

**UNCODIFIED AMENDMENTS**  
**MARYVILLE ZONING AND LAND USE ORDINANCE**

2019-03	Amendment to §14-209 (6) (g) (i) Office Transition District pertaining to building materials
2019-04	Amendment to §14-220 pertaining to amendment procedures for the Zoning and Land Use Ordinance
2019-11	Amendment to §14-211 pertaining to small wireless facilities.
2019-22	Amendment to §14-211 pertaining to short term rentals.
2019-23	Amendment to §14-212 pertaining to the site plan approval process.
2019-26	Amendment to §14-207 pertaining to enforcement and the Administrative Hearing Officer
2019-27	Amendment to §14-207 pertaining to temporary signs for the retail sale of fireworks
2020-02	Amendment to §14-203(8) pertaining to the membership of the Downtown Design Review Board, Design Criteria Departures and Administrative Approvals.
2020-03	Amendment to §14-209 pertaining to sign materials in the Office Transition, Washington Street Commercial Corridor and Heritage Development zoning districts
2020-07	Amendment to §14-209 to correct Washington Street Commercial Corridor sign regulations.
2020-12	Amendment to §14-209(3) regarding the minimum spacing of access points for the Parkway District Overlay.
2020-20	Amendment to §14-303 allowing for certain administrative approvals within the historic districts.
2021-02	Amendment to §14-211 creating provisions for temporary uses.
2021-05	Restaurants in the Central Community zone
2021-06	Auto Body Repair Shops – Painting
2021-10	Mobile Food Parks
2021-14	Perpendicular Signs outside of the Downtown Districts
2022-28	Fence Regulations for the Downtown Districts
2022-36	Fence height for industrial properties
2023-01	CBD and CBDs Height amendment
2023-03	Alternative Parking Surfaces for Overflow parking
2023-10	Washington Street Commercial Corridor Setbacks

\*Uncodified amendments are those adopted by the Maryville City Council which have not yet been incorporated into the full text of the municipal code.

**ORDINANCE NO. 2019-03**

**AN ORDINANCE AMENDING TITLE 14 OF THE MARYVILLE  
MUNICIPAL CODE REGARDING BUILDING MATERIALS IN  
THE OFFICE TRANSITION DISTRICT**

**WHEREAS**, the Office Transition District contains requirements for building materials, one of which requires that siding consist of horizontal lap siding; and

**WHEREAS**, allowing vertical siding in the Office Transition District would not be detrimental to the stated intent of the district; and

**WHEREAS**, the Maryville Downtown Design Review Board has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and

**WHEREAS**, the Maryville Municipal 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;  
and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-209(6)(g)(i) is hereby deleted in its entirety and replaced with the following:

- (i) Exterior materials shall be natural stone, wood, brick, or fiber-cement siding with residential scale fenestration. Cut stone is allowed while river rock and stacked stone are not allowed as they are not considered consistent with buildings downtown.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

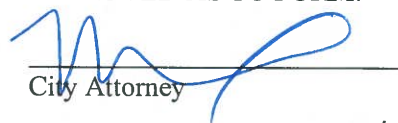
ADOPTED this 5<sup>th</sup> day of February, 2019.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 2<sup>nd</sup> day of January, 2019   
City Recorder

Passed 2<sup>nd</sup> reading on this 5<sup>th</sup> day of February, 2019   
City Recorder

ORDINANCE NO. 2019-04

AN ORDINANCE AMENDING SECTION 14-220 OF TITLE 14 OF  
THE MARYVILLE MUNICIPAL CODE REGARDING  
AMENDMENT PROCEDURES FOR THE ZONING AND LAND  
USE ORDINANCE

WHEREAS, the City of Maryville has adopted a land use and zoning ordinance; and

WHEREAS, the amendment procedures for the ordinance are outlined in Section 14-220;  
and

WHEREAS, the amendment procedures as outlined in the ordinance require revisions and  
clarifications; and

WHEREAS, the Maryville Municipal 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;  
and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
MARYVILLE, TENNESSEE as follows:

SECTION 1. §14-220 is hereby deleted in its entirety and replaced with the following:

14-220. Amendments.

(1) Initiation of amendments.

- (a) The city may initiate an amendment to this ordinance.
- (b) Any other person may also petition to amend this ordinance. The petition shall be filed with the Development Services office on forms provided by the administrator. The petition shall include, among other information deemed relevant by the administrator:
  - (i) The name, address, and phone number of the applicant,
  - (ii) A description of the land affected by the amendment if a change in zoning district classification is proposed,
  - (iii) A description of the proposed map change or a summary of the specific objective of any proposed change to the text of this ordinance.

(2) Planning Commission consideration of proposed amendments.

Prior to final action by City Council, a proposed amendment to this ordinance shall be submitted to the Planning Commission for approval or disapproval. Provided that if the Planning Commission votes to disapprove of the amendment, it must receive the favorable



vote of a majority of the entire membership of City Council for approval.

(3) Hearing required; notice.

(a) City Council shall hold a public hearing prior to the final reading on any amendment to this ordinance. The notice of the public hearing shall be published in a newspaper having general circulation within the city at least fifteen (15) days prior to the hearing.

(b) With respect to zoning map amendments, the administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment. However, such notice shall not be required for the readoption of the zoning map or adoption of a new zoning map for the entire city.

(c) The planning staff shall also take any other action deemed useful or appropriate to give notice of the public hearing on any proposed amendment.

(d) The notice required or authorized by this section shall:

(i) State the date, time and place of the public hearing,

(ii) Summarize the nature and character of the proposed change,

(iii) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment,

(iv) State that the full text of the amendment can be obtained from the Development Services department, and

(v) State that substantial changes in the proposed amendment may be made following the public hearing.

(e) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the council's intention that no failure to comply with any of the notice provisions (except those set forth in subsection (a)) shall render any amendment invalid.

(4) Ultimate issue before council on amendments. In deciding whether to adopt a proposed amendment to this ordinance, the central issue before the council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and excluded. In particular, when considering proposed zoning map amendments:

(a) The council shall not consider any representations made by the petitioner that if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

(b) The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

(c) The council shall not zone property to a district in conflict with the Land Use Plan and the Future Land Use Map without first amending said plan.

(d) The council shall consider the recommendation made by the planning commission.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.


ADOPTED this 5<sup>th</sup> day of March, 2019.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 5<sup>th</sup> day of February 2019   
City Recorder

Passed 2nd reading on this 5<sup>th</sup> day of March, 2019   
City Recorder

**ORDINANCE NO. 2019-11**

**AN ORDINANCE ESTABLISHING STANDARDS FOR SMALL  
WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY BY  
ADDING A SECTION 14-211 (27) TO THE ZONING AND LAND  
USE ORDINANCE, TITLE 14, CHAPTER 2 OF THE MARYVILLE  
MUNICIPAL CODE**

**WHEREAS**, the City of Maryville ("City"), Tennessee, desires to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling the City to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare; and

**WHEREAS**, the City recognizes that small wireless facilities are critical to delivering wireless access to advance technology, broadband and 9-1-1 services to homes, businesses, schools within the City; and

**WHEREAS**, the City recognizes that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, often may be deployed most effectively in the public rights-of-way; and

**WHEREAS**, on April 24, 2018, the Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018 was passed by the Tennessee General Assembly, which added Tennessee Code Annotated 13-24-401 et seq; and

**WHEREAS**, Tennessee Code Annotated Title 13, Chapter 24, Part 4 allows municipalities to adopt and enforce regulations in the application, deployment, and maintenance of small cell facilities in the public rights-of-way;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** That Title 14, Chapter 2 of the Maryville Municipal Code be amended by adding a Section 14-211 (27), as follows:

(27) Small wireless facilities in the public rights-of-way.

(a) Purpose and Scope.

(i) Purpose. In accordance with Tennessee Code Annotated §13-24-401, et seq, known as "Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018," the purpose of this chapter is to establish policies and procedures for the placement of small wireless facilities in the public rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the

integrity, safe usage, and visual qualities of the City's rights-of-way and to the City as a whole.

- (ii) **Intent.** In enacting this chapter, the city is establishing uniform standards to address issues presented by small wireless facilities, including without limitation, to:
  - (A) Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
  - (B) Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
  - (C) Prevent interference with the facilities and operations of facilities lawfully located in public rights-of-way or public property;
  - (D) Protect against environmental damage, including damage to trees;
  - (E) Preserve the character of the neighborhoods in which facilities are installed; and
  - (F) Facilitate rapid deployment of small wireless facilities to provide the benefits of advanced wireless services.
- (b) **Definitions.** [The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.]
  - (i) **"Aesthetic requirements."** Any aesthetic requirements and guidelines for small wireless facilities as defined in this ordinance.
  - (ii) **"Antenna."** Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
  - (iii) **"Annual Lease Fee."** The fee due to the city for the reimbursement for the installation of a small wireless facility on city property irrespective of whether the property is owned, leased, or within the public right-of-way. Each installation/spot is a separate annual lease fee.
  - (iv) **"Applicable Codes."** Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons to the extent not inconsistent with the terms of this chapter.
  - (v) **"Applicant."** Any person who submits an application pursuant to this part.
  - (vi) **"Application."** A request submitted by an applicant to the City of Maryville:
    - (A) For a permit to deploy or collocate small wireless facilities in the City of Maryville right-of-way; or
    - (B) To approve the installation or modification of a Utility Pole or Potential Support Structure (PSS) associated with deployment or collocation of small wireless facilities in the right-of-way.
  - (vii) **"Authority-owned PSS or City-owned PSS."** A PSS owned or leased by the City in the rights-of-way, including a utility pole that provides lighting, including light poles and structures for signage and a pole or similar structure owned/leased by the City in the rights-of-way that supports only wireless facilities. Authority-owned PSS does not include a PSS owned by a distributor of electric power, regardless of whether an electric distributor is investor-owned, cooperatively-owned, or government-owned.

- (viii) "City." City of Maryville, Tennessee.
- (ix) "Collocate, collocating, and collocation." In their respective noun and verb forms, to install, mount, maintain, modify, operate, or replace small wireless facilities on, adjacent to, or related to a PSS. "Collocation" does not include the installation of a new PSS or replacement of authority-owned PSS.
- (x) "Communications facility." The set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service.
- (xi) "Communications service." Cable service as defined in 47 U.S.C. § 522(6), telecommunications service as defined in 47 U.S.C. § 153(53), information service as defined in 47 U.S.C. § 153(24) or wireless service.
- (xii) "Communications service provider." A cable operator as defined in 47 U.S.C. § 522(5), a telecommunications carrier as defined in 47 U.S.C. § 153(51), a provider of information service as defined in 47 U.S.C. § 153(24), a video service provider as defined in § 7-59-303, or a wireless provider.
- (xiii) "Day." Calendar day.
- (xiv) "Fee." A one-time, non-recurring charge.
- (xv) "Historic district." A property or area zoned as a historic district or zone pursuant to § 13-7- 404.
- (xvi) "Micro wireless facility." A small wireless facility that:
  - (A) Does not exceed twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height; and
  - (B) The exterior antenna, if any, does not exceed eleven inches (11") in length.
- (xvii) "Permittee." A n applicant who is party to an agreement or has been granted a permit.
- (xviii) "Person." A n individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.
- (xix) "Pole attachment agreement." Standard form contract or contracts between the City of Maryville Electric Department and a telecommunications operator which identifies additional terms and conditions governing the process under which the operator would be permitted to attach facilities to poles.
- (xx) "Potential support structure for a small wireless facility or PSS." A pole or other structure used for wireline communications, electric distribution, lighting traffic control, signage, or a similar function, including poles installed solely for the collocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.
- (xxi) "Rate." A recurring charge.

- (xxii) "Residential neighborhood." A n area within the City's geographic boundary that is zoned or otherwise designated by the City for general purposes as an area primarily used for single- family residences and does not include multiple commercial properties and is subject to speed limits and traffic controls consistent with residential areas.
- (xxiii) "Right-of-way or ROW." The space, in, upon, above, along, across, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under control by the City and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the authority, but excluding lands other than streets that are owned by the City.
- (xxiv) "Right-of-way permit or permit." A permit for the construction or installation of wireless facilities, small wireless facilities, wireless backhaul facilities, fiber optic cable, conduit, and associated equipment necessary to install wireless facilities in the right-of-way.
- (xxv) "Small wireless facility." A wireless facility with:
  - (A) An antenna that could fit within an enclosure of no more than six (6) cubic feet in volume; and
  - (B) Other wireless equipment in addition to the antenna that is cumulatively no more than twenty-eight (28) cubic feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services; and
  - (C) "Small wireless facility" includes a micro wireless facility.
- (xxvi) "Wireline backhaul facility." A communications facility used to transport communications services by wire from a wireless facility to a network.
- (xxvii) "Wireless facility." E quipment at a fixed location that enables wireless communications between user equipment and a communications network, including:
  - (A) Equipment associated with wireless communications; and
  - (B) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Wireless facility does not include:

  - (A) The structure or improvements on, under, or within which the equipment is collocated;
  - (B) Wireline backhaul facilities; or
  - (C) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless facility includes small wireless facilities.

