

ORDINANCE 2014-08

AN ORDINANCE OF THE ARLINGTON BOARD OF MAYOR AND ALDERMEN TO AMEND THE ARLINGTON ZONING ORDINANCE TO ELIMINATE THE BE: BUSINESS ENTERTAINMENT ZONING DISTRICT BY AMENDING SECTIONS 4.1, 4.2, 4.4, 4.8 (ZONING DISTRICTS, BULK REGULATIONS AND USES); 5.5.2 (REGULATIONS FOR PLANNED DEVELOPMENT OVERLAY DISTRICTS); AND 7.3.4 (REGULATIONS GOVERNING SIGNS), AND AMEND THE ZONING MAP TO REZONE PROPERTIES CURRENTLY ZONED BE TO SC: SHOPPING CENTER, B3: DOWNTOWN BUSINESS, AND B2: GENERAL BUSINESS

WHEREAS, pursuant to Tennessee Code Annotated, Sections 13-7-201 through 13-7-204 enabling the Town of Arlington to adopt a Municipal Zoning Ordinance and Map, and provide for its administration and enforcement; and

WHEREAS, the Board of Mayor and Aldermen deems it necessary for the purpose of promoting the health, safety, morals and general welfare of the Town to amend said Ordinance and Map; and

WHEREAS, pursuant to Tennessee Code Annotated, Sections 13-7-203 and 13-7-204, the Arlington Planning Commission, on June 16, 2014, did review and did recommend that the rezoning request and Zoning Ordinance amendments be approved, and did also hold a public hearing on said date; and

WHEREAS, pursuant to Tennessee Code Annotated, Section 13-7-203, a public hearing was held before this body of which the time and place was published within fifteen (15) days advance notice in the Commercial Appeal; and

WHEREAS, all of the requirements of Section 13-7-201 through 13-7-211 of Tennessee Code Annotated with regard to the amendment of a zoning ordinance by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT RESOLVED, by the Arlington Board of Mayor and Aldermen that the Town of Arlington Zoning Map be amended to rezone property illustrated by "Exhibit A" from the BE: Business Entertainment Zoning District to the SC: Shopping Center Zoning District, B3: Downtown Business Zoning District, and the B2: General Business Zoning District, and that the Town of Arlington Zoning Ordinance be amended as follows:

Sections 4.1, 4.2, 4.4, 4.8 (Zoning Districts, Bulk Regulations and Uses) are proposed to be amended as follows:

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
B-E	Business Entertainment District
S-C	Shopping Center District
O	Office District
M-1	Light Industrial District
FH	Flood Hazard Zone
PD	Planned Development Overlay

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)			
B-1, Neighborhood Business	10,000 sq. ft.	80	45	10	20	40'		30
B-2, General Business	10,000 sq. ft.	100	40	10	25	40'		30
B-3, Downtown Business	None	None	0/15 ⁵	0'	0'	40'		NA
B-E, Business Entertainment	10,000 sq. ft.	100	40	10/0⁶	25	40'	-	30
SC, Shopping Center	10,000 sq. ft.	100	50	25	25	40'		30
O, Office	10,000 sq. ft.	100	30	15	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.

⁵ No front setback is required on properties that front on the original Depot Square, all other lots shall have a front setback of 15', provided however, that lots not on the square may have buildings located as close to the street as adjacent existing buildings, or an average of the buildings, if existing buildings are located on both sides of the lot.

~~⁶ No side yard is required when the lot line divides two contiguous buildings in a shopping center containing more than 25,000 sq. ft.~~

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.

4.4.4 RESERVED

~~B-E, Business Entertainment District~~

~~1) — **Intent:** The intent of the B-E, Business Entertainment District, is to provide for suitable areas that allow for a variety of commercial and entertainment activities located along major highways. These areas shall be serviced by 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~~

