

2017 AMENDMENTS
MARYVILLE ZONING AND LAND USE ORDINANCE

- 2017-01 Amendment to the Washington Street Commercial Corridor zone requirements
- 2017-04 Amendment to §14-203 pertaining to the Maryville Downtown Design Review Board
- 2017-05 Amendment to §14-211 (5) and (6) pertaining to the Commercial Design Criteria – Citywide and the Central Village Overlay District
- 2017-25 Amendment to §14-209 (7) Heritage Development Zone with regard to side setbacks
- 2017-26 Amendment to §14-209 (11) High Intensity Commercial District with regard to side setbacks
- 2017-27 Amendment to §14-209 (18) High Intensity Retail District with regard to side setbacks
- 2017-34 Amendment to §14-202 Basic Definitions and Interpretations with regard to lots divided by district lines

ORDINANCE NO. 2017-01

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-209 (5) WASHINGTON STREET
COMMERCIAL CORRIDOR DISTRICT**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, the purpose of the amendment is to provide clarity and guidance for future development of the district.

WHEREAS, the amendment is consistent with the vision and goals of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 ZONING AND LAND USE ORDINANCE OF THE MARYVILLE MUNICIPAL CODE IS HEREBY AMENDED, as follows:

SECTION 1. Replace Title 14, Chapter 2, Section 14-209 (5) Washington Street Commercial Corridor with:

(5) Washington Street Commercial Corridor. The Washington Street corridor sets the impression of Maryville for thousands of motorists on their way to the Smoky Mountains. The district is to be an urban design with limited direct access from the street, dense development that provides an edge to the street, limited in-front parking, pedestrian accommodations, and landscaping along edges. The Downtown Design Review Board must approve building design and site layout.

- (a) Lot dimensions:
 - (i) Lot size: no minimum
 - (ii) Lot width: no minimum
- (b) Building Orientation: On lots that have frontage on Washington Street, all buildings shall face Washington Street.
- (c) Curb cuts: Curb cuts on Washington Street are limited to one (1) per block. Additional curb cuts may be approved as a special exception when there are no other reasonable means of access. Side street curb cuts must be at least seventy (70) feet from Washington Street.

- (d) **Setbacks:** Setback from existing utility easements must be observed, otherwise:
- (i) **Front:** For frontages on Washington Street, fifteen (15) feet minimum. If a patio, drive lane, landscaped area, or other aesthetic feature is placed between the sidewalk and building, then a thirty (30) foot maximum setback measured from the back of the curb is allowed. A fifty (50) foot maximum setback measured from the back of the curb may be allowed if a drive lane and a single row of parking is used in the site design. Any setback greater than thirty (30) feet will require a special exception. Drive lanes and front parking are subject to screening requirements below.

For lots that do not front Washington Street, the front setback shall be a ten (10) foot minimum and fifteen (15) foot maximum.
 - (ii) **Side:** No minimum. All setbacks from street rights-of-way shall use the "front" setback.
 - (iii) **Rear:** no minimum
- (e) **Sidewalks:** Along Washington Street, a six (6) foot landscaped buffer between the curb and sidewalk, a six (6) foot sidewalk, and a minimum three (3) foot landscaped buffer between the sidewalk and the beginning of development is required. On all other streets, a five (5) foot sidewalk is required against the curb and a minimum five (5) foot buffer area is required between the sidewalk and the beginning of development.
- (f) **Parking:** Parking shall be placed to the rear of the building. If the site cannot accommodate adequate parking at the rear of the building, side parking is allowed if appropriately screened (see screening requirements below). A single row of angled parking may be allowed between the building and the sidewalk for lots that front Washington Street.
- (g) **Screening:** Vehicle movement areas must be screened from sidewalks with a brick or stone wall (not cinderblock), a wrought iron fence (or other fence materials that are visually similar to wrought iron), and/or landscaping. This is required to establish/maintain an edge to the street consistent with the rest of the district. This barrier shall be placed against the required three-foot landscaped buffer. The brick or stone portion of the wall or fence may not be taller than forty (40) inches. Fences and walls with fences

on top shall not exceed six (6) feet in height.

- (h) Height: Buildings shall not exceed three (3) stories or forty-five (45) feet. Taller buildings may be allowed by special exception, but may not exceed 65 feet.
- (i) Facades and elevations:
 - (i) Facades shall provide fenestration toward pedestrian areas for purposes of safety and aesthetics.
 - (ii) Facades must not be monolithic; any of the following, or similar, design features may be used:
 - Changes in surface planes
 - Porches
 - Awnings
 - Entry stairs
 - Doors
 - Windows
 - Chimneys
 - Changes in construction materials
 - Landscaping
 - Horizontal and vertical sun-shading devices, such as walls, canopies, and similar devices, that extend a minimum of three (3) feet beyond the wall of adjacent walls.
 - (iii) Facades may be repainted and shall be in good repair. Paint colors must be subdued and approved by the Downtown Design Review Board. Colors that are equivalent to Benjamin Moore's "Historical Collection" palette are pre-approved. Applicants must submit paint chips, brick samples, awning fabric samples, etc. to the review board for all proposed new paint projects, building construction and facade alteration.
- (j) Materials:
 - (i) Natural stone, brick, wood and fiber-cement siding that resembles horizontal lap siding shall be used for all buildings in the Washington Street Commercial Corridor.

