus the additional two years granted) of the original approval date, unless the applicant commences construction. Construction, for purposes of this Subsection, means that any foundation of a building are installed and the building has begun to be erected vertically.
- E. If construction commences within five years of the original approval date, the development plan will remain valid for:
  - (1) Ten years from the original approval date for single-phase development plan; or
  - (2) 15 years from the original approval date for a multi-phase development plan.
- F. If a project is not complete by the end of this time period, the applicant/developer may request an extension of the vesting period and extension of the development plan expiration date.
- G. In the event a development plan expires, the underlying zoning will remain a PDR district, but without a valid development plan, no lawful use as of right shall exist on the property until a new development plan is established.
- H. An expired development plan cannot be administratively renewed. If a development plan is allowed to expire, in order for a new development plan to be established, the applicant/developer must submit a development plan application consistent with this section 14.

**14.6.10 Revisions to an approved Development Plan**

Revisions to an approved development plan are still subject to the expiration date of the original approval of the development plan. As such, revisions to development plans approved after a project has commenced construction will also not “restart” the clock on expiration timelines.

Revisions to an approved development plan that are denied by the applicable review body may affect the vesting property rights.

Review of requests for revisions to an approved development plan are subject to one of the three processes described.

A. Revision by BOMA Ordinance

The following revisions trigger the entire review procedures and public notification, including joint conceptual workshop, as required for the original development plan approval, with final action by BOMA ordinance:

- (1) Any increase in entitlements, including the number of dwelling units or nonresidential square footage;
- (2) Changes or increase from single-family residential to any other residential use;
- (3) Adding a use that is not otherwise identified on the approved development plan;
- (4) A change in the number or location of external access points or streets classified as collector.
- (5) Revisions to the widths or lengths of provided buffers, historic resource edge treatments, stormwater, etc.;
- (6) Any revision to a condition of approval required by the BOMA; or
- (7) Any revision that requires a MOS or that requires a change to a previously approved MOS.

B. Revision by LMPC Approval

The following revisions trigger the entire review procedures and public notification, including joint conceptual workshop, as required for the original development plan approval, with final action by the LMPC:

- (1) Changes to setbacks or frontage types approved as part of the development plan that change the character of the project;
- (2) Major changes to typical lots or building sites in either dimension or number of lots or building sites in a section or throughout the development;
- (3) Changes in nonresidential square footage related to limited office or commercial in excess of 10% of change from the approved square footage of an individual structure. The overall square footage cannot be exceeded unless approved by Section 14.6.11 A.1.
- (4) Reduction in approved open space within any section of the development plan, which impacts the plan;
- (5) Changes in building types, building heights, or number of stories, which impact the visual character or transitional features of the section or plan;
- (6) Significant changes to the internal street network, block layout, or intersection configuration, such as the elimination of streets or connection points;
- (7) Any impact to existing historic sites or structures, other than impacts previously approved;
- (8) Major changes to parking layout, which adversely alter parking convenience or changes the character of the plan; or
- (9) Substantial revision to drainage, streets, stormwater quality or quantity, or other engineering design changes that alter those items as approved in the development plan, including significant changes in traffic circulation.

C. Minor Revisions

- (1) Revisions not meeting the criteria of either (i.) or (ii.) are considered minor revisions that have minimal impact upon the project. Minor revisions may be approved by the Planning Director.

Minor deviations and revisions. When filing subsequent applications for required approvals, the applicant must identify any deviations from the approved planned development. The staff of the Planning Department shall evaluate the deviations to determine whether they are substantial or minor in accordance with the following:

- (a) It provides for less density than the approved outline plan; or
- (b) it provides greater open space by the elimination of or destruction in the size of the residential, commercial, or industrial buildings; or
- (c) It modifies the orientation of buildings or their location as long as such changes do not significantly alter or adversely affect the relationship of such buildings to the total development or any of its elements. Such modification shall not exceed a distance of:
  - Five feet for final plan or fewer acres
  - Ten feet for final plan of five acres but less twenty acres.

The evaluation shall be made within fifteen working days. If the planning staff finds staff finds the planned development deviates substantially from the approved application the applicant shall apply for an amendment of the planned development as provided in this section.