USES PERMITTED IN ZONING DISTRICTS

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	B-E	O	M-1	FH
COMMERCIAL																
Retail Trade, limited to:																
Apparel & Accessory Stores									P	P	P	P	P			
Automobile Sales & Service										C						
Bakery, Retail									P	P	P	P	P			
Building Materials, Hardware and Garden Supply										P	C	P	C		P	
Convenience Store									C	P	C	P	C			
Drug Store									P	P	P	P	P			
Food Stores									P	P	P	P	P			
Gasoline Service Stations									C	P		P	C		P	
Greenhouse or Nursery										P	C	C	C			
General Merchandise Stores									P	P	P	P	P			
Home Furniture, Furnishings and Equipment Stores										P	P	P	P		P	
Liquor Stores										C		C	C			
Restaurant, Neighborhood									P	P	P	P	P			
Restaurant, Limited										P	P	P	P			
Restaurant, General										P	P	P	P			
Restaurant, Drive-through										P		P	C			
Vehicle Wash										P		P				
Finance, Insurance and Real Estate limited to:																
Banks and Other Depository									P	P	P	P	P	P	P	
Credit Unions									P	P	P	P	P	P	P	
Holding and Investment Companies									P	P	P	P	P	P		
Insurance Agents and Companies									P	P	P	P	P	P		
Real Estate									P	P	P	P	P	P		
Security and Commodity Brokers and Dealers									P	P	P	P	P	P		
Services limited to:																
Automotive Repair										P		C			P	
Automotive Services and Parking										P		C			P	

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	R-E-5	E	RS-22	RS-18	RS-15	RS-13	R-MF	R-MH	B-1	B-2	B-3	S-C	B-E	O	M-1	FH
Barber or Beauty Shop									P	P	P	P	P			
Business Services									P	P	P	P	P			
Commercial Amusements, Indoor										P	P	P	P		P	
Commercial Amusements, Outdoor										P		C	P		C	
Day Care Center									P	P		P	-			
Dry Cleaning and Laundry, Pickup									P	P	P	P	P			
Dry Cleaning and Laundry										P	P	P	-			
Educational Services										P	P	P	P			
Engineering, Accounting, Research, Management, & Related Svcs									P	P	P	P	P	P	P	
Funeral Homes										C		C	-			
Health Services									P	P	P	P	-	P		
Hospitals and Specialty Hospitals										P		C	-			
Hotels (as governed in Section 4.10)										P		P	P			
Laundry, Self Service										P		P	-			
Legal Services									P	P	P	P	P	P		
Miscellaneous Repair Services										C	C	C	-		P	
Motion Picture Theaters										P		P	P			
Personal Services									P	P	P	P	P			
Sexually-Oriented Businesses													-		P	
Social Services									P	P	P	P	P	P		
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	

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	R-E-5	E	RS-22	RS-18	RS-15	RS-13	R-MF	R-MH	B-1	B-2	B-3	S-C	B-E	O	M-1	FH
Wireless Communications Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Section 5.5.2 (Regulations for Planned Development Overlay Districts)

5.5.2 Applicability

The PD/TND applies to properties of twenty (20) acres and greater in the R-E-5, E, RS-22, RS-18, RS-15, RS-13, R-MF, B-1, B-2, B-3, S-C, ~~B-E~~ and O Zoning Districts. The Board of Mayor and Aldermen may determine and permit a property between ten (10) and twenty (20) acres to be developed as a Traditional Neighborhood Development, should they determine it can meet the objectives, purpose and requirements contained in this chapter.

Section 7.3.4 (Regulations Governing Signs)

7.3.4 Signs Allowed in the B-2 (General Business) ~~and B-E (Business Entertainment)~~ Districts

9) **Special Sign Corridors:** A special sign corridor is hereby established for the following lots as specified below. All other requirements shall continue to apply.

a) Those lots five (5) acres or greater in size, which have frontage on Highway 64 and are zoned B-2 (General Business) ~~or B-E (Business Entertainment)~~ shall be permitted to increase the size of freestanding signs, except freestanding temporary signs, to an area one hundred twenty-five (125%) percent of the street frontage of the lot facing Highway 64. The maximum sign area permitted per face is two hundred (200) square feet. The maximum height shall not exceed twenty (20') feet.

b) Any lot or portion of a lot that is zoned B-2 (General Business) ~~or BE (Business Entertainment)~~ and is within fifteen hundred (1500') feet of the center point of an interchange for Interstate 40 or Highway 385 (Interstate 269) shall be allowed an additional fifteen (15')-foot height allowance for a permitted freestanding sign, except freestanding grouping signs and temporary signs.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its final reading and publication in a newspaper of general circulation, the public health, safety and welfare requiring it.

Approved and certified by the Planning Commission



Chairman

8-6-14
Date

Attest:



Secretary of the Planning Commission

8/6/14
Date

Approved by the Board of Mayor and Aldermen

1st Reading July 7, 2014

2nd Reading August 4, 2014

Public Hearing August 4, 2014

Publication July 11, 2014



Mike Wissman, Mayor

Attest:



Recorder