- (ii) Veneer materials are not allowed (i.e., vinyl siding, metal facade covering, stucco, and synthetic stucco).
 - (iii) Synthetic materials and stucco may only be allowed on a limited basis for accent, trim, and cornices.
- (k) Accessories/details:
- (i) Facilities are encouraged to use natural materials, colors, and scale compatible with those of other downtown zones. Details such as shutters, balconies, overhangs, exterior lighting, security lighting, etc. must be reviewed and approved by the Maryville Downtown Design Review Board as compatible with the design guidelines of the zone.
 - (ii) In properties of historical significance, deteriorated architectural features shall be repaired rather than replaced, when feasible. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence.
 - (iii) Painted murals and other wall decorations on elevations may be appropriate as reviewed by the Downtown Maryville Design Review Board.
 - (iv) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins, and similar ancillary structures and equipment shall be screened from public roads with landscaping, walls, or fences. Proposed screening, ancillary structures, and equipment shall be submitted for board review before installation.
- (l) Demolition: The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided when possible. Demolition shall not occur unless one or the more following conditions are met:
- (i) A building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;

- (ii) The denial of the demolition will result in an unreasonable economic hardship on the applicant as determined by the Downtown Design Review Board;
 - (iii) The public safety and welfare requires the removal of a structure or building;
 - (iv) The structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition. In addition to this report, there shall be a separate report that details future action of this site.
- (m) Land uses: Washington Street, through a mixed urban pattern, serves pedestrians and motorists but shall not develop as a suburban/highway commercial strip with deep setbacks and large upfront parking. The district shall promote connectivity between businesses for both pedestrian and vehicles.
- (i) Residential: Attached homes including apartments, condominiums, and lofts above storefronts are permitted. Single-family detached housing is not allowed.
 - (ii) Mixed uses: Appropriate uses will accommodate a variety of needs, especially those of residents who live nearby and tourists who visit downtown. Light manufacturing for local consumption and distribution may be allowed by special exception.
 - (iii) Prohibited uses: Adult establishments, large-scale manufacturing, mini-storage, landfill or mining, hazardous occupancies or storage of hazardous materials, or any uses not determined to be compatible with the function, character, and intent of the Washington Street Commercial Corridor.
- (n) Special Exceptions: The evaluation of a special exception must consider the exception's impact on pedestrian movement, traffic flow, and general aesthetics of the district.
- (o) Signs: Except as stated herein, this section shall supersede § 14-218 of this ordinance regarding signs in this zoning district.
- (i) Sign area allowed.
 - (A) Single story buildings: Total signage is

based on twenty-five percent (25%) of the side of the property on which the entrance is located. Properties with frontage having 50 feet or less shall be allowed a maximum sign area of twelve (12) square feet. The entrance shall be the door(s) used by customers rather than entrances for purposes of rear deliveries or fire exits. The total sign surface allowance for parcels along Washington Street shall be calculated based on fifty percent (50%) of the frontage along each public street. Properties along Washington Street with total frontage of fifty feet (50') or less shall be allowed a maximum sign area of twenty-five (25) square feet.

(B) Two-story and taller buildings: The maximum area of signage is calculated above, however, two story buildings double the allowed maximum sign area, three story buildings triple the allowed maximum area, etc. The maximum allowed sign area devoted to one property shall not exceed three hundred (300) square feet, regardless of the number of stories and property frontage. While being limited to the calculations above, no individual sign and no combination of multiple signs on one side of a building shall exceed one hundred fifty (150) square feet. If a building includes multiple uses, only the frontage and stories attributed to the subject sign may be counted. For example, a building with one story of retail and two stories of residential may only count the retail story for the respective retail signs.

(ii) Sign area allowances. Businesses not on Washington Street may add signs, in addition to the maximum allowed sign area as calculated above, using no more than two of the following sign allowances. All signs using these allowances will require review and approval by planning staff.

(A) Window sign allowance. Each business may have six (6) square feet of signs applied to glass doors/windows.

(B) Awning sign allowance: Imprints of a signage and/or logo shall be allowed on an awning which shall not exceed either: the equivalent of the total twenty-five percent (25%) signage calculation above, or twenty (20) square feet, whichever is less. For example, if the property is allowed to have a ten (10) square foot sign using the twenty-five percent (25%) sign area calculation above, then the property

may also have a ten (10) square foot sign or logo printed on an awning. If a building can receive a forty (40) square foot sign using the twenty-five percent (25%) rule, it may have also have signage and/or logo on an awning not to exceed twenty (20) square feet.

(C) Projecting sign square footage allowance: Each business may hang one perpendicular sign not to exceed six square feet. Creativity and artwork in the sign design and composition are encouraged. This sign allowance is not trying to create a fake colonial era style of sign or recreate an artificial historical past. Sign designs are encouraged to be compatible to the business's trade or wares. They may be designed as historic, contemporary, cutting edge, futuristic, fun or conservative as the business owners intend to convey. The underside of the sign must be at least eight (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Such signs must be constructed of wood or a material, such as sign foam, that replicates wood. Signs must have either at least fifty percent (50%) of the surface area sandblasted, or have a combination of sandblasted features and three dimensional artwork embellishments covering up to at least fifty percent (50%) of the sign area. Signs may be metal if the sign includes sufficient thickness of at least one half ($\frac{1}{2}$) inch, not including framing. Thin, flat plastic and metal signs with vinyl lettering and/or decals are NOT acceptable. Signs must be painted and colors are encouraged. Sign shapes must vary from other hanging signs on the same block to encourage variety. Signs that exceed the six (6) square foot allowance may be allowed if the overage is due to artistic embellishments. Sign brackets used to support the hanging signs also require review and approval by the city. The bracket and the sign cannot project so far as to be a danger to passing pedestrians or vehicles. A professional sign company or artisan experienced with wood construction, carving and painting must fabricate signs.

