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ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose

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

1.020. Title. This ordinance shall be known as The Zoning Ordinance of Smyrna, Tennessee dated October 14, 1986. The zoning map shall be referred to as the Official Zoning Map of Smyrna, Tennessee and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

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

WHEREAS, The Town Council deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the Town to enact such an ordinance, and

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

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL THAT THE ZONING ORDINANCE OF SMYRNA, TENNESSEE IS ENACTED INTO LAW.

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

- a. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing the overcrowding of land;
- c. conserving the value of land and buildings;
- d. minimizing traffic hazards and congestion;
- e. preventing undue concentration of population;
- f. providing for adequate light, air, privacy, and sanitation;
- g. reducing hazards from fire, flood, and other dangers;
- h. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer services, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land; and
- j. enhancing the natural, man-made and historical amenities of Smyrna, Tennessee.

ARTICLE II

DEFINITIONS

SECTION

2.010 Scope

2.020 Definitions

2.030 Use Classifications

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

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

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

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

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

ACCESSORY STRUCTURE: Shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

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

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

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

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

ADVERTISING SIGN OR STRUCTURE: See Sign.

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

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

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

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

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

APPEAL: Means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

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

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

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

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

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

BASE ZONING DISTRICT: The term referring to a zoning district when it is affected by an overlay zoning district.

BED AND BREAKFAST: A private, owner-occupied residence with guestrooms where overnight accommodations and a morning meal are provided for compensation.

BOARD: The Smyrna Tennessee Board of Zoning Appeals.

BOARDING HOUSE: See dwelling definitions.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width, and/or an appropriate type of fence as defined in Article III, SECTION 3.110 herein. Such a greenbelt planted strip shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart, and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

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

BUILDING COMMISSIONER: The Building Official for the Town of Smyrna, Tennessee.

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

BUILDING, ELEVATED: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or break away walls.

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

BUILDING SETBACK LINE(S), SIDE: A line delineating the minimum distance between the side property line and a building on a lot (other than for permitted accessory structures and buildings). The side setback line extends from the front building setback line to the rear building setback line. In the case of corner lots in residential districts, side building setback lines extend from the front building setback line of the servicing street to the other front building setback line adjoining the secondary street which abuts said corner lot.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, as shown on the current, adopted Major Thoroughfare Plan Map, from that future street right-of-way line, and the front of a principal building on a lot.

The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. No building or structure shall be placed in front of this building setback line.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures and buildings). The rear setback line extends the full width of the lot.

BULK: Describes the size of buildings or other structures, and their relationship to each other, and to open areas and lot lines.

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

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

CLIMATE-CONTROLLED: A state of atmospheric regulation in which temperature and humidity are prevented from reaching extremes. The source of air temperature regulation shall be via indirect heating or cooling, not through individual heaters or air conditioners in individual units. Mainly associated with "self-service storage facilities."

CLINIC: See Medical Facility.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as conditional uses, only when specific provisions for such uses are made in this Ordinance,

conditional uses shall be construed as being synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code Annotated. See special exceptions.

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

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

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

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

CREMATORIUM: A building or structure containing properly installed, certified apparatus intended for use in the act of cremation.

DAY CARE CENTER: A facility other than an occupied residence which receives children for day care or any place, including nursery schools, which provide definite, specified educational programs, which receives more than 12 children for related day care services. (See definition of Family Day Care Home for comparison).

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

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

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single family.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.
- c. Apartment dwellings means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters.
- d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities. (See semi-transient habitation definition).
- e. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities. (See semi-transient habitation definition).
- f. Townhouse means a residential structure containing three or more single nondetached dwelling units separated by a common vertical wall.
- g. Condominium means an apartment building or townhouse, containing three or more dwelling units being under or intended for separate ownership, in which individual living accommodations are provided for each family.
- h. Multi-family means a townhouse or apartment dwelling. For the purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental partly on a monthly basis and partly for a shorter period of time, but with more than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity. If over thirty (30) percent of such multi-family units under the same management or ownership are occupied on a biweekly basis or less, they shall be considered as transient lodging activity. (See definition of transient habitation).

- i. Triplex dwelling means three units designed for use by three families located on the same tract (zone lot).
- j. Quadraplex dwellings means four units designed for use by four families located on the same tract (zone lot).
- k. Prefabricated or manufactured dwelling means any single detached dwelling installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems. Such structures are transportable in more than one section, having a pitched roof, and are built on a permanent chasis. The term manufactured dwelling or home does not include a recreational vehicle.
- l. Mobile home or trailer means a vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis, designed for year around occupancy and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle. For the purposes of the National Flood Insurance program only a mobile home is considered to be a manufactured home.
- m. Zero lot line dwelling means a building or structure containing two units (duplex), each unit being located on its own zone lot in separate ownership.
- n. Upper story residential means the area of a building above the ground floor which is principally used, designed, or adapted for use by one or more households each of which has separate living quarters.
- o. Accessory apartment means a separate dwelling that is attached to a single-family residence, or is located in a detached accessory structure, is subordinate in size to the principal residence, has off-street parking provided, and does not change the basic single-family appearance of the principal structure.

EROSION: Means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before the effective date of this Ordinance.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

EXISTING STRUCTURES: See "Existing Construction".

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAMILY: One or more persons related by blood, marriage, or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family. The term family as used herein shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as housekeepers or guardian residing within the house (See Chapter 24 of Title 13, T.C.A.).

FAMILY DAY CARE HOME: An occupied residence in which a person provides day care for five or more children or close relatives. Such care in a family day care home is limited to that care given to no more than twelve (12) children, including children living in the home and children of close relatives cared for in the home. (See definition of Day Care Center for comparison).

FARM: A parcel of land containing five or more contiguous acres devoted to agricultural use.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

FENCE, DECORATIVE: A designed open or solid fence or wall that is not erected to enclose, screen, or separate areas.

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provisions of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this regulation.

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

FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits of faces of a building or structure.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

GREENWAYS PLAN: The adopted Greenways Plan for the Town of Smyrna, Tennessee.

HEALTH DEPARTMENT: The Rutherford County Health Department.

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

HISTORIC STRUCTURE: Means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An occupation or profession that is accessory to a residential use and is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HOSPITAL: See Medical Facilities.

HOUSEHOLD: All the persons occupying the premises and living as a single nonprofit housekeeping unit regardless of marital status or relationship as distinguished from a group occupying a lodging house or dormitory or similar type of group use.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Any lot containing five (5) or more immobile cars shall be deemed a junkyard.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

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

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

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

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

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

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

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

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

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

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

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

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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.

MAJOR THOROUGHFARE PLAN: The adopted Major Thoroughfare Plan for the Town of Smyrna, Tennessee.

MANUFACTURED HOME PARK OR SUBDIVISION: Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

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

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

NEW CONSTRUCTION: Means structures for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

NONCOMPLYING:

- (a) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- (b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
 - (1) Location along district boundary;
 - (2) Accessory off-street parking and loading; either on the effective date of this Ordinance or as a result of any subsequent amendment.

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

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

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

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

OVERALL DENSITY: The residential density in minimum lot size per family or stated dwelling units per acre of any total lot, or development area.

OVERLAY ZONING DISTRICT: A zoning district established to prescribe special regulations to be applied to a site in combination with the regulations of the base zoning district.

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

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

PARKING SPACE: An off-street space available for parking one motor vehicle and having access to a street or alley.

PARTY WALL: A wall on an interior lot line, used or adapted for joint service between two buildings; such walls shall extend from the foundation to the underside of the roof sheathing, without openings which otherwise would permit the spread of fire from one building to another, and shall fully comply with fire and all other provisions and standards established for such walls in the adopted Building Code.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNED DEVELOPMENT: A single planned area of land which is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Planned developments consist of relatively large interrelated developments located on a single tract of land. Cluster developments and mixed use developments of all types are planned unit developments. Many shopping centers of various types fall under this definition of planned development.

PLANNING COMMISSION: The Smyrna Municipal Planning Commission.

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

PREFABRICATED DWELLING: See classification K under the definition of a dwelling.

PRINCIPAL STRUCTURE: A structure, which constitutes the principal activity or use, located on a zone lot on which it is located.

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

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

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

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

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Health and Environment, and the Tennessee Regulatory Authority.

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

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions.

RECREATIONAL VEHICLE: Means a vehicle that is:

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

REQUIRED YARD: That portion of a zone lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a highway, street, alley railway, or other passageway intended for the passage of people or goods.

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

ROOMING UNIT: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with more than thirty (30) percent of time living units under the same ownership, control, or management on the same zone lot being occupied on a less than monthly basis.

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

SELF-SERVICE STORAGE FACILITIES: Facilities containing units to be sold or leased for the purpose of storing household goods. For the purposes of this ordinance, this term shall be interchangeable with "mini-warehouses", "convenience storage", and "household goods storage."

SEMI-TRANSIENT HABITATION: Living accommodations occupied partly on a monthly or longer bases and partly for a shorter time period, but with more than thirty (30) percent of the living units under the same ownership, control or management on the same zone lot being occupied on more than a by-weekly basis but on less than a monthly basis. (See transient habitation definition).

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

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

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" and "posterboard" as well as any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. All signs fall under the definition of a structure as cited in this ordinance. Moreover all billboards and posterboards fall under the definition of a principal structure as cited in this Ordinance.

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

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles,

construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation.

Permanent construction does not include 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.

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

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

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, solar devices, antennas, and satellite or T.V. dishes, or other man-made facilities or infrastructure. Mailboxes shall not be determined to be a structure.

TEMPORARY SIGN: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose of sign is intended to be displayed for a short period of time only.

TEMPORARY USE: A use established for limited duration with the intent to discontinue upon the expiration of the designated approved time period.

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

TRANSIENT HABITATION: Separate lodging or living accommodations for rent or lease of a commercial nature. Such uses as hotels, motels, tourist homes and courts, as well as commercial campgrounds (sporting and recreational vehicle camps) falls under this classification. Multi-family dwelling complexes of all types in which more than thirty (30) percent of their units are occupied on a biweekly basis or less shall be considered as being transient habitation.

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

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

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

VARIANCE: Is a grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

VEHICULAR USE AREA: Any ground surface area except public rights-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery stores, etc.

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above ten (10) acres or more in extent, provided that it shall, upon the rule or order of the Planning Commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

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

YARD, FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building or structure, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building or structure, including porches and the rear lot line.

YARD(S), SIDE: The required space unoccupied measured between the side lot line and the nearest point of the principal building or structure, between the front yard and rear yard on both sides of the principal structure. In the case of corner lots in residential districts, the required side yards shall be measured between both side lot lines and their respective minimum distances from their nearest points of intersection with the affected principal structure. These required side yards shall be situated between both necessary front yards, and are located on both sides of the principal structure running the entire length of the lot between such front yards.

ZERO LOT LINE DWELLING: (See definition of dwelling types).

ZONE LOT: For purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. Unless it constitutes a lot of record in which case it may front on a permanently dedicated easement.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty- (50) years duration.

ZONING MAP: A map, or series of maps and special overlays (the official copy being maintained at the Smyrna Town Hall) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

ZONING COMPLIANCE PERMIT: A written permit issued by the Zoning Administrator (the Smyrna Planning Director), or his designee same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any activity or use on any zone lot.

2.030. Use Classification

General Classification Rules

The purpose of these provisions is to classify uses into a number of specific categories based on their common functional characteristics and compatibility. This provides a basis for regulation of uses according to criteria that are relevant to the public interest in differentiating between zoning districts. A general statement appears with each broad use classification, which is intended to provide guidance as to what their common characteristics are. It is not intended that every use within a grouping should necessarily be permitted within a given zone district. Where specific uses within a particular use grouping are individually listed, only those particular uses are permitted. Where a use grouping is listed without further specification or limitation any and all uses within that grouping may be permitted.

2.031. Listing of Activity Classifications

All activities are hereby classified into the following activity types:*

A.	<u>Residential Activities:</u>	<u>Page Number</u>
	1. Permanent	35
	2. Semi-Transient	36
B	<u>Community Facilities Activities:</u>	
	1. Government Administrative Services	37
	2. Community Assembly	37
	3. Community Education	38
	4. Cultural and Recreational Services	38
	5. Essential Service	39
	6. Extensive Impact	39
	7. Health Care	40
	8. Intermediate Impact	40
	9. Personal and Group Care Facilities	41
	10. Religious Facilities	41
	11. Special Institutional Care Facilities	42

* Vacant land, itself, shall not constitute an activity type.

C. Commercial Activities:

1.	Animal Care and Veterinarian Services	42
2.	Automotive Parking	43
3.	Automotive Service and Repair	43
4.	Building Materials and Farm Equipment	43
5.	Consumer Repair Services	44
6.	Construction Sales and Services	44
7.	Convenience Commercial	45
8.	Entertainment and Amusement Services	46
9.	Financial, Consulting, and Administrative	46
10.	Food and Beverage Service	47
11.	Food Service - Take-Out	48
12.	General Business and Communication Services	48
13.	General Personal Service	49
14.	General Retail Trade	50
15.	Group Assembly	51
16.	Professional Services-Medical	52
17.	Professional Services-Non-Medical	52
18.	Transient Habitation	53
19.	Vehicular, Marine Craft, Aircraft, and Related Equipment Sales, Retail and Delivery	53
20.	Warehousing, Goods, Transport and Storage	54
21.	Wholesale Sales	54

D. Manufacturing Activities:

1.	Limited	55
2.	Intermediate	56
3.	Extensive	57

E. Agricultural, Resource Production, and Extractive
Activities:

1.	Agricultural Services	58
2.	Crop and Animal Raising	58
3.	Commercial Feed Lots and Stockyards	58
4.	Mining and Quarrying	59
5.	Plant and Forest Nurseries	59

2.032. Accessory Uses. In addition to the principal activities above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the use regulation section of each district.

2.033. Classification of Combinations of Principal Activities. The following rules shall apply where a single zone lot contains activities that resemble two or more different activity types and which are not classified as accessory activities.

1. SEPARATE CLASSIFICATION OF EACH ESTABLISHMENT

The principal activities conducted on a single zone lot by each individual establishment, management, or institution shall be classified separately.

2. SEPARATE CLASSIFICATION OF DIFFERENT MAJOR CLASSES OF ACTIVITIES CONDUCTED BY A SINGLE ESTABLISHMENT

If the principal activities conducted by a single establishment, management, or institution resemble two or more different major classes of activities, to wit, Residential, Community Facilities, Trade, Services, Manufacturing, or Agricultural and Extractive Activities--the principal activities of each major class shall be classified separately.

3. CLASSIFICATION OF DIFFERENT ACTIVITIES WITHIN THE SAME MAJOR CLASS, CONDUCTED BY A SINGLE ESTABLISHMENT

If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same major class of activities, all such principal activities shall be classified in the activity types within said class the description of which type most closely portrays the overall nature of such activities.

2.034. RESIDENTIAL ACTIVITIES: CLASS AND TYPE

2.034.1 ACTIVITIES TYPE - PERMANENT RESIDENTIAL ACTIVITIES

A. Intent and Limitations.

This grouping is intended to include permanent residential activities that involve the occupancy of a dwelling unit as defined by the Ordinance. This form of occupancy shall not be construed to include:

- Institutional living arrangements involving provisions of special care or forced residence, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or
- Semi-transient accommodations such as rooming houses and boarding houses, as well as multi-family dwelling complexes having more than thirty (30) percent of their living units occupied on less than a monthly basis; or
- Transient accommodations such as transient hotels, motels, tourist homes, or similar establishments; or
- Dormitories, nurses' residences, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations; or
- In a building with mixed use occupancy, that part of the building used for any nonresidential uses, excepting accessory to residential use.

B. Use Listing

The following dwelling unit types as defined by this Ordinance are generally considered as permanent residential activities when located within any district. (See definition of multi-family dwellings for possible exceptions). However, only those dwelling unit types as indicated by individual district regulations may be permitted therein.

Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Multi-Family
Dwelling, Mobile Home
Dwelling, Zero-Lot Line
Dwelling, Accessory Apartment

2.034.2 ACTIVITY TYPE - SEMI-TRANSIENT RESIDENTIAL ACTIVITIES

This grouping is intended to include residential activities that are semi-transient in nature and involve the occupancy of a rooming unit as defined by this Ordinance. This form of occupancy shall not be construed to include:

A. Intent and Limitations

Institutional living arrangements involving provisions of special care or forced residence, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or

B. Use Listing

The following rooming unit types are considered as semi-transient residential activities when they meet the general limitations for a rooming unit. However, only those rooming unit types as indicated within individual district regulations may be permitted therein.

Boarding House
Rooming House

2.035 COMMUNITY FACILITY ACTIVITIES: CLASS AND TYPE

2.035.1 ACTIVITY TYPE - GOVERNMENT ADMINISTRATIVE SERVICES

A. Intent and Limitations

This grouping is intended to include the activities typically performed by public, utility and private nonprofit administrative offices.

B. Use Listing

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings
Fire Department Facilities
Police Department Facilities
Post Offices

2.035.2 ACTIVITY TYPE - COMMUNITY ASSEMBLY

A. Intent and Limitations

This grouping includes a broad range of facilities utilized as public gathering places in conjunction with various social and recreational events. This grouping is not intended to include facilities primarily utilized for profit, nor is it to include any facility that has the characteristics associated with extensive impact community facilities.

B. Use Listing

Civic, Social, Fraternal, and Philanthropic Associations, Private (nonprofit) Clubs, Lodges, Meeting Halls (other than Labor Union Halls), and Recreation Centers Temporary Nonprofit Festivals.

2.035.3 ACTIVITY TYPE - EDUCATIONAL FACILITIES

A. Intent and Limitations

This grouping is intended to include services and facilities typically performed by public, parochial, and primary and secondary schools. The grouping is not intended to include special training and schooling services offered by private individuals for profit, or by technical schools, colleges, and universities.

B. Use Listing

Primary and secondary schools

2.035.4 ACTIVITY TYPE - CULTURAL AND RECREATIONAL SERVICES

A. Intent and Limitations

This grouping is intended to include services and facilities of a cultural or recreational nature, which are either owned by, or operated for the use and enjoyment of, the general public. The grouping is not intended to include entertainment and amusement facilities, which are operated by private persons as profit making ventures.

B. Use Listing

Art Galleries (Non-Commercial)
Libraries
Museums
Parks, Playgrounds, and Athletic Fields
Recreational Centers and Gymnasiums (Public
Non-Profit)
Swimming Pools and Beaches
Yachting Clubs (Private)
Zoological and Botanical Gardens (Non-Commercial)

2.035.5 ACTIVITY TYPE - ESSENTIAL PUBLIC TRANSPORT,
COMMUNICATION, AND UTILITY SERVICES

A. Intent and Limitations

This grouping is intended to include facilities necessary and incidental to the operation of transport, communication, and utility services. The grouping is not intended to include major transport terminals or utility production and processing facilities.

B. Use Listing

Gas Substations
Gas, Electric, and Water Distribution Lines
Pumping Facilities for Water and Sewer Systems
Rights-of-Way for all Modes of Transportation
Sewage Collection Lines
Telephone Switching Facilities

2.035.6 ACTIVITY TYPE - EXTENSIVE IMPACT FACILITIES

A. Intent and Limitations

This grouping includes public activities and facilities that have a high degree of impact upon surrounding land use due to hazard and nuisance characteristics, traffic generation, and parking requirements.

B. Use Listing

Airports, Air Cargo Terminals, Heliports,
Helistops or any other Aeronautical Devices
Detention or Correction Institutions
Electricity Generating Facilities
Garbage Dumps, including Sanitary Landfill
Major Mail Processing Centers
Major Petroleum and Natural Gas Transmissions
Lines and Facilities
Marine Terminals
Motion Picture and Television Production Lots
Railroad Terminals Railroad Yards and other
Transportation Equipment, Marshalling and
Storage Yards

2.035.7 ACTIVITY TYPE - HEALTH CARE FACILITIES

A. Intent and Limitations

This grouping includes medical and other health care facilities that are required for promotion and protection of public health and safety. This grouping is not intended to include the offices, clinics, laboratories, etc., of private physicians or other health care professionals.

B. Use Listing

Centers for Observation or Rehabilitation
Convalescent Homes
Hospitals
Medical Clinics
Medical Facilities

2.035.8 ACTIVITY TYPE - INTERMEDIATE IMPACT FACILITIES

A. Intent and Limitations

This grouping is intended to include activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations.

B. Use Listing

Cemeteries, Columbariums, Crematoriums, and Mausoleums
Boat Docks, Marinas, and Yacht Clubs
Golf Courses
Radio, Telephone, and Television Towers and
Transmission Facilities
Water Storage Facilities
Water and Sewerage Treatment Plants
Electrical Substations

2.035.9 ACTIVITY TYPE - SPECIAL PERSONAL AND GROUP CARE FACILITIES

A. Intent and Limitations

This grouping is intended to include facilities for the care of very young and/or disabled persons who have need of special care and supervision. The grouping is not intended to include facilities primarily oriented to the provision of medical care or to the long-term care or rehabilitation and medical patients nor is it to include facilities for delinquent minors, criminally dangerous, or psychotic.

B. Use Listing

Associations for Physically or Mentally Handicapped Persons
Day Care Centers
Family Day Care Homes (Limited Child Care)
Nursing Homes
Retirement or Rest Homes
Orphanages

2.035.10 ACTIVITY TYPE - RELIGIOUS FACILITIES

A. Intent and Limitations

This grouping is intended to include facilities utilized by various religious organizations for worship or community services functions. The grouping is not intended to include facilities that primarily function to produce products, including printed matter, for sale or general distribution to groups other than the immediate membership of the organization.

B. Use Listing

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

2.035.11 ACTIVITY TYPE - SPECIAL INSTITUTIONAL CARE FACILITIES

A. Intent and Limitations

This grouping is intended to include facilities that involve forced residency, full time supervision and/or walk-in care for:

- (1.) individuals legally confined due to violations of law;
- (2.) individuals who are addicted to drugs and/or alcohol; and
- (3.) individuals who are mentally ill, including the criminally dangerous.

B. Use Listing

Detention and/or Correctional Institutions
Drug and Alcohol Rehabilitation's Facilities
Half-way Houses (serving convicted felons or recovering substance abusers)
Institutional Care facilities (including all types of asylums for the psychotic or insane)
Substance Control Center (Serving recovering substance abusers)

2.036 COMMERCIAL ACTIVITIES: CLASS AND TYPES

2.036.1 ACTIVITY TYPE - ANIMAL CARE AND VETERINARIAN SERVICES

A. Intent and Limitations

This grouping is intended to include the activities or facilities utilized by veterinarians in the care of small domestic pets. The grouping is not intended to include facilities or services for treatment of large farm animals.

B. Use Listing

Veterinarian Clinics
Kennels

2.036.2 ACTIVITY TYPE - AUTOMOTIVE PARKING

A. Intent and Limitations

This grouping is intended to include facilities for parking and/or storage of operative automotive vehicles. The grouping is not intended to include the storage of junk or scrap vehicles.

B. Use Listing

Auto Parking Lots
Parking Garages

2.036.3 ACTIVITY TYPE - AUTOMOTIVE SERVICE AND REPAIR

A. Intent and Limitations

This grouping is intended to include establishments primarily engaged in furnishing auto repair services to the general public.

