

2018 AMENDMENTS
MARYVILLE ZONING AND LAND USE ORDINANCE

- 2018-02 Amendment to the §14-211 (5) Commercial Design Criteria – Citywide pertaining to drive-through equipment near residential uses

- 2018-03 Amendment to §14-210 (1) Permissible Use Table pertaining to Sales and Rental of Goods, Merchandise, and Equipment

- 2018-11 Amendment to §14-211 (5) Commercial Design Criteria – Citywide pertaining to fences and §14-222 Fences and Vegetation Adjacent to Roadways

- 2018-12 Amendment to §14-214 (9) pertaining to accessory building setback requirements

ORDINANCE NO. 2018-02

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-211 (5)(a)(x) GENERAL
PROVISIONS- COMMERCIAL DESIGN
CRITERIA - CITY WIDE AND SECTION 14-
209(18)(G)(V) 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, 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.

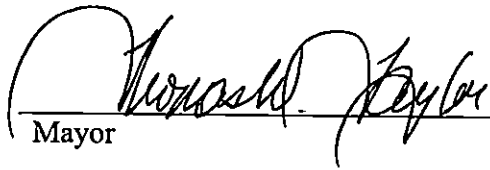
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 ZONING AND LAND USE ORDINANCE OF THE MARYVILLE MUNICIPAL CODE IS HEREBY AMENDED, as follows:

SECTION 1. Title 14, Chapter 2, Section 14-211(5)(a)(x) is hereby amended by repealing the section in its entirety and replacing it with the following:

- (x) Drive-through equipment: Drive through windows and outdoor speaker equipment shall not be located within one hundred sixty (160) feet from adjacent residential land uses unless noise levels are demonstrated to register not more than 50 dBA at the property line in common with the property with the residential land use.


SECTION 2. Title 14, Chapter 2, Section 14-209(18)(g)(v) is hereby repealed in its entirety without replacement.

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



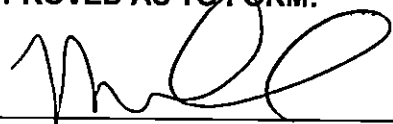
Mayor

ATTEST:



City Recorder

APPROVED AS TO FORM:



City Attorney

Passed 1st Reading 112, 2018



City Recorder

Passed 2nd Reading 216, 2018



City Recorder

ORDINANCE NO. 2018-03

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-210 PERMISSIBLE USES**

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

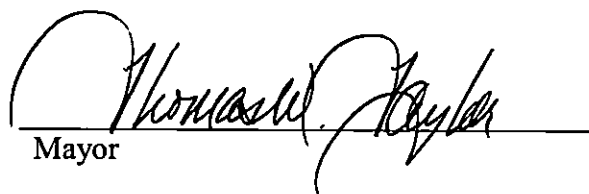
WHEREAS, the amendment is consistent with the vision and goals of the City of Maryville.

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. Title 14, Chapter 2, Section 14-210 is hereby amended in the Table of Permissible Uses, SALES AND RENTAL OF GOODS MERCHANDISE AND EQUIPMENT “No storage of display of goods outside fully enclosed building, low-volume traffic generation” : in that the existing numbers representing whether a use is 1) allowed by right, 2) allowed by special exception or 3) is prohibited are hereby repealed and replaced as follows:

Low-volume traffic generation	3	1	3	1	3	3	1
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SECTION 2. This ordinance shall be effective from and after its passage, the public welfare requiring it.

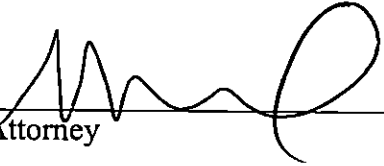


Mayor

ATTEST:

Sherri Phillips
City Recorder

APPROVED AS TO FORM:


City Attorney

Passed 1st Reading 1/2, 2018

Sherri Phillips
City Recorder

Passed 2nd Reading 2/6, 2018

Sherri Phillips
City Recorder



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801



ORDINANCE NO. 2018-11

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-211 (5)(v)(vi) GENERAL
PROVISIONS– COMMERCIAL DESIGN
CRITERIA – CITY WIDE AND SECTION 14-222
FENCES AND VEGETATION ADJACENT TO
ROADWAYS**

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. Title 14, Chapter 2, Section 14-211(5)(v) is hereby amended by repealing the section in its entirety and replacing it with the following:

(v) Fences: Fences shall be regulated by §14-222.