- (2) The Planning Director may choose to forward any revised development plan to the BOMA or LMPC for review, pursuant to the applicable application requirements.

## **14.7. Variances**

### **14.7.1 Purpose**

- A. The purpose of a variance is to:
  - (1) Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
  - (2) Address extraordinary, exceptional, or unique situations that are specific to the lot being considered by the BOZA. Examples are an irregularly shaped lot or a lot showing exceptional shallowness, narrowness, shape, or containing acute angles in the property boundaries resulting in sharp corners.
- B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose of property owners in general.

### **14.7.2 Application Submittal**

A variance application shall be submitted in accordance with the requirements of the Planning Department.

### **14.7.3 Staff Review**

In accordance with the submittal schedule posted, the Planning Department shall:

- A. Review the application and coordinate with any other affected departments; and
- B. Prepare the final report and make a presentation to the BOZA.

**14.7.4 BOZA Final Action**

The BOZA shall review the variance application at a public meeting, hold a public hearing, and vote for:

- A. Approval;
- B. Approval with conditions;
- C. Disapproval; or
- D. Deferral for continued review of the application.

**14.7.5 Approval Criteria**

- A. The BOZA may authorize a variance only in accordance with the following criteria:
  - (1) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such piece of property is not able to accommodate development as required under this Ordinance;
  - (2) The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property; and
  - (3) Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning map and this Ordinance.
- B. Variance requests for property subject to Floodplain Protection, shall comply with the flood plain district.
- C. Conditions of approval may be imposed if the intent of the conditions is to uphold the general purpose and intent of this Ordinance.
- D. Nonconforming uses or structures shall not be grounds for a variance.
- E. Self-imposed hardships, or actions taken by the applicant, rather than conditions unique to the lot in question, shall not be grounds for a variance.

**14.7.6 Effect of a Variance**

- A. The issuance of a variance shall authorize only the particular variation that is approved in the variance.
- B. A variance, including any conditions of approval, shall run with the land and shall not be affected by a change in ownership.
- C. The issuance of a variance shall not result in an action that has the effect of allowing a use or the use regulations not otherwise permitted in the applicable zoning district or overlay district. Any action that has in effect changed the district shall be deemed to be a violation of this Section and shall be of no force and effect.

**14.7.7 Subsequent Development**

Development authorized by the variance shall only be carried out when the applicant has secured all other approvals required by this Ordinance or any other applicable ordinances or regulations.

**14.7.8 Time Limit**

- A. Unless otherwise specified in the variance, an application for a building permit shall be applied for and issued within one year of the date of variance approval; otherwise, the variance shall become invalid.
- B. Upon written request, one extension of six months may be granted by the Chief Building Official if the applicant can show that the project has been delayed due to extreme weather, fire or delays initiated by the city or a local utility provider.
- C. The decision of the Building Department as to what constitutes substantial compliance with the time limit or applicable conditions for a variance shall be final.

**14.7.9 Amendment to an Approved Variance**

A variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a variance shall be considered an amendment and subject to the full review procedure set forth in this Section.

**14.8 Certificate of Appropriateness (COA)****14.8.1 Purpose**

The purpose of a certificate of appropriateness is to ensure that development, construction, alteration, or demolition of structures meets the intent of the Design Guidelines regarding the appropriateness of the:

- A. Exterior architectural features of new structures to be constructed;
- B. Exterior design, modification, alteration, or extension of existing structures;
- C. Setbacks, parking, sidewalks, driveways, fencing, signage, or other features that might affect the character of a historic resource; and
- D. General compatibility of design, arrangement, texture, and materials of the exterior of the structures in relation to similar features of structures in the immediate surroundings.

**14.8.2 Application Submittal**

- A. A certificate of appropriateness application shall be submitted in accordance with the requirements of the Planning Department.
- B. Applications must include façade plans of all sides drawn to scale and stamped by a professional Architect.
- C. Samples of Materials may be requested by the Planning Director.

**14.8.3 Administrative Final Action**

- A. The Planning Director may review and approve minor alterations and installations not substantially affecting the exterior appearance of the property in accordance with the Design Guidelines.
- B. The Planning Director may approve such installations administratively or refer the proposed project to the Design Review Board for final action.



