

**TITLE 14****ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING AND LAND USE ORDINANCE.
3. HISTORIC ZONING COMMISSION.

**CHAPTER 1****MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation.
- 14-102. Membership.
- 14-103. Organization, powers, duties, etc.
- 14-104. Deleted.

**14-101. Creation.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. (1985 Code, § 11-101)

**14-102. Membership.** The planning commission shall consist of seven (7) members, one (1) of whom shall be the mayor or a person designated by the mayor, one (1) of whom shall be a member of the city council who shall be appointed by council, and five (5) of whom shall be appointed by the mayor. A majority of the membership shall be freeholders within the City of Maryville. One member may reside outside of the corporate limits but within Blount County.

Terms shall be a maximum of five (5) years, except for the term of office of the member of the city council, which shall run concurrently with membership on the city council. Terms shall be arranged so that the term of one (1) member will expire each year.

Any vacancy in the appointed membership shall be filled for the unexpired term by the mayor, who shall have authority to remove any appointed member when concurred by a majority vote of the city council. (1985 Code, § 11-102, as replaced by Ord. #2018-30, Sept. 2018 *Ch17\_2-5-19*)

**14-103. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1985 Code, § 11-103)

**14-104. Deleted.** (1985 Code, § 11-104, as deleted by Ord. #2018-30, Sept. 2018 *Ch17\_2-5-19*)

## CHAPTER 2

### ZONING AND LAND USE ORDINANCE

#### SECTION

- 14-201. General provisions.
- 14-202. Basic definitions and interpretations.
- 14-203. Board of zoning appeals, planning department, downtown design review board and regional planning commission basic powers, functions and procedures.
- 14-204. Permits
- 14-205. Appeals, variances, interpretations.
- 14-206. Hearing procedures for appeals and applications.
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- 14-208. Nonconforming situations.
- 14-209. Zoning districts and zoning map.
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- 14-212. Site plan review process.
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- 14-214. Density and dimensional regulations
- 14-215. Streets and sidewalks.
- 14-216. Utilities.
- 14-217. [Repealed.]
- 14-218. Signs.
- 14-219. Parking.
- 14-220. Amendments.
- 14-221. Fees.
- 14-222. Fences and vegetation adjacent to roadways.

**14-201. General provisions.** (1) Short title. This ordinance shall be known and may be cited as the Maryville Zoning and Land Use Ordinance.

(2) Authority.

(a) This chapter is adopted pursuant to the authority contained in the Tennessee Code Annotated including but not limited to authority found in § 13-7-201 et seq.

(b) Whenever any provision of this ordinance refers to or cites a section of the Tennessee Code Annotated, the Maryville Subdivision Regulations or Maryville City Charter and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

(3) Jurisdiction. This ordinance shall be effective throughout the city's corporate limits.

(4) Effective date. The provisions in this ordinance were originally adopted and became effective on June 15, 2006.

(5) Relationship to existing zoning, subdivision and flood control ordinances. To the extent that the provisions of this ordinance are the same in substance as the previously adopted provisions that they replace in the city's zoning ordinances, subdivision regulations, and flood control ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular it is the express intent of this ordinance that a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this ordinance merely by the repeal of the zoning ordinance. In case of conflict between this ordinance or any part thereof, and the whole or part of any future ordinance of the city, the most restrictive shall in all cases apply.

(6) Relationship to land use plan. It is the intention of the council that this ordinance implements the planning policies and affects the zoning adopted by the council for the city, as reflected in the land-use plan and other planning and zoning documents. While the council reaffirms its commitment that this ordinance and any amendment to it be in conformity with adopted planning policies, the council hereby expresses its intent that neither this ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

(7) No use or sale of land or buildings except in conformity with ordinance provisions. (a) Subject to the provisions of this ordinance addressing nonconforming uses, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this ordinance.

(b) For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

(8) Severability. It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

(9) Computation of time. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded in the computation.

(10) Miscellaneous. (a) As used in this ordinance, words importing the masculine gender include the feminine and neuter.

(b) Words used in the singular in this ordinance include the plural and words used in the plural include the singular. (as replaced by Ord. #2006-32, June 2006 , and amended by Ord. #2018-30, Sept. 2018 *Ch17\_2-5-19*)

**14-202. Basic definitions and interpretations.** (1) Definitions. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

(a) "Accessory building." A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

(b) "Accessory use" means any incidentally supporting and functionally dependent use located on the same lot with its principal use, an accessory use is not necessarily coterminous with an accessory structure; an accessory use may be either auxiliary or subsidiary.

(c) "Adult day care." A service and/or licensed facility that provides accommodations for less than twenty-four (24) hours for more than five (5) unrelated adults and provides supervision, personal care services, and limited medical services to occupants of the facility. This service shall include buildings and structures occupied by persons older than eighteen (18) years of age and who receive care from individuals other than parents or guardians, relatives by blood, marriage, or adoption, in a place other than the home of the person cared for.

(d) "Antenna." Equipment designed to transmit or receive electronic signals.

(e) "Assisted living housing." A residential use containing not more than sixty (60) dwelling units to house older persons who are frail but not infirm. Lower level assistance than intermediate care institution, assisted living housing provides medical care and activities for daily living on an as needed basis. Uses are intended to simulate residential living in appearance, and typically generate lower levels of impact consistent with a comparable number of traditional residential units. Units may be under one roof, in several buildings not to exceed sixty (60) units per building and may include cottages and independent units from the main facility that provides meals, recreation, and low level medical service.

(f) "Base flood." The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

(g) "Boarding house." A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or

collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

(h) "Building" means any roofed structure, including conventional buildings, tents, mobile homes, and such. Buildings may be either principal or accessory, according to their use.

(i) "Certify." Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification.

(j) "Child care home." A home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as single housekeeping unit. A child care home as defined in this ordinance is an institution which conforms to Tennessee licensing regulations pertaining to such institutions.

(k) "Child care institution." An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children, and meeting State licensing regulations.

(l) "City" means the legal entity of the City of Maryville, Tennessee as incorporated under the laws of Tennessee, and includes the legislative, administrative, and adjudicative agencies of the city.

(m) "Conference/training center." A public or private facility or improved location, including open space and buildings, for the purpose of providing a common meeting place for professional training and education, social events for formal or informal organizations, and where food and drink may be prepared, served, and consumed. Such a facility must include facilities and provision for overnight lodging for conference center guests.

(n) "Consignment store and thrift shop" (see municipal code § 9-106 for definitions and regulations).

(o) "Continuing care retirement community." A continuing care retirement community ("CCRC") consists of a specified combination of residential uses that may be special exception or permitted uses. A CCRC shall include single family housing (including duplexes, and multi-family townhouses) and a minimum combination of at least two (2) of the following three uses: independent living and care, assisted living housing, and nursing care facilities, where the average length of stay in these type facilities is more than forty-five (45) days. At least one of such facilities must be State-licensed. Other non-residential uses may be included in this type of development when integrally designed to be compatible and accessory to the primary uses and intent of the development as a whole.

(p) "Convenience store." A one-story retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

(q) "Corner lot" means any lot bounding the intersection of two (2) streets (or upon the inside of a curve of a street) where the corner interior angle is less than one hundred thirty-five (135) degrees (or if tangents to the points where the street lines meet the curve form such angle).

(r) "Council." The City Council of the City of Maryville.

(s) "Day care center." Any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five (5) children of preschool age, and meets requirements for licensing by the state of Tennessee.

(t) "Deck." A roofless, outdoor space built as an aboveground platform that adjoins a house and is also supported by means other than the principal structure.

(u) "Developer." A person who is responsible for any undertaking that requires a zoning permit or other use-related permit as described in the terms of this ordinance.

(v) "Development." That which is to be done pursuant to a zoning permit or other use-related permit as described in the terms of this ordinance.

(w) "Driveway." That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

(x) "Duplex." A two (2) family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

(y) "Dwelling unit." An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

(z) "Erected" includes altered, constructed, enlarged, installed, moved, remodeled, reconstructed and similar actions, and when used in conjunction with a sign, includes painting, hanging or otherwise affixing.

(aa) "Extraterritorial planning area." That portion of the city's planning jurisdiction that lies outside the corporate limits of the city and constitutes the city's urban growth boundary.

(bb) "Family" means an individual or two or more persons related by blood or marriage or a group of not more than five (5) persons not so related living together as a single housekeeping unit in a dwelling unit.

(cc) "Farmers' market" (see municipal code § 9-105 for definition and regulations).

(dd) "Fence" means an unroofed enclosing barrier of any nature (including vegetation) or construction. A vegetative fence may form a screen. The opacity of a fence or screen shall be deemed the ratio of open area which permits unobstructed passage of light and air to closed area, expressed as a percent. A retaining wall is a fence insofar as it extends in height above the finished grade of the high side.

(ee) "Flag lot." A lot having a narrow portion of which fronts on a public/private street and where access to the public/private street is across that narrow portion for the exclusive use of that lot only.

(ff) "Flea market" (see municipal code § 9-104 for definition and regulations).

(gg) "Floodplain." Any land area susceptible to partial or complete inundation by water from the base flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the flood boundary and floodway map prepared by the Tennessee Valley Authority and approved by the Federal Emergency Management Agency (FEMA), a copy of which is on file in the planning department.

(hh) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. As used in this ordinance the term refers to that area designated as a floodway on the flood boundary and floodway map prepared by the Tennessee Valley Authority and approved by FEMA, a copy of which is on file in the planning department. The adopted floodway is depicted on the city zoning map as an overlay zoning district, pursuant to the terms of this ordinance.

(ii) "Freestanding sign." A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements is also a freestanding sign.

(jj) "Garage sale" (see municipal code § 9-102 for definition and regulations).

(kk) "Gathering place." A facility maintained for the purpose of providing accommodations for weddings, family reunions, social functions, and dances and which may involve activities such as on site catering, playing live and recorded music, display sales and rental of clothing, decorations associated with a particular function and activity to be conducted on said property. Such a facility shall be located on no less than two (2) acres and must be located along a state or federal highway.



It is the intent of this ordinance that all the above activities are to be conducted in connection with activities conducted on said accommodations.

(ll) "Gross floor area." The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

(mm) "Ground floor" means the story connected to the outside at ground level plus or minus four (4) feet.

(nn) "Halfway house." A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, not more than eleven (11) of whom live together as a single housekeeping unit.

(oo) "Height of a structure" means the distance measured vertically in feet from the finished grade (or, in the case of a building, from the ground level from which fire protection equipment can service the lot) to the highest point of a flat roof, to the deck line of a mansard roof, to the average point between eaves and ridge for gable, hip, gambrel roofs, and to the highest point of a horizontal member or of any substantial part of other structures. Height limits for airport hazard districts shall be deemed elevations, measured from an airport reference point or from mean sea level.

(pp) "Home for handicapped or infirm." A residence within a single dwelling unit for at least six (6) but not more than nine (9) persons who are physically or mentally handicapped or infirm, together with not more than two (2) persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

(qq) "Home occupation." An activity for gain or support which:

(i) is conducted by a person on the same lot (in a residential district) where such person resides, and

(ii) is incidental or is not commonly associated with the residential use as to be regarded as an accessory use, and can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, a use may be regarded as having a significantly adverse impact on the surrounding neighborhood if:

(i) goods, stock in trade, or other commodities are displayed

(ii) tools, machinery, and equipment are not screened from view of the surrounding neighborhood

- (iii) any on-premises retail sales occur
- (iv) more than one (1) person not a resident of the premises is employed in connection with the purported home occupation,
- (v) it creates objectionable noise, fumes, odor, dust or electrical interference
- (vi) more than twenty percent(20%) of the total gross floor area of residential buildings plus other buildings housing the purported home occupation or more than five hundred (500) square feet of gross floor area (whichever is less) is used for home occupational purposes.

The following is a nonexhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria:

- (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional;
- (ii) workshops, greenhouses, or kilns:
- (iii) dressmaking or hairdressing studios not to exceed one (1) hairdressing chair within the primary structure.
- (iv) similar or like use as determined by the administrator.

(rr) "Impact overlay permit." A permit issued by the planning commission that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed as a result of an impact analysis. The impact analysis shall be performed pursuant to the requirements described in the impact overlay district of this ordinance.

(ss) "Independent living facility." A residential use to house older persons who are not infirmed. Independent living residential services may include meals, housekeeping, social programs, daily maintenance and other services. An independent living facility is intended to be residential in character and is expected to generate lower levels of impact than traditional residential units. Independent care facilities may be part of a continuing care retirement community.

(tt) "Institution for handicapped or infirm care." An institutional facility housing and providing care or assistance for more than nine (9) persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

(uu) "Intermediate care home." A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower lever than that provided

in a nursing care home but at a higher level than that provided in institutions for the handicapped or infirm.

(vv) "Kennel." A commercial operation that:

(i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or

(ii) engages in the breeding of animals for sale.

(ww) "Leased garden area." A plot of ground, not to exceed two (2) acres, leased or rented for the sole purpose of cultivating herbs, fruits, flowers, and/or vegetables for non-profit use. On site retail sales are prohibited.

(xx) "Light industrial." Light industrial uses as permitted and allowed within the business/transportation zone and special exception uses within the central community zone are specific operations that will have little or no adverse impact on surrounding districts or uses. Light industrial uses may include storage, distribution, manufacturing, processing and fabrication which will have little or no adverse effects upon nearby residential or commercial uses.

(yy) "Lot." A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a public road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Subject to the provision in this ordinance concerning nonconforming lots, and the subdivision regulations of the city, the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.

(zz) "Lot area." The total gross lot area circumscribed by the boundaries of a lot, except that:

(i) when the legal instrument creating a lot shows the boundary of the lot extending into a public right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street, and

(ii) in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

(aaa) "Lot frontage" is the length of a straight line drawn between the two (2) points where the abutting property lot lines or other adjacent lot lines cut a given street line of a public street. In the case of a corner lot, one or both of the end points shall be deemed to be the imaginary point (s) of the intersection of tangents to any curve from where the street lines begin such curve. A lot may have more than one frontage; however, only one such frontage shall be required to meet the minimum frontage requirements of this code. Situations in which property abuts the end line of a street designed later to be extended shall not be deemed frontage situations.

(bbb) "Lot line" means the legal boundary for a lot.

(ccc) "Lot width" is the length of a straight line drawn between the points where any street setback line cuts the lot lines adjacent to and intersecting that street line from which the setback is measured. In the case of uses for which required lot width exceeds required lot frontage, lot width may be similarly measured along any line parallel to the street setback line and located farther from the centerline than the street setback line is located. Lot width requirements shall be applied for each separate lot frontage.

(ddd) "Mobile home. A dwelling unit that:

- (i) is not constructed in accordance with the standards set forth in the city building code, and
- (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and
- (iii) exceeds forty (40) feet in length, and eight (8) feet in width.

(eee) "Mobile home park." A residential use in which more than one mobile home is located on a single lot.

(fff) "Modular home." A dwelling unit constructed in accordance with the standards set forth in the city building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the city building code applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

(ggg) "Motor home." A motor vehicle which is designed, constructed and equipped as a dwelling place, living abode or sleeping place.

(hhh) "Multi-family apartments." A multi-family residential use other than a multi-family conversion or multi-family townhouse.

(iii) "Multi-family conversion." A multi-family residence containing not more than four (4) dwelling units and resulting from the conversion of a single building containing at least two thousand (2,000) square feet of gross floor area that was in existence on the effective date of this provision and that was or originally designed, constructed and occupies as a single-family residence.

(jjj) "Multi-family residence." A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

(kkk) "Multi-family townhouse." A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

(lll) "Neighborhood utility facilities." Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

(mmm) "Nonconforming sign." A sign that, on the effective date of this chapter, legally does not conform to one or more of the regulations set forth in this ordinance.

(nnn) "Nonconforming use." A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

(ooo) "Nursery schools." A facility for the organized instruction of pre-kindergarten children.

(ppp) "Nursing care institution." An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) persons.

(qqq) "Parking space." A portion of the vehicle accommodation area set aside for the parking of one vehicle.

(rrr) "Person." An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

(sss) "Personal care services." Personal care services are those services that require state license and/or advanced schooling in order to practice a trade and employment and would include but not be limited to cosmetologists and barbers, licensed massage therapists, athletic trainers, acupuncture technicians, dietitians and nutritionists, opticians, physical therapists, or any similar or like occupation.

(ttt) "Planned residential development." A development constructed on a tract of at least five (5) acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two (2) family residences or multi-family residences, or both, all developed in accordance with the planned development provisions of this ordinance.

(uuu) "Planned Unit Development (PUD)." A development constructed on a tract of at least twenty-five (25) acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential use on land within a PUD district.

(vvv) "Planning commission" means the municipal planning commission, created in accordance with appropriate provisions of Tennessee Code Annotated, Title 13, Public Planning and Housing, with jurisdiction in Maryville and the surrounding territory.

(www) "Planning department." The section of the City of Maryville which is responsible for administering land use regulations and performing current and long-range planning duties for the city.

(xxx) "Planning jurisdiction." The area within the city limits as well as the area beyond the city limits within which the city is authorized to plan for and regulate development also known as the urban growth boundary.

(yyy) "Primary residence with accessory apartment." A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five (25) percent of the gross floor area of the building or more than a total of seven hundred fifty (750) square feet.

(zzz) "Principal building." The primary building on a lot or a building that houses a principal use.

(aaaa) "Principal use" means the one specific primary purpose of use, characterized by an essential element without which the use would not exist as such; a principal use is not necessarily coterminous with a principal structure; a principal use may involve one or more operations; a principal use is functionally independent of other uses with which it may jointly occupy a lot or a structure.

(bbbb) "Professional service." Professional service means a vocation, calling, occupation, or employment requiring training in the arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation requiring licensing by the state and maintenance of professional ethics and standards applicable to a certain field and may include, but not be limited to the fields of, accounting, architecture, landscape architecture, land surveying, law, medicine, professional engineering, real estate, appraising, professional nursing; or a person who is licensed or registered by the state to perform a certain trade or specific activity within the fields mentioned above or of similar employment.

(cccc) "Public rummage sale" (see municipal code § 9-103 for definition and regulations).

(dddd) "Receive-only earth station." An antenna and attendant processing equipment for reception of electronic signals from satellites.

(eeee) "Restaurant." An establishment where food and drink is prepared, served, and consumed primarily within the principle building.

(ffff) "Rooming house. (See boarding house.)

(gggg) "Sign." Any device that:

(i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (b) of this definition; and

(ii) is designed to attract the attention of such persons or to communicate information to them.

(hhhh) "Sign permit." A permit issued by the city that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

(iii) "Single-family detached residence." More than one (1) dwelling per lot. A residential use consisting of two (2) or more single-family detached dwelling units on a single lot.

(jjjj) "Single-family detached residence." One (1) dwelling unit per lot. A residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units.

(kkkk) "Story." Any fully enclosed level of a building with at least an eight (8) foot distance from floor to ceiling. Such level must span the entire distance from all exterior walls (i.e., partial mezzanine floors do not count as a story). A basement or upper level may also count as a story providing it satisfies the criteria above. The top floor area under a sloping roof with less floor area is a half story.

(llll) "Street." A public street or a street with respect to which an offer of dedication has been made and acceptance of dedication has been made by the City of Maryville.

(mmmm) "Structures." Any erected material or combination of materials the use of which requires a location on the ground, including,

but not limited to, buildings, stadiums, radio towers, shed, storage bins, fences, septic tanks, signs and parking lots. Structures may be either principal or accessory, according to their use.

(nnnn) "Subdivision." The division of a tract of land into two (2) or more lots, sites, or other divisions requiring new streets or utility construction, or any subdivision of less than five (5) acres for the purpose, whether immediate or future, of sale or building development and includes re-subdivision and, when appropriate to context, relates to the process of re-subdividing or to the land or area subdivided.

(oooo) "Tearoom/café." An establishment having a maximum seating capacity of sixty (60) seats serving food and drink such as baked goods, soups, sandwiches, entrees and desserts.

(pppp) "Total floor area" means that area measured to the exterior face of exterior walls of the first story of a building plus, similarly measured, the area of any additional usable stories.

(qqqq) "Tower." Any structure whose principal function is to support an antenna.

(rrrr) "Tract." A lot. The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

(ssss) "Transient vendor" (see municipal code § 9-201, et seq. for definition and regulations).

(tttt) "Travel trailer." A structure that:

(i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and

(ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

(uuuu) "Trees," Vegetation growing to a mature height in excess of twenty-five (25) feet.

(vvvv) "Two-family apartment." A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

(wwww) "Two-family conversion." A two-family residence resulting from the conversion of a single building containing at least two thousand (2,000) square feet of gross floor area that was originally designed, constructed and occupied as a single-family residence.

(xxxx) "Two-family residence." A residential use consisting of a building containing two (2) dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

(yyyy) "Use." The activity or function that actually takes place or is intended to take place on a lot.



(zzzz) "Utility facilities." Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by Tennessee Code Annotated and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electronic signals. Excepted from this definition are utility lines and supporting structures located within a public right-of-way.

(aaaaa) "Variance." A grant of permission by the board of zoning appeals that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

(bbbbb) "Vegetation" means any object of natural growth and includes ground cover, shrubs, and trees.

(ccccc) "Wholesale sales." On-premises sales of goods primarily to customer engaged in the business of reselling the goods.

(ddddd) "Zoning permit." A permit issued by the city that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

(eeee) "Short term rental unit." A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel or a bed and breakfast establishment.

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

(b) Whenever a single lot is located within two (2) or more different zoning districts, and the portions of the zoning districts do meet the applicable minimum lot size, and they could accommodate the density/dimension requirements, then the regulations applicable to the zoning district shall apply. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2009-18, May 2009, Ord. #2011-03, Feb. 2011, Ord. #2012-06, Feb. 2012, Ord. #2015-69, Nov. 2015, Ord. #2016-02, Jan. 2016, Ord. #2016-06, March 2016, Ord. #2017-34, Sept 2017 *Ch17\_2-5-19*, Ord. #2018-30, Sept. 2018 *Ch17\_2-5-19*, and Ord. #2018-37, Nov. 2018 *Ch17\_2-5-19*)

**14-203. Board of zoning appeals; planning department, downtown design review board and municipal planning commission basic powers, functions and procedures.** (1) Establishment, terms, removal and replacement.

(a) The Board of Zoning Appeals (BZA) shall consist of five (5) members and is established in accordance with Tennessee Code Annotated, § 13-7-205. Members of the board may also be members of the planning commission, design review board or historic zoning commission, but none are required to be. All members shall be appointed by the mayor and confirmed by a majority vote of the city council.

(b) All board of zoning appeals members shall reside within the corporate limits of the City of Maryville. Board of zoning appeals members shall serve for four (4) years staggered terms. BZA members who are also members of other appointed boards or commissions (if any) shall serve terms which are coterminous with their other appointments. Members may continue to serve until their successors have been appointed. Any vacancy shall be filled for any unexpired term by an appointment by the mayor with confirmation by the city council.

(c) Members may be reappointed to successive terms without limitation.

(d) Board zoning appeals members may be removed by the mayor at any time for failure to attend three consecutive meetings or for failure to attend twenty-five (25) percent or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties.

(e) If a board member moves outside the city, that shall constitute a resignation from the board, effective upon the date a replacement is appointed.

(2) Meetings of the board of zoning appeals. (a) The board of zoning appeals shall establish a regular meeting schedule and shall meet frequently enough so that it can take action expeditiously on those matters before it. Notice of at least five (5) days shall be provided of a meeting of the board.

(b) 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.