(iii) Directory signs:

(A) Building-mounted directory signs. Where several businesses share a building, a directory sign (listing tenant names) may be installed on the building, not to exceed six (6) square feet. The sign

area of directory signs will not be subtracted from the property's allowable sign area.

(B) Freestanding directory signs. Where a single or multiple tenant business entrance(s) does not front a public street, or the entrance door is significantly obscured due to topographic, existing landscape, or other orientation of the building, making it difficult for motorists to see the entrance, a freestanding directory sign (listing tenant name(s)) may be installed on the same parcel of property. Such signs shall not be taller than three (3) feet to the top of the sign and shall not exceed four (4) square feet per tenant. When there is more than one tenant in a building with the same difficulty of entrance visibility, the tenants must combine their directory signs into a single freestanding directory sign, while still maintaining a maximum of four (4) square feet per tenant. However, such freestanding directory signs shall not exceed a total of twenty-five (25) square feet and shall not exceed a height of five (5) feet. The sign area of directory signs will not be subtracted from the property's allowable sign area.

- (iv) Freestanding signs: Freestanding signs of not taller than twelve (12) feet and not greater than sixty (60) square feet are allowed. For parcels along Washington Street, the maximum height of a freestanding sign is twenty feet (20'). Changeable message signs are allowable within the total maximum sixty (60) square foot area and shall not exceed twenty (20) square feet. The changeable message sign may not be installed as a separate freestanding sign nor may it be installed as a portable sign.
- (v) Window signs. Window signs are permissible; however signs shall not exceed thirty percent (30%) of the total window area.
- (vi) Building mounted signs. Signs can be attached to building facades at street level and shall not be roof mounted.
- (vii) Perpendicular signs. Perpendicular signs must be at least (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Only one perpendicular sign may be installed per business and such signs shall not exceed ten (10) square feet. If the property

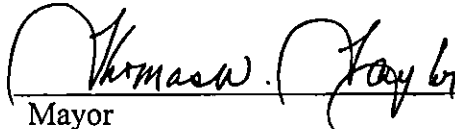
originally had a theater marquis, similar marquis signs may be installed if based on pictorial evidence.

- (viii) Changeable message signs. Along Washington Street, changeable message signs are allowed and may be in addition to the maximum allowable total signage. Only one changeable message sign is allowed. Changeable message signs, which include electronic message center signs, shall be no larger than twenty (20) square feet, except for gasoline product signs which shall be no larger than twenty-five (25) square feet. Changeable message signs can only be on the building or on a freestanding sign.
- (ix) Sign lighting. Only indirect/external lighting is allowed except along Washington Street. Light directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly on public right-of-way or residential premises. "Neon signs, flashing signs, signs with intermittent lights, and rotating signs are prohibited."
- (x) Awning signs. Imprints of a sign or logo shall be allowed on an awning and will be included in the total signage calculation, with the exception of Applicants whom use the awning sign allowance set forth in subsection 2(b).
- (xi) Sandwich board sign allowance. Each business may have one sandwich board sign. Sandwich board signs shall be constructed of wood in an "A" shape and be heavy enough so that strong winds do not allow it to blow over. Sandwich boards shall not be left outside of the building when the business closes, or the city may remove and dispose of the sign. Sandwich board signs cannot exceed a height of forty-two (42) inches and shall not exceed seven (7) square feet (per side).
- (xii) Materials: Sign materials shall be of natural surfaces such as wood, brick, stone, etched glass or constructed of materials that successfully replicate these natural materials. However, professionally painted metal signs are also acceptable provided they have a finished thickness of at least one-half inch (1/2") achieved by mounting the metal sign on a substrate or by having a frame. Metal signs must have three-dimensional artwork embellishments covering up to at least fifty percent (50%) of the sign area.

- (xiii) Sign colors: Excessively bright, fluorescent, or glaring colors are prohibited on signs.
- (xiv) Sign review and permitting. Any new sign application in the downtown zones must be submitted to the planning department staff for review then forwarded to the sign inspector for issuance of a sign permit.
- (xv) Signs prohibited in rights-of-way. Permanent or temporary signs shall not be installed in the road right-of-way. "Sandwich board" signs may be installed on sidewalks as long as they comply with the "sandwich board" sign allowance above and do not block a clear path along the sidewalk of thirty six (36) inches.
- (xvi) Accessory signage installed to glass. Strobe lights, rotating and/or flashing emergency vehicle-type lights, neon lights strips or window outlines installed within the business and visible to the public, even if not affixed to the glass, is prohibited. Holiday lights installed seasonally are exempt from this requirement.
- (xvii) Non-conforming sign. All sign-related provisions set forth in § 14-218(17), in the City of Maryville Land Development Regulations, and as later amended, are applicable within the downtown zones, unless otherwise addressed in this chapter.
- (xviii) Reconstruction of previous signs. Property owners whom propose to reconstruct signs that are clearly documented through photographic evidence or other documentation may occur on their original location. Such reconstructed signs shall be constructed with materials, design detailing and decorative features to match or closely approximate the original sign. If signs proposed to be reconstructed do not comply with sign regulations of this chapter, the Downtown Maryville Design Review Board will review the applicant's proposal.
- (xix) Signs excluded from regulation. The following signs are exempt from regulation under this chapter.