B. Use Listing

Auto Glass Repair and Replacement Shops
Auto Inspection and Diagnostic Services
Auto Paint Shops
Auto Towing Services
Automobile Cleaning and Repair Services
Bus Maintenance and Repair Shops
Car Washes
Radiator and Muffler Shops
Tire Retreading and Repair Shops
Wheel Alignment and Transmission Repair Shops

2.036.4 ACTIVITY TYPE - BUILDING MATERIALS AND FARM EQUIPMENT SALES

A. Intent and Limitations

These groupings includes firms engaged in the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, as well as feed and seed used in agricultural pursuits.

B. Use Listing

Farm Equipment and Supplies
Feed Milling and Sales
Heating, Plumbing, and Electrical Supplies
Lumber and Other Building Material Dealers
Retail Nurseries, Lawn and Garden Supply Stores
Seed Storage and Sales

2.036.5 ACTIVITY TYPE - CONSUMER REPAIR SERVICES

A. Intent and Limitations

This grouping is intended to include establishments primarily engaged in the repair of miscellaneous objects. The grouping does not include automobile repair of any type.

B. Use Listing

Blacksmith Shops
Electrical Repair Shops
Gunsmith Shops
Instrument Repair Shops
Lawn Mower Repair Shops
Locksmith Shops
Office Equipment Cleaning and Repair
Refrigeration and Air Conditioning Repair
Reupholstery and Furniture Repair
Saddlery Repair Shops
Watch, Clock, and Jewelry Repair
Welding Shops

2.036.6 ACTIVITY TYPE - CONSTRUCTION SALES AND SERVICES

A. Intent and Limitations

This grouping includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

B. Use Listing

Builder's Hardware
Carpentering Contractors
Concrete Contractors
Excavation Contractors
General Building Contractors
Glazing Building Contractors
Highway and Street Construction Contractors
Masonry, Stonework, Tile Setting, and Plastering
Contractors
Painting, Paper Hanging, and Decorating
Services
Plumbing, Heating, and Electrical Contractors
Roofing and Sheet Metal Contractors

2.036.7 ACTIVITY TYPE - CONVENIENCE COMMERCIAL

A. Intent and Limitations

This grouping is intended to include firms engaged in the retail sale, from the premises, of goods and services which are needed immediately and often and which are purchased where it is most convenient for the shopper; as well as the provision of personal convenience services which are typically needed frequently or recurrently.

B. Use Listing

Bakeries
Barber Shops
Candy, Nut and Confectionery Stores
Convenience markets where gasoline may be sold
Diary Products
Drug Stores
Fruit Stores
Hardware Stores
Health Spas
Laundry, Cleaning and Garment Services
Meat and Fish Markets
News Stands
Shoe Repair Shops
Vegetable Markets

2.036.8 ACTIVITY - ENTERTAINMENT AND AMUSEMENT SERVICES

A. Intent and Limitations

This grouping is intended to include establishments engaged in providing amusement or entertainment on payment of a fee for admission charge.

B. Use Listing

Art Galleries--Commercial
Bowling Alleys and Billiard Parlors
Coin Operated Amusement Arcades
Commercial Recreation:

Golf Courses and Driving Ranges
Riding Stables
Skating Facilities
Swimming Pools and Beaches
Tennis Courts
Dance Halls
Exhibition Halls and Commercial Auditoriums
Gardens (Botanical and Zoological)
Marinas, Boat Docks, and Boat Rental
Motion Picture Theaters
Motion Picture Theaters-Drive-In
Recording and Television Production Studios
Theaters - Legitimate
Theatrical Producers, Bands, Orchestras, and
Entertainers

2.036.9 ACTIVITY TYPE - FINANCIAL, INSURANCE, REAL ESTATE, AND CONSULTATIVE, SERVICES

A. Intent and Limitations

This grouping includes firms engaged in the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services).

These include the executive, management, or administrative activities of private, profit-oriented firms but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

B. Use Listing

Agricultural Credit Institution
Banking and Bank-Related Functions
Credit Unions
Holding and Investment Organizations
Installment Sales Finance Companies
Insurance Sales and Services
Money Management and Investment Offices
Real Estate Brokers, Managers, and Appraisers
Rediscount and Financing Institutions for Credit
Agencies Other than Banks
Savings and Loan Associations
Securities Commodities, Brokers, Dealers, and
Exchanges
Title Offices

2.036.10 ACTIVITY TYPE - FOOD AND BEVERAGE SERVICE

A. Intent and limitations

This grouping is intended to include retail establishment selling prepared foods and drinks to the general public primarily for consumption on the premises. The grouping is not intended to include food preparation facilities that are not open to the general public and are operated as a subordinate service for benefit of employees engaged in other activities.

B. Use Listing

Cafes
Cafeterias
Restaurants
Taverns

2.036.11 ACTIVITY TYPE - FOOD SERVICE TAKE-OUT

A. Intent and Limitations

This grouping is intended to include establishments engaged in the retail sale of prepared food or beverages for either take out or on premises consumption either within the principal structure or within a vehicle parked on the same lot.

B. Use Listing

Drive-In Restaurants
Fast Food Restaurants

2.036.12 ACTIVITY TYPE - GENERAL BUSINESS SERVICE

A. Intent and Limitations

This grouping includes firms engaged in the provision of clerical, goods brokerage, communications, copying and blueprint services, custom printing (except books) but excludes the sale and/or storage of goods and chattel otherwise permitted by this ordinance.

B. Use Listing

Advertising Agencies and Services
Bus and Transit Terminals for Passengers
Commercial Cleaning Services
Commercial Testing Laboratories
Communication Services:
 Radio and Television Broadcasting Studios
 Telegraph Offices and Message Centers
 Telephone Exchanges and Relay Towers
 Television and Recording Production Studios
Computer and Data Processing Services
Credit Reporting, Adjustment, and Collection Agencies
Detective Agencies and Protective Services
Drafting Services
Employment, Personnel, and Temporary Help Services
Exterminating Services
Interior Decorator and Consulting Services
Mailing, Reproduction, and Commercial Art Services

Management, Consulting, and Public Relations
Services

Membership Organizations:

Automobile Clubs
Better Business Bureaus
Chamber of Commerce
Labor Unions
Political Organizations
Professional Associations
News Syndicates
Photofinishing Services
Research and Development Laboratories
Trading Stamp Services
Travel Agencies
Vehicular and Equipment Rental and Leasing
Services

2.036.13 ACTIVITY TYPE - GENERAL PERSONAL SERVICES

A. Intent and Limitations

This grouping includes firms engaged in the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

B. Use Listing

Funeral Services (Undertaking Services)
Catering Services
Clothing Repair and Rental
Photographic Studios
Hat Cleaning Shops
Special Training and Schooling Services:
Art and Music Schools
Barber and Beauty Schools
Dancing Schools
Driving Schools
Athletic Clubs

2.036.14 ACTIVITY TYPE - GENERAL RETAIL TRADE

A. Intent and Limitations

This grouping includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services; but excluding goods and services listed under other activity types.

B. Use Listing

Antique and Second Hand Merchandise Stores
Automotive Parts (No exterior storage)
Book and Stationery Stores
Camera Stores
Children's and Infant's Stores
Department Stores
Drapery, Curtain, and Upholstery Stores
Family Clothing Stores
Floor Covering Stores
Florists
Furniture Stores
Furriers and Fur Shops
Gift Shops
Grocery Stores
Hardware Stores
Hobby, Toy, and Game Stores
Household Appliance Stores
Jewelry Stores
Luggage Shops
Men's and Boy's Clothing and Furnishing Stores
Miscellaneous Apparel and Accessory Stores:
 Bathing Suit Stores
 Custom Tailors
 Shirt Shops
 Sports Apparel Stores
 Uniform Stores
Miscellaneous General Merchandise Stores:
 Direct Selling Organizations
 Mail Order Houses
Miscellaneous Home Furnishings Stores:
 Bedding and Linen Stores
 Cookware Stores
 Cutlery Stores
 Glassware and China Shops
 Lamp and Shade Shops
 Paint and Wallpaper Stores

Music Stores
News Stands
Proprietary Stores
Radio and Television Stores
Sewing and Piece Goods Stores
Shoe Stores
Sporting Goods Stores
Tobacco Shops
Variety Stores
Women's Accessory and Specialty Stores
Women's Ready-to-Wear Store

2.036.15 ACTIVITY TYPE - GROUP ASSEMBLY

A. Intent and Limitations

This grouping includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (500 or more) or that have a substantial potential impact upon adjoining property.

B. Use Listing

Amusement Parks and Fairgrounds
Commercial Camp Grounds
Commercial Resorts
Commercial Sports Arenas and Playing Fields
Race Tracks (Auto, Motorcycle, Dog, and Horse)
Schools for Profit
Colleges and Universities
Technical and Trade Schools
Drag Strips

2.036.16 ACTIVITY TYPE - PROFESSIONAL SERVICES - MEDICAL

A. Intent and Limitations

This grouping is intended to include establishments primarily engaged in providing medical, dental, and other health services to individuals. The grouping does not include services provided at general care facilities located within Community Facilities Health Care.

B. Use Listing

Chiropractors Offices
Dental Offices and Laboratories
Medial Laboratories
Optometrists
Physicians' Offices and Clinics (Out Patient Services)
Psychologists and Psychotherapists

2.036.17 ACTIVITY TYPE - PROFESSIONAL SERVICES - NON MEDICAL

A. Intent and limitations

This grouping is intended to include a broad listing of generally recognized professions, other than medicine, which are compatible with one another and tend to exert similar impacts upon their surroundings.

B. Use Listing

Accounting, Auditing, and Bookkeeping Services
Artists Studios
Attorneys and Law Offices
Consulting Scientists
Educational and Scientific Research Services
Engineering and Architectural Services
Songwriters and Music Arrangers
Urban Planning Services
Writers and Lecturers

2.036.18 ACTIVITY TYPE - TRANSIENT HABITATION

A. Intent and Limitations

This grouping is intended to include commercial and institutional establishments engaged in furnishing lodging, or lodging and meals on a fee basis.

B. Use Listing

Hotels, Motels
Tourist Homes or Courts
Sporting and Recreational Vehicle Camps
(Commercial Camp Grounds)
Bed and Breakfast

2.036.19 ACTIVITY TYPE - VEHICULAR, MARINE CRAFT, AIRCRAFT
AND RELATED EQUIPMENT SALES, RENTAL AND DELIVERY

A. Intent and Limitations

This grouping is intended to include the retail dealers selling new or used automobiles, boats, aircraft, recreational vehicles, utility trailers and motorcycles. Repair Shops and Parts Sales Facilities are to be included, along with Gasoline Service Stations. The grouping is not intended to include automotive distributors, from which the greater part of wholesales are to dealers or to institutional or industrial users (See Wholesale Trade-Durable Goods).

B. Use Listing

Aircraft Dealers
Auto and Home Supply Stores
Boat Dealers
Gasoline Service Stations
Motor Vehicle Dealers (New and Used)
Motorcycle Dealers
Recreational and Utility Trailer Dealers

2.036.20 ACTIVITY TYPE - WAREHOUSING, GOODS TRANSPORT, AND
STORAGE

A. Intent and Limitations

This grouping is intended to include establishments and facilities associated with the warehousing, storage, and transport of goods. Due to the very close relationship between these uses and manufacturing activity and to the extensive impact of the truck traffic, etc., associated with these uses, they are included within this grouping even though certain aspects of these uses are closely aligned with wholesale trade activity.

B. Use Listing

Freight Forwarders
General Warehousing
Household Goods Storage (including, but not limited to, mini-warehouses, self-storage facilities, and convenience storage)
Local and Long Distance Trucking Terminals
Packing and Crating Services
Refrigerated Warehousing

Truck Terminals and Freight Handling

2.036.21 ACTIVITY TYPE - WHOLESALE SALES

A. Intent and Limitations

This grouping includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets' but excludes sale or storage of motor vehicles, except for parts and accessories.

B. Use Listing

Apparel, Piece Goods, and Notions
Beer, Wine and Distilled Alcoholic Beverages
Chemicals and Allied Products
Drugs, Drug Proprietaries, and Sundries
Electrical Goods and Appliances
Farm Products, Raw Materials
Farm Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware, Plumbing, and Heating Equipment and Supplies
Lumber and Other Construction Materials
Machinery, Equipment, and Supplies
Metals and Minerals
Motor Vehicle and Automotive Parts and Supplies
Paints, Varnishes, and Supplies
Paper and Paper Products
Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies

2.037 INDUSTRIAL ACTIVITIES: CLASS AND TYPES

2.037.1 ACTIVITY TYPE - MANUFACTURING - LIMITED

A. Intent and Limitations

This grouping is intended to include manufacturing operations that involve the compounding, processing, assembling, packaging, treatment or fabrication of materials necessary to create the following products:

Apparel accessories, such as hats, jewelry,
and umbrellas
Art Objects
Bakery Goods
Beverages (non alcoholic)
Dairy Products
Instruments for Scientific, Medical, Dental,
Engineering, and Other Professional
Purposes
Optical Instruments and Lens
Printed Matter
Signs

All activities and operations within this grouping shall in all respects comply on a continuous basis with the performance standards applicable within the I-1 and I-2 (Light Industrial District).

B. Use Listing

In addition to the manufacturing of the above products, the following activities and operations are held to that is limited manufacturing activity:

Book Binding
Data Processing Service
Photocopying
Photoengraving
Precision Machining of Dies, Jigs, and
Fixtures
Printing
Publishing
Record Pressing
Upholstering

2.037.2 ACTIVITY TYPE - MANUFACTURING - INTERMEDIATE

A. Intent and Limitations

This grouping is intended to include a broad range of manufacturing operations. All activities and operations within this grouping shall in all respects comply on a continuous basis with the performance standards applicable within any Industrial District. The grouping includes the manufacture, compounding, assembling, packaging, treatment, or fabrication or various products, except the following:

Cotton Seed Oil
Explosives
Fireworks
Organic Fertilizers

B. Use Listing

Subject to the general intent and limitations set out above for this type of manufacturing use grouping all types or variations of manufacturing activities and operations excepting the following shall be considered intermediate manufacturing.

Abrasive, Asbestos, and Non-metallic Mineral Processing
Asphaltic Cement Plants
Atomic Reactors
Automobile Wrecking Yards
Cement and/or Concrete Plants
Chemical Manufacturing in excess of 1 ton per day
Cotton Ginning
Fat Rendering
Foundaries
Grain Milling
Junk Yards
Offal Processing
Lumber and Wood Products Manufacturing
Meat Products Manufacturing
Dyeing and Finishing of Textiles
Primary Metal Industries
Ordinance and Accessories Manufacturing
Automotive, Truck, and Vehicle Assembly Manufacturing

2.037.3 ACTIVITY TYPE - MANUFACTURING - EXTENSIVE

A. Intent and Limitations

This grouping is intended to include all intermediate manufacturing activities (Described in A and B above) and the exceptions listed above for that grouping, except the use listed below in B.

B. Use Listing

The following activities are held to not fall within the general definition of extensive manufacturing activities.*

Arsenals
Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Radioactive Waste Handling
Solid Waste Disposal (Landfill)

2.038 AGRICULTURAL AND EXTRACTIVE ACTIVITIES: CLASS AND TYPES

2.038.1 ACTIVITY TYPE - AGRICULTURAL ACTIVITIES

A. Intent and Limitations

This grouping is intended to include a variety of service functions that are directly linked to the agricultural activities which these functions support.

B. Use Listing

Crop Drying, Storage, and Processing Services
Crop Planting, Cultivating, and Protection Services
Horticultural Services
Soil Preparation Services
Veterinary Services for Livestock

2.038.2 ACTIVITY TYPE - CROP AND ANIMAL RAISING

A. Intent and Limitations

This grouping is intended to include the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

* The definition of Extensive Manufacturing Activities may be expanded to include the preceding exceptions upon the consideration of a specific proposed use by the Board of Zoning Appeals.

B. Use Listing

Dairies
Farms
Raising of Plants, Animals, and Fish
Truck Gardens

2.038.3 ACTIVITY TYPE - FEED LOTS AND STOCKYARDS

A. Intent and Limitations

This grouping is intended to include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

B. Use Listing

Feed Lots
Stockyards

2.038.4 ACTIVITY TYPE - MINING AND QUARRYING

A. Intent and Limitations

This grouping is intended to include operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, sand, and gravel, clay, and other non-metallic minerals (such as phosphate rock).

B. Use Listing

Chemical Fertilizer and Non-metallic Mineral
Mining
Clay, Ceramic, and Refractory Minerals
Coal Mining
Crude Petroleum and Natural Gas Production and
Field
Metal Ore and Mineral Mining
Sand and Gravel Quarrying
Stone Quarrying

2.038.5 ACTIVITY TYPE - PLANT AND FOREST NURSERIES

A. Intent and Limitations

This grouping is intended to include the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees intended for ornamental, landscaping, or tree planting purposes.

B. Use Listing

Forest Nursery
Plant Nursery

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only one (1) principal structure on any residential lot
- 3.030 Lot must abut a public street or dedicated easement
- 3.040 Rear yard abutting a public street
- 3.050 Corner lots
- 3.060 Future street lines
- 3.070 Reduction in lot area prohibited
- 3.080 Obstruction to vision at street intersection prohibited
- 3.090 Access control
- 3.100 Accessory use regulations
- 3.110 Buffer strips
- 3.120 Site plan requirements
- 3.130 Solar orientation
- 3.140 Antennas and satellite (TV) dishes
- 3.150 Landscape treatment regulations
- 3.160 Minimum design standards for transmission and communications towers and stations
- 3.170 Sidewalks
- 3.180 Fences
- 3.190 Outside display and outside storage

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

3.020. Only one (1) principal structure on any residential lot. Only one (1) principal structure and its customary accessory building or structure may hereafter be erected on any residential lot. This provision does not prohibit planned development complexes as permitted under Article IV, Section 4.070 of this ordinance, multi-family dwellings, or mobile home parks.

3.030. Lot must abut a public street or dedicated easement. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least thirty (30) feet, unless it abuts for at least thirty (30) feet on a street that has been shown on a final subdivision plat as approved by the Smyrna Municipal Planning Commission, or unless said lots abuts for at least fifty (50) feet on a permanently dedicated easement according to the following standards:

- (1) such easement shall be at least fifty (50) feet in width, and shall not be used to provide access to more than one (1) lot or tract of land.
- (2) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.
- (3) no easement shall exceed seven hundred (700) feet in length.
- (4) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (5) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (6) maintenance of the easement shall be the responsibility of the property owner(s).
- (7) all required utility easements shall be located outside the fifty (50) foot roadway easement.
- (8) any further subdividing on the easement shall require the development or building of a public road and meet all road standards and other requirements as stated in the Subdivision Regulations of Smyrna, Tennessee.

The above standards shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the Planning Commission and will be in private ownership and control in perpetuity.

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

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

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

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

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

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential, retail and commercial services land uses. All points of access shall be so constructed as to provide for proper drainage of property and public street. A minimum of a fifteen- (15) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.

- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collectors or arterial this minimum shall be forty (40) feet.
- D. No curbs on Town streets or right-of-way shall be cut or altered without written approval of the Smyrna Street Superintendent, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.

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

- A. Be customarily incidental to the principal use established on the same zone lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.

E. Detached accessory structures are allowed in residential districts as follows, whether for one structure or multiple structures:

1. For parcels less than 15,000 square feet, the maximum size shall be 600 square feet.
2. For parcels greater than 15,000 square feet but less than 1 acre, the maximum size shall be 800 square feet.
3. For parcels greater than 1 acre but less than 3 acres, the maximum size shall be 1,200 square feet.
4. For parcels greater than 3 acres, the maximum size shall be 1,500 square feet.

F. Detached accessory structures are allowed in commercial and industrial districts up to ten (10) percent of the total square footage of the principal structure not to exceed 5,000 square feet in size.

G. Detached agricultural accessory structures are allowed in conjunction with agricultural uses as defined in Article II on parcels of land at least five (5) acres in size in the appropriate zoning districts as allowed by this Ordinance. These structures cannot exceed 2,500 square feet, whether for one structure or multiple structures. Structures exceeding this size limit may be reviewed as a special exception by the Board of Zoning Appeals for the type of structure and proposed use. Agricultural accessory structures must be setback a minimum of ten (10) feet from any side or rear property line and be located behind the principal structure.

3.110. Buffer strip. Where a use is established in areas zoned nonresidential (C-1, C-2, C-3, C-4, P-0, I-1, I-2, I-3 and A-1) which abuts at any point upon property zoned residential (R-1, R-2, R-3, R-4, and R-5), the developer of said use shall provide a buffer strip as defined herein at the point of abutment. Moreover, there shall (also) be installed a five (5) foot tall galvanized metal mesh fence or other acceptable type of fence, i.e., wood, brick, or wrought iron fence along the entire length of such abutment, when deemed necessary by the Planning Commission. A buffer strip shall also be placed or planted around the perimeter of any planned development or multi-family dwelling situated within an R-1, R-2, R-3 or R-4 Zoning District, except where such use is situated adjacent to another multi-family dwelling or a planned development project. Furthermore, there shall be installed around the rear and sides of all drive-ins restaurants, a five (5) foot metal, mesh fence designed to keep litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Zoning Appeals.

3.120. Site Plans.

A.1. Proposals Requiring Site Plan Approval.

Any proposal for the construction or location of one (1) or more principal structure on a lot (with the exception of single-family and two-family dwellings in single ownership) requires site plan approval.

2. Submittal Deadline. Complete site plans shall be submitted to the Town Planner at least 17 days prior to the Planning Commission meeting, if said submittal is to be officially entertained by the Planning Commission at the next regularly scheduled meeting thereof.
3. Specifications. Site plan submittals shall not be considered complete unless the following elements have been included or addressed:
 - (1) Scale shall be no smaller than one (1) inch to fifty (50) feet;
 - (2) Plans shall not be larger than 24 inches by 36 inches (E size);
 - (3) Contours shall be shown at two (2) feet intervals;
 - (4) Required parking (including handicapped spaces) and loading/unloading spaces;
 - (5) Graphic cross-section of any on-site paving required;
 - (6) Location of existing and proposed fire hydrants, servicing utilities, with reference to location, availability, and compatibility;
 - (7) Maneuvering area;
 - (8) Openings for ingress/egress to public streets;
 - (9) Location of the centerline, right(s)-of-way, and edge of pavement of existing public streets as well as the location of existing curbing when applicable;
 - (10) Sidewalks, if required (See Section 3.170);

- (11) Total square footage of all on-site impervious surfaces (including buildings, parking lots, driveways, sidewalks, and roads) and total square footage of all vehicular use area (including parking lots, driveway, and roads);
- (12) Landscape Treatment Plan (see Section 3.150 or the Design Review Manual, whichever is applicable);
- (13) Storm water drainage calculations and a proposed drainage plan designed to meet the following:

Storm water detention design and calculations shall provide adequate detention volume and freeboard within the detention basin for both the 0.5 inch first flush volume and the 25-year storm frequency volume, based on the post development runoff rates. The detention basin calculations shall include the study of routing a 50-year storm frequency through an emergency overflow or by other means as to ensure flooding of the adjacent structures and properties does not occur. The detention basin discharge structure shall be designed as to regulate the post-development runoff rate based on the 2-, 5-, 10-, and 25-year storm frequencies by means of a circular orifice, a non-circular orifice, a rectangular weir, a trapezoidal weir, a triangular weir, a "V"-notch weir, culvert entrance control structure, or riser overflow opening. The post-development discharge rate for the 2-, 5-, 10-, and 25-year storm frequencies shall not exceed the pre-development runoff rates. The detention basin design and calculations shall also include any offsite drainage areas contributing to the collected runoff of the proposed development site, if routed through the detention basin. All components of the detention basin design shall also be in accordance with the Town of Smyrna's National Pollution Discharge Elimination System (NPDES) General Permit Application for Municipal Separate Storm Sewer System (MS4) Phase II Program and the Town of Smyrna's Dry Detention Basin Policy.