**14.8.4 Design Review Board Final Action**

- A. The Planning Department shall review the application and make a presentation to the Design Review Board.
- B. The DRB shall review the application within 30 days following the availability of sufficient information; however, the timeframe may be extended by mutual agreement.
- C. The DRB shall review the certificate of appropriateness application at a public meeting and vote for:
  - (1) Approval;
  - (2) Approval with conditions;
  - (3) Denial with grounds stated in writing; or
  - (4) Deferral for continued review of the application.
- D. Following the DRB approval of a certificate of appropriateness, the Planning Department shall issue a written certificate of appropriateness. A building permit or other required application then may be processed.
- E. Following the DRB disapproval of a certificate of appropriateness, the applicant shall be notified in writing by the Planning Department.

**14.8.5 Expiration of a COA**

COAs shall expire two years from the date of issuance, except as outlined below. One six-month extension may be granted by the Planning Director for the approved scope of work. Requests must be made in writing prior to the COA expiration date.

**14.8.6 Appeals**

The DRB shall have jurisdiction relating to design guideline matters. Anyone who may be aggrieved by the final order or judgment of the DRB may have the order or judgment reviewed by the courts by the procedures set forth in T.C.A. § 27-9-101 et seq.

**14.9 Site Plan****14.9.1 Purpose**

The purpose of a site plan is to ensure site development compliance with all applicable standards in this Ordinance and to develop a site construction plan set.

**14.9.2 Applicability**

- A. All developments that require a building permit must submit a Site plan, except single-family residential.
- B. Site plans shall comply with the specific review procedures in this Section.
- C. Site plan approval shall be required for development prior to the issuance of a grading permit or building permit, unless exempted by Subsection 14.8.3 Exemptions.
- D. All site plans shall be submitted for approval by the LMPC unless all of the following is met:
  - (1) Not located within an overlay district.
  - (2) An addition of less than 3% of the principal buildings' total square footage.

- (3) No change in parking or traffic circulation.

### **14.9.3 Exemptions**

The following development shall be exempt from site plan review, but shall comply with all standards of this Ordinance and any other City requirements prior to issuance of a building permit:

- A. Plans for a single house or duplex and associated accessory structures;
- B. Plans for nonresidential additions that do not exceed ten percent of the square footage of the building. A stormwater permit or grading permit may still be required by the appropriate departments, but these additions remain exempt from site plan review.
- C. Plans for parking areas, open spaces, or accessory structures. A stormwater permit or grading permit may still be required by the appropriate departments, but these plans remain exempt from site plan review.
- D. The internal construction or change in floor area of a development that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this Ordinance; and
- E. Temporary uses and Structures. A stormwater permit or grading permit may still be required by the appropriate departments, but these plans remain exempt from site plan review.

### **14.9.4 Unified Site Plan**

- A. Nonresidential uses with two or more lots may be submitted as a unified site plan.
- B. Multifamily residential, where permitted as part of the overall building square footage of a development, shall be submitted as a unified site plan that includes the entire development site.
- C. Requirements for unified site plans shall be determined based on the perimeter lot lines of the overall site, regardless of the location, ownership, size, or quantity of the interior lots.
- D. Unified site plans shall comply with the following:
  - (1) Bulk requirements to be considered in aggregate shall include buffers, building setbacks, open space, landscape surface area, tree protection, parking, and stormwater requirements;
  - (2) Site development for all lots shall be depicted on the unified site plan;
  - (3) The unified site plan shall serve as the preliminary plat in the platting process;
  - (4) The final plat shall be required to contain perpetual maintenance agreements for shared responsibility of site improvements.

### **14.9.5 Application Submittal**

The applicant shall submit a site plan application in accordance with the requirements of the Planning Department.

### **14.9.6 Staff Review**

In accordance with the submittal schedule posted in the Planning Department:

- A. The Planning Department shall review the application;

- B. The Planning Department shall send comments to the applicant.
- C. The applicant shall address the comments and submit a revised application in accordance with the published submittal dates.