(3) Quorum. (a) A quorum for the board of zoning appeals shall consist of a majority of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take official action.

(b) 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.

(4) Voting. (a) The concurring vote of a simple majority of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance. All other actions of the board shall also be taken by majority vote, a quorum being present.

(b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as a negative vote unless the member has recused himself or abstains.

(c) A member may recuse himself from voting on a particular issue under the following circumstances:

(i) If the member has a direct financial interest in the outcome of the matter at issue, or

(ii) If the matter at issue involves the member's own official conduct, or

(iii) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or

(iv) 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.

(v) For any other reason under state law where recusal would be appropriate.

(5) Board of zoning appeals officers. (a) At its first regular meeting in July, the board of zoning appeals shall, by majority vote of its membership (excluding vacant seats) elect one (1) of its members to serve as chairman and preside over the board's meetings and one (1) member to serve as vice chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

(b) The chairman and vice chairman and may take part in all deliberation and vote on all issues.

(6) Powers and duties of the board of zoning appeals. (a) The board of zoning appeals shall hear and decide:

(i) Appeals from any order, decision, requirement, or interpretation of this ordinance made by any administrative official in carrying out the duties of his office,

(ii) Applications for variances,

(iii) Questions involving interpretation of the zoning map, including disputed district boundary lines and lot lines, and requests for special exceptions as provided for in this ordinance,

(iv) Any other matter the board is required to act upon by any other city ordinance. In exercising these powers the BZA shall interpret this ordinance, the zoning map, and any other maps, charts, and materials incorporated herein in light of all applicable statutes and of the comprehensive plan for Maryville.

(b) The board may adopt rules and regulations governing its procedures and operations, which rules and regulations are consistent with the provisions of this ordinance.

(7) Planning department--land use administrator. Except as otherwise specifically provided, primary responsibility for administering and enforcing this ordinance may be assigned by the city manager to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "land-use administrator" or "administrator". The term "staff" or "planning staff" is sometimes used interchangeably with the term "administrator". "Administrator" shall mean the same as "building commissioner" as referred to in Tennessee Code Annotated §§ 13-7-206 and 13-7-208.

(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 all conceptual plans for construction, alteration, repair, rehabilitation, relocation of any structure, or demolition of any historically significant structure, in the downtown districts for compliance with those standards.

(b) Membership. Downtown Design Review Board members shall be appointed by the mayor. The board shall consist of nine (9) members: A representative of a local patriotic or historical organization; an architect, if available; and a member of the planning commission, at the time of such person's appointment. The remaining members shall be appointed from the community in general. The terms of members of the Downtown Review Board shall be five (5) years. Members may be appointed to successive terms without limitation. DDRB members can also be members of the Board of Zoning Appeals or the Historic Zoning Commission, but are not required to be.

(c) Meetings. The DDRB shall establish a regular meeting schedule and shall meet with sufficient frequency that it can take action expeditiously. Adequate notice shall be provided of a meeting of the board. All meetings of the board shall be open to the public, and the agenda for each board meeting shall be made available in advance of the meeting. The board may adopt rules and regulations consistent with the provisions of this part.

(i) Quorum. A quorum for the DDRB shall consist of a majority of the regular board membership (excluding vacant seats). A quorum is necessary for the board to take official action. A member who has recused himself due to a conflict of interest shall be counted as present for purposes of determining whether a quorum is present.

(ii) Voting. The concurring vote of a simple majority of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any

ordinance or to grant any variance. All other actions of the board shall also be taken by majority vote, a quorum being present.

A. A member may recuse himself from voting on a particular issue under the following circumstances:

(1) If the member has a direct financial interest in the outcome of the matter at issue, or

(2) If the matter at issue involves the member's own official conduct, or

(3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or

(4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

(5) For any other reason under state law where recusal would be appropriate.

(d) **Jurisdiction.** The DDRB has jurisdiction in non-residential and multi-family uses per Tennessee Code Annotated, § 6-4-133. The Maryville Downtown Review Board is limited to the downtown zones, and the following zoning districts must conform to downtown design standards.

(i) Central Business District

(ii) Central Business District Support Zone

(iii) Heritage Development Zone

(iv) Office Transition Zone

(v) Washington Street Commercial Corridor

(e) The DDRB is to report its findings to the planning commission for review and validation. In all cases, the review board shall review and report within sixty (60) days all applications within the designated zones. If noncompliance is found, then the applicant shall be informed of the finding in writing no later than three (3) days after the termination of the sixty (60) day period. If found in compliance, the applicant shall be notified within a reasonable time of approval.

(f) **Review of decision.** Any applicant who may disagree with any recommendation of the Downtown Maryville Design Review Board may appeal to the Maryville Municipal Planning Commission when said application is considered and make known his or her objections. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2009-37, July 2009, Ord. #2017-04, March 2017, and Ord. #2018-30, Sept. 2018 ***Ch17\_2-5-19***)

**14-204. Permits.** (1) Permits required. (a) The use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other

substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

- (i) A zoning permit issued by the administrator,
- (ii) A special exception permit issued by the board of zoning appeals,
- (iii) A sign permit issued by the administrator.

(b) Zoning permits and special exception permits and sign permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and unless subsequently amended and approved as amended, all development shall occur strictly in accordance with such approved plans and applications.

(c) A zoning permit, special exception permits, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority.

(2) No occupancy, use, or sale of lots until requirements fulfilled.

Issuance of a special-use or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter improvements. However, except as otherwise provided expressly in this ordinance, the intended use may not be commenced, no building may be occupied until all of the requirements of this ordinance and all additional requirements imposed pursuant to the issuance of an approval, permit or special exception permit have been met.

(3) Who may submit permit applications. (a) Applications for zoning, special exception, and sign permits will be accepted only from persons having the legal authority to take action in accordance with the permit. As an illustration, in general this means that applications should be made by the owner or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).

(b) The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with subsection (1) whenever there appears to be a reasonable basis for questioning this authority.

(4) Applications to be complete. (a) All applications for zoning, special exception or sign permits must be complete before the permit-issuing authority is required to consider the application.

(b) Subject to subsection (3), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance.

(c) All detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) shall be in accordance with any public works standards adopted by the City of Maryville, or in accordance with specifications outlined by the city director of engineering and public works. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with the standards, so long as the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in light of the substantive requirements. However, whenever this ordinance requires a certain element of a development to be constructed in accordance with other specifications, separate and apart from this document, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. Failure to observe this requirement may result in permit revocation or other penalty as provided otherwise in this ordinance.

(d) The presumption established by this ordinance is that all of the information set forth in the Maryville Land Development and Public Works Standards is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the city council or board of zoning appeals, the applicant may rely in the first instance on the recommendations of the administrator as to whether more or less information than set forth in the Maryville Land Development and Public Works Standards should be submitted.

(e) The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this ordinance, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the

administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

(5) Staff consultation before formal application. Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this ordinance to the proposed development.

(6) Staff consultation after applications submitted. (a) Upon receipt of a formal application for a zoning or special exception permit, the administrator shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this ordinance, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to do.

(b) If the application is for a special exception, the administrator shall place the application on the agenda of the board of zoning appeals when the applicant indicates that the application is as complete as he intends to make it. However, if the administrator believes that the application is incomplete, he shall recommend to the appropriate board that the application be denied on that basis.

(7) Zoning permits. (a) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the planning department.

(b) The administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant as provided in § 14-204(6), that:

- (i) The requested permit is not within his jurisdiction according to the table of permissible uses, or
- (ii) The application is incomplete, or
- (iii) If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with based on a prior nonconforming use).

(c) If the administrator determines that the development for which a zoning permit or special exception is requested will have or may have substantial impact on surrounding properties, he shall, at least ten (10) days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within one hundred fifty (150) feet of the lot that is the subject of the application, informing them that:

- (i) An application has been filed for a permit authorizing identified property to be used in a specified way,
- (ii) All persons wishing to comment on the application should contact the administrator by a certain date, and



(iii) Persons wishing to be informed of the outcome of the application should send a written request for such notification to the administrator.

(8) Authorizing use or occupancy before completion of development under zoning permit. In cases when, because of weather conditions or other factors beyond the control of the zoning-permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning-permit recipient to comply with all of the requirements of this ordinance prior to commencing the intended use of the property or occupying any buildings, the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the administrator to ensure that all of the requirements of this ordinance will be fulfilled within a reasonable period (not to exceed twelve (12) months) determined by the administrator.

(9) Special exception permits. (a) An application for a special exception permit shall be submitted to the board of zoning appeals by filing a copy of the application with the administrator in the planning department.

(b) Subject to subsection (c) the board of zoning appeals shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

(i) The requested permit is not within its jurisdiction according to the table of permissible uses, or

(ii) The application is incomplete, or

(iii) If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those the applicant is not required to comply with under the circumstances specified in this ordinance in § 14-208.

(c) Even if the permit-issuing board finds that the application complies with all other provisions of this ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:

(i) Will materially endanger the public health or safety, or

(ii) Will substantially injure the value of adjoining or abutting property, or

(iii) Will not be in harmony with the area in which it is to be located, or

(iv) Will not be in general conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the council, or

(v) Will create impacts on public services and facilities which impacts are beyond the capacity of the city to address with available public funds.

(10) Burden of presenting evidence, burden of persuasion. (a) The burden of presenting a complete application to the permit-issuing board shall be upon the applicant. However, unless the board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete.

(b) Once a completed application has been submitted, the burden of presenting evidence to the permit-issuing board sufficient to lead it to conclude that the application should be denied for any reasons stated in subsections 9(b)(i), 9(b)(iii) or 9(c) shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.

(c) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this ordinance remains at all times on the applicant.

(11) Recommendation on special exception permit applications.

(a) When presented to the board of zoning appeals at the hearing, the application for a special exception permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's completeness and the other requirements of this ordinance, as well as, any staff recommendations for additional requirements to be imposed by the board of zoning appeals. Additional requirements shall be related to the review of the project impact analysis, and shall bear a clear relationship to mitigation of impacts identified in the analysis.

(b) If the staff proposes a finding or conclusion that the application fails to comply with § 14-204(4) or any other requirement of this ordinance, it shall identify the requirement in question and specifically state supporting reasons for the proposed finding or conclusions.

(12) Additional requirements on special exception permits.

(a) Subject to subsection (b), in granting a special exception permit, the board of zoning appeals respectively, may attach to the permit such reasonable requirements in addition to those specified in this ordinance as will insure that the development in its proposed location:

- (i) Will not endanger the public health or safety,
- (ii) Will not injure the value of adjoining or abutting property,

(iii) Will be in harmony with the area in which it is located, and

(iv) Will be in conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the council.

(b) The board of zoning appeals may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

(c) Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration. Where no action is taken to construct the improvement by the expiration date, a new permit shall be required.

(d) All additional conditions or requirements shall be entered on the permit.

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

(f) A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in subsections 9(b) or (c).

(13) Authorizing use, occupancy, or sale before completion of development under special exception permits. (a) In cases when, because of weather conditions or other factors beyond the control of the special exception permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this ordinance before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision, the permit-issuing board may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the board to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed twelve (12) months).

(b) When the board imposes additional requirements upon the permit recipient or when the developer proposes in the plans submitted to install amenities beyond those required by this ordinance the board may authorize the permittee to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of one or more of the following:

(i) A performance bond or other security satisfactory to the board is furnished,

(ii) A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made,

(iii) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by other sections of this ordinance concerning penalties, remedies for violations and permit revocation.

(14) Completing developments in phases. (a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c), the provisions of § 14-204(2) (no occupancy, use, or sale of lots until requirements fulfilled) shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of subsection (a), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this ordinance that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit.

(15) Expiration of permits. (a) Zoning, special exception, and sign permits shall expire automatically if, within one (1) year after the issuance of such permits:

(i) The use authorized by such permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or

(ii) Less than ten percent (10%) of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permit has been completed on the site. With respect to phased development, this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one (1) year, then the permit or approval authorizing such work shall immediately expire.

(c) The permit-issuing authority may extend for a period up to six (6) months the date when a permit would otherwise expire pursuant to subsections (a) or (b) if it concludes that: (1) the permit or approval has not yet expired, (2) the permit or approval recipient has proceeded with due diligence and in good faith, and (3) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six (6) months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, the permit within the jurisdiction of the board of zoning appeals is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place:

(i) A copy of the fully executed permit is delivered to the permit recipient and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or

(ii) The zoning administrator notifies the permit or approval applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under applicable state law.

(16) Effect of permit on successors and assigns. Zoning, special exception, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

(a) no person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit, and

(b) the terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained but also with respect to persons who subsequently obtain any interest in all or part of the covered property.

(17) Amendments to and modifications of permits. (a) Insignificant deviations from any permit issued by the board of zoning appeals or the administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(b) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the administrator or board of zoning appeals, new conditions may be imposed. However, the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c).

(e) A developer requesting approval of changes shall submit a written request for such approval to the administrator, and that request shall identify the changes. Approval must be given in writing.

(18) Reconsideration of board action. (a) Whenever the board of zoning appeals disapproves an application for a special exception permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the BZA at a later time unless the applicant clearly demonstrates that:

(i) Circumstances affecting the property that is the subject of the application have substantially changed, or

(ii) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the administrator within sixty (60) days of the decision. Filing a request to be reheard does not toll the period for appeal in chancery court.

(b) Notwithstanding subsection (a), the board of zoning appeals may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way in the judgment of the BZA from the one previously considered.

(19) Applications to be processed expeditiously. Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the city shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this ordinance.

(20) Maintenance of common areas, improvements, and facilities. The recipient of any zoning, special exception, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this ordinance or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrated, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Responsibilities described herein may be assigned to a homeowners' association or like group when documents are provided to the appropriate board, which documents assure the existence and financial capacity of the responsible entity. (as added by Ord. #2006-32, June 2006)

**14-205. Appeals, variances, interpretations.** (1) Appeals. (a) An appeal from any final order or decision of the administrator may be taken to the board of zoning appeals by any person aggrieved. An appeal is taken by filing with the administrator and the board of zoning appeals a written notice of appeal specifying the grounds of appeal. A notice of appeal shall be considered filed with the administrator and the board of zoning appeals when delivered to the planning department, and the date and time of filing shall be entered on the notice by the planning staff.

(b) An appeal must be filed within thirty (30) days after the date of the decision of order appealed from.

(c) Whenever an appeal is filed, the administrator shall transmit in a timely manner to the board of zoning appeals all the documents relating to the action appealed from.

(d) An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the administrator certifies to the board of zoning appeals that (due to facts stated in the certificate) a stay would, in his opinion, cause imminent danger or irreparable harm to life or property. In such case, proceedings shall not be stayed except by order of the board of zoning appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator.

(e) The board of zoning appeals may reverse or affirm (in whole or in part) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken. Further, the board shall state in writing

the reasons supporting the change which they have made in the original order, requirement, or decision.

(2) Variations. (a) An application for a variance shall be submitted to the board of zoning appeals by filing a copy of the application with the administrator in the planning department. Applications shall be handled as prescribed in § 14-203.

(b) A variance may be granted by the board of zoning appeals if it concludes the strict enforcement of the provisions of the ordinance would result in practical difficulties (related to the configuration of the land) or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

(i) If the applicant complies strictly with the provisions of the ordinance he can make no reasonable use of this property.

(ii) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.

(iii) The hardship relates to the applicant's land, rather than personal circumstances.

(iv) The hardship is unique, or nearly so, rather than on shared by many surrounding properties.

(v) The hardship is not the result in the extension of a nonconforming situation in violation of this ordinance and would not authorize the initiation of a nonconforming use of land.

(c) In granting variations, the board of zoning appeals may impose such reasonable conditions as will ensure that the use of the property to which the variations applies will be as compatible as practicable with the surrounding properties.

(d) A variance may be issued for an indefinite duration or for a specified duration only.

(e) The nature of the variance and any conditions attached to it shall be entered on the face of the permit required for construction or occupancy of the building. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance

(3) Interpretations. (a) The board of zoning appeals is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the zoning administrator, they shall be handled as provided in section (1).

(b) An application for a map interpretation shall be submitted to the board of zoning appeals by filing a copy of the application with the administrator of the planning department. The application shall contain



sufficient information to enable the board to make necessary interpretation.

(c) Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(i) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines.

(ii) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.

(iii) Boundaries indicated as following streams and banks shall be construed to follow such watercourses, and in the event of change in the watercourse shall be construed as following such shorelines.

(iv) Where a district boundary divides a lot or where distances are not specifically indicated on the official zoning map, the boundary shall be determined by measurement, using the scale of the official zoning map.

(v) Where a street or alley is hereafter officially vacated or abandoned, the regulations applicable to each such parcel of abutting property shall apply to that portion of street or alley added thereto by virtue of such vacation or abandonment.

(d) Interpretations of the location of floodway and floodplain boundary lines may be made by the administrator subject to appeal to the board of zoning appeals.

(4) Requests to be heard expeditiously. The board of zoning appeals shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice, and obtain the necessary information to make sound decisions.

(5) Burden of proof in appeals and variances. (a) When an appeal is taken to the board of zoning appeals in accordance with section 1, the applicant shall have the initial burden of presenting to the board sufficient evidence and argument to justify a change in the order or decision from which the appeal is taken. The burden of presenting evidence is on to the appellant who shall also have the burden of persuasion.

(b) The burden of presenting evidence sufficient to allow the board of zoning appeals to reach the conclusions set forth in subsection 2(b), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

(6) Board action on appeals and variances. (a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as

practicable, a statement of the specific reasons of findings or facts that support the motion. If a motion to reverse or modify is not made or fails to receive the majority vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by a majority of a board's membership (excluding vacant seats).

(b) Before granting a variance, the board must take a vote and vote affirmatively on the six required findings stated in subsection 2(b) of this section. Insofar as practicable, a motion to make an affirmative finding on the requirements set forth in subsection 2(b) of this section shall include a statement of the specific reasons or findings of fact supporting such motion.

(c) A motion to deny a variance may be made on the basis that any one or more of the six (6) criteria set forth in subsection 2(b) of this section are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the board's decision if supported by a majority of the board's membership (excluding vacant seats). (as added by Ord. #2006-32, June 2006)

**14-206. Hearing procedures for appeals and applications.**

(1) Hearing required on appeals and applications. (a) Before making a decision on an appeal or an application for a variance, special exception, or a petition from the planning staff to revoke a special exception permit, the Board of Zoning Appeals shall hold a hearing on the appeal or application.

(b) Subject to subsection (c), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

(c) The board of zoning appeals may place reasonable and equitable limitation on the presentations of evidence and arguments so that the matter at issue may be heard and decided without undue delay.

(d) The BZA may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) weeks or more elapses between hearing dates.

(2) Notice of hearing. The administrator shall give notice of any hearing required by (1) as follows:

(a) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than five (5) days before the hearing.

(b) Notice shall be given to neighboring property owners and other interested parties by publishing a notice one time in a newspaper having general circulation in the area not less than five (5) nor more than fifteen (15) days prior to the hearing.

(c) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

(3) Evidence. (a) The provisions of this section apply to all hearings for which a notice is required by section (1).

(b) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal shall be based upon material evidence, but not necessarily on evidence that would be admissible in a court of law.

(4) Modification of application at hearing. (a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the board of zoning appeals, the applicant may agree to modify his application, including the plans and specifications submitted.

(b) Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

(5) Record. (a) A tape recording may be made of all hearings required by section (1), and such recordings shall be kept for at least two years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.

(b) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the City for at least two years.

(6) Written decision. (a) Any decision made by the board of zoning appeals regarding an appeal, variance, or issuance or revocation of a special exception shall be reduced to writing and provided to the applicant or appellant and all other persons who make a written request for a copy.

(b) In addition to a statement of the board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the board's findings and conclusions, as well as supporting reasons or facts, whenever this ordinance requires the same as a prerequisite to taking action.

(7) City council action regarding annexation and zoning matters. Upon request of an interested party, an annexation or zoning matter which has been recommended or not recommended by planning commission will be placed on the next city council agenda provided the publish date for the public hearing notice can be met. If the publish date cannot be met, then the item will be placed on the following month's city council agenda. The request for a decision by city council on such annexation or zoning matter must be in writing to the city manager's office and must be made within sixty (60) days of the planning commission decision.

**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 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 4 of this section.

(4) Penalties and remedies for violations. (a) Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguard established in connection with grants of variances or special exception permits, shall constitute a civil offense, punishable by a fine of up to fifty dollars (\$50), or a maximum thirty (30) days imprisonment, or both. Each day of violation shall constitute a separate offense.

(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.

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

(d) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

(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)

**14-208. Nonconforming situations.** (1) Definitions. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

(a) "Effective date of this ordinance." Whenever this section refers to the effective date of this ordinance, the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.

(b) "Expenditure." A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

(c) "Nonconforming lot." A lot existing at the effective date of this ordinance that does not meet the minimum area requirement of the district in which the lot is located.

(d) "Nonconforming project." Any structure, development, or undertaking that is incomplete at the effective date of this ordinance set forth in this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

(e) "Nonconforming use." A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

(f) "Nonconforming situation." A situation that occurs when, on the effective date of this ordinance set forth in this chapter, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance or because land or buildings are used for purposes made unlawful by this ordinance. Nonconforming signs shall not be regarded as nonconforming situations for purposes of this section but shall be governed by the provisions of this ordinance specifically addressing signs.

(2) Continuation of nonconforming situations and completion of nonconforming projects. (a) Unless otherwise specifically provided by the

provisions of this ordinance and subject to the restrictions and qualifications set forth in sections (3) through (8), nonconforming situations that were otherwise lawful on the effective date of the provisions of this ordinance may be continued.

(b) Nonconforming projects may be completed only in accordance with the provisions of section (8).

(3) Nonconforming lots. (a) When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in § 14-214, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

(b) When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements cannot reasonably be complied with, then the entity authorized by this ordinance to issue a permit for the proposed use may allow deviations from the applicable setback requirements if it finds that:

(i) The property cannot reasonably be developed for the use proposed without such deviations,

(ii) These deviations are necessitated by the size or shape of the nonconforming lot, and

(iii) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health and safety.

(c) For purposes of subsection (b), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practically be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(d) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with section (6).

(e) Subject to the following provision, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within five hundred (500) feet of such lot are also

nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

(4) Extension or enlargement of nonconforming situations. (a) Subject to provisions in state law regarding expansion of nonconforming uses found in Tennessee Code Annotated § 13-7-208, except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

(i) An increase in the total amount of space devoted to a nonconforming use, or

(ii) Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

(b) Subject to subsection (d), a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was clearly designed or arranged to accommodate such use. However, subject to § 14-208(8) (which authorized the completion of nonconforming projects in certain circumstances); a nonconforming use may not be extended to additional buildings or to land outside the original building.

(c) Subject to § 14-208(8), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten percent (10%) or more of the earth products had already been removed on the effective date of this ordinance.

(d) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other provisions of this section occur.

(e) Notwithstanding subsection (a), any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with



respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in § 14-208(7).

(f) Notwithstanding subsection (a), whenever: (1) there exists a lot with one or more structures on it, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the parking or loading requirements of this ordinance that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking if: (1) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (2) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or special exception permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

(5) Repair, maintenance and reconstruction. (a) Minor repairs to and routine maintenance of property where nonconforming situations exist or permitted or encouraged. Major renovation, i.e., work estimated to cost more than twenty-five percent (25%) of the assessed value of the structure to be renovated (on the most recent tax assessment) may be done only in accordance with the provisions of paragraph (b) herein.

