

CHAPTER 4: ZONING DISTRICTS, BULK REGULATIONS, AND USES

4.1 ESTABLISHMENT OF DISTRICTS

4.1.1 In order to implement all purposes and provisions of the Ordinance, the lands within the corporate limits of the Town of Arlington, Tennessee, are divided into districts designated as follows:

R-E-5	Residential Estate (5 acres) District
E	Estate Residential District
RS-22	Low Density Residential District
RS-18	Low Density Residential District
RS-15	Medium Density Residential District
RS-13	High Density Residential District
R-MF	Residential Multiple Family District
R-MH	Residential Manufactured Home District
B-1	Neighborhood Business District
B-2	General Business District
B-3	Downtown District
S-C	Shopping Center District
O	Office District
M-1	Light Industrial District
FH	Flood Hazard Zone
PD	Planned Development Overlay

4.1.2 Provisions for Official Zoning Map

- 1) Incorporation of Map:** The boundaries of districts established by this Ordinance are shown on the Official Zoning Map which is hereby incorporated into the provisions of this Ordinance. The zoning map in its entirety, including all amendments, shall be as much a part of this Ordinance as is fully set forth and described herein.
- 2) Identification of the Official Zoning Map:** The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Recorder and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4.1.2 of the Zoning Ordinance of the Town of Arlington, Tennessee," together with the date of the adopting of this Ordinance.

If, in accordance with the provisions of this Ordinance and Section 13-7-201 Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the Official Zoning Map such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Mayor and Aldermen. A statement shall be included, "by official action of the Board of Mayor and Aldermen, the following change(s) was made in the Official Zoning Map: (brief description

of nature of change)", which entry shall be signed by the Mayor and attested by the Town Recorder.

- 3) **Replacement of Official Zoning Map:** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may, by ordinance, adopt a new Official Zoning Map which shall supersede the previous Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Recorder and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of the Town of Arlington, Tennessee".

4.2 **BULK REGULATIONS FOR ZONING DISTRICTS AND PERMITTED RESIDENTIAL DENSITIES**

4.2.1 The following table provides information regarding bulk regulations and permitted residential densities for each zoning district. These are the minimum regulations required.

BULK REGULATIONS AND PERMITTED RESIDENTIAL DENSITIES

	Lot Area	Lot Width (Feet)	Building Setbacks			Building Height	Dwelling Units Per Acre	% Open Space
			Front (Feet)	Side (Feet)	Rear (Feet)			
R-E-5 Residential Estate, 5 acres								
Single Family Detached Dwelling	5 acres	250	100	50	100	35' or 2.5 stories	0.2	80
Agriculture	NA	NA	100	50	50	35'	NA	NA
Other	5 acres	250	100	50	100	35'	NA	50
E, Estate Residential								
Single Family Detached Dwelling	1 acre ¹	200	50	20	25	35' or 2.5 stories	1.0	70
Agriculture	NA	NA	100	25	25	35'	NA	NA
Other	5 acres ⁴	200	50	25	50	35'	NA	30
RS-22, Low Density Residential								
Single Family Detached Dwelling	22,000 sq. ft.	125	50	20	35	35' or 2.5 stories	1.8	70
Other	5 acres ⁴	200	50	25	50	35'	na	30
RS-18, Low Density Residential								
Single Family Detached Dwelling	18,000 sq. ft.	110	40	17 ²	25	35' or 2.5 stories	2.0	70
Other	5 acres ⁴	200	50	25	50	35'	NA	30
RS-15, Medium Density Residential								
Single Family Detached Dwelling	15,000 sq. ft.	100	35	15 ³	25	35' or 2.5 stories	2.25	70
Other	5 acres ⁴	200	50	25	50	35'	NA	30
RS-13, High Density Residential								
Single Family Detached Dwelling	13,000 sq. ft.	90	30	12 ³	25	35' or 2.5 stories	2.5	60
Other	5 acres ⁴	200	50	25	50	35'	NA	30
R-MF, Residential Multiple Family								
Single Family Detached Dwelling	10,000 sq. ft.	80	30	5	20	35' or 2.5 stories	3.2	60
Single Family Attached	6,000 sq. ft.	45	25	5/0	20	35' or 2.5 stories	6.0	40
Townhouse Dwelling	NA	20	50	0	25	35' or 2.5 stories	8	20
Two-Family Dwelling	8,000 sq. ft.	80	30	10/0	25	35' or 2.5 stories	4.4	30
Multi-Family Dwellings	20,000 sq. ft.	200	50	25	25	35' or 2.5 stories	12	20
Other	2 acres ⁴	200	50	25	50	35'		30

R-MH, Residential Manufactured Home								
Single Family Detached Dwelling	4,500 sq. ft.	50	30	10	10	35' or 2.5 stories	4.4	30
Manufactured Home	4,500 sq. ft.	50	30	10	10	35'	6.0	30
Other	2 acres ⁴	150	50	25	50	35'		30
B-1, Neighborhood Business	10, 000 sq. ft.	80	20	10	10	40'		30
B-2, General Business	10, 000 sq. ft.	100	30	10	25	40'		30
B-3, Downtown Business	None	None	Refer to Section 4.4.3			40'		NA
SC, Shopping Center	10,000 sq. ft.	100	25	10	20	40'		30
O, Office	10,000 sq. ft.	100	25	10	20	40'		30
M-1, Light Industrial	10,000 sq. ft.	100	50	25	25	50'		20

¹ ☐ One acre where public water and sewer are available, two acres where only public water is available, and four acres where public water and sewer are not available.

² ☐ Where a side entry garage is used, a 12' side yard may be allowed on one side, with a total of 34' in side yards.

³ ☐ Where a side entry garage is used, a 10' side yard may be allowed on one side with a side yard total of 30' in RS-15 and 24' in RS-13.

⁴ ☐ The minimum lot size for public (governmental) uses and buildings shall be one acre.

4.2.2 Permitted Encroachments and Height Limit Exceptions

- 1) **Permitted Encroachments:** The following encroachment standards shall apply to all required setbacks unless otherwise stated, so long as they do not encroach into any public right-of-way or any easement. Structures below and covered by the ground may encroach into any required setback.
 - a) Accessory structures may encroach into any required yard or setback only as permitted in Chapter 6, Section 6.5.1.
 - b) Building Features:
 - i. Chimneys, pre-fabricated chimneys, flues or smokestacks may encroach a maximum of four (4') feet.
 - ii. Building eave or roof overhang may encroach up to two (2') feet, provided such encroachment is at least three (3') feet from the property line, its lower edge is at least seven and one half (7 1/2") above the ground elevation, and it is located at least five (5') feet from any other building or eave.
 - iii. Bay windows, entrances and similar features that are less than ten (10') feet wide may encroach up to forty-two (42") inches but shall remain at least forty-two (42") inches from the property line.

- iv. Awnings or overhangs may encroach into a required front setback provided they do not encroach into the public right-of-way.
- v. Balconies may encroach up to four (4') feet into a required setback. Balconies may not project within five (5') feet of a common property line and in any case balconies may not encroach into the public right-of-way.
- c) Porches, decks and patios:
 - i. Unenclosed patios, decks or terraces may encroach up to four (4') feet into a required side setback, or up to eight (8') feet into a required rear setback.
 - ii. Covered, unenclosed porches may encroach a maximum of eight (8') feet into a required front setback.

2) Height Limit Exceptions: The height limitations of this chapter shall not apply to church spires, belfries, church roof structures not intended for human occupation, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, radio towers, wireless communication facility, or similar structures, provided such structure:

- a) meets all requirements of the applicable building code;
- b) shall not interfere with Federal Aviation Administration regulations regarding objects affecting navigable airspace;
- c) does not extend more than twenty-five (25') feet above the maximum permitted building height, except as allowed herein;
- d) does not exceed a maximum height of two hundred (200') feet above grade; and
- e) is not constructed for the purpose of providing additional floor area in the building.

4.3 PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Within the residential districts on the Official Zoning Map of the Town of Arlington, Tennessee, the following provisions shall apply per zoning district.

4.3.1 R-E-5, Residential Estate (5 acres) District

- 1) **Intent:** The intent of the R-E-5, Residential Estate (5 acres) District, is to promote preservation of the natural environment and maintain the rural atmosphere of the certain areas of the Town that do not require extensive municipal services. This district will provide for very low density residential development with a minimum area of five (5) acres per lot.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:**

- a) Single-family residential uses shall be limited to one (1) principal building per lot.
- b) One (1) guesthouse, as defined in Chapter 2, shall be allowed per lot.
- c) Uses other than residential shall have no limitations on the number of buildings provided, however, that the aggregate of all buildings shall not cover more than twenty (20%) percent of the entire lot area.

- 3) **Parking Requirements:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8.

- 4) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.3.2 E, Estate Residential District

- 1) **Intent:** The intent of the E, Estate Residential District, is to provide suitable areas for single-family residential development free from conflicting residential uses with the purpose of maintaining the rural atmosphere of the outlying areas of the Town. This area does not require extensive municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:**

- a) Single-family residential uses shall be limited to one (1) principal building per lot.

- b) One (1) guesthouse, as defined in Chapter 2, shall be allowed per lot which contains a minimum of five (5) acres. In no case shall the lot or parcel be decreased to less than five (5) acres where a guesthouse exists. The availability and capacity of sanitary sewer and water services shall be confirmed in advance of the issuance of a building permit. Or, in the case of a septic system, the Health Department shall confirm the septic system shall perform adequately with both structures in advance of the issuance of a building permit.
 - c) Uses other than residential shall have no limitations on the number of buildings provided, however, that the aggregate of all buildings shall not cover more than forty-five (45%) percent of the entire lot area.
- 3) **Parking Requirements:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8.
 - 4) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.3.3 RS-22, Low Density Residential District

- 1) **Intent:** The intent of the RS-22, Low Density Residential District, is to provide suitable areas for single-family residential development having a density level no greater than 1.8 units per acre and free from conflicting residential uses. These areas should be served by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:**
 - a) Single-family residential uses shall be limited to one (1) principal building per lot.
 - b) Uses other than residential shall have no limitations on the number of buildings provided, however, that the aggregate of all buildings shall not cover more than forty-five (45%) percent of the entire lot area.
- 3) **Parking Requirements:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8.

- 4) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.3.4 RS-18, Low Density Residential District

- 1) **Intent:** The intent of the RS-18, Low Density Residential District, is to provide suitable areas for single-family residential development having a density level no greater than 2.0 units per acre and free from conflicting residential uses. These areas should be served by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:**

- a) Single-family residential uses shall be limited to one (1) principal building per lot.
- b) Uses other than residential shall have no limitations on the number of buildings provided, however, that the aggregate of all buildings shall not cover more than forty-five (45%) percent of the entire lot area.

- 3) **Parking Requirements:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8.

- 4) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.3.5 RS-15, Medium Density Residential District

- 1) **Intent:** The intent of the RS-15, Medium Density Residential District, is to provide suitable areas for single-family residential development having a density level no greater than 2.25 units per acre and free from conflicting residential uses. These areas should be served by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:**

- a) Single-family residential uses shall be limited to one (1) principal building per lot.
- b) Uses other than residential shall have no limitations on the number of buildings provided, however, that the aggregate of all buildings

shall not cover more than forty-five (45%) percent of the entire lot area.

- 3) **Parking Requirements:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8.
- 4) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.3.6 RS-13, High Density Residential District

- 1) **Intent:** The intent of the RS-13, High Density Residential District, is to provide suitable areas that allow single family residential uses on smaller lots, having a density level no greater than 2.5 units per acre. These areas should be served by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:**
 - a) Single-family residential uses shall be limited to one (1) principal building per lot.
 - b) Uses other than residential shall have no limitations on the number of buildings provided, however, that the aggregate of all buildings shall not cover more than forty-five (45%) percent of the entire lot area.
- 3) **Parking Requirements:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8.
- 4) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.3.7 R-MF, Residential Multiple Family

- 1) **Intent:** The intent of the R-MF, Residential Multiple-Family Residential District, is to provide suitable areas that allow for all types of residential land uses, except for manufactured home parks, having a density level no greater than 12 units per acre. These areas should be served by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

2) Maximum Number of Principal Buildings Permitted:

- a) Single-family and two-family residential uses shall be limited to one (1) principal building per lot.
- b) All other uses shall have no limitations on the number of buildings provided, however, that the aggregate of all buildings shall not cover more than forty-five (45%) percent of the entire lot area.

3) Parking Requirements: Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8.

4) Recreational Facilities: For all multi-family and townhouse developments exceeding four (4) units and including phased developments, recreational space and facilities shall be provided. The recreational space shall constitute a minimum of ten (10%) percent of the required minimum lot and shall be landscaped, illuminated, and furnished appropriate to the anticipated clientele, i.e., including playground equipment when children are anticipated. The Planning Commission shall have the authority to modify this proposed recreational space and facilities so as to reasonably serve the anticipated residents.

5) Accessory Buildings and Uses: Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.3.8 R-MH, Residential Manufactured Home District

1) Intent: The intent of the R-MH, Residential Manufactured Home District, is to allow for the construction of manufactured home parks and to allow for the placement of manufactured homes in manufactured home parks.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

2) Maximum Number of Principal Buildings Permitted:

- a) One (1) manufactured home per lot outside of the manufactured home park.
- b) Manufactured homes inside a mobile home park shall have no limitations on the number of buildings provided, however, that the

aggregate of all buildings shall not cover more than fifty (50%) percent of the entire lot area.