- (xxviii) "Wireless infrastructure provider." A ny person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or PSSs, but that is not a wireless services provider.
  - (xxix) "Wireless provider." A wireless infrastructure provider or a wireless services provider.
  - (xxx) "Wireless services." Any service using licensed or unlicensed spectrum, including the use of WIFI, whether at a fixed location or mobile, provided to the public.
  - (xxxi) "Wireless services provider." A person who provides wireless services.
- (c) Permitted use; application and fees.
- (i) Permitted use. Collocation of a small wireless facility or installation of a new, replacement, or modified City-owned PSS or PSS for a privately-owned small wireless facility shall be a permitted use, subject to the restrictions in this title. Collocation on PSS owned by the City of Maryville Electric Department is preferred as most poles in the right-of-way are owned by the utility.
  - (ii) Permit required. No person may construct, install, and/or operate wireless facilities that occupy the right-of-way without first obtaining a right-of-way use permit from the City. Any right-of-way use permit shall be reviewed, issued and administered in a non-discriminatory manner, shall be subject to such reasonable conditions as the City may from time to time establish for effective management of the right-of-way, and otherwise shall conform to the requirements of this chapter and applicable law.
  - (iii) Pre-application filing meeting. Prior to filing an application, a pre-application meeting is encouraged.
  - (iv) Permit applications. All applications for right-of-way permits filed pursuant to this chapter shall be on a form, paper or electronic, provided by the City. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly. A pole attachment agreement will also be required when collocating on PSS owned by the City of Maryville Electric Department. Applications are limited to twenty (20) structures per application.
  - (v) Application requirements. The application shall be made by the wireless provider or its duly authorized representative and shall contain the following information.
    - (A) The applicant's name, address, telephone number, and e-mail address.
    - (B) The names, addresses, telephone numbers, and e-mail addresses of all consultants, contractors and subcontractors, if any, acting on behalf of the applicant with respect to the filing of the application or who may be involved in doing any work on behalf of the applicant.
    - (C) A site plan for each proposed location shall be submitted in accordance with the City of Maryville Zoning and Land Use Ordinance, 14-212. Site plans shall be signed and sealed by a professional engineer registered in Tennessee depicting the design for installation of the small wireless facility with sufficient detail for the City to determine that the design of the installation and any new PSS or any modification of a PSS is consistent

with all generally applicable safety and design requirements, including the requirements of the Manual on Uniform Traffic Control Devices.

- (D) The location of the site(s), including the latitudinal and longitudinal coordinates of the specific location(s) of the site.
  - (E) Identification of any third party upon whose PSS the applicant intends to collocate and certification by the applicant that it has obtained approval from the third party.
  - (F) The applicant's identifying information and the identifying information of the owner of the small wireless facility and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all nondiscriminatory and generally applicable right-of-way requirements for deployment of any associated infrastructure that is not a small wireless facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility.
  - (G) The applicant's certification of compliance with surety bond, insurance, or indemnification requirements (as set forth in subsection (i) below); rules requiring maintenance of infrastructure deployed in right-of-way; rule requiring relocation or timely removal of infrastructure in right-of-way no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in right-of-way under emergency conditions, if any, that the City imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in right-of-way no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in right-of-way under emergency conditions, if any, that the City imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the right-of-way.
  - (H) The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight-bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.
  - (I) A statement that all wireless facilities shall comply with all applicable codes.
- (vi) Approval or Denial of Application; Response Time. The City shall respond to the applications for permit per the timelines prescribed in T.C.A. Section 13-24-409(b) regarding the approval or denial of applications, and the City shall respond to applications per the specific requirements of T.C.A. Section 13-24-409(b)(3). The City reserves the right to require a surcharge as indicated in T.C.A. Section 13-24-409(b)(7)(F)(i) for high-volume applicants.
  - (vii) Appeals. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the City in the administration of



this Ordinance may appeal the action to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action, in accordance with the procedures established for appeals to the Board of Zoning Appeals.

- (viii) Deployment after Permit. An applicant must complete deployment of the applicant's small wireless facilities within nine (9) months of approval of applications for the small wireless facilities unless the City and the applicant agree to extend the period, or a delay is caused by a lack of commercial power or communications transport facilities to the site. If an applicant fails to complete deployment within the time required pursuant to this subsection (e), then the City may require that the applicant complete a new application and pay an application fee.
  - (ix) Multiple Permit Applications at Same Location. If the City receives multiple applications seeking to deploy or collocate small wireless facilities at the same location in an incompatible manner, then the City may deny the later filed application. For purposes of this section, "Same Location" shall be defined as collocating on the same authority-owned PSS, or deploying small cell facilities on new or modified PSSs within fifty (50) feet of each other.
  - (x) Bridge and/or Overpass Special Provision. If the Applicant's site plan includes any colocation design that includes attachment of any facility or structure to a bridge or overpass then after the Applicant's construction is complete, a licensed professional engineer's certification that the construction is consistent with the applicant's approved design, that the bridge or overpass maintains the same structural integrity as before the construction and installation process, and that during the construction and installation process neither the Applicant nor its contractors have discovered evidence of damage to or deterioration of the bridge or overpass that compromises its structural integrity. If such evidence is discovered during construction, then the Applicant shall provide notice of the evidence to the City.
  - (xi) Information updates. Except as otherwise provided herein, any amendment to information contained in a permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.
  - (xii) Application fees. Unless otherwise provided by law, all permit applications for small wireless facility pursuant to this chapter shall be accompanied by the maximum fee in accordance with T.C.A.13- 24-407. This includes a ten (10) percent increase effective January 1, 2020 and every five (5) years after.
- (d) Facilities in the right-of-way; maximum height; other requirements.
- (i) Aesthetic Plan. Unless otherwise determined by City staff, in an attempt to blend into the built environment, all small wireless facilities, new or modified utility poles, PSSs for the collocation of small wireless facilities, and associated equipment shall be consistent in size, mass, and color to similar facilities and equipment in the immediate area, and its design for the PSS, shall meet any applicable aesthetic plan for the area, subject to following requirements:

- (A) Collocation is recommended, when possible. Should the wireless provider not be able to collocate, the wireless provider shall provide justification in the application.
  - (B) When unable to match the design and color of existing utility poles in the immediate area small wireless facilities and/or new PSSs shall be designed using stealth or camouflaging techniques, to make the installation as minimally intrusive as possible including stealth poles that are black or dark green in color, powder-coated and that do not exceed 16 inches in diameter. The city reserves the right to require a street light on the utility pole. New wooden PSSs shall be strictly prohibited.
  - (C) When an Applicant seeks to deploy a small wireless facility and associated equipment within a residential neighborhood, then the Applicant must deploy the facility in the right-of-way within twenty-five (25) feet of the property boundary of lots larger than 0.75 acres and within fifteen (15) feet of the boundary if lots are 0.75 acres or smaller.
  - (D) New small wireless facilities, antennas, and associated equipment shall be consistent in size, mass, and color to similar facilities and equipment in the immediate area of the proposed facilities and equipment, minimizing the physical and visual impact to the community.
- (ii) Compliance with Underground Facilities. An Applicant must comply with existing requirements to place all electric, cable, and communications facilities underground in a designated area of a right-of-way, as determined by the City's zoning regulations, and its design for the PSS meets the aesthetic plan for the area.
  - (iii) Historic Districts. For applications for property located inside the Oak Park or College Hill historic districts, the Applicant must also obtain approval from the Historic Zoning Commission prior to obtaining a permit. Proposed installations are subject to the Historic Zoning Commission design guidelines.
  - (iv) Prohibited PSS Collocation. Unless otherwise determined by City staff, an Applicant shall not collocate on the following City-owned PSSs:
    - (A) Traffic signal equipment, including signal heads, poles, span wires, and mast arms.
    - (B) Regulatory signs.
    - (C) Breakaway supports.
    - (D) PSSs which have mast arms routinely removed to accommodate frequent events.
  - (v) Replacing an existing City-owned PSS. City-owned PSS may be replaced for the collocation of small wireless facilities. When replacing a PSS, any replacement PSS must reasonably conform to the design aesthetics of the PSS being replaced, and must continue to be capable of performing the same function in a comparable manner as it performed prior to replacement.
    - (A) When replacing a City-owned PSS, the replacement PSS becomes the property of the City, subject to T.C.A. 13-24-408(g).

- (B) The City reserves the right to require a street light on the new PSS.
- (vi) Maximum Height. A new PSS installed or an existing PSS replaced in the right-of-way shall not exceed the greater of:
  - (A) Ten feet (10') in height above the tallest existing PSS in place as of the effective date of this part that is located within five hundred feet (500') of the new PSS in the ROW and, in residential neighborhoods, the tallest existing PSS that is located within five hundred feet (500') of the new PSS and is also located within the same residential neighborhood as the new PSS in the right-of-way;
  - (B) Fifty (50) feet above ground level; or
  - (C) Forty (40) feet above ground level for a PSS installed in a residential neighborhood.
- (vii) Maximum Height for Small wireless facilities. Small wireless facilities shall not extend:
  - (A) More than ten feet (10') above an existing PSS in place as of the effective date of this part; or
  - (B) On a new PSS, ten feet (10') above the height permitted for a new PSS under this section.
- (viii) Construction in the rights-of-way. All construction, installation, maintenance, and operation of wireless facilities in the right-of-way by any wireless provider shall conform to the requirements of the following publications, as from time to time amended: The Rules of Tennessee Department of Transportation Right-of-Way Division, the National Electrical Code, and the National Electrical Safety Code, as might apply.
- (e) Effect of permit.
  - (i) Authority granted; no property right or other interest created. A permit authorizes an applicant to undertake only certain activities in accordance with this chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.
  - (ii) Duration. No permit issued under this chapter shall be valid for a period longer than 12 months unless construction has commenced within that period and is thereafter diligently pursued to completion. In the event that construction begins but is inactive for more than 90 days, the permit expires.
  - (iii) Termination of permit. In all other circumstances, the permit expires in 12 months.
- (f) Maintenance, removal, relocation or modification of small wireless facility and fiber in the right-of-way.
  - (i) Notice. Within 90 days following written notice from the City, the permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the rights-of-way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon, or the operations of the city in or upon, the rights-of-way. The City agrees to use good faith efforts to accommodate any such disconnection, removal, relocation, change, or alteration and to assist with identifying and securing a mutually agreed upon alternative location.

- (ii) Maintenance of existing facilities. With respect to each wireless facility installed pursuant to a right-of-way permit, permittee is hereby permitted to enter the right-of-way at any time to conduct repairs, maintenance or replacement not substantially changing the physical dimension of the wireless facility. Permittee shall comply with all rules, standards and restrictions applied by the City to all work within the right-of-way. If required by City, permittee shall submit a "maintenance of traffic" plan for any work resulting in significant blockage of the right-of-way. However, no excavation or work of any kind may be performed without a permit, except in the event of an emergency. In the event of emergency, permittee must contact the Director of Engineering and Public Works or his or her designee.
- (iii) Removal of existing facilities. If the permittee removes any wireless facilities, it shall notify the City of such change within 60 days.
- (iv) Damage to facilities or property. A permittee, including any contractor or subcontractor working for a permittee, shall avoid damage to any wireless facilities and/or public or private property. If any wireless facilities and/or public or private property are damaged by permittee, including any contractor or subcontractor working for permittee, the permittee shall promptly commence such repair and restore such property within ten (10) business days. Permittee shall utilize the Tennessee One Call System prior to any disturbance of the rights-of-way and shall adhere to all other requirements of the Tennessee Underground Utility Damage Prevention Act.
- (v) Emergency removal or relocation of facilities. The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any serious public health or safety emergency. If circumstances permit, the City shall notify the wireless provider in writing and provide the wireless provider a reasonable opportunity to move its own wireless facilities prior to cutting or removing a wireless facility and shall notify the wireless provider after cutting or removing a wireless facility. Any removal shall be at the wireless providers sole cost. Should the wireless facility be collocated on property owned by a third-party, the city shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal.
- (vi) Abandonment of facilities. Upon abandonment of a small wireless facility within the rights- of-way of the City, the wireless provider shall notify the City within 90 days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small wireless facility if the City reasonably determines that such removal will be in the best interest of the public health, safety and welfare. Should the wireless facility be collocated on property owned by a third-party, the City shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal. Any removal shall be at the wireless providers sole cost.
- (vii) Failure to remove wireless facilities pursuant to this chapter will result in no future permits being granted.

(g) Public right-of-way rates; Attachment to city-owned/leased utility poles and new utility poles installed within the public right-of-way or city-owned/leased property.

(i) Annual rate. The rate to place a small wireless facility on a City-owned or leased pole in the right-of-way shall be the maximum fee in accordance with the amount stated in T.C.A. 13-24-407 per year for all City-owned or leased poles in the rights-of-way. If attaching to a City of Maryville Electric Department pole, the current pole attachment rates and fees will apply. All equipment attached to a City-owned pole shall constitute a single attachment and therefore a single use of a City-owned pole. Such compensation, for the first year or for any portion thereof, together with the application fee shall be the sole compensation that the wireless provider shall be required to pay the City.

(ii) A wireless provider authorized to place a new utility pole within public right-of-way or on City-owned or leased property shall pay the City for use of the right-of-way or property in the amount stated in T.C.A. 13-24-407.