#### **14.9.7 Final Action**

- A. Administrative Final Action
  - (1) Upon submittal of a revised application, the Planning Director shall decide to:
    - (a) Approve;
    - (b) Approve with conditions; or
    - (c) Disapprove with the option for the applicant to re-submit.
  - (2) The Planning Director shall place the site plan on an administrative agenda for the LMPC.
  - (3) The applicant may appeal any decision or conditions of approval to the LMPC.
- B. LMPC Final Action
  - (1) Upon submittal of a revised application, the Planning Department shall prepare a final review and make a recommendation to the LMPC.
  - (2) The LMPC shall review the site plan at a public meeting and vote for:
    - (a) Approval;
    - (b) Approval with conditions;
    - (c) Disapproval; or
    - (d) Deferral for continued review of the application.

#### **14.9.8 Expiration of a Site Plan**

- A. In accordance with T.C.A. § 13-4-310, site plans will expire after three years of their approval date. The approval date of a site plan is the date upon which the item is approved, or approved with conditions, on an administrative or LMPC agenda.
- B. A site plan expiration date may be extended if the applicant:
  - (1) Obtains necessary permits to start site preparation; and
  - (2) Begins site preparation work, which includes any of the following activities: excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements, such as water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.
- C. If both requirements in the Paragraph above are met, a site plan will then expire five years after the original approval date (without a request for an extension).
- D. If construction commences within five years of the original approval date, the site plan will remain valid for:
  - (1) Ten years for a single-phase development plan; or
  - (2) 15 years for a multi-phase development plan
- E. Construction, for purposes of this Subsection, means that any foundations for a building are installed and the building has begun to be erected vertically.

- F. If a site plan is not associated with a development plan or preliminary plat and is not complete by the end of this time period, the applicant/developer can request an extension of the vesting period.

#### **14.9.9 Changes to an Approved Site Plan**

Changes to a site plan are still subject to the expiration date of the original approval of a site plan. As such, changes to site plans approved after a project has commenced construction will also not “restart” the clock on expiration timelines.

Revisions to an approved site plan that are denied by the applicable review body shall not extend or void the previously approved site plan.

When an applicant requests changes to an approved site plan, the applicable review body may need to reapprove the change depending on the significance of the changes requested. The Planning Director will notify the applicant in writing if the site plan requires LMPC review.

### **14.10 Building Permit**

#### **14.10.1 Purpose**

The purpose of a building permit is to ensure that construction adheres to all applicable building codes, ordinances, and regulations.

#### **14.10.2 Applicability**

The purpose of a building permit is to ensure that construction adheres to all applicable building codes, ordinances, and regulations.

### **14.11 Appeal of Administrative Decision**

#### **14.11.1 Purpose**

The purpose of an appeal of administrative decision is to provide a process:

- A. Where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or refusal made by any administrative official in carrying out or enforcing any provision of this Ordinance;
- B. For interpretations of the zoning map when there are disputed questions of district boundary lines as they arise in the administration of the zoning regulations. This Section establishes the specific review procedures for appeals of administrative decision.

#### **14.11.2 Application Submittal**

An appeal shall be made in accordance with the requirements of the Planning Department, except as varied below:

- A. Appeals shall be initiated by the person aggrieved or affected by the order, decision, determination, or interpretation made by the administrative official.
- B. A written appeal shall be filed with the Planning Director within 30 days of the date of the order, decision, determination, or interpretation.

#### **14.11.3 BOZA Final Action**

The BOZA shall review the application and the planning staff records at a public meeting and review any additional information provided, and vote:

- A. To uphold or reverse the administrative decision for an appeal where it is alleged by the applicant that there is error in an administrative decision. For administrative decisions other than map interpretations, the order, decision, determination, or interpretation shall not be reversed or modified, unless there is competent, material, and substantial evidence in the record that it fails to comply with either the procedural or substantive requirements of this Ordinance and State law.
- B. To make a final interpretation on a boundary of the zoning map. For map interpretations, the BOZA shall use the best available data to make a final interpretation of the zoning map boundary.