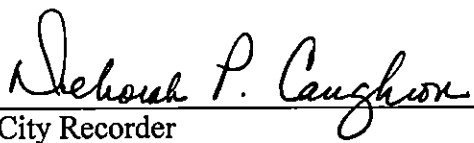
- (A) Address numbers, signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
 - (B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
 - (C) Official signs of a non-commercial nature erected by public utilities.
- (xx) Miscellaneous restrictions and prohibitions. All sign-related provisions set forth in § 14-218 (4) (5) (13) (except signs prohibited as set forth in number viii above; no internally lit signs, see number ix above), (14) (15) (16) and (18) of this section as later amended, are applicable within the downtown zones, unless otherwise provided in this chapter.

SECTION 2. This ordinance shall be effective from and after its passage, the public welfare requiring it.



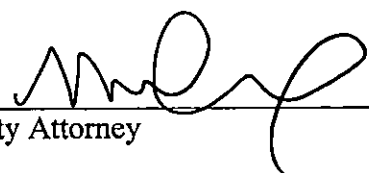
Mayor

ATTEST:



City Recorder

APPROVED AS TO FORM:



City Attorney

Passed 1st Reading Jan. 3, 2017

Deborah P. Caughon
City Recorder

Passed 2nd Reading Feb. 7, 2017

Deborah P. Caughon
City Recorder

ORDINANCE NO. 2017-04

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-203 (8-11) DOWNTOWN DESIGN
REVIEW BOARD**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, the purpose of the amendment is to provide clarity and guidance for the role of this board.

WHEREAS, the amendment is consistent with the vision and goals of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 ZONING AND LAND USE ORDINANCE OF THE MARYVILLE MUNICIPAL CODE IS HEREBY AMENDED, as follows:

SECTION 1. Delete Title 14, Chapter 2, Section 14-203 (8) through (11) and renumber subsequent sections as needed.

SECTION 2. Replace Title 14, Chapter 2, Section 14-203 (8) through (11) pertaining to the Maryville Downtown Design Review Board with:

8. Downtown Design Review Board (DDRB).

- a) **Definition/Purpose.** The Downtown Design Review Board is an ad hoc, advisory committee to the Maryville Regional Planning Commission. The purpose of the board is to assist in creating guidelines and standards for downtown development, and to review all conceptual plans for construction, alteration, repair, rehabilitation, relocation of any structure, or demolition of any historically significant structure, in the downtown districts for compliance with those standards.
- b) **Membership.** Downtown Design Review Board members shall be appointed by the mayor. The board shall consist of nine members: A representative of a local patriotic or historical organization; an architect, if available; and a member of the planning commission, at the time of such person's appointment. The remaining members shall be appointed from the community in general. The terms of members of the Downtown Review Board shall be five (5) years. Members may be appointed to successive terms without limitation. DDRB members can also be members of the Board of Zoning Appeals or the Historic Zoning Commission, but are not required to be.

- c) Meetings. The DDRB shall establish a regular meeting schedule and shall meet with sufficient frequency that it can take action expeditiously. Adequate notice shall be provided of a meeting of the board. All meetings of the board shall be open to the public, and the agenda for each board meeting shall be made available in advance of the meeting. The board may adopt rules and regulations consistent with the provisions of this part.
- (i) Quorum. A quorum for the DDRB shall consist of a majority of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take official action. A member who has recused himself due to a conflict of interest shall be counted as present for purposes of determining whether a quorum is present.
 - (ii) Voting. The concurring vote of a simple majority of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance. All other actions of the board shall also be taken by majority vote, a quorum being present.
 - A. A member may recuse himself from voting on a particular issue under the following circumstances:
 1. If the member has a direct financial interest in the outcome of the matter at issue, or
 2. If the matter at issue involves the member's own official conduct, or
 3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
 4. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
 5. For any other reason under state law where recusal would be appropriate.
- d) Jurisdiction. The DDRB has jurisdiction in non-residential and multi-family uses per Tennessee Code Annotated §6-4-133. The Maryville Downtown Review Board is limited to the downtown zones, and the following zoning districts must conform to downtown design standards.
- (i) Central Business District
 - (ii) Central Business District Support Zone
 - (iii) Heritage Development Zone
 - (iv) Office Transition Zone
 - (v) Washington Street Commercial Corridor
- e) The DDRB is to report its findings to the planning commission for review and validation. In all cases, the review board shall review and report within sixty (60) days all applications within the designated zones. If noncompliance is found, then the applicant shall be informed of the finding in writing no later than three (3) days after the termination of the sixty (60) day period. If found

in compliance, the applicant shall be notified within a reasonable time of approval.

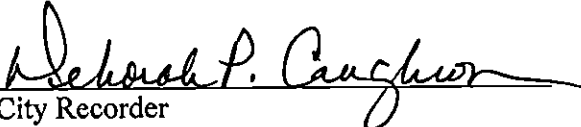
- f) Review of decision. Any applicant who may disagree with any recommendation of the Downtown Maryville Design Review Board may appeal to the Maryville Regional Planning Commission when said application is considered and make known his or her objections.

SECTION 3. This ordinance shall be effective from and after its passage, the public welfare requiring it.