- 3) **Sewer Line Requirements:** Sewer lines shall be a minimum of four (4") inches, with four (4") inch force mains where applicable, designed in accordance with the same standards that are required in Chapter 6, Section 6.9.1.
- 4) **Paved Parking Requirements:** All manufactured home lots or spaces shall provide a minimum of four hundred (400) square feet of paved parking area.
- 5) **Drainage Plan Requirements:** A drainage plan shall be submitted and approved by the Town Engineer.
- 6) **Recreational Facilities:** For all manufactured home parks, including phased developments, recreational space and facilities shall be provided and approved as part of the overall development. The recreational space shall constitute fifteen (15%) percent of the required minimum lot area and shall be landscaped, illuminated and furnished appropriate to the anticipated clientele, i.e., including playground equipment when children are anticipated. The Planning Commission shall have the authority to modify this proposed recreational space and facilities so as to reasonably serve the anticipated residents.
- 7) **Regulations for Establishment of Manufactured Home Parks:**
 - a) Prior to the issuance of a building permit for the construction of manufactured home parks, the developer shall submit a site plan to the Planning Commission for review and approval. The site plan shall adhere to the requirements in Chapter 10, Section 10.6 and shall also include the following:
 - i. the location of the manufactured home park;
 - ii. the proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land used for purposes other than manufactured home spaces;
 - iii. provisions for water supply, sewerage and drainage; and
 - iv. location of each manufactured home lot and pad.

- b) The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely affect the adjacent properties:
 - i. relocation of drives and parking areas;
 - ii. require increased lot areas and/or setbacks;
 - iii. require screening; and
 - iv. alter building locations.
- c) In addition, the Planning Commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or other undesirable conditions, which may include but not be limited to the arrangement of structures, parking or the other facilities; required screening, vegetative buffers, or fencing; the location and content of required recreational facilities; and the provision of landscaping.
- d) The Planning Commission shall not have the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan.

8) Licenses and License Fees :

- a) It shall be unlawful for any person to maintain or operate within the Town of Arlington any manufactured home park unless such person first obtains a license for that park.
 - i. Licenses shall not be transferred.
 - ii. The annual license fee for each manufactured home park shall be established by the Board of Mayor and Aldermen of the Town of Arlington.
 - iii. The license shall be conspicuously posted in the office of, or on the premises of, the manufactured home park at all times.

- b) Applications for a manufactured home license shall be filed with and issued by the Mayor or his designee. Applications shall be in writing, signed by the applicant, and shall contain the following:
 - i. name and address of applicant;
 - ii. location and legal description of manufactured home park;
 - iii. a valid state permit issued by the Tennessee Department of Environment and Conservation;
 - iv. a site plan in accordance with Chapter 10, Section 10.6.3 drawn to a scale no less than one hundred (100') feet to one (1") inch, showing buildings, structures, streets, existing roadways, utilities, the location of pads and individual manufactured home spaces; and
 - v. such further information as may be requested by the Mayor or his designee to enable him to determine if the proposed park shall comply with legal requirements.

9) Issuance of License: The Mayor or his designee shall inspect the development for conformance with the provisions of this Ordinance, the approved site plan, and health and environment laws. If such development conforms to these requirements, the applicant shall be issued a license.

10) Revocation of License: The Mayor or his designee shall make periodic inspections of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Mayor or his designee shall serve warning to the licensee(s). Thereafter, upon failure of the licensee(s) to remedy said violation, the Mayor or his designee shall have the authority for the revocation of the license. The license may be re-issued if the circumstances leading to revocation have been remedied, and the park can be maintained and operated in full compliance with the law.

11) Register of Manufactured Homes: It shall be the duty of the licensee to keep a register containing a record of all manufactured homeowners located within the park. The register shall contain the following information:

- a) make, model and year of all manufactured homes;
- b) owner and lease of each manufactured home; and
- c) dates of arrival and/or departure of each manufactured home or recreational vehicle. The park shall keep the register available for inspection at all times by law enforcement officers, public health

officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

- 12) **Non-conforming Manufactured Home Parks:** All additions or improvements to an existing nonconforming manufactured home park shall be conforming to these regulations.
- 13) **Parking Requirements:** Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter 8.
- 14) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.

4.4 **PROVISIONS GOVERNING BUSINESS DISTRICTS**

Within the business districts on the Official Zoning Map of the Town of Arlington, Tennessee, the following provisions shall apply per zoning district.

4.4.1 **B-1, Neighborhood Business District**

- 1) **Intent:** The intent of the B-1, Neighborhood Business District, is to provide for suitable areas that allow for commercial activities that are not high traffic generators, are located near residential areas, are along collector or major streets and are serviced by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.
- 2) **Maximum Number of Principal Buildings Permitted:** There is no maximum number of principal buildings permitted per lot, provided all other provisions of this Ordinance are met.
- 3) **Parking:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8 and landscaping of the parking area shall be required in accordance with Chapter 8, Section 8.1.8 of this Ordinance and the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 4) **Display of Merchandise:** All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent

properties and public rights-of-way. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.

- 5) **Landscaping and Screening:** Landscaping shall be required along the front, rear and side yards, and screening and fencing may be required dependent upon the adjoining land uses in accordance with the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 6) **Lighting:** Lighting of the parking area and the use shall be in accordance with the lighting requirements in the Design Guidelines Manual as adopted herein by reference, Chapter 10, Section 10.4.13.
- 7) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.
- 8) **Pedestrian Traffic:** Pedestrian walkways shall be required by the Planning Commission in accordance with Chapter 6, Section 6.2.2 and Chapter 9, Section 9.2 of this Ordinance. They shall be located along street frontages and in periphery landscaped areas.

4.4.2 B-2, General Business District

- 1) **Intent:** The intent of the B-2, General Business District, is to provide for suitable areas that allow for a variety of commercial activities located along major transportation routes and are serviced by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:** There is no maximum number of principal buildings permitted per lot, provided all other provisions of this Ordinance are met.
- 3) **Parking:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8 and landscaping of the parking area shall be required in accordance with Chapter 8, Section 8.1.8 of this Ordinance and the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 4) **Display of Merchandise:** All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public rights-of-way. In instances of vehicle service stations

where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.

- 5) **Landscaping and Screening:** Landscaping shall be required along the front, rear and side yards, and screening and fencing may be required dependent upon the adjoining land uses in accordance with the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 6) **Lighting:** Lighting of the parking area and the use shall be in accordance with the lighting requirements in the Design Guidelines Manual as adopted herein by reference, Chapter 10, Section 10.4.13.
- 7) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.
- 8) **Pedestrian Traffic:** Pedestrian walkways shall be required by the Planning Commission in accordance with Chapter 6, Section 6.2.2 and Chapter 9, Section 9.2 of this Ordinance. They shall be located along street frontages and in periphery landscaped areas.

4.4.3 B-3, Downtown District

- 1) **Intent:** The intent of the B-3, Downtown District, is to provide for suitable areas that allow for a variety of commercial and cultural activities in the downtown area of Arlington.

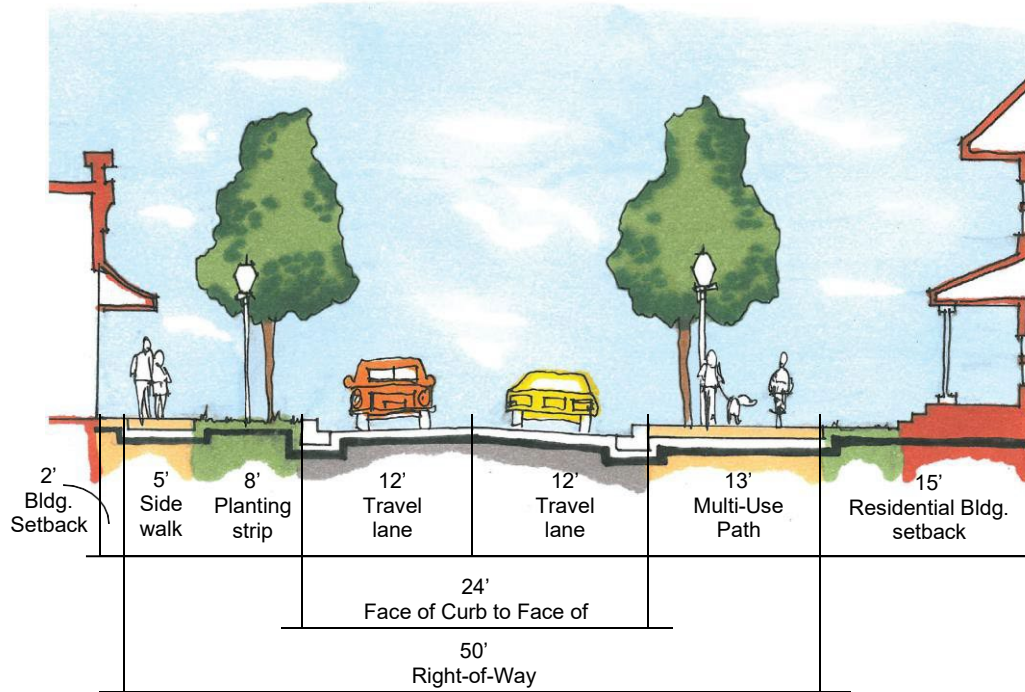
The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

However, there are some special bulk regulations that only apply to this district that are provided below.

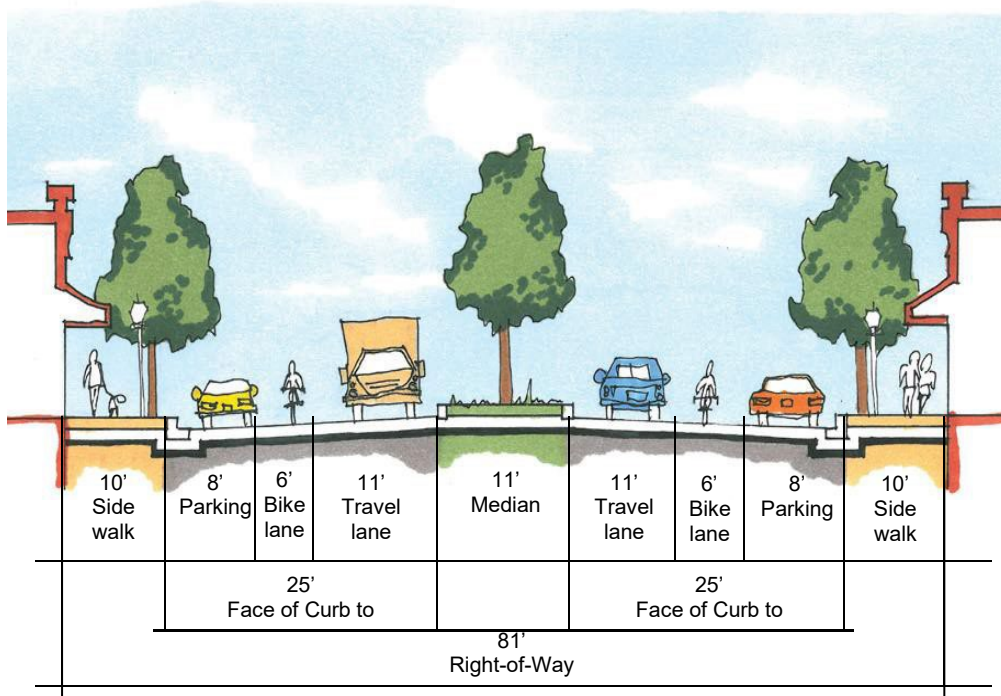
- 2) **Building Setbacks and Improvements:** The following building setbacks and improvements shall apply as follows:

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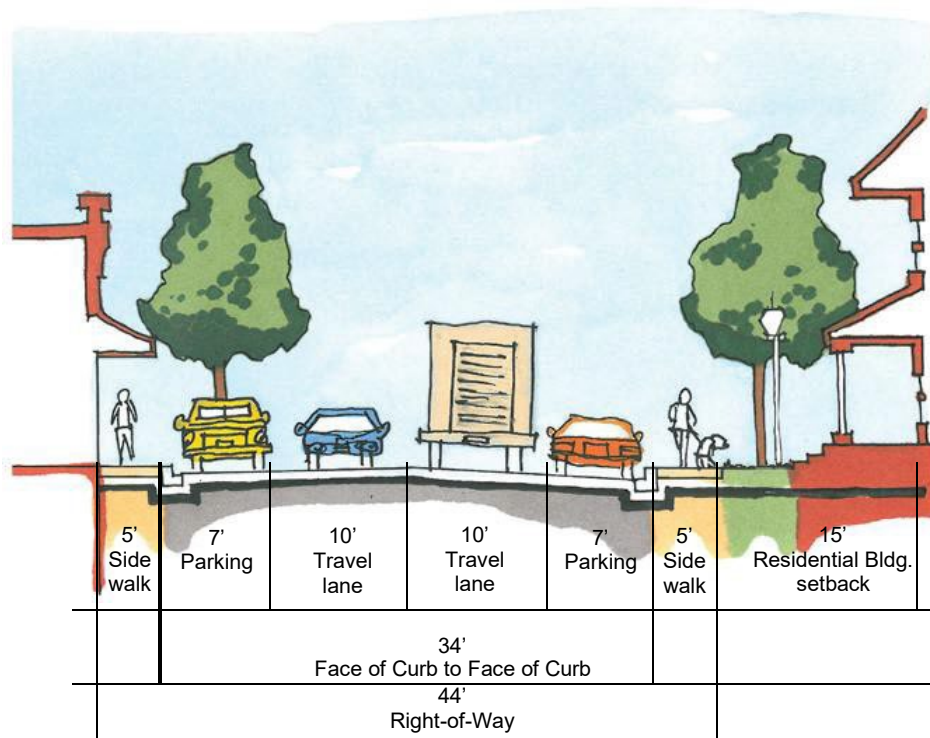
a) Parcels Fronting Chester Street:



b) Parcels fronting Highway 70:



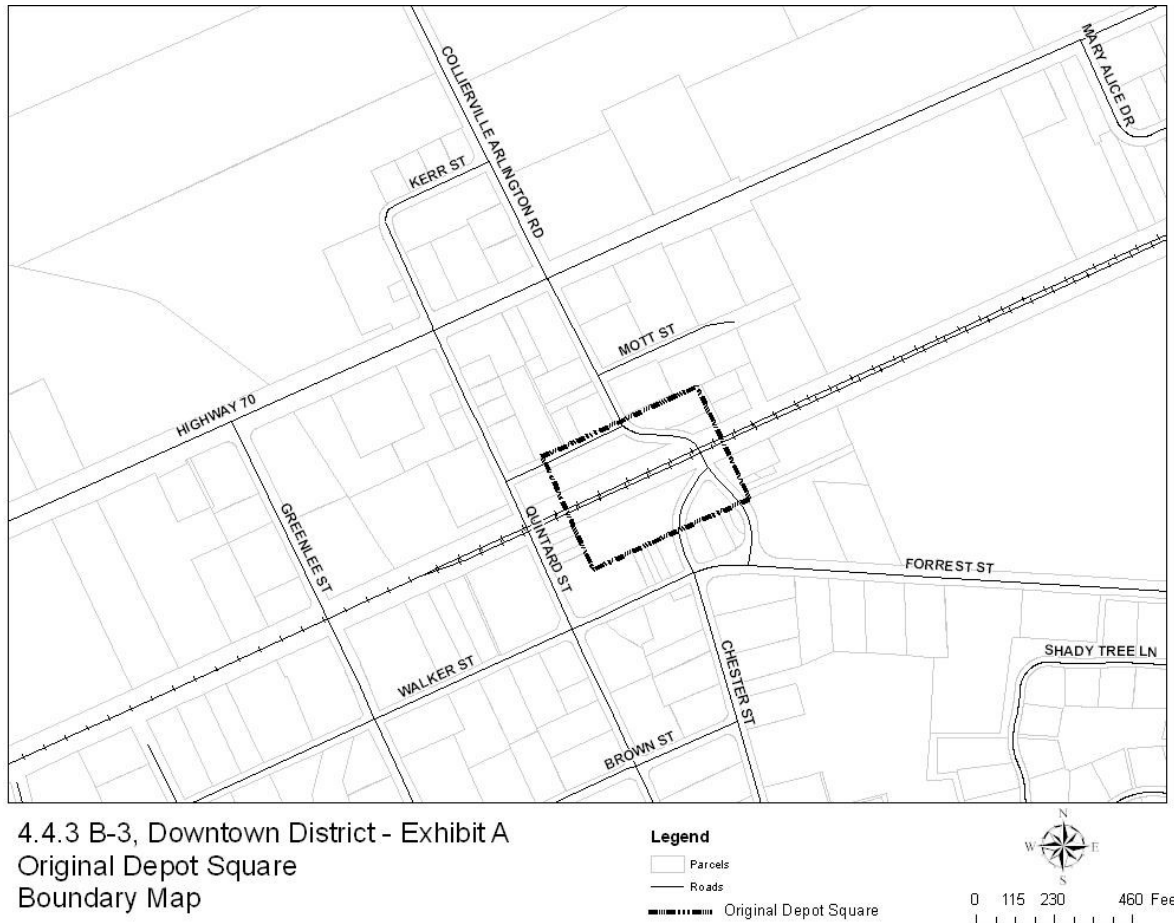
c) All other parcels:



d) Side and rear yard setbacks for parcels within the B3-Downtown Business Zoning district shall have a 0' (zero-foot) side and rear yard setback.

- 3) **Maximum Number of Principal Buildings Permitted:** There is no maximum number of principal buildings permitted per lot, provided all other provisions of this Ordinance are met.
- 4) **Parking:** Parking spaces shall be provided in accordance with Chapter 8.
- 5) **Display of Merchandise:** All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public rights-of-way.

Exhibit A



- 6) **Landscaping and Screening:** Landscaping and screening may be required along the front, rear and side yards, and screening and fencing may be required dependent upon the adjoining land uses in accordance with the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 7) **Lighting:** Lighting of the parking area and the use shall be in accordance with the lighting requirements in the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 8) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.
- 9) **Pedestrian Traffic:** Pedestrian walkways shall be required by the Planning Commission in accordance with Chapter 6, Section 6.2.2 and Chapter 9, Section 9.2 of this Ordinance. They shall be located along street frontages and in periphery landscaped areas.

- 10) **Special Conditions for Residential Units above Retail or Office Use:** Residential dwelling units are permitted above retail or office uses in the B-3 Zoning District, pursuant to the following standards:
- a) The minimum area per dwelling unit shall be one thousand (1,000) square feet for mixed-use buildings.
 - b) All non-residential floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of ten (10') feet.
 - c) Ground floor businesses/offices shall not be open to customers before 7:00 am or after 11:00 pm on any day. All activity shall cease sixty (60) minutes after closing.
 - d) A waste management plan, providing details of refuse storage and disposal facilities, for both residential and commercial waste, shall be submitted to and approved by the Mayor or his designee.
 - e) Provisions for off-street parking for proposed residential units shall be satisfactorily addressed.
 - f) Proposals involving more than five (5) residential units above retail shall be reviewed under the Town's Planned Development regulations.

4.4.4 RESERVED

4.4.5 S-C, Shopping Center District

- 1) **Intent:** The intent of the S-C, Shopping Center District, is to provide an area which utilizes a unified planned development of one or more structures housing multiple commercial and/or service uses, commonly referred to as shopping centers, in an effort to minimize traffic congestion and to cluster uses.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.

- 2) **Maximum Number of Principal Buildings Permitted:** There is no maximum number of principal buildings permitted per lot, provided all other provisions of this Ordinance are met.
- 3) **Parking:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8 and landscaping of the parking area shall be required in accordance with Chapter 8, Section 8.1.8 of this Ordinance and the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.

- 4) **Display of Merchandise:** All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public rights-of-way. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.
- 5) **Landscaping and Screening:** Landscaping shall be required along the front, rear and side yards, and screening may be required dependent upon the adjoining land uses in accordance with the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 6) **Lighting:** Lighting of the parking area shall be in accordance with the lighting requirements in the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 7) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.
- 8) **Pedestrian Traffic:** Pedestrian walkways shall be required by the Planning Commission in accordance Chapter 6, Section 6.2.2 and Chapter 9, Section 9.2 of this Ordinance. They shall be located along street frontages and in periphery landscaped areas.

4.4.6 O, Office District

- 1) **Intent:** The intent of the O, Office District, is to provide for suitable areas that allow for office and service-oriented uses to co-exist with limited retail uses which should be located along major transportation routes and serviced by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.
- 2) **Maximum Number of Principal Buildings Permitted:** There is no maximum number of principal buildings permitted per lot, provided all other provisions of this Ordinance are met.
- 3) **Parking:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8 and landscaping of the parking area shall be required in accordance with Chapter 8, Section 8.1.8 of this Ordinance and the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.

- 4) **Display of Merchandise:** All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public rights-of-way.
- 5) **Landscaping and Screening:** Landscaping shall be required along the front, rear and side yards, and screening may be required dependent upon the adjoining land uses in accordance with the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 6) **Lighting:** Lighting of the parking area shall be in accordance with the lighting requirements in the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 7) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.
- 8) **Pedestrian Traffic:** Pedestrian walkways shall be required by the Planning Commission in accordance with Chapter 6, Section 6.5 and Chapter 9, Section 9.2 of this Ordinance. They shall be located along street frontages and in periphery landscaped areas.

4.5 **PROVISIONS GOVERNING INDUSTRIAL DISTRICTS**

Within the industrial districts on the Official Zoning Map of the Town of Arlington, Tennessee, the following provisions shall apply per zoning district.

4.5.1 **M-1, Light Industrial District**

- 1) **Intent:** The intent of the M-1, Light Industrial District, is to provide for suitable areas that allow for selected manufacturing, construction, transportation, office and wholesale uses which have little impact on the environment of the Town of Arlington. These areas should be located along collector streets and serviced by all municipal services.

The uses permitted, conditional uses, lot requirements and other bulk regulations are provided in Sections 4.2.1 and 4.8.
- 2) **Maximum Number of Principal Buildings Permitted:** There is no maximum number of principal buildings permitted per lot, provided all other provisions of this Ordinance are met.

- 3) **Parking:** Off-street parking spaces shall be provided on the same lot as the principal building, or as otherwise provided, in accordance with Chapter 8 and landscaping of the parking area shall be required in accordance with Chapter 8, Section 8.1.8 of this Ordinance and the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 4) **Display of Merchandise:** All business processes shall be conducted, including the display and storage of material, within a completely enclosed building or within an area that does not extend beyond the front line of the principal building and is completely screened from the view of adjacent properties and public rights-of-way. In instances of vehicle service stations where gasoline or diesel sales are conducted, gasoline or diesel may be sold from pumps outside of a structure.
- 5) **Landscaping and Screening:** Landscaping shall be required along the front, rear and side yards, and screening may be required dependent upon the adjoining land uses in accordance with the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 6) **Lighting:** Lighting of the parking area shall be in accordance with the lighting requirements in the Design Guidelines Manual as adopted herein by reference, see Chapter 10, Section 10.4.13.
- 7) **Accessory Buildings and Uses:** Accessory buildings shall be located on the lot in accordance with Chapter 6, Section 6.5.
- 8) **Pedestrian Traffic:** Pedestrian walkways shall be required by the Planning Commission in accordance with Chapter 6, Section 6.2.2 and Chapter 9, Section 9.2 of this Ordinance. They shall be located along street frontages and in periphery landscaped areas.

4.6 **MUNICIPAL FLOODPLAIN REGULATIONS**

4.6.1 **Statutory Authorization, Findings of Fact, Purpose and Objectives**

- 1) **Statutory Authorization:** Arlington, Tennessee, Board of Mayor and Aldermen does ordain as The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Arlington, Tennessee, Board of Mayor and Aldermen, does ordain as follows:
- 2) **Findings of Fact:**

- a) The Arlington Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(D) of the Federal Insurance Administration Regulations found at 44 CFR Chapter 1 (10-1-88 Edition) and subsequent amendments.
- b) Areas of Arlington 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; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

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

- a) restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;
- b) require that uses vulnerable to floods, including community facilities, be protected against flood damage;
- c) control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
- d) control filling, grading, dredging and other development which may increase erosion or flood damage, and
- e) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

4) Objectives: The objectives of this Ordinance are:

- a) to protect human life and health;

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

4.6.2 Definitions

For the purpose of this chapter regulating Municipal Floodplain Regulations, these definitions shall apply. 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.

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

- a) accessory structures shall not be used for human habitation;
- b) accessory structures shall be designed to have low flood damage potential;
- c) accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
- c) accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures; and
- e) service facilities such as electrical and heating equipment shall be elevated or flood-proofed.

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

Addition (To an Existing Building): Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.

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 of Shallow Flooding: Means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1%) percent or greater annual chance of flooding to an average depth of one (1') to three (3') feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

Area of Special Flood Hazard: Is the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Base Flood: Means the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Basement: Means that portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway Wall: Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building: For purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage (see "Structure").

Development: Means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated Building: Means a non-basement building built to have the bottom of the lowest horizontal structure member of the floor elevated above the ground level by means of pilings, columns (posts and piers) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude

of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

Erosion: Means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

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

Existing Construction: 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).

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

- a) the overflow of inland or tidal waters; and
- b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination: Means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1%) percent or greater chance of occurrence in any given year.

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

Flood Hazard Boundary Map (FHBM): Means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

Flood Insurance Rate Map (FIRM): Means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

Floodplain or Flood Prone Area: Means any land area susceptible to being inundated by water from any source (see "Flooding").

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

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

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

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

Flood Related Erosion Area or Flood Related Erosion Prone Area: Means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind driven currents is likely to suffer flood-related erosion damage.

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

Flood Way: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1') foot.

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

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

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

Highest Adjacent Grade: Means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure: Means any structure that is:

- a) 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;
- b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i) by an approved state program as determined by the Secretary of the Interior, or

- ii) directly by the Secretary of the Interior in states without approved programs.