(iii) Make-ready. For City-owned or leased utility poles in the rights-of-way, the City shall provide a good faith reasonable direct cost-based estimate for any make-ready work necessary to enable the pole to support the requested small wireless facility, including pole replacement if necessary, within 60 days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within 60 days of written acceptance of the good faith estimate by the wireless provider.

(h) Remedies; violations.

In the event a reasonable determination is made that a person has violated any provision of this chapter, or a right-of-way permit, such person shall be provided written notice of the determination and the specific, detailed reasons therefor. Except in the case of an emergency, the person shall have 30 days to commence to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the City, in its reasonable judgment, may extend the time period to cure, provided that the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take all actions authorized by this chapter and/or Tennessee law and regulations.

(i) General provisions.

(i) Insurance. Each permittee shall, at all times during the entire term of the right-of-way use permit, maintain and require each contractor and subcontractor to maintain insurance with a reputable insurance company authorized to do business in the State of Tennessee and which has an A.M. Best rating (or equivalent) no less than "A" indemnifying the City from and against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, operation, maintenance or removal of permittee's wireless facilities in the rights-of-way. The amounts of such coverage shall be not less than the following:

(A) Worker's compensation and employer's liability insurance. Tennessee statutory requirements.

(B) Comprehensive general liability. Commercial general liability occurrence form, including premises/operations, independent contractor's contractual liability,

product/completed operations; X, C, U coverage; and personal injury coverage for limits no less than \$1,000,000.00 per occurrence, combined single limit and \$2,000,000.00 in the aggregate.

(C) Commercial automobile liability. Commercial automobile liability coverage for all owned, non-owned and hired vehicles involved in operations under this article XII for limits no less than \$1,000,000.00 per occurrence combined single limit each accident.

(D) Commercial excess or umbrella liability. Commercial excess or umbrella liability coverage may be used in combination with primary coverage to achieve the required limits of liability. The City shall be designated as an additional insured under each of the insurance policies required by this section except worker's compensation and employer's liability insurance. Permittee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this section. Permittee shall provide the City with at least 30 days' advance written notice of any material changes or cancellation of any required insurance policy, except for non-payment of premium of the policy coverages. Permittee shall impose similar insurance requirements as identified in this section on its contractors and subcontractors.

(ii) Indemnification. Each permittee, its consultant, contractor, and subcontractor, shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the permittee, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of permittee's wireless system or wireless facilities in the rights-of-way. Each permittee shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the permittee's construction, installation, operation, maintenance or removal of permittee's wireless system or wireless facilities in the rights-of-way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other reasonable costs of indemnification.

(iii) Application for Renewal of Permit. A permittee desiring to renew a right-of-way permit prior to the expiration of the permit shall file an application with the City for renewal of its authorization, which shall include the information and documents required for an initial application and other material information reasonably required by the Director of Engineering and Public Works, or his or her designee.

(A) The City shall make a determination accepting or denying the renewal application in writing to the permittee.

(B) The City shall timely process any renewal application provided that (1) permittee is not then in material default under any provision of the right-of-way permit, or in material non-compliance with this chapter; and (2) has otherwise satisfactorily performed all of its obligations under the right-of-way permit, and this chapter during

the expiring term. In the event the City elects not to renew, it shall provide a written basis for such non-renewal. Determinations to grant or deny a renewal application shall be made on a nondiscriminatory and competitively neutral basis. The City shall not unreasonably delay, condition, withhold or deny the issuance of a renewal permit.

- (iv) As-built maps. As the City controls and maintains the right-of-way for the benefit of its citizens, it is the responsibility of the City to ensure that such public right-of-way meet the highest possible public safety standards. Upon request by the City and within 30 days of such a request, a permittee shall submit as-built maps and engineering specifications depicting and certifying the location of all its existing small wireless facilities within the right-of-way, provided in standard electronic or paper format in a manner established by the Director of Engineering & Public Works, or his or her designee. After submittal of the as-built maps as required under this section, each permittee having small wireless facilities in the City right-of-way shall update such maps as required under this chapter upon written request by the City.
- (v) Right to inspect. With just and reasonable cause, the City shall have the right to inspect all of the small wireless facilities, including aerial facilities and underground facilities, to ensure general health and safety with respect to such facilities and to determine compliance with the terms of this chapter and other applicable laws and regulations. Any permittee shall be required to cooperate with all such inspections and to provide reasonable and relevant information requested by the City as part of the inspection.
- (j) Transitional provisions.
  - (i) Persons already authorized to use the right-of-way. Any wireless provider and/or entity holding a permit or other authorization from the City to own, construct, install, operate, and/or maintain wireless facilities in the right-of-way to provide services may continue to conduct those activities expressly authorized until the earlier of the following: (1) the conclusion of the present term of its existing authorization, or (2) 180 days after the effective date of this chapter. Notwithstanding the foregoing, any such person shall apply for a superseding right-of-way permit pursuant to this chapter within 90 days after the effective date of the chapter and shall be subject to the terms and conditions of this chapter. Upon such application, such person shall be allowed to continue to own, operate and/or maintain its wireless facilities in the right-of-way until such right-of-way permit becomes effective.
  - (ii) Operating without right-of-way use authorization. Any person that owns or operates any wireless facilities currently located in the right-of-way, the construction, operation, or maintenance of which is not currently authorized but is required to be authorized under this chapter, shall have ten (10) days from the effective date of this chapter to apply for a right-of-way permit. Any person timely filing such an application shall not be subject to penalties for failure to hold a right-of-way permit, provided that said application remains pending. Nothing herein shall relieve any person of any liability for its failure to obtain a right-of-way use permit, or other authorization required under other provisions of this chapter or City ordinances or regulations, and nothing herein shall prevent the City from requiring removal of any wireless facilities installed in violation of this chapter or City ordinances or regulations.

- (iii) Duty to provide information. Within ten days of a written request from the City, a permittee shall furnish the City with information sufficient to demonstrate the following: that the permittee has complied with all requirements of this chapter; that all fees due to the City in connection with the services provided and wireless facilities installed by the permittee have been properly paid by the permittee; and any other information reasonably required relating to the permittee's obligations pursuant to this chapter.
- (iv) No substitute for other required permissions. No right-of-way permit includes, means, or is in whole or part a substitute for any other permit or authorization required by the laws and regulations of the City for the privilege of transacting and carrying on a business within the City or any permit or agreement for occupying any other property of the City.
- (v) No waiver. The failure of the City to insist on timely performance or compliance by any permittee holding a right-of-way permit shall not constitute a waiver of the City's right to later insist on timely performance or compliance by that permittee or any other permittee holding such right-of-way permit. The failure of the City to enforce any provision of this chapter on any occasion shall not operate as a waiver or estoppel of its right to enforce any provision of this chapter on any other occasion, nor shall the failure to enforce any prior ordinance or City Charter provision affecting the right-of-way, any wireless facilities, or any user or occupant of the right-of-way act as a waiver or estoppel against enforcement of this chapter or any other provision of applicable law.
- (vi) Policies and procedures. The City is authorized to establish such written policies and procedures consistent with this chapter as the City reasonably deems necessary for the implementation of this chapter.
- (vii) Police powers. The City, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.
- (viii) Severability. If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this chapter invalid.

**SECTION 2.** That Title 14, Chapter 2 of the Maryville Municipal Code be amended by renumbering Section 14-211 (27), Storefront churches, to Section 14-211 (28).



**SECTION 3.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 7<sup>th</sup> day of May, 2019.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 2<sup>nd</sup> day of April, 2019   
City Recorder

Passed 2nd reading on this 7<sup>th</sup> day of May, 2019   
City Recorder

**ORDINANCE NO. 2019-22**

**AN ORDINANCE ESTABLISHING STANDARDS FOR SHORT –  
TERM RENTAL UNITS BY ADDING A SECTION 14-211 (29) TO  
AND AMENDING PORTIONS OF SECTION 14-202 OF THE  
ZONING AND LAND USE ORDINANCE, TITLE 14, CHAPTER 2  
OF THE MARYVILLE MUNICIPAL CODE.**

**WHEREAS**, the City of Maryville and cities across the country have seen growth in the popularity of short-term rentals, which are rentals of residential units or dwellings for less than thirty consecutive days; and

**WHEREAS**, the City believes it is imperative to adopt an ordinance that balances the protection of neighborhoods with the interests of individuals who want to rent their property on a short-term basis; and

**WHEREAS**, in the absence of a regulatory framework, the City cannot monitor these short-term rentals, cannot ensure public safety, and cannot assess and collect applicable taxes; and

**WHEREAS**, the City has determined that regulation of Short-term Rental Units is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the methods of operation; and

**WHEREAS**, the provisions of this Ordinance are intended to fully comply with the requirements set forth in the Short-Term Rental Unit Act, set forth in T.C.A. § 13-7-601 et. seq.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** That Title 14, Chapter 2 of the Maryville Municipal Code be amended by adding a section 14-211 (29) which shall read as follows:

**(29) Short-Term Rental Units.**

(a) Allowed Uses. Short-term Rental Units are allowed if they meet the following criteria:

- (i) Locations. Short-term Rental Units are allowed in the following zoning districts: Business and Transportation District, Central Community District, Office District, Neighborhood District, Central Business District, Washington Street Commercial Corridor, Office Transition Zone, Heritage Development Zone, Central Business District Support Zone, High Intensity Commercial District, High Density Residential, Industrial, Institutional, and High Intensity Retail District. Short-term rental units are prohibited in the following zoning districts: Residential District, Environmental Conservation District, Single Family District, College Hill Historic District, Oak Park Historic District, and Estate Zone.

Structures. Only structures previously approved for residential occupancy are eligible to become a Short-term Rental Unit. For purposes of this section, ‘residential dwelling’ means a cabin, house, or structure used or designed to be used as an abode or home of a person, family, or household, and includes

a single-family dwelling, a portion of a single-family dwelling, or an individual residential dwelling in a multi-dwelling building, such as an apartment building, condominium, cooperative, or timeshare as defined in T.C.A. § 13-7-602.

- (ii) Zoning. All properties must adhere to the requirements of the zone in which it is located.
- (b) Permitting. All persons eligible to operate Short-term Rental Units within the City must be issued a permit pursuant to the requirements of this section and obtain a Business License in the City of Maryville. The City reserves the right to inspect the premises as necessary if an application for a permit has been submitted.
  - (i) Previously operating Short-term Rental Units. Only those property owners who were using their property lawfully as a short-term rental as that term is defined in T.C.A. § 13-7-602(3)(6) and who remitted taxes due on renting their property pursuant to T.C.A. Title 67, Chapter 6, Part 5 for filing periods that cover at least six (6) months within the twelve-month period immediately preceding that date are eligible to use their property for short-term rentals for 30 days after the passage of this ordinance prior to receiving an Operating Permit.
  - (ii) Operating Permit Required. With the exception of paragraph (b)(i) above, it shall be unlawful to operate or advertise any Short-term Rental Unit without a Short-term Rental Unit Operating Permit issued under this section.
- (c) Application Requirements. Every qualifying property owner that wants to operate a Short-term Rental Unit shall submit an application for short-term rental operation to the Development Services Department. In addition to the information required by the application itself, City staff may request other information reasonably required to allow the City to process the application. The permit application shall not be considered complete until the City has all information as required by the application or otherwise. Each application shall contain at the least all of the following information.
  - (i) Applicant must acknowledge that they have read all regulations pertaining to the operation of a Short-term Rental Unit within the City of Maryville including, the City's business license requirements, the City's occupancy privilege tax requirements, any additional administrative regulations promulgated or imposed by the City to implement this Section, and acknowledging responsibility for compliance with the provisions of this article.
  - (ii) Applicant must submit an Affidavit of Life Safety Compliance acknowledging that during each Short-term Rental Unit Occupancy, the Rental Unit shall have on the premises, and installed to manufacturer specifications: (A) a smoke alarm meeting Underwriters Laboratory (UL) 217 standards inside each sleeping room, outside of and within fifteen feet of sleeping rooms, and on each story of the dwelling unit, including basements; (B) a carbon monoxide detector within 15 feet of all bedrooms; and (C) a fire extinguisher. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be operational. It shall be unlawful to operate a Short-term Rental Unit without a smoke alarm, carbon monoxide detector, and fire extinguisher as required by this section. The Affidavit must also specifically include the number, locations, and operation of the required life safety equipment for the Short-term Rental Unit. This equipment will be subject to verification or inspection before the initial permit is issued, at all other reasonable times upon reasonable notice, and such

other times as any safety incident concerning the Rental Unit is reported to the City.