- (14) Density of the development (dwelling units per acre) or required open space;
- (15) Number of stories (all residential and commercial structures three (3) or more stories in height require plans approval by the State Fire Marshall's office);

- (16) Required building setbacks and other yard requirements;
- (17) Location map showing the relationship of the proposal to scale to other developments, land uses, and streets;
- (18) Architectural elevations with materials identified (See Design Review Manual);
- (19) Grading/excavation plans showing all specifics including location, size, materials, cut and fill amounts, etc.; and
- (20) Additional requirements for Planned Developments (See Section 4.070) and Multi-Family Developments (See Section 4.171).

4. Site Plans Requiring Staff Review Only.

The following types of proposals shall require that site plans be submitted to the specifications and time frames enumerated in Subsections A.2 and A.3 above and approved by the Town staff rather than by the Planning Commission:

- (1) Site improvements or building additions that meet all of the following criteria:
 - (a) Involve 10% or less in scope and area of the previously approved site plan (existing development on the zone lot);
 - (b) Do not exceed 5,000 square feet of building area;
 - (c) Do not exceed one such addition in any twelve (12) month period;
 - (d) Conform to the provisions of the land use plan as well as provisions of this ordinance;
 - (e) Do not constitute any threat to the public welfare, and are not injurious to the property values within the vicinity or community; and
 - (f) Do not require the Town staff to decide any major developmental policy issues.
- (2) Change in use from one classification to a different classification as defined in Section 2.030 of this ordinance.

- B. Additional Submittal Requirements. The above applications must be supported by any other information or data as might be deemed necessary by the Smyrna Municipal Planning Commission, such as architectural renderings, perspective illustration of proposed developments, etc.
- C. Planned Developments and Mobile Home Parks. Proposals for planned developments and mobile home parks shall follow separate provisions outlined in Article IV, Section 4.070 and 4.090 in this ordinance.
- D. All site plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee to perform such design service as is required above.
- E. letters of credit for site plans shall be provided according to the following provisions:
1. All site plans presented for review and approval to the Smyrna Municipal Planning Commission shall present the Planning Commission with a document indicating intent to file a letter of credit for improvements shown on the site in the amount of one hundred and twenty (120) percent of cost of said improvements. Such document shall be approved by the Town Engineer, or other specified Town employee. It shall specify the amount of such letter of credit by specific type of on and or off-site improvements required, i.e., drainage requirements, landscaping, paving, utilities, etc.
 2. Said improvements shown on the site plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, or any other improvements required by the Planning Commission before the site plan is approved.
 3. A letter of credit authorized by the Planning Commission shall be secured by either an irrevocable letter of credit or cashier's check. The beneficiary of the surety shall be the Town of Smyrna. Such letter of credit shall comply with all statutory requirements and shall be satisfactory to the town attorney as to form, sufficiency, and manner of execution.

Accordingly, such letter of credit must be officially filed and approved on the appropriate form within Appendix B of the Town of Smyrna Subdivision Regulations. Moreover, only commercial banks and federally chartered savings and loan associations located in the Rutherford or Davidson County, Tennessee, shall be acceptable institutions for the issuance of a letters of credit as required for the purposes of these regulations.

4. The letter of credit must be retained for a period of one year from the issuance of the certificate of occupancy wherein such surety instrument shall be provided, in order to facilitate the improvements depicted on the approved site plan. If improvements have been made within the one-year period, Town Council may release the bond after the inspection of all required improvements, and approval of those improvements by the Planning Commission, or its authorized representative, the Town Engineer. If improvements have not been installed in a satisfactory manner, the Town Council of the Town of Smyrna shall retain and cash the letter of credit to facilitate the completion of such improvements.

- F. Expiration. The approval of any site plan granted under the provisions of this section (Section 3.120) shall become expired in any situation wherein a building permit has not been officially obtained, under the provisions of Section 7.030 of this ordinance, within (1) one-year of the official approval of said site plan (the date wherein the Planning Commission approved said site plan). Any application for a building permit for any land use depicted on an approved site plan which is made beyond a year after the approval of such plot plan shall be denied and no such permit shall be granted until a new site plan is prepared and approved by the Planning Commission under all the terms established within Section 3.120 of this ordinance. Any such resubmittal shall be stamped by the preparing professional utilizing the current date. A site plan approval may be extended by the Town Planner one time if the developer requests an extension prior to the expiration of the approved plan. This extension may be for up to 6 months and may only be granted if the Town Planner has received construction plans for review.

3.130. Solar orientation. Solar orientation devices shall be subject to the required yard setbacks and other requirements affecting accessory uses and/or structures. The use of solar/energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots are oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than 20 degrees from the north/south axis. There shall be no solar device within any portion of the required front yard.

3.140. Antennas and satellite (TV) dishes. For the purposes of this ordinance all radio and television antennas shall be construed as accessory uses and/or structures, and shall thereby be subject to the required yard setbacks, as well as the other requirements cited within SECTION 3.100 of this ordinance.

3.150. Landscape Treatment Regulations.

A. Purpose and Intent. The purpose and intent of this section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve properties and their values; and to preserve the character of an area by preventing the harmful effects of prejudicial land uses. More specifically, this section is intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, the glare of motor vehicle lights, the level of carbon dioxide in the atmosphere, and soil erosion, while providing shade, and enhancing the blighted appearance of parking lots.

B. Applicability. The provisions of this section shall apply to all developments within the Town of Smyrna as follows:

1. New Sites

No new site development, building or structure shall hereafter be constructed which involves the creation or utilization of any vehicular use area unless landscaping as required by the provisions of this section is provided.

2. Change of Use

No use shall be changed to another use for which the zoning ordinance requires additional parking over and above that required for the previous use, unless vehicular use area landscaping as required by this section is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the expanded parking requirements for the new uses.

- C. Definitions. All plant materials utilized under the provisions of this section shall be living plants (artificial plants are prohibited) and shall fall under the scope of the following definitions:

QUALITY - Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants; with exception of shrubs and hedges, vines and ground covers shall be prohibited.

DECIDUOUS TREES (Trees which normally shed their leaves in the fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet, and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen-(15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above the ground for trees up to four (4) inches caliper) of at least one and three fourths (1 3/4) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

EVERGREEN TREES - Evergreen trees shall be a minimum of six (6) feet high.

SHRUBS AND HEDGES - Shrubs and hedges shall be at least two (2) feet in average height with three (3) canes when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of final approval of each planting or replanting. Privet, ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirement of this section. The height of the planting shall be measured from the level of the vehicular use area at the edge closest to the screening.

VINES - Vines shall be at least twelve (12) inches high at planting, and are to be generally used in conjunction with walls or fences.

GRASS OR GROUND COVER - Grass of the fescus (Festuca) or Bluegrass (Poaceae) family shall be planted in species normally grown in Smyrna as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and have seventy-five (75) percent of complete coverage after two (2) complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar materials, if approved by the Planning Commission, or the Board of Zoning Appeals wherever additional parking is required by any application for a special exception.

D. Existing Landscaping Material

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the enforcing officer such material meets the requirements and achieves the objectives of this article. Existing healthy trees may be substituted for trees required for vehicular use property or for interior landscaping by using the following criteria: a six (6) inch to twelve (12) inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12) inch to twenty-four (24) inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24) inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) trees of the required minimum size.

E. Minimum and Maximum Area Standards

The following general and specific area standards shall be met:

1. General Standard

For each one hundred (100) square feet, or portion thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided.

2. Specific Standards

a. Area

The minimum individual landscaped area permitted shall be sixty-four (64) square feet, with a four (4) foot minimum dimension to all trees from the edge of the pavement. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred-fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use areas over thirty

thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four-(4) feet minimum dimension to all trees from edge of pavement where there is a vehicle overhang.

b. Trees

A minimum of one (1) tree shall be required for each two hundred-fifty (250) square feet or fraction thereof of required landscaped area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

F. Landscape Treatment Plan

- (1) Submittal Requirements. Ten (10) complete copies of the landscape treatment plan shall be submitted with the site plan. The landscape treatment plan shall not be considered complete unless the following elements have been included or addressed:
 - (a) Scale shall be no smaller than one (1) inch to one hundred (100) feet;
 - (b) All landscaped areas shall be shown;
 - (c) Location and tabular listing of all on-site landscaping, including the specific nature of the existing and proposed landscaping;
 - (d) Parking aisles and individual parking areas;
 - (e) Points of ingress and egress;
 - (f) Existing and proposed utilities as well as their easements;
 - (g) Dimensions of the lot;
 - (h) Topography of the lot;
 - (i) Stormwater drainage characteristics;
 - (j) Location of existing and proposed fire hydrants;
 - (k) Any applicable buildings; and

- (1) Building setbacks.
- (2) Submittal Deadline. The landscape treatment plan shall be submitted to the Town Planner at least 17 days prior to the Planning Commission meeting, if the site plan for which the landscape treatment plan supports is to be officially entertained by the Planning Commission at the next regularly scheduled meeting thereof. In the case of a special exception request, the landscape treatment plan shall be submitted, along with a completed application form, to the Town Planner no later than 4:30 p.m. ten (10) days prior to the Board of Zoning Appeals meeting.

G. Enforcement

The provisions of this subsection shall be jointly and severally used to assure performance of this section.

1. Surety Instrument

The landscaping plan as submitted and approved shall be secured by a letter of credit made payable to the town in an amount equal to the estimated cost of the landscaping plus ten (10) percent, at the time of the issuance of a building permit or occupancy permit whenever site plan approval or a special exception is involved, or at the time of the issuance of an occupancy permit whenever a change in use is involved. The period within which all required landscaping improvements must be completed shall not exceed one (1) year, at which time said letter of credit shall be called to complete the approved landscaping plan, if such improvements have not been properly completed. However, at the Planning Commission's discretion, such letter of credit may be extended for a period not to exceed six (6) months. If this is done an additional five (5) percent of the cost of securing all necessary improvements must be figured into the newly reanalyzed letter of credit. At the end of this period of time, said letter of credit shall be called to facilitate all required improvements if such have not been already completed. Said letter of credit shall be obtained solely from commercial banks and federally chartered savings and loan associations located in Rutherford or Davidson County.

2. Building Permit and Certificate of Occupancy

Where landscaping is required under the provisions of this section, no building permit shall be issued until the required landscape plan has been submitted and approved by the Planning Commission whenever changes of use or site plans are involved, or by the Board of Zoning Appeals when landscaping pertains to special exceptions. In no case shall any Certificate of Occupancy be issued until the landscaping is certified as having been installed, or either a letter of credit is received to guarantee such installation.

H. Maintenance

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material that fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this section.

3.160. Minimum Design Standards for Transmission and Communications Towers and Stations.

A. Standards for Telephone, Telegraph and Communications Transmitter Stations and Towers. All transmitter stations, including towers and operating equipment located within Smyrna shall adhere to the following standards:

1. No building or equipment in connection with transmitter stations and/or towers shall be located nearer than fifty (50) feet to any adjacent leasehold line and/or property line whenever such are contiguous.
2. Transmitter stations, including towers and operating equipment in connection therewith, not meeting the requirements of subsection 3.160.A.1 above shall adhere to all of the following conditions:
 - (a) No building or equipment in connection therewith shall be located nearer than fifty (50) feet to any leasehold line and/or property line when such are coterminous.
 - (b) All towers with a height of one hundred fifty (150) feet (from the base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1996 utilizing a wind rating of ninety miles per hour (90 MPH) plus ice loading for Smyrna, Tennessee.
 - (c) All towers shall be set back from all property lines by a distance that is equal to:
 - (1) For a guyed tower, twenty percent (20%) of the height, and
 - (2) For a self supporting tower, fifty percent (50%) of the height.

- (d) All applications for permits to build towers in Smyrna must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- (e) All such towers adjacent to any residential zoning district shall be screened and buffered adjacent to a chain link fence that is at least six (6) feet tall. Such screening shall be opaque in a two (2) year period. (See definition of buffer strip).
- (f) All telecommunications towers must be completed surrounded by at least a six- (6) foot chain link fence.

3.170. Sidewalks.

- A. Sidewalks shall be in the dedicated non-pavement right-of-way and be at least five (5) feet wide. Concrete curbs are required for all public ways where sidewalks are to be constructed, and a grass strip at least two (2) feet wide shall be installed in single family residential districts. In multi-family residential and commercial districts, this requirement may be waived at the discretion of the Planning Commission.
- B. Sidewalks shall be required if a new residential or commercial development is within two-thousand 2,000 feet of a public facility, i.e. public school, library, park, playground, etc., on both sides of the street on which the developer's project is located. If the development includes both sides of the road, the developer would be responsible for constructing sidewalks on both sides of the road. Town of Smyrna staff may recommend to the Planning Commission that construction of a sidewalk only be done on one side of the road where topography makes it impractical for sidewalks to be placed on both sides of the road.

- C. New residential and commercial development which involve the construction of or are along collector or arterial streets as designated on the Smyrna Major Thoroughfare Plan shall have sidewalks on both sides of any street thus classified. The Smyrna Municipal Planning Commission may, at its' discretion, remove any street from this requirement that is, at minimum, a four lane, limited access, divided highway. A developer will be required to construct the required sidewalks only on the side of the road on which the developer's project is located. If the development includes both sides of the road, the developer would be responsible for constructing sidewalks on both sides of the road. Town of Smyrna staff may recommend to the Planning Commission that construction of a sidewalk only be done on one side of the road where topography makes it impractical for sidewalks to be placed on both sides of the road.
- D. There shall be a requirement to dedicate right-of-way for the development of greenways, bike paths, or urban trails when a development occurs along or on an area which has been indicated in the approved Greenways Plan for a future greenway, bike path, or urban trail.

3.180 Fences. Fences are allowed to be installed on any lot in any district subject to the following limitations:

- A. No encroachment on the front setback is allowed. In the case of a lot with multiple road frontages, this would include the front yard setback on which the principal structure faces. On any road frontage, which the principal structure does not face, a fence could encroach on the front yard setback provided the provisions of Article III, Section 3.080 are met.
- B. Fences and decorative fences are allowed to be located along property lines in the side and rear yards.
- C. In no case shall a fence or decorative fence encroach upon a public utility or drainage easement without prior written approval of the Director of Utilities or the Town Engineer, whichever is applicable.

D. Decorative fences are allowed to encroach upon a front yard setback. However, no fence or decorative fence is allowed to encroach upon public right-of-way.

3.190 Outside display and outside storage. Outside display and outside storage are allowed within the corporate limits of the Town of Smyrna, Tennessee, subject to the following limitations:

A. Outside display is allowed within all Commercial and Industrial zoning districts. Outside display is limited to the sale of motor vehicles, boats, aircraft, farm equipment, patio furniture and equipment, storage buildings, carports, building materials, landscaping materials, and plants.

B. Outside storage is allowed in the C-2, C-3, I-2, and I-3 zoning districts. Outside storage must be located behind the principal structure away from the public right-of-way. In the case of a lot with multiple road frontages, outside storage must be located away from all public rights-of-way.

C. Outside storage must be adequately screened with fencing and/or a buffer strip. Items allowed to be stored outside include equipment and materials used in the everyday operations of the principal use on site. No repair work is allowed to take place outside. In any case where an area to be used for outside storage abuts a residential zoning district, consideration for another location on the lot for the outside storage to be located shall be given by the Planning Commission during site plan review.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-street parking requirements
- 4.020 Off-street loading and unloading requirements
- 4.030 Temporary use regulations
- 4.040 Customary incidental home occupations
- 4.050 Fall-out shelter restrictions
- 4.060 Gasoline service station restrictions
- 4.070 Planned development regulations
- 4.080 Special provisions for party walls
- 4.090 Development standards for mobile home parks
- 4.100 Development standards for automobile wrecking, junk and salvage yards
- 4.110 Floodway fringe area
- 4.120 Flood damage prevention requirements
- 4.130 Performance standards regulations
- 4.140 Minimum residential front yard requirements on turn-arounds of cul-de-sac streets
- 4.150 Special provisions for residential occupancy in connection with mini-warehouse facilities
- 4.160 Development standards as apply to duplex residential dwellings, as well as zero-lot line two-family dwellings
- 4.170 Development standards as apply to multi -family dwellings
- 4.180 Supplemental Side Yard Building Setback Requirements

4.010. Off-street parking requirements. In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission may be required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time of operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be at least one hundred seventy-one (171) square feet in size (9 feet x 19 feet) and such space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use the service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

4.010.1 Number of Parking Spaces Required

The number of off-street parking spaces shall be provided for the specified unit of measure (or fraction on one-half (1/2) or more thereof) for the following specified uses within the activity types indicated.

4.010.1.A RESIDENTIAL ACTIVITIES

	Type of Residence	Parking Standard (spaces per unit)
Permanent	Single-Family	2
	Two-Family	2
	Duplex	2
	Triplex	2
	Quadruplex	2
	Multi-Family (3 or more)	2
	Mobile Homes	2
	Occupancy primarily of persons over 60 yrs.	1; lot size to allow for 1.5 in the future
	Upper Story Residential in C-1	1.5
Semi-Transient	Boarding & Rooming House	1.5
	Bed & Breakfast	1.5

4.010.2.A. Community Facility Activities

Type of Community Facility	Parking Standard
Administrative & Government	1 space/300 SF of gross floor area + 1 space/3 employees
Airport Passenger Terminals	1.5 spaces for each passenger at peak hour of air travel
Aircraft Maintenance, Aircraft Storage Hangers	1 space/1,000 SF gross floor area
Air Cargo Terminals	1 space/3,000 SF gross floor area
Community Assembly	1 space/2 seats -or- 50% of capacity in persons (whichever is greater)

B. Educational Facilities

Type of Educational Facility	Parking Standard
Kindergarten or Nursery	1 space per employee + 1 space per 4 students
Elementary & Middle School, Grades 1-7	2 spaces per classroom -or- 1 space per 5 seats in auditorium -or- 1 space per 4 students, teachers, and employees (whichever is greater)
High School, Grades 8-12	4 spaces per classroom -or- 1 space per 5 seats in auditorium -or- 1 space per 2 students, teachers, and employees (whichever is greater)
Vocational or Trades Schools	4 spaces per classroom -or- 1 space per 5 seats in auditorium -or- 1 space per 2 students, teachers, and employees (whichever is greater)

C. Cultural and Recreational Services and Facilities

Type of Cultural/Recreational Facility	Parking Standard
Art Galleries, Libraries, Museums, Zoological and Botanical Gardens, Planetariums and Aquariums	1 space per 800 SF gross floor area
Swimming Pools	30% of capacity
Parks, Playgrounds, and Playfields	10 spaces per acre of land devoted to recreation + 1 space per 4 spectator seats
Recreation Centers and Gymnastics	50% of capacity + 1 space per 2 employees

D. Extensive Impact Type Facilities and Land Uses

Type of Extensive Impact Facility	Parking Standard
Correctional or Detention Institution	1 space per employee + 1 space per patrol car + 1 space per 5 inmates
Railroad, Bus, and Transit Terminals	1 space per 100 SF of waiting room
Railroad Yards and Other Transportation Equipment Marshalling and Storage Yards	1 space per employee
Stadiums, Sports Arenas, Auditoriums, and Bandstands	1 space per 4 seats
Water & Sewage Treatment Plants	1 space per employee

E. Health Care Facilities

Type of Health Care Facility	Parking Standard
Centers for Observation or Rehabilitation, Convalescent Homes	1 space per 4 beds + 1 space per 1,000 SF gross floor area + 1 space per employee
Hospitals	1.5 spaces per bed
Medical or Dental Clinics	5 spaces per staff member, doctor or dentist -or- 2 spaces per treatment or exam room (whichever is greater)

F. Intermediate Impact Type Facilities and Land Uses

Type of Intermediate Impact Facility	Parking Standard
Colleges, Junior Colleges, and Universities	1 space per student + 1 space per teacher + 1 space per employee
Communications and Utility Services	2 spaces per facility unless more spaces are required by the Planning Commission

G. Special Personal and Group Care Type Facilities and Land Uses

Type of Special Personal and Group Care Facility	Parking Standard
Associations for Physically or Mentally Handicapped	1 space for each employee
Day Care Homes	1 space per 5 pupils + 1 space per employee not living within the home
Day Care Centers	1 space for each employee + 1 space per 5 children
Nursing Homes	1 space for each employee + 1 space per 2 patients

H. Religious Facilities

All Types of Religious Facilities	1 space per 3 seats
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4.010.3.A Commercial Activities

4.010.3.A(1) Uses Located on Freestanding Sites

The provisions of this subsection shall apply to uses that are located on individual lots of record where no parking is shared with any other use or activity.

Type of Commercial Activity	Parking Standard (Spaces per square feet gross floor area, unless specified otherwise)
Animal Care & Veterinarian Services	1 space per 300 SF
Retail Trade	
-Apparel & Accessories	1 space per 150 SF
-Storage Shed & Dutch Barn, Automotive, Marine Craft, Mobile Homes, and Aircraft Sales, Rental and Delivery	25% of gross lot area
Automotive Services & Repair	1 space per 450 SF
Building Materials & Farm Equipment	1 space per 1,000 SF
Contract Construction Sales	1 space per 500 SF
Contract Construction Services	1 space per 300 SF
Convenience Retail Sales & Services	1 space per 100 SF
Equipment Repair Services	1 space per 500 SF
Entertainment and Amusement Services	
-Art Galleries (commercial)	1 space per 400 SF
-Motion Picture Theaters, Theaters	1 space per 4 permanent seats + 1 space per 25 SF of area where temporary seats are used
-Bowling Alleys & Billiard Parlors	5 spaces per alley or 2 pool tables (whichever is applicable)

-Coin Operated Amusement or Arcade	1 space per 250 SF
-Commercial Sporting Facilities	1 space per employee + other spaces as determined by the Planning Commission
-Dance Halls, Studios and Schools, and Skating Rinks	1 space per 100 SF
-Exhibition Halls & Commercial Auditoriums	40% of maximum capacity in persons
-Gardens (Botanical & Zoological)	1 space per employee + other spaces as determined by the Planning Commission
-Marinas, Boat Docks & Boat Rental	1 space per employee + other spaces as determined by the Planning Commission
-Recording & Motion	1 space per Picture Production each 3 studio seats
-Theatrical Producers	1 space per Band, Orchestras and each 3 seats Entertainers
-Riding Stables	Minimum 5 spaces + 1 space per employee
-Resorts & Group Camps	1 space per employee at peak season + other spaces as required by the Planning Commission
Financial & Real Estate Services	1 space per 200 SF + 1 space per employee
Consulting & Administrative Services	1 space per 400 SF
Food and Beverage Service - General (Inside Service Only)	1 space per 100 SF
Food and Beverage Service - General (Containing Drive-Through Facilities)	1 space per 100 SF
Food and Alcoholic Beverage Services	1 space per 100 SF
General Business Services	1 space per 400 SF + 1 space per

	employee
Communications Services	1 space per 300 SF
General Personal Services	
-Funeral & Crematory Services	1 space per 100 SF -or- where a chapel is provided, 1 space per 4 seats + 1 space per 25 SF of floor area where temporary seats are used (whichever is greater)
-All Other Personal Services	1 space per 200 SF
General Retail Trade	
-Department Store	1 space per 250 SF
-Variety Store	1 space per 250 SF
-Misc. General	1 space per 250 SF
-Merchandise Store	1 space per 250 SF
Group Assembly	1 space per 4 permanent seats + 1 space per 25 SF of area where temporary seats are used
Professional Services - Medical	1 space per 300 SF
Professional Services - Non-Medical	1 space per 400 SF
Transient Habitation (Motels & Hotels)	1 space for each unit in a building serving transient guests

4.010.3A. (2) Uses Located Within Commercial Complexes

Where two (2) or more commercial activities are grouped together on a single site or in any other configuration that involves the use of shared or common parking facilities, the parking requirements for such uses shall be calculated as provided herein.