(b) If a structure located on a lot where a non-conforming situation exists with damage to an extent that the cost of repair or replacement would exceed twenty-five percent (25%) of the assessed value of the damaged structure (on the most recent tax assessment) then the damaged structure may be repaired or replaced only in accordance with the zoning permit issued pursuant to this section and in compliance with existing zoning and applicable codes. This sub-section does not apply to structures used for single family residential purposes which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in subsection 4(e). This sub-section does not apply to duplex and multi-family structures in the Oak Park Historic District Zone XVI. This sub-section further does not apply to duplex and multi-family residential structures in the College Hills Historic District Zone XIII where such duplex or multi-family residential structures were originally designed and constructed for duplex or multi-family use and where such duplex or multi-family use has been continuous since the time of construction. In such case, a duplex in Zone XIII that was originally designed or constructed as a duplex could be rebuilt, repaired or replaced

as a duplex. Likewise, a multi-family residential structure in Zone XIII originally designed or constructed as a multi-family structure could be rebuilt, repaired or replaced as a multi-family structure.

(c) For purposes of subsection (a) and (b):

(i) The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

(ii) The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsections (a) or (b) by doing such work on a piecemeal basis.

(d) The administrator shall issue a permit authorized by this section if he finds that, in completing the renovation, repair, or replacement work:

(i) No violation of section (4) will occur, and

(ii) The permittee will comply to the extent reasonably possible with all provisions of this ordinance applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use).

Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

(6) Change in use of property where a nonconforming situation exists.

(a) A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special exception permit may not be made except in accordance with subsections (b) through (d). However, this requirement shall not apply if only a sign permit is needed.

(b) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this ordinance is achieved, the property may not revert to its nonconforming status.

(c) If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this ordinance applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by this ordinance to issue a permit for that particular use (the

administrator, board of zoning appeals, or council) issues a permit authorizing the change. This permit may be issued if the permit-issuing authority finds, in addition to any other findings that may be required by this ordinance, that:

(i) The intended change will not result in a violation of section 4, and

(ii) All of the applicable requirements of this ordinance that can reasonably be complied with will be complied with. Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

(d) If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the entity authorized by this ordinance to issue a permit for that particular use (administrator, board of zoning appeals, or council) issues a permit authorizing the change. The permit-issuing authority may issue the permit if it finds, in addition to other findings that may be required by this ordinance, that:

(i) The use requested is one that is permissible in some zoning districts with either a zoning or special exception permit, and

(ii) All of the conditions applicable to the permit authorized in subsection (c) of this section are satisfied, and

(iii) the proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

(7) Abandonment and discontinuance of nonconforming situations.

(a) Except where Tennessee Code Annotated § 13-7-208(g) requires otherwise, when a nonconforming use is: (1) discontinued for a consecutive period of one hundred eighty (180) days, or (2) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.

(b) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for any period of time without a present intention of resuming that activity, then

that property may thereafter be used only in conformity with all of the regulations applicable to the pre-existing use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit-issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be correct.

(c) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. If a nonconforming use is maintained in conjunction with a conforming use, the discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

(d) When a structure or operation made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the one hundred eighty (180) day period for purposes of this section begins to run on the effective date of this ordinance.

(8) Completion of nonconforming projects. (a) All nonconforming projects on which construction was begun at least one hundred eighty (180) days before the effective date of this ordinance as well as all nonconforming projects that are at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of the provisions of this ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction.

(b) Except as provided in subsection (a), all work on any nonconforming project shall cease on the effective date of this ordinance comprising this ordinance, and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a zoning, special exception, or sign permit issued in accordance with this section by the individual or board authorized by this ordinance to issue permits for the type of development proposed. The permit-issuing authority shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land-use law as it existed before the effective date of this ordinance and thereby would be unreasonably prejudiced if

not allowed to complete his project as proposed. In considering whether these findings may be made, the permit-issuing authority shall be guided by the following, as well as other relevant considerations:

(i) All expenditures made to obtain or pursuant to a validly issued and unrevoked building, zoning, sign, or special exception permit shall be considered as evidence of reasonable reliance on the land-use law that existed before this ordinance became effective.

(ii) Except as provided in subsection (b)(i), no expenditures made more than one hundred eighty (180) days before the effective date of this ordinance may be considered as evidence of reasonable reliance on the land-use law that existed before this ordinance became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.

(iii) To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a sale of the property.

(iv) To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.

(v) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of: (1) the total estimated cost of the proposed project, and (2) the ordinary business practices of the developer.

(vi) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land-use law affecting the proposed development site could not be attributed to him.

(vii) Even though a person had actual knowledge of a proposed change in the land-use law affecting a development site, the permit-issuing authority may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The permit-issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that: (1) at the time the expenditures were made,

either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development, and (2) the developer had legitimate business reasons for making expenditures.

(c) When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under subsection (b). In addition to the matters and subject to the guidelines set forth in Subdivisions (i) through (vi) of subsection (b), the permit-issuing authority shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

(i) Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.

(ii) Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.

(iii) Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases are constructed in conformity with existing regulations.

(d) The permit-issuing authority shall not consider any application for the permit authorized by subsection (b) that is submitted more than sixty (60) days after the effective date of this ordinance. The permit-issuing authority may waive this requirement for good cause shown, but in no case may extend the application deadline beyond one (1) year.

(e) The administrator shall send copies of this section to the persons listed as owner for tax purposes (and developers, if different from the owners) of all properties in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than fifteen (15) days before the effective date of the provisions of this ordinance.

(f) The permit-issuing authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible, before the effective date of the provisions of this ordinance, so that construction work is not

needlessly interrupted. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2007-11, April 2007)

**14-209. Zoning districts and zoning map.** (1) Zoning districts - Establishment of districts.

(a) The following zoning districts are hereby established:

District I: Residential District: The land use and intensity of the area is low density residential. Some mix of building types may be included, e.g., two-family, three-family and four-family dwelling units. Supplementary and complementary uses may exist in the area, such as recreation areas, schools, churches, and community centers.

District II: Business and Transportation District: The land uses in the area include commercial (wholesale and retail), office, highway-oriented commercial (e.g., service stations, convenience stores, light industrial (assembly, light manufacturing), public/institutional (e.g., municipal buildings, recreational facilities), and residential (medium and high density). Liquor stores are permitted in this district. Intensity of use is moderate to high, with impacts on adjacent areas being of primary concern. Body piercing and tattoo artists are permitted uses in this zoning district.

District III: Environmental Conservation District: This includes land with low development capability (e.g., flood hazard areas, steep slopes). Uses would include those with low to moderate development intensity (e.g., low density estate residential, recreation/open space, public/semi-public).

District IV: Central Community District: This includes the central business district and the immediately surrounding area. Uses include office, commercial, high density, residential, public. There is an allowed mix of land uses, and the intensity of the development is high.

District V: Single Family District: This includes areas where natural factors such as steep slopes, high erosion potential, inadequate streets and inadequate utilities restrict high density development within the corporate limits. The land use and intensity of the area is low density single-family detached units.

District VI: Office District: The land uses permitted in the office district are low density residential, professional and business offices and personal care services. The district is designed to accommodate a mixture of compatible professional and business offices, residential uses, personal care uses and services that neither generate large volumes of traffic nor need great amounts of off-street parking. It is the intent of the district to provide ample

room and opportunity for all businesses without adversely impacting residential uses within the district or adjoining it. In addition, a tea room/cafe use may be an acceptable use in existing structures in this zone subject to approval of a special exception by the board of zoning appeals. The design standards that will be considered for review of tearoom/cafe are set forth in § 14-211(9).  
District VII: Neighborhood District: The land uses in the neighborhood district are low density residential, professional and office type uses with limited commercial and retail operations as permitted uses. These uses are intended to be designed to minimize disruption of traffic flows and negative impact on adjacent residential uses. The district excludes all activities which generate large volumes of traffic need for great amounts of off-street parking, or which would have adverse impacts on the residential sector of the community or residential uses allowed within the district.

District VIII: Central Business District: (Designated downtown zoning district subject to design review and "use on review") The Central Business District is the civic and cultural center of Maryville. In order to maintain the appropriate and expected atmosphere of a traditional downtown, it is very important to provide an intimate scale of the urban spaces. The level of detail must be sufficiently matched by new developments. Size and quantity of fenestration must be maintained. Ornate cornices and other features should be maintained and replicated. New buildings should be designed in the base and capital streetscape style typical of the older shops. New elements such as colorful canvas awnings or theme lights can be added to the facades to create a contemporary visual unity. Design of these elements must be carefully detailed to ensure common themes. The following regulations will encourage the redevelopment and expansion of a traditional, thriving, and charming Downtown Maryville. Liquor stores are permitted in this district. All provisions set forth regarding this district are in article IX, part 1, section 4.

District IX: Washington Street Commercial Corridor: (Designated downtown zoning district subject to design review and "use on review") The Washington Street Corridor is often the impression that is left of Downtown and the entire City of Maryville by thousands of motorists on their way to the Smoky Mountains. To encourage a return to a more urban setting and away from a typical "suburban commercial strip," Washington Street's design standards maintain density and close set-backs to the street, provide smaller signs, create streetscape improvements and require prototype facilities (fast food, fuel stations, etc.) to alter



their designs to fit the character that Downtown Maryville is striving for. Liquor stores are permitted in this district. All provisions set forth regarding this district are in article IX, part 1, section 5.

District X: Office Transition Zone: (Designated downtown zoning district subject to design review and "use on review") Serving as a the southern fringe of Downtown Maryville, the Office Transition Zone provides mixed use opportunities in older homes and smaller scale commercial structures. The zone's intent is to maintain and establish the charm of the older homes and businesses, maintain the existing small town feel by requiring lower density developments, and preserve the human scale of the area. All provisions set forth regarding this district are in article IX, part 1, section 6.

District XI: Heritage Development Zone: (Designated downtown zoning district subject to design review and "use on review") The Heritage Development Zone's proximity to the original site of Ft. Craig, the Central Business District, and its location on the Greenbelt shall provide opportunities for festivals, festive retail, cultural and heritage-related uses such as museums, craft shops, antiques, or any appropriate use that will attract locals and tourists to the area. All provisions set forth regarding this district are in article IX, part 1, section 7.

District XII: Central Business District Support Zone: (Designated downtown zoning district subject to design review and "use on review") The Central Business District Support Zone is the zone of contrast between the urban intimacy on Harper Avenue and the open spaces of the north side of the Greenbelt. This zone takes full advantage of the benefits of the Greenbelt by providing mixed use development along its periphery. Businesses locating in the CBD Support Zone are encouraged to spill their services out onto the pathways and open areas of the Greenbelt. Liquor stores are permitted in this district. All provisions set forth regarding this district are in article IX, part 1, section 8.

District XIII: College Hill Historic District:<sup>1</sup> The College Hill Historic District has the largest concentration of extant historic structures in the City of Maryville. Since the 1940s, new construction has been limited in the district and it retains much of its original character. In order to preserve and enhance the

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<sup>1</sup>Historic Zoning Regulations (Required, Vol. I, and Suggested Regulations, Vol. II, Ord. #2009-05) are available in the office of the city recorder.

integrity of this important area of Maryville, design guidelines specific to this District are in place to ensure historically appropriate and compatible construction. Land use controls allow only single family residential uses, and prohibit further conversion of homes into duplexes or multiplexes. All provisions set forth regarding this district are in article IX, Part 1, section 9.

District XIV: College Hill Historic Overlay District: The College Hill Historic Overlay Zone has been created and the "Design Guidelines for the College Hill Historic District" in order to preserve the historic character through the application of design guidelines. Any construction requiring a building permit must apply for a Certificate of Appropriateness at the Planning Department and have their building plans reviewed by the Historic zoning commission. All provisions set forth regarding this district are in article IX, part 1, section 10.

District XV: High Intensity Commercial District: Liquor stores are permitted in this district. All provisions set forth regarding this district are in article IX, part 1, section 11.

District XVI: Oak Park Historic District: The Oak Park Historic District has a large concentration of extant historic structures in the City of Maryville. Since the 1940s, new construction has been limited in the district and it retains much of its original character. In order to preserve and enhance the integrity of this important area of Maryville, design guidelines specific to this district are in place to ensure historically appropriate and compatible construction. All provisions set forth regarding this district are in article IX, part 1, section 12.

District XVII: Oak Park Historic Overlay Zone: The Oak Park Historic Overlay Zone has been created and the "Design Guidelines for the Oak Park Historic District" in order to preserve the historic character through the application of design guidelines. Any construction requiring a building permit must apply for a certificate of appropriateness at the planning department and have their building plans reviewed by the historic zoning commission. All provisions set forth regarding this district are in article IX, part 1, section 13.

District XIX: Estate Zone: The Estate Zone is the most restrictive residential district intended to be used for single-family residential areas with low population densities. This district is created and intended to be protected from the encroachment of uses not performing a function necessary to the single-family residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and accessory facilities found within this

district. All provisions set forth regarding this district are in article IX, part 1, section 14.

District XX: High Density Residential: This district is composed of high density residential rental, owner, occupied or a combination of both uses within the city located along arterials, and with certain open space and development standards. The regulations for this district are designed to protect the essential characteristics of the district to promote and encourage a suitable environment for family life and to permit certain commercial uses associated with this type of increased density. To these ends, retail activity is limited and this district is protected against encroachment of general commercial or industrial uses while the regulations permit high density development consistent with concentrations of persons. Attached apartments and condominiums are permitted along with accessory commercial uses conforming to the intent of the district. All provisions set forth regarding this district are in article IX, part 1, section 15.

District XX: Industrial: The Industrial zone district is established and designed to provide areas in which the principle use of land is for manufacturing, processing, assembly, fabrication of materials, and warehousing. The general goals of the district are as follows: to locate and develop industrial uses in conformance with Maryville's master plan; to provide industrial areas and locations that will be economically, functionally, and aesthetically beneficial to both the residents and businesses of the community; and, to encourage land uses that are associated with industrial facilities and operations. All provisions set forth regarding this district are in article IX, part 1, section 16.

District XXI: Institutional. The Institutional zone is established and designed to provide an area in which the principal use of land is for traditional academic and educational institutions and for complimentary and accessory uses associated with a college campus and environment. The general goals of this district are to allow development on a traditional college campus and to encourage uses specific to a learning environment.

District XXII: High Intensity Retail District: The High Intensity Retail (H.I.R.) district is established to support and encourage concentrated retail development along major road corridors where most types of public infrastructure and services are already present. Shopping and dining are among the main activities in this district, and a primary goal for this zone is to stimulate retail-oriented economic activity and the accompanying generation of sales tax revenues. Mixed use developments and certain

non-retail uses that are compatible with the retail uses may also be allowed in the district, subject to specific locational criteria.

(b) These districts are established for the purposes of: (1) implementing the Maryville Comprehensive Plan; (2) defining specific area of the City of Maryville, each requiring different standards of development to meet different circumstances present within the district, and (3) serving the purposes, objectives and intent of this ordinance as outlined in the Introduction.

(2) Zoning districts - table of allowable uses. The table of allowable uses which follows lists those uses allowable or prohibited in each district. The list includes general categories of land use. Categories of allowable land uses include:

(a) Those uses which are allowable by right with no additional requirement.

(b) Those uses which may be considered as special exceptions after review of an impact assessment, and imposition of additional requirements for development.

(c) Those uses which are prohibited.

(3) Zoning districts - Impact Overlay Districts. (a) The planning commission may recommend, and the board of zoning appeals may approve as a special exception, the establishment of one or more impact overlay districts. The purpose of the district(s) thus established is to address in a more specific way the potential adverse impact of proposed development on natural conditions and surrounding land uses, including transportation facilities.

(b) The following criteria shall be employed by the administrator in determining what development proposals are to be administered as impact overlay districts.

#### CRITERIA FOR IMPACT OVERLAY DISTRICT

PROJECT AREA: Ten (10) acres or more in a single site plan and/or subdivision plat.

TRAFFIC DEMAND: Generation of an average number of trips per day (based on ITE standards) which will result in a traffic demand in excess of the present functional capacity of local and/or collector roads serving the project. Present traffic demand will be established using ITE procedures and/or using ADT data provided by either the Tennessee Department of Transportation or the city director of engineering and public works.

TOTAL DWELLING UNITS: Sixty (60) or more dwelling units. (Residential uses)

TOTAL FLOOR AREA: Ten thousand (10,000) square feet of gross  
(Commercial uses) leaseable area.

INCREASE IN DENSITY: (Proposed vs. existing): Twenty-five (25) percent or greater increase over the existing average development density within a one thousand foot radius of the site.

PUBLIC FACILITIES: Proposed development which creates a demand exceeding the present capacity of any of the public facilities serving that development. [Note: If an improved facility is programmed/budgeted, the city must take into consideration the timing of that improvement and the proposed timing of the development.]

(c) Forms to be used in recording project data and in determining overall project impact(s) will be available in the planning department office.

(d) The procedure for review of an impact overlay district development proposal shall be that prescribed for Special Exception Permits.

(e) The following are hereby established as impact overlay districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the impact overlay district.

(i) The floodway and floodplain district,

(ii) The greenbelt district, and

(iii) The parkway district, subject to the following:

(A) The parkway district is established as an impact overlay district in order to protect the natural beauty of approaches to the Great Smoky Mountains and other scenic attractions of the community and its environs. It is intended that uses of the underlying districts be developed at such scale and in such a manner as to blend unobtrusively with nature thereby enhancing the scenic attraction of the district and of Blount County. Provisions of the district are intended to expedite the free flow of traffic and reduce the hazards arising from unnecessary points of ingress and egress and cluttered roadside development.

(B) Parkway district boundaries shall be established on the official zoning map, and may include any highway which is deemed appropriate and its adjacent properties, to a distance of generally not more than one thousand (1,000) feet from the nearest edge of pavement of the highway. The Maryville City Council may apply the Parkway District to any highway corridor upon concluding that:

(1) The highway corridor has scenic qualities and natural beauty that should be preserved and protected;

(2) A major purpose of the highway is to carry through traffic; and

(3) Development along the highway in the absence of parkway district provisions could have an adverse impact on its level of service, increase danger and/or congestion in the street, impair the public health, safety, convenience, welfare and/or impede the maintenance or creation of a convenient, attractive, and harmonious community.

(C) All uses are subject to the following conditions:

(1) No structure may exceed thirty-five (35) feet in height.

(2) A site plan is required to be submitted for review and approval for the development of any parcel within the parkway district. Planning commission review and approval shall also be required for any site plan for the development of any parcel within the parkway district. A site plan shall be submitted prior to development. The purpose of the site plan review is to ensure that all development in the corridor furthers the purpose and intentions of the parkway district. Quality of design, preservation of open space, provision of buffers and plantings, provision of adequate parking well separated from the roadway, and minimization of direct access points to the highway shall be major considerations of the Planning Commission in their review of the site plan.

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

| <u>Highway speed limit</u> | <u>Minimum spacing of access points</u> |
|----------------------------|---|
|----------------------------|---|

|   |          |
|---|----------|
| Under 35 mph                              | 150 feet |
| 35-50 mph                                 | 250 feet |
| 55 mph (2-4 lanes, undivided highway)     | 400 feet |
| 55 mph (4 or more lanes, divided highway) | 600 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.

(4) For each parcel which fronts onto the highway right-of-way, the minimum lot frontage shall be not less than one hundred (100) feet.

(5) Individual parcels which front onto the highway right-of-way are permitted to construct one (1) temporary driveway onto the highway until joint driveways or alternate means of access can be constructed. The distance between a temporary driveway and all other curb cuts shall be not less than one hundred (100) feet.

(6) No loading or unloading of materials shall take place in any front or corner side yard of any parcel which fronts on the highway right-of-way. Buildings are expected to provide service entrances at the rear.

(7) No parking shall be permitted on the highway right-of-way. All parcels shall be expected to provide sufficient off-street parking to meet their individual needs, or shall coordinate with adjacent parcels or with the city to meet combined parking needs.

(D) Land within the parkway district may be used as permitted in the underlying district in which located, subject to the above conditions and with the following exceptions:

(1) Uses of the advertising subgroup are prohibited.

(2) Junkyards are prohibited.

(3) Outdoor storage areas located outside of a structure shall be screened.

(4) Drive-in banks, other drive-in establishments, fast food restaurants, souvenir and curio shops, quick service food stores, and filling stations shall be subject to the following use limitations.

(i) Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.

(ii) Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means shall be given favorable consideration in site plan review.

1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or

2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or in an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street over and above those entrances which may exist to provide access to the shopping center, and/or

3) Access to the site is provided by a functional service drive, frontage road, or joint driveway which provides controlled access to the site and/or to several adjacent sites and/or

4) Acceleration/deceleration lanes, turning lanes, and/or stacking lanes are provided to improve access to the site and/or several adjacent sites.

(iii) Filling stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked, or inoperable vehicles on the site for more than seventy-two



(72) hours, subject to the limitation that there shall be no dismantling, wrecking, or sale of said vehicles or parts thereof. In addition, in no event shall any abandoned, wrecked, or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.

(iv) All such uses are required to provide at least one (1) regular-sized garbage container outside of the establishment.

(v) All such uses are required to provide and maintain a tastefully landscaped buffer strip or berm of at least ten (10) feet in width along the length of their frontage with the highway or service road right-of-way (excluding points of egress and ingress).

(E) Signs shall be subject to general regulations and conditions as stated in the section of this ordinance dealing specifically with signs. In addition, the following conditions shall apply to all signs within a Parkway District:

(1) Signs shall pertain only to uses conducted on the premises where they are located. The purposes of all signs shall be to inform the public of the business conducted on that premises, and wording shall be kept simple and informational. Signs are expected to be tastefully designed. Favorable consideration may be given to signs which combine information for two (2) or more adjacent businesses.

(2) Signs on buildings shall not exceed more than twelve (12) inches above the roof ridge line of the building, shall be limited to a vertical height of three (3) feet and shall be limited in length to not exceed twenty (20) feet or fifty (50) percent (whichever is less restrictive) of the horizontal length of the building face.

(3) Freestanding signs shall be limited to a maximum overall height of twenty (20) feet above the road surface of the highway. Said signs height shall be measured from the highway road surface closest to the sign. Freestanding signs shall be limited to a surface area prescribed in the section in this ordinance specifically addressing signs; however, in

no case shall a sign exceed seventy-five (75) square feet per face or twenty (20) feet in length.

(4) No freestanding signs shall be erected or altered unless a use permit is first secured.

(5) No exterior signs, including freestanding signs, shall be flashing, oscillating, intermittently lit, moving, or otherwise animated, except for time/temperature displays.

(6) No sign shall project more than twelve (12) inches into or be placed within the right-of-way of any public street.

(7) No portable signs shall be permitted in the district.

(4) Zoning districts - Central Business District. The Central Business District is the civic and cultural center of Maryville. In order to maintain the appropriate and expected atmosphere of a traditional downtown, it is very important to provide an intimate scale of the urban spaces. The level of detail must be sufficiently matched by new developments. Size and quantity of fenestration must be maintained. Ornate cornices and other features should be maintained and replicated. New buildings should be designed in the base and capital streetscape style typical of the older shops. New elements such as colorful canvas awnings or theme lights can be added to the facades to create a contemporary visual unity. Design of these elements must be carefully detailed to ensure common themes. The following regulations will encourage the redevelopment and expansion of a traditional, thriving, and charming Downtown Maryville.

(a) Lot dimensions:

(i) Lot size: no minimum.

(ii) Lot width: no minimum.