- (iii) The owner of the property must make the application for operation for a Short-term Rental Unit for his or her property. In cases where a business entity or trust is the owner of the property, the individual who has responsibility for overseeing the property on behalf of the business entity or trust may submit the application on behalf of the business entity or trust. If the owner of a Short-term Rental Unit is a business entity, the business must submit documentation to demonstrate that the business is in good standing with the Tennessee Secretary of State.
  - (iv) Applicant must designate a person who shall be available twenty- four (24) hours per day, seven (7) days per week for the purpose of: (A) being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the Short-term Rental Unit; and (B) taking any remedial action necessary to resolve any such complaints. This contact person may be the owner, a lessee, or the owner's agent.
  - (v) Applicant must provide full legal name, street and mailing addresses, email address, and telephone number, and in cases where a business entity or trust is the owner of the property, the individual who has responsibility for overseeing the property on behalf of the business entity or trust must also provide his or her mailing address, email address, and telephone number of the individual having such responsibility.
  - (vi) A site plan and floor plan accurately and clearly depicting the size and location of the existing dwelling and the approximate square footage in the dwelling, any accessory buildings, the number and location of designated off-street parking spaces and the maximum number of vehicles allowed for overnight occupants. The floor plan shall also describe the use of each room in the dwelling and the number of bedrooms, including how many beds and the size of beds in each bedroom.
  - (vii) Applicant must acknowledge in writing that in the event a permit is approved and issued, the applicant will assume all risk and indemnify, defend and hold the City of Maryville harmless concerning the City's approval of the permit, the operation and maintenance of the Short-term Rental Unit, and any other matter relating to the Short-term Rental Unit.
  - (viii) If previously operating under section (b)(i), Applicant must provide applicable valid business licenses along with proof that Applicant remitted taxes due on renting the Short-term Rental Unit, pursuant to Title 67, Chapter 6, Part 5 of the Tennessee Code for filing periods that cover at least six (6) months within the twelve-month period immediately preceding November 6, 2018 when Short-term Rental Units were prohibited by ordinance in the City of Maryville.
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- (d) Fees. An application for an Operating Permit under this article shall be accompanied by a fee of three Hundred (\$300.00) Dollars. Said fee is designed to reimburse the City for the cost of processing the application and inspecting the Short-term Rental Unit as necessary. There shall be no proration of fees, and once paid, they are non-refundable.
  - (e) Issuance of Permit. Once the Development Services staff has determined that the application is complete, a permit shall be issued or denied within fourteen (14) business days. If the

Development Services staff is satisfied that the application and the Short-term Rental Unit conforms to the requirements of this Section and other applicable laws and Ordinances, a permit shall be issued to Applicant. If the application or Short-term Rental Unit does not conform to the requirements of this Section or other pertinent laws or ordinances, the permit shall not be issued, but the Applicant will be advised in writing of the deficiencies and be given a reasonable opportunity to correct them. If not corrected within a reasonable period of time, the application will be permanently denied and written notice of the denial given. The Operating Permit shall be valid for one (1) calendar year from the date of issuance, unless the Operating Permit is revoked pursuant to this article or terminated by Ordinance or otherwise.

- (i) **Permit Renewal.** Unless suspended or revoked for a violation of any provision of this Section or other law, City ordinance or rule, a permit may be renewed annually upon payment of a renewal fee of One Hundred (\$100.00) Dollars, unless one of the conditions set forth in Section (l) are applicable. As with the application fee, this fee is designed to compensate the City for the cost incurred in processing the application and taking any other action necessary to attempt to ensure the Applicant's compliance with this Ordinance. The renewal fee shall be paid no later than fourteen (14) business days prior to the expiration date for the current permit. A renewal application shall be submitted to the Development Services Department. A renewed Operating Permit shall be good for one (1) calendar year from the date of issuance.
- (ii) **Permit Non-Transferable.** A permit issued under this Section is non-transferable, and any attempt to transfer it shall render the Permit void. A transfer of the ownership interest in the property itself shall also render the Permit void, whether the transfer is voluntary or involuntary and whether by deed, court order, foreclosure, bylaw, or otherwise.
- (f) **No Vested Rights.** Except in instances where constitutional principles or binding state or federal laws otherwise provide, the provisions of this article and any ordinances or other measures concerning Short-term Rental Units are not a grant of vested rights to continue as a Short-term Rental Unit indefinitely. Any Short-term Rental Unit use, and permits for Short-term Rental Units, are subject to provisions of other ordinances, resolutions, or other City measures concerning Short-term Rental Units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other City measures may change the terms, conditions, allowance, or duration for Short-term Rental Unit use, including but not limited to those that may terminate some or all Short-term Rental Unit uses, with or without some period of amortization. While this recitation concerning vested rights is implicit in any uses permitted by the City, this explicit recitation is set forth to avoid any uncertainty or confusion.
- (g) **Compliance with City and State Laws.** It shall be unlawful to operate a Short-term Rental Unit in a manner that does not comply with all applicable city and state laws. The operation or maintenance of a Short-term Rental Unit in violation of this article shall subject the violator to all actions authorized by this chapter and/or Tennessee law and regulations by the City.
- (h) **Complaints.** All complaints regarding Short-term Rental Units shall be filed with the Development Services Department. Those making complaints are specifically advised that any false complaint made against a Short-term Rental Unit owner or provider is punishable as perjury under T.C.A. § 39-16-702. For any complaint made, the City shall provide written notification of the complaint by regular mail to the owner of the property at the address(es) provided on the application on file. The City shall investigate the complaint, and within thirty (30) days of the date notice was sent to the owner, the owner shall respond to the complaint, and may present any evidence they deem pertinent, and respond to any evidence produced by the complainant or obtained by the City through its investigation. If, after reviewing all relevant material, the City finds the complaint to be supported by a preponderance of the evidence, the

City may take, or cause to be taken, enforcement action as provided in this Section or otherwise in the Zoning Ordinance, Municipal Code, or the generally applicable law.

- (i) **Revocation of Permit.** The City may permanently revoke an Operating Permit if the City discovers that: 1) an Applicant obtained the permit by knowingly providing false information on the application; 2) the continuation of the Short- Term Rental Unit presents a threat to public health or safety; 3) the owner ceases to own the property; 4) the property is not used as a Short-Term Rental for a period of thirty (30) months or more; 5) there has been a violation of a generally applicable local law three (3) or more separate times arising as a result of the operation of the property as a Short-Term Rental Unit and all appeals from the violations have been exhausted.
- (j) **Appeal of Denial or Revocation.** If a permit is revoked, Development Services staff shall state the specific reasons for the revocation. Any person whose application has been denied or whose Operating Permit has been revoked may appeal such denial to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action, in accordance with the procedures in Sections 14.205 and 14.206. The appeal shall be filed along with an appeal fee of one hundred-fifty dollars (\$150). The decision resulting therefrom shall be final and subject only to judicial review pursuant to state law.
- (k) **Additional Remedies.** The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.
- (l) **City Shall Not Enforce Private Agreements.** The City shall not have any obligation or be responsible for making a determination regarding whether the issuance of an Operating Permit or the use of a dwelling as a Short-term Rental Unit is permitted under any private agreements or any covenants, conditions, and restrictions or any of the regulations or rules of the homeowners' association or maintenance organization having jurisdiction in connection with the Short-term Rental Unit, and the City shall have no enforcement obligations in connection with such private agreements or covenants, conditions and restrictions or such regulations or rules.
- (m) **Taxes.** All Short-term Rental Unit Operators are responsible for applicable taxes, including, but not limited to, Hotel Occupancy Privilege Tax, local option sales tax, and gross receipts tax to the City, sales tax to the State of Tennessee, and gross receipts tax to the State of Tennessee.
- (n) **Advertising.** It shall be unlawful to advertise any Short-term Rental Unit without the Operating Permit number clearly displayed on the advertisement. For the purposes of this section the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a Short-term Rental Unit in any forum, whether electronic or non-electronic, in order to promote the availability of the Short-term Rental Unit.
- (o) **Maximum Occupancy.** The number of transients in a Short-term Rental Unit shall not exceed the sum of two (2) transients per bed and no more than two (2) beds per room, with a set of bunk beds counting as one (1) bed; however, the maximum occupancy of the Short-term Rental Unit shall not exceed twelve (12) persons, including transients and any other individuals residing in or otherwise using the Short-term Rental Unit.
- (p) **Severability.** The City hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City that it would have adopted all other portions of this Ordinance independent of the elimination of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 2.** That the City has no mechanism for determining whether properties offered to the public as short-term rentals offer appropriate safety features, such as smoke alarms, carbon monoxide detectors, and fire extinguishers, and the City has no mechanism for determining which properties are being used for this purpose.

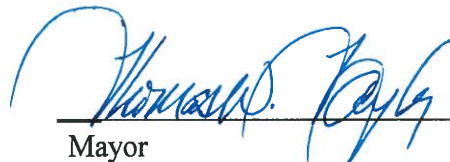
**SECTION 3.** That Section 14-210 (4)(c)(iv) be deleted which will eliminate the prohibition of Short-term Rental Units city wide.

**SECTION 4.** That Section 14-202 (1)(g) amend the definition of "Boarding House" by removing the term "tourist home" and replacing it with "short-term rental".

**SECTION 5.** That Section 14-202 (1) be amended to place all definitions in alphabetical order.

**SECTION 6.** That the provisions of this Ordinance shall be effective on November 7, 2019 after its final passage, the public welfare requiring it.

ADOPTED this 5<sup>th</sup> day of November, 2019.


  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 1<sup>st</sup> day of October, 2019   
City Recorder

Passed 2nd reading on this 5<sup>th</sup> day of November, 2019   
City Recorder

ORDINANCE NO. 2019-23

**AN ORDINANCE TO AMEND §14-212 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, PERTAINING TO THE SITE PLAN REVIEW  
PROCESS**

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to amend the Zoning and Land Use Ordinance; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-212 of Title 14 Zoning and Land Use Control is deleted in its entirety and replaced with the following:

**14-212. Site plan review process.** (1) Definitions. For the purpose of this chapter the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning. Other terms are defined in §14-202 of this ordinance.

(a) "Site plan." A plan delineating the overall scheme of development of a tract of land, including but not limited to grading, utilities, engineering design, construction details and survey data for existing and proposed improvements, size, height, shape and location of buildings, location and design of parking areas, pedestrian and vehicular circulation on site and circulation for emergency apparatus.

(b) "Site plan review team." The site plan review team shall consist of the following persons or their representatives: Sanitation Superintendent, City Engineer, Stormwater Program Manager, City Building Official, Fire Marshal, City Planner, Electrical Engineering and Operations Manager, and the respective superintendents of water and wastewater, and any additional members that the City Manager elects to appoint or are needed during a project.

(2) Exceptions. The provisions of this chapter shall not apply to:

(a) Single family dwellings, two family attached dwellings, three family attached dwellings, four family attached dwellings, and accessory building thereto or to the land on which they are situated or proposed in which new road or utility construction is not required.

(b) Additions to buildings where the total gross floor area of the proposed addition does not exceed one-third of the total gross floor area of the existing building or one thousand (1,000) square feet, whichever is less.

(c) New buildings, with a height of two (2) stories or less, where the total gross floor area does not exceed two thousand (2,000) square feet; provided there is no alteration of drainage flow of land, the site is not in a flood plain, and the site is not in excess of ten thousand (10,000) square feet.



(d) Grading of open areas, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided the city engineer finds on an inspection of the site that such grading should have no adverse effect on the land of surrounding property owners, should not encroach on or impair existing drainage channels or flood plains and should not cause problems of erosion, ponding and/or silting on adjoining properties. However, approval of such work may be required from other departments in the city as required by the city engineer.

(3) Request for preliminary review of site. The owner or developer of the parcel proposed for development may request that the site plan review team conduct a preliminary review of the parcel prior to the submission of a site plan. Certain requirements of this ordinance may be waived at the discretion of the site review team based on this preliminary review.

(4) Approved site plan required to erect buildings. Except as hereinafter provided in (2), it shall be unlawful for any person to construct or erect any building or structure, extend utilities or construct new roads on any land within the city until a site plan has been submitted and approved in accordance with the provisions of this chapter.

(5) Site plan submission and review. (a) A site plan may be prepared under the direction and sealed by an engineer, architect, landscape architect or land surveyor competent to design such plans. All drainage and utility designs and structural elements such as but not limited to retaining walls, engineered slopes, etc. shall be designed by an engineer.

(b) The owner, developer or a duly authorized agent of the owner or developer shall submit five hard copies and a digital file in a format as determined by the city engineer or ten complete paper copies of the site plan before 5:00 P.M. on the Monday before a Friday site plan review meeting. The plan will be reviewed on Tuesday morning for compliance with minimum requirements before being placed on the agenda of the Friday site plan review meeting. If the plan does not meet the minimum requirements it shall be returned with a list of those items necessary to meet the minimum requirements. If the plan meets the minimum requirements it shall be placed on the agenda for the Friday site plan review meeting at which time the site plan review team shall consider the site plan in accordance with the provisions of this chapter and it shall be approved or disapproved. No site review meeting will occur during the week of a city designated holiday. If the plan is approved, it shall be stamped approved and initialed by each member of the site plan review team and two copies shall be returned to the owner, developer or his duly authorized agent. It shall be the responsibility of that owner, developer or agent to ensure that this approved plan shall be followed throughout the construction process. A copy of the approval plan shall be kept on the project during all phases of construction. If the plan is disapproved it shall be returned along with a list of the requirements necessary to complete the plan. The plan shall be corrected and resubmitted for approval by all applicable departments.

(c) The owner, developer or the duly authorized agent of the owner or developer shall be invited to attend the site review meeting in order to expedite the resolution of problem areas.

A building permit shall not be issued for any project except as provided in (2) of this section unless the request is accompanied by an approved site plan.