SHOPPING CENTERS

Size of Complex (Gross Square Footage)	Parking Standard
0 - 400,000 SF	5 space per 1,000 SF of gross leasable area
400,000 - 600,000 SF	5.5 spaces per 1,000 SF of gross leasable area
600,000 SF and above	6 spaces per 1,000 SF of gross leasable area

ALL OFFICE COMPLEXES

Four and one-half (4 1/2) spaces per one thousand (1,000) square feet of gross leasable area.

Section 4.010.3.A. (3) Shared Parking

Where two (2) or more residential, commercial, or industrial activities are located in the same development and where, in the opinion of the Planning Commission during site plan review, a more efficient parking arrangement can be made by allowing the sharing of parking among the different activities, the sharing of parking may be allowed. This could occur when activities are such that the peak parking needs are at different times of the day and/or week and the total parking needed for the total development is actually less than a strict calculation under this Article would require. Calculation of the required parking shall be the required parking for the highest intensity activity, plus 10 (ten) percent.

This could occur when activities are such that the peak parking needs are at different times of the day and/or week and the total parking needed for the total development is actually less than a strict calculation under this Article would require. Calculation of the required parking shall be the required parking for the highest intensity activity, plus 10 (ten) percent.

4.010.4.A. Manufacturing and Industrial Activities

Type of Manufacturing/Industrial Activity	Parking Standard
General	1 space per 1,000 SF of gross floor area -or- 1 space for each employee during the largest shift (whichever is greater)
Warehousing, Foods or Freight Transport, and Storage	1 space per 3,000 SF gross floor area + 1 space per 7,000 SF of open storage; Minimum of 5 spaces shall be provided
Self-service storage facility	1 space per 3,000 SF of gross floor area (*Two (2) spaces shall be provided in addition to the above requirement in the event of an accessory apartment.)
Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards	1 space per 1,000 SF of gross floor area -or- 1 space per 8,000 SF gross lot are (whichever is greater)

4.010.5.A Agricultural, Resource Production, or Extractive Activities

Type of Agricultural, Resource Production, or Extractive Activity	Parking Standard
Agricultural Services	1 space per employee and, for veterinary service, 1 space per 300 SF of gross floor area
Commercial Feed Lots and Stockyards	As determined by the Planning Commission
Mining, Drilling, and Quarrying	1.5 spaces per employee

Plant and Forest Nurseries	5 spaces + 1 space per employee + 1 space per 5 acres
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4.010.6.A Other Land Uses

For buildings and land uses not referred to in the pre-cited activity classifications and specifically listed in the corresponding use classification listings cited within Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.010.7.A Extension of Parking Space into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

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

4.010.7.B Requirements for Design of Parking Lots

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred seventy-one (171) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

- E. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety-(90) degree and sixty (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.
- F. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.
- G. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.

4.020. Off-street loading and unloading requirements.

Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area for Principal Building	Spaces Required (See ARTICLE II for Definition)
0 to 9,999 sq. ft.	One (1) space
10,000 to 14,999 sq. ft.	Two (2) spaces
15,000 to 19,999 sq. ft.	Three (3) spaces
Over 20,000 sq. ft.	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 sq. ft.	One (1) space
Over 40,000 sq. ft. to 100,000 sq. ft.	Two (2) spaces

- E. Temporary Dwelling Unit In Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenal. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Smyrna Utilities System and the appropriate State agency when applicable, approving the water supply and sewerage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
- F. Temporary Outdoor Sales of Food or Retail Merchandise: Temporary outdoor sales of food or retail merchandise not accessory to the actual principal use of a property shall be permitted in the C-2 zone subject to the additional standards set forth in Article VII, Section 7.061.16. For the purposes of this section, "food" includes but is not limited to food prepared on site for consumption and beverages and "retail merchandise" includes but is not limited to furniture, appliances, floor coverings, art or decorative items, clothing, and souvenirs. These uses are required to be reviewed by the Board of Zoning Appeals to ensure compliance with Article VII, Section 7.061.16.

4.040 Customary incidental home occupations. Customary incidental home occupations are allowed in all residential districts, subject to the following limitations:

1. There shall be no exterior display or storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, except for an announcement sign of not more than four (4) square feet in area.
2. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.

3. No such traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.

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

4.050. Fall-out shelter restrictions. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, SECTION 4.080, shall be met.

4.070. Planned development regulations. The purpose and intent of this section is to encourage the total planning of tracts of land consistent with the long-range general comprehensive plan of the Town, encourage innovations in design and the application of sound design principles, provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis, provide a harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities, and provide a means of developing areas of physiographic or other physical features to enhance natural beauty and other attributes. This section shall only be used for planned developments upon determination by the Planning Commission and Town Council that the proposed development is in harmony with the purpose and intent as stipulated.

4.071. General provisions. The following general provisions apply to all planned developments.

A. Ownership and Division of Land: No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a planned unit development, the landowner of an adopted planned unit development may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master development plan.

B. Relationship to Subdivision Regulations: The uniqueness of each proposal for a planned development may require that there be modification from the specifications established in the subdivision regulations adopted by the Smyrna Municipal Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission.

C. Common Open Space and/or Dedicated Cross-Easements:

1. In all planned developments there shall be a dedication of land for common open space and dedicated cross-easements for utilities.

2. The location, shape, site, and character of the common open space shall be reviewed in detail.

3. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

4. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

5. The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within close proximity to the perimeter of the planned development.

6. All land shown on the approved planned development as common open space, when not retained by the developer, must be conveyed under one of the following options:

- (a) It may be conveyed to a public agency, which will agree to maintain the common open space and any building, structures, or improvements, which have been placed on it.

(b) It may be conveyed to a trustee(s) provided in a deed of record which establishes an association of similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustees subject to the approval of the Planning Commission and Town Council which will result in the restriction of the common open space to the uses specified on the approved planned development, and which will provide for the maintenance of the common open space in a manner which assures its intended purpose.

7. No common open space may be put to any use not specified in the final development plan unless the approved planned development has been amended to permit that use. However, no change of use authorized may be considered as a waiver of enforcement.

8. The developer or any organization established for the ownership and maintenance of any common open space shall not dispose of any common open space by sale or otherwise (except to an organization established to own and maintain the common open space) without first offering to dedicate the same to the Town. Said dedication must be accepted by the Smyrna Town Council.

9. In the event that the developer or the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the planned development. If deficiencies or maintenance are not corrected after thirty (30) days, the Building Official shall call upon any public or private agency to maintain the common open space. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

10. The common open space of any planned development that contains any residential units shall conform with the following minimum standards:
 - a. Exterior sitting areas with a total minimum area of twenty (20) square feet per bedroom, easily accessible by paved walkways to the residents such facilities are designed to serve. All sitting areas shall be equipped with benches, picnic tables, and other passive recreational facilities. All such sites shall be suitably landscaped to enhance their intended function.
 - b. Play lots and/or playgrounds with a total minimum area of one hundred (100) square feet per dwelling unit. These areas shall be provided with playground equipment sufficient to meet the needs of children expected to reside within the development. The individual pieces of playground equipment provided shall be durable commercial grade equipment which shall meet all Consumer Product Safety Commission safety guidelines, as well as the ASTM F1487-93, Public Use Playground Standards. The playground shall be served by pedestrian walks linking individual buildings to the recreational facility. Additional sitting areas may be substituted for playgrounds on a square foot for square foot basis when the development is planned for elderly adults only.
 - c. All planned developments containing one hundred (100) or more dwelling units shall provide additional amenities which shall include at least two of the following:
 1. Swimming pool facilities
 2. Tennis courts
 3. Basketball courts
 4. Volleyball courts

- d. A concrete slab with a roof shall be installed for use as a bus stop for the residents within the development. This bus stop shall be situated so as to allow for the transfer of passengers without entering into the development. The minimum size of this bus stop shall be two hundred (200) square feet. This requirement may be waived if public right-of-ways are extended through the development.
- e. The requirements of b., c., and d. shall not apply to developments restricted to senior living.

D. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a planned development including those activities or uses which would otherwise require special use permits as provided by this ordinance.

E. Phasing of Development

1. Within 12 months from and after the effective date of the ordinance approving the planned development, a building permit shall be required to be pulled. In the event that a building permit has not been pulled, the Planning Commission shall review the zoning of the planned development and may recommend to the Town Council that action be taken to zone the land back to the zoning classification placed upon the land prior to the adoption of the ordinance approving the planned development.
2. The Planning Commission may permit the development to progress in phases and sections, provided, each phase or section of the development is so planned and so related to existing surroundings and available facilities and services that failure to proceed to subsequent stages will not have an adverse impact on the initial phases or sections of the planned development or its surroundings.

F. Annexation

An application for planned development approval may be made simultaneous with a request for annexation.

4.072. Types of planned developments. Planned developments shall consist of four (4) types. These are as follows:

A. PRD - Planned Residential District

Any planned development for a land use, uses, or combination of uses permitted by right or by special exception in the R-1, R-2, R-3, R-4, R-5, and R-6 districts as indicated in Article V of this Ordinance shall be classified as and shown on the official zoning map as a PRD, Planned Residential District.

B. PCD - Planned Commercial District

Any planned development for a land use, uses, or a combination of uses permitted by right or by special exception in the C-1, C-2, C-3, C-4, or P-0 districts as indicated in Article V of this Ordinance shall be classified as and shown on the official zoning map as a PCD, Planned Commercial District.

C. PID - Planned Industrial District

Any planned development for a land use, uses, or a combination of uses permitted by right or by special exception in the I-1, I-2, and I-3 districts as indicated in Article V of this Ordinance shall be classified as and shown on the official zoning map as a PID, Planned Industrial District.

D. PUD - Planned Unit District

Any planned development consisting of a combination of uses permitted by right or by special exception in a combination of the zoning districts in Article V of this Ordinance shall be classified as and shown on the official zoning map as a PUD, Planned Unit District.

4.073. Minimum lot area and frontage requirements within a planned development. No minimum lot size or yards shall be required within a planned development. Every dwelling unit or other permitted use in the planned development shall have access to a public road or street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road or street.

4.074 Other Developmental Requirements

1. No zero side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved by the Planning Commission and Town Council for a planned development.
2. No portion of a dwelling or architectural features of a structure shall project over any property line.
3. Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches.
4. Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the Building Code adopted by the Town of Smyrna shall be met, and all such fire walls shall have a rating as required by the State Fire Marshall's Office.
5. All residential structures must contain a firewall between the various dwelling units, extending from the footing to the underside of the roof deck without openings which would permit the spread of fire. Such wall shall not have less than two hours fire rating. The firewall must be bisected by a line dividing each dwelling unit so that one-half of the firewall is on each parcel.

4.075 Building Spacing.

- A. Minimum Building Spacing: Space between buildings shall comply with the fire code adopted by the Town Council.
- B. Minimum Distance to Side and Rear Property Line: The minimum distance between the building and the side and/or rear property shall comply with the fire code adopted by the Town Council.
- C. Perimeter requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development, the Planning Commission may impose either of the following requirements:

1. Structures located on the perimeter of the planned development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, if applicable.
2. Structures located on the perimeter of the planned development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. Such screening should be suitably landscaped with grass and/or ground cover, shrubs and trees. (See definition of buffer strip).

4.076 Administrative procedure.

A. Application for Planned Development Approval

The application shall be accompanied by a nonrefundable fee established from time to time by the Town Council and shall include the following:

1. For all planned residential developments:

- (a) A map showing available utilities, easements, roadways, rail lines, and public rights-of-way crossing and adjacent to the subject property.
- (b) A graphic rendering of the existing conditions and/or aerial photographs showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on the property; existing drainage patterns; location and extent of tree cover; and community greenways and pedestrian ways in proximity to the subject property.
- (c) A site plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on site and within two hundred (200) feet of the subject property and the identification of the use thereof.

- (d) A drawing defining the general location and maximum number of lots, parcels, or sites proposed to be developed or occupied by buildings in the planned development; the general location and maximum amount of area to be developed for parking; the general location and maximum amount of area to be devoted to open space and to be conveyed, dedicated, or reserved for parks, playgrounds, recreation uses, public buildings, and other common use areas; the approximate location of points of ingress and egress and access streets; the approximate location of pedestrian, bicycle and vehicular ways or the restrictions pertaining thereto; the location of proposed utility extensions; the location of proposed stormwater facilities; proposed architectural designs; a circulation diagram and/or road layout; and the extent of proposed landscaping, planting, screening, or fencing.
- (e) A tabulation of the maximum number of dwelling units proposed by type of dwelling as defined in Article II of this Ordinance.
- (f) A tabulation of the maximum floor area proposed to be constructed.
- (g) A written statement generally describing the relationship of the proposed planned development to the current policies and plans of the Town and how the proposed planned development is to be designed, arranged, and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this Ordinance.
- (h) If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season a development schedule indicating:
 - (1) The approximate date when construction of the project can be expected to begin;
 - (2) The order in which the phases of the project will be built;

- (3) The minimum area and the approximate location of common space and public improvements that will be required at each stage;
 - (4) A breakdown by phase for subsections (e) and (f) above.
- (i) Proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned development.
 - (j) A statement setting forth in detail either (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned development or (2) the bulk, use, and/or other regulations under which the planned development is proposed.
 - (k) The location and proposed improvements of any street depicted on the Major Thoroughfare Plan.
 - (l) The planning staff, Planning Commission, or Town Council may require additional information to be submitted which may be necessary to make a determination regarding the application for a planned development.
2. For all planned commercial, planned industrial and planned unit developments.
- (a) A map showing available utilities, easements, roadways, rail lines, and public rights-of-way crossing and adjacent to the subject property.
 - (b) A graphic rendering of the existing conditions and/or aerial photographs showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on the property; existing drainage patterns; location and extent of tree cover; and community greenways and pedestrian ways in proximity to the subject property.

- (c) A site plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on site and within two hundred (200) feet of the subject property and the identification of the use thereof.
- (d) A drawing defining the general location and maximum number of lots, parcels, or sites proposed to be developed or occupied by buildings in the planned development; the general location and maximum amount of area to be developed for parking, including provisions of spaces for loading; the general location and maximum amount of area to be devoted to open space and to be conveyed, dedicated, or reserved for parks, playgrounds, recreation uses, public buildings, and other common use areas; the approximate location of points of ingress and egress and access streets; the approximate location of pedestrian, bicycle and vehicular ways or the restrictions pertaining thereto; the location of proposed utility extensions; the location of proposed stormwater facilities; proposed architectural designs; a circulation diagram and/or road layout; and the extent of proposed landscaping, planting, screening, or fencing.
- (e) A tabulation of the maximum number of dwelling units proposed by type of dwelling as defined in Article II of this Ordinance.
- (f) A tabulation setting forth:
 - (1) Maximum total square feet of building floor area proposed for commercial uses and industrial uses, by general type of use.
 - (2) Maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial and/or industrial uses; minimum public and private open space; streets and off-street parking and loading areas.
 - (3) A tabulation of the maximum floor area to be constructed.

- (g) A written statement generally describing the relationship of the proposed planned development to the current policies and plans of the Town and how the proposed planned development is to be designed, arranged, and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this Ordinance.
- (h) If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season a development schedule indicating:
 - (1) The approximate date when construction of the project can be expected to begin;
 - (2) The order in which the phases of the project will be built;
 - (3) The minimum area and the approximate location of common space and public improvements that will be required at each stage;
 - (4) A breakdown by phase for subsections (e) and (f) above.
- (i) Proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned development.
- (j) A statement setting forth in detail either (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned development or (2) the bulk, use, and/or other regulations under which the planned development is proposed.
- (k) The location and proposed improvements of any street depicted on the Major Thoroughfare Plan.
- (l) The planning staff, Planning Commission, or Town Council may require additional information to be submitted which may be necessary to make a determination regarding the application for a planned development.

B. Staff Review of Application

Upon receipt of an application for planned development approval, the planning staff shall review the application for completion. In the event the planning staff determines the application is incomplete, the planning staff shall notify the applicant of elements necessary to complete the application. When the application is complete, the planning staff shall prepare a written response recommending appropriate changes, additions, and deletions and identifying any special concerns with respect to the proposed planned development.

C. Planning Commission Review of Application

Not more than thirty (30) days after a complete application for planned development approval has been filed, staff shall forward the application to the Planning Commission for review along with the staff's written response. During this review, the Planning Commission members may suggest changes to the proposed development plan. Within thirty (30) days of the date of the Planning Commission meeting at which the planned development is first considered, the Planning Commission shall make a recommendation to the Town Council for approval, disapproval, or approval subject to special conditions.

If the Planning Commission fails to make a recommendation within the thirty- (30) day period, it shall be deemed to have recommended approval of the planned development.

D. Town Council Review of Application

The Town Council shall proceed with a planned development application as an amendment to the Zoning Map detailed in Section 7.090 of this Ordinance. The Town Council shall approve, disapprove, or approve subject to special conditions the planned development application. The Town Council may condition approval upon conditions in addition or in substitution to those placed by the Planning Commission.

Approval by the Town Council shall constitute a change of the zoning map and shall authorize the applicant to proceed with the filing of applications for site plans, subdivision plats, building permits, and any other permits ordinarily required for development. These applications shall be reviewed by staff and by the Planning Commission as established in the Zoning Ordinance and Subdivision Regulations.

E. Minor Deviations

When filing subsequent applications for required approvals, the applicant must identify any deviations from the approved planned development. Staff shall evaluate the deviations to determine whether they are substantial or minor in accordance with the following:

1. It provides for less density than the approved plan;
2. It provides greater open space by the elimination of or reduction in the size of the residential, commercial, or industrial buildings;
3. It modifies the orientation, location, siting, or height of buildings and structures if required by engineering or other circumstances not foreseen at the time the planned development was approved. No change authorized by this section can be greater than ten (10) percent of the approved planned development.

The evaluation shall be made within ten (10) working days. If staff finds the application deviates substantially from the approved application, the applicant shall apply for an amendment of the planned development as provided in this section.

F. Amendments

A planned development may be amended in accordance with the procedure which governs its approval as provided in this section.

4.080. Special provisions for party walls.

Within the R-6 zoning district zero-lot line dwellings may be located upon appropriate zone lots, and such dwellings may be subdivided by party wall into two separate zone lots, provided that a site plan of such development or conversion as required in Section 3.120 is approved by the Planning Commission along with the necessary subdivision plat(s). Moreover, two separate personal, professional, and/or business service oriented land uses connected by a zero-lot line may be located on two separate zone lots, being adjoined together by party wall within commercial or professional and office zoning districts, provided that a plot plan of such development or conversion as required in Section 3.120 is approved by the Planning Commission along with the necessary subdivision plat(s). In granting approval of the plot plan, the Planning Commission shall be guided by the following criteria:

- (1) Other than the zero lot line separating the two dwelling units, office units, commercial units or zone lot, all other minimum lot, yard, and density requirements of the zoning district shall be met.
- (2) No zero side yards shall be adjacent to any public or private right-of-way.
- (3) No portion of a dwelling or architectural feature of a structure shall project over any property line.
- (4) Where the same interior property line is utilized for the zero side yard construction of any structure, such structure shall be divided by a fire wall as required by the building and fire codes adopted by the Town Council.
- (5) Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the Building Code adopted by the Town of Smyrna shall be met, and all such fire walls shall have a rating of not less than two (2) hours duration.
- (6) At all points of attachment, such buildings shall be separated from each other by firewalls extending from footings to the underside of the roof deck without openings which would permit the spread of fire.
- (7) Individual water and sewer services for each zone lot shall be required.

- (8) All the requirements of the Smyrna Subdivision Regulations shall be met.
- (9) All current requirements of the fire code adopted by the Town of Smyrna must be satisfied.

Other information that shall be provided relating to deed covenants is as follows:

- (1) An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units or zone lots.
- (2) Adequate language to assure proper maintenance etc., of any portion of the structure where maintenance must be shared (ex. common roof).

If the correction of a maintenance problem incurred in the dwelling unit or structure on the zone lot on one parcel necessitates construction work or access on the dwelling unit or structure of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

- (3) Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance within any R-4 zoning district will any such parcel or zone lot be viewed as a separate independent parcel for zoning purposes, other than for the purpose or specific use under which said parcel was originally approved.

In relation to commercial and professional and office zero-lot line developments, the variation in the setback requirements as cited within the appropriate zoning district shall apply only to the project as originally approved.

- (4) Adequate language covering any and all cross access and utility easements as are necessary to assure the proper use and maintenance of all ingress and egress areas, as well as all utility services.
- (5) If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

4.090. Development standards for mobile home parks. The following land development standards shall apply for all mobile home parks:

- A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy shall be utilized for a mobile home park.
- B. The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
- C. Dimensional Requirements for Parks:
 1. Each mobile home park shall have a front yard setback of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
 2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
 3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
 4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

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

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least thirty (30) feet between units on the side and twenty (20) feet between units on the rear.
4. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
5. Each mobile home space shall be provided with a pad, which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be four thousand and four hundred (4,400) square feet. For doublewide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

No mobile home park shall be permitted unless such park is served by a public water supply.

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 Smyrna 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 an 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.
4. Trailers, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tiedowns 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 showed on the site plan.
4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. A comprehensive drainage plan.

10. Such other architectural, engineering, and topographical data as may be required to permit, appropriate State agency, the Smyrna Building Official, the staff planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
12. All mobile home parks, which do not conform to the provisions of the zoning ordinance, shall be governed in accordance with the provisions of SECTION 6.020 of this ordinance.