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

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

Lowest Floor: Means the lowest floor of the lowest enclosed area (including 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.

Manufactured Home: Means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision: Means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

Mean Sea Level: Means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For 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 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.

One (100)-Year Flood: See “Base Flood”.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and Local Governments and Agencies.

Recreational Vehicle: Means a vehicle which is:

- a) built on a single chassis;
- b) four hundred (400) square feet or less when measured at the largest horizontal projections;
- c) designed to be self-propelled or permanently tow able by a light duty truck; and
- d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; 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.

State Coordinating Agency: (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that 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 manmade facilities or infrastructures.

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions:

Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50%) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

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

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

4.6.3 General Provisions

- 1) **Application:** This title shall apply to all areas within the incorporated area of Arlington, Tennessee.
- 2) **Basis for Establishing the Areas of Special Flood Hazard:** The Areas of Special Flood Hazard identified in the Town of Arlington, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 4715C0210F and 47157C0335F, dated September 28, 2007, Community Panel Numbers 47157C0215G, 47157C0220G and 47157C0330G dated February 6, 2013, and any subsequent amendments or revisions, along with all supporting technical data, are adopted by reference and declared to be a part of the Ordinance. These areas shall be incorporated into the Arlington, Tennessee, Zoning Map.
- 3) **Requirement for Development Permit:** A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.
- 4) **Compliance:** No 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 easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, 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 state 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 manmade or natural causes. This Ordinance does not imply that land outside the flood hazard areas 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 Arlington, 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 or conditional uses, 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 Arlington, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

4.6.4 Administration

- 1) **Designation of Building Inspector:** The building inspector is hereby appointed to administer and implement the provisions of this Ordinance.
- 2) **Permit Procedures:** Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:
- a) Application Stage:
- i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.
 - ii. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.
 - iii. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in 4.6.4, 2), b), where base flood elevation data is available.*
 - iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- *(See (b) Below)
- b) Construction Stage: Within un-numbered A zones, where flood elevation data are not available, the building inspector 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 and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations. Within all flood zones where base flood elevation data are utilized, the building inspector shall require that upon placement of the

lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular 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 building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey 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 Building Inspector: Duties of the building inspector shall include, but not be limited to:

- a) Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- d) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with 4.6.4, 2), b).
- e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with 4.6.4, 2), b).
- f) When flood-proofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with 4.6.4, 2), b).

- g) 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 building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in 4.6.6.
- h) When a base flood elevation data or flood way data have not been provided by the Federal Emergency Management Agency then the Building inspector shall obtain, review and reasonably utilize any base flood elevation and flood way data available from a Federal, State, or other source, 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 a Community FHBM or FIRM meet the requirements of this chapter.
- i) All records pertaining to the provisions of this Ordinance shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
- j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

4.6.5 Provisions for Flood Hazard Reduction

- 1) **General Standards:** In all flood-prone areas the following provisions are required:
 - a) new construction and substantial improvements 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, and 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 shall be constructed with materials and utility equipment resistant to flood damage;
 - d) new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - e) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- f) new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- g) new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- h) on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i) any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this section; and
- j) any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall meet the requirements of "new construction" as contained in this section and provided said non-conformity is not extended.

2) Specific Standards: These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in 4.6.3, 2), the following provisions are required:

- a) **Residential Construction:** New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1') foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of 4.6.5, 2), c).
- b) **Non-Residential Construction:** New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1') foot above the level of the base flood elevation. 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 standards of this section are satisfied. Such certification shall be provided to the building inspector as set forth in 4.6.4, 2).

- c) Elevated Building: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - (1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one (1') foot above grade; and
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions.
 - ii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of flood waters and all such partitions shall comply with the provisions of 4.6.5, 2) of this section.
- d) Standards for Manufactured Homes and Recreational Vehicles:
 - i. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
 - ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - (1) the lowest floor of the manufactured home is elevated no lower than one (1') foot above the level

of the base flood elevation on a permanent foundation;

- (2) the manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and
- (3) in or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of 4.6.5, 2) d), (ii), (1) and (2) above.

iii. All recreational vehicles placed on sites must either:

- (1) be on the site for fewer than one hundred eighty (180) consecutive days;
- (2) Be fully licensed and ready for highway use; or
- (3) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of 4.6.5, 2), d),
- (4) or (ii) (1) and (2) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or flood way data have not been provided, the provisions of 4.6.4, 3), h) shall be utilized for all requirements relative to the base flood elevation or flood ways.

3) Standards for Areas of Special Flood Hazard Zones A1-30 and AE with Established Base Flood Elevation but Without Flood Ways

Designated: Located within the areas of special flood hazard established in 4.6.3, 2), where streams exist with base flood data provided but where no flood ways have been provided, (zones A1-30 and 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 4.6.5, 2).

4) Standards for Areas of Shallow Flooding (AO and AH Zones): Located within the areas of special flood hazard established in 4.6.3, 2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2') feet above the highest adjacent grade.
- b) All new construction and substantial improvements of nonresidential buildings shall:
 - i. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2') feet above the highest adjacent grade; or,
 - ii. Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c) Adequate drainage paths shall be provided around slopes to guide flood waters around and away from proposed structures.

5) Standards for Areas Protected by Flood Protection System (A-99 Zones): Located within the areas of special flood hazard established in 4.6.3, 2) are areas of the one hundred (100)-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones), all provisions of 4.6.4; 4.6.5, 1) and 4.6.5, 8) shall apply.

- 6) **Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Flood Ways Designated:** Located within the areas of special flood hazard established in 4.6.3, 2), where streams exist with base flood data and flood ways provided, the following provisions apply:
- a) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated flood ways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
 - b) If 4.6.5, 6), a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with 4.6.5, 2).
- 7) **Standards for Unmapped Streams:** Located within Arlington, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or flood ways have been provided. 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 along each side of the stream, 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 flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with 4.6.4, 2), b).
- 8) **Standards for Subdivision Proposals:** Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, 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:
- a) all subdivision proposals shall be consistent with the need to minimize flood damage;
 - b) 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;

- c) all subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- d) base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

4.6.6 Variance Procedures

The provisions of this section shall apply exclusively to areas of special flood hazard.

1) Board of Zoning Appeals:

- a) The Arlington Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.
- b) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- c) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - i. the danger that materials may be swept onto other property to the injury of others;
 - ii. the danger to life and property due to flooding or erosion;
 - iii. the susceptibility of the proposed facility and its contents to flood damage;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - vi. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - vii. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- viii. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - ix. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - x. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
 - e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2) Conditions for Variances:

- a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- b) Variances shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

4.7 OVERLAY DISTRICTS

Overlay districts shall be in addition to and shall overlay the zoning districts in Chapter 4, ZONING DISTRICTS, BULK REGULATIONS, AND USES

4.7.1 ARLINGTON DEPOT SQUARE OVERLAY DISTRICT

1) Purpose and Intent

It is the intent of this district to preserve the historic sites and structures of the Town of Arlington. The district is designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the Town's attractions to tourists and visitors, the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community.

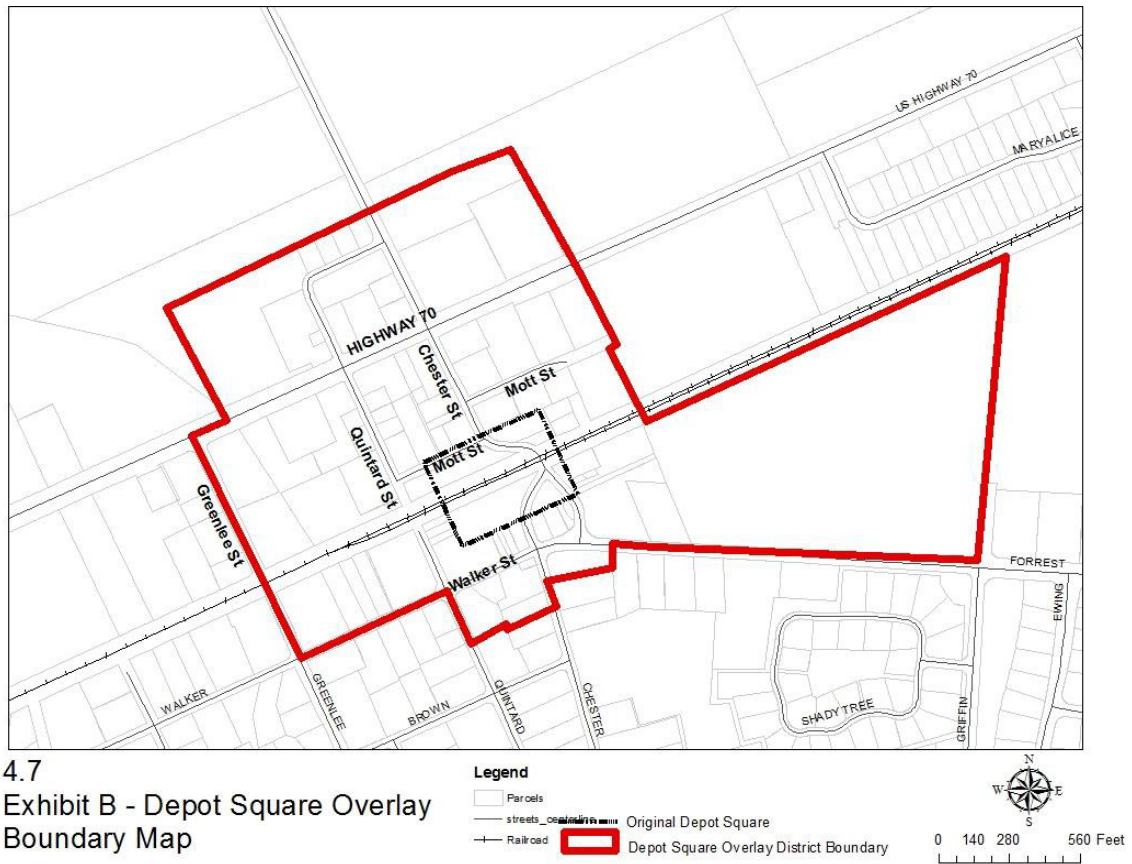
In order to achieve the intent of the overlay district as shown on the Official Zoning Map of Arlington, Tennessee, and as Exhibit B, the following regulations shall apply:

- a) Any use permitted by the zoning classification is also permitted by the Arlington Depot Square Overlay District.
- b) The district classification and boundaries may, in addition to existing zoning classification, be superimposed and amended where it has been determined, by recommendation of the Planning Commission and approval of the Board of Mayor and Aldermen, that the quality of significance in American history, architecture, archeology, and culture is present in the district, sites, building, and structures that:
 - i. possess integrity of location, design, setting, materials, workmanship, feeling, and association; or
 - ii. are associated with events that have made a significant contribution to the broad patterns of our history; or
 - iii. are associated with the lives of persons significant in our past; or
 - iv. 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; or has yielded, or may be likely to yield archaeological information.

2) Authority

Any request submitted for review, in accordance with other provisions of the Zoning Ordinance, shall be heard by the appropriate Board or Committee of the Town of Arlington.

Exhibit B



4.7.2 INTERSTATE COMMERCE OVERLAY DISTRICT (ICOD)

1) Purpose and Intent

It is the intent of this district to promote growth along the interstate corridors while maintaining the character of the Town in areas not directly adjacent to interstate highways. Providing development opportunity along these corridors reduces burden on Town infrastructure by compressing transient traffic into a smaller area while allowing those uses more consistent with transient highway-commercial travel to focus in areas along the interstate corridors so as to lessen their impact within other areas of the Town.