(d) Notwithstanding the provisions of TCA § 13-4-310, site plans shall expire after one year from the date of approval unless at least ten percent of the development has been completed as determined by the site plan review team. If a development is designed to be completed in stages, then the approved site plan shall only apply to the phase under construction.

(6) Site plan. (a) The site plan shall show the following:

- (i) Location or vicinity map.
- (ii) Name of development or address.
- (iii) Name and address of owner of record and the applicant.
- (iv) Present zoning of the site and abutting property.
- (v) Date, scale, and north point with reference to source of meridian.

- (vi) Courses and distances of center lines of all street and alley rights-of-way and all property lines as per recorded plat.
- (vii) All building restricting lines, highway setback lines, utility easements, and covenants.
- (viii) Topography of existing ground, and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed line illustrating two foot contours as required by the city engineer and by spot elevations where necessary to indicate flat areas.
- (ix) Benchmarks for all elevations shall be shown on the site plan. The city engineer may require that this benchmark reference the Tennessee Grid System.
- (b) The site plan shall show the location of the following when existing on or adjacent to the site:
  - (i) Sidewalks, streets, alleys, easements and utilities.
  - (ii) Building, structures and signs.
  - (iii) Public sewer systems.
  - (iv) Slopes, terraces and retaining walls.
  - (v) Driveways, entrances, exits and parking areas.
  - (vi) Water mains and fire hydrants.
  - (vii) Trees and shrubs.
  - (viii) Recreational areas and swimming pools.
  - (ix) Natural and artificial water courses.
  - (x) Limits of flood plains.
- (c) The site plan shall show the location, dimensions, size and height of the following when proposed:
  - (i) Sidewalks, streets, alleys, easements and utilities.
  - (ii) Buildings, structures including the front (street) elevation of proposed buildings, and signs.
  - (iii) Public sewer systems, refuse container pads, and screening for pads.
  - (iv) Slopes, terraces, and retaining walls.
  - (v) Driveways, entrances, exits and parking areas.
  - (vi) Water mains, fire hydrants, service connect locations, and internal sprinkler system connections.
  - (vii) Trees and shrubs.
  - (viii) Recreational areas.
  - (ix) Distances between buildings.
  - (x) Estimates of the following when applicable:
    - (A) Number of dwelling units
    - (B) Number of parking spaces.
    - (C) Number of loading spaces.
    - (D) Square feet of floor space.
    - (E) Number of commercial or industrial tenants and employees.
    - (F) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
    - (G) Proposed grading, surface drainage, terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures, proposed topography of site shall be shown by two (2) foot contours with an elevation benchmark, as required by the city engineer. The city engineer may require that this benchmark reference the

Tennessee Grid System.

- (7) Requirements, regulations and restrictions. (a) Any building or structure erected or altered shall comply with the provisions of the Code of the City of Maryville, Tennessee, as amended and any applicable laws of the State of Tennessee.
- (b) Any work or development on the site, including but not limited to the following shall comply with the provisions of the Code of the City of Maryville, Tennessee, as amended and any applicable laws of the State of Tennessee. The grading of land, the installation of utilities, the construction of street, alleys and retaining walls, the construction of drains and sewers, the construction of off-street parking, and the construction or erection of any improvement on the site.
- (c) Any building or structures shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access by the fire chief, emergency vehicle easements shall be provided. The access for fire, police and emergency vehicles shall be unobstructed at all times.
- (d) The width, grade, location, alignment and arrangement of streets, sidewalks, and alleys shall conform to the master plan and/or subdivision regulations of the city as near as is reasonably practicable.
- (e) Off-street parking facilities shall have a reasonable slope and be accessible, safe and properly drained.
- (f) Streets, sidewalks, and alleys shall insofar as reasonably practicable provide access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks and proposed or planned streets, alleys and sidewalks. Where deemed necessary by the city engineer commercial property fronting on major or secondary thoroughfares (also known as arterials or collectors) shall be required to provide a frontage access road, of no less than 24 feet in pavement width, with permanent or temporary access to the public thoroughfare to be provided at a location deemed desirable by the city engineer.
- (g) Adequate water mains and fire hydrants shall be provided in accessible places in accordance with good firefighting and fire prevention practice acceptable to the chief of the fire department.
- (h) Adequate provision shall be made for the collection and disposition of all on-site and off-site storm water and natural surface water. Natural drainage ways shall be used when it is reasonably practicable to do so, and improvements shall be made to said ways in accordance with good engineering practice when in the opinion of the city engineer, good engineering practice indicates need for improvements.
- (i) Adequate provision shall be made for the collection and disposition of all on and off-site sanitary sewage.
- (j) Adequate provision shall be made to control flooding.
- (k) The obstruction of natural water courses shall be avoided.
- (l) Adequate provision shall be made to control the slippage, shifting, erosion, swelling or shrinking of soil.
- (m) Adequate provision shall be made to control the slipping and shifting of buildings and structures.
- (n) Adequate provisions shall be made to protect other lands, structures, persons and property.
- (8) Inspections and supervision. (a) Inspections during the installation of the required on-site and off-site improvements shall be made by the appropriate city departments as required to certify compliance with the approved site plan and applicable city standards.
- (b) The owner or developer shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when the work is being performed.

(c) The installation of improvements as required by this ordinance shall in no case serve to bind the city to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

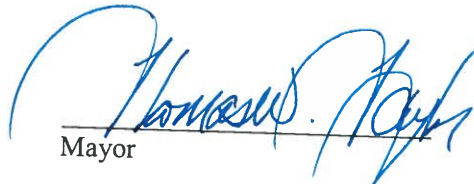
(9) Final review and approval of site plan. (a) When the development has been completed, as proposed on the site plan, the owner or developer may apply for an occupancy permit. If the development has been completed as proposed by the site plan an occupancy permit shall be issued. If the site plan review team finds any discrepancies in the level of improvements performed by the developer and the improvements proposed on the site plan, no occupancy permit shall be issued until the discrepancy is corrected. The city may also accept surety instruments for incomplete improvements upon issuance of an occupancy permit.

(b) Permanent water and electrical service will not be provided to the development if an occupancy Permit has not been issued for the development.

Appeals. If an applicant determines that his site plan has been unjustly disapproved or that the site plan review team has made requests for conformity to standards other than those set forth in this ordinance, he may appeal the decision of the site plan review team to the board of zoning appeals.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.


ADOPTED this 5<sup>th</sup> day of November, 2019.


  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 13<sup>th</sup> day of October 2019   
City Recorder

Passed 2nd reading on this 5<sup>th</sup> day of November 2019   
City Recorder

**ORDINANCE NO. 2019-26**

**AN ORDINANCE TO AMEND §14-207 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, PERTAINING TO ENFORCEMENT AND  
REVIEW**

**WHEREAS**, the Council of the City of Maryville, Tennessee has established an Administrative Hearing Officer to hear and decide cases involving the violation of building and property maintenance codes; and

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to amend the Zoning and Land Use Ordinance to allow for the violations of said ordinance to be heard by the Administrative Hearing Officer; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-207 of Title 14 Zoning and Land Use Control is deleted in its entirety and replaced with the following:

**14-207. Enforcement and review.** (1) Complaints regarding violations. Whenever the administrator receives a written, signed complaint alleging a violation of this ordinance he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

(2) Persons liable. The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(3) Procedures upon discovery of violations. (a) If the administrator finds that this ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.

(b) The final written notice (and the initial written notice may be the final notice) shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the board of zoning appeals.

(c) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in subsection 5 of this section.

(4) Penalties and remedies for violations. (a) Any person violating any provision of this code shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by laws. Each day such violation shall continue shall constitute a separate offense. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure, or land used in violation of this Code, the Building Official, in addition to other remedies may institute injunction, mandamus, or other appropriate action or procedure to prevent the occupancy of such building, structure or land.

(b) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special exception permits, shall also subject the offender to a civil penalty of fifty dollars (\$50) per day per violation. If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance. Violations of this ordinance may be heard by the administrative hearing officer in accordance with TCA §6-54-1001 through 6-54-1018 and as established in Title 3, Chapter 3 of the Maryville Municipal Code.

(c) This ordinance may also be enforced by any appropriate equitable action.

(5) Permit revocation. (a) A zoning, sign, or special exception permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance or any additional requirements lawfully imposed by the issuer of the permit.

(b) Before a special exception permit may be revoked, notice shall be provided and a hearing held before the board of zoning appeals as set forth in § 14-206. The notice shall inform the permit recipient of the alleged grounds for the revocation.

(i) The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in Subsection (a) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

(ii) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.


(c) Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and/or his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

(d) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special exception permit after such permit has been revoked in accordance with this section.


(6) Judicial review. Every final decision of the board of zoning appeals shall be subject to review by the Chancery Court of Blount County or by Blount County Circuit Court, Equity Division by proceedings in the nature of certiorari. (as added by Ord. #2006-32, June 2006)

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 3<sup>rd</sup> day of December, 2019.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 5<sup>th</sup> day of November, 2019   
City Recorder

Passed 2nd reading on this 3<sup>rd</sup> day of December, 2019   
City Recorder

**ORDINANCE NO. 2019-27**

**AN ORDINANCE AMENDING THE MARYVILLE MUNICIPAL  
CODE TITLE 14, CHAPTER 2, SECTION 14-218 SIGN  
ORDINANCE OF THE CITY OF MARYVILLE ALLOWING FOR  
ADDITIONAL TEMPORARY SIGNAGE AT LOCATIONS FOR  
RETAIL SALES OF FIREWORKS.**

**WHEREAS**, the purpose of the amendment is to allow for an additional temporary sign to be displayed at locations where fireworks will be stored and sold in specific districts throughout the corporate limits;

**WHEREAS**, the City Council has determined additional regulations are necessary to regulate displays, signs, and banners at fireworks sales areas and to be consistent with acceptable public policy;

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** That Title 14, Chapter 2, Section 14-218. Signs. (5) Temporary signs is deleted in its entirety to be replaced with the following:

(5) Temporary Signs. (a) Temporary signs shall be regarded and treated in all respects as permanent signs. Except in residential zoning districts temporary signs shall not be included in calculating the total amount of permitted sign area. The duration of temporary signage shall not cumulatively exceed six (6) weeks.

(b) One additional temporary sign not to exceed 32 square feet in surface area shall be permitted on lots with an approved fireworks storage and retail sale permit during the times allotted for such sales in Title 7, Chapter 7 of the Maryville Municipal Code. This additional temporary sign shall not count towards the cumulative six week duration

(c) Applications for temporary sign permits are required and shall be issued by the Development Services Office. Temporary signs or banners that are erected without a temporary sign permit shall be subject to the enforcement of applicable penalties as outlined in this ordinance.

**SECTION 2.** The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.



ADOPTED this 3rd day of December, 2019.

Thomas W. Taylor  
Mayor

ATTEST:

Sherri Phillips  
City Recorder

APPROVED AS TO FORM:

[Signature]  
City Attorney

Passed 1<sup>st</sup> reading on this 5th day of November, 2019 Sherri Phillips  
City Recorder

Passed 2nd reading on this 3rd day of December, 2019 Sherri Phillips  
City Recorder

**ORDINANCE NO. 2020-2**

**AN ORDINANCE TO AMEND §14-203(8) OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, PERTAINING TO MEMBERSHIP,  
APPROVALS AND THE ALLOWANCE OF DESIGN CRITERIA  
DEPARTURES FOR THE DOWNTOWN DESIGN REVIEW  
BOARD**

**WHEREAS**, the Council of the City of Maryville, Tennessee has established the Downtown Design Review Board to review and approve proposals within the downtown zoning districts; and

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to amend the board's authority to allow for administrative approvals, design criteria departures and a reduction in the board's membership; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-203(8) of Title 14 Zoning and Land Use Control is deleted in its entirety and replaced with the following:

**(8) Downtown Design Review Board (DDRB).**

- (a) Definition/purpose.** The Downtown Design Review Board is an ad hoc, advisory committee to the Maryville Municipal Planning Commission. The purpose of the board is to assist in creating guidelines and standards for downtown development, and to review conceptual plans for construction, major renovation, relocation, or demolition of any 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 seven (7) 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 Design 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. All actions of the board shall be taken by majority vote, a quorum being present. A member may recuse himself from voting on a particular issue under the following circumstances:
  - a) If the member has a direct financial interest in the outcome of the matter at issue, or
  - b) If the matter at issue involves the member's own official conduct, or
  - c) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
  - d) 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.
  - e) For any other reason under state law where recusal would be appropriate.
  - f) Voting on the matter would create an appearance impropriety.

(d) Jurisdiction.

- (i) The DDRB has jurisdiction in non-residential and multi-family uses per Tennessee Code Annotated, § 6-54-133. The Maryville Downtown Review Board is limited to the downtown zones, and the following zoning districts must conform to downtown design standards.
  - a) Central Business District
  - b) Central Business District Support Zone
  - c) Heritage Development Zone
  - d) Office Transition Zone
  - e) Washington Street Commercial Corridor
- (ii) Decision-making thresholds

(a) Table of Review Levels: The following table indicates the items which require review and approval by the Downtown Design Review Board and those which Development Services staff may administratively approve. Staff may refer any staff level item to the DDRB for their review and approval. An applicant may also request any staff level item to be reviewed and approved by the DDRB.