G. Application for Mobile Home Park Building Permit: An application for a permit to develop and construct a mobile home park shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this ordinance and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner:

1. The written application, plans, and schedules, herein required will be submitted to the Smyrna Building Official and staff planner. The Building Official and staff planner shall dully review these materials and shall coordinate the review with other affected agencies and departments.
2. The Smyrna Building Official and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

4.100. Development standards for automobile wrecking junk and salvage yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlines above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water

in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within and enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in ARTICLE IV, SECTION 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
 - 3. Other applicable requirements of Section 3.090 shall be met.
- G. Application for Automobile Wrecking Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Smyrna until he has secured a permit from the Smyrna Board of Zoning Appeals. An application for said permit shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the

application in accordance with the time schedule in SECTION 7.060.

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

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

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

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

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

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

The following performance standards regulations shall apply to all uses of property in the C-1, C-2, C-3, C-4, P-0, I-1, I-2, I-3, and A-1 Districts. If in the opinion of the Planning Commission there is question as to whether an existing or proposed land use is in violation of the following performance standards, it shall be the responsibility of the property owner and/or person (as defined herein) in question to provide beyond a doubt that such usage is in compliance with the applicable performance standard(s).

4.110.1 Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area.

4.110.2 Performance Standards Regulating Noise

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

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

Where any P-0, C-1, C-2, C-3, C-4, I-1, I-2, I-3 or A-1 District adjoins a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

4.110.3 Performance Standards Regulating Vibration

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

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

4.110.4 Performance Standards Regulating Smoke

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

Within the I-3 District, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

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

4.110.5 Performance Standards Regulating Gases, Dust, and Particulate Matter

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

4.110.6 Performance Standards Regulating Odors

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

4.110.7 Performance Standards Regulating Toxic Matter

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

4.110.8 Performance Standards Regulating Fire and Explosive Hazards

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

All activities involving the use and/or storage and/or disposal of all types of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and device standard to the industry involved. Outdoor storage of any such materials shall be no less than forty (40) feet from all zone lot lines.

4.110.9 Performance Standards Regulating Glare and Heat

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

4.110.10 Performance Standards Regulating Electromagnetic Interference

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

4.110.11 Performance Standards Regulating Radioactive Materials

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

4.120. Minimum residential front yard requirements on turn-arounds of cul-de-sac streets. On all lots directly fronting turn-arounds in residential zoning district the minimum required lot widths at the front building setback lines as stipulated in Article V for each respective zoning district therein may be reduced to seventy (70) percent of said residential district requirement. This supplemental exemption is designed to foster improved siting of principal structures on such turn-around.

4.130. Special provisions for residential occupancy in connection with mini-warehouse facilities. In all C-3 zoning districts, as well as in all industrial zoning districts wherein mini-warehouse facilities are allowed, residential occupancy may be permitted as a special exception by the Board of Zoning Appeals as an accessory use thereof based upon the following standards:

- A. Residential occupancy may be permitted in conjunction with the office facility situated within the mini-warehouse complex or facility on the same zone lot, as an accessory use thereof, in order to facilitate adequate security of the premises according to the following provisions:
1. No more than one (1) dwelling or rooming unit may be permitted in conjunction with the office facility situated within the complex, located on the same zone lot limited to 2 bedrooms of no more than nine hundred (900) square feet.
 2. Any office-dwelling unit or office-rooming unit permitted under the provisions of this section shall be strictly limited to occupancy by two (2) persons employed to manage the office facility on the same zone lot while providing security services to the entire mini-warehouse facility thereon.
 3. Prior to issuing a permit for a special exception for this section, detailed plans must be submitted to the Board clearly demonstrating the location of the office-dwelling unit internal to the site, the specific parking spaces and parking aisles servicing this office-dwelling unit complex, as well as all other required information as cited in Sections 7.060 and 7.061 Subsections A, B, and C of Article VII of this ordinance.
 4. It must be demonstrated that all other fire code and applicable building codes are being met prior to the approval of a special exception by the Board of Appeals in this regard.

4.140. Development standards as apply to duplex residential dwellings, as well as zero-lot line two-family dwellings

A. Purpose

The provisions set forth herein are intended to apply to all two-family detached dwellings (duplex and zero-lot line two-family dwellings) as defined by this ordinance regardless of the district in which such use may be located. It is the express purpose of these provisions to establish design criteria and to provide for the implementing of these provisions by the planning staff in the review of the plot (site) plan required in Section 3.120 of Article III for all zero-lot line two-family dwelling developments, or by way of appropriate notations, as well as by architectural and/or perspective illustrations if required by the planning staff or Planning Commission, in reviewing the required building permits or subdivision plats pertaining to duplex dwellings. Provided, however, that in any instance where this use is located within a planned unit development, this requirement may be fulfilled by submission of the plans required by the requirements as cited in Section 4.070 of Article IV.

B. Design Criteria

1. All two-family detached units constructed on individual zone lots shall be designed to closely resemble in appearance the other housing units in the neighborhood. Particular attention should be paid to locating only one entrance door servicing the front of the structure.
2. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots.
3. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise when required by the Planning Commission and/or Planning Staff.
4. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant material shall be added for privacy, to enhance the beauty of buildings and grounds, and to screen objectionable features.

C. Lots

The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective district.

D. Parking

1. These requirements shall supplement the parking provisions contained in Article IV, Section 4.010.
2. No off-street parking areas shall be located in the front of the structure. Every effort shall be made to locate some of the required off-street parking in the rear yard, as well as in the side yard.

4.150. Special provisions for residential occupancy in connection With self-service storage facilities. In the C-2 zoning district, as well as in all industrial zoning districts wherein self-service storage facilities are allowed, residential occupancy may be permitted as a special exception by the Board of Zoning Appeals as an accessory use thereof based upon the following standards:

A. Residential occupancy may be permitted in conjunction with the office facility situated within the self-service storage complex or facility on the same zone lot, as an accessory use thereof, in order to facilitate adequate security of the premises according to the following provisions:

1. No more than one (1) dwelling or rooming unit may be permitted in conjunction with the office facility situated within the complex, located on the same zone lot limited to two (2) bedrooms of no more than nine hundred (900) square feet.
2. Any office-dwelling unit or office-rooming unit permitted under the provisions of this section shall be strictly limited to occupancy by two (2) persons employed to manage the office facility on the same zone lot while providing security services to the entire self-storage facility thereon.
3. Prior to issuing a permit for a special exception for this section, detailed plans must be submitted to the Board clearly demonstrating the location of the office-dwelling unit internal to the site, the specific parking spaces and parking aisles servicing

this office-dwelling unit complex, as well as all other required information as cited in Sections 7.060 and 7.061, Subsections A, B, and C of Article VII of this ordinance.

4. It must be demonstrated that all other fire code and applicable building codes are being met prior to the approval of a special exception by the Board of Appeals in this regard.

4.160. Development Standards as apply to multi-family dwellings

A. Purpose

The provisions set forth herein are intended to provide a limited number of basic design standards for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically these provisions are intended to supplement the site plan provisions located in Article III, Section 3.120, in an effort to establish safe, attractive, and efficient design patterns thereof.

B. Development Standards

1. No multi-family structure shall contain more than twelve (12) dwelling units per floor in a single building or structure.
2. No two adjoining multi-family structures shall be located at a uniform setback from any front, side or rear property line of the zone lot being developed, unless such zone lot contains severe natural constraints such as very steep topographic slopes, large water bodies, a very narrow, or odd-shaped configuration, etc., as determined by the Planning Commission. Every effort shall be made to stagger the setback of adjoining structures by no less than ten (10) feet from exterior property lines.
3. At a minimum, there shall be a dimension of no less than thirty (30) feet between any two structures, as well as between any structure or building and any exterior property line.
4. Common open space in a multi-family development, whether owned and maintained by an established homeowners' association or by the owner of the multi-family complex, is required to be suitably improved for its intended uses. The location, shape, site, and character of the open space shall be reviewed in

detail and the proposed uses must be appropriate to the scale and character of the development.

The following minimum standards for common open space shall be provided:

- a. Exterior sitting areas with a total minimum area of twenty (20) square feet per bedroom, easily accessible by paved walkways to the residents such facilities are designed to serve. All sitting areas shall be equipped with benches, picnic tables, and other passive recreational facilities. All such sites shall be suitably landscaped to enhance their intended function.
- b. Play lots and/or playgrounds with a total minimum area of one hundred (100) square feet per dwelling unit. These areas shall be provided with playground equipment sufficient to meet the needs of children expected to reside within the complex. The individual pieces of playground equipment provided shall be durable commercial grade equipment which shall meet all Consumer Product Safety Commission safety guidelines, as well as the ASTM F1487-93, Public Use Playground Standards. The playground shall be served by pedestrian walks linking individual buildings to the recreational facility. Additional sitting areas may be substituted for playgrounds on a square foot for square foot basis when the development is planned for elderly adults only.
- c. A screened and fenced parking and storage area for boats, trailers, and campers with a minimum of one (1) space for each (4) dwelling units.
- d. All multi-family complexes containing one hundred (100) or more dwelling units shall provide additional amenities which shall include at least two of the following:
 1. Swimming pool facilities
 2. Tennis courts
 3. Basketball courts
 4. Volleyball courts

- e. A concrete slab with a roof shall be installed for use as a bus stop for the residents within the development. This bus stop shall be situated so as to allow for the transfer of passengers without entering into the complex. The minimum size of this bus stop shall be two hundred (200) square feet per 100 dwelling units in the complex with a maximum size of four hundred (400) square feet per entrance from a public street. At no time shall the bus stop installed be less than two hundred (200) square feet. The minimum distance between two (2) bus stops within the same development shall be 1100 feet. The requirement of the installation of bus stops may be waived if public right-of-ways are extended through the development.
- f. The requirements of b., c., and d. shall not apply to developments restricted to senior living.

4.170. Supplemental Side Yard Building Setback Requirements

1. Whenever the minimum side yard building setback line abuts or directly adjoins any dedicated public utility and/or drainage easement, additional side yard building setback requirements shall be declared in the R-2, R-3, R-4, and R-5 zoning district, unless approved in writing by the Director of Planning and/or Town Engineer as appropriate. In the R-2 zoning district, an additional three (3) feet shall be declared, bringing said side yard building setback line to a total of fifteen (15) feet. In the R-3, R-4, and R-5 zoning districts, an additional five (5) feet shall be declared, bringing the side yard building setback line to a total of fifteen (15) feet. All supplementary side yard building setback requirements shall be so noted on all applicable preliminary and final subdivision plats.

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of districts
- 5.020 Zoning Map
- 5.030 Zoning district boundaries
- 5.040 Zoning of annexed territory
- 5.050 Specific district regulations

5.010. Classification of districts. For the purpose of this ordinance, the following zoning districts are hereby established in the Town of Smyrna, Tennessee:

ZONING DISTRICT	DISTRICT ABBREVIATION
Low-Density Residential	R-1
Low-Density Residential	R-2
Medium-Density Residential	R-3
Medium-Density Residential	R-4
High-Density Residential	R-5
High-Density Residential	R-6
Central Business	C-1
Highway Service	C-2
Restrictive Highway Service	C-3
Neighborhood Service Business	C-4
Professional and Office	P-0
Light Industrial	I-1
Light Industrial	I-2
Heavy Industrial	I-3
Floodway	F-1
Airport District	A-1
Historic Overlay District	H-1
Height Overlay District	H-2

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

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

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

5.040. Zoning of annexed territory. All territory, which may hereafter be annexed to the Town of Smyrna, shall have a specific zoning district assigned to it as recommended by the Planning Commission. If no specific zoning district is assigned or legislative body chooses to annex territory without a Planning Commission recommendation, such annexed territory shall be zoned "Low-Density Residential, R-1". Such annexed territory shall retain such zoning classification until such time as the necessary studies are made by the Planning Commission and the Official Zoning Map is amended in the manner provided in ARTICLE VII, SECTION 7.090.

5.050. Specific district regulations. The regulations that follow in Section 5.051 through 5.054 shall apply in the fourteen (14) zoning districts established in SECTION 5.010 of this ordinance. Article II, Sections 2.020 and 2.030 shall be referred to in ordinance to define the various uses permitted in the following district regulations.

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

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

5.051.1 R-1, Low-Density Residential District.

A. District Description:

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

B. Uses Permitted:

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

1. Single-family detached dwelling.
2. Prefabricated dwelling.
3. Customary accessory buildings or structures, including private garages and non-commercial workshops, provided they are located in the side or rear yard and not closer than eight (8) feet to any lot line.
4. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.030.
5. Agricultural use.
6. Essential Public Transport, Communication and Utility Services.

C. Uses Permitted as Special Exceptions:

In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Religious Facilities.
2. Educational Facilities.
3. Cultural and Recreation Services.
4. Government Administrative Services.
5. Family Day Care Home.
6. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.
7. Bed and Breakfast.
8. Accessory apartment.

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Minimum Lot Size:

Area	15,000 sq. ft.
Area per Family	15,000 sq. ft.
Lot Width at Building Setback Line	100 feet

2. Minimum Yard Requirements:

Front Setback	35 feet
Side	15 feet*
Rear	25 feet

*Side setbacks can be reduced to a total of twenty-five (25) feet for two (2) lots side by side if the subdivider wishes to submit a subdivision plat for Planning Commission approval showing all four setbacks on each lot. One lot would have a side setback of a minimum of ten (10) feet while the lot immediately adjacent would have a side setback of a minimum of fifteen (15) feet on the sides that are adjacent. The other side of each lot would require the opposite minimum setback, i.e., if one side is ten (10) feet the other side would be fifteen (15) feet and vice versa.

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

4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.

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

5.051.2 R-2, Low-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for low-density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically installed.

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

B. Uses Permitted:

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

1. Single family detached dwelling.
2. Prefabricated dwelling.
3. Customary accessory buildings or structures, including private garages and non-commercial workshops, provided they are located in the side or rear yard and not closer than eight (8) feet to any lot line.
4. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.030.

5. Essential Public Transport, Communication and Utility Services.

C. Uses Permitted as Special Exceptions:

In the R-2, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Educational Facilities.
2. Religious Facilities.
3. Cultural and Recreation Services.
4. Government Administrative Services.
5. Family Day Care Home.
6. Farms.
7. Radio and television towers, and transmission facilities, water storage facilities and water and sewage treatment plants.
8. Bed and Breakfast.
9. Accessory apartment

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

5.051.3 R-3, Medium Density Residential

A. District Description:

This district is designed to provide suitable areas for medium density residential develops shown hereon complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated.

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

B. Uses Permitted:

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

1. Single family dwelling.
2. Prefabricated dwelling.
3. Customary accessory buildings or structures, including private garages and non-commercial workshops, provided they are located in the side or rear yard and not closer than eight (8) feet to any lot line.

4. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.030.
5. Essential Public Transport, Communication and Utility Services.

C. Uses Permitted as Special Exceptions:

In the R-3, Medium Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Boarding or Rooming House.
2. Educational Facilities.
3. Religious Facilities.
4. Cultural and Recreation Services.
5. Government Administrative Services.
6. Associations for Physically or Mentally Handicapped Persons.
7. Family and Group Care Facilities.
8. Nursing Homes.
9. Retirement or Rest Homes.
10. Orphanages.
11. Family Day Care Home.
12. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.
13. Bed and Breakfast.
14. Accessory apartment.

D. Uses Prohibited:

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

E. Dimensional Regulations:

All uses permitted in the R-3, Medium Density Residential shall comply with the following requirement except as provided in ARTICLE VI.

1. Minimum Lot Size

Area - Single Detached Dwelling	10,000 sq. ft.
Area Per Family - Single Detached	10,000 sq. ft.
Lot Width at Building Setback Line	75 feet

2. Minimum Yard Requirements:

Front Setback	35 feet
Side	10 feet
Rear	20 feet

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

4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.

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

5.051.4. R-4, Medium-Density Residential District.

A. District Description:

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

B. Uses Permitted:

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

1. Duplex dwelling.
2. Zero-lot line dwelling
3. Single-family dwelling
4. Prefabricated dwelling
5. Board and rooming houses.
6. Customary accessory buildings including private garages and non-commercial workshops provided they are located in the side or rear yard and not closer than eight (8) feet to any lot line.

7. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
8. Essential Public Transport, Communication, Government, and Utility Services

C. Uses Permitted as Special Exceptions:

In the R-4, Medium-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Community Assembly.
2. Religious Facilities
3. Educational Facilities
4. Cultural and Recreation Services.
5. Associations for Physically or Mentally Handicapped Persons.
6. Family and Group Care Facilities.
7. Nursing Homes.
8. Retirement or Rest Homes.
9. Orphanages.
10. Family Day Care Home.
11. Government Administrative Services.
12. Mobile home parks as regulated in ARTICLE IV, SECTION 4.090.
13. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.

14. Family Day Care Home.

15. Bed and Breakfast.

D. Uses Prohibited:

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

E. Dimensional Regulations:

All uses permitted in the R-4, Medium-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Duplex Dwelling	10,000 sq. ft.
- Two Family Zero Lot	10,000 sq. ft.
- Single Family Dwelling	6,000 sq. ft.

Area Per Family Duplex	5,000 sq. ft.
- Two Family Zero Lot Line Dwelling	5,000 sq. ft.

Lot Width at Building Setback Line	
Duplex	75 ft / 37.5 ft.
For a zero lot line dwelling	
Single Family	75 ft.

2. Minimum Yard Requirements:

Front Setback	35 feet
Side	10 feet
Rear	20 feet

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

4. Height Requirements: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall FAA glide path building height restrictions be exceeded.

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

5.051.5. R-5, High-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for high-density residential development where sufficient urban infrastructure is available, or will be made available prior to development. This district is characterized by residential structures such as mobile homes situated on individual zone lots, as well as by mobile home parks developed at higher densities. Within such parks, individual mobile homes are developed for rental purposes on sites containing at least 2 acres. Specific design standards are cited therewith, in Section 4.090, in order to achieve quality developments, as well as to protect property values within the district. This district is intended also to permit community facility and public utility facilities and services which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-5, High-Density Residential District, the following uses and their accessory uses are permitted:

1. Mobile homes on single lots.
2. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the side or rear yard and not closer than eight (8) feet to any lot line.
3. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
4. Essential Public Transport, Communication, Government, and Utility Services.

C. Uses Permitted as Special Exceptions:

In the R-5, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval in accordance with the provisions cited in ARTICLE VII, SECTION 7.060.

1. Community Assembly.
2. Religious Facilities
3. Educational Facilities.
4. Cultural and Recreation Services.
5. Mobile home parks as regulated in ARTICLE IV, SECTION 4.090.
6. Associations for Physically or Mentally Handicapped Persons.
7. Family and Group Care Facilities.
8. Nursing Homes.
9. Retirement or Rest Homes.
10. Orphanages.
11. Family Day Care Homes.
12. Government Administrative Services.
13. Radio and television towers and transmission facilities, and water and sewage treatment plants and water storage facilities.
14. Bed and Breakfast.

D. Uses Prohibited:

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

E. Dimensional Regulations:

All uses permitted in the R-5, High-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Mobile Home on Single Lot	10,000 sq. ft.
- Mobile Home Park	2 acres

Area Per Family	
- Mobile Home on Single Lot	10,000 sq. ft.
- Mobile Home Park Single-wide Unit	4,400 sq. ft.
Double-wide Unit	6,000 sq. ft.

Lot Width at Building Setback

Line - Mobile Home on Single Lot	70 ft.
- Mobile Home Park	N/A, See Section 4.090 of Article IV for Applicable Standards

2. Minimum Yard Requirements:

Front Setback

- Mobile Home on Single Lot	35 feet
- Mobile Home Park	30 feet
- Single Mobile Home Within Mobile Home Park	10 feet

Side

- Mobile Home on Single Lot	10 feet
- Mobile Home Park	15 (30*)

feet

- Single Mobile Home Within Mobile Home Park	30 feet between units
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Required when adjoining public street

5.051.6 R-6, High-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for high-density residential development where sufficient urban facilities are available or where such facilities will be available prior to development. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units. This district is intended also to permit community facility and public utility installations which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all building or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-6 High-Density residential District, the following uses and their accessory uses are permitted:

1. Multi-family dwelling.
2. Board and rooming houses.
3. Customary accessory buildings including private garages and non-commercial workshops provided they are located in the side or rear yard and not closer than eight (8) feet to any lot lines.
4. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040
5. Essential Public Transport, Communications, Government, and Utility Service.

C. Uses Permitted as Special Exceptions:

In the R-6, High-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Community Assembly
2. Religious Facilities
3. Educational Facilities
4. Cultural and Recreation Services.
5. Associations for Physically or Mentally Handicapped Persons.
6. Family and Group Care Facilities.
7. Nursing Homes.
8. Retirement or Rest Homes.
9. Orphanages.
10. Family Day Care Home.
11. Government Administrative Services.
12. Mobile home parks as regulated in ARTICLE IV, SECTION 4.090.
13. Radio and television towers, and transmission facilities, water storage facilities and water and sewage treatment plants.
14. Family Day Care Home.
15. Bed and Breakfast.

C. Uses Prohibited:

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

D. Dimensional Regulations:

All uses permitted in the R-6, High-Density Residential District shall comply with the following requirement except as provided in Article VI.

1. Minimum Lot Size

Area	15,000 sq. ft.
Area Per Family	3,000 sq. ft.
Lot Width at Building Setback Line	75 feet

2. Minimum Yard Requirements:

Front Setback	35 feet
Side	10 feet
Rear	20 feet

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

2. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.

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

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

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

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

5.052.1 C-1, Central Business District

A. District Description

This district is designed to provide for a wide range of retail, office, amusement, and service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utility necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district.

B. Uses Permitted

In the C-1, Central Business District, the following uses and their accessory uses are permitted:

1. Government administrative services.
2. Community assembly.
3. Automotive parking.
4. Convenience retail sales and services.
5. Consumer repair services.
6. Entertainment and amusement services.
7. Financial, insurance, real estate, and consulting services.
8. Food and beverage services.
9. General business services.
10. General personal services.
11. General retail trade.
12. Professional services - medical.

13. Professional services - non medical.
14. Transient habitation excluding sporting and recreational vehicle camps.
15. Signs as regulated by Town ordinance.
16. Essential public transport, communication, and utility services.

C. Uses Permitted as Special Exceptions:

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Limited manufacturing conducted in completely enclosed building.
2. Upper story residential dwelling as per the supplemental requirements cited in Section E.6. below, as well as the requirements cited in ARTICLE VII, SECTION 7.060.C.9.
3. Day Care Center.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses; except those which are located within and incidental to permitted uses; automobile wrecking, junk, and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-1, Central Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size shall be required in the C-1 Districts.

2. Minimum Yard Requirements: Front yard - twenty-five (25) feet. If a building or buildings on an adjacent lot or lots provide front yards less than twenty (20) feet in depth, a front yard equal to the average of adjacent front yards shall be provided. Rear yard - twenty (20) feet. Side yard - none is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.
3. Maximum Lot Coverage: There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.
4. Height Requirements: The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.
 - a. The maximum building height at the street line shall be four (4) stories or fifty (50) feet.
 - b. For each foot the building is setback from the street line, the height of the building may be increased by 1.5 feet to a maximum height of sixty-five (65) feet.
5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.
6. Minimum Floor Area - Upper Story Residential Dwelling: The minimum floor area for an upper story residential dwelling unit shall be five hundred (500) square feet.