In order to achieve the intent of the overlay district as shown on the Official Zoning Map of Arlington, Tennessee, and as Exhibit C, the following regulations shall apply:

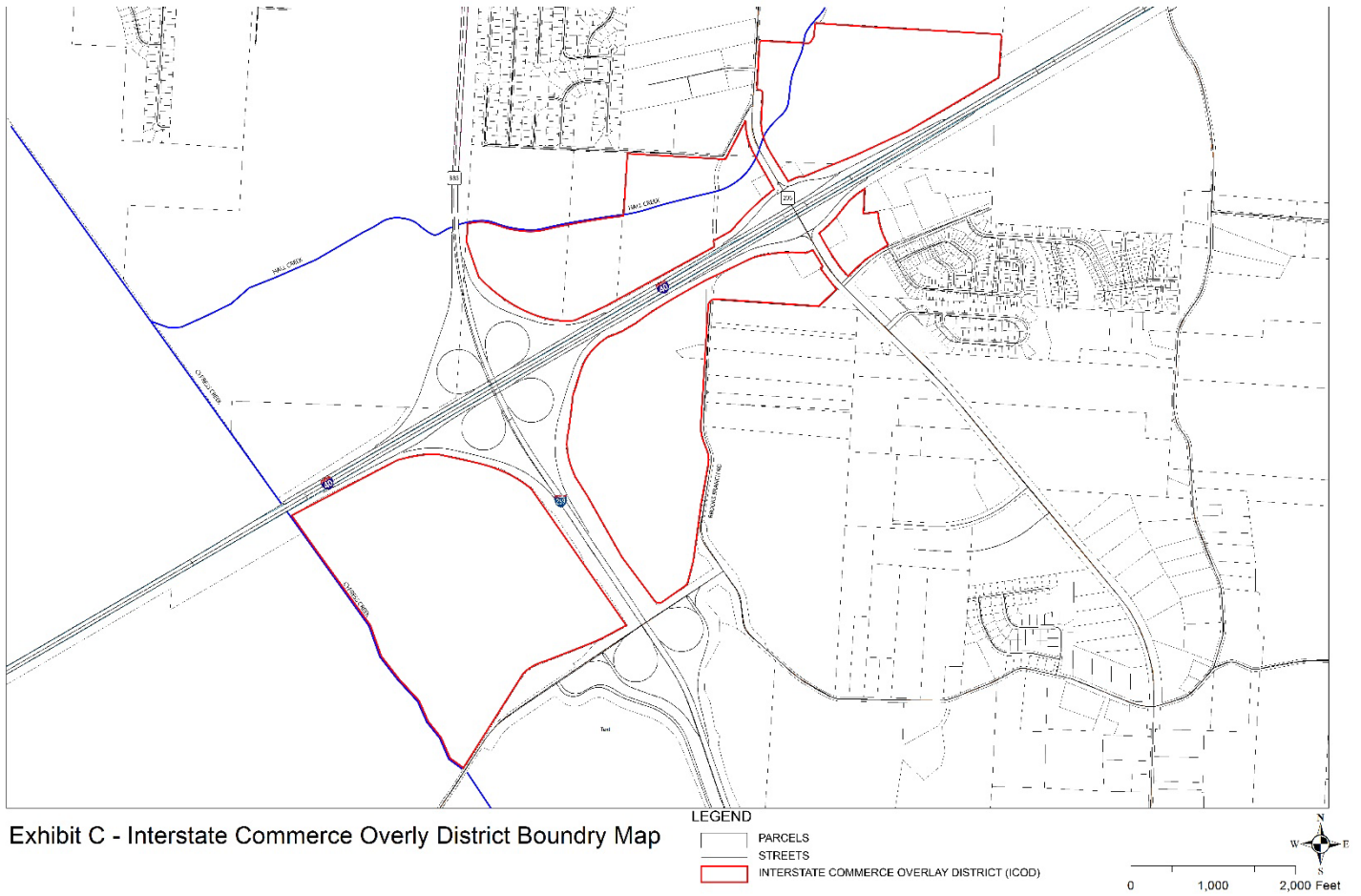
- a) Any use permitted by the underlying zoning classification is also permitted by the Interstate Commerce Overlay District.
- b) The following uses shall be permitted in the ICOD with applicable conditions
 - i. Hotels compliant with 4.10 REGULATIONS GOVERNING HOTELS
 - ii. Gas Stations with or without convenience stores with 4.9.3 (6) Regulations governing Gas Stations.

2) Authority

Any request submitted for review, in accordance with other provisions of the Zoning Ordinance, shall be heard by the appropriate Board or Committee of the Town of Arlington.

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Exhibit C



4.8 USES PERMITTED IN ZONING DISTRICTS

The following table provides information regarding uses permitted in each zoning district.

X - Uses Permitted by Right

P - Requires Site Plan approval by the Planning Commission and Design Review Committee

C - Conditional Uses requiring Board of Zoning Appeals approval

ZO - Planned Developments require Zoning Overlay approval within the applicable zone districts by the Board of Mayor and Aldermen, with a recommendation from the Planning Commission

	R-E-5	E	RS-22	RS-18	RS-15	RS-13	R-MF	R-MH	B-1	B-2	B-3	S-C	O	M-1	FH	ICOD
DWELLINGS																
Single-Family Detached	X	X	X	X	X	X		X								
Single-Family Attached							P									
Two-Family							P									
Townhouse							P									
Manufactured Home Park								X								
Multiple-Family							P									
Home Occupations	X	X	X	X	X	X	X	X								
Residential Units above Retail or Office Use											P					
INSTITUTIONS																
Cemetery	C	C	C	C	C	C	C									
Children's' Home							C									
Church/Place of Worship	C	C	C	C	C	C	C		P	P		P	P			
College, Vocational or Technical School										P		P	P	P		
Home for the Aged							P			P						
Hospital										P						
Lodge, Club, Country Club or Golf Course	C	C	C	C	C	C	C			P						
Museum and Art Gallery										P	P	P				
Nursing Home										P						
Parks/Recreation	P	P	P	P	P	P	P		P	P	P				P	
Post Office										P	P	P	P	P		
Public Building and/or Service Facility	C	C	C	C	C	C	C			P	P	P	P	P		
Riding Academy		C													P	
School	P	P	P	P	P	P								P		
COMMERCIAL																
Retail Trade, limited to:																
Agriculture Equipment Sales and Service														P		

X - Uses Permitted by Right

P - Requires Site Plan approval by the Planning Commission and Design Review Committee

C - Conditional Uses requiring Board of Zoning Appeals approval

ZO - Planned Developments require Zoning Overlay approval within the applicable zone districts by the Board of Mayor and Aldermen, with a recommendation from the Planning Commission

	R- E-5	E	RS- 22	RS- 18	RS- 15	RS- 13	R- MF	R- MH	B- 1	B- 2	B- 3	S- C	O	M- 1	FH	ICOD
Apparel & Accessory Stores									P	P	P	P				
Automobile Sales & Service										C						
Bakery, Retail									P	P	P	P				
Building Materials, Hardware, and Garden Supply										P	C	P		P		
Drug Store									P	P	P	P				
Food Stores									P	P	P	P				
Gasoline Station with Convenience Store										C		C		C		C
Gasoline Station without Convenience Store										C		C		C		C
Glass sales and installation														P		
Greenhouse or Nursery										P	C	C				
General Merchandise Stores									P	P	P	P				
Home Furniture, Furnishings and Equipment Stores										P	P	P		P		
Liquor Stores										C	C	C				
Prefabricated Building Sales														P		
Restaurant, Neighborhood									P	P	P	P				
Restaurant, Limited										P	P	P				
Restaurant, General										P	P	P				
Restaurant, Drive-through										P		P				
Stone Yard														P		
Vehicle Wash														P		
Finance, Insurance and Real Estate limited to:																
Banks and Other Depository									P	P	P	P	P	P		
Credit Unions									P	P	P	P	P	P		
Holding and Investment Companies									P	P	P	P	P			
Insurance Agents and Companies									P	P	P	P	P			
Real Estate									P	P	P	P	P			
Security and Commodity Brokers and Dealers									P	P	P	P	P			
Services limited to:																
Automotive Repair										P		C		P		
Automotive Services and Parking										P		C		P		

X - Uses Permitted by Right

P - Requires Site Plan approval by the Planning Commission and Design Review Committee

C - Conditional Uses requiring Board of Zoning Appeals approval

ZO - Planned Developments require Zoning Overlay approval within the applicable zone districts by the Board of Mayor and Aldermen, with a recommendation from the Planning Commission

	R- E-5	E	RS- 22	RS- 18	RS- 15	RS- 13	R- MF	R- MH	B- 1	B- 2	B- 3	S- C	O	M- 1	FH	ICOD
Barber or Beauty Shop									P	P	P	P				
Bed and Breakfast	C	C	C	C	C	C					C					
Business Services									P	P	P	P				
Commercial Amusements, Indoor										P	P	P		P		
Commercial Amusements, Outdoor										P		C		C		
Data Processing Center													P	P		
Day Care Center									P	P		P				
Dry Cleaning and Laundry, Pickup									P	P	P	P				
Dry Cleaning and Laundry										P	P	P				
Educational Services										P	P	P				
Engineering, Accounting, Research, Management, & Related Svcs									P	P	P	P	P	P		
Equipment Rental and Repair														P		
Funeral Homes										C		C				
Furniture repair, including refinishing, refurbishing, and upholstery														P		
Health Services									P	P	P	P	P			
Hospitals and Specialty Hospitals										P		C				
Hotels (as governed in Section 4.10)																C
Indoor, Climate-Controlled, Self- Storage														P		
Indoor Shooting Range														P		
Laundry, Self Service										P		P				
Legal Services									P	P	P	P	P			
Miscellaneous Repair Services										C		C		P		
Motion Picture Theaters										P		P				
Moving Equipment Rental														P		
Personal Services									P	P	P	P				
Sexually Oriented Businesses														P		
Social Services									P	P	P	P	P			
Tree cutting/pruning contractor														P		

X - Uses Permitted by Right

P - Requires Site Plan approval by the Planning Commission and Design Review Committee

C - Conditional Uses requiring Board of Zoning Appeals approval

ZO - Planned Developments require Zoning Overlay approval within the applicable zone districts by the Board of Mayor and Aldermen, with a recommendation from the Planning Commission

	R- E-5	E	RS- 22	RS- 18	RS- 15	RS- 13	R- MF	R- MH	B- 1	B- 2	B- 3	S- C	O	M- 1	FH	ICOD
Veterinarian, Kennels										P		P				
INDUSTRIAL																
Manufacturing limited to:																
Chemical and Allied Products														P		
Electronic and Electric Equipment														P		
Fabricated Metal Products														P		
Fabrics, Apparel and other Textile Products														P		
Food and Kindred Products														P		
Furniture and Fixtures														P		
Industrial Machinery and Equipment														P		
Instruments and Related Products														P		
Lumber and Wood Products														P		
Misc. Manufacturing Businesses														P		
Paper and Allied Products														P		
Primary Metal Products														P		
Printing and Publishing														P		
Rubber and Plastic Products														P		
Stone, Clay and Glass Products														P		
Transportation Equipment														P		
Wholesale Trade and Storage:																
Distribution and Delivery Svcs														P		
Mini-Warehouse (Self Storage)														P		
RV Storage														P		
Warehouse and Storage														P		
Welding Supplies														P		
Accessory Office or Showroom										C				P		
Other Industrial:																
Transportation Services														P		
Communication Services														P		
Building Contractors, General Contractors, and related construction contractors														P		

X - Uses Permitted by Right

P - Requires Site Plan approval by the Planning Commission and Design Review Committee

C - Conditional Uses requiring Board of Zoning Appeals approval

ZO - Planned Developments require Zoning Overlay approval within the applicable zone districts by the Board of Mayor and Aldermen, with a recommendation from the Planning Commission

	R-E-5	E	RS-22	RS-18	RS-15	RS-13	R-MF	R-MH	B-1	B-2	B-3	S-C	O	M-1	FH	ICOD
Building Materials Yards														P		
Freight Handling Facility														P		
Machine Shops														P		
OTHER USES																
Agriculture	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Airstrip and/or Heliport										C				C		
Accessory Structure	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Dwelling for Resident Watchman or Caretaker										C	C	C		P		
Planned Development	ZO	ZO	ZO	ZO	ZO	ZO	ZO		ZO	ZO	ZO	ZO	ZO	ZO		
Recreational Vehicle Park								C								
Rifle or Pistol Range		C														
Utility Transmission, Production, Treatment or Distribution Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Wireless Communications Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

4.9 SPECIFIC PROVISIONS FOR CONDITIONAL USES

4.9.1 Specific Provisions for Residential Uses

In addition to the requirements of the applicable zone district and the general requirements set forth in Chapter 10, Section 10.5, a conditional use permit shall be granted for applicable residential activities specified in this Ordinance where the Board of Zoning Appeals (BZA) determines that the following specific provisions are met as part of the condition for issuing the permit in the applicable zone districts.

- 1) **Special Conditions for Dwelling for Resident Watchman or Caretaker:**
 - a) Only one accessory dwelling unit shall be allowed per zoned lot/parcel/tract in association with a permitted principal use.
 - b) Dwelling units for caretakers shall be occupied exclusively by individuals/family involved in the management of principal activities conducted on-site. In no event shall the unit be used as a rental unit.

- c) The accessory dwelling unit shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building.
- d) The design and size of the accessory unit shall conform to all applicable standards in the health, building, and other codes.
- e) The accessory dwelling unit shall not exceed seven hundred (700) square feet of floor area.
- f) The BZA may condition approval upon the conditional use permit lapsing at such time as the ownership of the property is transferred.

2) Special Conditions for Bed and Breakfast:

- a) The bed and breakfast use shall be accessory to the structure's principal use as a dwelling, and the operators shall permanently reside on the premises.
- b) The structure shall maintain an exterior appearance that is in keeping with the character of surrounding residential uses.
- c) A maximum of four (4) sleeping rooms which are distinct and separate from the innkeepers' quarters may be available for overnight lodging, and in no event shall a sleeping room be occupied by the same guest for more than 10 consecutive days.
- d) Cooking facilities shall not be permitted within individual sleeping rooms and food may be served only to overnight guests, unless expressly made part of the CUP application and review.
- e) Occupancies shall comply with International Fire Code/Life Safety Code requirements, which may result in additional requirements.
- f) Common dining or gathering areas shall not be leased for social or business events, unless expressly made part of the CUP application and review, with maximum occupancies established and provision for adequate parking demonstrated.
- g) At least one off-street parking space shall be provided per guest room. Except for alternative parking plans made part of the CUP application for social or business events, all off-street parking areas for the use shall be off-street, located within side or rear yard areas, screened in accordance with this ordinance, and shall not use commercial-style exterior lighting.
- h) Bed and Breakfast homes should use large house numbers to make address identification easy for guests and emergency responders.