SECTION 2. Title 14, Chapter 2, Section 14-211(5)(vi) is hereby amended by deleting the sentence “Flat-faced concrete block and chain link fencing with plastic slats are not allowed.” and replacing it with “Screening shall conform to the requirements of §14-222(8)(d).”

SECTION 3. Title 14, Chapter 2, Section 14-211(6)(xi) is hereby amended by repealing the section in its entirety and replacing it with the following:

(vi) Fences: Fences shall be regulated by §14-222.

SECTION 4. Title 14, Chapter 2, Section 14-222 is hereby amended by repealing the section in its entirety and replacing it with the following:

14-222. Fences and vegetation adjacent to roadways.

- (1) **Title, purpose, and scope.** This shall be known as the "Fence Ordinance of the City of Maryville, Tennessee," and may be so cited, and further referenced elsewhere as "fence ordinance" and herein as "the ordinance" or "this ordinance" shall imply the same wording and meaning as the full title. The intent of this ordinance shall be the fair and comprehensive regulation of fences. It is the intent of this ordinance that its interpretation and application assist in the economic development of the city, but without lessening a quality of life which the citizens of Maryville strive to maintain and improve. The regulations as set forth in this ordinance are established to provide for the public safety, area development, preservation of property values, and the general welfare within the city. The purpose of this ordinance is to:
- (a) Protect public safety regarding motorists' line of sight at road and driveway intersections;
 - (b) Provide efficient access to city infrastructure and facilities which may be located on private property;
 - (c) Protect property values by adopting a minimum level of aesthetic regulations; and

This ordinance regulates all fences within the City of Maryville except those exempted.

No fence may be constructed, erected, moved, extended or enlarged unless it complies with the provisions herein.

Vegetation adjacent to roadways shall be dealt with additionally in this ordinance in a limited manner as pertains to site distance issues.

- (2) **Definitions.** Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this section.

Fence. A fence means an unroofed barrier or screen of any nature (excluding vegetation) or construction. A retaining wall is a fence insofar as it extends in height above the finished grade of the high side. Fences over six (6) feet tall shall be considered accessory structures and meet the setback requirements of §14-214.

- (3) **Miscellaneous restrictions and prohibitions, including regulation of vegetation adjacent to roadways.**

- (a) It shall be unlawful for any property owner or occupant to have or maintain on his or her property any fence which prevents or impairs persons driving vehicles on public streets or alleys from obtaining a clear view of traffic and/or traffic control signs.
- (b) No fence may be located so that it substantially interferes with utility or emergency workers needing access to utilities including meters, fire hydrants and other fire protection devices, water main valves, stormwater junction boxes, catch basins, manholes,

transformers, pedestals, etc.