Mayor

ATTEST:




City Recorder

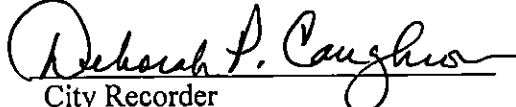
APPROVED AS TO FORM:



City Attorney

Passed 1st Reading Feb. 7, 2017 

City Recorder

Passed 2nd Reading March 7, 2017 

City Recorder

ORDINANCE NO. 2017-05

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-211 (5) COMMERCIAL DESIGN
CRITERIA AND (6) CENTRAL VILLAGE
OVERLAY DISTRICT**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, the purpose of the amendment is to provide clarity and guidance for the aesthetic standards in the city; and,

WHEREAS, the amendment is consistent with the vision and goals of the City of Maryville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 ZONING AND LAND USE ORDINANCE OF THE MARYVILLE MUNICIPAL CODE IS HEREBY AMENDED, as follows:

SECTION 1. Delete Title 14, Chapter 2, Section 14-211 (5) Commercial Design Criteria and (6) Commercial Design Criteria – Central Village Overlay Zone.

SECTION 2. Replace Title 14, Chapter 2, Section 14-211 (5) Commercial Design Criteria and (6) Commercial Design Criteria – Central Village Overlay Zone with:

(5) General provisions - commercial design criteria - city wide.

(a) The following items must be reviewed for compliance by the planning department before a building permit is issued. These standards shall apply to the design of all principal buildings and accessory structures. These guidelines shall not apply to single family or duplex residential uses, nor do they apply in the downtown zones, industrial zones, or the Central Village overlay zone.

(i) Landscaping:

(A) At least thirty percent (30%) of each lot must be landscaped. Consideration will be given for redevelopment sites. Landscaping shall be selected and installed so that it will not block motorist visibility at time of installation and at maturity. The majority

of the landscaped area must be visible from the road.

- (B) At least one, two-inch caliper tree shall be planted on the parcel for every two thousand square feet of building footprint and paved area (paved areas include private streets, parking spaces, driveways, paved storage areas). Preservation of existing trees may be applied toward this requirement.

(ii) Parking:

- (A) Large parking areas shall be organized into a series of smaller modules with landscaped islands consisting of trees and low shrubs separating them.
- (B) Parking areas must provide safe, landscaped pedestrian access.
- (C) Entrance drives shall be landscaped and continue existing sidewalks.

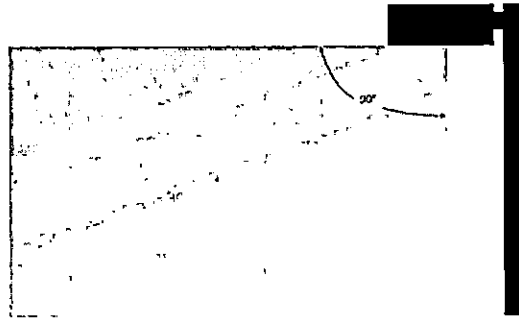
(iii) Facades and elevations:

- (A) Facades shall provide fenestration toward pedestrian areas and streets for purposes of safety and aesthetics.
- (B) Facades must not be monolithic; any of the following, or similar, design features may be used:
 1. Changes in surface planes
 2. Porches
 3. Awnings
 4. Entry stairs
 5. Doors
 6. Windows
 7. Chimneys
 8. Changes in construction materials
 9. Landscaping
 10. Horizontal and vertical sun-shading devices, such as walls, canopies, and similar devices, that extend a minimum of three (3) feet beyond the wall or adjacent walls.

- (C) Exterior walls visible from public roads may not be comprised of metal or flat-faced concrete block.

(iv) Lights:

- (A) Light fixtures that permit light to project up are prohibited. All outdoor light fixtures should be full-cutoff fixtures which do not allow light to be emitted above 90° (see illustration below).



- (B) Fixtures used for architectural lighting, such as façade, feature, and landscape lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.
- (C) External wall or roof-mounted floodlights shall not be installed on walls that face abutting residential uses unless landscaping or other means can be installed to shield the view of such lights from residential properties.
- (D) Neon and bare fluorescent light tubes in any form on the exterior of a structure are prohibited.
- (E) Light poles and fixtures shall be limited to a thirty (30) foot maximum height.
- (F) Photometric plans may be required by planning staff to ensure lighting will not affect surrounding residential uses. Light trespass may not exceed 1.0 foot-candle at any property line that adjoins residential uses or property zoned for residential uses.

(v) Fences:

- (A) Fences shall not be constructed of unfinished concrete block, chain link, vinyl or similar materials, or metal wire or mesh. When using fences with one finished side, the finished side shall be installed

facing the street. Proposed screening, ancillary structures, and equipment shall be submitted for staff review before installation.

- (vi) Ancillary structures and equipment: HVAC equipment, above-ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins, trailers, elevated tanks, storage tanks, and similar ancillary structures and equipment shall be screened from adjacent residential uses and from public roads with landscaping, walls or fences. Flat-faced concrete block and chain link fence with plastic slats are not allowed. Such ancillary structures and equipment shall also meet building setbacks.
 - (vii) Personal storage developments: Personal storage or "mini-storage" buildings shall be sited such that the garage doors do not face roads unless developments are at an elevation significantly lower than roads or are behind landscaping whereby buildings are not visible from roadways. Such developments located on a corner must install a landscape buffer on a least one property line to screen the row of storage buildings. The landscape buffer shall be comply with the landscaping requirements set forth in §14-213.
 - (viii) Loading docks: Loading docks shall not be readily visible from public roads.
 - (ix) Stored materiel shall not be visible from public roads.
 - (x) Drive-through equipment: There shall be no outdoor drive through menu boards, outdoor speaker equipment and drive through windows located within one hundred sixty (160) feet from adjacent residential land uses.
- (6) General provisions - commercial design criteria - Central Village Overlay Zone.
- (a) The following items must be reviewed for compliance by the planning department before a building permit is issued. These standards shall apply to the design of all principal buildings and accessory structures used for non-residential land uses. These guidelines shall only apply in the Central Village Overlay Zone.
 - (i) Massing: Individual buildings shall not exceed an enclosed gross area of five thousand (5,000) square feet.
 - (ii) Setbacks: Setbacks from existing utility easements must be

observed, otherwise:

- (A) Front: For frontages on W. Broadway Avenue, a fifteen (15) feet minimum measured from the back of the curb is allowed, unless the right of way is greater than fifteen (15) feet from the curb. In this instance, the right of way would be the minimum setback. If a patio, drive lane, landscaped area, or other aesthetic feature is placed between the sidewalk and building, then a thirty (30) foot maximum measured from the back of the curb is allowed. A fifty (50) foot maximum setback measured from the back of the curb may be allowed if a drive lane and a single row of parking is used in the site design. Any setback greater than thirty (30) feet will require a special exception. Drive lanes and front parking are subject to screening requirements below.

All setbacks from street rights-of-way shall use the "front" setback.

- (iii) Building height: Building height is limited to three (3) stories, not to exceed forty five (45) feet.
- (iv) Open space: The maximum lot coverage shall be eighty percent (80%) with open space comprising the remaining twenty percent (20%) of the site.
- (v) Landscaping:
 - (A) At least twenty percent (20%) of each lot must be landscaped. The majority of the landscaped area must be visible from the road. Consideration will be given for redevelopment sites.
 - (B) At least one, two-inch caliper tree shall be planted on the parcel for every one thousand square feet of building footprint and paved area (paved areas include private streets, parking spaces, driveways, paved storage areas). Preservation of existing trees may be applied toward this requirement.
- (vi) Parking: A single row of parking may be allowed between the building and the sidewalk for lots that front Broadway Avenue and shall be subject to screening requirements below. Additional parking is allowed on the side or rear of the building.
- (vii) Screening: Vehicular movement areas must be screened from sidewalks with a brick or stone wall (not cinderblock), a wrought iron fence (or other fence materials that are visually similar to wrought iron), and/or landscaping. This is required to establish/maintain an edge to the street consistent with the rest of the district. The brick or stone portion of the wall or fence may not

be taller than forty (40) inches. Fences and walls with fences on top shall not exceed six (6) feet in height.

(viii) Facades and elevations:

(A) Facades shall provide fenestration toward pedestrian areas and streets for purposes of safety and aesthetics.

(B) Facades must not be monolithic; any of the following, or similar, design features may be used:

1. Changes in surface planes
2. Porches
3. Awnings
4. Entry stairs
5. Doors
6. Windows
7. Chimneys
8. Changes in construction materials
9. Landscaping
10. Horizontal and vertical sun-shading devices, such as walls, canopies, and similar devices, that extend a minimum of three (3) feet beyond the wall or adjacent walls. Excessive repetition of only one or two architectural features above is prohibited.

(ix) Materials:

(A) Natural stone, brick, wood and fiber-cement siding that resembles horizontal lap siding should be used for all buildings.

(B) Veneer materials are not allowed (i.e., vinyl siding, metal facade covering, stucco, and synthetic stucco).

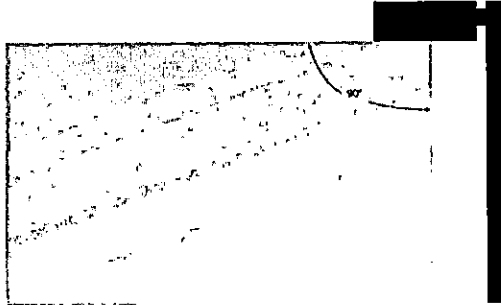
(C) Synthetic materials and stucco may only be allowed on a limited basis for accent, trim and cornices.

(x) Site lighting:

(A) Light posts: Light posts that will be visible from adjacent residential properties shall not exceed fifteen (15) feet in height and shall have a dark finished paint color such as dark gray, dark brown, dark green or black.

(B) Lights:

1. Light fixtures that permit light to project up are prohibited. All outdoor light fixtures should be full-cutoff fixtures which do not allow light to be emitted above 90° (see illustration below).



2. Light fixtures used for architectural lighting, such as façade, feature, landscape and sign lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.
3. External wall or roof mounted flood lights shall not be installed on walls that face abutting residential uses without landscaping or other means to shield the view of such lights from residential properties.
4. Neon and bare fluorescent light tubes in any form on the exterior of a building or any other structure is prohibited.
5. Animated Lights: Flashing, blinking, strobe, neon, and searchlights are prohibited. Neon and other types of strings of lights that are located either inside and/or outside of windows and doors are prohibited.

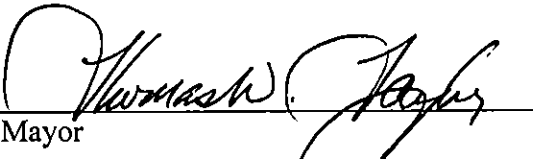
- (C) Photometric plans may be required by planning staff to ensure lighting will not affect surrounding residential uses. Light trespass may not exceed 1.0 foot-candle at any property line that adjoins residential uses or property zoned for residential uses.

- (xi) Fences: Fences shall not be constructed of unfinished concrete block, chain link, vinyl or similar materials, metal wire, or mesh. When using fences with one finished side, the finished side shall be installed facing Broadway Avenue.