## Chapter 15 - Violations and Penalties

### 15.1 Notice to Comply

#### 15.1.1 Administrator Authority

- A. The Planning Director or his/her designee, shall have the power to conduct such investigations as he/she may reasonably deem necessary to carry out his/her duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property or premises, public or private, to perform any duty imposed upon them by this ordinance and consistent Tennessee State Law.
- B. No person shall refuse entry or access to the Planning Director or his/her designee or other authorized representative of the city who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

#### 15.1.2 Notice of Violation

- A. Notice of Violation: If it is determined that a person has failed to comply or is no longer in compliance with the provisions of this ordinance, a notice of violation shall be served by the town upon that person by one of the service methods specified in paragraph
- B. The notice shall set forth that which will be necessary to comply with the ordinance.
- C. Methods of Service: The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by provided by Tennessee State law, a notice of violation may be appealed to the board of adjustment.

### 15.2 Penalties for Violation and Enforcement Mechanisms

In case any structure or use is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Planning Director, the Building Inspector, any other appropriate town authority; or any person who may be damaged by such violation.

**15.2.1 Criminal**

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.

**15.2.2 Equitable Remedy**

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.

**15.2.3 Stop Work Order Issuance**

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Planning Director or Designee may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

**15.2.4 Permit Fees**

Any structure that has started construction without obtaining a building permit that applies for the proper permit and is approved to receive the permit shall pay double the original fee for the permit.

**15.3 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.

**15.4 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.

**15.5. Effective Date.**

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

**LEGAL STATUS PROVISIONS**

Approved and certified by the Planning Commission:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

Public Hearing Held: \_\_\_\_\_

Approved by the Mayor and Board of Aldermen:

\_\_\_\_\_  
1st Reading

\_\_\_\_\_  
Mayor

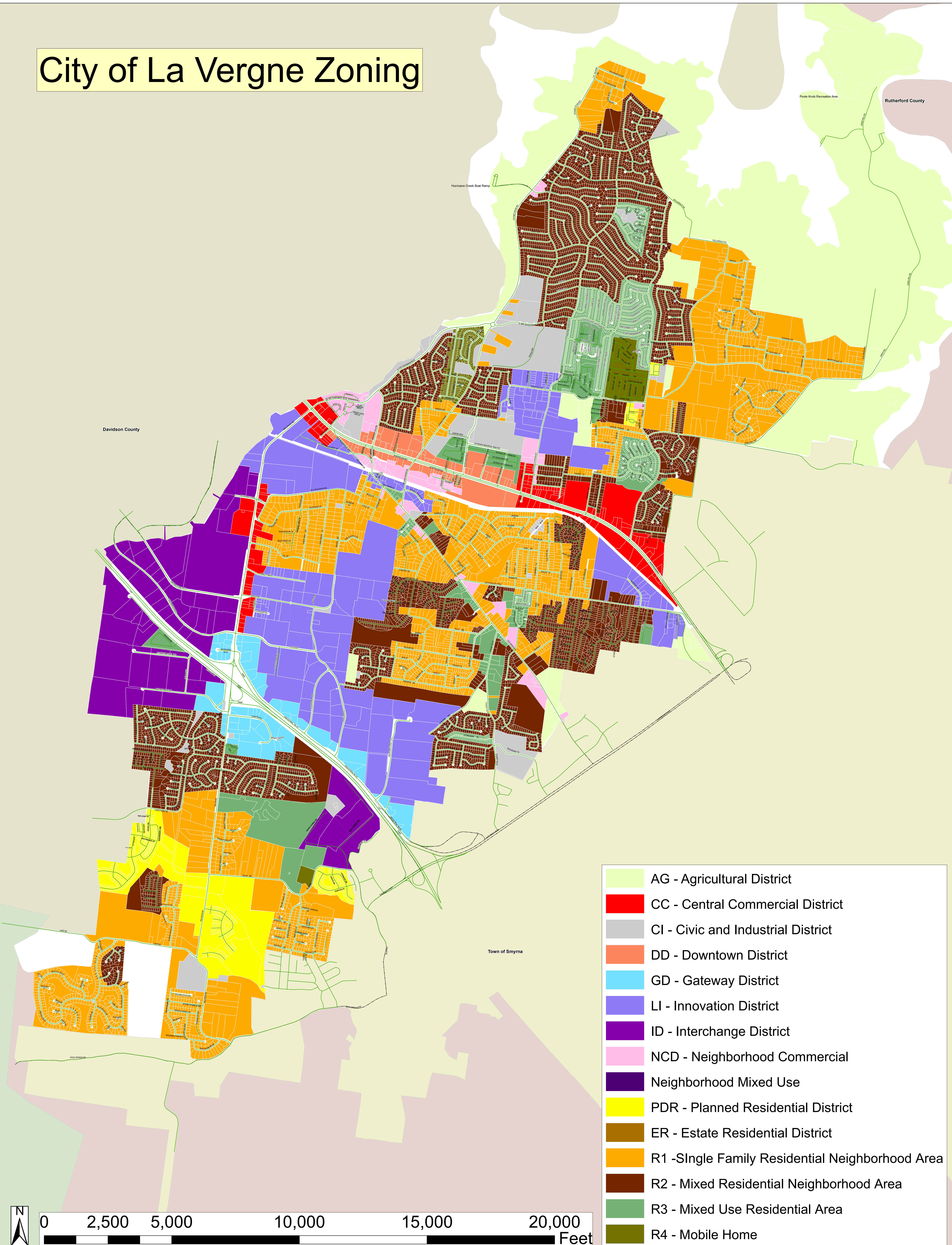
\_\_\_\_\_  
2nd Reading

ATTEST:

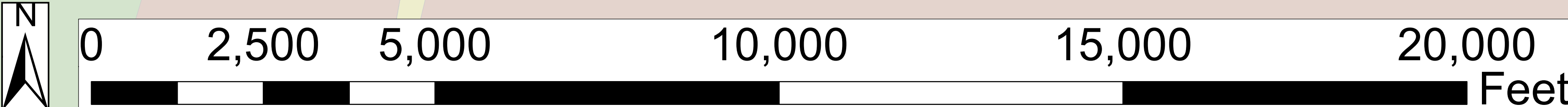
\_\_\_\_\_  
City Recorder



# City of La Vergne Zoning

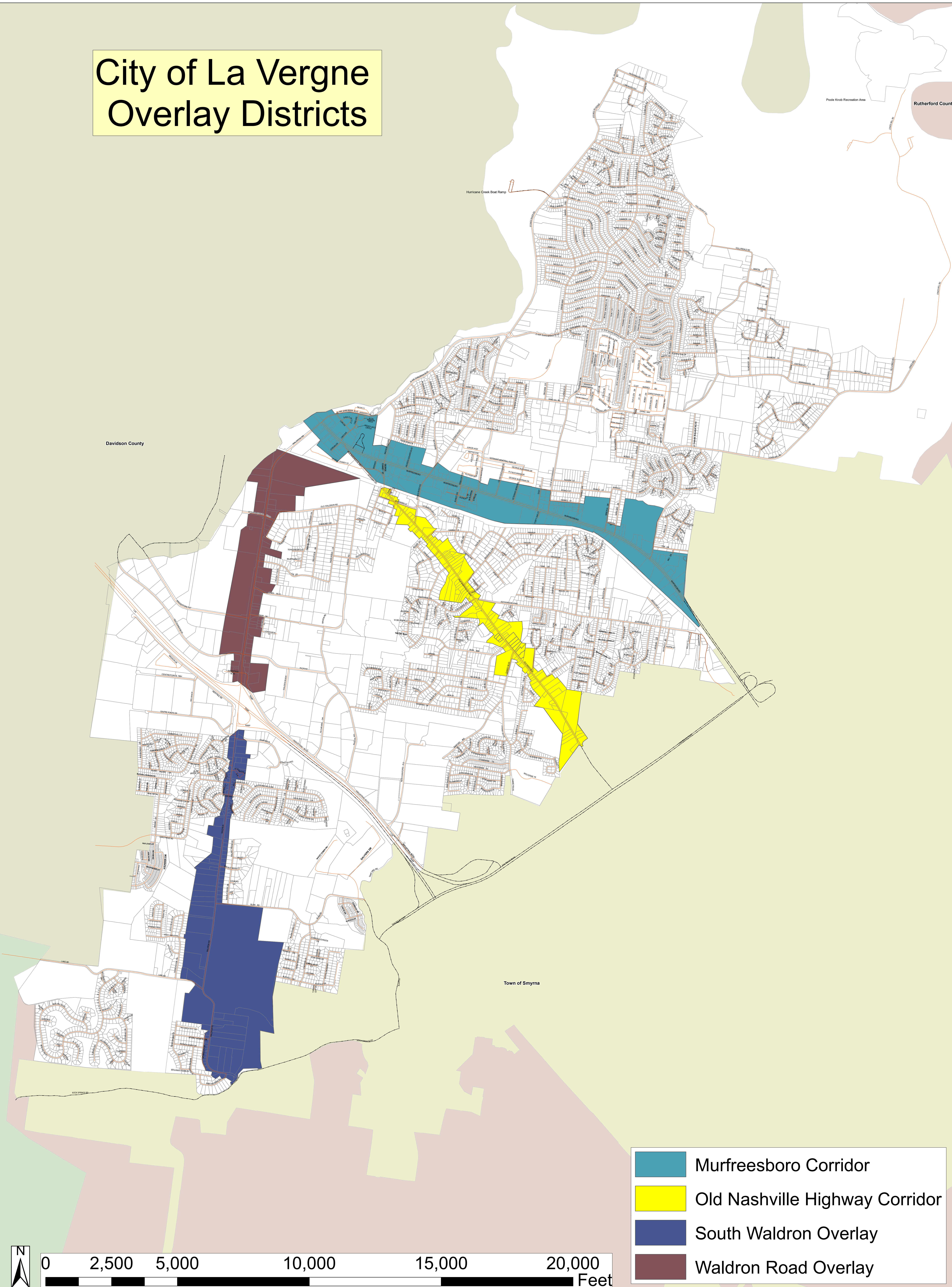


- AG - Agricultural District
- CC - Central Commercial District
- CI - Civic and Industrial District
- DD - Downtown District
- GD - Gateway District
- LI - Innovation District
- ID - Interchange District
- NCD - Neighborhood Commercial
- Neighborhood Mixed Use
- PDR - Planned Residential District
- ER - Estate Residential District
- R1 -Single Family Residential Neighborhood Area
- R2 - Mixed Residential Neighborhood Area
- R3 - Mixed Use Residential Area
- R4 - Mobile Home