- i) One non-illuminated, identification sign up to 6 square feet in size per face is permitted as either a free-standing sign or mounted on the home façade.

4.9.2 Specific Provisions for Institutions:

In addition to the requirements of the applicable zone district and the general requirements set forth in Chapter 10, Section 10.5, a conditional use permit shall be granted for applicable institutional activities specified in this Ordinance where the Board of Zoning Appeals (BZA) determines that the specific provisions are met as part of the condition for issuing the permit in the applicable zone districts.

1) Special Conditions for Children's Home:

- a) 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.
- b) All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Public Health Department.
- c) All regulations of the State of Tennessee and the Department of Human Services that pertain to the use shall be met.
- d) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- e) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area from such facilities.

2) Special Conditions for Cemeteries and Funeral Homes:

- a) Cemeteries shall be located on sites of at least five (5) acres with primary frontage on a collector level road or higher. Funeral Homes shall be located on a site of at least two (2) acres with primary frontage on a collector level road or higher.
- b) A mausoleum which is not located in a cemetery shall be located on a site of at least two (2) acres.
- c) An off-street vehicle assembly area shall be required for support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- d) All structures located in a cemetery of six feet (6') in height or over including, but not limited to mausoleums, monuments, and buildings, and all mausoleums not located in a cemetery and regardless of height shall be set back at least one hundred (100') feet from each lot line and street right-of-way.

- e) All graves or burial lots shall be set back at least thirty (30') feet from each lot line and street right-of-way.
- f) Screening located along the lot lines of the site of the cemetery, mausoleum, or funeral home shall be provided to block such cemetery or mausoleum from view from other property.
- g) Development sites for cemeteries and funeral homes shall not obstruct the development of any major road proposed on the Town of Arlington Major Road Plan.

3) Special Conditions for Churches and Places of Worship:

- a) Churches and places of worship shall be located on sites of at least five (5) acres with primary frontage on a collector level road or higher.
- b) The number of required parking spaces provided on-site shall be in accordance with the parking ratio for churches and places of worship provided in Chapter 8; however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the church by bus, bicycle, walking, or by carpooling or that off-street parking areas on adjacent or nearby properties will be available on a long-term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area.
- c) On-site lighting for parking areas and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes.
- d) Garbage dumpsters or receptacles shall be located in such a manner as to minimize adverse affects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property
- e) Landscape/fence screens/buffers may be required in appropriate circumstances in order to mitigate adverse site impacts from less intensive adjacent land use.
- f) An application for a conditional use permit for a church or place of worship shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation, or which may result in unusual traffic patterns, volumes, or detrimental impacts upon adjacent properties, including but not

limited to child care facilities, room-in-the-inn, care for the homeless, recreational activities and facilities.

- g) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

4) Special Conditions for Lodge, Club, Country Club or Golf Course:

- a) Lodges, Clubs, Country Clubs or Golf Courses shall be located on sites with primary frontage on a collector level road or higher.
- b) Golf Courses shall be located on sites of at least one hundred (100) acres. Lodges and Country Clubs located within residential districts shall be located on sites of at least five (5) acres.
- c) On-site lighting for parking areas and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes.
- d) Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Landscape/fence screens/buffers may be required in appropriate circumstances in order to mitigate adverse site impacts from less intensive adjacent land use.
- e) The location of such facility shall not materially increase traffic on surrounding streets.
- f) The location of such facility shall not have an adverse effect on surrounding properties.
- g) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

5) Special Conditions for Public Building and/or Service Facility:

- a) Public Buildings and/or Service Facilities shall be located on sites containing the minimum site acreage contained in Section 4.2.1 of the Zoning Ordinance.
- b) The location of such facility shall not materially increase traffic on surrounding streets.

- c) The location of such facility shall not have an adverse effect on surrounding properties.
- d) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

6) Special Conditions for Riding Academy:

- a) The minimum lot, parcel, or tract area for Riding Academies shall be five (5) acres.
- b) Bulk requirements for Riding Academies shall generally be as provided for in the applicable Zone District; however, this provision shall not preclude the Board of Zoning Appeals, upon recommendation from the Planning Commission, from requiring more exacting bulk requirements, when appropriate, in order to mitigate potential detrimental impacts on adjacent properties.
- c) The owner/operator of any proposed Riding Academy shall provide to the Board of Zoning Appeals a comprehensive operations plan that addresses the following elements: insect and rodent control; noxious odor control; noise generating activities; and waste disposal.
- d) The maximum number of horses permitted shall be one (1) per acre, unless the applicant can provide evidence to the satisfaction of the Board of Zoning Appeals based on the applicant's comprehensive operations plan that an increase in the corresponding ratio of animals to acreage would not result in adverse conditions that violate the intent of this chapter. In those instances where an increase in number of horses is determined to be warranted, the applicant shall be required to file an annually renewable comprehensive operations plan, which shall be reviewed by the Board of Zoning Appeals for compliance with the criteria under which the originally submitted comprehensive operations plan was approved.
- e) The stable facilities shall provide for at least one hundred (100) square feet for each horse quartered.

- f) All buildings and structures related to the care of horses and/or to the conduct of the academy shall be located at least one hundred (100') feet from any property line.
- g) Off-street parking, service areas, and buildings or structures not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from adjacent properties.
- h) The street providing access to any lot, parcel, or tract offering commercial stable and/or riding academy services shall be a collector street as classified on the Town's Major Road Plan, or at a minimum, function as a collector street as determined by the Town Engineer. Moreover, any lot, parcel, or tract offering commercial stable and/or riding academy services shall contain at least fifty (50') feet of frontage on a dedicated public street meeting the functional classification as described above.
- i) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

4.9.3 Specific Standards for Commercial Activities:

In addition to the requirements of the applicable zone district and the general requirements set forth in Chapter 10, Section 10.5, a conditional use permit shall be granted for applicable commercial activities specified in this Ordinance where the Board of Zoning Appeals (BZA) determines that the following specific provisions are met as part of the condition for issuing the permit in the applicable zone districts.

1) Special Conditions for Automobile Sales and Service:

- a) The location, size and design of the site and 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 operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- c) The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
- d) No front or side yards shall be used for the storage of any automobile or other mechanical equipment.
- e) Service bay doors shall not generally be permitted to face any public right-of-way. On corner lots, service bay doors shall face the lower road classification.

- f) Views into the service area shall be appropriately screened from adjacent property as determined and approved by the Design Review Committee.
- g) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

2) Special Conditions for Auto Repair (mechanical), Automotive Services and Parking, Gasoline Service Stations and Miscellaneous Repair Services:

- a) The location, size and design of the site and 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 operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- c) The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
- d) No front or side yards shall be used for the storage of any automobile or other mechanical equipment.
- e) Service bay doors shall not generally be permitted to face any public right-of-way. On corner lots, service bay doors shall face the lower road classification.
- f) Where automobiles and/or equipment are stored on the site, such storage areas shall be completely fenced or screened to a minimum height of eight (8') feet.
- g) All required fences and landscape screens shall be maintained in a neat and attractive manner.
- h) The operation and location of such activity shall not produce adverse air or noise pollution to surrounding properties.
- i) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

3) Special Conditions for Building Materials, Hardware and Garden Supply:

- a) The location, size and design of the site and 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 operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- c) The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
- d) All required fences and landscape screens shall be maintained in a neat and attractive manner.
- e) The outside display of merchandise shall not be permitted.
- f) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

4) Special Conditions for Greenhouse or Nursery:

- a) Greenhouse or Nurseries shall be located on sites with primary frontage on a collector level road or higher.
- b) On-site lighting for parking areas and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes.
- c) Areas utilized for outdoor services shall be screened or fenced in such a manner as to provide an effective buffer from adjacent uses. Landscape/fence screens/buffers may be required in appropriate circumstances in order to mitigate adverse site impacts from less intensive adjacent land use.
- 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.
- f) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors

5) Special Conditions for Outdoor amusements:

- a) Outdoor amusement facilities shall be located on sites with primary frontage on a collector level road or higher.
- b) Outdoor amusement activities shall be located on sites of at least five (5) acres.
- c) On-site lighting for parking areas and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes.
- d) Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Landscape/fence screens/buffers may be required in appropriate circumstances in order to mitigate adverse site impacts from less intensive adjacent land use.
- e) The location of such facility shall not materially increase traffic on surrounding streets.
- f) The location of such facility shall not have an adverse effect on surrounding properties.
- g) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

6) Special Conditions for Gasoline Stations with or Without Convenience Stores:

- a) Gas stations with or without convenience stores shall be located on a lot at a street intersection composed of two or more Major Collector or Arterial streets as defined in Article 4 of TOA Subdivision Regulations.
- b) At intersections consisting of four corners (crossing intersections) Gas stations with or without convenience stores are permitted at two of the four corners and must be located catcorner to each other.
- c) At intersections consisting of two corners ("T" intersections) gas stations with or without convenience stores are permitted at one of the two corners.
- d) Gas stations with or without convenience stores shall not be

located adjacent to a residential lot, unless approved by the BMA as part of a master development plan.

- e) Gas stations with or without convenience stores shall have pitched roofs for buildings and canopies.
- f) The Canopies shall have a maximum clearance height of 15 feet from the finished grade to the underside of the canopy.
- g) Canopies shall use the same exterior materials and architectural style as the principal building. Each column or pier shall have a base of brick, natural stone, or cultured stone.
- h) Canopy lighting shall comply with Chapter IV. Site Design Elements, Section C. Exterior Lighting.
- i) Canopy signage shall comply with all sign requirements of both TOA Zoning Ordinance and TOA Design Guidelines.
- j) Gas stations with or without convenience stores located within the ICOD shall be given more allowance for the size of the building, location and number of the pumps than those not located in said overlay zone.
- k) Gas stations with or without convenience stores not located in the ICOD shall be limited so that the canopy and pumps do not exceed the width of the frontage of the primary building.
- l) Gas stations with or without convenience stores not located in the ICOD shall not be connected to any other structure or building and shall be the only use of the primary building on the site.

4.9.4 Specific Standards for Industrial Activities and Utilities:

In addition to the requirements of the applicable zone district and the general requirements set forth in Chapter 10, Section 10.5, a conditional use permit shall be granted for applicable industrial activities specified in this Ordinance where the Board of Zoning Appeals (BZA) determines that the following specific provisions are met as part of the condition for issuing the permit in the applicable zone districts.

1) Special Conditions for Mini-Warehouse and Self-Storage:

- a) The location, size and design of such facilities shall be compatible with the development within the surrounding area, thus reducing the impact upon the adjoining properties.
- b) There shall be provided along the entire site boundaries, fencing, screening, and landscaping as appropriate to protect any surrounding area.

- c) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- d) The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
- e) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

2) Special Conditions for Office Showroom:

- a) The location, size and design of such facilities shall be compatible with the development within the surrounding area, thus reducing the impact upon the adjoining properties.
- b) There shall be provided along the entire site boundaries, fencing, screening, and landscaping as appropriate to protect any surrounding area.
- c) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- d) The location and topography of the site shall be situated so that fencing, screening and landscaping can be provided as appropriate.
- e) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

3) Special Conditions for Airstrip and/or Heliport:

- a) The applicant shall obtain a favorable airspace determination of the FAA and forward a copy of the determination to the Town of Arlington prior to operation of any aircraft or use of the landing field.
- b) Aircraft parking shall be conducted within areas indicated on a Site Plan approved by the Planning Commission.
- c) Take off and landings shall be restricted to not earlier than 6:00 a.m. and not later than 11:00 p.m.
- d) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

4) Special Conditions for Utility Transmission, Production, Treatment, or Distribution Facility:

- 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 major 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) A preliminary site plan for such facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed site improvements taking into account the above conditions as well as any other pertinent factors.

4.9.5 Specific Standards for Wireless Communications Facilities

- 1) Purpose:** The purpose of this section is to protect the health and enhance the safety of the residents of the Town of Arlington by providing guidelines for the siting, design and operation of wireless communications facilities (WCF). Due to the unique characteristics or potential impacts of these facilities on surrounding property, WCF require individual consideration of their design, appearance, and/or configuration at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the facility is appropriate at a particular location.

2) General Provisions for Wireless Communications Facilities:

- a) New Towers and Antennas: New towers or antennas shall be subject to these regulations.
- b) Pre-existing Towers or Antennas: Pre-existing towers and antennas shall not be required to meet the requirements of this section, other than the requirements of Sections 4.9.5, 3) f) and 4.9.5, 3) g) and 4.9.5, 5).
- c) Maintenance:
 - i. The facilities must be maintained which shall include, but not be limited to, painting, assurance of structural integrity of towers, antennas, facility perimeter fencing and care of landscaping and any planted vegetative screening.

- ii. Failure to maintain a facility will result in punitive action, which may include fines, removal and potential demolition.
- d) **Small Wireless Facilities:** Small wireless facilities or small cells are subject to these regulations and must obtain a permit through the Town prior to installation, modification, or replacement of any small cell facility.
- e) **Measurement:** For purposes of measurement, tower and antenna setbacks shall be calculated and applied to facilities located in the town, irrespective of municipal, county and state jurisdictional boundaries.