(b) Setbacks: Setback from existing utility easements must be observed, otherwise:

(i) Front: 10 ft. maximum setback from edge of sidewalk. Building setback preferably should line flush with existing buildings.

(ii) Side: 10 ft. maximum; no minimum. Building setback preferably should line flush with existing buildings.

(iii) Rear: No minimum, maximum variable, depending upon placement of parking as determined by the Downtown Maryville Design Review Board.

(c) Parking: Parking: total coverage cannot exceed ten percent (10%) of the entire lot. Parking shall be placed in the back of the building (opposite from the facade) and if adjoining the street, must be supplemented by an eight (8) foot opaque wall made of appropriate materials, including brick, stone, and other natural materials to create

a visual edge for pedestrians and motorists. Appropriate landscaping in and around parking lots, including trees may be required.

(d) Height:

(i) All new buildings shall not have street facades that exceed forty-five (45) feet in height as measured from the mean elevation of the finished grade at the front of the building to the highest point on the façade.

(ii) Stories above forty-five (45) feet shall be subject to a one (1) foot setback for every additional foot in height above the first forty-five (45) feet in height.

(iii) Maximum overall building height shall not exceed sixty-five (65) feet. To account for the variation in topographic elevations downtown, the height shall be measured from the upper elevation.

(e) Windows and doors:

(i) Spacing and size of fenestration shall match that of the other buildings on the same block that were built before 1950;

(ii) Windows shall be square or vertical in orientation;

(iii) All fenestration, including doors and windows above grade shall be indicative of the period of construction of the building;

(iv) Sill and lentils for windows are encouraged;

(v) True divided light or simulated divided light units are permissible only;

(vi) Aluminum "storefront" glazing systems are allowable at street level only and must be approved by the Downtown Maryville Design Review Board as compatible with the original building facade.

(f) Facades:

(i) Facades shall be "pedestrian scale." Pedestrian scale is defined as a size (of building, space) that a pedestrian perceives as not dominating or overpowering;

(ii) Substantial removal, alteration, or covering of original facades shall not be permitted;

(iii) Facades composed of brick or masonry must be re-pointed and cleaned to a condition indicative of their original finish;

(iv) In cases of extreme deterioration, facades may be repaired and painted; paint colors must be of historic precedent, compatible with adjacent properties and approved by the Downtown Maryville Design Review Board. Applicants must submit paint chips, brick samples, awning fabric samples, etc. to the Review Board for all proposed new paint projects, building construction and facade alteration; and

(v) Awnings, may be applied and are encouraged, but must be solid or two-color, angled or scalloped type only and compatible with the architecture and color palette.

(g) Materials:

(i) Natural stone, brick, wood, and fiber-cement siding that resembles horizontal lap siding should be used for all buildings in the Central Business District. Cut stone is allowed while river rock and stacked stone are not allowed as they are not considered consistent with the buildings downtown;

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

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

(h) Signs: Except as stated herein, this section shall supersede § 14-218 of this ordinance regarding signs in this zoning district.

(i) Sign area allowed:

(A) Single story buildings: Total signage is based on twenty-five percent (25%) of the side of the property on which the entrance is located. Properties with frontage having fifty (50) feet or less shall be allowed a maximum sign area of twelve (12) square feet. The entrance shall be the door(s) used by customers rather than entrances for purposes of rear deliveries or fire exits.

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

(ii) Sign area allowances: Businesses may add signs, in addition to the maximum allowed sign area as calculated above, using no more than two of the following sign allowances. All signs using these allowances will require review and approval by Planning Staff.

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

(B) Awning sign allowance: Imprints of a signage and/or logo shall be allowed on an awning which shall not exceed either: the equivalent of the total twenty-five percent (25%) signage calculation above, or twenty (20) square feet, whichever is less. For example, if the property is allowed to have a ten square foot sign using the twenty-five percent (25%) sign area calculation above, then the property may also have a ten square foot sign or logo printed on an awning. If a building can receive a forty (40) square foot sign using the twenty-five percent (25%) rule, it may have also have signage and/or logo on an awning not to exceed twenty (20) square feet.

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

professional sign company or artisan experienced with wood construction, carving and painting must fabricate signs.

(iii) Directory signs:

(A) Building mounted directory signs. Where several businesses share a building, a directory sign (listing tenant names) may be installed on the building, not to exceed six (6) square feet. The sign area of directory signs will not be subtracted from the property's allowable sign area.

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

(iv) Freestanding signs: Freestanding signs of not taller than five (5) feet and not greater than twenty-five (25) square feet are allowed. Only indirect/exterior illumination is permissible. Properties that have frontage on Lamar Alexander Parkway may have freestanding signs eight (8) feet tall, but such signs can only be located on the Parkway side of the property.

(v) Window signs. Window signs are permissible; however signs shall not exceed thirty percent (30%) of the total window area.

(vi) Building mounted signs. Signs can be attached to building facades at street level and shall not be roof mounted.

(vii) Perpendicular signs. Perpendicular signs must be at least eight (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Only one perpendicular sign may be installed per business and such signs shall not exceed ten (10) square feet. If the property

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

(viii) Prohibited signs. Neon signs, flashing signs, signs with intermittent lights, rotating signs, LED signs and internally lit signs, are prohibited;

(ix) Sign sighting. Only indirect/external lighting is allowed. Light directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly on public right-of-way or residential premises.

(x) Awning signs. Imprints of a sign or logo shall be allowed on an awning and will be included in the total signage calculation, with the exception of applicants whom use the awning sign allowance set forth in (4)(i)(ii)(B);

(xi) Sandwich board sign allowance. Each business may have one sandwich board sign. Sandwich board signs shall be constructed of wood in an "A" shape and be heavy enough so that strong winds do not allow it to blow over. Sandwich boards shall not be left outside of the building when the business closes, or the city may remove and dispose of the sign. Sandwich board signs cannot exceed a height of forty two (42) inches and shall not exceed seven square feet (per side).

(xii) Materials: Sign materials shall be of natural surfaces such as wood, brick, stone, etched glass or constructed of materials that successfully replicate these natural materials. However, professional painted metal signs are also acceptable provided they have a finished thickness of at least one-half inch (1/2") achieved by mounting the metal sign on a substrate or by having a frame. Metal signs must have three-dimensional artwork embellishments covering up to at least fifty percent (50%) of the sign area.

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

(xiv) Sign review and permitting. Any new sign application in the downtown zones must be submitted to the planning department staff for review then forwarded to the sign inspector for issuance of a sign permit.

(xv) Signs prohibited in rights-of-way. Permanent or temporary signs shall not be installed in the road right-of-way. "sandwich board" signs may be installed on sidewalks as long as they comply with the "sandwich board" sign allowance above and do not block a clear path along the sidewalk of thirty six (36) inches.

(xvi) Accessory signage installed to glass. Strobe lights, rotating and/or flashing emergency vehicle - type lights , neon lights strips or window outlines installed within the business and

visible to the public, even if not affixed to the glass, is prohibited. Holiday lights installed seasonally are exempt from this requirement.

(xvii) Non-conforming sign. All sign-related provisions set forth in § 14-218(17), "nonconforming signs," in the City of Maryville Land Development Regulations, and as later amended, are applicable within the downtown zones, unless otherwise addressed in this chapter.

(xviii) Amortization of non-conforming sign.

(A) A non-conforming sign that exceeds the size and height by more than ten percent or that is nonconforming in some other way shall, within one (1) year after the effective date of this chapter, be altered to comply with the provisions of this article or be removed.

(B) If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformance.

(xix) Reconstruction of previous signs. Property owners whom propose to reconstruct signs that are clearly documented through photographic evidence or other documentation may occur on their original location. Such reconstructed signs shall be constructed with materials, design detailing and decorative features to match or closely approximate the original sign. If signs proposed to be reconstructed do not comply with sign regulations of this chapter, the Downtown Maryville Design Review Board will review the applicant's proposal.

(xx) Signs excluded from regulation. The following signs are exempt from regulation under this ordinance.

(A) Address numbers, signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(C) Official signs of a non-commercial nature erected by public utilities.

(xxi) Miscellaneous restrictions and prohibitions. All sign-related provisions set forth in § 14-218 (4), (5) (13) (except signs prohibited as set forth in number viii above; no internally lit signs, see number ix above), (14) (15) (16) and (18) of this



ordinance as later amended, are applicable within the downtown zones, unless otherwise provided in this ordinance.

(i) Zoning districts - accessories/details:

(i) Details such as shutters, balconies, overhangs, exterior lighting, security lighting, etc. must be reviewed and approved by the Downtown Maryville Design Review Board as compatible with the original building facade;

(ii) Deteriorated architectural features shall be repaired rather than replaced. The new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence; and

(iii) Blank walls are discouraged. Painted murals and other wall decorations on elevations may be appropriate as reviewed by the Downtown Maryville Design Review Board.

(iv) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins and similar ancillary structures and equipment shall be screened from public roads with landscaping, walls or fences. Proposed screening, ancillary structures and equipment shall be submitted for board review before installation.

(j) Zoning districts - demolition: The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible. Demolition shall not occur unless one or the more following conditions are met:

(i) If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;

(ii) If the denial of the demolition will result in an unreasonable economic hardship on the applicant as determined by the Downtown Maryville Design Review Board;

(iii) If the public safety and welfare requires the removal of a structure or building;

(iv) If the structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition. In addition to this report, there shall be a separate report that details future action of this site.

(k) Zoning districts - land uses: Regardless of use: the central business district is the civic and cultural heart of the City of Maryville. As this zone develops, the continuous 'rhythm,' spacing, and aesthetics of central business district structures will become vital in maintaining and enhancing a vibrant small town setting.

(i) Residential: Attached homes including apartments, condominiums, and lofts above storefronts are permitted. Single-family detached housing is not appropriate in this zone.

(ii) Mixed uses: Appropriate uses should accommodate a variety of needs, especially those of residents who live nearby and tourists who visit downtown. Most types of land uses are encouraged in the central business district including those for entertainment, employment, service, shopping, liquor stores and light manufacturing are permitted if the building they are housed in structures meeting all design standards. Scale of proposed developments in comparison to other individual developments in the zone is most important when considering whether or not a use shall be appropriate.

(iii) Prohibited uses: Adult establishments, heavy manufacturing, mini-storage, landfill or mining, mobile home parks, hazardous occupancies or storage of hazardous materials, or any uses not determined to be compatible with the function, character, and intent of the central business district.

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

(a) Lot dimensions:

(i) Lot size: no minimum

(ii) Lot width: no minimum

(b) Building orientation: On lots that have frontage on Washington Street, all buildings shall face Washington Street.

(c) Curb cuts: Curb cuts on Washington Street are limited to one (1) per block. Additional curb cuts may be approved as a special exception when there are no other reasonable means of access. Side street curb cuts must be at least seventy (70) feet from Washington Street.

(d) Setbacks: Setback from existing utility easements must be observed, otherwise:

(i) Front: For frontages on Washington Street, fifteen (15) feet minimum. If a patio, drive lane, landscaped area, or other aesthetic feature is placed between the sidewalk and building,

then a thirty (30) foot maximum setback measured from the back of the curb is allowed. A fifty (50) foot maximum setback measured from the back of the curb may be allowed if a drive lane and a single row of parking is used in the site design. Any setback greater than thirty (30) feet will require a special exception. Drive lanes and front parking are subject to screening requirements below.

For lots that do not front Washington Street, the front setback shall be a ten (10) foot minimum and fifteen (15) foot maximum.

(ii) Side: No minimum. All setbacks from street rights-of-way shall use the "front" setback.

(iii) Rear: no minimum

(e) Sidewalks: Along Washington Street, a six (6) foot landscaped buffer between the curb and sidewalk, a six (6) foot sidewalk, and a minimum three (3) foot landscaped buffer between the sidewalk and the beginning of development is required. On all other streets, a five (5) foot sidewalk is required against the curb and a minimum five (5) foot buffer area is required between the sidewalk and the beginning of development.

(f) Parking: Parking shall be placed to the rear of the building. If the site cannot accommodate adequate parking at the rear of the building, side parking is allowed if appropriately screened (see screening requirements below). A single row of angled parking may be allowed between the building and the sidewalk for lots that front Washington Street.

(g) Screening: Vehicle movement areas must be screened from sidewalks with a brick or stone wall (not cinderblock), a wrought iron fence (or other fence materials that are visually similar to wrought iron), and/or landscaping. This is required to establish/maintain an edge to the street consistent with the rest of the district. This barrier shall be placed against the required three (3) foot landscaped buffer. The brick or stone portion of the wall or fence may not be taller than forty (40) inches. Fences and walls with fences on top shall not exceed six (6) feet in height.

(h) Height: Buildings shall not exceed three (3) stories or forty-five (45) feet. Taller buildings may be allowed by special exception, but may not exceed sixty-five (65) feet.

(i) Facades and elevations:

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

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

- Changes in surface planes
- Porches

- Awnings
- Entry stairs
- Doors
- Windows
- Chimneys
- Changes in construction materials
- Landscaping
- Horizontal and vertical sun-shading devices, such as walls, canopies, and similar devices, that extend a minimum of three (3) feet beyond the wall of adjacent walls.

(iii) Facades may be repainted and shall be in good repair. Paint colors must be subdued and approved by the Downtown Design Review Board. Colors that are equivalent to Benjamin Moore's "Historical Collection" palette are pre-approved. Applicants must submit paint chips, brick samples, awning fabric samples, etc. to the review board for all proposed new paint projects, building construction and facade alteration.

(j) Materials:

(i) Natural stone, brick, wood and fiber-cement siding that resembles horizontal lap siding shall be used for all buildings in the Washington Street Commercial Corridor.

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

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

(k) Accessories/details:

(i) Facilities are encouraged to use natural materials, colors, and scale compatible with those of other downtown zones. Details such as shutters, balconies, overhangs, exterior lighting, security lighting, etc. must be reviewed and approved by the Maryville Downtown Design Review Board as compatible with the design guidelines of the zone.

(ii) In properties of historical significance, deteriorated architectural features shall be repaired rather than replaced, when feasible. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence.

(iii) Painted murals and other wall decorations on elevations may be appropriate as reviewed by the Downtown Maryville Design Review Board.

(iv) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins, and similar ancillary structures and equipment shall be screened from public roads with landscaping, walls, or fences. Proposed screening, ancillary structures, and equipment shall be submitted for board review before installation.

(l) Demolition: The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided when possible. Demolition shall not occur unless one or the more following conditions are met:

(i) A building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;

(ii) The denial of the demolition will result in an unreasonable economic hardship on the applicant as determined by the Downtown Design Review Board;

(iii) The public safety and welfare requires the removal of a structure or building;

(iv) The structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition. In addition to this report, there shall be a separate report that details future action of this site.

(m) Land uses: Washington Street, through a mixed urban pattern, serves pedestrians and motorists but shall not develop as a suburban/highway commercial strip with deep setbacks and large upfront parking. The district shall promote connectivity between businesses for both pedestrian and vehicles.

(i) Residential: Attached homes including apartments, condominiums, and lofts above storefronts are permitted. Single-family detached housing is not allowed.

(ii) Mixed uses: Appropriate uses will accommodate a variety of needs, especially those of residents who live nearby and tourists who visit downtown. Light manufacturing for local consumption and distribution may be allowed by special exception.

(iii) Prohibited uses: Adult establishments, large-scale manufacturing, mini-storage, landfill or mining, hazardous occupancies or storage of hazardous materials, or any uses not

determined to be compatible with the function, character, and intent of the Washington Street Commercial Corridor.

(n) Special exceptions: The evaluation of a special exception must consider the exception's impact on pedestrian movement, traffic flow, and general aesthetics of the district.

(o) Signs: Except as stated herein, this section shall supersede § 14-218 of this ordinance regarding signs in this zoning district.

(i) Sign area allowed.

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

(B) Two-story and taller buildings: The maximum area of signage is calculated above, however, two (2) story buildings double the allowed maximum sign area, three (3) story buildings triple the allowed maximum area, etc. The maximum allowed sign area devoted to one (1) property shall not exceed three hundred (300) square feet, regardless of the number of stories and property frontage. While being limited to the calculations above, no individual sign and no combination of multiple signs on one (1) side of a building shall exceed one hundred fifty (150) square feet. If a building includes multiple uses, only the frontage and stories attributed to the subject sign may be counted. For example, a building with one (1) story of retail and two (2) stories of residential may only count the retail story for the respective retail signs.

(ii) Sign area allowances. Businesses not on Washington Street may add signs, in addition to the maximum allowed sign area as calculated above, using no more than two (2) of the following sign allowances. All signs using these allowances will require review and approval by planning staff.

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

(B) Awning sign allowance: Imprints of a signage and/or logo shall be allowed on an awning which shall not exceed either: the equivalent of the total twenty-five percent (25%) signage calculation above, or twenty (20) square feet, whichever is less. For example, if the property is allowed to have a ten (10) square foot sign using the twenty-five percent (25%) sign area calculation above, then the property may also have a ten (10) square foot sign or logo printed on an awning. If a building can receive a forty (40) square foot sign using the twenty-five percent (25%) rule, it may have also have signage and/or logo on an awning not to exceed twenty (20) square feet.

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

(iii) Directory signs:

(A) Building-mounted directory signs. Where several businesses share a building, a directory sign (listing tenant names) may be installed on the building, not to exceed six (6) square feet. The sign area of directory signs will not be subtracted from the property's allowable sign area.

(B) Freestanding directory signs. Where a single or multiple tenant business entrance(s) does not front a public street, or the entrance door is significantly obscured due to topographic, existing landscape, or other orientation of the building, making it difficult for motorists to see the entrance, a freestanding directory sign (listing tenant name(s)) may be installed on the same parcel of property. Such signs shall not be taller than three (3) feet to the top of the sign and shall not exceed four (4) square feet per tenant. When there is more than one (1) tenant in a building with the same difficulty of entrance visibility, the tenants must combine their directory signs into a single freestanding directory sign, while still maintaining a maximum of four (4) square feet per tenant. However, such freestanding directory signs shall not exceed a total of twenty-five (25) square feet and shall not exceed a height of five (5) feet. The sign area of directory signs will not be subtracted from the property's allowable sign area.

(iv) Freestanding signs: Freestanding signs of not taller than twelve (12) feet and not greater than sixty (60) square feet are allowed. For parcels along Washington Street, the maximum height of a freestanding sign is twenty feet (20'). Changeable message signs are allowable within the total maximum sixty (60) square foot area and shall not exceed twenty (20) square feet. The changeable message sign may not be installed as a separate freestanding sign nor may it be installed as a portable sign.

(v) Window signs. Window signs are permissible; however signs shall not exceed thirty percent (30%) of the total window area.

(vi) Building mounted signs. Signs can be attached to building facades at street level and shall not be roof mounted.

(vii) Perpendicular signs. Perpendicular signs must be at least (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Only one (1) perpendicular sign may be installed per business and such signs shall not exceed ten (10) square feet. If the property



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

(viii) Changeable message signs. Along Washington Street, changeable message signs are allowed and may be in addition to the maximum allowable total signage. Only one (1) changeable message sign is allowed. Changeable message signs, which include electronic message center signs, shall be no larger than twenty (20) square feet, except for gasoline product signs which shall be no larger than twenty-five (25) square feet. Changeable message signs can only be on the building or on a freestanding sign.

(ix) Sign lighting. Only indirect/external lighting is allowed except along Washington Street. Light directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly on public right-of-way or residential premises. "Neon signs, flashing signs, signs with intermittent lights, and rotating signs are prohibited."

(x) Awning signs. Imprints of a sign or logo shall be allowed on an awning and will be included in the total signage calculation, with the exception of applicants whom use the awning sign allowance set forth in subsection 2(b).

(xi) Sandwich board sign allowance. Each business may have one (1) sandwich board sign. Sandwich board signs shall be constructed of wood in an "A" shape and be heavy enough so that strong winds do not allow it to blow over. Sandwich boards shall not be left outside of the building when the business closes, or the city may remove and dispose of the sign. Sandwich board signs cannot exceed a height of forty-two (42) inches and shall not exceed seven (7) square feet (per side).

(xii) Materials: Sign materials shall be of natural surfaces such as wood, brick, stone, etched glass or constructed of materials that successfully replicate these natural materials. However, professionally painted metal signs are also acceptable provided they have a finished thickness of at least one-half inch (1/2") achieved by mounting the metal sign on a substrate or by having a frame. Metal signs must have three-dimensional artwork embellishments covering up to at least fifty percent (50%) of the sign area.

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

(xiv) Sign review and permitting. Any new sign application in the downtown zones must be submitted to the planning department staff for review then forwarded to the sign inspector for issuance of a sign permit.

(xv) Signs prohibited in rights-of-way. Permanent or temporary signs shall not be installed in the road right-of-way. "Sandwich board" signs may be installed on sidewalks as long as they comply with the "sandwich board" sign allowance above and do not block a clear path along the sidewalk of thirty-six (36) inches.

(xvi) Accessory signage installed to glass. Strobe lights, rotating and/or flashing emergency vehicle-type lights, neon lights strips or window outlines installed within the business and visible to the public, even if not affixed to the glass, is prohibited. Holiday lights installed seasonally are exempt from this requirement.

(xvii) Non-conforming sign. All sign-related provisions set forth in § 14-218(17), in the City of Maryville Land Development Regulations, and as later amended, are applicable within the downtown zones, unless otherwise addressed in this chapter.

(xviii) Reconstruction of previous signs. Property owners whom propose to reconstruct signs that are clearly documented through photographic evidence or other documentation may occur on their original location. Such reconstructed signs shall be constructed with materials, design detailing and decorative features to match or closely approximate the original sign. If signs proposed to be reconstructed do not comply with sign regulations of this chapter, the Downtown Maryville Design Review Board will review the applicant's proposal.

(xix) Signs excluded from regulation. The following signs are exempt from regulation under this chapter.

(A) Address numbers, signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(C) Official signs of a non-commercial nature erected by public utilities.

(xx) Miscellaneous restrictions and prohibitions. All sign-related provisions set forth in § 14-218(4) (5) (13) (except signs prohibited as set forth in number viii above; no internally lit signs, see number ix above), (14) (15) (16) and (18) of this section as later amended, are applicable within the downtown zones, unless otherwise provided in this chapter.

(6) Zoning districts - Office Transition Zone. Serving as a the southern fringe of Downtown Maryville, the office transition zone provides mixed use opportunities in older homes and smaller scale commercial structures. The

zone's intent is to maintain and establish the charm of the older homes and businesses, maintain the existing small town feel by requiring lower density developments, and preserve the human scale of the area.

- (a) Lot dimensions:
  - (i) Lot size: no minimum
  - (ii) Lot width: no minimum
- (b) Setbacks: Setback from existing utility easements must be observed, otherwise:
  - (i) Front: 20 foot maximum from street right of way. Building setback preferably should line flush with existing buildings in the district.
  - (ii) Side: 10 foot minimum
  - (iii) Rear: No minimum. Maximum variable depending upon placement of parking as determined by the Downtown Maryville Design Review Board.
- (c) Parking: Total coverage cannot exceed thirty percent (30%) of the entire lot. Parking must be placed in the rear of the building. If rear parking is impossible, parking may be placed on one side. Parking shall not be allowed in the front. In those cases where parking adjoins a street, a six (6) foot opaque wall made of appropriate materials, including brick, stone, and other natural materials must be appropriately placed to create a visual edge for pedestrians and motorists. Appropriate landscaping in and around parking lots, including trees may be required.
- (d) Height: The maximum height for all new buildings shall not exceed either two stories, or thirty (30) feet.
- (e) Windows and doors:
  - (i) Spacing and size of fenestration shall match that of the other buildings on the same block that were built before 1950;
  - (ii) Windows shall be square or vertical in orientation;
  - (iii) All fenestration, including doors and windows above grade shall be indicative of the period of construction of the building; and
  - (iv) Sill and lentils for windows are encouraged.
  - (v) True divided light or simulated divided light units are permissible only.
- (f) Facades:
  - (i) Substantial removal, alteration, or covering of original facades is not allowed;
  - (ii) Facades composed of brick or masonry shall be re-pointed and cleaned to a condition indicative of their original finish; and
  - (iii) In cases of extreme deterioration, facades may be repaired and painted. Paint colors must be of historic precedent compatible with adjacent properties and approved by the

Downtown Maryville Design Review Board. Applicants must submit paint chips, brick samples, awning fabric samples, etc. to the review board for all proposed new paint projects, building construction and facade alteration.