5.052.2 C-2 Highway Service District.

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses, which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts or those which are necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for these districts are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered developments patterns, and not patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

B. Uses Permitted:

All uses permitted in C-1 are allowed in this district as well as the following uses:

1. Government administrative services.
2. Cultural and recreational services.
3. Essential public transport, communication, and utility services.
4. Automotive service and repair.
5. Building materials and farm equipment sales provided there is no outdoor storage with the exception of retail nurseries and farm equipment vehicle.
6. Contract construction services provided there is no outdoor storage.

7. Convenience retail sales and services.
8. Consumer repair services.
9. Entertainment and amusement services.
10. Financial, insurance, real estate, and consulting services.
11. Food and beverage services.
12. Food service; take out.
13. Animal care and veterinarian services provided there is no outside housing of animals.
14. General business services.
15. General personal services.
16. General retail trade.
17. Professional services - medical.
18. Professional services - non medical.
19. Transient habitation: hotels, motels, tourist homes or courts.
20. Vehicular, marine craft, aircraft, and related equipment sales, rental and delivery.
21. Limited manufacturing conducted in completely enclosed building.
22. Religious facilities.
23. Education facilities.
24. Wholesale sales provided there is no outdoor storage.
25. Signs as regulated by Town ordinance.
26. Community assembly.

27. Health care facilities.
28. Intermediate impact facilities.
29. Day Care Centers.
30. Family and Group Care Facilities.
31. Nursing Homes.

C. Uses Permitted as Special Exceptions:

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Transient habitation: Sporting and recreational vehicle camps.
2. Group assembly, other than racetracks and drag strips.
3. Self-storage facilities.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses; except those which are located within and incidental to permitted uses; truck terminals; junkyard, including automobile wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

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

1. Minimum Lot Size: 20,000 square feet.
2. Minimum Yard Requirements:

Front Setback -	Thirty-five (35) feet
Side -	Fifteen (15) feet
Rear -	Twenty (20) feet

3. Maximum Lot Coverage: On any area or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed seventy (70) percent of the total area of such lot or parcel.
4. Height Requirements: No building shall exceed forty (40) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.
5. Parking Space Requirement: As regulated in ARTICLE IV, SECTION 4.010.

5.052.3 C-3, Restricted Commercial District.

A. District Description:

This district is designed to provide for the provision of general commercial trade and service uses to a vehicular oriented clientele. This district is restricted in location to those areas of the community that fall between certain portions of Lowry Street and the CSX Railroad Line. Due to the unique configuration of developable land within these areas, several of the yard requirements pertaining thereto have been modified in order to feasibly make use of such properties. In general, the various land uses allowed in the Highway Service Districts' are also permitted within all Restricted Commercial Zoning Districts.

B. Uses Permitted:

All uses permitted in the C-1 and C-2 Districts are permitted within the C-3 District.

C. Uses Permitted as Special Exceptions:

In the C-3, Restricted Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. None.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses with the exception of self-service storage facilities as allowed by special exception, except those which are located within and incidental to permitted uses; truck terminals; junkyard, including automobile wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-3, Restricted Commercial District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size shall be required in the C-3 District.
2. Minimum Yard Requirements:

Front Setback -	None
Side -	Fifteen (15) feet
Rear -	None
3. Maximum Lot Coverage: On any area or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed sixty (60) percent of the total area of such lot or parcel.
4. Height Requirements: No building shall exceed forty (40) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.
5. Parking Space Requirement: As regulated in ARTICLE IV, SECTION 4.010.

5.052.4. C-4, Neighborhood Service Business District

A. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. These districts or characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. They should adjoin collector or arterial streets. Bulk regulations are established within these districts to provide for maximum compatibility between the commercial activity in these districts and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted

In the C-4, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Community Assembly.
2. Cultural and Recreational Services.
3. Consumer Repair Services.
4. Food and Beverage Service.
5. Professional Services - Medical.
6. Professional Services - Non-medical.
7. Financial, Insurance, Real Estate and Consultative Services.
8. General Personal Services.
9. Convenience commercial except for convenience markets where gas may be sold.
10. Antique and Second-Hand Merchandise Stores.
11. Book and Stationary Stores.
12. Florists.
13. Gift Shops.
14. Clothing and Accessory Stores.

15. Hobby, Toy, and Game Stores.
16. Religious Facilities.
17. Signs as regulated by Town ordinance.
18. Essential public transport, communication, and utility services.

C. Uses Permitted as Special Exceptions:

In the C-4, Neighborhood Service Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Health Care Facilities.
2. Special Personal and Group Care Facilities.

D. Uses Prohibited

In the C-4, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor and package stores.

E. Dimensional Regulations

All uses permitted in the C-4, Neighborhood Service Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: The minimum lot size in the C-4 District shall be 10,000 square feet.
2. Minimum Yard Requirements:

Front Setback	25 feet
Side	15 feet
Rear	20 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed sixty (60) percent of the total lot area of such lot or parcel.
4. Height Requirements: Buildings shall not exceed thirty-five (35) feet in height except as provided in Article VI, Section 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.

5.052.5 P-O-1, Professional and Office District.

A. District Description:

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

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

B. Uses Permitted:

In the P-O-1, Professional and Office District, the following uses and their accessory uses are permitted.

1. Financial, insurance, real estate, and consulting services.
2. Professional services - medical.
3. Professional services - non medical.
4. Government Administrative Services
5. Signs as regulated by Town ordinance.
6. Essential public transport, communication, and utility services.

C. Uses Permitted as Special Exceptions:

In the P-O-1, Professional and Office District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. General personal services.
2. Health Care Facilities.
3. Community Assembly.
4. Special Personal and Group Care Facilities.

D. Uses Prohibited:

Outdoor storage of goods or materials or equipment; warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the P-O-1, Professional and Office District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: 10,000 sq. ft.
2. Minimum Yard Requirements:

Front Setback	35 feet
Side	15 feet
Rear	20 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.
4. Height Requirements: No buildings shall exceed forty (40) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.
5. Parking Space Requirements; As regulated in ARTICLE IV, SECTION 4.010.

5.052.6 P-O-2, Professional and Office District.

A. District Description:

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

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

B. Uses Permitted:

In the P-O-2, Professional and Office District, the following uses and their accessory uses are permitted.

1. Financial, insurance, real estate, and consulting services.
2. Professional services - medical.
3. Professional services - non medical.
4. Government Administrative Services.
5. General business services.
6. General personal services.
7. Health care facilities.
8. Signs as regulated by Town ordinance.
9. Essential public transport, communication, and utility services.

C. Uses Permitted as Special Exceptions:

In the P-O-2, Professional and Office District, the following uses and their accessory uses may be permitted as

special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Community Assembly.
2. Special Personal and Group Care Facilities.

D. Uses Prohibited:

Outdoor storage of goods or materials or equipment; warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the P-0-2, Professional and Office District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: 10,000 sq. ft.
2. Minimum Yard Requirements:

Front Setback	35 feet
Side	15 feet
Rear	20 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.
4. Height Requirements: No buildings shall exceed forty (40) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.
5. Parking Space Requirements; As regulated in ARTICLE IV, SECTION 4.010.

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

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

6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Smyrna area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Smyrna's tax revenues.

5.053.1 I-1, Light Industrial District:

A. District Description:

This district is primarily designed to accommodate existing industrial area within the community that area relatively limited in their amount of developable acreage, due to the pre-existing layout of streets and blocks within such areas. Within this district therefore, the necessary yard requirements are less restrictive than those cited within the I-2 Light Industrial District. The I-1 District is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable nuisances. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

B. Uses Permitted.

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

1. Warehousing goods transport and storage.
2. Airports, air cargo terminals, and heliports.
3. Wholesale sales.
4. Limited manufacturing.
5. Intermediate manufacturing.
6. Aircraft dealers.
7. Animal care and veterinary services.
8. Agricultural activities.

9. Essential public transport, communication, and utility services.
10. Signs as regulated by Town ordinance.
11. Plant and forest nurseries.
12. Building materials and farm equipment sales.
13. Dairies and truck gardens.

C. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Group assembly, other than racetracks (auto, motorcycle, dog, and horses), and drag strips.
2. Food and beverage service.
3. Food service take-out.
4. Commercial recreation.
5. Contract construction services.
6. Consumer repair services.
7. Intermediate impact facilities.
8. Government administrative services.
9. Automotive service and repair.
10. Convenience commercial.
11. General business service.
12. General personal service.
13. General retail trade.

D. Uses Prohibited

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

E. Dimensional Regulations

All uses permitted in the I-1, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI. (Non-conforming uses):

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

Front Yard	30 feet
Side Yard	20 feet
Rear Yard	25 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total lot area of such lot or parcel.
4. Height Requirements: No building shall exceed F.A.A. glide path restrictions except as provided in Article VI, Section 6.050 and in no case shall any building exceed fifty (50) feet in height.
5. Parking Space Requirements: As regulated in Article IV, Section 4.010.

5.053.2 I-2, Light Industrial District.

A. District Description:

This district like the I-1 District is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

B. Uses Permitted:

In the I-2, Light Industrial District, the following uses and their accessory uses are permitted:

1. Warehousing, goods transport and storage.
2. Airports, air cargo terminals, and heliports.
3. Wholesale sales.
4. Limited manufacturing.
5. Intermediate manufacturing.
6. Aircraft dealers.
7. Animal care and veterinary services.
8. Essential public transport, communication, and utility services.
9. Signs as regulated by Town ordinance.
10. Plant and forest nurseries.
11. Building materials and farm equipment sales.
12. Dairies and truck gardens.

C. Uses Permitted as Special Exceptions

1. Group assembly, other than racetracks (auto, motorcycle, dog, and horses), and drag strips.
2. Food and beverage service.
3. Food service take-out.
4. Commercial recreation.
5. Contract construction services.
6. Consumer repair services.
7. Intermediate impact facilities.
8. Government administrative services.
9. Automotive service and repair.
10. Convenience commercial.
11. General business service.
12. General personal service.
13. General retail trade.

D. Uses Prohibited

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

E. Dimensional Regulations

All uses permitted in the I-2, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI, SECTION 6.020 (Non-conforming uses):

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

Front Yard	60 feet
Side Yard	30 feet
Rear Yard	30 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total lot area of such lot or parcel.
4. Height Requirements: No building shall exceed F.A.A. glide path restrictions except as provided in Article VI, Section 6.050 and in no case shall any building exceed fifty (50) feet in height.
5. Parking Space Requirements: As regulated in Article IV, Section 4.010.

5.053.3 I-3, Heavy Industrial District.

A. District Description:

This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Smyrna area. No new residential developments are permitted, thereby insuring protection of such developments from an undesirable environment while at the same time ensuring adequate areas for industrial activities.

B. Uses Permitted:

In the I-3, Heavy Industrial District, the following uses and their accessory uses are permitted:

1. All uses that are permitted in the I-1, and I-2 Light Industrial District.
2. Extensive manufacturing, with the exception of; ordinance and accessories manufacturing, and junk yard.
3. Extensive impact facilities.
4. Signs as regulated by Town ordinance.
5. Farm equipment and supplies.
6. Feed milling and sales.
7. Lumber and other building material dealers.
8. Seed and storage sales.
9. Building materials and farm equipment sales.
10. Farms

C. Uses Permitted as Special Exceptions:

In the I-3, Heavy Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Group assembly activities, other than schools for profit, colleges and universities, technical and trade schools, commercial resorts, and commercial campgrounds.
2. Outdoor storage materials to be used in manufacturing.
3. Mining and quarrying.
4. Feed lots and stock yards.
5. Ordinance and accessories manufacturing.
6. Wrecking, junk, and/or salvage yards.
7. Automotive wrecking yards.
8. Automotive Service and Repair Facilities

D. Uses Prohibited:

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

E. Dimensional Regulations:

All uses permitted in the I-3, Heavy Industrial District shall comply with the following requirements except as provided in ARTICLE VI, SECTION 6.020 (nonconforming uses):

1. Minimum Lot Size: No minimum lot size is required in the I-3 District.
2. Minimum Yard Requirements:

Front Setback	100 feet
Side	50 feet
Rear	50 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements: Buildings shall exceed eighty (80) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In no case shall F.A.A. glide path building height restrictions be exceeded.
5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.055. A-1, Airport District.

A. District Description:

The A-1 Airport District is designed to accommodate airport uses which involve objectionable influences and hazards, and therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the area. No new residential developments are permitted, thereby ensuring protection of such developments from an undesirable environment while at the same time ensuring adequate areas for airport activities. The uses accommodated within this district would allow for development suitable to an airport. The A-1, Airport District is designed to provide adequate space in appropriate locations for uses that serve the needs of the motoring and aviation related public. The A-1, Airport District should serve the major transportation interchanges of vehicle, rail and air transportation.

B. Uses Permitted:

In the A-1, Airport District, the following uses and their accessory uses are permitted:

1. All uses allowed in the I-3 Heavy Industrial District.
2. Government administrative services.
3. Automotive parking.
4. Consumer repair services.
5. Financial, insurance, real estate and consulting services.
6. General business services.
7. General personal services.
8. Professional services - medical.
9. Professional services - non-medical.
10. Cultural and recreational services.

11. Food and beverage services.
12. Food service; takeout.
13. Transient habitation; hotels, motels, tourist homes or courts.
14. Motor vehicle rentals.
15. Intermediate impact facilities.
16. Technical or Trade Schools
17. Colleges or Universities
18. Signs as regulated by Town ordinance.
19. Essential public transport, communication, and utility services.

C. Uses Permitted as Special Exceptions:

In the A-1, Airport District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Entertainment and amusement services.
2. General retail trade.
3. Automotive service and repair.
4. Contract construction services.
5. Community assembly

D. Uses Prohibited:

Uses not specifically permitted.

E. Dimensional Regulations:

All uses permitted in the A-1, Airport District shall comply with the following requirements except as provided in ARTICLE VI, SECTION 6.020 (nonconforming uses):

1. Minimum Lot Size: No minimum lot size is required in the A-1 District.

2. Minimum Yard Requirements:

Front Setback	100 feet
Side	50 feet
Rear	50 feet

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

4. Height Requirements: Buildings shall not exceed eighty (80) feet in height, except as provided in ARTICLE VI, SECTION 6.050. In all cases the Code of Federal Regulations 14, Part 77 shall be met.

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

5.056. H-1, Historic Overlay District.

A. District Description:

The H-1 Historic Overlay District is designed for the purposes of protecting and preserving the heritage of historic sites in the Town; safeguarding the character and heritage of the Town by preserving the District as a whole and individual property therein that embodies important elements of the social, economic, cultural, political or architectural history of the Town; promoting and conserving the District for the education, pleasure, and enrichment of residents of the Town; creating an aesthetic atmosphere and fostering civic beauty; stabilizing and enhancing property values throughout the District; enhancing the attraction of the Town to tourists and visitors; and promoting the education and patriotic heritage of the present and future citizens of the Town, all of which purposes contribute to the improvement and general health and welfare of the Town and the residents of the District.

B. Uses Permitted:

The uses permitted in the underlying district shall be permitted in the H-1 Historic Overlay District.

C. Uses Permitted as Special Exceptions:

The uses permitted in the underlying zone as special exceptions shall be permitted as special exceptions in the H-1 Historic Overlay District.

D. Uses Prohibited:

Uses not specifically permitted in the underlying zoning district are not permitted in the H-1 Historic Overlay District.

E. Dimensional Regulations:

All dimensional regulations shall be as required in the underlying zoning district.

F. Historic Zoning Commission:

1. Creation and Membership

Pursuant to provisions of Sections 13-7-401 through 13-7-409 of the Tennessee Code Annotated, there is hereby created the Historic Zoning Commission, hereinafter referred to as the Commission. The Commission shall consist of seven (7) members, including a representative from a local patriotic or historical organization; an architect, if available; a person who is a member of the Smyrna Municipal Planning Commission at the time of the appointment; and the remainder shall come from the community in general. Members shall be appointed by the Mayor and confirmed by a majority vote of the Smyrna Town Council. The terms of membership shall be five (5) years, except that the initial individual appointments to the Commission shall be staggered so that the terms of at least one (1) member but not more than (2) members shall expire each year. Vacancies shall be filled for any unexpired terms by the Mayor and confirmed by a majority vote of the Smyrna Town Council. Members shall serve without compensation. The members of the Commission shall elect a chairman from among themselves to preside over meetings.

2. Procedure

The Commission shall adopt rules of procedure and keep records of applications and actions, which shall be public records. A majority of the entire membership shall constitute a quorum. Meetings of the Commission shall be held at the call of the Chair and at other times as the Commission may determine.

3. Powers and Duties

Applications for certificates of appropriateness for reconstruction, alteration, repair, moving or demolition conducted within the H-1 Historic Overlay District shall be referred to the Historic Zoning Commission, which shall:

- a. Request detailed construction plans and related data pertinent to review a proposal before the Commission;
- b. Grant, within thirty (30) days following the availability of sufficient data, a certificate of appropriateness, with or without conditions, or the denial of such certificate, provided that the grounds for denial are stated in writing;
- c. Consider the following in making its decision:
 1. Historic and/or architectural value of the existing structure;
 2. Relationship of exterior architectural features of the structure to the remaining structures, to the surrounding area, and to the character of the district;
 3. General compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
 4. Any other factor, including aesthetic, which is reasonably related to the purposes of this ordinance.

4. Additional Powers and Duties

It shall be the duty of the Commission to make the following determinations with respect to the H-1 Historic Overlay District:

- a. Appropriateness of altering or demolishing a building or structure. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of permission to demolish a building or structure. The photographs, drawings, and so forth, shall be provided at the expense of the applicant.
- b. Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.
- c. Appropriateness of exterior design or extension of an existing building or structure.

- d. Appropriateness of front, side, or rear yards, off-street parking spaces, location of entrance drives into property or sidewalks along the public right-of-way, which might affect the character of a building or structure.
- e. The general compatibility of exterior design, arrangement, texture and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

5. Jurisdiction

The Commission shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the Commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in Section 27-9-101 et seq. of the Tennessee Code Annotated.

6. Right of Entry

The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examination and surveys, but there shall be no right of entry into any building without the consent of the owner.

7. Liability of Historic Zoning Commission Members

Any Historic Zoning Commission member acting within the powers granted by this ordinance is relieved from all personal liability for any damage and shall be held harmless by the Town. Any suit brought against the Commission or any member thereof shall be defended by a legal representative furnished by the Town until the termination of the procedure.

G. Procedure for Establishment of an H-1 Historic Overlay District

The H-1 Historic Overlay District classification may be superimposed in addition to existing zoning classifications subject to the following guidelines:

1. Historic Zoning Commission Recommendation Required

Recommendations for the establishment of H-1 Historic Overlay District zoning overlays shall be submitted by the Historic Zoning Commission to the Planning Commission. At that point, the recommendation shall proceed as specified in Article VII, Section 7.090. These recommendations may originate from the Historic Zoning Commission through its own initiative or from a request submitted by property owners to the Commission.

2. Criteria for Recommendation of H-1 Historic Overlay District

Prior to submitting a recommendation to the Planning Commission for the establishment of a H-1 Historic Overlay District, the Commission shall determine that the area being recommended meets one (1) or more of the following criteria:

- a. It is associated with an event which has made a significant contribution to local, state, or national history;
- b. It includes structures associated with the lives of persons significant in local, state, or national history;
- c. It contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- d. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
- e. It is listed in the National Register of Historic Places.

3. Review Guidelines

Prior to the establishment of a H-1 Historic Overlay District, the Commission shall adopt for such district a set of review guidelines which it will apply in ruling upon the granting or denial of a certificate of appropriateness. Such review guidelines shall be consistent with the purposes of this ordinance and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alteration, rehabilitation, relocation, or demolition of any building, structure or other improvement situated within a H-1 Historic Overlay District. Prior to adoption of review guidelines for a District, the Commission shall hold a public hearing. The Commission shall notify property owners in the affected area at least 10 calendar days prior to the date of the public hearing of the date, time, and place of the public hearing, as well as giving them a copy of the proposed guidelines. In addition, notice of public hearing shall be published in a newspaper of general circulation in Smyrna at least 15 days prior to the date of public hearing.

H. Administration

1. No building permit for construction, alteration, rehabilitation, moving or demolition to be conducted within the H-1 Historic Overlay District shall be issued by the Building Official until the project has been submitted to, and received a written certificate of appropriateness from, the Commission.
2. Administration shall be by the Town Planner and the Commission, and all items regulated within the H-1 Historic Overlay District shall be submitted to the Commission through the Planning Department for review.

3. Building permit required. All alterations, additions, or new construction which, previous to the establishment of the H-1 District, required that application be made for a building permit shall continue to require that application be made for a building permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition, it shall be required that application be made in the same manner for any work, including but not limited to alterations, additions, demolition, removal or new construction, which alters or contributes to the exterior appearance of existing structures.

I. Maintenance and Repair of Improvements

Every person in charge of an improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair.

J. Remedying of Dangerous Conditions

In any case where the Town shall order or direct the construction or removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this Section shall be construed as making it unlawful for any person, without prior issuance of a certificate of appropriateness, to comply with such order of direction. However, the Town shall give the Commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site on or in the environs of a H-1 Historic Overlay District. The Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a H-1 Historic Overlay District prior to the initiation of any said action.

K. Injunctive Powers and Penalties

Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens to start, or has started, work in violation of this Section, then the Town shall apply to an appropriate court for an injunction against a violation of this Section. If an order of the court enjoining or restraining the violation does not receive immediate compliance, then the Town Attorney shall apply to an appropriate court to punish the violation pursuant to applicable law.

5.056. H-2, Height Overlay District.

A. District Description:

This district is designed to provide for building heights in appropriate locations that exceed the height limits in the base zoning district. All uses and dimensional regulations are governed by the base zoning district. In evaluating appropriate locations for this overlay district, it is imperative that the ability for fire and rescue personnel to accomplish their task is maintained. It is also imperative that the appropriateness of the building height in context with the surrounding area be considered when establishing this district.

B. Uses Permitted:

The uses permitted in the base zoning district shall be permitted in the H-2 Height Overlay District.

C. Uses Permitted as Special Exceptions:

The uses permitted in the base zoning district as special exceptions shall be permitted as special exceptions in the H-2 Height Overlay District.

D. Uses Prohibited:

Uses not specifically permitted in the base zoning district are not permitted in the H-2 Height Overlay District.

E. Dimensional Regulations:

All dimensional regulations shall be as required in the base zoning district, except as provided in ARTICLE VI and Item F of this Section.

F. Height Limitations:

There shall be no height limitation in the H-2 Height Overlay District. Said buildings and structures shall comply with all relevant state and local codes and all other conditions and provisions contained within the base zoning district.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Nonconforming Buildings in Floodplain Districts
- 6.040 Bulk and Lot Size Non-compliance
- 6.050 Exceptions to Height Limitations
- 6.060 Lots of Record
- 6.070 Exceptions to Setback Requirements
- 6.080 Absolute Minimum Lot Size

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

6.020. Nonconforming uses. This districts established in this ordinance (as set forth in district regulations in ARTICLE V) are designed to guide the future use of land in Smyrna, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this Article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

6.021. Provisions Governing Nonconforming Uses Applicability

The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

6.022. Construction or Use Permit Approved Prior to Ordinance Adoption

Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

6.023. Repairs and Alterations

Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

6.024. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 6.023.