3) Special Conditions for Wireless Communications Facilities: In addition to the requirements of the applicable zone district and the general requirements set forth above and in Chapter 10, Section 10.5, a conditional use permit shall be granted for wireless communications facilities where the Board of Zoning Appeals (BZA) determines that the following specific provisions are met as part of the condition for issuing the permit in the applicable zone district, except that new antennas on an existing tower may be reviewed and approved by the Mayor or his designee, provided the appropriate conditions are met.

- a) The Board of Zoning Appeals shall consider the following factors in approving applications for towers and may attach conditions consistent with these factors:
 - i. tower or antenna height;
 - ii. proximity of the tower or antenna to residential structures and residential district boundaries;
 - iii. nature of uses on adjacent and nearby properties;
 - iv. surrounding topography;
 - v. surrounding tree coverage and foliage;
 - vi. tower or antenna design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - vii. proposed ingress and egress;
 - viii. number of co-location commitments for the proposed tower;
 - ix. availability of suitable existing towers, other structures, or alternative technologies not requiring the construction of new towers or structures; and
 - x. submitted information of an engineering nature, whether civil, electrical, or mechanical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

- xi. A preliminary site plan for proposed facility shall first be submitted to the Planning Commission who will issue an advisory opinion to the BZA regarding proposed improvements, taking into account all conditions provided in this section, as well as any other pertinent factors.
- b) Principal or Accessory Use: For purposes of determining compliance with area requirements, towers shall not be considered as an accessory use to any permitted use or any other conditional use in any district in the Town of Arlington. Antennas may be considered accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- c) Prohibited Support Structures: Prohibited support structures include guyed, lattice, crows nest, and other similar more intrusive structures. Co-location of new WCF antennas on existing lattice tower support structures or guyed tower support structures is allowed.
- d) Aesthetics: Towers and antennas shall meet the following requirements:
 - i. The preference is for a stealth design to be utilized, whereby antennas are mounted within existing buildings or structures in the form of bell towers, clock towers or other architectural modification of buildings provided that such installation preserves the character and integrity of those structures, or by mounting antennas on artificial trees or other designs used to incorporate the tower into the surrounding environment. Where stealth design is not practical, monopole towers may be used.
 - ii. Towers may maintain a galvanized steel finish, or subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color to reduce visual obtrusiveness.
 - iii. The design of the buildings and related structures shall use colors, landscaping, materials, screening, and textures that will blend them into the natural setting and surrounding buildings.
 - iv. If an antenna is installed on a structure other than a tower, then the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or

closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- e) Lighting: Towers shall not be artificially illuminated unless required by the FAA or other applicable authority. If lighting is required, then the lighting alternatives and design chosen shall cause the least disturbance to surrounding views.
- f) Federal or State Requirements: Towers and antennas shall meet or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the federal or state government with the authority to regulate towers and antennas. If those standards and regulations are changed, then the owners of the towers and antennas shall bring them into compliance within the time mandated by the controlling federal or state agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.
- g) Building Codes and Safety Standards: To ensure the structural integrity of towers and antennas, owners shall ensure that they are maintained in compliance with standards contained in applicable state and/or local building codes and the applicable standards for towers and antennas that are published by the Electronic Industries Association, as may be revised. If, upon inspection, the tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then, following proper notice, the owner shall bring such tower or antenna into compliance. Failure to comply may constitute grounds for the removal of the tower or antenna at the owner's expense.
- h) Franchises: Owners or operators of towers and antennas shall certify that all franchises required by law for constructing or operating a WCF in the Town have been obtained and shall file a copy of all required franchises with the Town.
- i) Signs: Signs on towers or antennas shall be prohibited, except for those required by regulatory agencies.
- j) Buildings and support equipment: Buildings and support equipment associated with towers or antennas shall comply with the requirements of Section 4.9.5, 3) s).
- k) Antennas on Existing Structures within Public Road Rights-of-Way (not including small cell facilities): The following standards are specific to the installation of WCF on street lights in public collector or arterial road rights-of-way, excluding traffic signal lights and power transmission line tower structures:
 - (i) Installation shall not jeopardize the physical integrity of existing structures.

- (ii) Installation is prohibited in rights-of-way designated as a local street(s) or other types of right-of-way other than designated collector or arterial road rights-of-way.
 - (iii) Antennas shall be flush-mounted or otherwise not exceed the existing diameter of the structure at the mounting point for the antennas. No mounted arm antennas are permitted.
 - (iv) Antennas mounted on a structure shall not extend beyond the permitted height of the underlying zoning district.
 - (v) Antennas, including any mounting devices, shall extend no more than ten (10') feet above the existing height of the structure.
 - (vi) Antennas shall be painted to match the color of the structure.
 - (vii) Replacement of the existing structure may be authorized, provided that such replacement is the same diameter as the original structure, that the replacement structure is intended to fully contain antennas and associated equipment, and that the height of the replacement structure is no greater than ten (10') additional feet in height than the original structure.
 - (viii) Equipment cabinets shall be placed underground, unless it can be demonstrated that there is a physical obstruction to such placement. Physical obstructions include, but are not limited to, existing underground utilities, and too narrow right-of-way. In those instances, where a physical obstruction is demonstrated by the applicant to exist, the town may allow above-ground mounting of equipment to the structure, however, no at-grade equipment cabinet or equipment in the public road right-of-way, or on private property abutting the structure is permitted. The mounting of equipment to the structures shall conform to the following:
 - (1) the smallest antennas, equipment, and equipment cabinets to satisfy engineering requirements and service objectives shall be utilized; and
 - (2) all cabling, mounting hardware, and equipment shall be painted to match the color of the structure.
- I) Antennas on Existing Towers: Antennas to be attached to an existing tower and co-location of antennas by more than one (1) carrier on existing towers are preferred over the construction of new towers, in order to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided such co-location is accomplished in a manner consistent with the following:

- i. A tower that is modified or reconstructed to accommodate the co-location of additional antennas shall be of the same tower type as the existing tower, unless it is determined that a different tower type would enhance co-location possibilities.

- ii. A tower that is being rebuilt to accommodate the co-location of an additional antenna may be moved within fifty (50') feet of its existing location. After the tower is rebuilt to accommodate co-location, only one (1) tower may remain on the site. The relocation of a tower shall in no way be deemed to cause a violation of any other provision of Section 4.9.5.
- m) Availability of suitable existing towers, other structures, or alternative technology: No new tower shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the Town, that no existing tower, structure, or alternative technology not requiring the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Town related to the availability of suitable existing towers, other structures, or alternative technology. Evidence, signed and sealed by appropriate licensed professionals, shall be submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the proposed antenna shall include at least one of the following:
 - i. no existing tower or structure is located within the geographic area that meets the applicant's engineering requirements;
 - ii. existing towers or structures are of insufficient height to meet the applicant's engineering requirements, or they have insufficient structural strength to support the applicant's proposed antenna and related equipment;
 - iii. the applicant's proposed antenna would cause significant electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause significant interference with the applicant's proposed antenna;
 - iv. the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; or
 - v. the applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- n) Setbacks: Towers shall be located so that there is sufficient radius of land around the tower so that its collapse will be contained on the property where located. A licensed professional engineer of the State of Tennessee shall sign and certify technical documentation concerning the tower fall radius. Accessory buildings shall satisfy minimum setback requirements of the

applicable zone district.

- o) Height: No tower shall exceed a height of two hundred (200') feet.
- p) Security Fencing: A sight-obscuring fence that is a minimum of eight (8') feet high shall prohibit public access to WCF, or shall screen all at-grade equipment shelters, or both.
- q) Landscaping:
 - i. Tower facilities shall be landscaped with plant materials that effectively screen the view of the tower compound and ground-based equipment from adjacent property and/or public view. For the purposes of this section, public view is considered as visible from streets or public spaces from ground level.
 - ii. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent practicable. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be accepted as effective screening.
- r) Application Requirements: The application for conditional use approval of a new wireless communications facility must be accompanied by the following documents:
 - i. Required documents provided in Chapter 10, Section 10.5 regarding the Board of Zoning Appeals, and those required for a Site Plan for the Planning Commission in Chapter 10, Section 10.6.
 - ii. Specifications: Provide specifications for proposed structures and antenna, including description of design characteristics and material.
 - iii. Antenna Capacity Wind Load/Ice Load: A report from a structural engineer registered in Tennessee shall be provided showing that the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI EIA/TIA 222 (latest revision) standards.
 - iv. FAA and FCC Information: All applications for permits in the Town shall be accompanied by a "determination of no hazard" from the FAA as well as all required FCC permit information.
 - v. Elevations of any proposed building or cabinet, screening and landscaping, as well as elevations of the proposed WCF.
- s) Buildings, Cabinets, or Equipment Storage Associated with Towers:

- i. Buildings, equipment cabinets, or structures shall comply with applicable building codes.
- ii. The design of buildings, equipment cabinets, or structures shall use colors, materials, screening, and textures that will blend into the natural setting and surrounding buildings.
- iii. At-grade buildings, cabinets, or equipment shall not be located within a required or established front yard.
- iv. Rooftop equipment cabinets or structures shall be screened by parapet walls or other structure, so as to not be visible from adjacent streets and/or property at ground level.
- v. In locations where the visual impact of the buildings, equipment cabinets, or structures would be minimal as determined by the Mayor or his designee, the design standards and screening requirements may be reduced or waived.
- vi. Standards for buildings, equipment cabinets, or structures for antennas on existing structures within public road rights-of-way are included in Section 4.9.5, 3) k).

4) Removal of Abandoned Towers and Antennas: Any tower or antenna that is not operated for a continuous period of thirty (30) months or more shall be considered to have been abandoned, and the owner shall remove the same within ninety (90) days of receipt of notice from the building official notifying the owner of such abandonment. Failure to remove an abandoned tower or antenna within the ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

5) Non-Conforming Towers:

- a) **Pre-existing Towers:** New antennas located on any of the following structures existing on the effective date of this Ordinance shall be exempt from the height restrictions of this section provided that there is no increase in height of the existing structure as a result of the installation of a WCF: water towers, guyed towers, lattice towers, power transmission line towers, and monopoles.
- b) **Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas:** Notwithstanding Section 4.9.5, 4) removal of abandoned towers and antennas, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet separation requirements. The height, location, and type of the tower on-site shall be a maximum of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within one hundred eighty

(180) days from the date the facility is damaged or destroyed. If no permit is obtained, or if the permit expires, then the tower or antenna shall be deemed abandoned as specified in Section 4.9.5, 4).

6) Removal of WCF:

- a) Evidence acceptable to the Town that the property owner and the WCF owner shall remove, at the property owner's and the WCF owner's cost and expense, the WCF and all equipment and restore the property to a condition substantially similar to that existing before the installation, following abandonment of the facility or non-use for a period of thirty (30) months. Such removal shall not, however, include removal of installed landscaping unless approved by the Town.
- b) Such evidence may be in the form of an executed agreement between the WCF owner and the property owner that is approved by the Town Attorney. Such an agreement shall provide that the agreement may not be terminated without the Town's written consent, and the agreement shall be enforceable to the Town against the property owner and the WCF owner.
- c) A description of the suitability of the use of existing towers, other structures or alternate technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

7) Special Conditions for Small Wireless Facilities: In addition to the requirements of the applicable zone district, a Small Wireless Facility permit for small wireless facilities, micro-wireless facilities, or possible support structures (PSS) may be reviewed and approved by the Mayor or his designee, provided the following standards are met.

- a) Small cells may be physically attached or collocated to an existing pole, sign or building, incorporated into the design of a new pole that replaces an existing pole, or installed along with a new pole in a location where there is not currently a pole.
- b) All support structures and above-ground transmission equipment are prohibited within the sidewalk but may be located within an adjacent grass strip or green area. No provider shall block or restrict pedestrian or automotive ingress/ egress to any property, including but not limited to, any driveway, crosswalk, bus stop, or in any manner that conflicts with the Americans with Disabilities Act.
- c) A clear sight triangle at all intersections must be maintained as called for in Chapter 6, Section 6.1.
- d) New transmission equipment, wiring, and equipment cabinets associated with a small wireless facility shall be placed

underground where functionally feasible, consistent with Chapter 9, Section 9.3.

- e) New facilities shall comply with adopted Design Guidelines that are applicable, based on the location of the proposed facility, to include the Depot Square Guidelines that apply to our historic district.
- f) Facilities shall utilize design or concealment measures to the extent possible to meet screening requirements without prohibiting the technology or reducing their functionality. The size of any concealment measures shall not be considered for purposes of meeting any size requirements of a “small wireless facility.”
- g) If located on an existing facility, all cabling, mounting hardware, and equipment shall be painted to match the color of the structure to the extent possible.
- h) Any damage to existing public infrastructure as a result of deployment of approved small wireless facility infrastructure in a public ROW shall be repaired to the Town’s satisfaction at the applicant’s expense.
- i) Applicant shall provide timely maintenance of any small cell facility infrastructure placed in the ROW and the timely removal of any infrastructure that is no longer utilized
- j) All new PSS within the Right-of-Way shall be designed to accommodate a minimum of two wireless providers.
- k) A new or modified PSS may not be erected to a height greater than the height of surrounding utility poles or streetlights within 500 feet of the proposed location in residential areas, or 10 feet above the height of surrounding utility poles or streetlights within 500 feet of the proposed location in other areas. If no utility poles are present, the total height shall be built to a maximum of 40 feet, including antennas, lightning rods or other extensions, in residential neighborhoods and 50 feet in other areas.