(g) Materials:

(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 the buildings downtown.

(ii) Veneer materials (i.e., vinyl siding, stucco, and synthetic stucco) are not allowed.

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

(h) Signs: Except as stated herein, this section shall supersede § 14-218 of this chapter regarding signs in this zoning district.

(i) Sign Area Allowed.

(A) Single story buildings: Total signage is based on twenty-five percent (25%) of the side of the property on which the entrance is located. Properties with frontage having 50 feet or less shall be allowed a maximum sign area of twelve (12) square feet. The entrance shall be the door(s) used by customers rather than entrances for purposes of rear deliveries or fire exits.

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

(ii) Sign area allowances. Businesses may add signs, in addition to the maximum allowed sign area as calculated above, using no more than two of the following sign allowances. All signs using these allowances will require review and approval by planning staff.

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

(B) Awning sign allowance: Imprints of a signage and/or logo shall be allowed on an awning which shall not exceed either: the equivalent of the total twenty-five percent (25%) signage calculation above, or twenty (20) square feet, whichever is less. For example, if the property is allowed to have a ten (10) square foot sign using the twenty-five percent (25%) sign area calculation above, then the property may also have a ten (10) square foot sign or logo printed on an awning. If a building can receive a fourth (40) square foot sign using the 25% rule, it may also have signage and/or logo on an awning not to exceed twenty (20) square feet.

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

professional sign company or artisan experienced with wood construction, carving and painting must fabricate signs.

(iii) Directory signs:

(A) Building mounted directory signs. Where several businesses share a building, a directory sign (listing tenant names) may be installed on the building, not to exceed six (6) square feet. The sign area of directory signs will not be subtracted from the property's allowable sign area.

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

(iv) Freestanding signs: Freestanding signs of not taller than five (5) feet and not greater than twenty-five (25) square feet are allowed. Only indirect/exterior illumination is permissible. Properties that have frontage on Lamar Alexander Parkway may have freestanding signs eight (8) feet tall, but such signs can only be located on the parkway side of the property.

(v) Window signs. Window signs are permissible; however signs shall not exceed thirty percent (30%) of the total window area.

(vi) Building mounted signs. Signs can be attached to building facades at street level and shall not be roof mounted.

(vii) Perpendicular signs. Perpendicular signs must be at least (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Only one perpendicular sign may be installed per business and such signs shall not exceed ten (10) square feet. If the property

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

(viii) Prohibited signs. Neon signs, flashing signs, signs with intermittent lights, rotating signs, LED signs and internally lit signs, are prohibited.

(ix) Sign lighting. Only indirect/external lighting is allowed. Light directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly on public right-of-way or residential premises.

(x) Awning signs. Imprints of a sign or logo shall be allowed on an awning and will be included in the total signage calculation, with the exception of Applicants whom use the awning sign allowance set forth in subsection ii(B).

(xi) Sandwich board sign allowance. Each business may have one sandwich board sign. Sandwich board signs shall be constructed of wood in an "A" shape and be heavy enough so that strong winds do not allow it to blow over. Sandwich boards shall not be left outside of the building when the business closes, or the city may remove and dispose of the sign. Sandwich board signs cannot exceed a height of forty-two (42) inches and shall not exceed seven (7) square feet (per side).

(xii) Materials: Signs shall be constructed of natural materials such as wood, brick or stone, etched glass or constructed of materials that successfully replicate these natural materials. However, professional painted metal signs are also acceptable provided they have a finished thickness of at least one-half inch (1/2") achieved by mounting the metal sign on a substrate or by having a frame. Metal signs must have three-dimensional artwork embellishments covering up to at least fifty percent (50%) of their sign area.

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

(xiv) Sign review and permitting. Any new sign application in the downtown zones must be submitted to the planning department staff for review then forwarded to the sign inspector for issuance of a sign permit.

(xv) Signs prohibited in rights-of-way. Permanent or temporary signs shall not be installed in the road right-of-way. "Sandwich board" signs may be installed on sidewalks as long as they comply with the "sandwich board" sign allowance above and do not block a clear path along the sidewalk of thirty six (36) inches.

(xvi) Accessory signage installed to glass. Strobe lights, rotating and/or flashing emergency vehicle - type lights , neon

lights strips or window outlines installed within the business and visible to the public, even if not affixed to the glass, is prohibited. Holiday lights installed seasonally are exempt from this requirement.

(xvii) Non-conforming sign. All sign-related provisions set forth in § 14-218(17), in the City of Maryville Land Development Regulations, and as later amended, are applicable within the downtown zones, unless otherwise addressed in this chapter.

(xviii) Amortization of non-conforming sign.

(A) A non-conforming sign that exceeds the size and height by more than ten percent or that is nonconforming in some other way shall, within one (1) year after the effective date of this chapter, be altered to comply with the provisions of this article or be removed.

(B) If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformance.

(xix) Reconstruction of previous signs. Property owners whom propose to reconstruct signs that are clearly documented through photographic evidence or other documentation may occur on their original location. Such reconstructed signs shall be constructed with materials, design detailing and decorative features to match or closely approximate the original sign. If signs proposed to be reconstructed do not comply with sign regulations of this chapter, the Downtown Maryville Design Review Board will review the applicant's proposal.

(xx) Signs excluded from regulation. The following signs are exempt from regulation under this chapter.

(A) Address numbers, signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(C) Official signs of a non-commercial nature erected by public utilities.

(xxi) Miscellaneous restrictions and prohibitions. All sign-related provisions set forth in § 14-218 (4), (5), (13) (except signs prohibited as set forth in number xiii above; no internally lit signs, see number ix above), (14), (15), (16), and (18) of this chapter



as later amended, are applicable within the downtown zones, unless otherwise provided in this chapter.

(i) Accessories/details:

(i) New buildings shall have porches with columns to match the character and detail of the area;

(ii) Roof shall be pitched at least 4:12 with gables facing the streetscape;

(iii) All new construction shall match the single-family residential scale of the zone;

(iv) Details such as shutters, balconies, overhangs, exterior lighting, security lighting, etc. must be reviewed and approved by the Downtown Maryville Design Review Board as compatible with the original building facade;

(v) Paint colors must be of historic precedent, compatible with adjacent properties and approved by the Downtown Maryville Design Review Board;

(vi) Deteriorated architectural features shall be repaired rather than replaced. The new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence;

(vii) Blank walls are discouraged. Painted murals and other wall decorations on elevations may be appropriate as reviewed by the Downtown Maryville Design Review Board; and

(viii) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins and similar ancillary structures and equipment shall be screened from public roads with landscaping, walls or fences. Proposed screening, ancillary structures and equipment shall be submitted for board review before installation.

(j) Demolition: The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible. Demolition shall not occur unless one or the more following conditions are met:

(i) If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;

(ii) If the denial of the demolition will result in an unreasonable economic hardship on the applicant as determined by the Downtown Maryville Design Review Board;

(iii) If the public safety and welfare requires the removal of a structure or building; and

(iv) If the structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition. In addition to this report, there shall be a separate report that details future action of this site.

(k) Land uses: Regardless of use: new developments shall benchmark the existing historic single-family residences and associated small scale businesses.

(i) Residential: Attached homes including single family residential, apartments, condominiums, and lofts above storefronts are permitted.

(ii) Mixed uses: Appropriate uses should accommodate a variety of needs, especially those of residents who live nearby and tourists who visit downtown. Most types of land uses are encouraged in the office transition zone including those for entertainment, employment, service, shopping, and light manufacturing are permitted if the building they are housed in structures meeting all design standards. Scale of proposed developments in comparison to other individual developments in the zone is most important when considering whether or not a use shall be appropriate.

(iii) Prohibited uses: Adult establishments, heavy manufacturing, mini-storage, landfill or mining, hazardous occupancies or storage of hazardous materials, or any uses not determined to be compatible with the function, character, and intent of the office transition zone.

(7) Zoning districts - Heritage Development Zone. The Heritage Development Zone's proximity to the original site of Ft. Craig, the central business district, and its location on the Greenbelt shall provide opportunities for festivals, festive retail, cultural and heritage-related uses such as museums, craft shops, antiques, or any appropriate use that will attract locals and tourists to the area. In an effort to expand development opportunities for vacant lots and buildings within the Heritage Development Zone, all lots within the district that have frontage along E. Church Avenue shall be afforded the right to develop under the same standards as outlined in the Central Business District zone. Allowing this flexibility will ensure a more cohesive development pattern along both sides of E. Church Avenue.

(a) Lot dimensions:

(i) Lot size: no minimum

(ii) Lot width: no minimum

(b) Setbacks:

(i) Front: 20 foot maximum setback to the street right of way or greenbelt. Building setback preferably should line flush with existing buildings in the district.

(ii) Side: No minimum unless adjacent to residential use; ten (10) foot minimum if adjacent to residential use.

(iii) Rear: No minimum. Maximum variable depending upon placement of parking as determined by the Downtown Maryville Design Review Board.

(c) Parking: Total coverage cannot exceed thirty percent (30%) of the entire lot. Parking must be placed in the rear of the building. If rear parking is impossible, parking may be placed on one side. Parking shall not be allowed in front. In those cases where parking adjoins a street, a six-foot opaque wall made of appropriate materials, including brick, stone, and other natural materials must be appropriately placed to create a visual edge for pedestrians and motorists. Appropriate landscaping in and around parking lots, including trees may be required. Due to the variety of land uses allowed within the downtown districts and the fact that not all uses are specifically identified within the parking standards and regulations table, the land use administrator is hereby authorized to use the parking table as a guide in determining an adequate number of parking spaces for projects within the Heritage Development Zone. When land uses have specific needs or provide special services, the land use administrator shall use discretion in calculating and determining the number of spaces needed and the parking lot coverage to be constructed on-site, and may also consider public and satellite parking that may be available to a specific site in the final design of the parking needed for a particular project.

(d) Height: The maximum height for all new buildings shall not exceed three+ stories, or forty five (45) feet.

(e) Windows and Doors:

(i) Spacing and size of fenestration shall match that of the other buildings on the same block that were built before 1950;

(ii) Windows shall be square or vertical in orientation;

(iii) All fenestration, including doors and windows above grade shall be indicative of the period of construction of the building; and

(iv) Sill and lentils for windows are encouraged.

(v) True divided light or simulated divided light units are permissible only.

(f) Facades:

(i) Substantial removal, alteration, or covering of original facades is not allowed;

(ii) Facades composed of brick or masonry shall be re-pointed and cleaned to a condition indicative of their original finish; and

(iii) In cases of extreme deterioration, facades may be repaired and painted. Paint colors must be of historic precedent, compatible with adjacent properties and approved by the Downtown Maryville Design Review Board. Applicants must submit paint chips, brick samples, awning fabric samples, etc. to the review board for all proposed new paint projects, building construction and facade alteration.

(g) Materials:

(i) Exterior materials shall be wood, stone, brick or fiber-cement siding that resembles horizontal lap 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 the buildings downtown; and

(ii) Veneer materials (i.e., vinyl siding, stucco, and synthetic stucco) are not allowed.

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

(h) Signs: Except as stated herein, this section shall supersede § 14-218 of this chapter regarding signs in this zoning district.

(i) Sign Area Allowed.

(A) Single story buildings: Total signage is based on twenty-five percent (25%) of the side of the property on which the entrance is located. Properties with frontage having fifty (50) feet or less shall be allowed a maximum sign area of twelve (12) square feet. The entrance shall be the door(s) used by customers rather than entrances for purposes of rear deliveries or fire exits.

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

residential may only count the retail story for the respective retail signs.

(ii) Sign area allowances. Businesses may add signs, in addition to the maximum allowed sign area as calculated above, using no more than two of the following sign allowances. All signs using these allowances will require review and approval by planning staff.

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

(B) Awning sign allowance: Imprints of a signage and/or logo shall be allowed on an awning which shall not exceed either: the equivalent of the total twenty-five percent (25%) signage calculation above, or twenty (20) square feet, whichever is less. For example, if the property is allowed to have a ten square foot sign using the twenty-five percent (25%) sign area calculation above, then the property may also have a ten square foot sign or logo printed on an awning. If a building can receive a forty (40) square foot sign using the twenty-five percent (25%) rule, it may have also have signage and/or logo on an awning not to exceed twenty (20) square feet.

(C) Projecting sign square footage allowance: Each business may hang one perpendicular sign not to exceed six (6) square feet. Creativity and artwork in the sign design and composition are encouraged. This sign allowance is not trying to create a fake colonial era style of sign or recreate an artificial historical past. Sign designs are encouraged to be compatible to the business's trade or wares. They may be designed as historic, contemporary, cutting edge, futuristic, fun or conservative as the business owners' intend to convey. The underside of the sign must be at least eight (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Such signs must be constructed of wood or a material, such as sign foam, that replicates wood. Signs must have: either, at least fifty percent (50%) of the surface area sandblasted; or have a combination of sandblasted features and three dimensional artwork embellishments covering up to at least fifty percent (50%) of the sign area. Signs may be metal if the sign includes sufficient thickness, at least one-half ( $\frac{1}{2}$ ) inch, not including framing. Thin, flat plastic and metal signs with vinyl lettering and/or decals are NOT acceptable. Signs must be painted and colors are encouraged. Sign

shapes must vary from other hanging signs on the same block to encourage variety. Signs that exceed the six square foot allowance may be allowed if the overage is due to artistic embellishments. Sign brackets used to support the hanging signs also require review and approval by the city. The bracket and the sign cannot project so far as to be a danger to passing pedestrians and vehicles. A professional sign company or artisan experienced with wood construction, carving and painting must fabricate signs.

(iii) Directory signs:

(A) Building mounted directory signs. Where several businesses share a building, a directory sign (listing tenant names) may be installed on the building, not to exceed six (6) square feet. The sign area of directory signs will not be subtracted from the property's allowable sign area.

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

(iv) Freestanding signs: Freestanding signs of not taller than five (5) feet and not greater than twenty-five (25) square feet are allowed. Only indirect /exterior illumination is permissible. Properties that have frontage on Lamar Alexander Parkway may have freestanding signs eight (8) feet tall, but such signs can only be located on the parkway side of the property.

(v) Window signs. Window signs are permissible; however signs shall not exceed thirty percent (30%) of the total window area.

(vi) Building mounted signs. Signs can be attached to building facades at street level and shall not be roof mounted.

(vii) Perpendicular signs. Perpendicular signs must be at least (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Only one perpendicular sign may be installed per business and such signs shall not exceed ten (10) square feet. If the property originally had a theater marquis, similar marquis signs may be installed if based on pictorial evidence.

(viii) Prohibited signs. Neon signs, flashing signs, signs with intermittent lights, rotating signs, LED signs and internally lit signs, are prohibited.

(ix) Sign lighting. Only indirect/external lighting is allowed. Light directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly on public right-of-way or residential premises.

(x) Awning signs. Imprints of a sign or logo shall be allowed on an awning and will be included in the total signage calculation, with the exception of applicants whom use the awning sign allowance set forth in subsection ii(B);

(xi) Sandwich board sign allowance. Each business may have one sandwich board sign. Sandwich board signs shall be constructed of wood in an "A" shape and be heavy enough so that strong winds do not allow it to blow over. Sandwich boards shall not be left outside of the building when the business closes, or the city may remove and dispose of the sign. Sandwich board signs cannot exceed a height of forty two (42) inches and shall not exceed seven (7) square feet (per side).

(xii) Materials: Signs shall be constructed of natural materials such as wood, brick, stone, etched glass or constructed of materials that successfully replicate these natural materials. However, professional painted metal signs are also acceptable provided they have a finished thickness of at least one-half inch (1/2") achieved by mounting the metal sign on a substrate or by having a frame. Metal signs must have three-dimensional artwork embellishments covering up to at least fifty percent (50%) of the sign area.

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

(xiv) Sign review and permitting. Any new sign application in the downtown zones must be submitted to the planning department staff for review then forwarded to the sign inspector for issuance of a sign permit.

(xv) Signs prohibited in rights-of-way. Permanent or temporary signs shall not be installed in the road right-of-way. "Sandwich board" signs may be installed on sidewalks as long as they comply with the "sandwich board" sign allowance above and do not block a clear path along the sidewalk of thirty six (36) inches.

(xvi) Accessory signage installed to glass. Strobe lights, rotating and/or flashing emergency vehicle - type lights , neon lights strips or window outlines installed within the business and visible to the public, even if not affixed to the glass, is prohibited. Holiday lights installed seasonally are exempt from this requirement.

(xvii) Non-conforming sign. All sign-related provisions set forth in § 14-218(17), in the City of Maryville Land Development Regulations, and as later amended, are applicable within the downtown zones, unless otherwise addressed in this chapter.

(xviii) Amortization of non-conforming sign:

(A) A non-conforming sign that exceeds the size and height by more than ten percent (10%) or that is nonconforming in some other way shall, within one (1) year after the effective date of this chapter, be altered to comply with the provisions of this article or be removed.

(B) If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformance.

(xix) Reconstruction of previous signs. Property owners whom propose to reconstruct signs that are clearly documented through photographic evidence or other documentation may occur on their original location. Such reconstructed signs shall be constructed with materials, design detailing and decorative features to match or closely approximate the original sign. If signs proposed to be reconstructed do not comply with sign regulations of this chapter, the Downtown Maryville Design Review Board will review the applicant's proposal.

(xx) Signs excluded from regulation. The following signs are exempt from regulation under this section:

(A) Address numbers, signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal



notices, identification and informational signs, and traffic, directional, or regulatory signs.

(C) Official signs of a non-commercial nature erected by public utilities.

(xxi) Miscellaneous restrictions and prohibitions. All sign-related provisions set forth in § 14-218 (4), (5), (13) (except signs prohibited as set forth in number viii above; no internally lit signs, see number ix above), (14), (15), (16) and (18) of this chapter as later amended, are applicable within the downtown zones, unless otherwise provided in this chapter.

(i) Accessories/details:

(i) New construction should be sensitive to the historic quality and restored nature of adjacent zones. Details such as shutters, balconies, overhangs, exterior lighting, security lighting, etc. must be reviewed and approved by the Downtown Maryville Design Review Board as compatible with the original building facade.

(ii) Where applicable, deteriorated architectural features shall be repaired rather than replaced. The new materials should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence.

(iii) Blank walls are discouraged. Painted murals and other wall decorations on elevations may be appropriate as reviewed by the Downtown Maryville Design Review Board.

(iv) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins and similar ancillary structures and equipment shall be screened from public roads with landscaping, walls or fences. Proposed screening, ancillary structures and equipment shall be submitted for board review before installation.

(j) Demolition: The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible. Demolition shall not occur unless one or more of the following conditions are met:

(i) If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;

(ii) If the denial of the demolition will result in an unreasonable economic hardship on the applicant as determined by the Downtown Maryville Design Review Board;

(iii) If the public safety and welfare requires the removal of a structure or building; and

(iv) If the structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition. In addition, to this report, there shall be a separate report that details future action of this site.

(k) Land uses: The Heritage development zone shall provide opportunities for festivals, heritage-related businesses, and greenbelt uses to attract tourists and local residents to the area.

(i) Residential: Attached homes including apartments, condominiums, and lofts above storefronts are permitted. Single-family detached housing is not appropriate in this zone.

(ii) Mixed uses: Most types of land uses in the Heritage development zone are encouraged including those for entertainment, employment, service, shopping, light manufacturing, cultural, heritage oriented activities, museums and tourist types of development.

(iii) Prohibited uses: Adult establishments, heavy manufacturing, mini-storage, landfill or mining, hazardous occupancies or storage of hazardous materials, or any uses not determined to be compatible with the function, character, and intent of the Heritage Development zone.

(8) Zoning districts - Central District Support Zone. The central business district support zone is the zone of contrast between the urban intimacy on Harper Avenue and the open spaces of the north side of the Greenbelt. This zone takes full advantage of the benefits of the Greenbelt by providing mixed use development along its periphery. Businesses locating in the CBD support zone are encouraged to spill their services out onto the pathways and open areas of the Greenbelt.

(a) Lot Dimensions:

(i) Lot size: no minimum

(ii) Lot width: no minimum

(b) Setbacks: Setback from existing utility easements must be observed, otherwise:

(i) Front: 20 foot maximum setback to the street or greenbelt.

(ii) Side: 10 ft. maximum; no minimum.

(iii) Rear: no minimum, maximum variable, depending upon placement of parking as reviewed by the Maryville Design Review Board.

(c) Parking: Total coverage cannot exceed thirty percent (30%) of the entire lot. Parking must be placed on the side of the building that is determined to be most out of the public view by the Downtown Maryville Design Review Board. Parking shall not be allowed to impede the beauty of Greenbelt views, nor destroy the potential for an "edge" on downtown streets. In those cases where parking must adjoin a street, an eight-foot opaque wall built of appropriate materials, including brick, stone, and other natural materials shall be appropriately placed to create a visual edge for pedestrians and motorists. Appropriate landscaping in and around parking lots, including trees, may be required.

(d) Height: The maximum height for all new buildings shall not exceed either three stories or forty-five (45) feet.

(e) Windows and doors:

(i) Spacing and size of fenestration shall match that of the other buildings on the same block that were built before 1950;

(ii) Windows shall be square or vertical in orientation;

(iii) All fenestration, including doors and windows above grade shall be indicative of the period of construction of the building; and

(iv) Sills and lintels for windows are encouraged.

(v) True divided light or simulated divided light units are permissible only.

(f) Facades:

(i) Facades shall be "pedestrian scale." Pedestrian scale is defined as a size (of building, space) that a pedestrian perceives as not dominating or overpowering;

(ii) Substantial removal, alteration, or covering or original facades shall not be permitted;

(iii) Facades composed of brick or masonry must be re-pointed and cleaned to a condition indicative of their original finish;

(iv) In cases of extreme deterioration, facades may be repaired and painted; paint colors must be of historic precedent, compatible with adjacent properties and approved by the Downtown Maryville Design Review Board. Applicants must submit paint chips, brick samples, awning fabric samples, etc. to the review board for all proposed new paint projects, building construction and facade alteration; and

(v) Awnings, may be applied and are encouraged, but must be solid or two-color, angled or scalloped type only and compatible with the architecture and color palette.

(g) Materials:

(i) Natural stone, brick, wood and fiber-based siding that resembles horizontal lap siding should be used for all buildings in the Central Business District Support Zone;

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

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

(h) Signs: Except where stated herein, the following restrictions and rules supersede the provisions of the general sign ordinance found in § 14-218 of this ordinance in this zoning district.

(i) Sign area allowed.