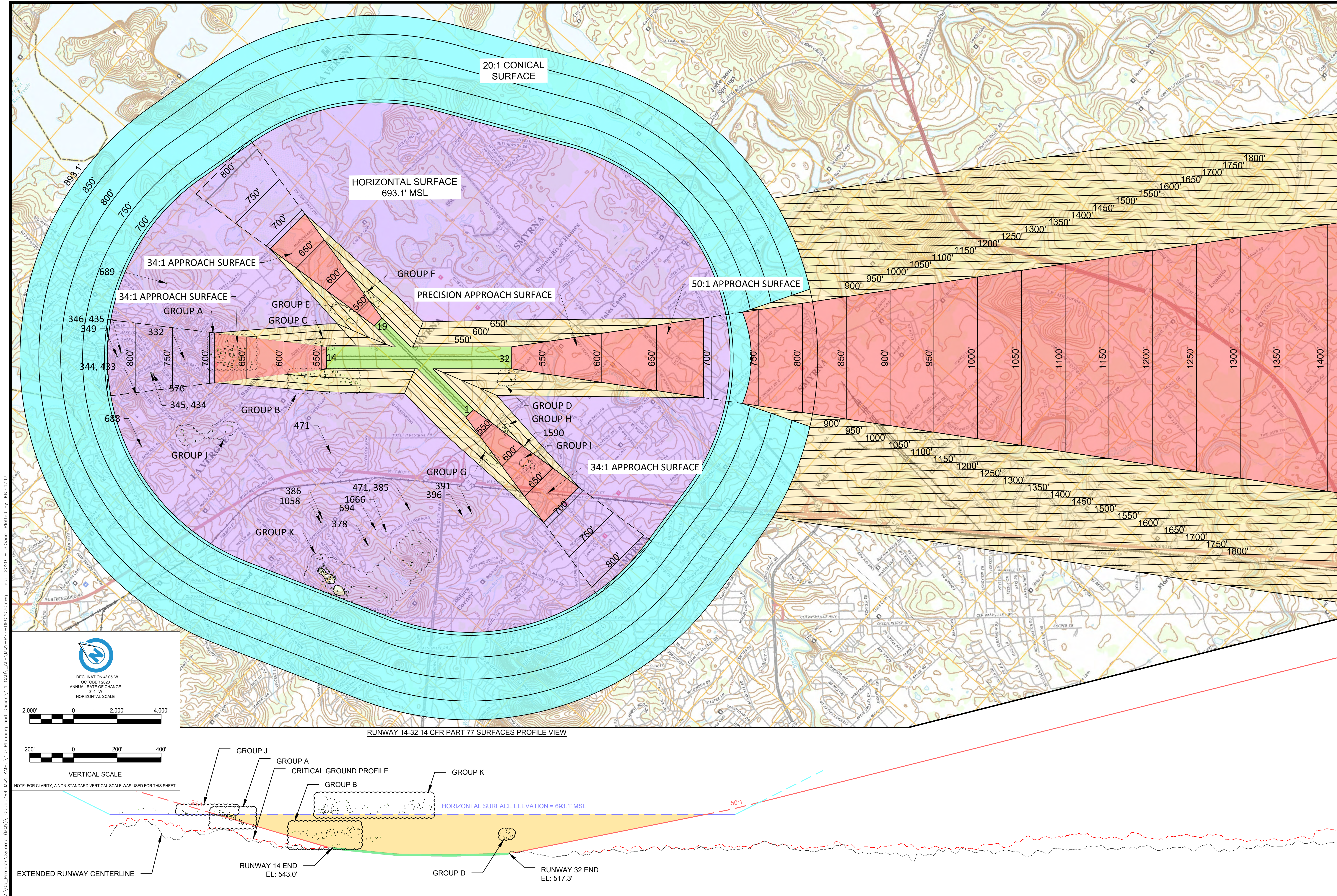


# City of La Vergne Overlay Districts

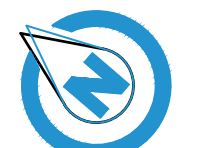


|                                                                                       |                                |
|---------------------------------------------------------------------------------------|--------------------------------|
|  | Murfreesboro Corridor          |
|  | Old Nashville Highway Corridor |
|  | South Waldron Overlay          |
|  | Waldron Road Overlay           |





M:\02\_Projects\Symms (MD)\100860394 MD\AMP\A-0 Planning and Design\A-1 CAD\ALP\MDY-077-DEC2020.dwg, Dwg 1/2020 - 8:53am, Plotted By: KRE747



DECLINATION 4° 05' W  
OCTOBER 2020  
ANNUAL RATE OF CHANGE  
-07' 4" W  
HORIZONTAL SCALE

2,000' 0 2,000' 4,000'

200' 0 200' 400'

VERTICAL SCALE

NOTE: FOR CLARITY, A NON-STANDARD VERTICAL SCALE WAS USED FOR THIS SHEET.

EXTENDED RUNWAY CENTERLINE

GROUP J

GROUP A

CRITICAL GROUND PROFILE

GROUP B

GROUP K

RUNWAY 14 END

EL: 543.0'

GROUP D

RUNWAY 32 END

EL: 517.3'

# MATCHLINE A-A

|                                |  |                                   |  |
|--------------------------------|--|-----------------------------------|--|
| ATKINS                         |  | Member of the SNC-Lavalin Group   |  |
| 4400 Old Forge Road, Suite 600 |  | Nashville, TN 37219-6000          |  |
| Tel: +1 (615) 986-0296         |  | www.atkinsglobal.com/northamerica |  |
| PROJECT                        |  | AIRPORT AIRSPACE - 1              |  |
| SHEET TITLE                    |  | SMYRNA AIRPORT                    |  |
| CLIENT                         |  | SMYRNA, TENNESSEE                 |  |
| SMYRNA/RUTHERFORD COUNTY       |  | AIRPORT AUTHORITY                 |  |
| REVISIONS                      |  | DATE                              |  |
| 100860394                      |  | 17                                |  |
| DRAWN                          |  | DATE                              |  |
| DESIGNED                       |  | DATE                              |  |
| CHECKED                        |  | DATE                              |  |
| APPROVED                       |  | DATE                              |  |



# City of La Vergne BNA Overlay Zone