- (c) The removal and replacement cost of fences located within utility easements will be the property owner's responsibility when utilities have to be accessed for service or replacement. Therefore, construction of fences within utility easements is discouraged.
 - (d) It shall be unlawful for any property owner or occupant to have or maintain on his or her property any vegetation, including, but not limited to, bushes, trees or other plant matter which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic and traffic control signs.
- (4) Nonconforming fencing. Subject to the remaining restrictions of this section, nonconforming fences that were otherwise lawful on the effective date of this ordinance may be continued only pursuant to rights granted under state law and as provided herein.
- (5) Enforcement of fence regulations. A permit is not required for erecting a fence. However, fences that are erected shall comply with this article. These fence regulations shall be enforced by the city manager or his designee. If a site plan was approved to include a fence, such fence shall be installed as specified on site plan including height, location from property line and materials.
- (6) Fence regulations applicable to properties within the College Hill Historic District and Oak Park Historic District. Property owners in the historic districts must prepare an application and receive approval by the City of Maryville Historic Zoning Commission before installing a fence. Following are the fence regulations for the historic districts.
- (a) Preserve historic fence and retaining wall materials.
 - (b) The addition of historic fence designs and materials is appropriate; fence designs shall be related to the architectural design of the primary structure.
 - (c) Wood plank fences and solid wall brick fences walls shall not be placed between the street and the structure.
 - (d) Wood plank fences and solid walls shall not be added on secondary or side yards unless they are recessed back at least (20) twenty feet from the plane of the structure's front wall.
 - (e) Fences on the facades shall not exceed three (3) feet in height while fences on the secondary and rear facades shall be no higher than six (6) feet. On corner lots fences shall be no higher than two and a half (2 ½) feet within ten (10) feet of the street intersection.
 - (f) The use of uncoated-chain-link or vinyl/similar-material is not allowed.
 - (g) The use of coated-chain-link is allowed, provided that:
 - (i) The proposed fencing would be located in a rear yard and would not be readily visible from a public street, or
 - (ii) The proposed fencing would be located in a side yard in

which the fencing is recessed back at least twenty (20) feet from the plane of the structure's front wall and is not highly visible from a public street.

- (iii) The fence must have a permanent black, brown or green coating. Other colors are allowed provided the applicant can demonstrate that the fence blends-in with its background.
 - (h) Chain link pet cages are prohibited if clearly visible from the street.
 - (i) Wood picket and cast iron are the most appropriate materials at the sidewalk or property line on the primary facade of a residence or any street fronting side. Information provided in applications for proposed fencing shall include the location of the proposed fence on a scaled site plan, the proposed materials. In the case of proposed picket fences, the details of the picket width, spacing, and design shall also be shown on drawings.
 - (j) Wooden split rail fences are prohibited.
 - (k) The use of ivy, vines, or other suitable plant material to cover or screen existing chain link fences is encouraged.
- (7) Fence regulations applicable to residential properties outside historic districts. (Applicable to single-family and two-family dwellings. Multi-family residential development having three (3) or more dwelling units shall comply with the fence regulations set forth in section (8), fences on commercial property).
- A fence that is six (6) feet or less in height, measured from the ground to the top of the structure, may be erected adjacent to the rear and side property lines. Fence posts, including decorative features on fence posts shall not exceed seven (7) feet, as measured from the ground to the top of the structure.
- (a) A fence that is taller than six (6) feet in height, measured from the ground to the top of the structure, must meet minimum setback requirements for accessory structures per §14-214.
 - (b) A fence may be erected in the front yard but shall be no closer than five (5) feet from the street right-of-way. Exception: Chain link or fence of similar type may extend to the street right-of-way when determined by the Maryville City Engineer that no sight distance problems or safety hazards exist.
 - (c) Fence structures should be free of barbs, spikes, razor wire electrical wire (except agricultural uses) and similar safety hazards.
- (8) Fences on commercial property. The following standards shall apply to the design of all fencing on commercial and multi-family land uses.
- (a) Fences: Fences that are visible from residential uses and are visible from public roads shall not be constructed of unfinished

concrete block, unfinished chain link metal wire or mesh. Chain link fencing is only acceptable if it is dark colored. Chain link fencing is prohibited in the downtown districts when visible from public roads. Within the Parkway District Overlay, chain link fencing is prohibited when visible from public roads between US 129 and Washington Street. Chain link is allowed in other areas within the Parkway Overlay District if screening trees (as defined in §14-213) are planted at fifteen feet intervals on the outer perimeter of the fence.

This specific fence standard regarding chain link shall not apply to property principally used for livestock areas or farms and shall not be applicable to fences in property zoned industrial.