(A) Single story buildings: Total signage is based on twenty-five percent (25%) of the side of the property on which the entrance is located. Properties with frontage having fifty (50) feet or less shall be allowed a maximum sign area of twelve (12) square feet. The entrance shall be the door(s) used by customers rather than entrances for purposes of rear deliveries or fire exits.

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

(ii) Sign area allowances. Businesses may add signs, in addition to the maximum allowed sign area as calculated above, using no more than two of the following sign allowances. All signs using these allowances will require review and approval by planning staff.

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

(B) Awning sign allowance: Imprints of a signage and/or logo shall be allowed on an awning which shall not

exceed either: the equivalent of the total twenty-five percent (25%) signage calculation above, or twenty (20) square feet, whichever is less. For example, if the property is allowed to have a ten square foot sign using the twenty-five percent (25%) sign area calculation above, then the property may also have a ten square foot sign or logo printed on an awning. If a building can receive a forty (40) square foot sign using the twenty-five percent (25%) rule, it may have also have signage and/or logo on an awning not to exceed twenty (20) square feet.

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

(iii) Directory Signs

(A) Building mounted directory signs. Where several businesses share a building, a directory sign (listing

tenant names) may be installed on the building, not to exceed six (6) square feet. The sign area of directory signs will not be subtracted from the property's allowable sign area.

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

(iv) Freestanding signs: Freestanding signs of not taller than five (5) feet and not greater than twenty-five (25) square feet are allowed. Only indirect /exterior illumination is permissible. Properties that have frontage on Lamar Alexander Parkway may have freestanding signs eight (8) feet tall, but such signs can only be located on the parkway side of the property.

(v) Window signs. Window signs are permissible; however signs shall not exceed thirty percent (30%) of the total window area;

(vi) Building mounted signs. Signs can be attached to building facades at street level and shall not be roof mounted.

(vii) Perpendicular signs. Perpendicular signs must be at least (8) feet above the sidewalk, but the underside of the sign must not be more than twelve (12) feet above the sidewalk. Only one (1) perpendicular sign may be installed per business and such signs shall not exceed ten (10) square feet. If the property originally had a theater marquis, similar marquis signs may be installed if based on pictorial evidence.

(viii) Prohibited signs. Neon signs, flashing signs, signs with intermittent lights, rotating signs, LED signs and internally lit signs, are prohibited;

(ix) Sign lighting. Only indirect/external lighting is allowed. Light directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly on public right-of-way or residential premises.

(x) Awning signs. Imprints of a sign or logo shall be allowed on an awning and will be included in the total signage calculation, with the exception of applicants whom use the awning sign allowance set forth in subsection ii(B);

(xi) Sandwich board sign allowance. Each business may have one sandwich board sign. Sandwich board signs shall be constructed of wood in an "A" shape and be heavy enough so that strong winds do not allow it to blow over. Sandwich boards shall not be left outside of the building when the business closes, or the city may remove and dispose of the sign. Sandwich board signs cannot exceed a height of forty-two (42) inches and shall not exceed seven (7) square feet (per side).

(xii) Materials: Signs shall be constructed of natural materials such as wood, brick, or stone, etched glass or constructed of materials that successfully replicate these natural materials. However, professional painted metal signs are also acceptable provided they have a finished thickness of at least one-half inch (1/2") achieved by mounting the metal sign on a substrate or by having a frame. Metal signs must have three-dimensional artwork embellishments covering up to at least fifty percent (50%) of the sign area.

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

(xiv) Sign review and permitting. Any new sign application in the downtown zones must be submitted to the planning department staff for review then forwarded to the sign inspector for issuance of a sign permit.

(xv) Signs prohibited in rights-of-way. Permanent or temporary signs shall not be installed in the road right-of-way. "Sandwich board" signs may be installed on sidewalks as long as they comply with the "Sandwich board" sign allowance above and do not block a clear path along the sidewalk of thirty-six (36) inches.

(xvi) Accessory signage installed to glass. Strobe lights, rotating and/or flashing emergency vehicle - type lights, neon lights strips or window outlines installed within the business and visible to the public, even if not affixed to the glass, is prohibited. Holiday lights installed seasonally are exempt from this requirement.

(xvii) Non-conforming sign. All sign-related provisions set forth in § 14-218(17), in the City of Maryville Land Development Regulations, and as later amended, are applicable within the downtown zones, unless otherwise addressed in this chapter.

(xviii) Amortization of non-conforming sign.

(A) A non-conforming sign that exceeds the size and height by more than ten percent or that is nonconforming in some other way shall, within one (1) year after the effective date of this chapter, be altered to comply with the provisions of this article or be removed.

(B) If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformance.

(xix) Reconstruction of previous signs. Property owners whom propose to reconstruct signs that are clearly documented through photographic evidence or other documentation may occur on their original location. Such reconstructed signs shall be constructed with materials, design detailing and decorative features to match or closely approximate the original sign. If signs proposed to be reconstructed do not comply with sign regulations of this chapter, the Downtown Maryville Design Review Board will review the applicant's proposal.

(xx) Signs excluded from regulation. The following signs are exempt from regulation under this section.

(A) Address numbers, signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(B) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(C) Official signs of a non-commercial nature erected by public utilities.

(xxi) Miscellaneous restrictions and prohibitions. All sign-related provisions set forth in § 14-218 (4), (5) (13) (except signs prohibited as set forth in number xiii above; no internally lit signs, see number ix above), (14), (15), (16) and (18) of this chapter as later amended, are applicable within the downtown zones, unless otherwise provided in this chapter.

(i) Accessories/details:

(i) Details such as shutters, balconies, overhangs, exterior lighting, security lighting, etc. must be reviewed and



approved by the Maryville Downtown Design Review Board as compatible with the design guidelines of the zone and its compatibility with adjacent properties;

(ii) An "edge" must be created for all properties with street planting and/or walls where deemed appropriate by the Maryville Downtown Design Review Board;

(iii) New construction shall be sensitive to the historic quality and restored nature of adjacent zones;

(iv) Deteriorated architectural features shall be repaired rather than replaced. The new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence; and

(v) Blank walls are discouraged. Painted murals and other wall decorations on elevations may be appropriate as reviewed by the Downtown Maryville Design Review Board.

(vi) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins and similar ancillary structures and equipment shall be screened from public roads with landscaping walls or fences. Proposed screening, ancillary structures and equipment shall be submitted for board review before installation.

(j) Demolition: The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible. Demolition shall not occur unless one or the more following conditions are met:

(i) If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;

(ii) If the denial of the demolition will result in an unreasonable economic hardship on the applicant as determined by the design review board;

(iii) If the public safety and welfare requires the removal of a structure or building; and

(iv) If the structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition. In addition to

this report, there shall be a separate report that details future action of this site.

(k) Land uses: Because of the immense scale and proximity to the "big" side of the greenbelt, a wide variety of developments will be appropriate, including larger buildings.

(i) Residential: Attached homes including apartments, condominiums, and lofts above storefronts are permitted. Single-family detached housing is not appropriate in this zone.

(ii) Mixed uses: Appropriate uses should accommodate a variety of needs, especially those of residents who live nearby and tourists who visit downtown. Most types of land uses are encouraged in the central business district support zone including those for entertainment, employment, service, shopping, liquor stores and light manufacturing are permitted if the building they are housed in structures meeting all design standards. New developments should take full advantage of the close proximity to the Greenbelt and the proximity of the central business district. Scale of proposed developments in comparison to other individual developments in the zone is most important when considering whether or not a use shall be appropriate.

(iii) Prohibited uses: Adult establishments, heavy manufacturing, mini-storage, landfill or mining, hazardous occupancies or storage of hazardous materials, or any uses not determined to be compatible with the function, character, and intent of the central business district support zone.

(9) Zoning districts - College Hill Historic District The College Hill Historic District has the largest concentration of extant historic structures in the City of Maryville. Since the 1940s, new construction has been limited in the district and it retains much of its original character. In order to preserve and enhance the integrity of this important area of Maryville, design guidelines specific to this district are in place to ensure historically appropriate and compatible construction. Land use controls allow only single-family residential uses, and prohibit further conversion of homes into duplexes or multiplexes. All provisions set forth regarding this district are in § 14-209(11).

(a) Lot dimensions:

(i) Minimum lot area: All lots shall be at least fourteen thousand (14,000) square feet in area.

(ii) Setbacks shall be consistent with the maintenance of existing setbacks of adjacent structures, and compatible with the massing, scale, size and architectural features of such structures.

(iii) Lot frontage: Every lot shall be provided with a minimum of sixty (60) feet of frontage on an existing or new public/private street as provided in § 14-214(7).

(iv) Flag lots: Creation of flag lots, as defined in § 14-202(beer board) may not be permitted within the College Hill Historic District, unless a continuous width along the narrow (access) portion of the lot is at least sixty (60) feet wide.

(b) The "College Hill Historic District Design Guidelines" were adopted to regulate the following items in the College Hill Historic District: Landscaping, driveways, parking lots, fencing, lighting, signs, foundation walls, porch location, porch flooring, porch columns, porch railing, exterior stairs, exterior staircases, handicap ramps, entrances, entrance elements, screen and storm doors, windows, storm window, exterior shutters and blinds, siding, roof forms, roof materials, chimney, ornamentation, paint awnings, HVAC, satellite dishes, solar panels, recreational structures, new construction, reconstruction, height, porch configuration, doors and windows, setbacks, rhythm, building materials, entrances, additions, roof forms, relocation and demolition.

(c) Land uses: Single-family only. In order to maintain the integrity and to recognize the fragility of the college hill historic district, there must not be further conversion of homes from single family to duplexes or multiplexes.

(i) Residential: Existing duplexes and apartments at the time of this ordinance's passage may be grand fathered uses. Otherwise, only single-family residential uses will be allowed within the entirety of the College Hill Historic District.

(ii) Mixed uses: Mixed use development is prohibited in the College Hill Historic District.

(iii) Prohibited uses: All uses except single family residential uses.

(10) Zoning districts - College Hill Historic Overlay Zone. The College Hill Historic Overlay Zone has been created and the "Design Guidelines for the College Hill Historic District" in order to preserve the historic character through the application of design guidelines. Any construction requiring a building permit must apply for a certificate of appropriateness at the planning department and have their building plans reviewed by the historic zoning commission.

(11) Zoning districts - High Intensity Commercial District. The High Intensity Commercial District is a highly visible commercial zone which will accommodate large scale conglomerate developments consisting of at least twelve (12) stores or parcels and at least 5 (five) acres in area. The district encourages mixed use developments including department stores, multifamily residential, assisted living, family entertainment uses, specialty stores, and theme or fast food restaurants. The district will serve both local and regional markets, and shall be located only where traffic can be absorbed on or along major arterial highways.

(a) Lot Dimensions:

- (i) Lot size: no minimum
  - (ii) Lot width: no minimum
  - (b) Setbacks: Setback from existing utility easements must be observed, otherwise:
    - (i) Front: 40 ft. minimum SETBACK from property line.
    - (ii) Side: no minimum unless abutting residential uses; 25 ft. if abutting residential uses.
    - (iii) Rear: 10 ft. minimum if not abutting residential uses; 25 ft. if abutting residential uses.
  - (c) Parking: Parking: total coverage cannot exceed forty-five (45%) of the entire lot.
  - (d) Height: The maximum height for all new buildings shall not exceed either three (3) stories or forty-five (45) feet.
  - (e) Signs. Shared Tenant Sign: A sign shared by some or all occupants in the development. Each development in the HIC zone may have a shared tenant sign installed on each street frontage with the following maximum dimensions:
    - (i) One (1) sign with a thirty (30) ft. maximum height/three hundred (300) sq. feet maximum area (if located outside the Parkway District Overlay Zone) shall be allowed for the entire development.
    - (ii) Up to three (3) signs with a twenty (20) ft. maximum height/one hundred (100) sq. feet maximum area (if located outside the Parkway District Overlay Zone) shall be allowed along each street frontage on the exterior of the development (if bounded by four or more streets, only three (3) signs will be allowed, one for each street frontage).
    - (iii) Within Parkway District Overlay Zone, twenty (20) ft. maximum height/seventy-five (75) sq. feet maximum area for all shared tenant signs.
- Conditions:
- (i) Each shared tenant sign must observe the minimum setback of ten (10) feet from the property line/right of way line.
  - (ii) Flashing or intermittent lights other than time and temperature shall not be permitted.
  - (iii) The developer or property owner will determine which business signage will be attached to such sign provided that the maximum surface area and height are not exceeded;
  - (iv) Changeable copy (message signs) shall not be allowed.
- Shared Tenant Signs located off premises:
- (v) May be allowed if an easement has direct access to the development.

Freestanding Signs:

(i) Shall only be allowed for individual lots inside the high intensity development.

(ii) One (1) freestanding monument signs not exceeding five (5) ft. in height and twenty-five (25) square feet in area (monument style) shall be allowed on individual lots.

Building signs:

(i) If business has one side of street frontage: Square footage allowed for building signs shall be determined by multiplying the number of linear feet of frontage of the lot by 1.0 feet, not to exceed a total of 200 square feet.

(ii) If a business has two (2) sides of street frontage: Square footage allowed for building signs shall be determined by multiplying the number of linear feet of frontage of the lot by one (1.0) feet, not to exceed a total of one hundred fifty (150) square feet for each side of street frontage.

(f) Land uses:

Conditions:

Property must already be zoned business transportation; property must have more than twelve individual businesses within the lot or development and at have least five (5) acres; and road frontage connected to development must be at least four hundred (400) feet.

(i) Residential: Attached homes including apartments, condominiums and lofts above storefronts are encouraged. Single-family detached housing is prohibited in this zone.

(ii) Mixed uses: Because of the large scale of development, appropriate land uses should accommodate a variety of regional needs, especially those for employment, liquor stores (retail, dining, shopping, etc. and other high-visibility/high intensity commercial uses.

(iii) Prohibited uses: Adult establishments, heavy manufacturing, mini-storage, landfill or mining, mobile home parks, hazardous occupancies or storage of hazardous materials, or any uses not determined to be compatible with the function and intent of the High Intensity Commercial Zone.

This section shall supersede all other City of Maryville ordinances related to planning signs and land use control.

(12) Zoning districts - Oak Park Historic District. The Oak Park Historic District has a large concentration of extant historic structures in the City of Maryville. Since the 1940s, new construction has been limited in the district and it retains much of its original character. In order to preserve and enhance the integrity of this important area of Maryville, design guidelines specific to this district are in place to ensure historically appropriate and compatible construction.

(a) Land uses: The Oak Park Historic District shall not change adopted underlying zoning district categories at the time of the Oak Park Historic District's passage, nor preclude property owners from seeking future variances, rezonings and/or special exceptions available by law. At the time of the Oak Park Historic District's passage, the historic district includes property zoned residential, office and business and transportation. Within Zone I, "residential," further conversion of single family homes into duplexes and multi-family uses shall be prohibited and new development is restricted to allow only single family homes. The Oak Park Historic District Design Guidelines shall apply to Zone I, "residential." Within Zone II, "business and transportation: and Zone VI, "office," all applicable land development regulations set forth in the Maryville Land Development Regulations shall apply to property and their respective zoning districts within the historic district boundaries with the addition of the Oak Park Historic District Design Guidelines. In instances where the land development regulations conflict with the Oak Park Historic District Design Guidelines, the design guidelines shall prevail.

(b) Lot dimensions: The lot sizes shall be a minimum of sixteen thousand (16,000) square feet if used for residential purposes, regardless of the underlying zoning category. The minimum lot sizes of property within the Oak Park Historic District used for non-residential uses shall comply with § 14-214(1). In addition, all lot dimensions shall be consistent with the maintenance of existing setbacks of adjacent structures and shall be compatible with the massing, scale, size and architectural features of such structures.

(c) The "Oak Park Historic Design Guidelines" were adopted to regulate the following items in the Oak Park Historic District: landscaping, driveways, parking lots, fencing, lighting, signs, foundation walls, porch location, porch flooring, porch columns, porch railing, exterior stairs, exterior staircases, handicap ramps, entrances, entrance elements, screen and storm doors, windows, storm windows, exterior shutters and blinds, siding, roof forms, roof materials, chimneys, ornamentation, paint, awnings, HVAC, satellite dishes, solar panels, recreational structures, new construction, reconstruction, height, and demolition. The "Oak Park Historic Design Guidelines" are incorporated herein by reference.

(13) Zoning districts - Oak Park Historic Overlay Zone. The Oak Park Historic Overlay Zone has been created and the "Design Guidelines for the Oak Park Historic District" are hereby adopted by reference in order to recognize and enhance the character of the neighborhood through the application of design guidelines. Any construction requiring a building permit must apply for a certificate of appropriateness at the planning department and have their building plans reviewed by the historic zoning commission.

(14) Zoning districts - Estate Zone. The Estate Zone is the most restrictive residential district intended to be used for single-family residential areas with low population densities. This district is created and intended to be protected from the encroachment of uses not performing a function necessary to the single-family residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and accessory facilities found within this district.

(a) Lot dimensions: All newly created lots shall have a minimum lot size of one acre (43,560 square feet) regardless of the availability of a sanitary sewer system provided by the public. All private sewer systems shall meet the same minimum lot size.

(b) Setbacks:

(i) Front: All structures shall be no less than thirty (30) feet from any public right-of-way.

(ii) Side: Single story dwellings shall be no less than ten (10) feet from the side yard. For dwellings of more than one story, there shall be a side yard requirement of not less than fifteen (15) feet.

(iii) Rear: Primary structures shall be no less than twenty-five (25) feet.

(iv) Unattached accessory buildings shall not be located closer to any rear or side lot line than ten (10) feet. In no case shall an accessory building be located in the front yard. Where the high point of the roof exceeds twelve (12) feet in height, the accessory building shall be setback from the lot boundary lines an additional two feet for every foot of height exceeding twelve (12) feet.

(c) Land uses:

(i) Permitted uses. Single-family residential structures are permitted but this use does not include mobile homes as defined by § 14-202 of this document. Home occupations uses are permitted in the estate zone if they meet with criteria set forth in § 14-202 thereof.

(ii) Prohibited uses. Uses not listed in the permitted section are prohibited.

(iii) Special uses. Nothing in this section shall prohibit uses authorized and protected by state and federal legislation as an example churches, synagogues, or temples shall be considered a special exception use and shall be subject to the provision found in § 14-204(9) special exceptions permits.

(d) Height: The maximum height for all new structures shall be thirty-five feet. All other height provisions and regulations found in this ordinance shall apply where applicable.

(e) Lot width: There shall be a minimum lot width of one hundred fifty (150) feet at the front building line.

(15) Zoning districts - High Density Residential. The High Density Residential zone classification is a residential district established to provide areas for apartments and condominium developments at thirteen dwelling units per gross acre where it is determined high densities of populations can be accommodated. Quality of building materials and design, and efficiency of land is encouraged by providing for adequate light, air, and open space for apartments and condominiums found within this district.

(a) Lot size and location: All newly created High Density Residential district lots or tracts shall contain a minimum of ten (10) acres and either have:

(i) Frontage along U.S. Highway 321 West or U.S. Highway 411 South between Foothills Mall Drive to the corporate limits; or

(ii) Have frontage along a collector street, as defined by the city's 2006 major road plan, between Foothills Mall Drive and the corporate limits and connect to or intersect with U.S. Highway 321 West or U.S. Highway 411 South with a minimum classification of a collector street that is eight hundred (800) linear feet or less.

All lots shall be available to public sanitary sewer systems and water systems.

(b) Setbacks and height requirements:

(i) Front: All structures shall be no closer than one hundred feet (100') from any public right-of-way or proposed right-of-way fifty feet (50') in width or greater.

(ii) Side: No structure shall be built within fifty feet (50') of any property line regardless of height, except where interior lot lines are common to parcels each zoned High Density Residential, in which case the side yard setback may be reduced to twenty-five feet (25').

(iii) Height: Multi family residential buildings containing four (4) or more dwelling units may not exceed thirty-five feet (35') unless the fire chief or his designee certifies to the permit issuing authority that such a building is designed to provide adequate protection against the dangers of fire. In the event that the property or a portion of the property is within the Parkway Overlay District, that portion of the property shall be limited to a maximum height of thirty-five feet (35').

(iv) Chimneys shall be allowed to exceed the height limitation.

(b) Lot frontage and lot width: There shall be a minimum requirement of one hundred fifty feet (150') at the building width and



each lot shall front a public right-of-way with a minimum lot frontage of no less than one hundred feet (100').

(c) Total gross floor area and open space:

(i) The total developed gross floor area of all primary and accessory uses and structures shall not exceed forty percent (40%) of the total site area.

(ii) A total of 1.5 acres shall be set aside for useable play area for all residents of the high density residential district. Enclosed sauna and exercise rooms, meeting or activity rooms, and clubhouses are recreational areas that shall not satisfy the open space requirements. Unenclosed recreational facilities such as tennis courts, racquet ball courts, and swimming pools are uses that will satisfy this requirement.

(iii) All open space shall be maintained in one of the following methods: (1) by the developer or management authority of the development or by (2) a homeowner's association established by deed restriction.

(iv) All common space within the high density residential development shall be maintained by the developer or management authority of the development.

(d) Land uses:

(i) Permitted uses: All multi-family apartments and multi-family residences as defined in 14-202(1) of this document. Accessory structures normally associated with large acreage developments, which may include but not limited to swimming pools, laundry rooms, clubhouses, etc. All proposed commercial and retail activities shall be reviewed and approved by the board of zoning appeals. All signage pertaining to the commercial area shall be regulated by the board of zoning appeals and not subject to the city's general ordinance regarding signs.

(ii) Prohibited uses: All uses not listed in the permitted section are prohibited and have been determined to be incompatible with the function, character and intent of the High Density Residential district.

(e) Density: The minimum building site area for dwellings shall be one (1) lot or parcel of ten (10) acres or greater. The maximum density permitted shall not exceed thirteen (13) units per acre.

(f) Conditions and other performance requirements: If deemed necessary by the planning commission a detailed analysis and study of the public and private infrastructure serving the parcel shall be performed by the developer's engineer and consultants prior to any request to rezone or designate any property High Density Residential.

(g) Design standards: The following standards shall apply to the design of attached multi-family, accessory commercial uses and accessory structures within high-density residential zones.

(i) Wall and roof planes and materials: No flat-faced concrete block is allowed on exterior walls of any structure that face adjacent single family uses or public roads. No flat roofs are allowed if the structure exceeds more than one story, except for portions of roofs constructed as parapet walls to conceal HVAC equipment.

(ii) Any of the following elements shall repeat no less than thirty (30) feet, both horizontally and vertically: changes of wall and roof planes with at least a three (3) foot projection or recess; patios; porches; awnings; stairwells, entrances; color change; construction material change; chimney; or bay-style windows that project at least two feet. Elements that are not acceptable as a means to comply with the requirement above include: gutter downspouts; garage doors; retaining walls; common hallways parallel to outside walls not including stairwells; window and door frames; shutters; structural or decorative columns; or narrow extensions (less than three feet wide) of fire walls. Garage doors shall be flush or recessed back from walls that contain living space.

(iii) Dumpsters: Dumpsters shall be required for developments containing more than three units. All dumpsters must be screened but flat-faced block is not allowed.

(iv) Stairs: Stairwells shall be covered and integrated within the building envelope.

(v) HVAC equipment: HVAC equipment shall meet the building setback dimensions. If wall mounted HVAC are proposed to serve multifamily units above the ground floor level, screening shall be incorporated into the wall to conceal the equipment. Large ground mounted HVAC condensers shall be located or mitigated through construction of a sound absorption enclosure to minimize noise to abutting single family residential uses.