TABLE OF REVIEW LEVELS		
TYPES OF APPLICATIONS	DDRB	STAFF
Maintenance/In-kind Repair/Replacement		X
Minor restoration (exterior alterations that return the building, structure or site to its original condition)		X
Signage		X
All exterior work on single-family residential uses, pursuant to TCA § 6-54-133		X
Awnings/Canopies		X
Paint to match existing or approved color palette		X

Exterior lighting		X
New paint that is not a pre-approved color	X	
All new construction, accessory buildings and additions	X	
Renovation (changes to the exterior configuration of a building or parcel, such as window/door alterations, the addition of mechanical equipment, that are not considered restoration)	X	
Demolition	X	
Departures (alternatives to the regulations contained within § 14-209 (4) – (8), subject to the provisions of § 14-203(8)(d)(ii)(b) )	X	

(b) Design Criteria Departure. The Downtown Design Review Board may by majority vote recommend flexibility from the design regulations if it is agreed that the proposed alternative is equal to or better than the written standard. In addition, at least two (2) of the following criteria must be met:

- (i) The alternative is appropriate in scale and character to the surrounding area.
  - (ii) There is evidence that the alternative is historically appropriate for the site/structure.
  - (iii) The alternative employs innovation and/or technology that the original regulation does not account for.
  - (iv) The alternative meets the intent of the original regulation.
- (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 Design Review Board may appeal for a hearing de novo to the Maryville Municipal Planning Commission when said application is considered and make known his or her objections.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

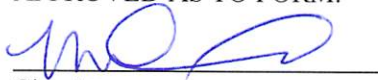
ADOPTED this 7<sup>th</sup> day of January, 2019.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 3<sup>rd</sup> day of December, 2019   
City Recorder

Passed 2<sup>nd</sup> reading on this 7<sup>th</sup> day of January, 2019   
City Recorder

**ORDINANCE NO. 2020-3**

**AN ORDINANCE TO AMEND §14-209 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, PERTAINING TO SIGN MATERIALS.**

**WHEREAS**, the purpose of the amendment is to allow for the wider use of materials for signage in the Office Transition, Washington Street Commercial Corridor and Heritage Development zoning districts; and

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

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** §14-209 of Title 14 Zoning and Land Use Control subsection (5)(o)(xiii) is deleted in its entirety and replaced with the following:

(xii) Materials: Lettering and design features of freestanding and wall mounted signs shall have a minimum one-half (1/2") inch in raised finished thickness to present a three-dimensional display area.

**SECTION 2.** §14-209 of Title 14 Zoning and Land Use Control subsection (6)(h)(xii) is deleted in its entirety and replaced with the following:

(xii) Materials: Lettering and design features of freestanding and wall mounted signs shall have a minimum one-half (1/2") inch in raised finished thickness to present a three-dimensional display area.

**SECTION 3.** §14-209 of Title 14 Zoning and Land Use Control subsection (7)(h)(xii) is deleted in its entirety and replaced with the following:

(xii) Materials: Lettering and design features of freestanding and wall mounted signs shall have a minimum one-half (1/2") inch in raised finished thickness to present a three-dimensional display area.

**SECTION 4.** The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 7<sup>th</sup> day of January 2020.

Thomas W. Taylor  
Mayor

ATTEST:

Sherri Phillips  
City Recorder

APPROVED AS TO FORM:

[Signature]  
City Attorney

Passed 1<sup>st</sup> reading on this 3<sup>rd</sup> day of December 2019

Sherri Phillips  
City Recorder

Passed 2nd reading on this 7<sup>th</sup> day of January 2020

Sherri Phillips  
City Recorder

ORDINANCE NO. 2020-07

**AN ORDINANCE TO AMEND §14-209(5)(o) OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, PERTAINING TO SIGN MATERIALS IN THE  
WASHINGTON STREET COMMERCIAL CORRIDOR**

**WHEREAS**, Ordinance 2020-03 inadvertently deleted section (xiii) in the Washington Street Commercial Corridor's sign regulations and this error needs to be corrected; and

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

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** §14-209 of Title 14 Zoning and Land Use Control subsection (5)(o) be amended by deleting the duplicate (xii) sections to be replaced with the following two sections between sections (xi) and (xiv):

(xii) Materials: Lettering and design features of freestanding and wall mounted signs shall have a minimum one-half (1/2") inch in finished thickness to present a three-dimensional display area.

(xiii) Sign colors: Excessively bright, fluorescent, or glaring colors are prohibited on signs.

**SECTION 2.** The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 7<sup>th</sup> day of April 2020.



  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 3<sup>rd</sup> day of March, 2020   
City Recorder

Passed 2nd reading on this 7<sup>th</sup> day of April, 2020   
City Recorder

ORDINANCE NO. 2020-12

**AN ORDINANCE TO AMEND §14-209(3) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, PERTAINING TO MINIMUM SPACING OF ACCESS POINTS FOR THE PARKWAY DISTRICT OVERLAY**

**WHEREAS**, the Parkway District Overlay was established to protect and enhance one of the primary roadways in Maryville; and

**WHEREAS**, the spacing of access points along property within the parkway overlay is regulated to promote the free flow of traffic and protect the visual integrity of the corridor; and

**WHEREAS**, the requirements for the spacing of access points is in need of revision to reflect practicality and furtherance of the productive development of the corridor; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-209(3)(e)(iii)(C)(3) of Title 14 Zoning and Land Use Control is deleted in its entirety and replaced with the following in the same location:

(3) The minimum distance as measured from the center of the access point between all driveways, curb cuts, or access points of any kind onto the highway shall be as follows:

Highway Speed Limit	Minimum spacing of access points
Under 35 mph	150 feet
35-50 mph	250 feet
55 mph	400 feet

The minimum distance between all driveways, curb cuts, or access points of any kind onto a service road, frontage road, or unified access road to the main highway shall be not less than one hundred (100) feet.

The distance between adjacent one-way driveways with the inbound drive upstream from the outbound drive shall not be less than one hundred (100) feet.

**SECTION 2.** §14-209(3)(e)(iii)(C) of Title 14 Zoning and Land Use Control is amended by adding the following sections (4) and (5) and renumbering the remaining sections accordingly:

(4) For property with an existing access point where the speed limit is at least 55 mph, staff may reduce the required minimum spacing for a secondary access point. To qualify for this reduction, the lot must have road frontage of at least 200 feet and the need for the secondary access be demonstrated through a Traffic Impact Study prepared and sealed by a qualified engineer. The secondary access point shall be

placed at the greatest distance feasible from the existing access as determined by the Traffic Impact Study. A right-in/right-out shall be the preferred secondary access point unless an existing median cut or traffic signal is available at the proposed location of the access point.

(5) For existing lots of record along the parkway district which cannot meet the required spacing of access points, the Board of Zoning Appeals may grant a special exception to allow an access point for the lot. In determining whether to grant the special exception permit, the applicant shall provide the following evidence to the board, and the board shall affirm all of the following:


- (i) There is no current access for the property.
- (ii) No joint easement or frontage road exists which the applicant can utilize.
- (iii) The applicant has made all reasonable attempts to comply with the requirements of the ordinance including but not limited to, negotiating with adjoining property owners for a joint access easement or use of a frontage road.
- (iv) The situation was not created by the applicant and is one that predates the adoption of the parkway district or predates the applicant's ownership of the property.
- (v) The applicant does not own adjoining lots which could be utilized to meet the requirements of the ordinance.
- (vi) The proposed access point is located so as to comply as much as practicable with the spacing requirements of the ordinance.
- (vii) The Tennessee Department of Transportation has reviewed the proposed access point and will grant a permit for the access at the location proposed by the applicant.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.


ADOPTED this 5<sup>th</sup> day of May, 2020.

  
Mayor

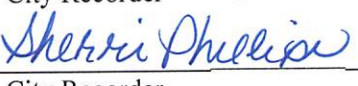
ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 7<sup>th</sup> day of April, 2020   
City Recorder

Passed 2<sup>nd</sup> reading on this 5<sup>th</sup> day of May, 2020   
City Recorder

ORDINANCE NO. 2020-20

**AN ORDINANCE TO AMEND TITLE 14, CHAPTER 3 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, PERTAINING TO ADMINISTRATIVE  
APPROVALS AND THE ALLOWANCE OF DESIGN CRITERIA  
DEPARTURES FOR THE HISTORIC ZONING COMMISSION**

**WHEREAS**, Title 14, Chapter 3 of the Maryville Municipal Code created the Historic Zoning Commission; and

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to amend the commission's authority to allow for administrative approvals and design criteria departures; and

**WHEREAS**, the Maryville Historic Zoning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** Title 14, Chapter 3, Section 14-303 of the Maryville Municipal Code is amended to add the following new section after the existing language:

(3) Decision-making thresholds

- (a) Table of Review Levels: The following table indicates the items which require review and approval by the Historic Zoning Commission and those which Development Services staff may administratively approve on behalf of the commission. Staff may refer any staff level item to the HZC for their review and approval. An applicant may also request any staff level item to be reviewed and approved by the HZC.

TABLE OF REVIEW LEVELS		
TYPES OF APPLICATIONS	HZC	STAFF
Maintenance/In-kind Repair/Replacement		X
Minor restoration (exterior alterations that return the building, structure or site to its original condition)		X
Signage		X
Awnings/Canopies		X
Exterior lighting		X
Compliant fencing		X
Pools		X
All new construction, accessory buildings and additions	X	



Renovation (changes to the exterior configuration of a building or parcel, such as window/door alterations, the addition of mechanical equipment, that are not considered restoration)	X	
Demolition	X	
Departures (as defined in § 14-303 (3)(b) )	X	

(b) Design Criteria Departure. The Historic Zoning Commission may by majority vote recommend flexibility from the design regulations if it is agreed that the proposed alternative is equal to or better than the written standard. In addition, at least three (3) of the following criteria must be met:

- (i) The alternative is appropriate in scale and character to the surrounding area.
- (ii) There is evidence that the alternative is historically appropriate for the site/structure.
- (iii) The alternative employs innovation and/or technology that the original regulation does not account for.
- (iv) The alternative meets the intent of the original regulation.

ADOPTED this 4<sup>th</sup> day of August, 2020.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 7<sup>th</sup> day of July, 2020   
City Recorder

Passed 2nd reading on this 4<sup>th</sup> day of August, 2020   
City Recorder

**ORDINANCE NO. 2021-02**

**AN ORDINANCE TO AMEND § 14-211 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, TO CREATE PROVISIONS FOR  
TEMPORARY USES.**

**WHEREAS**, certain uses operate on a temporary basis within the City of Maryville and require special provisions to ensure such uses are not disruptive to the health, safety and public welfare; and

**WHEREAS**, reasonable provisions for temporary uses can provide a means for them to operate to the benefit of the city while ensuring the uses are not detrimental; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard this proposed amendment and recommended that it being approved by the Maryville City Council; and

**WHEREAS**, pursuant to TCA §13-7-203(a), a public hearing was held by the Maryville City Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** That 14-211 of Title 14, Chapter 2 of the Maryville Municipal Code, the Zoning and Land Use Ordinance is hereby amended by adding a new section to read as follows:

(28) Temporary Uses. The purpose of this section is to allow certain qualifying uses to be established on a temporary basis within the City of Maryville. The following provisions are provided in the recognition of the need for special allowances to be granted for temporary uses and conditions therein. These provisions, authorizing and regulating uses which are truly temporary in nature, are intended to permit such uses when consistent with city regulations and policies, and when safe and compatible with the area in which they are located.

(a) Permit required. A temporary use permit shall be obtained from the Development Services department prior to the initiation of the use. The applicant must provide necessary business license or transient vendor license from the City Recorder's office as determined by the nature of the temporary use.

(b) Fee. Each temporary use permit shall be accompanied by a fee of \$25. However, no fee shall be required when the temporary use is for a public entity or single-family residential property.

(c) Submittal requirements. In submitting an application for a temporary use permit, the applicant shall provide the following:

- (i) A site plan/sketch depicting all structures and specific use areas to be utilized by the temporary use
- (ii) A written description of the use to include the hours/dates of operation, number of employees, and anticipated deliveries/traffic.
- (iii) Sufficient information to determine yard requirements, setbacks, sanitary facilities and parking spaces for the temporary use. Temporary tents, canopies, pavilions, portable restrooms or other such covered shelters are considered structures.
- (iv) Written permission from the owner or lessee of the property.
- (v) Any other information as deemed necessary to evaluate the impact of the temporary use.

(d) General Provisions.

- (i) No temporary use may impede access to ADA accessible parking spaces, pathways, pedestrian walkways, infringe on public right-of-way, negatively impact traffic flow for a property, or otherwise violate any health and safety provisions of the Maryville Municipal Code.
- (ii) No permanent structures may be erected in conjunction with a temporary use. Tents and other similar temporary structures are allowed so long as they comply with the provisions of this section.
- (iii) All temporary uses must have written permission from the owner or lessee of the property.
- (iv) Temporary uses may encroach into required setbacks but cannot be located within required landscaped buffers or other required landscaped areas.
- (v) All commercial vendors must obtain the necessary business license appropriate to their intended use as well as any other licenses, permits or inspections which may be required by local, state or federal law.
- (vi) The operation and location of a temporary use shall not violate any development requirements or conditions for a permanent use on the property. Temporary uses may operate on a lot without another principal use.
- (vii) All materials, structures, and products related to the temporary use must be removed from the property between days of operation on the site, provided that structures and products related to the temporary use may be left on-site overnight between consecutive days of operation. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon expiration of the permit.
- (viii) Depending on the nature of the use, other review and requirements from City Departments may be required.
- (ix) This section does not apply to other temporary uses as otherwise authorized and regulated in Title 7 and 9 of the Maryville Municipal Code. Nor does this section apply to any property owned by the City of Maryville.