6.025. Continuation of Nonconforming Use

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (See Section 6.026) is undertaken.

6.026. Change of Nonconforming Use

6.026.1 General Provisions

For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

6.026.2 Land With Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

6.026.3 Nonconforming To Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed again to a nonconforming use.

6.027. Expansion of Nonconforming Uses

6.027.1 General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

6.027.2 Land With Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

6.027.3 Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.

6.027.4 Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land. Any such expansion shall be limited to no more than a 10% addition of the existing development on the lot at the time the nonconformity came into being due to enactment or subsequent amendments to this ordinance.

6.027.5 Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 6.030.

6.028 Damage or Destruction

6.028.1 General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

6.028.2 Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section 6.026 above) to other than a permitted use.

6.028.3 Land in Use Prohibited

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structures or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

6.028.4 Infringement upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

6.028.5 Reconstruction of Flood Damaged Property

The provisions of Section 6.030 shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway district.

6.029 Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

6.030. Special Provisions Governing Nonconforming Buildings within the Floodway District

6.030.1 General Provisions

In all districts or portions thereof which extend into the floodway districts as established by Section 5.054, any building or other structure or use which is not permitted by the floodway district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

6.030.2 Enlargement of Buildings within the Floodway

A building or other structure which is nonconforming by reason of location within the floodway shall not be enlarged or expanded but may be altered, or repaired as set forth in Section 6.023 or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate flood-proofing measures provided that such alteration will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

6.030.3 Special Provisions Governing Reconstruction of Building or Structure Located within the Floodway District

Within the floodway district any building or structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

- A. The reconstruction does not exceed the volume and external dimensions of the original structure and does not offer any greater obstruction to the flow of floodwaters than did the original structure.

- B. Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of Section 4.110 to a height of at least one (1) foot above the level of the 100-year flood).
- C. Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point at least three (3) feet above the level of the 100-year flood.
- D. That no reconstruction or alteration permitted herein shall result in any increase in the level of the 100-year flood.

6.040 Bulk and Lot Size Noncompliance

6.040.1 General Provisions

The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

6.040.2 Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

6.040.3 Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 6.040.4 through 6.040.6.

6.040.4 Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

6.040.5 Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of three thousand five hundred (3,500) square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by one-thousand five hundred (1,500) square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five-thousand (5,000) square feet.

6.040.6 Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided the damage or destruction is less than 25% of the assessed value of the structure according to the records of the Rutherford County Assessor of Property at the time of the damage or destruction.

6.050 Exceptions to Height Limitations

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Height exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the Board of Zoning Appeals.

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

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely in the opinion of the Board of Zoning Appeals as possible.

- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

6.070 Exceptions to Setback Requirements

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

6.080 Absolute Minimum Lot Size

In no case shall the Zoning Administrator, the Building Official, or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the ordinance
- 7.020 The enforcement officer
- 7.030 Building permits
- 7.040 Temporary use permits
- 7.050 Certificate of occupancy
- 7.060 Procedure for authorizing special exceptions
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010 Administration of the ordinance

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

7.020 The enforcement officer

The provisions of this ordinance shall be administered and enforced by the Building Official. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.

- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Official shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030 Building permits

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit therefore, issued by the Building Official. If said excavation or construction is begun without a proper building permit the building permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required.

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

A. Application:

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

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

B. Fee:

The Smyrna Town Council shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the office of the Building Official and Town Hall. Only the Town Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Building Permit Issuance Procedure:

1. Single-Family Residential

The following items shall be completed prior to the issuance of a building permit for a single-family residential development:

- (a) Site plan approval, if necessary (by staff);
- (b) Subdivision of land, if necessary;
- (c) Water and sewer inspected and approved;
- (d) Binder placed on the roads;
- (e) All drainage improvements installed;
- (f) Approval by the Director of Utilities and the Director of Public Works or their appropriate representatives;

- (g) Approval of building plans by the Plans Examiner; and
- (h) All appropriate water, sewer, and gas tap fees must be paid.

2. Multi-Family Residential, Commercial, and Industrial

The following items shall be completed prior to the issuance of a building permit for multi-family residential, commercial, or industrial developments:

- (a) Site plan approval;
- (b) Subdivision approval, if necessary;
- (c) Grading permit approval;
- (d) Approval of building plans by the Plans Examiner;
- (e) Approval of appropriate permit(s) from the State Fire Marshall's Office, if necessary; and
- (h) All appropriate water, sewer, and gas tap fees must be paid.

3. If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Official shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

D. Construction Progress:

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

7.040 Temporary use permit

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Town Building Official, as provided for in ARTICLE IV, SECTION 4.030 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Official on the form provided for that purpose. A schedule of fees shall be established by the Smyrna Town Council. Such schedule shall be posted in the office of the Building Official and Town Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050 Certificate of occupancy

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Official shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. Prior to the issuance of the Certificate of Occupancy, all impact fees shall be paid, all parking areas shall be paved where required by site plan approval, and all utilities shall have been inspected and approved. All landscaping, pavement striping, and other items as shown on the approved site plan shall be installed or a letter of credit shall be submitted in accordance with the specifications set forth in Section 3.120.E. However, if the Building Official determines that any of those items must be installed to ensure safety, then installation of said items shall be required.

7.060 Procedure for authorizing special exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, as well as all pertinent information as cited within Section 3.120.A. of this ordinance which is necessary to properly evaluate the effect that the request will have on adjacent and nearby properties. All such applications shall be presented to the Office of the Town Planner

B. General Requirements:

A conditional use permit (a special exception) shall be granted provided the Board finds that it:

a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

b. Will not adversely affect other property in the area in which it is located.

c. Is within the provision of "Special Exceptions" as set forth in this ordinance.

d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:

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

2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. The following additional rules apply for upper story residential development proposals:
 - a. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 - b. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.

D. Restrictions:

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

E. Validity of Plans:

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

F. Time Limit:

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

7.061 Conditional Use Permits

In addition to the requirements of the applicable district and the general requirements set forth above in Section 7.060.C, a conditional use permit shall be granted for the community facilities activities specified herein, only when the following standards established are met as part of the condition for issuing the permit in the applicable zone.

It shall be unlawful to issue any building permit or conditional use permit under Sections 7.030 and 7.060 of this ordinance to any use of land approved as a conditional use or special exception, if such a request for said permit is officially made after a period of twelve (12) months has lapsed between the date wherein the plans for said conditional use (special exception) are officially approved, this being the date of the approval of such plans by the Board of Zoning Appeals, and the date wherein a building permit for said use is officially requested. After this period of time has elapsed, all previously approved plans shall be considered null and void. Thereafter, a new set of plans prepared by either a licensed professional surveyor or engineer, depending upon the nature of said plans, shall be prepared utilizing the current date, to be resubmitted to the Board of Zoning Appeals under the requirements of Sections 7.060 and 7.061 for approval.

No applicable permits shall be issued concerning said request until approval of such plans is obtained from the Board of Zoning Appeals. Letters of credit for such plans shall be provided according to the following provision:

1. All plans presented for review and approval as conditional uses (special exceptions) by the Smyrna Board of Zoning Appeals shall subsequently be bonded by a letter of credit, as per provision 4 below. This surety instrument shall cover improvements shown on the site in the amount of one hundred and twenty (120) percent of cost of said improvements.
2. Said improvements shown on such plans may include, but are not limited to, existing road improvements, buffer strips, landscaping requirements, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, or any other improvements required by the Board of Zoning Appeals before such plans are approved.
3. A letter of credit authorized by the Planning Commission shall be secured by either an irrevocable letter of credit or cashier's check. The beneficiary of the surety shall be the Town of Smyrna. Such letter of credit shall comply with all statutory requirements and shall be satisfactory to the town attorney as to form, sufficiency, and manner of execution. Accordingly, such letter of credit must be officially filed and approved on the appropriate form within Appendix B of the Town of Smyrna Subdivision Regulations. Moreover, only commercial banks and federally chartered savings and loan associations located in the Rutherford or Davidson County, Tennessee, shall be acceptable institutions for the issuance of a letters of credit as required for the purposes of these regulations.
4. The letter of credit must be retained for a period of one year from the issuance of the certificate of occupancy for the structure/site requiring previous site plan approval as a conditional use (special exception). If improvements have been made within the one-year period, the Town Council shall release the bond after the inspection of all required improvements, and approval of those improvements by the Board of Zoning Appeals, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Town Council of the Town of Smyrna shall retain and cash the letter of credit to facilitate the completion of such improvements.

7.061.1 Special Conditions for Education Facilities

- A. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- B. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- C. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- D. The off-street parking requirements of this ordinance in Article IV, Section 4.010 shall apply.

7.061.2 Special Conditions for Religious Facilities

- A. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in the R-1 and R-4 Districts where the minimum district lot size shall apply.
- B. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area, thus reducing the impact upon such area.
- C. Such facilities shall be located only on arterial or collector streets as shown on the official Major Thoroughfare Plan.
- D. All bulk regulations of the district shall be met.
- E. The off-street parking requirements of this ordinance in Article IV, Section 4.010, shall apply.

7.061.3 Special Conditions for Cultural and Recreational Services

- A. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district, except art galleries, libraries, or museums in which the primary activity is to be carried out indoors.
- B. All bulk regulations of the zone district shall apply.

- C. The off-street parking requirements of this ordinance shall apply.
- D. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.
- F. The site and architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

7.061.4 Special Conditions for Government Administrative Services

- A. All of the bulk regulations of the zone district shall apply.
- B. The off-street parking requirements shall be as follows:

Minimum of one space for each three (3) employees, plus one space per three hundred (300) square feet of gross floor area. The loading requirements in Article IV, Section 4.020. shall be met.
- C. The location of such facility shall be determined such that the most efficient services to the community is provided.
- D. The location of such facility shall not materially increase traffic on surrounding streets.
- E. The location of such facility shall not have an adverse effect on surrounding properties. Fencing, screening, and landscaping may be required as appropriate to protect the surrounding residential area.
- F. The site plans for such facility is first approved by the Planning Commission taking into account the above factors as well as any other pertinent factors.

7.061.5 Special Conditions for Intermediate Impact Facilities

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along collector and arterial streets without traversing local minor streets.
- C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- D. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.
- E. The site plan for such facilities shall first be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

7.061.6 Special Conditions for Essential Public Transport, Communication, and Utility Services.

- A. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- B. All of the bulk regulations of the zone district shall apply.
- C. The location of such facility shall not materially increase traffic on surrounding streets.
- D. The location of such facility shall not have an adverse effect on surrounding properties.
- E. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.

- F. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

7.061.7 Special Conditions for Special Personal and Group Care Facilities.

1. Family Day Care Homes

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district whichever is greater.
- B. All bulk and setback regulations of the district shall be met.
- C. One accessory off-street parking space for each five children accommodated in this childcare facility shall be provided.
- D. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.
- E. All regulations of the State of Tennessee that pertain to the use shall be met.
- F. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- G. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

2. Special Conditions for All Other Uses in this Category. Associations for Physically or Mentally Handicapped Persons, Family and Group Care Facilities, Nursing Homes, Retirement or Rest Homes, Orphanages, Day Care Centers

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district whichever is greater.
- B. All bulk and setback regulations of the district shall be met.
- C. The requirement of the accessory off-street parking regulations of this ordinance in Article IV, Section 4.010 shall apply.
- D. All regulations of the State of Tennessee shall be met.
- E. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Director of Utilities, and site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.
- F. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- G. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

7.061.8 Special Conditions for Scrap Operation Activity (junk yard, salvage yard, etc.), in the I-3 District.

- A. The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.
- B. The scrap operation shall not include any open burning activity on the site.
- C. The bulk regulations and performance standards of this ordinance shall apply.
- D. Insect and rodent control measures shall be provided as approved by the County Health Department.

- E. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
- F. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- G. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

7.061.9 Special Conditions for Group Assembly Activities

- A. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along arterial and collector streets without traversing local minor streets.
- C. The off-street parking requirements shall be based upon a recommendation from the Planning Commission; and
- D. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- E. When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - (1) The minimum size site shall be twenty-five (25) acres;
 - (2) The minimum setback of all structures from all public roads shall be one hundred (100) feet;
 - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval;
 - (4) Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential streets;

- (5) Off-street parking shall be provided at a minimum of one (1) space for each two- (2) seats or one-half (1/2) of the total capacity in persons whichever is greater. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary;
- (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
- (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
- (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.

7.061.10 Special Conditions for Feedlots and Stockyards.

- A. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.
- B. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens the minimum lot area shall be four (4) acres.
- C. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall indicate the following:

- (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
- (2) Location of the area in which the proposed keeping of animals is to be conducted.
- (3) Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
- (4) Proposed method of drainage of the animal pens.
- (5) Proposed fencing of the site.
- (6) Insect, rodent, and odor control measures shall be provided to the satisfaction of the Board of Zoning Appeals.

- D. The owner shall establish to the satisfaction of the board that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- E. In any instance where sales of any type are to be conducted at the site, the board shall ensure that adequate parking is available.

7.061.11 Special Conditions for Mining Quarrying Activity.

- A. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
- (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.

- (2) Location of the area in which the proposed quarrying activity is to be conducted.
- (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
- (4) Proposed method of drainage of the quarry area.
- (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
- (6) Methods proposed for blasting. Open blasting commonly referred to, as "pop shots" shall be prohibited.
- (7) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
- (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be a non-toxic, non-flammable, and non-combustible solid. All areas that are back-filled shall be left so that adequate drainage is provided.
- (9) A comprehensive traffic impact study of both volume and vehicle weight impacts as they relate to the existing and proposed street system.
- (10) Prior to review and approval of such activity, the developer shall submit eight copies of an Environmental Impact Statement (EIS) and a Reclamation Plan, prepared by an independent engineer licensed in the State of Tennessee. The following standard format for Environmental Impact Statements shall be followed:
 - a. Description of the proposed development.

- b. Survey of existing environmental conditions. A survey of existing environmental conditions shall include an informative description of these factors:
 - 1. Slope stability
 - 2. Foundation conditions
 - 3. Terrain
 - 4. Soil erodibility
 - 5. Watershed boundaries
 - 6. Highway and bridge capability
 - 7. Neighborhood character
 - 8. Population density
 - 9. Public facilities - within one and one-half (1½) miles of site
 - 10. Archeological survey

- c. Engineering report. An engineering report discussing the details of alternative engineering methods to accomplish the proposed development shall include the following;
 - 1. Cut and fill operation
 - 2. Clearing
 - 3. Removal of ground cover
 - 4. Erosion control measures
 - 5. Buffering plan
 - 6. Blasting procedures and safety measures
 - 7. Reclamation plan (criteria detailed in part e)

- d. An 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:
 - 1. Impact on geological features and resources
 - 2. Impact on rock and soil stability
 - 3. Impact on soil erodibility

4. Impact on aquifers, groundwater, and open streams
 5. Impact on plant and animal life
 6. Impact on social fabric and community structures
 7. Impact on aesthetics and character
 8. Impact on existing infrastructure including schools, bridges, traffic density and mix, water supply, and other utilities
 9. Impact and number of persons exposed or affected by pollutants (parts per million) and noise (db), and indicated time and duration.
 10. A detailed description of the measures to be taken during the extraction and reclamation process to assure protection of:
 - a. The quantity and quality of surface and groundwater systems, both on and off site, from adverse effects
 - b. The rights of present users to such water
 - c. Alternative sources of water at least equal in quantity and quality, how it would be obtained by the present users if necessary
 11. A list of the steps to be taken to comply with applicable air, water, and blasting laws and regulations
- e. Reclamation Plan. The reclamation plan shall consist of the following:
1. Use, capability, and productivity of land prior to the development
 2. A description of the use which is proposed to be made of the land following reclamation

3. A detailed description of how the proposed post-development land use is to be achieved
4. A list of the revegetation, safety, and engineering techniques proposed to be used in the reclamation
5. Certificate of public liability insurance
6. 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
7. An estimated breakdown on a cost per acre basis of the proposed reclamation

(11) Mining/quarrying operations shall not be located closer than 2 miles to any school site, church, or property zoned residential measured from the property line of the operation to the property line of the school, church, or property zoned residential.

(12) A mining/quarrying operation shall not be located closer than 3 miles to another mining/quarrying operation, measured from property line to property line.

(13) The area of a site where the mining/quarrying activity is taking place shall be a minimum of 1,500 feet from any public right-of-way.

(14) Extraction operations shall not be allowed in a floodplain, drainage areas, or areas deemed to be environmentally sensitive.

C. Approval for Mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.

- D. Before issuing a special exception, the Board of Zoning Appeals shall require the owner of the quarry facility to execute a bond as calculated by staff of the Town of Smyrna to restore the land in the manner prescribed in the reclamation plan, including the removal of all structures and machinery. Said bond shall be for a period of two years, with review by the Planning Commission at that time to consider renewal / recalculation of the bond.
- E. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application, and
- F. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.12 Special Conditions for Intermediate Manufacturing (Commercial Storage of Explosives, etc.).

- A. The location of such an activity shall be in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.
- B. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- C. All regulations of the State Fire Marshall and the Smyrna Fire Department relating to the storage of potential and/or octane explosives shall be met.
- D. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- E. The site plan shall be approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.13 Special Conditions for Automotive Service and Repair Facilities

- A. The location, size, and design of such facilities shall be such that the proposed use shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- B. Fencing, screening, and landscaping shall be provided as appropriate to project the surrounding area. In this respect, there shall be an opaque buffer screening on-site customer and service parking areas from the surrounding properties.
- C. All repair and service work must be conducted within a totally enclosed structure(s). There shall be no outdoor storage.

7.061.14 Special Conditions for Special Institutional Care Facilities

In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the special institutional care activity type.

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along designated arterial or collector streets as shown on the official major thoroughfare plan without traversing local minor streets.
- C. The purpose(s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s).
- D. The facility providing residence facilities shall have resident twenty-four (24) hour staff and appropriate professional services shall be supplied.
- E. The off-street parking requirements shall be determined by the Board of Zoning Appeals.

- F. The minimum side and rear yards shall be one hundred (100) feet for a one (1) and two (2) story building, increased by ten (10) feet for each additional story.
- G. Any use classified in this category must connect to a public water and sewer system.
- H. No facility permitted under the provisions of this section shall be located within one thousand (1,000) feet of any church, day care center, nursery school or public park. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the main entrance of the church, day care center, nursery school or public park, where the centerline intersects with the margins of the public road.

7.061.15. Special Conditions for Bed and Breakfasts

- A. Meals shall be served to guests only.
- B. The number of rooms available for rent shall be no more than six.
- C. The length of stay shall be no longer than ten days.
- D. Adequate parking shall be provided as required in Article IV, Section 4.010.1.A (2) (b).

7.061.16. Special Conditions for Temporary Outdoor Sales of Food or Retail Merchandise

- A. Approval in writing of the owner of the subject property where the proposed use is to be located shall be included with the application. The owner may be the applicant.
- B. The site shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. In the event the proposed location will be on the site of an existing use or structure, the applicant must provide verification that the total site will continue to meet the minimum parking requirements established in Article IV of this Ordinance.
- C. Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.

- D. Tents will be permitted provided they are erected in conformance with all applicable codes. Any such tent must provide emergency exit remote from the point of entrance into the tent. Tents must be located on a paved, concrete, or graveled surface and in no event may be erected in a grass area. Tents must be maintained in good condition.
- E. Any site must be located so that all parts of all structures and inventory on the site are no more than five hundred feet from an operable fire hydrant.
- F. A site shall not be approved for a period of more than 14 days at any one time and no more than 28 days for any twelve month period. A deposit in the amount of four hundred dollars (\$400) shall be made with the Town to ensure removal of all temporary structures and merchandise. In the event this removal does not occur in the time specified in the approval of the permit, the deposit shall not be refunded and the Town will remove the temporary structures and merchandise.
- G. Adequate provisions shall be made for restroom facilities on the site. In the event the applicant utilizes the restroom facilities of another existing business on-site or adjacent to the site, the applicant must submit a written agreement from the affected business owner.
- H. No permit shall be granted where the site to be utilized is in violation of any building, fire, electrical, and/or other codes as adopted by the Town.
- I. Adequate provision shall be made for solid waste management. If a dumpster is to be located on site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.
- J. The BZA may require that additional standards be met in order to assure compatibility of the proposed location with adjoining properties.
- K. Within 60 days of the passage of this amendment, any existing site that is in violation of this amendment must be brought into compliance.

7.061.17. Special Conditions for Self-Service Storage Facilities

- A. Units shall be climate-controlled, with such temperatures ranging between 50°F and 80°F. The temperature within the building must be controlled by a central heating and air conditioning unit. Individual heating and cooling units are not permitted on a per self-storage units basis.
- B. All individual self-storage units must be fully enclosed within the primary building and accessible only through primary, public use entrances. Front or side entrances shall not be a garage-type entrance. Rear entrances and rear access may be from or by a loading dock or a garage-type entrance.
- C. Structure(s) in which the self-service storage units are to be located shall be existing structures with area greater than or equal to 50,000 square feet. The structure shall also have been constructed at least 10 years prior to date of approval by the Board.
- D. A signage plan shall be submitted and reviewed by the Board at the same time as the application for the special exception. Signs require a separate permit following approval by the Board.
- E. All vehicular use areas shall be paved.
- F. Adequate lighting shall be provided. Light shall not leave the property or create glare.
- G. The following activities shall be prohibited:
 - 1. Outside storage of any kind.
 - 2. Storage of toxic or hazardous materials.
 - 3. Use of units for habitation, including but not limited to sleeping and cooking.
 - 4. Any commercial or manufacturing activity conducted within the units or any commercial or manufacturing activity conducted outside of the units and not associated with the primary use (leasing and/or sales of storage units) of the property.
 - 5. Garage sales and auctions.
 - 6. Any use that creates or is associated with nuisances such as odors, noise, vibrations, dust, or fumes.
- H. An accessory apartment shall be allowed. See Section 4.150 for requirements.
- I. The Board may require that additional standards be met in order to ensure the compatibility of the proposed use with the surrounding area, including but not limited to landscaping, lighting, loading and unloading spaces, and screening/buffering.

- J. No permit shall be granted if the site to be utilized is in violation of any building, fire, electrical, and/or other code(s) as adopted by the Town.
- K. Areas for rear access loading and unloading must be provided in the parking plan. There shall be at least one rear access loading and unloading area. There shall be at least one front access loading and unloading parking space per twenty (20) storage units, such loading and unloading parking space shall not exceed 400 square feet and shall be marked as a loading and unloading space. The loading and unloading areas and spaces must not pose a traffic hazard.
- L. Motor vehicles, as designed for travel on public streets, shall not be allowed inside the building.
- M. Adequate parking shall be provided as required in Article IV, Section 4.010.4.A of this ordinance.

7.070. Board of Zoning Appeals.

In accordance with 13-7-205 Tennessee Code Annotated, a Smyrna Board of Zoning Appeals, consisting of five members, is hereby established. All members of such Board shall be appointed by the Town Council.

A. Term of Office of Board Members, Removal, and Vacancies

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed should serve respectively for the following terms: one for (1) year, two for (2) years, and two for (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the Town Council and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes.

Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision before the Town Council. Vacancies of said Board of Zoning Appeals should be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

B. Procedure.

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

C. Appeals to the Board:

An appeal to the Smyrna Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Official or other administrative Official based in whole or in part upon the provisions of this

ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Official shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Stay of Proceedings:

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property.

In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Official, and on due cause shown.

E. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the Town aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee. Denial by the Board disallows any future appeal, request for a variance, or request for a special exception regarding the same request on the same property to the Board unless so ordered by a court of competent jurisdiction.

F. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

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

2. Special Exceptions:

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

3. Variances:

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

7.080. Variances.

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

A. Application:

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

All applications must contain all pertinent information as cited in Section 3.120.A. within this ordinance necessary to clearly ascertain the relationship of the applicable land use to it's subject property, as well as to all adjacent properties, along with any necessary supporting information as required, in order that the board be able to clearly analyze and evaluate said variance request.

B. Fee:

A fee as set by the Town Council payable to the Town of Smyrna shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings:

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

D. Standards for Variances not Involving Special Flood Hazard Areas

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the

historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.

7.090. Amendments to the ordinance.

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

An application by an individual for an amendment shall be accompanied by a fee as set by the Town Council payable to the Town of Smyrna, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted.

The Planning Commission shall review and make recommendations to the Town Council on all proposed amendments to this ordinance.

The Planning Commission in its review and recommendation and the Town Council in its deliberation shall make specific findings with regard to the following grounds for an amendment and shall note that the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area;
- B. It has been determined that the legal purposes for which zoning exists are not breached;
- C. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;

- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Smyrna Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty-(30) days following the Planning Commission meeting wherein such amendment is entertained within which to submit its report. If the Planning Commission disapproves the amendment within the thirty-(30) days, it shall require the favorable vote of a majority of the entire membership of the Town Council to become effective. If the Planning Commission fails to submit a report within the thirty-(30) day period, it shall be deemed to have recommended approval of the proposed amendment.

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

Before enacting an amendment to this ordinance, the Town Council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Smyrna.

7.100. Penalties.

Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and 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.

7.110. Remedies.

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Building Official 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 an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance,

or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Separability.

Should any section, clause, or provision 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 valid or unconstitutional.

7.130. Interpretation.

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

7.140 Effective date

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

Certified by the Smyrna Municipal Planning Commission.

Date

Chairman, Smyrna Municipal Planning Commission

Approved and adopted by the Town Council of the Town of Smyrna.

Date

Bob Spivey, Mayor
Smyrna, Tennessee

ATTEST:

Dianne Waldron, Town Clerk

ARTICLE VIII
DESIGN REVIEW

CHAPTER 1. GENERAL PROVISIONS

8-101 INTENT AND PURPOSE

The purpose of this article is to conserve property values within the Town of Smyrna by establishing procedures for the design review of development henceforth erected, reconstructed or altered, and thereby

- (A) To promote qualities in the environment that sustains the community's economic well being.
- (B) To foster the community's attractiveness and functional utility as a place to live and to work.
- (C) To preserve the community's heritage by maintaining the integrity of any area(s) enjoying a discernible character contributing to this heritage.
- (D) To safeguard public investment within the community.
- (E) To raise the level of citizen expectations favoring the quality of the community's visual environment.

8-102 ROLE OF THE SMYRNA MUNICIPAL PLANNING COMMISSION

The Smyrna Municipal Planning Commission shall administer the provisions of this article including, without limitation:

- (A) Certification that proposed development comports with the design standards set forth herein.
- (B) Recommend amendments, as necessary, to the Design Review Manual for approval by a majority of the entire membership of the Smyrna City Commission.
- (C) Consultation with municipal and other appropriate agencies on matters addressed in this article.
- (D) Adoption of such rules of procedure as the Planning Commission may deem necessary.

8-103 DESIGN REVIEW MANUAL

To further the purposes of this article as set forth herein, there is hereby adopted a Design Review Manual. Amendments to the Design Review Manual, shall be made by ordinance approved by a majority of the entire membership of the Smyrna Town Council, with appropriate input from the Smyrna Municipal Planning Commission.

CHAPTER 2. ADMINISTRATIVE PROVISIONS

8-201 DEVELOPMENT SUBJECT TO DESIGN REVIEW

Development, including any buildings, structures or physical improvements pertaining thereto, shall be subject to the provisions of this article if:

- (A) Approval of this development is conditioned upon one or more of the following:
1. Plot Plan or Site Plan approval under ARTICLE III, including a new structure or any addition to an existing structure totaling fifty (50) percent of the ground floor area or any external modification where the estimated cost of the improvement exceeds fifty (50) percent of the total assessed value of the structure as per Rutherford County tax records.
 2. Final planned unit development master development plan approval under ARTICLE IV, unless the plan envisages the construction exclusively of one- and two-family dwellings.
 3. Special exceptions granted under ARTICLE VII, involving either a new structure or any addition to an existing structure totaling fifty (50) percent of the ground floor area or any external modification where the estimated cost of the improvement exceeds fifty (50) percent of the total assessed value of the structure as per Rutherford County tax records.

(B) The development is a public building costing in excess of twenty-five thousand dollars (\$25,000) which may be regulated by the Town of Smyrna under applicable law. Any other government entity will be strongly encouraged to comply.

(C) Any development, which requires approval by the Planning Commission, which the planning staff determines to possess, design characteristics that merit review under this article. Reasons for the planning staff's determination must be clearly stated in writing. Appeals from the staff's determinations shall be filed with the Planning Commission within sixteen (16) days thereof, and resolved by the commission within sixty (60) days of said filing.

Development within the town limits shall be subject to the provisions of this article.

8-202 DEVELOPMENT EXEMPT FROM DESIGN REVIEW

Reconstruction or repairs required for immediate public health or safety reasons, as determined by the Mayor or his designee, are expressly exempted from the requirements of this article.

8-203 DESIGN REVIEW APPLICATIONS AND PROCESSING

8-203.1 Preapplication Conference

Any prospective applicant for a development approval permit that may require design certification under this article may request a preliminary conference with the planning staff by filing a written request no later than sixteen (16) days prior to the planning staff meeting at which the PREAPPLICATION conference is sought. Accompanying the request shall be ten (10) copies of such preliminary exterior drawings, site plans, and related materials as the applicant wishes to bring to the planning staff attention. Viewpoints expressed by the planning staff shall be advisory only; no legally enforceable rights or expectations of any kind shall vest until the applicant's formal application for design review has been processed in accordance with all the provisions of this article.

8-203.2 Submission to Planning Staff; Review by Staff

Applicants for design review certification shall submit to the Town Planning Staff, the photographs, site plans, site landscaping plans and schematic building plans referenced in Section 3.1, of the Design Review Manual, adopted by the Town of Smyrna, concurrent with the adoption of this article. Included in this procedure will be a review performed by a landscape architect retained by the Town of Smyrna, as a consultant to determine compliance with the Design Review Manual. The Town Planning Staff will review all submittals. Written comments of all planning staff members will be made available to developers at least one (1) week prior to the Planning Commission meeting, in which their project will be heard. Only on determining that the application comports with the requirements of Section 3.1, the Town Planning Staff shall transmit the application with all written staff comments and recommendations to the Planning Commission members.

8-203.3 Review by Planning Commission

The planning commission shall approve with conditions, or disapprove an application for design review certification within sixty (60) days of the application's initial review by the Smyrna Municipal Planning Commission, unless the commission and the applicant agree to a greater time period. Absent such an agreement, all applications not acted upon by the Planning Commission within sixty (60) days shall be deemed approved. Minutes shall be kept of the Planning Commission's proceedings and reasons for its decisions shall be clearly stated in this record. An approved application and its supporting exhibits shall be endorsed as approved by the commission or its authorized representative.

8-203.4 Appeal of Planning Commission Actions

Any person aggrieved by a Planning Commission action under this article may appeal the action to the Board of Zoning Appeals within thirty (30) days after approval of the minutes, with the Town Planning Director, a notice setting forth the respects with which the person filing the appeal takes exception to the written statement of reason as required by Subsection 8-203.3, of this article.

Appeals shall be decided within sixty (60) days of their filing unless the applicant and the Board of Zoning Appeals agree to extend this period. In reviewing the appeal, the Board of Zoning Appeals shall not invalidate the Planning Commission's action, unless approved by majority of the entire membership. The reason for the decision of the Board of Zoning Appeals determination shall be clearly reflected in the minutes. If the Board of Zoning Appeals invalidates the Planning Commission's action, it may, in its discretion, either exercise the powers of the Planning Commission or remand the matter, along with its statement of reasons, to the Planning Commission for further action not inconsistent with these reasons, which the Planning Commission shall take within thirty (30) days.

8-204 DESIGN REVIEW STANDARDS

In reviewing applications, the Planning Commission shall insure that the proposed development satisfies the criteria for the applicable category or type of development as these criteria are set forth, by category or type, in the Town of Smyrna Design Review Manual, and in any pertinent Town of Smyrna land use or building regulations and ordinance. In the case of a conflict between ordinances, the more stringent shall govern.

8-205 DESIGN DISTRICTS

8-205.1 Establishment

The Smyrna Town Council has hereby designated the area as delineated on the Design Review District Map as a design district at the request of citizens and the Planning Commission, as it has determined that the area contains buildings, structures, burial grounds or other features of archaeological, architectural, or design significance.

8-205.2 Administration

No building or other development permit shall be issued or the construction, reconstruction, alteration or demolition of any building, structure or physical improvement within the design district the Town absent certification by the Planning Commission pursuant to this article, of the conformance of the proposed development with the design standards referenced, herein. In particular, development must conform with the general land use regulations applicable to the design district's underlying area and the Design Review Manual as approved by the Town Council in conjunction with the Town Council establishment of the design district. In case of conflict among these requirements, the most stringent, as determined by the Planning Commission, shall govern.

8-206 PUBLIC WORKS

In reviewing the design of public buildings as specified in Section 8-201, (B), of this ordinance, undertaken by governmental agencies, other than the Town of Smyrna, the Planning Commission shall submit a written report of its recommendations to the agency proposing to construct the public project and seek to the extent permitted under applicable law or through communication with the agency to secure such modifications in the work's design as comport with the standards of this article. In the case of public projects undertaken by the Town of Smyrna, a Planning Commission determination to withhold a certificate of design approval shall be binding, unless this determination is reversed by a majority of the entire membership of the Board of Zoning Appeals.

8-207 APPLICATION; VESTED RIGHTS

The provisions of this article shall not be applicable to any property owner whose actions prior to the article's effective date have created a vested right to develop under applicable state or federal law. All other development or proposed development shall be subject to the article's provision.

8-208 CONTINUING MAINTENANCE

Following the construction or modify action of any development, the design of which is approved pursuant to this article, the development shall be maintained in accordance with the following standards:

- (A) Buildings and appurtenances, including signs, shall be cleaned and painted or repaired as required to maintain an attractive appearance.
- (B) Illuminated elements of buildings and signs shall be replaced as required to maintain the effect for which designed.
- (C) Landscape materials, other than plantings, which have deteriorated shall be reconstituted or replaced.
- (D) Plantings shall be kept watered, fed, cultivated, and pruned to give a healthy appearance during all seasons. Plant materials which have deteriorated shall be replaced with healthy plantings.
- (E) Parking areas shall be kept in an orderly state, properly marked, and clear of litter and debris.
- (F) Vacant property shall be kept free of refuse and debris, and shall have the vegetation cut periodically during the growing season as referenced in the Zoning Ordinance.

Failure to comply with the requirements of this section, after a notice of noncompliance has been issued by the Director of Planning with a stated time frame for compliance, shall be deemed a violation of this zoning ordinance and shall be subject to the sanctions set forth in ARTICLE VII, SECTION 7.100 as well as to the revocation of any permit, license, certificate or other approval initially issued by the city as a basis for construction and/or occupancy of the development on which the violation has occurred.

8-209 PROHIBITIONS

No building permit, license, certificate, or other approve entitlement shall be issued or given by the city with respect to any development subject to design review, until the development has been approved pursuant to this article. No certificate of use or occupancy, whether temporary or permanent in form, shall be given for any such development until the Town Planning Staff has certified that the development has been completed in accordance the design approved by the Planning Commission; provided, however, that the Planning Staff, in its discretion, may elect to grant a Temporary Use and Occupancy Permit subject to a reasonable bond guaranteeing that the applicant will complete the development in accordance the approved design within a time certain. This procedure is detailed in ARTICLE VII, of this ordinance.

EFFECTIVE DATE

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

Certified by the Smyrna Municipal Planning Commission.

Date

Edwin Davenport
Chairman, Smyrna Municipal Planning Commission

Approved and adopted by the City Commission of the Town of Smyrna.

Date

Robert Mullins, Mayor
Smyrna, Tennessee

ATTEST:

Mike Woods, City/Clerk Coordinator

ARTICLE IX
FLOODPLAINS

9.010 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 government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Smyrna, Tennessee Town Council does ordain as follows:

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

9.020 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 water 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; and,
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

9.030 Objectives

The objectives of this Ordinance are:

1. To protect human life, health, 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 floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area; and
8. to maintain eligibility for participation in the National Flood Insurance Program.

9.040 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 and, for the purpose of this section, shall conform to the following:

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

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

APPEAL: A request for review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for 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: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: That 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: Any structure built for support, shelter, or enclosure for any occupancy or storage. (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 permanent 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 fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

EMERGENCY FLOOD INSURANCE PROGRAM OR EMERGENCY PROGRAM: 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 landmasses. 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 first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

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

EXISTING STRUCTURES: See "Existing Construction".

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: 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 general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION DETERMINATION: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: 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 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 STUDY: The official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (See "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, 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.

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

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

FUNCTIONALLY DEPENDENT USE: 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: 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:

1. 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;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior; or
- b. Directly by the Secretary of the Interior.

LEVEE: 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", unless such transportable structures are placed on a site for 180 consecutive days or longer.

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 the Agency.

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

NATIONAL GEODETIC VERTICAL DATUM (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION: Any structure for which the "Start of Construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

NORTH AMERICAN VERTICAL DATUM (NAVD): As corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

100-YEAR FLOOD: see "Base Flood".

PERSON: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

RECREATIONAL VEHICLE: A vehicle which is:

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

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

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

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 include the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

SUBSTANTIAL IMPROVEMENT: Any repairs, reconstructions, rehabilitations, additions, alterations, or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceed 50 percent of the market value of the structure before the "Start of Construction" of the improvement. The market values of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed.

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

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

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

VIOLATION: 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, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

9.050 General Provisions

1. Application

This Ordinance shall apply to all areas within the incorporated are of the Town of Smyrna, Tennessee.

2. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Smyrna, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 470169, dated January 5, 2007, along with all supporting technical data, are adopted by reference and declared to be part of this Ordinance.

3. Requirement for Development Permit

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

4. Compliance

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

5. Abrogation and Greater Restrictions

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

6. Interpretation

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

7. Warning and Disclaimer of Liability

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

this Ordinance or any administrative decision lawfully made hereunder.

8. Penalties for Violation

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

9.060 Administration

1. Designation of Ordinance Administrator

The Town Planner is hereby appointed as the Administrator to implement the provisions of this Ordinance.

2. Permit Procedures

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

a. Application stage

1. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
2. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
3. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section G.2 of this Ordinance.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Construction Stage

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

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

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

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

3. Duties and Responsibilities of the Administrator

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

- a. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonable safe from flooding.

- b. Advise to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- c. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- d. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- e. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section G.2.
- f. Record the actual elevation in relation to mean sea level or the highest adjacent grade, where applicable, to which the new or substantially improved buildings have been flood-proofed in accordance with Section G.2.
- g. When flood-proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Section G.2.
- h. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- i. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency, then the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other

development in Zone A on the community FIRM meet the requirements of this Ordinance.

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

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

9.070 Provisions for Flood Hazard Reduction

1. General Standards

In all flood prone areas the following provisions are required:

- a. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- b. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- c. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
- d. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
- e. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located as to prevent water from entering or accumulating within the components during conditions of flooding;

- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i. Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this Ordinance shall meet the requirements of "New Construction" as contained in this Ordinance; and,
- j. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provisions of this Ordinance shall be undertaken only if said nonconformity is not further extended or replaced.

2. Specific Standards

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

- a. Residential Construction: Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section G.2.

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

- b. Non-Residential Construction: New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or flood-proofed no lower than one (1) foot above the level of the base flood elevation.

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

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

- c. Elevated Buildings: All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- b) The bottom of all openings shall be no higher than one foot above the finished grade;
 - c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - 2. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - 3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section G.2 of this Ordinance.
- d. Standards for Manufactured Homes and Recreational Vehicles
 - 1. 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 of the requirements of new construction, including elevations and anchoring.
 - 2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - a) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - b) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
 - 3. Any manufactured home which has incurred "substantial damage" as the result of a flood or that has been substantially improved must meet the standards of Section G.2 of this Ordinance.

4. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. All recreational vehicles placed on identified flood hazard sites must either:
 - a) Be on the site for fewer than 180 consecutive days;
 - b) 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.
 - c) The recreational vehicle must meet all of the requirements for new construction, including the anchoring and elevation requirements of Section G.2.d.1 through 4 if on the site for longer than 180 consecutive days.

e. Standards for Subdivisions

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

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.
3. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and with Floodways Designated

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

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

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

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

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

- b. New construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Section G.2.

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

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

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

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

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

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

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

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

8. Standard for Unmapped Streams

Located within the Town of Smyrna, Tennessee are unmapped streams where Areas of Special Flood Hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

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

9.080 Variance Procedures

The provisions of this section shall apply exclusively to Areas of Special Flood Hazard with the Town of Smyrna, Tennessee.

1. Board of Zoning Appeals

- a. The Town of Smyrna Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

- b. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- c. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - 1) The danger that materials may be swept onto other property to the injury of others;
 - 2) The danger to life and property due to flooding or erosion;
 - 3) The susceptibility of the proposed facility and its' contents to flood damage;
 - 4) The importance of the services provided by the proposed facility to the community;
 - 5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - 6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 9) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and;
 - 10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
- e. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Conditions for Variances

- a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- b. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, a determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- d. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

9.090 Legal Status Provisions

1. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future Ordinance of the Town of Smyrna, Tennessee, the most restrictive shall in all cases apply.

2. Validity

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

ARTICLE X
SMYRNA/RUTHERFORD COUNTY AIRPORT HEIGHT ZONING ORDINANCE

SECTION

- 10.010 Enactment
- 10.020 Definitions
- 10.030 Airport Zones
- 10.040 Airport Zone Height Limitations
- 10.050 Use Restrictions
- 10.060 Nonconforming Uses
- 10.070 Permits
- 10.080 Enforcement
- 10.090 Judicial Review
- 10.100 Penalties
- 10.110 Conflicting Regulations
- 10.120 Severability
- 10.130 Effective Date

10.010 Enactment

- A. Statutory Authorization. This ordinance is adopted pursuant to the authority conferred by Tennessee Code 42-6-103.
- B. Scope. 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/Rutherford County 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.
- C. Purpose. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Smyrna/Rutherford County Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Smyrna/Rutherford County Airport; and 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/Rutherford County 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/Rutherford County 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.

- D. Title. This ordinance shall be known and may be cited as the Smyrna/Rutherford County Airport Height Zoning Ordinance.
- E. Adoption by Airport Authority. 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 LaVergne, and Rutherford County to be incorporated into their respective zoning ordinances.

10.020 Definitions

As used in this Ordinance, unless the context otherwise requires, the following words and terms shall have the following meanings:

- 1. Airport - Smyrna/Rutherford County Airport
- 2. Airport Elevation - 543 MSL (Mean Sea Level)
- 3. Airport Zoning Map - A map produced in order to outline the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, dated 2005 contained in the Airport Master Plan, identified as Part 77, Airspace Plan, and incorporated into this ordinance and made a part hereof.

4. 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 IV of this Ordinance.
5. Approach, Transitional, Horizontal, and Conical Zones - Zones set forth in Section 10.030 of this Ordinance.
6. 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, Page 145.
7. Board of Zoning Appeals - A Board consisting of five (5) members, appointed by the Town Council as provided in Article 7.070 of the Municipal Zoning Ordinance.
8. 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.
9. Hazard to Air Navigation - An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
10. Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Airport Zoning Map.
11. 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.
12. 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.

13. Nonconforming Use - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
14. 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.
15. Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 10.040 of this Ordinance.
16. Person - An individual, firm, partnership, corporation, company, association, joint venture, or governmental entity; includes a trustee, a receiver, and assignee, or a similar representative of any of them.
17. Precision Runway Instrument - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or other Precision Approach such as a Global Positioning System (GPS). Smyrna's Runway 32 and 14 meet this designation. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document. Smyrna Runway 01 and 19 meet this designation.
18. 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 III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
19. Runway - A defined area of an airport prepared for landing and take-off of aircraft along its length.
20. 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.

21. Town Council - Smyrna Town Council
22. 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.
23. Tree - Any object of natural growth.
24. 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.
25. Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.
26. Zoning Map - Smyrna Airport's Master Plan Update, Part 77 Airspace Plan, attached to this Ordinance and made a part hereof.

10.030 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach 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:

1. Utility Runway Visual Approach Zone (Future Runway 14L/32R)
 - the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Runway Larger Than Utility With A Visibility Minimum As Low As $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone (Runway 01, Runway 19, and 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.
3. Precision Instrument Runway Approach Zone (Runway 32, future Runway 32L) - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
5. 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 do not include the approach and transitional zones.
6. 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 of 4,000 feet.

10.040 Airport Zone Height Limitations

Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance 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:

1. 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.
2. Runway Larger Than Utility With A Visible Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone (Runway 01, Runway 19, Runway 14, Future Runway 14R) - 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.

3. Precision Instrument 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 upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
4. Transitional Zones - 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 a height of 150 feet above the airport elevation which is 543 feet above mean seal 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 a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
5. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 693 feet above mean sea level.
6. 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.
7. Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height above the surface of the land (AGL) as follows:
 - a. Runway 01 - 25 feet
 - b. Runway 32 (Future Runway 32L) - 30 feet
 - c. Runway 19 - 60 feet
 - d. Runway 14 (Future Runway 14R) - 50 feet

10.050 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance 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.

10.060 Nonconforming Uses

1. Regulations Not Retroactive - The regulations prescribed by this Ordinance 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 Ordinance, 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 Ordinance, and is diligently prosecuted.
2. 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.

10.070 Permits

1. Future Uses—Except as specifically provided in a, b and c 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 Town of Smyrna Codes Department. 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 Ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b. 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 limit prescribed for such approach zones.
 - c. 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 limit 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 IV.

2. Existing Uses—No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance 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.
3. Nonconforming Uses Abandoned or Destroyed—Whenever the Town of Smyrna 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.
4. 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 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.
5. 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.

10.080 Enforcement

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

10.090 Judicial Review

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Zoning Appeals, may appeal to the Court of Town of Smyrna as provided by the laws of the State of Tennessee.

10.100 Penalties

Violation of the provisions of this Ordinance or failure to comply with any requirements stated herein shall constitute a violation of the Smyrna Municipal Code as well as state code as provided in TCA 42-6-110. Each violation of this ordinance may be punishable under state criminal statutes as provided by the laws of the State of Tennessee. Each day a violation continues to exist shall constitute a separate offense.

10.110 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.

10.120 Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance 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.