4.10 REGULATIONS GOVERNING HOTELS

4.10.1 Regulations Governing Hotels

The intent of the regulations set forth herein is to establish guidelines for hotel development that are designed to achieve the following objectives:

- 1) to protect residential, commercial, industrial and civic areas and minimize the adverse impacts of incompatible uses;
- 2) to provide opportunities for approved hotel development to operate in a mutually beneficial relationship to each other and to other commercial and civic services;

- 3) to provide that approved hotel developments are not the source of undue public nuisances or visual blight in the community;
- 4) to provide for properly maintained hotel activities so that negative impacts generated by these activities are not harmful to the surrounding environment in any way; and
- 5) to ensure that guests of approved hotel developments are provided safe, clean, and secure accommodations.

4.10.2 Specific Provisions for Hotels

All hotel development within the Town of Arlington shall adhere to the following provisions:

- 1) All guest rooms or suites shall be accessible from a common interior corridor with no exterior balconies permitted, and shall be accessed with a magnetic keycard entry-locking device.
- 2) The average guest room or suite size shall be three hundred twenty-five (325) square feet of livable floor space. This requirement shall be exclusive of garages, porches, breezeways and entry halls. A room size summary table shall be included on the Site Plan for all hotel and extended-stay facilities.
- 3) At least one staff member shall be available on site twenty-four (24) hours a day, seven (7) days a week.
- 4) High quality recreational facilities or amenities, such as breakfast rooms, pools, business centers, and fitness rooms, shall be provided and are limited to guests of the hotel.
- 5) All swimming pools must be constructed as an indoor pool or an enclosed courtyard.
- 6) Meeting rooms may be an accessory use to the hotel and shall be designed, located and operated in a way to not adversely affect adjacent properties in the area in which it is located. In addition, meeting rooms shall be parked per Town requirements for accessory uses in hotels. Meeting room capacities above forty (40) persons shall be regulated as an auditorium and must meet applicable building and fire code regulations.
- 7) Restaurants within a hotel must be designed, located, and operate in a way not to adversely affect adjacent properties in the area in which it is located. In addition, restaurants shall be parked per Town parking requirements for an accessory use, if it is available to customers not staying at the hotel. Any restaurant use shall meet applicable building and fire code regulations.
- 8) The maximum floor area ratio for hotels shall be 0.50.

- 9) Hotels must be at least four (4) stories in height and include a minimum of 120 guest rooms.
- 10) Hotels shall be permitted within the ICOD as indicated in 4.7.2 or within a Planned Development approved by the BMA.

4.11 REGULATIONS GOVERNING HOME OCCUPATIONS

4.11.1 Regulations Governing Home Occupations

The intent of the regulations set forth herein is to establish guidelines for home occupations that are designed to achieve the following objectives: The public interest has been adequately protected.

- 1) No change in the character of the surrounding neighborhood will occur.
- 2) No excessive noise, heat, increased traffic, parking, odor or hazard will result.
- 3) No strain or burden is placed on existing public facilities and services.
- 4) The home occupation could not be located in a more appropriate zoning district as a use permitted by right thereby ensuring protection to similar uses located on other appropriate districts.

4.11.2 Review

Home occupation review is required under two (2) separate instances. These instances include:

- 1) The review and approval of a home occupation by the Mayor or his Designee as permitted in Section 4.11.3 providing that all of the conditions and standards set forth in Section 4.11.4 are met. The Mayor or his Designee reserves the right to refer any home occupation review to the Board of Zoning Appeals for approval. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the home occupation was disapproved.
- 2) The review and approval by the Board of Zoning Appeals of any home occupation for use as a Conditional Use. A Conditional Use would include any home occupation not listed in Section 4.11.3. The Board of Zoning Appeals may require such changes in the presented home occupation as may be necessary to minimize the impact of the required use upon the District.

4.11.3 Permitted Home Occupations

Permitted home occupations include, but are not necessarily limited to the following, provided all of the conditions and standards set forth in Section 4.11.4 are met by the applicant. Applications for home occupations not listed below are subject to approval by the Board of Zoning Appeals.

- a) Artists and sculptors.

- b) Authors, composers and musicians.
- c) Dressmakers, seamstress and tailors.
- d) Homecrafts, such as model making, rug weaving, lapidary work.
- e) Office facility of a Rabbi, Minister or Priest.
- f) Office facility of a salesperson, sales representative or manufacturer's representative provided that no retail or wholesale transactions are made on the premises.
- g) Desktop publishing and computer programming.

4.11.4 Performance Standards

Home occupations are permitted as an incidental and subordinate use in residential districts when the applicant submits to the Mayor or his Designee or the Board of Zoning Appeals, whichever is applicable to the application, as provided in Section 4.11.3 satisfactory evidence of compliance with all of the following conditions:

- 1) **Employees:** A home occupation shall be considered solely by the resident occupants in their residence.
- 2) **Incidental and Subordinate Uses:** The applicant must clearly demonstrate that the home occupation is incidental and subordinate to the residential use. To ensure the incidental and subordinate character, the home occupations shall be limited to fifteen (15%) percent of the total area of the first floor of the residence.
- 3) **Appearance:** In no way shall the appearance of the structure or exterior property be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials construction, lighting, signs, or the emission of sounds, noises or vibrations.
- 4) **Traffic:** The additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow by no more than one (1) additional vehicle at a time. The occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- 5) **Nuisance Controls:** Home occupations shall not generate traffic, parking noise, vibrations, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.
- 6) **Utilities:** The public utility cost (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
- 7) **Signs:** No signage of any type shall be permitted for a home occupation.

- 4.11.5** Affidavit of Compliance and Business License: Application for the home occupation shall include an affidavit of compliance of the aforementioned standards on a form provided by the Town. If the home occupation is approved, the applicant shall secure a business license. The affidavit of compliance and business license shall be renewed annually to ensure compliance with applicable municipal codes and ordinances, as well as laws of the State of Tennessee.

4.12 REGULATIONS GOVERNING TEMPORARY USES AND SPECIAL EVENTS

4.12.1 Temporary Uses

The following uses are deemed to be temporary uses and shall be subject to the regulations which follow:

- 1) Construction Office.** A Temporary Use Permit may be issued for a construction office, provided such use is on or adjacent to the construction site and is removed when construction is completed. Such permit shall be valid for not more than one (1) year, but may be renewed for an additional one (1) year extension. However, all temporary offices shall be removed when construction is completed or discontinued for more than thirty (30) days.
- 2) Real Estate Sales Office.** A Temporary Use Permit may be issued in any new approved subdivision for a temporary sales office. Such permit shall be valid for not more than one (1) year, but may be renewed for a maximum of two (2) one(1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the permit, whichever occurs first.
- 3) Special Events.** A Special Event permit may be issued for a special event, in accordance with the requirements in section 4.12.2.
- 4) Yard Sale.** No permit is required; however, the following conditions shall be met:
 - a. A yard sale shall be allowed only on property occupied as the principal residence of one of the sellers.
 - b. The duration of a yard sale shall not exceed three (3) consecutive days. No more than two (2) yard sales shall be allowed for the same location in any twelve-month period.
 - c. No items may be sold other than used items from the household of the sellers.
 - d. Any items for sale that are displayed outside of the residence, garage, or carport shall be confined to the minimum feasible area of the yard and as near the residence or garage as possible.
 - e. No yard sale shall be conducted where vehicles stopped on the street will constitute a traffic hazard, as determined by the

Sheriff's Department.

- 5) Construction Dumpster(s)** shall be permitted to serve an existing or new use that is under construction or being renovated, subject to the following standards.
- a. A construction dumpster(s) shall only be permitted for the duration of the associated building construction. The dumpster is to be removed within 14 days of the issuance of the use and occupancy or the final inspection.
 - b. Be located as far as possible from adjacent lots containing existing development.
 - c. Not be located in an area to obstruct drainage flow.
 - d. Not be placed within five (5) feet of a fire hydrant.
 - e. Not be placed in the public right of way.
 - f. On-site debris must be contained within the construction dumpster.
- 6) Portable Storage Unit(s)** shall be permitted to serve an existing residential use in a residential zoning district, subject to the following:
- a. A portable storage unit is a transportable unit designed and used for the temporary storage of household goods, personal items, construction materials and supplies, or other materials which are placed on a site for the use of occupants of a dwelling or building on a limited basis. Portable storage units include, but are not limited to, certain trade name units called "PODS," "mobile attics," and similar portable on-demand storage containers.
 - b. Shall require prior approval of a Temporary Use Permit before placement.
 - c. Be located on private property, preferably on a hard surface.
 - d. Not impede ingress, egress, or emergency access to the home.
 - e. Not be placed in the public right of way.
 - f. Not be permitted on the site for more than 14 days, unless used in conjunction with an active building permit for building renovation, where an exception may be granted by the building official based on documented extenuating circumstances.

4.12.2 Special Events

The intent of this section is to provide for the occasional use of property for special events in a manner not detrimental to the general welfare of the public, and to protect nearby property owners, residents and businesses from special events that may be disruptive, unsightly, unsafe or inappropriate based on-site conditions, traffic patterns, land use characteristics, or the nature of the proposed use.

- 1) **Special Events** include any occasional temporary gathering, demonstration, performance, exhibition, amusement or activity that is not currently a permitted use of the property in the applicable zoning district. They may include noncommercial events, seasonal events, commercial events, and public attractions.

Special Events often involve one or more of the following: closing of a public street, the use or restriction of Town property or rights-of-way, the use of amplified sound, sale of merchandise not ordinarily sold in the normal course of the applicant's business, substantial increase or disruption of the normal traffic on any street or highway, the placement of portable toilets, and the use of any Town services that would not be necessary in the absence of such an event.

- 2) **Permit Required** A special event permit shall be required for all special events, except those specifically identified as exempt. Special event applications shall be submitted to the Town Recorder's office for review and consideration. Events are differentiated into two categories as follows:

- a. **Large Scale Events** - special events with an expected attendance of more than 200 attendees, public road closures, or a duration of over 48 hours. Large scale events shall require approval by the Board of Mayor and Aldermen.
- b. **Small Scale Events** - special events with an expected attendance of 200 people or less, with no road closures, or a duration less than 48 hours. Small scale events shall require approval by the Town Administrator.

3) Exemptions.

The following special events are exempt from the provisions of this section:

- a. **Town sponsored.** Any special event sponsored or co-sponsored by the Town.
- b. **Auctions/estate sales.** Auctions/estate sales for individual property that is not considered a special event and is conducted by duly licensed auctioneers.
- c. **First Amendment activity.** The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion, or Press.
- d. **Non-residential activities.** Occasional events held on commercial, industrial, or institutional property that are fully contained within a building and have adequate on-site parking, ingress, egress, traffic control and sanitary facilities to serve the event.
- e. **Private residential events.** Occasional events on private residential properties hosted by the owner thereof to celebrate family events, holidays, charitable or other not-for-profit fundraisers.

4) Performance Standards.

Special events shall comply with the following standards.

- a. Location. Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.
- b. Seasonal sales events, such as Christmas tree lots, must be conducted by an existing permanent business, and adjacent to and on the property of the location of the permanent business.
- c. For any special event proposed on public property or in the public right-of-way, the permit application shall clearly specify the streets to be used for the event and the times any streets will be closed, if applicable.
- d. Land Use Compatibility. The special event shall be compatible with the purpose and intent of this Section and with adjacent land uses. It shall not impair the normal, safe and effective operation of a permanent use on the same site, and it shall not endanger or be detrimental to the public health, safety, or welfare, or be injurious to property or improvements in the immediate vicinity of the special event.
- e. Compliance with other regulations. The special event must abide by all relevant ordinances and regulations of the Town of Arlington and any conditions placed upon the event by the Town Administrator or Board of Mayor and Aldermen.
- f. Hours and duration. The hours of operation of the special event shall be consistent with the surrounding land uses. The total duration of the event shall not exceed 14 days for commercial special events and public attractions, and 30 days for Seasonal sales events. However, the duration of a special event may be modified by the approving body with conditions attached to the event.
- g. Street closings. The special event permit recipients shall be responsible for securing, installing, and immediate removal upon cessation of all barricades and signs when street closings are approved. Streets shall be closed for the minimum duration necessary.
- h. Public conveniences and litter control. Adequate on-site restroom facilities and solid waste containers shall be provided.
- i. Nuisances. The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
- j. Fire safety. The Fire Department will review applications for any safety requirements or inspections, as necessary. Adequate fire lanes and access shall be maintained. No open fires shall be permitted unless advance approval is obtained from the Fire Department. Events where injuries are a possibility, such as

sporting events and races, shall provide on-site first aid.

- k. Town services. If the applicant requests the Town provide services or equipment, including but not limited to traffic control, or if the Town otherwise determined that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall be required to reimburse the Town for the cost of the services. The Town may also require the applicant to submit a security deposit in an amount determined by the Town Recorder and in a form approved by the Town Attorney, prior to the event to ensure the applicant complies with this provision.