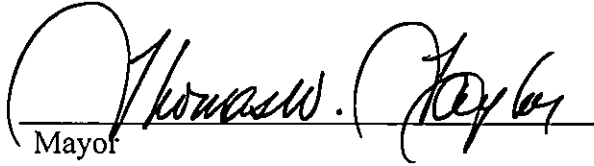
These regulations, including fence height and material, shall not be applicable to areas of properties that require a heightened level of security such as, public and private utility equipment, perimeters of stormwater detention/retention ponds, and cellular tower equipment and similar uses. This subsection on fences also does not apply to temporary construction fencing.

- (b) Fence structures should be free of barbs, spikes, razor wire electrical wire (except agricultural uses) and similar safety hazards unless granted a special exception from the BZA.
 - (c) Fence used to screen dumpsters. Dumpsters must be screened from public roads and adjacent residential uses but flat faced block and any type of chain link fencing are not allowed. Dumpster screening may consist of painted split faced concrete block, brick, stone, wooden fencing or similar type materials.
 - (d) Construction fence wrapping. Fence wrapping is defined as mesh or similar material attached to construction fences for the purpose attractively screening the view of construction sites. Fence wrapping shall not be subject to sign regulations. Such fence wrapping shall be allowed when all of the following conditions are met:
 - (i) Commercial sites must be two (2) acres or larger as measured by the area of disturbed soil;
 - (ii) Fence wrap shall not be placed in the right-of-way nor in areas that block motorist visibility;
 - (iii) Fence wrap shall be attached to stable well-anchored fencing such as chain-linked fencing;
- (9) All fence wrap shall be removed within two (2) weeks after a certificate of occupancy is issued. Landscape with fences used to screen commercial and industrial projects from adjacent residential development. The City of Maryville Land Development Regulations addresses ways to visually screen commercial and industrial development when it is located adjacent or across the street from a residential development. Landscaping and

screening requirements are addressed in §14-213.


- (10) Fence regulations applicable to properties in industrial zones. Properties zoned "Industrial" are only required to comply with subsections 1-5 and 9 of this fence section, but are not required to the height restriction in subsection 9.
- (11) Fence regulations in private subdivision covenants. Property in the City of Maryville may be subject to private restrictive covenants that set forth criterion for fencing. This section does not address such private restrictive covenants. ~~The city does not enforce private restrictive covenants, and doing so would be outside of the city's legal authority.~~ This section regulating fences shall apply to all property specified herein, regardless of what language may appear in such private restrictive covenants. (as added by Ord. #2008-20, April 2008, and amended by Ord. #2010-07, Jan. 2010, Ord. #2010-08, Jan. 2010, and Ord. #2016-26, Oct. 2016)

SECTION 4. 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 1st May, 2018



City Recorder

Passed 2nd Reading 5th June, 2018



City Recorder

ORDINANCE NO. 2018-12

**AN ORDINANCE AMENDING MARYVILLE
MUNICIPAL CODE TITLE 14, CHAPTER 2,
SECTION 14-214 (9) ACCESSORY BUILDING
SETBACK REQUIREMENTS**

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:

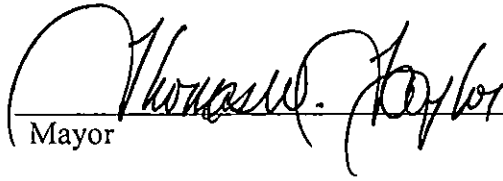
SECTION 1. Title 14, Chapter 2, Section 14-214(9) is hereby amended by deleting the title and replacing it with the following:

(9) Residential accessory building setback and dimensional requirements.

SECTION 2. Title 14, Chapter 2, Section 14-214(9) is hereby amended by creating a new subsection (e) to read as follows:


(e)The cumulative total of accessory buildings shall not exceed 600 square feet of ground floor area nor shall any accessory building exceed 15' in height without a special exception permit granted by the Board of Zoning Appeals.

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:



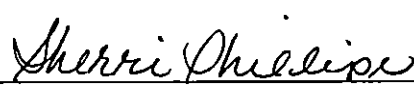
City Attorney

Passed 1st Reading May 1, 2018



City Recorder

Passed 2nd Reading June 5,, 2018



City Recorder