(e) Temporary uses allowed.

- (i) Seasonal sales such as Christmas trees, pumpkin patches, flower sales and other similar uses
  - (A) May be permitted for a single, non-residential properties for up to 45 days per calendar year in the downtown, Central Community, Neighborhood and Business and Transportation zoning districts.
- (ii) Outdoor sales and services – transient vendors
  - (A) Permitted in the Business and Transportation and Neighborhood zones.
  - (B) Permits for a single vendor may be issued for a period not to exceed 15 consecutive days.
  - (C) The total time allowed for any single property is not to exceed 45 days during a calendar year.
- (iii) Outdoor sales and services when conducted by the principal use
  - (A) For commercial uses in zoning districts which do not otherwise allow display and storage of goods outside a fully enclosed structure, temporary outdoor sales and services may be permitted for a period not to exceed 45 days during a calendar year.
  - (B) These provisions shall not apply to properties zoned for storage and display of goods outside a fully enclosed building when such sales are conducted by the principal occupant of the property.
- (iv) Real estate sales and/or model home offices
  - (A) A real estate sales and/or model home office is allowed within a new residential development within a permitted single-family home limited to one office per development.

- (B) The temporary use permit is valid for the life of the project as determined by open building permits.
- (C) All activities conducted within the real estate sales office/model unit must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation for any firm is prohibited.
- (v) Off-site temporary parking and construction staging areas for public projects for the duration of the project.
  - (A) Permitted in any zoning district for the necessary duration of the project.
- (vi) Temporary residences and offices for construction and security personnel.
  - (A) Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.
  - (B) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six (6) months after the date of issuance, except that the administrator may renew such permit for one additional period not to exceed three (3) months if they determine that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.
- (vii) Outdoor recreational and entertainment events
  - (A) For non-residential properties, outdoor recreational and entertainment events may be permitted in the Business and Transportation, Central Community, and Neighborhood zones limited to two such events on a given property during a calendar year.
- (viii) Portable Storage Containers
  - (A) Commercial properties: When viewed from a public street, portable storage containers may be permitted on any commercially zoned property or commercial use for a period not to exceed 90 days in a calendar year provided they comply with setback and lot coverage requirements. This section shall not apply to storage containers actively involved in the delivery and shipment of goods associated with the commercial use nor those which are not readily visible from public streets.
  - (B) Residential properties: Portable storage containers and commercial dumpsters may be permitted on residentially zoned properties for a period not to exceed 90 days in a calendar year provided they meet setback and lot coverage requirements.
  - (C) For any property, one extension may be granted when the container is being used as temporary storage due to work requiring a building or demolition permit for structures or buildings on the property. In such cases, the use of the portable storage container cannot exceed the period for which the building or demolition permit has been issued.
  - (D) No portable storage container is to be used for human occupancy or be located as such to negatively impact parking or traffic circulation on the property.
  - (E) This section shall not apply to industrial properties.
- (ix) Temporary parking.
  - (A) When as the result of construction activities on-site, or the displacement of a property's parking due to temporary construction easements as the result of a public project, parking which does not meet the standards of Section 14-219 of the Zoning and Land Use Ordinance may be approved on a temporary basis.
  - (B) Temporary parking may consist of gravel or similar type surface to prevent unnecessary erosion.
  - (C) Temporary parking approved under this provision shall not be constructed of a permanent surface such as asphalt or concrete.



(D) The temporary use permit shall be valid for the duration of the project which created the need for temporary parking. Upon expiration of the permit, the temporary parking area shall be restored to its original state.

(f) Additional temporary uses. In addition to the temporary uses listed above, a temporary use permit may be issued for other temporary uses that are substantially similar to a temporary use listed above and not intended to be permanent. A permit may be issued if the Administrator determines that such use is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. The timeframe of such temporary uses will be determined and approved by the temporary use permit but in no case shall exceed 90 days.

(g) Temporary signage. Properties with approved commercial temporary uses are allowed one temporary sign not to exceed 32 square feet for the duration of the temporary use permit.

(h) Prohibitions. The following are prohibited for all temporary uses:

- (i) With the exception of a model home for a residential development, no permanent improvements to a property specifically for a temporary use are permitted.
- (ii) Sales and services provided from any type of motor-vehicle not otherwise specifically permitted by the Maryville Municipal code are prohibited.
- (iii) No temporary use may generate substantial noise, light, odors or fumes so as to be a nuisance to neighboring properties.
- (iv) No temporary use may operate on public right-of-way.

**SECTION 2.** Section 14-202 of Title 14, Chapter 2 of the Maryville Municipal Code, the Zoning and Land Use Ordinance is hereby amended by adding the following definition in its proper alphabetical order and other sections reorganized accordingly:

Portable Storage Containers: Any metal box-like storage unit as typified by shipping containers designed to be transported on a flatbed truck or trailer and delivered to a site ready for use. This definition shall not include manufactured homes or factory manufactured modular units. Nor shall it include functional semi-trailers.

**SECTION 3.** That Section 14-211 of Title 14, Chapter 2 of the Maryville Municipal Code, the Zoning and Land Use Ordinance is hereby amended by deleting subsection (3) General provisions – temporary residences used on construction sites, in its entirety and renumbering the remaining subsections accordingly.

**SECTION 4.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

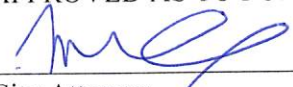
ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

  
Mayor


ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 5<sup>th</sup> day of January, 2021   
City Recorder

Passed 2<sup>nd</sup> reading on this 2<sup>nd</sup> day of February, 2021   
City Recorder

**ORDINANCE NO. 2021-05**

**AN ORDINANCE TO AMEND §14-210 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, REGARDING RESTAURANTS IN THE  
CENTRAL COMMUNITY ZONING DISTRICT**

**WHEREAS**, the Central Community zoning district encompasses a wide variety of land uses including numerous, commercial, retail, and office uses; and

**WHEREAS**, the types of restaurants are limited in the zone; and

**WHEREAS**, the zone is identified as one with a high intensity of development and amending its provisions to allow a full range of restaurants by special exception when located on an arterial street is in character with the zone and consistent with the ordinance; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:


**SECTION 1.** §14-210(1) Table of permissible uses under RESTAURANTS, BARS, NIGHTCLUBS is amended by deleting only that section of the permissible use table and replacing it with the following:

RESTAURANTS, BARS, NIGHTCLUBS	I	II	III	IV	V	IV	VII
No substantial carry-out or delivery service, no service or consumption outside fully enclosed structure	3	1	3	2*	3	3	2
No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed allowed	3	1	3	2*	3	3	2
Carry-out and delivery service, consumption outside fully enclosed structure allowed	3	1	3	2*	3	3	2
Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed	3	1	3	2*	3	3	2
No substantial carry out or delivery service, and consumption outside and inside fully enclosed allowed	3	1	3	2	3	3	2
Tearoom/café no substantial carry out or delivery service, and consumption outside and inside fully enclosed allowed	3	1	3	2	3	2	2

\*Property must be located on an arterial street as defined by the Maryville Major Road Plan.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

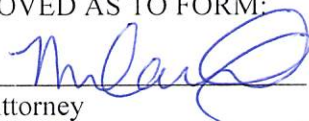
ADOPTED this 2<sup>nd</sup> day of March, 2021.


  
\_\_\_\_\_  
Mayor

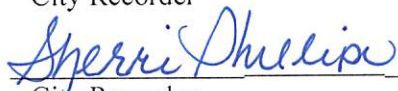
ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this 2<sup>nd</sup> day of February, 2021   
\_\_\_\_\_  
City Recorder

Passed 2<sup>nd</sup> reading on this 2<sup>nd</sup> day of March, 2021   
\_\_\_\_\_  
City Recorder

ORDINANCE NO. 2021-06

**AN ORDINANCE TO AMEND §14-211 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, REGARDING PAINTING OF VEHICLES FOR  
AUTO BODY REPAIR SHOPS**

**WHEREAS**, Ordinance #2008-47 amended the Zoning and Land Use Ordinance to create specific provisions for auto body repair shops; and

**WHEREAS**, the specific provisions for auto body repair shops prohibits the painting of parts and vehicles; and

**WHEREAS**, painting of parts and vehicles is essential for the operation of an auto body repair shop and the ordinance allows painting for other types of uses; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-211(11) of Title 14 Zoning and Land Use Control is amended by deleting subsection (f) in its entirety without replacement.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.


ADOPTED this 2nd day of March, 2021.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 2<sup>nd</sup> day of February, 2021   
City Recorder

Passed 2<sup>nd</sup> reading on this 2<sup>nd</sup> day of March, 2021   
City Recorder

ORDINANCE NO. 2021-10

**AN ORDINANCE TO AMEND §14-211 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, PERTAINING TO MOBILE FOOD PARKS**

**WHEREAS**, the City of Maryville allows and regulates mobile food vendors; and

**WHEREAS**, allowing the congregation of multiple mobile food vendors as a mobile food park can create a unique and desirable operation with the City of Maryville; and

**WHEREAS**, mobile food parks require specific standards and processes to ensure a desirable development for the city; and

**WHEREAS**, the unique nature of a mobile food park and individual circumstances for a property require that the Board of Zoning Appeals evaluate and approve such uses as a special exception; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-202 of Title 14 Zoning and Land Use Control is amended by adding the following definition in the proper alphabetic order:

Mobile Food Park: The use of land designed to accommodate two or more mobile food vendors (MFVs) offering food and/or beverages for sale to the public as a primary use of the property, which may include seating areas for customers. A special event hosted by the primary use of the property does not constitute a mobile food park.

**SECTION 2.** §14-211 of Title 14 Zoning and Land Use Control is amended by adding the following new section (29):

(29) Mobile Food Parks: (a) Mobile food parks are permitted on private lots as a special exception use in the Business and Transportation, Neighborhood, High Intensity Retail, High Intensity Commercial, Central Community and downtown zoning districts subject to the city's standard development standards and those enumerated herein. In reviewing the special exception request, the Board of Zoning Appeals may place additional requirements on a mobile food park in order to mitigate the impacts of the proposed development. A mobile food park may be allowed on lots where another principal use is located so long as adequate space is available for both uses to fully meet the city's land development requirements.

(b) Development standards:

(i) The city's standard commercial development standards or downtown design standards will apply to the property including but not limited to lighting, landscaping, parking, and building design.

(ii) No mobile food park may locate adjacent to any property used for residential purposes unless a 30' non disturbance area is established along the common property line. The 30' buffer can contain the required landscaped buffer, but shall otherwise be free from structures, lighting, parking and other permanent improvements.

(iii) All mobile food vendors must leave the mobile food park upon closing of the park each day.

(iv) A designated manager of the property is required to be on-site during operation and responsible for the orderly organization of food truck vendors, the cleanliness of the site, and compliance with all rules and regulations during business hours. Such information must be clearly posted on the lot and provided to city staff.

(v) The lot must be kept clear of litter and debris at all times. Proper waste receptacles and recycling bins must be provided. When dumpsters are provided, the screening requirements of the Zoning and Land Use Ordinance apply.

(vi) Signage will be governed by the zoning district in which the property is located.

(vii) The property must be developed in a way that allows for proper vehicle flow and emergency services access.

(viii) Each mobile food park must provide a unified common area amounting to a minimum of 500 square feet per vending space. The common area may contain tables, chairs and recreational activities. At a minimum, common areas shall be a unified open space for the congregation of the users of the park.

(ix) Parking spaces and vehicle movement areas are required to be a surface per the requirements of the Zoning and Land Use Ordinance. Vendor spaces may be gravel so long as such surface is maintained as to prevent potholes, erosion and dust. One parking space is required for each vendor space.

(c) Mobile food vendor spaces are not required to meet front setbacks for a property but must meet side and rear setbacks. Any permanent structures are required to meet the setback requirements of the zoning district.

(d) When located in conjunction with another principal use, both uses shall be required to meet the development requirements including parking and setbacks. No mobile food park can reduce a property's parking below the minimum required by the Zoning and Land Use Ordinance.

(e) An applicant for a mobile food park shall submit a concept plan, drawn to scale, to the Board of Zoning Appeals detailing the following. In considering the request, the board shall verify that the requirements for a mobile food park have been met.

(i) Location of proposed vendor spaces and common areas.

(ii) Parking areas and vehicle movement areas.

(iii) Sanitary facilities including restrooms, hand washing stations and refuse disposal.

(iv) All proposed permanent improvements to the property including buildings, lighting and dumpster screenings.

(v) Landscaping and the amount of impervious surface area proposed.