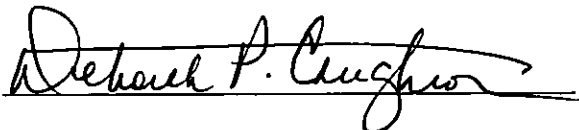
- (xii) Signs:

- (A) Freestanding signs shall be no higher than eight (8) feet.
 - (B) Signs attached to buildings shall be no higher than twelve (12) feet.
 - (C) Signs shall be constructed of natural materials (such as wood, brick, or stone) or constructed of materials that successfully simulate these natural materials.
 - (D) Signs must not be internally lit and the bulb(s) of proposed lighting must not be seen directly by motorists or adjacent residential property owners.
 - (E) The maximum area of freestanding signs is calculated as twenty-five percent (25%) of the property frontage. Freestanding signs shall not exceed twenty (20) square feet. Total signage area shall not exceed fifty (50) square feet regardless of property frontage.
- (xiii) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins, and similar ancillary structures and equipment shall be screened from public roads and residential uses with landscaping, walls, or fences. Proposed screening, ancillary structures, and equipment shall be submitted for staff review before installation.
 - (xiv) Storage developments: Personal Storage or "mini-storage" buildings are prohibited.
 - (xv) Loading docks: Loading docks that face public roads must be screened using landscaping or architectural features.
 - (xvi) Stored materiel shall not be visible from public roads.
 - (xvii) Drive-through equipment: There shall be no outdoor drive-through menu boards, outdoor speaker equipment, and drive-through windows.

SECTION 3. This ordinance shall be effective from and after its passage, the public welfare requiring it.



Mayor



Deborah P. Coughlin

ATTEST:

Deborah P. Caughion
City Recorder

APPROVED AS TO FORM:

[Signature]
City Attorney

Passed 1st Reading Feb. 7, 2017 Deborah P. Caughion
City Recorder

Passed 2nd Reading Mar. 7, 2017 Deborah P. Caughion
City Recorder

ORDINANCE NO. 2017-25

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-209 (7) HERITAGE DEVELOPMENT
ZONE**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, the Council of the City of Maryville conducted a public hearing regarding this matter; and

WHEREAS, reasonable consideration has been given in this matter toward preserving the characteristics of all districts and their uses, and the preservation of appropriate uses throughout the districts; and

WHEREAS, the amendment promotes the health, safety, and welfare of the general public; and

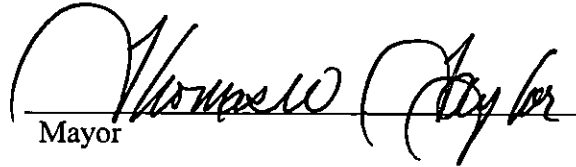
WHEREAS, the amendment is consistent with the City of Maryville Land Use Plan 2035.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 ZONING AND LAND USE ORDINANCE OF THE MARYVILLE MUNICIPAL CODE IS HEREBY AMENDED, as follows:

SECTION 1. Repeal and replace Title 14, Chapter 2, Section 14-209 (7) Heritage Development Zone subsection (b) Setbacks, with:

- (b) Setbacks:
 - (i) Front: 20 foot maximum setback to the street right of way or greenbelt. Building setback preferably should line flush with existing buildings in the district.
 - (ii) Side: No minimum unless adjacent to residential use; ten (10) foot minimum if adjacent to residential use.
 - (iii) Rear: No minimum. Maximum variable depending upon placement of parking as determined by the Downtown Maryville Design Review Board.

SECTION 2. This ordinance shall be effective from and after its passage, the public welfare requiring it.



Mayor

ATTEST:

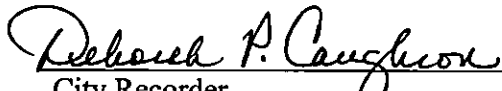


City Recorder


APPROVED AS TO FORM:



City Attorney

Passed 1st Reading June 6, 2017 

City Recorder

Passed 2nd Reading July 5, 2017 

City Recorder

ORDINANCE NO. 2017-26

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-209 (11) HIGH INTENSITY
COMMERCIAL DISTRICT**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, the Council of the City of Maryville conducted a public hearing regarding this matter; and

WHEREAS, reasonable consideration has been given in this matter toward preserving the characteristics of all districts and their uses, and the preservation of appropriate uses throughout the districts; and

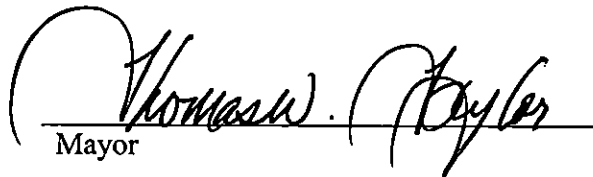
WHEREAS, the amendment promotes the health, safety, and welfare of the general public; and

WHEREAS, the amendment is consistent with the City of Maryville Land Use Plan 2035.

SECTION 1. Repeal and replace Title 14, Chapter 2, Section 14-209 (11) High Intensity Commercial District subsection (c) Setbacks, with:

- (c) Setbacks: Setback from existing utility easements must be observed, otherwise:
 - (i) Front: 40 ft. minimum setback from property line.
 - (ii) Side: no minimum unless abutting residential uses; 25 ft. if abutting residential uses.
 - (iii) Rear: 10 ft. minimum if not abutting residential uses; 25 ft. if abutting residential uses.

SECTION 2. This ordinance shall be effective from and after its passage, the public welfare requiring it.