(vi) Operations plan to include proposed utility service, hours of operation, and other potential activities to take place in conjunction with the mobile food park.

(f) In evaluating a request for a mobile food park, the board upon recommendation by staff, may determine additional development standards are required to mitigate off-site impacts of the proposed use. Additional requirements may include additional landscaping and screening, additional parking, limitations on lighting, restrictions on hours of operation or a limitation on the number of vendor spaces. In determining additional requirements, the board shall make a finding of fact detailing a direct correlation of the additional requirement to the impact of the use.



(g) All mobile food vendors must have an active mobile food vendor permit per 9-1102 of the Maryville Municipal Code.

(h) Depending on the scope of needed improvements to a property, a site plan or other requirements of the Maryville Municipal Code, utility policies or Public Works Standards may be required. This section does not abrogate any other requirements that apply to property development within the city. When there is a conflict between the specific requirements for a mobile food park and other requirements of the city code, these requirements shall apply.

**SECTION 3.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

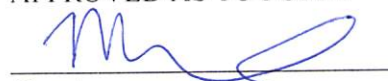
ADOPTED this 2nd day of March, 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this 2nd day of February, 2021   
\_\_\_\_\_  
City Recorder

Passed 2nd reading on this 2nd day of March, 2021   
\_\_\_\_\_  
City Recorder

**ORDINANCE NO. 2021-14**

**AN ORDINANCE TO AMEND §14-218 OF TITLE 14 OF THE  
MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND  
USE ORDINANCE, TO ALLOW PERPENDICULAR SIGNS IN  
ZONING DISTRICTS OTHER THAN THE DOWNTOWN ZONES**

**WHEREAS**, the purpose of the amendment is to allow for the wider use of perpendicular wall signs in commercial zones other than the city's downtown zoning districts and to allow such small signs to overhang public sidewalks and walkways in accordance with adopted building codes; and

**WHEREAS**, it is the City Council's intent and desire to allow for the use and flexibility in the style of signs displayed within commercial districts where pedestrians are invited to walk from business to business, and to keep the Zoning and Land Use Ordinance current and consistent with acceptable public policy;

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** That Title 14, Chapter 2, Section 14-218 (2) Definitions. The following definitions are added to the existing list of definitions in the correct alphabetical order and they are as follows:

(u) "Perpendicular sign." A perpendicular sign is a type of projecting sign mounted on a building façade or attached to a surface perpendicular to the normal flow of traffic either vehicular or pedestrian.

**SECTION 2.** That Title 14, Chapter 2, Section 14-218 (12) Location and height. Paragraph (d) is deleted in its entirety and the following is inserted to read as follows:

(d)(i) No sign or supporting structure may be located in or over any public right-of-way except as authorized by this ordinance. Exception: Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, traffic, directional, or regulatory signs may be erected or installed over public sidewalks.

(ii) Perpendicular signs may also be installed in or over public sidewalks as long as the height of the perpendicular sign is a minimum of eight (8) feet or more above the grade of the sidewalk and it does not extend into or occupy more than two-thirds the width of the sidewalk as outlined in the International Building Code.

**SECTION 3.** That Title 14, Chapter 2, Section 14-218 (8) Total sign surface area for all signs. Paragraph (j) is added to the section to read as follows:

(j) The sign surface area for a perpendicular sign shall not exceed six (6) square feet in surface area. Each separate tenant space with their own separate entrance shall be allowed one perpendicular sign. One entrance serving more than one tenant space will also be allowed one (1) perpendicular sign at the door entrance.

**SECTION 4.** That Title 14, Chapter 2, Section 14-218 (13) Sign illumination and signs containing lights. Paragraph (i) is added to the section to read as follows:

(i) Perpendicular signs may only be indirectly illuminated.

**SECTION 5.** The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

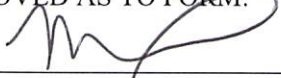
ADOPTED this 6th day of April, 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this 2nd day of March, 2021   
\_\_\_\_\_  
City Recorder

Passed 2<sup>nd</sup> reading on this 6th day of April, 2021   
\_\_\_\_\_  
City Recorder

ORDINANCE NO. 2022-28

**AN ORDINANCE TO AMEND §14-203, 209, AND 222 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING FENCE REQUIREMENTS IN THE DOWNTOWN DISTRICTS**

**WHEREAS**, the Downtown Design Review Board reviews and approves development projects in the five downtown zoning districts; and,

**WHEREAS**, the addition and clarification of requirements for fences in the downtown districts is needed for the board to review such proposals; and,

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and,

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and,

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** That Title 14, Chapter 2, Section 14-203 (8) Downtown Design Review Board subsection (d)(iii) is amended by adding “Fences and screening walls” under “Exterior lighting” in the Table of Review Levels and by designated such as Staff approval.

**SECTION 2.** That Title 14, Chapter 2, Section 14-209 (4) Zoning districts – Central Business District. (c) is amended to replace “eight (8)” with “six (6)”.

**SECTION 3.** That Title 14, Chapter 2, Section 14-209 (8) Zoning districts – Central Business District Support. (c) is amended to replace “eight-foot” with “six (6) foot”.

**SECTION 4.** That Title 14, Chapter 2, Section 14-222 Fences and vegetation adjacent to roadways. is amended to add the following new section after section (8) as section (9) and to renumber the subsequent sections accordingly:

(9) Fences in the downtown districts. The following standards shall apply to the design and appearance of all fencing for properties in the downtown zoning districts as defined in 14-203(8)(d). The more restrictive standard shall apply to any conflict between this section and those found in the individual zoning district’s requirements.

(a) Opaque fences and walls located between the street and front façade of a building shall not exceed three (3’) feet in height. The front façade shall be any side of the building with a public entrance. The portion of any fence or wall exceeding three (3’) feet in height, shall be transparent to the extent of allowing visibility of the building’s front façade. To achieve this level of transparency, at least fifty (50) percent of every one (1’) foot of height of the fence or wall over three (3’) feet must provide open-air access. The transparency requirement shall also apply to any gates associated with the fence or wall. The maximum height of fences and walls is regulated by subsection (c) of this section.

(b) The following fence materials are allowed in the downtown districts: Wrought or cast iron or coated tube aluminum that simulates wrought iron fencing, wood picket and plank fencing, brick, stone and other natural materials.

(i) Wood fencing must be stained or painted and chosen colors must be equivalent to the pre-approved Benjamin Moore's "Historical Collection" palette and compatible with the building or a color determined to be compatible by the Downtown Design Review Board.

(c) Unless otherwise provided for in this ordinance, no fence or wall may exceed six (6') feet in height.

(d) Dumpster screening: Dumpsters must be screened from public roads and adjacent residential uses. The following materials are acceptable for dumpster screening: Painted, split-faced, concrete block, brick, stone, wood fencing or similar type materials. Flat-faced concreted block and any form of chain link fencing are prohibited materials for dumpster screening.

(i) Metal that simulates wood planks in size and appearance may be used as dumpster screening provided it is coated or painted a color from the pre-approved Benjamin Moore's "Historical Collection" palette and compatible with the building or a color determined to be compatible by the Downtown Design Review Board.

**SECTION 5.** The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

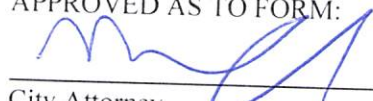
ADOPTED this 7th day of June, 2022.

  
Mayor

ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 3rd day of May, 2022   
City Recorder

Passed 2<sup>nd</sup> reading on this 7th day of June, 2022   
City Recorder



ORDINANCE NO. 2022-36

**AN ORDINANCE TO AMEND §14-222 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING FENCE REQUIREMENTS FOR INDUSTRIAL PROPERTIES.**

**WHEREAS**, the Zoning and Land Use Ordinance requires fences exceeding six feet in height to meet the setbacks for accessory structures; and

**WHEREAS**, industrial properties have large setbacks which do not distinguish between accessory and primary structures; and

**WHEREAS**, industrial properties have a need for heightened security along the perimeter of their property; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** That Title 14, Chapter 2, Section 14-222 Fences and vegetation adjacent to roadways, subsection (11) is deleted in its entirety and replaced with the following:

(11) Fence regulations applicable to properties in industrial zones. Properties zoned "Industrial" are only required to comply with subsections (1)-(5) of this fence section with the exception that only fences exceeding eight feet (8') tall need meet the setback requirements of §14-222.

**SECTION 2.** The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 5<sup>th</sup> day of July 2022.

Mayor

ATTEST:

Sherrie Phillips  
City Recorder

APPROVED AS TO FORM:

[Signature]  
City Attorney

Passed 1<sup>st</sup> reading on this 7<sup>th</sup> day of June, 2022 Sherrie Phillips  
City Recorder

Passed 2<sup>nd</sup> reading on this 5<sup>th</sup> day of July, 2022 Sherrie Phillips  
City Recorder

ORDINANCE NO. 2023-01

**AN ORDINANCE TO AMEND §14-209 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, PERTAINING TO MAXIMUM ALLOWABLE HEIGHT IN THE CENTRAL BUSINESS DISTRICT AND CENTRAL BUSINESS DISTRICT SUPPORT ZONE.**

**WHEREAS**, the Council of the City of Maryville, Tennessee has established maximum allowable height in the downtown zoning districts; and

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to increase the maximum allowable height in some of the downtown districts; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved/denied by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-209(4)(d) Height is deleted in its entirety and replaced with the following:

(d) Height: Maximum allowable building height shall not exceed seventy (70) feet measured from the finished grade at the front of the building to the highest point on the façade.

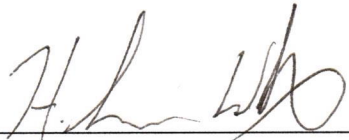
**SECTION 2.** §14-209(8)(d) Height is deleted in its entirety and replaced with the following:

(d) Height: Maximum allowable building height shall not exceed seventy (70) feet measured from the finished grade at the front of the building to the highest point on the façade.


**SECTION 3.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 3rd day of January, 2023.

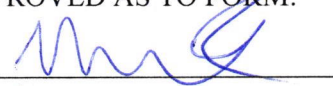


  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this 16<sup>th</sup> day of December, 2022   
\_\_\_\_\_  
City Recorder

Passed 2nd reading on this 31<sup>st</sup> day of January, 2023   
\_\_\_\_\_  
City Recorder

ORDINANCE NO. 2023-03

**AN ORDINANCE TO AMEND §14-219(7) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, TO ALLOW FOR ALTERNATIVE PARKING SURFACE MATERIALS.**

**WHEREAS**, the Zoning and Land Use Ordinance provides for the allowable surface materials for parking; and

**WHEREAS**, allowing alternative parking surfaces under certain conditions will provide economic and environmental benefits; and

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to allow for alternative parking surfaces for overflow parking; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** §14-219(7) of the Maryville Municipal Code is hereby amended to add the following after the first paragraph:

Overflow parking not being part of the minimum parking required as stated in subsection (2) of this section maintained towards the rear of the site may utilize alternative surface materials for parking spaces and drive aisles including the following: (1) permeable interlocking concrete pavers, (2) pervious concrete (only allowed in parking spaces, not drive aisles), (3), pervious asphalt (only allowed in parking spaces, not drive aisles), (4) concrete grid pavers, (5) plastic turf reinforcing grid, (6) crushed stone (only allowed in parking spaces, not drive aisles), (7) gravel (only allowed in parking spaces, not drive aisles). The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar material. No such alternative parking may be utilized within any front setback areas for a property. If the use of the property is changed or expanded to require additional minimum parking as stated in subsection (2) of this section, such overflow parking cannot count towards this requirement unless it is converted to asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this 7<sup>th</sup> day of February, 2023.

H. Amato  
Mayor

ATTEST:

Sherrie Phillips  
City Recorder

APPROVED AS TO FORM:

[Signature]  
City Attorney

Passed 1<sup>st</sup> reading on this 3<sup>rd</sup> day of January, 2023 Sherrie Phillips  
City Recorder

Passed 2nd reading on this 7<sup>th</sup> day of February, 2023 Sherrie Phillips  
City Recorder

ORDINANCE NO. 2023-10

**AN ORDINANCE TO AMEND §14-209 (5) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, PERTAINING TO SETBACKS IN THE WASHINGTON STREET COMMERCIAL CORRIDOR.**

**WHEREAS**, the Council of the City of Maryville, Tennessee has established minimum and maximum setbacks in the Washington Street Commercial Corridor zoning district; and

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to increase the maximum setback in the Washington Street Commercial Corridor for lots not fronting on Washington Street; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:


**SECTION 1.** §14-209(5)(d)(i) is amended by deleting the following: "For lots that do not front Washington Street, the front setback shall be a ten (10) foot minimum and fifteen (15) maximum." and replacing it with the following in the same location "The front setback for frontages not along Washington Street shall be a ten (10) foot minimum and twenty-five (25) foot maximum."

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.


ADOPTED this 2nd day of May, 2023.

  
Mayor


ATTEST:

  
City Recorder

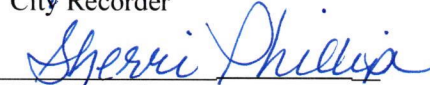
APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading on this 4th day of April, 2023

  
City Recorder

Passed 2nd reading on this 2nd day of May, 2023

  
City Recorder