Mayor

ATTEST:



City Recorder

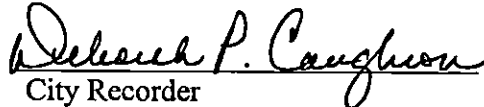
APPROVED AS TO FORM:



City Attorney

Passed 1st Reading

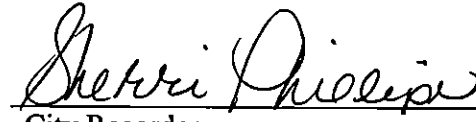
June 6, 2017



City Recorder

Passed 2nd Reading

July 5, 2017



City Recorder

ORDINANCE NO. 2017-27

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-209 (18) HIGH INTENSITY RETAIL
DISTRICT**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, the Council of the City of Maryville conducted a public hearing regarding this matter; and

WHEREAS, reasonable consideration has been given in this matter toward preserving the characteristics of all districts and their uses, and the preservation of appropriate uses throughout the districts; and

WHEREAS, the amendment promotes the health, safety, and welfare of the general public; and

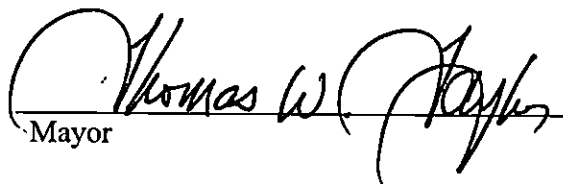
WHEREAS, the amendment is consistent with the City of Maryville Land Use Plan 2035.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 ZONING AND LAND USE ORDINANCE OF THE MARYVILLE MUNICIPAL CODE IS HEREBY AMENDED, as follows:

SECTION 1. Repeal and replace Title 14, Chapter 2, Section 14-209 (18) High Intensity Retail District subsection (c) Setbacks, with:

- (c) Setbacks: Building setbacks from existing utility easements must be observed, otherwise:
 - (i) Front: As per § 14-214 (7) of the Maryville Municipal Code ("Building setback requirements");
 - (ii) Side and rear: No minimum if not abutting residential uses; twenty-five feet (25) foot if abutting residential uses.

SECTION 2. This ordinance shall be effective from and after its passage, the public welfare requiring it.



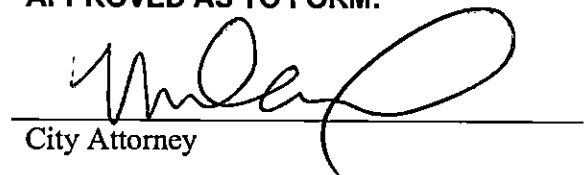
Mayor

ATTEST:



City Recorder

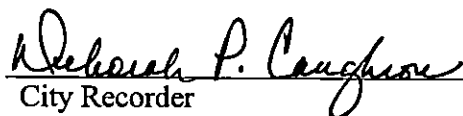
APPROVED AS TO FORM:



City Attorney

Passed 1st Reading

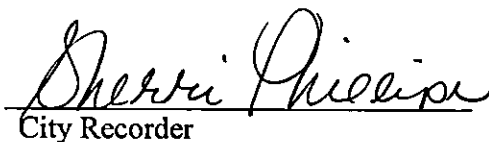
June 6, 2017



City Recorder

Passed 2nd Reading

July 5, 2017



City Recorder

ORDINANCE NO. 2017-34

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-202 (2) BASIC DEFINITIONS AND
INTERPRETATIONS – LOTS DIVIDED BY
ZONING DISTRICT LINES**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and,

WHEREAS, reasonable consideration has been given in this matter; and

WHEREAS, the amendment promotes the health, safety, and welfare of the general public; and

WHEREAS, the amendment is consistent with the vision and goals of the City of Maryville.

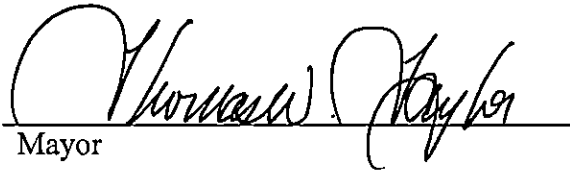
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 ZONING AND LAND USE ORDINANCE OF THE MARYVILLE MUNICIPAL CODE IS HEREBY AMENDED, as follows:

SECTION 1. Repeal and replace Title 14, Chapter 2, Section 14-202 (2) Basic Definitions and Interpretations - Lots Divided by Zoning District Lines, with:

(2) Lots divided by zoning district lines. (a) Whenever a single lot is located within two (2) or more different zoning districts, and if any of the portions of the zoning districts do not meet the applicable minimum lot size, nor would they accommodate the density/dimension requirements, then the regulations applicable to the zoning district within which the larger portion of the lot lies shall apply to the entire lot.

(b) Whenever a single lot is located within two (2) or more different zoning districts, and the portions of the zoning districts do meet the applicable minimum lot size, and they could accommodate the density/dimension requirements, then the regulations applicable to the zoning district shall apply.

SECTION 2. This ordinance shall be effective from and after its passage, the public welfare requiring it.



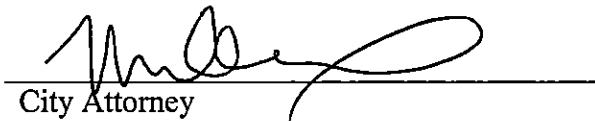
Mayor

ATTEST:



City Recorder

APPROVED AS TO FORM:




City Attorney

Passed 1st Reading 8/1 , 2017



City Recorder

Passed 2nd Reading 9/5 , 2017



City Recorder