(vi) Roof vents: Roof vents shall be painted to match the roofing material color.

(vii) External wall and roof mounted lights: External wall or roof mounted flood lights shall not be installed on walls that face abutting single family residential uses.

(viii) Perimeter fences: Fences constructed along property lines that abut single family uses and public roads shall not be constructed of unfinished concrete block, chain link or other similar metal material and shall not have a continuous plane of more than one hundred (100) feet. Reveals or projections (at least

two (2) foot deep and two (2) feet wide), wall offsets of at least three feet, or evergreen trees (at least eight (8) feet tall at planting within the property line) shall be used at least every one hundred (100) feet on the outside of the fence. The exterior material, color and structural integrity of perimeter fences and landscaping shall be maintained by the developer or management authority of the development or by a homeowner's association established by deed restriction.

(ix) Landscaping: Development of multi-family units must provide a landscape buffer around all property lines except the main frontage road. Such landscape buffer shall meet the landscaping and lighting specifications set forth in § 14-213(6) . In addition, all development of multi-family units in a High Density Residential districts shall provide and maintain an area or areas of landscaping at least 10 percent (10%) of the parcel's gross area. Such landscaped area shall be comprised with a minimum planting of grass and storm water detention/retention areas shall not be applied toward this requirement. In addition, at least one, two-inch caliper tree shall be planted anywhere on the parcel for every two thousand square feet of paved area (paved areas include private streets, parking spaces, driveways, and paved storage areas. Preservation of existing trees may be applied toward this requirement. Areas of landscaping that are planted in order to satisfy the landscape buffer requirements noted above, may be applied toward the minimum 10 percent (10%) landscape area requirement.

(h) Road access: If the property abuts two or more roads, the development shall provide access to at least two of the roads. If the property only abuts one road, the main road integral to the project shall be looped.

(16) Zoning districts - Industrial. The Industrial Zone is established to provide areas in which the principal uses are manufacturing, processing, creating, repairing, assembly of goods, merchandise and equipment, warehousing and distribution operations, commercial operations and offices for research and services not necessarily related to manufacturing or industrial uses. Other uses which may be found within the Industrial Zone are educational and recreational facilities, miscellaneous public and semi-public facilities, public utilities and associated structures and other uses which in the opinion of the Maryville Board of Appeals are appropriate uses.

(a) Dimensions: All newly created lots shall have a minimum lot size of one acre (43,560 square feet) regardless of the availability of a sanitary sewer system provided by the public. All private sewer systems shall meet the same minimum lot size.

(b) Setbacks: All setback provisions are found in § 14-213(7) of this document.

(c) Lot width: There shall be a minimum lot width of one hundred (100) linear feet at the front building line.

(d) Height: The maximum height for all new structures shall have a fifty-five (55) foot height limitation. All other height provisions and regulations found in § 14-213(8) shall apply where applicable.

(e) Land uses:

(i) Permitted uses. Without limiting the generality of the following list, the following uses are examples of businesses, operations, and facilities within the Industrial Zone: general warehousing and storage; lumber yard and building materials, storage; scrap and salvage operations; incinerators; production and storage of chemicals and associated products; petroleum bulk storage distribution facilities and operations; assembly; processing manufacturing; production; fabrication; creating of merchandise, products, and goods for assembly or sale, or uses determined compatible by the board zoning appeals. Auto body shops for damage and collision repair shall be permitted within the Industrial districts. Said uses shall be in accordance with commercial design guidelines, commercial fencing regulations and all other applicable regulations found within this document.

(ii) Prohibited uses. All uses that are not listed in the permitted section or determined by the land use administrator or board of zoning appeals to be incompatible with the function, character, and intent of the Industrial zone.

(17) Zoning districts - Institutional. The Institutional zone is established and designed to provide an area in which the principal use of land is for traditional academic and educational institutions and for complimentary and accessory uses associated with a college campus and environment. Other uses which may be found within the Institutional zone are recreational facilities, residential uses such as dormitories, support structures and facilities, offices, training and educational facilities, and limited retail outlets. This section does not address nor regulate whether personnel and facilities are managed by the college personnel or independent contractors.

(a) Size and location. All newly created Institutional districts shall have a minimum area of two hundred (200) acres and have and maintain approximately thirty percent (30%) open space. Institutional districts shall have a minimum frontage of at least four hundred feet (400') along U.S. Highway 321 and every approved district shall be available to sanitary sewer systems provided by the public or have a private sewer system approved by the local health department. Water and power services must be provided by a public utility.

(b) Setbacks. All setback provisions found in § 14-215, density and dimensional regulations, subsection (7): building setback requirements of this document shall apply.

(c) Height. The maximum height for all new structures in this district shall have a fifty-five foot (55') height limitation. All other height provisions and regulations found in § 14-215 Density and dimensional regulations, subsection (8): building height requirements shall apply when applicable.

(d) Land uses. (i) Permitted uses. Without limiting the generality of the following list the following uses are examples of activities within an Institutional district: auditoriums, cemeteries, civic, cultural or community facilities, health clinic facilities, colleges, and other schools and institutions for academic or recreational instruction, research and testing laboratories, libraries, museums, reading rooms, classrooms both indoor and outdoors, art galleries, conference and training facilities, commercial restaurants not designed to attract off campus clients, dining facilities, dormitories, and residential uses for college students, staff, faculty, and visitors in support of academic setting, indoor recreational facilities, outdoor recreational facilities including stadiums, tennis courts, swimming pools, soccer fields or similar uses, religious buildings and structures, storage and maintenance or similar uses, retail outlets for the sale of traditional college materials, automatic teller machines, satellite dishes, and college owned and operated telecommunications tower, office facilities and similar uses both centralized and within each of the uses listed above.

(ii) Prohibited uses. All uses that are not listed in the permitted section or determined by the land use administrator or board of zoning appeals to be incompatible with the function, and intent of the Institutional zone.

(18) Zoning districts - High Intensity Retail District. The High Intensity Retail (H.I.R.) District is established to support and encourage concentrated retail development along major road corridors where most types of public infrastructure and services are already present. Shopping and dining are among the main activities in this district, and a primary goal for this zone is to stimulate retail-oriented economic activity and the accompanying generation of sales tax revenues. Mixed use developments and certain non-retail uses that are compatible with the retail uses may also be allowed in the district, subject to specific locational criteria.

(a) Land uses: As noted above, the purpose of the High Intensity Retail district is to stimulate retail-oriented economic activity within certain major road corridors. In order to accomplish this goal, the primary uses permitted in the zone consist of retail establishments,

restaurants and hotels (Group "A"). These uses are intended to locate in the prime commercial sites within the district(s), and may front upon or face major roadways. Certain non-retail uses (Group "B") which are compatible with the retail uses are allowed if they are located on "collector" or "local" streets, or in the interior of a mixed use development. Any land use not listed in Group "A" or Group "B" shall be prohibited in the High Intensity Retail district.

| GROUP "A" USES  | GROUP "B" USES   |
|---|--|
| Retail uses, including, but not limited to:<br><br>Department stores<br>Apparel stores<br>Shoe stores<br>Sporting goods stores<br>Communication, computer stores, and electronic outlets and retailers<br>Big box retailers<br>Outlet stores<br>Home furnishing stores<br>Office supply stores<br>Pharmacies<br>Jewelry stores<br>Appliance stores<br>Pet and pet supply stores<br>Liquor stores<br>Health food stores<br>Supermarkets<br>Meat markets<br>Ice cream shops<br>Bakeries<br><br>Restaurants, cafes, coffee shops, etc.<br><br>Hotels | Movie theaters<br><br>Offices<br><br>Banks, savings and loans, credit unions, retail brokerage offices and other financial institutions<br><br>Personal services<br><br>Second story residences<br><br>Attached or multi-family residential housing units, as a part of a mixed use or planned unit development<br><br>Medical offices<br><br>Medical laboratories |

\*Group "B" uses shall not front, adjoin or directly face streets classified as "arterials." Such uses may be located along lower classified streets or in the interior of a mixed use development.

- (b) Lot dimensions:
  - (i) Lot size: Lots containing a single building and a single tenant shall have a minimum lot size of thirty thousand

(30,000) square feet. A single building with two (2) or more tenants shall be on a lot of at least one (1) acre. For a unified development having two (2) or more buildings and tenants, and which is under common design, construction and management, the size of the overall development must be at least one and one-half (1 1/2) acres, but there shall be no minimum lot size requirement for the individual buildings. Nothing in this section shall prohibit the condominium form of ownership of any portion of a building in the HIR zone.

(ii) Lot width: For individual lots which are not within a unified development, the ratio of lot depth to lot width shall be no more than 3:1.

(c) Setbacks: Building setbacks from existing utility easements must be observed, otherwise:

(i) Front: As per § 14-214(7) of the Maryville Municipal Code ("Building setback requirements");

(ii) Side and rear: No minimum if not abutting residential uses; twenty-five feet (25) foot if abutting residential uses.

(d) Parking and access:

(i) Parking lots shall be designed to connect with adjoining properties unless the engineering department determines that such cross connections (whether current or future) would be unfeasible due to topographic considerations, safety concerns or internal or external traffic circulation issues. A large scale, unified development may propose a frontage road to provide access to and between individual lots. Such frontage road would be dedicated to and accepted for public use, and would go through the standard platting and site plan approval processes.

(ii) Each commercial lot shall be allowed at least one (1) access point where it is determined by the engineering department that such driveway is safe and in accordance with any applicable master plan of the development. Driveways onto public roads shall be spaced a minimum of one hundred feet (100') apart measured from the centerlines of the driveways.

(e) Height: The maximum height for all new buildings shall not exceed seventy-five feet (75'). The "height of a structure" definition, as found in Article II of this document shall apply to this provision.

(f) Signs: The High Intensity Retail zone is subject to all other existing sign regulations found in chapter 2 of the municipal code, titled, "Zoning and Land Use Control," § 14-218 Signs. In addition to the existing sign regulations, the following sign standards will apply to the High Intensity Retail zone.

(i) Total sign surface area for all signs: Subject to the provisions of this section, the maximum sign surface area on any lot, for a single tenant building, in the High Intensity Retail district shall be determined by multiplying the number of linear feet of street frontage of the lot by one and one-half feet (1.5'). For multiple tenant buildings, the maximum sign area for each tenant space shall be determined by multiplying the width of each storefront by a factor of one and one-half feet (1.5').

(ii) The sign surface area for a marquee or changeable copy sign within the High Intensity Retail zoning district may not exceed thirty (30) square feet. For Electronic Message Center (EMC) signs, see § 14-218(13)(f). Only one (1) such sign per development will be allowed, regardless of the number of tenants or owners within the project.

(iii) Free-standing sign surface area: In no case may a single side of a free-standing sign exceed seventy-five (75) square feet if the lot on which the sign is located has less than two hundred feet (200') of frontage on the street toward which the sign is primarily oriented; one hundred (100) square feet on lots with two hundred (200) or more but less than four hundred feet (400') of frontage; and one hundred fifty (150) square feet on lots with four hundred (400) or more feet of frontage.

In the High Intensity Retail zone, all free-standing signs shall be either a monument or pylon style. Pole covers must be attached to the pole of a pylon type sign. A pole cover is defined as being an enclosure for concealing poles or other structural supports of a ground sign.

(iv) Miscellaneous restrictions and prohibitions: In the High Intensity Retail zone, directional signs may not exceed ten (10) square feet in size, be no more than four feet (4') in height, and do not have to meet the required ten feet (10') setback from the right-of-way line and/or property line. In the High Intensity Retail zone, all directional signs shall be either a monument or pylon style. Pylon dress covers must be attached to the pole of a pylon type directional sign.

(v) In the High Intensity Retail zone, no permanent sign face shall be constructed of plywood, Oriented Strand Board (OSB), masonite, coroplast (corrugated plastic), or similar material. All signs shall be fabricated and installed in a professional manner.

(g) Performance standards for drive-through facilities: The following criteria shall apply to drive-through facilities within the High Intensity Retail district:

(i) No structure shall have more than two (2) queuing drive-through lanes.



(ii) All developments with drive-through facilities shall provide an unobstructed emergency access around the drive-through facility and structure.

(iii) All drive-through facilities shall place drive-through lanes in the rear of the structure or away from the main road or access. Any deviation from this requirement shall be approved by the board of zoning appeals.

(iv) All drive-through facilities shall be screened with grade changes, fences, walls or materials so as to minimize the visual impact from the street.

(h) Article XI, part I, section 5: "Commercial Design Criteria – City Wide" shall be applicable to the High Intensity Retail District, with the following incentives available only in the H.I.R. zone to encourage the use of brick, stone or a material that successfully simulates these materials as an exterior building material, and to encourage the use of landscaped berms between roads and parking lots.

(i) Buildings designed to incorporate at least fifty percent (50%) of unpainted brick, stone or materials that successfully simulate these materials as an exterior wall material shall be allowed to extend required offsets of wall and roof planes from thirty feet (30') to no less than every forty-five feet (45').

(ii) Sites designed with three foot (3') tall landscaped berms between roads and parking lots shall be allowed to reduce the required thirty percent (30%) open space requirement to twenty-five percent (25%).

(iii) The landscaped berms are not intended to create a solid wall of screening landscaping. Instead the combination of the berm and vertical landscaping (trees, shrubs, boulders, etc.) interspersed along the berm are intended to screen the view of parked vehicles and help create an attractive defined edge between roads and parking lots to avoid continuous pavement. The berms shall be at least twelve feet (12') wide.

(iv) All other criteria of Section 5(a) 1 shall remain applicable to this zone.

(i) The specific provisions of this section shall supersede all other City of Maryville ordinances relating to land use control. Unless otherwise provided for in this section, however, all other applicable provisions of the zoning and land use ordinance shall apply to the High Intensity Retail District.

(19) Zoning map - official zoning map. (a) There shall be a map known and designated as the official zoning map, which shall show the boundaries of all zoning districts within the city's planning jurisdiction. This map shall be drawn on acetate or other durable material from which

prints can be made, shall be dated, and shall be kept in the planning department.

(b) The official zoning map dated June 15, 2006 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with 14-209(18).

(c) Should the official zoning map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further council authorization or action is required so long as no district boundaries are changed in this process.

(20) Zoning map- amendments to official zoning map. (a) Amendments to the official zoning map are accomplished using the same procedures that apply to other amendments to this ordinance.

(b) The administrator shall update the official zoning map as soon as possible after amendments to it are adopted by the council. Upon entering any such amendment on the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the official zoning map.

(d) The planning department shall keep copies of superseded prints of the zoning map for historical reference. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2007-32, Nov. 2007, Ord. #2007-33, Nov. 2007, Ord. #2008-47, Oct. 2008, Ord. #2008-48, Oct. 2008, Ord. #2008-61, Dec. 2008, Ord. #2010-05, Jan. 2010, Ord. #2010-14, May 2010, Ord. #2011-03, Feb. 2011, 2011-10, March 2011, Ord. #2013-17, Sept. 2013, Ord. #2016-07, March 2016, Ord. #2016-12, April 2016, Ord. #2017-01, Feb. 2017, Ord. #2017-25, July 2017, Ord. #2017-26, July 2017, Ord. #2017-27, July 2017, Ord. # 2018-02, Feb. 2018 *Ch17\_2-5-19*, and Ord. #2019-03, Feb. 2019 *Ch17\_2-5-19*)

**14-210. Permissible uses.** (1) Table of permissible uses. The table of permissible uses should be read in close conjunction with the definitions of terms set forth in this ordinance and the other interpretative provisions set forth in the ordinance.

## ZONING DISTRICT DESIGNATIONS

- I. Residential
- II. Business and Transportation
- III. Environmental Conservation
- IV. Central Community
- V. Single Family
- VI. Office
- VII. Neighborhood

(Numbers denote: 1 - allowed by right, 2 - special exception, 3 - prohibited)

TABLE OF PERMISSIBLE USES

| LAND USE   | ZONES |    |     |    |   |    |     |
|--|-------|----|-----|----|---|----|-----|
|  | I     | II | III | IV | V | VI | VII |
| <b>RESIDENTIAL</b>   |       |    |     |    |   |    |     |
| Single-family detached,<br>one dwelling unit per lot           |       |    |     |    |   |    |     |
| Site-built and <u>modular structures</u>                       |       |    |     |    |   |    |     |
| Very low density (to 1.0 per acre)                             | 1     | 3  | 1   | 3  | 1 | 3  | 1   |
| Low density (to 4.0 per acre)                                  |       |    |     |    | 3 |    |     |
| Low density (to 5.0 per acre)                                  | 2     | 2  | 3   | 1  | 3 | 1  | 1   |
| Single-family detached, more than<br>one dwelling unit per lot |       |    |     |    |   |    |     |

| LAND USE                                      | ZONES |    |     |    |   |    |     |
|---|-------|----|-----|----|---|----|-----|
|   | I     | II | III | IV | V | VI | VII |
| Site-built and <u>modular structures</u>      |       |    |     |    |   |    |     |
| Low density (to 5.0 per acre)                 | 2     | 3  | 3   | 1  | 3 | 1  | 1   |
| Medium density (to 8.0 per acre)              | 2     | 3  | 3   | 2  | 3 | 2  | 2   |
| Mobile Homes (mobile home park)               | 3     | 2  | 3   | 2  | 3 | 3  | 3   |
| <b>Two-family Residences</b>                  |       |    |     |    |   |    |     |
| Duplex  | 2     | 1  | 3   | 1  | 3 | 2  | 2   |
| Primary residence with<br>accessory apartment | 1     | 1  | 3   | 1  | 3 | 2  | 2   |
| Two-family conversion                         | 2     | 1  | 3   | 1  | 3 | 2  | 2   |
| <b>Multi-family Residences</b>                |       |    |     |    |   |    |     |
| Multi-family apartments                       | 3     | 2  | 3   | 2  | 3 | 2  | 2   |
| Multi-family townhouses                       | 2     | 2  | 3   | 2  | 3 | 2  | 2   |
| Multi-family conversion                       | 2     | 2  | 3   | 2  | 3 | 2  | 2   |
| <b>Homes with special services</b>            |       |    |     |    |   |    |     |

treatment, or supervision

| LAND USE                              | I | II | III | IV | V | VI | VII |
|---------------------------------------|---|----|-----|----|---|----|-----|
| Home for handicapped for infirmed**   | 2 | 2  | 3   | 2  | 3 | 3  | 3   |
| Nursing care, intermediate care homes | 3 | 2  | 3   | 2  | 3 | 3  | 3   |
| Independent Living and Care Facility  | 2 | 1  | 3   | 1  | 3 | 3  | 3   |
| Assisted living housing               | 2 | 2  |     | 2  |   |    |     |
| Child care homes                      | 2 | 2  | 3   | 2  | 3 | 3  | 3   |
| Continuing Care Retirement Community  | 2 | 2  | 3   | 2  | 3 | 3  | 3   |
| Halfway houses                        | 3 | 2  | 3   | 2  | 3 | 3  | 3   |
| Adult day care                        | 3 | 1  | 3   | 2  | 3 | 3  | 3   |

\*\*Group homes which meet the definition of same in the Tennessee Code Annotate are allowed by right in the Residential zoning districts.

Miscellaneous, rooms for rent situations

|                             |   |   |   |   |   |   |   |
|-----------------------------|---|---|---|---|---|---|---|
| Hotels, motels              | 3 | 1 | 3 | 1 | 3 | 3 | 3 |
| Rooming and boarding houses | 3 | 1 | 3 | 1 | 3 | 2 | 3 |
| Home occupations            | 1 | 3 | 1 | 2 | 1 | 1 | 1 |

#### ZONES

| LAND USE                         | I | II | III | IV | V | VI | VII |
|----------------------------------|---|----|-----|----|---|----|-----|
| Planned residential developments | 2 | 3  | 2   | 2  | 2 | 2  | 2   |
| Gathering place                  | 2 | 2  | 3   | 2  | 3 | 3  | 2   |
| Home occupations                 | 1 | 1  | 1   | 1  | 1 | 1  | 1   |

#### SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT

|  |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|
| No storage of display of goods outside fully enclosed building |   |   |   |   |   |   |   |
| High-volume traffic*   | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Convenience stores   | 3 | 1 | 3 | 2 | 3 | 3 | 1 |
| Wholesale sales  | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Low-volume traffic generation                                  | 3 | 1 | 3 | 1 | 3 | 3 | 1 |

Storage and display of goods  
outside fully enclosed building  
allowed

|                               |   |   |   |   |   |   |   |
|-------------------------------|---|---|---|---|---|---|---|
| High-volume traffic           | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Low-volume traffic generation | 3 | 1 | 3 | 1 | 3 | 3 | 3 |
| Wholesale sales               | 3 | 1 | 3 | 2 | 3 | 3 | 3 |

\*Based on current ITE standards.

#### OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE

All operations conducted entirely  
within fully enclosed building

Operations designed to attract and  
serve clients on the premises, e.g. office of attorneys,  
physicians, and other professional offices and  
land uses and personal care services and  
providers of such services including cosmetologists  
and barbers, licensed massage therapists, and  
other trades that require a state license to practice  
said employment

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 3 | 1 | 3 | 2 | 3 | 1 | 1 |
|---|---|---|---|---|---|---|

Operations designed to attract little or no  
client traffic other than employees of the  
entity operating the principle use

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 3 | 1 | 3 | 1 | 3 | 1 | 1 |
|---|---|---|---|---|---|---|

Body piercing, tattoo artists, and tattoo  
parlors

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 3 | 1 | 3 | 3 | 3 | 3 | 3 |
|---|---|---|---|---|---|---|

#### ZONES

LAND USE

|   |    |     |    |   |    |     |
|---|----|-----|----|---|----|-----|
| I | II | III | IV | V | VI | VII |
|---|----|-----|----|---|----|-----|

Offices or clinics of physicians or dentists  
with not more than 10,000 square feet of  
floor area

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 3 | 1 | 3 | 1 | 3 | 1 | 1 |
|---|---|---|---|---|---|---|

Operations conducted within or outside fully  
enclosed building

|  |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|
| Operations designed to attract and serve clients on the premises   | 3 | 1 | 3 | 2 | 3 | 2 | 2 |
| Operations designed to attract little or no client traffic other than the employees of the entity operating the principle use                        | 3 | 1 | 3 | 1 | 3 | 2 | 2 |
| Banks including those with drive-in windows  | 3 | 1 | 3 | 2 | 3 | 2 | 2 |
| <b>LIGHT INDUSTRIAL MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLY OF GOODS, MERCHANDISE AND EQUIPMENT</b> |   |   |   |   |   |   |   |
| All operations conducted entirely within fully enclosed building   |   |   |   |   |   |   |   |
| Majority of business volume done with walk-in trade  | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Majority of business volume done with other than walk-in trade   | 3 | 1 | 3 | 1 | 3 | 3 | 3 |
| Operations conducted within or Outside fully enclosed building   | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Incinerator  | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Animal or poultry slaughter  | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Stockyards and rendering   | 3 | 3 | 3 | 3 | 3 | 3 | 3 |

### ZONES

| LAND USE | I | II | III | IV | V | VI | VII |
|----------|---|----|-----|----|---|----|-----|
|----------|---|----|-----|----|---|----|-----|

### EDUCATION, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES

#### Schools

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| Elementary and secondary  | 2 | 2 | 2 | 2 | 2 | 2 | 3 |
| Trade or vocational   | 3 | 1 | 3 | 1 | 3 | 3 | 3 |
| Colleges, universities, community colleges  | 3 | 1 | 3 | 1 | 3 | 3 | 3 |
| Churches, synagogues, and temples   |   |   |   |   |   |   |   |
| 1. Previously approved location for a place of worship by the board of appeals (See § 14-211(27)) | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| 2. Storefront locations (See § 14-211(27))                          | 3 | 1 | 3 | 1 | 3 | 1 | 1 |
| Libraries, museums, art galleries<br>and similar uses               | 2 | 1 | 2 | 1 | 3 | 3 | 3 |
| Social, fraternal clubs and lodges,<br>union halls and similar uses | 3 | 1 | 2 | 2 | 3 | 3 | 3 |
| Conference/training center  | 3 | 1 | 3 | 2 | 3 | 3 | 2 |

RECREATION, AMUSEMENT, ENTERTAINMENT

Activity conducted entirely within  
building or substantial structure

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| Bowling alleys, skating rinks, indoor<br>tennis and racquetball courts,<br>indoor athletic facilities and<br>similar uses | 3 | 2 | 3 | 2 | 3 | 3 | 3 |
| Billard halls   | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Movie theaters  | 3 | 2 | 3 | 2 | 3 | 3 | 3 |
| Coliseums, stadiums and similar<br>facilities designed to seat or<br>accommodate more than 1,000 people<br>simultaneously | 3 | 2 | 3 | 2 | 3 | 3 | 3 |

Activity conducted primarily outside  
enclosed buildings or structure

|  |   |
|--|---|
| Privately owned outdoor recreational<br>facilities (golf and country clubs,<br>swimming or tennis clubs or other uses,<br>when not associated with a residential<br>development) (i.e., not part of an<br>overall development the primary<br>land use of which is residential) | 2 |
|--|---|

ZONES

| LAND USE  | I | II | III | IV | V | VI | VII |
|---|---|----|-----|----|---|----|-----|
| Subject to criteria found in article XI,<br>part 1. general provisions, section 10<br>Publicly owned and operated outdoor<br>recreational facilities (athletic fields,<br>tennis courts, swimming pools, parks,<br>golf courses when not associated | 3 | 2  | 2   | 2  | 3 | 3  | 3   |

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| with a public institutional use, such as schools  | 2 | 2 | 2 | 2 | 2 | 3 | 3 |
| Golf driving ranges no accessory to golf courses, miniature golf courses, skateboard parks, water slides and similar uses | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Horseback riding:   |   |   |   |   |   |   |   |
| stables, when not associated with residential development   | 2 | 3 | 2 | 3 | 3 | 3 | 3 |
| Automobile and motorcycle racing tracks   | 3 | 2 | 3 | 3 | 3 | 3 | 3 |
| Drive-in movie theaters   | 3 | 2 | 3 | 3 | 3 | 3 | 3 |
| Adult entertainment   | 3 | 1 | 3 | 3 | 3 | 3 | 3 |

#### INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| Hospitals, clinic, other medical (including mental health treatment facilities in access of 10,000 square feet or floor area) | 3 | 2 | 3 | 2 | 3 | 3 | 3 |
| Nursing care institutions, intermediate care institutions, child care institutions  | 3 | 2 | 3 | 2 | 3 | 3 | 3 |
| Institutions (other than halfway houses) where mentally ill persons are confined  | 3 | 2 | 2 | 3 | 3 | 3 | 3 |
| Penal and correctional facilities   | 3 | 2 | 2 | 3 | 3 | 3 | 3 |

#### RESTAURANTS, BARS, NIGHTCLUBS

|  |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|
| No substantial carry-out or delivery service, no service or consumption outside fully enclosed structure | 3 | 1 | 3 | 3 | 3 | 3 | 2 |
| No substantial carry-out or delivery service, no drive-in service, service or consumption                |   |   |   |   |   |   |   |

#### ZONES

| LAND USE   | I | II | III | IV | V | VI | VII |
|--|---|----|-----|----|---|----|-----|
| Outside fully enclosed allowed   | 3 | 1  | 3   | 3  | 3 | 3  | 2   |
| Carry-out and delivery service, consumption Outside fully enclosed structure allowed   | 3 | 1  | 3   | 3  | 3 | 3  | 2   |
| Carry-out and delivery service, drive-in service, service or consumption outside fully |   |    |     |    |   |    |     |



|  |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|
| enclosed structure allowed   | 3 | 1 | 3 | 3 | 3 | 3 | 2 |
| No substantial carry out or delivery service,<br>and consumption outside and inside fully<br>enclosed allowed              | 3 | 1 | 3 | 2 | 3 | 3 | 2 |
| Tearoom/café no substantial carry out or<br>delivery service, and consumption outside<br>and inside fully enclosed allowed | 3 | 1 | 3 | 2 | 3 | 2 | 2 |

#### MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| Motor vehicle sales or rental   | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Sales with installation of motor vehicle<br>parts or accessories  | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Mobile home and motor home sales  | 3 | 1 | 3 | 3 | 3 | 3 | 3 |
| Motor vehicle repair and maintenance,<br>including body work subject to the<br>provisions found elsewhere in this document<br>and specifically § 14-211 | 3 | 1 | 3 | 3 | 3 | 3 | 3 |
| Gas sales   | 3 | 1 | 3 | 2 | 3 | 3 | 3 |
| Car wash  | 3 | 1 | 3 | 2 | 3 | 3 | 3 |

#### STORAGE AND PARKING

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| Automobile parking garages and lots not located<br>on a lot on which there is another principle<br>use to which the parking is related and required<br>shall be a special exception and in accordance<br>with Paragraph (e) of (9) of § 14-219, | 2 | 1 | 3 | 3 | 3 | 3 | 3 |
|---|---|---|---|---|---|---|---|

Storage of goods not related to sale or use  
of those goods on the same lot where they  
are stored

Storage inside or outside completely  
enclosed structures

|                        |   |   |   |   |   |   |   |
|------------------------|---|---|---|---|---|---|---|
| Bulk petroleum storage | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
|------------------------|---|---|---|---|---|---|---|

| LAND USE   | ZONES |    |     |    |   |    |     |
|--|-------|----|-----|----|---|----|-----|
|  | I     | II | III | IV | V | VI | VII |
| Liquefied petroleum gas storage                    |       |    |     |    |   |    |     |
| Freight and truck terminal                         | 3     | 2  | 3   | 3  | 3 | 3  | 3   |
| All storage within completely enclosed             |       |    |     |    |   |    |     |
| Structures   | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| Storage inside or outside completely enclosed      |       |    |     |    |   |    |     |
| Structures   | 3     | 1  | 3   | 3  | 3 | 3  | 3   |
| Parking of vehicles or storage of equipment        |       |    |     |    |   |    |     |
| outside enclosed structures where: (i) vehicles or |       |    |     |    |   |    |     |
| equipment are owned and used by the person         |       |    |     |    |   |    |     |
| making use of the lot, and (ii) parking            |       |    |     |    |   |    |     |
| or storage is more than a minor and incidental     |       |    |     |    |   |    |     |
| part of the overall use made of the lot            | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| SCRAP MATERIALS, SALVAGE                           |       |    |     |    |   |    |     |
| YARDS, JUNKYARDS, AUTOMOBILE                       |       |    |     |    |   |    |     |
| GRAVEYARDS   | 3     | 2  | 3   | 3  | 3 | 3  | 3   |
| SERVICES RELATED TO ANIMALS                        |       |    |     |    |   |    |     |
| Veterinarian                                       | 3     | 1  | 3   | 2  | 3 | 2  | 2   |
| Kennel   | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| EMERGENCY SERVICES                                 |       |    |     |    |   |    |     |
| Police stations                                    | 3     | 1  | 3   | 1  | 3 | 3  | 3   |
| Fire stations                                      | 2     | 1  | 3   | 1  | 3 | 3  | 3   |
| Rescue squad, ambulance service                    | 3     | 1  | 3   | 1  | 3 | 3  | 3   |
| Civil defense operation                            | 3     | 1  | 3   | 1  | 3 | 3  | 3   |
| AGRICULTURAL, SILVICULTURAL, MINING,               |       |    |     |    |   |    |     |
| QUARRYING OPERATIONS                               |       |    |     |    |   |    |     |
| Agricultural operations, farming                   |       |    |     |    |   |    |     |
| Excluding livestock                                | 2     | 3  | 2   | 3  | 3 | 3  | 3   |
| Including livestock                                | 3     | 3  | 2   | 3  | 3 | 3  | 3   |
| Silvicultural operations                           | 3     | 3  | 2   | 3  | 3 | 3  | 3   |
| Mining or quarrying operations, including          |       |    |     |    |   |    |     |
| on-site sales of products                          | 3     | 3  | 3   | 3  | 3 | 3  | 3   |

|  |       |    |     |    |   |    |     |
|--|-------|----|-----|----|---|----|-----|
| Reclamation landfill   | 3     | 2  | 2   | 3  | 3 | 3  | 3   |
|  | ZONES |    |     |    |   |    |     |
| LAND USE   | I     | II | III | IV | V | VI | VII |
| Leased Garden Area   | 3     | 2  | 2   | 2  | 3 | 3  | 3   |
| MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES                        |       |    |     |    |   |    |     |
| Post office  | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| Sanitary landfill  | 3     | 2  | 2   | 3  | 3 | 3  | 3   |
| Military Reserve, National Guard Centers                               | 3     | 2  | 3   | 2  | 3 | 3  | 3   |
| DRY CLEANER, LAUNDROMAT  | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| UTILITY FACILITIES   |       |    |     |    |   |    |     |
| Neighborhood   | 2     | 2  | 2   | 1  | 3 | 3  | 3   |
| Community or Regional  | 2     | 2  | 2   | 2  | 3 | 3  | 3   |
| TOWERS AND RELATED STRUCTURES  |       |    |     |    |   |    |     |
| Towers, antennas 50 feet tall or less*                                 | 2     | 1  | 1   | 2  | 3 | 3  | 3   |
| Towers, antennas more than 50 feet tall and receive only earth station | 3     | 1  | 2   | 2  | 3 | 3  | 3   |
| FARMERS' MARKETS AND HORTICULTURAL SALES                               |       |    |     |    |   |    |     |
| Farmers' markets   | 3     | 1  | 3   | 1  | 3 | 3  | 3   |
| Horticultural sales with outdoor display                               | 3     | 1  | 3   | 1  | 3 | 3  | 3   |
| FUNERAL HOME   | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| CEMETERY AND CREMATORIUM   |       |    |     |    |   |    |     |
| Cemetery   | 3     | 2  | 2   | 2  | 3 | 3  | 3   |
| Crematorium  | 3     | 2  | 2   | 3  | 3 | 3  | 3   |
| NURSERY SCHOOLS; DAY CARE CENTERS                                      |       |    |     |    |   |    |     |
|  | 2     | 1  | 3   | 1  | 3 | 3  | 3   |

| LAND USE                   | ZONES |    |     |    |   |    |     |
|----------------------------|-------|----|-----|----|---|----|-----|
|                            | I     | II | III | IV | V | VI | VII |
| BUS STATION                | 3     | 1  | 3   | 3  | 3 | 3  | 3   |
| COMMERCIAL GREENHOUSE      |       |    |     |    |   |    |     |
| No on-premise sales        | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| On-premise sales permitted | 3     | 1  | 3   | 2  | 3 | 3  | 3   |
| OFF-PREMISE SIGNS          | 3     | 2  | 3   | 3  | 3 | 3  | 3   |
| SUBDIVISIONS               |       |    |     |    |   |    |     |
| Major                      | 1     | 2  | 2   | 2  | 1 | 1  | 1   |
| Minor                      | 1     | 2  | 2   | 2  | 1 | 1  | 1   |
| PLANNED UNIT DEVELOPMENTS  | 2     | 2  | 3   | 2  | 2 | 2  | 2   |

ZONES

- I. Residential
- II. Business and Transportation
- III. Environmental Conservation
- IV. Central Community
- V. Single Family
- VI. Office
- VII. Neighborhood

(2) Use of the designations 1, 2, 3 in table of permissible uses.

(a) Subject to (3), when used in connection with a particular use in the table of permissible uses (1), the designation "1" means that the use is permissible in the indicated zoning district with a zoning permit issued by the administrator. The number "2" means a special exception permit must be obtained from the Board of zoning appeals. The number "3" indicates that the use is not permitted in the indicated zoning district.

(b) When the use proposed requires a special exception permit, the process for review of the impact overlay zone shall be employed.

(3) Board of zoning appeals jurisdiction over uses otherwise permissible with a zoning permit. Notwithstanding any other provisions of this ordinance, whenever the table of permissible uses provides that a use in a non-residential zoning district or a non-conforming use in a residential zoning district is permissible with a zoning permit, a special exception permit shall nevertheless be required if the administrator finds that the proposed use would

have an extraordinary impact on neighboring properties or the general public. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

(4) Permissible uses and specific exclusions. (a) The list of permissible uses set forth in (1) cannot be all inclusive; those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) All uses that are not listed in (1), even given the liberal interpretation mandated by subsection (a), are prohibited. (1) shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(i) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the city's fire prevention code,

(ii) Stockyards, slaughterhouses, rendering plants,

(iii) Use of travel trailer as a temporary or permanent residence.

(iv) Short term rental units.

(5) Accessory uses. (a) The table of permissible uses classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use: (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. (Example: a swimming pool and/or tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities if developed apart form a residential development, would require a special exception permit.)

(b) For purposes of interpreting subsection (a):

(i) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.

(ii) To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(iii) Without limiting the generality of subsection (a) and (b), the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

(A) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

(B) Hobbies or recreational activities of a non-commercial nature.

(C) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.

(D) Garage sales, so long as such activities conform to the applicable Maryville Municipal Code provisions (see § 9-102).

(iv) Without limiting the generality of subsections (a) and (b), the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

(A) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.

(B) Parking outside a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building and the street on any lot used for purposes that fall within the following principal use classifications:

Single-family residential

Two-family residential

Special residential

(v) A "jumbotron" is an oversized video monitor that is allowed as an accessory use for events at the Maryville High

School football stadium. A jumbotron shall be sited and oriented so as to serve the audience at the event and to minimize its visibility by persons who are off-site of the event. A jumbotron is not a "billboard," a "digital billboard" or an "electronic message center sign," as defined by § 14-218 "Signs" of this code.

(6) Permissible uses not requiring permits. Notwithstanding any other provisions of this ordinance, no zoning or special exception permit is necessary for the following uses:

(a) Streets

(b) Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

(c) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or city) of the right-of-way.

(7) Change in use. (a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(i) The change involves a change from one principal use category to another.

(ii) If the original use is a planned unit development (reviewed and approved through the Impact overlay provisions of this ordinance), the relative proportion of space devoted to the individual principal uses that comprise the planned unit development changes to such an extent that the parking requirements for the overall use are altered.

(iii) If the original used is a planned unit development use, the mixtures of types of individual principal uses that comprise the planned unit development use changes.

(iv) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

(v) If there is only one business or enterprise conducted on the lot, that business or enterprise moves out and a different type of enterprise moves in.

(b) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one hundred eighty (180) consecutive days or has been abandoned.

(c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

(8) Combination uses. (a) When permitted uses are combined within a development and include two or more principal uses that require different types of permits (zoning, special exception), then the permit authorizing the combination of uses shall be:

(i) A special exception permit if any of the principal uses combined requires a special exception permit.

(ii) zoning permit in all other cases.

(b) When a combination of uses consists of a single-family detached residential subdivision that is not integrally designed and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

(c) When a combination use consists of a single-family detached, integrally designed subdivision and two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum area (in square feet) per dwelling unit specified § 14-214.

(9) More specific use controls. Whenever a development could fall within more than one use classification in the table of permissible uses, the classification that most closely and most specifically describes the development controls.

(10) Subject to all other applicable regulations found in this document all applications for a privately owned recreational facility within a residential district shall have a minimum of fifteen (15) acres and have direct access to a public street with a street classification of minor collector or greater as determined by the city's street classification system found in the Maryville Road Plan.

(a) Proposed parking area(s) and any required landscaping regulated either by the landscaping ordinance found herein or as part of the approval process by the board.

(b) Hours of operation shall be between 8:00 A.M. to 9:00 P.M.

(c) Proposed location of all outdoor facilities (including, but not limited to such times as picnic tables, play areas, restroom, food preparation areas, and refuse areas).

(d) Sanitary sewer/sub-surface sewer shall be placed into service by the applicant in order to provided such services to users of the private recreational facility.

(e) Commercial design guidelines shall apply.

(f) Site plan approval. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2006-42, Nov. 2006, Ord. #2007-18, June 2007, Ord. #2007-32, Nov. 2007, Ord. #2008-47, Oct. 2008, Ord. #2009-18, May 2009, Ord. #2011-03, Feb. 2011, Ord. #2012-06, Feb. 2012, Ord. #2012-12, May 2012, Ord. #2015-42, June 2015, Ord. #2015-69, Nov. 2015, Ord.



#2015-70, Nov. 2015, Ord. #2016-02, Jan. 2016, Ord. #2018-3, Feb. 2018 *Ch17\_2-5-19*, and Ord. #2018-37, Nov. 2018 *Ch17\_2-5-19*)

**14-211. Supplemental use regulations.** (1) General provisions - planned residential developments. (a) Planned residential developments are permissible only on tracts of at least five (5) acres located within a Residential District or a Central Community District, when approved as Special Exceptions in an Impact Overlay Zone.

(b) The overall density of a tract developed as a planned residential development shall be determined as provided in § 14-214.

(c) Permissible types of residential uses within a planned residential development include single-family detached dwellings, two-family residences, and multi-family residences. At least fifty (50) percent of the total number of dwelling units must be single-family detached residences on lots of at least six thousand (6,000) square feet.

(d) A planned residential development shall be an integrally designed subdivision.

(e) To the extent practicable, the two-family and multi-family portions of a planned residential development shall be developed more toward the interior than the periphery of the tract so that the single-family detached residences border adjacent properties.

(f) In a planned residential development, the screening requirements that would normally apply where a two-family or multi-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.

(2) General provisions - planned unit developments. (a) In a planned unit development, the developer may make use of the land for any purpose authorized in a particular PUD-impact overlay zoning district in which the land is located, subject to the provisions of this ordinance.

(b) Within any lot developed as a planned unit development, not more than thirty-five (35) percent of the total lot area may be developed for higher density residential purposes, not more than ten percent (10%) of the total lot area may be developed for purposes that are permissible only in a Central Community District, and not more than five (5) percent of the total lot area may be developed for uses permissible only in the Business and Transportation District (assuming the Planned Unit Development - Impact overlay allows such uses).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for higher density residential purposes, lower density residential purposes, purposes permissible in the Central Community District (as applicable), and purposes permissible only in a Business and

Transportation District (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, higher density residential, lower density residential, commercial or light industrial uses. However, only one permit - a Special exception for planned unit development impact overlay permit shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until all of the residential portions of the development are completed or their completion is assured by a bond or like instrument to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development - impact overlay procedure is not used to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development.

(3) General provisions - temporary residences used on construction sites. (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 he determines 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.

(4) General provisions - sexually oriented businesses. (a) Sexually oriented businesses as defined in Ord. #99-18, the terms of which by reference are incorporated herein as fully as if set forth verbatim herein, shall be permitted only within the business/transportation zone and shall not be permitted on any property which is within one thousand (1,000) feet of the following:

(i) a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(ii) a public or private educational or child care facility, including but not limited to day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, and the school grounds of any such facility, provided that this requirement shall not apply to facilities used primarily for another purpose and only incidentally as a school;

(iii) a boundary of any residential zoning district or the property line of a lot devoted to a residential use, including single family detached and attached dwellings, nursing homes and assisted living facilities;

(iv) a public or private park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas of other similar public land which is under the control, operation or management of any government park and recreation authority, private corporation or non-profit agency;

(v) an entertainment business which is oriented primarily towards entertainment for children or families, including but not limited to any business featuring movie theaters, game rooms which include games intended primarily for children, or other similar recreation or entertainment, or athletic facilities;

(vi) A funeral parlor, mausoleum or cemetery.

(b) For the purpose of subsection (a) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (a). The distance requirements of this section shall only apply to properties within the city limits.

(c) A sexually oriented business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of the sexually oriented business, of a use listed in subsection (a) within one thousand (1,000) feet of the sexually oriented business.

(d) No sexually oriented business may be established or operated within one thousand (1,000) feet of a pre-existing sexually oriented business. For the purpose of this subsection, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the nearest portion of the building or structure used as the part of the premises where the pre-existing sexually oriented business is conducted, to the nearest property line of the premises proposed for the location of a sexually oriented business. No structure or parcel that contains any sexually oriented business shall contain any other kind of sexually oriented business.

(e) No sexually oriented business may be enlarged so as to violate the provisions of this section.

(5) General provisions - commercial design criteria - city wide. (a) The following items must be reviewed for compliance by the planning department

before a building permit is issued. These standards shall apply to the design of all principal buildings and accessory structures. These guidelines shall not apply to single family or duplex residential uses, nor do they apply in the downtown zones, industrial zones, or the Central Village overlay zone.

(i) Landscaping:

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

(B) At least one, two (2) inch caliper tree shall be planted on the parcel for every two thousand (2,000) square feet of building footprint and paved area (paved areas include private streets, parking spaces, driveways, paved storage areas). Preservation of existing trees may be applied toward this requirement.

(ii) Parking:

(A) Large parking areas shall be organized into a series of smaller modules with landscaped islands consisting of trees and low shrubs separating them.

(B) Parking areas must provide safe, landscaped pedestrian access.

(C) Entrance drives shall be landscaped and continue existing sidewalks.

(iii) Facades and elevations:

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

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

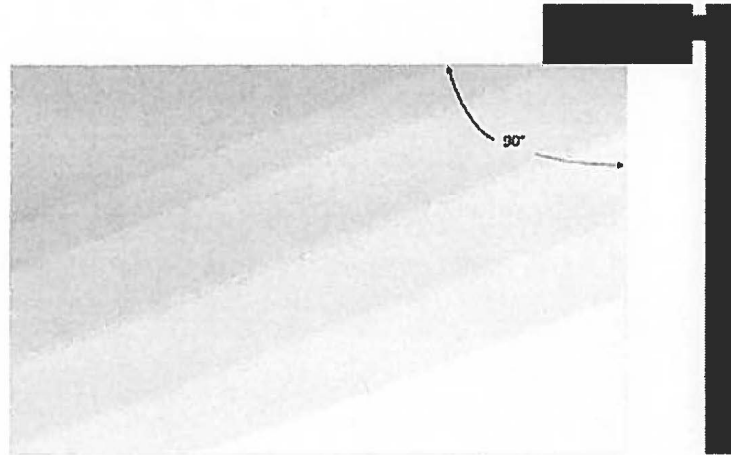
- (1) Changes in surface planes
- (2) Porches
- (3) Awnings
- (4) Entry stairs
- (5) Doors
- (6) Windows
- (7) Chimneys
- (8) Changes in construction materials
- (9) Landscaping

(10) Horizontal and vertical sun-shading devices, such as walls, canopies, and similar devices, that extend a minimum of three (3) feet beyond the wall or adjacent walls.

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

(iv) Lights:

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



(B) Fixtures used for architectural lighting, such as facade, feature, and landscape lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.

(C) External wall or roof-mounted floodlights shall not be installed on walls that face abutting residential uses unless landscaping or other means can be installed to shield the view of such lights from residential properties.

(D) Neon and bare fluorescent light tubes in any form on the exterior of a structure are prohibited.

(E) Light poles and fixtures shall be limited to a thirty (30) foot maximum height.

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

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

(vi) Ancillary structures and equipment: HVAC equipment, above-ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas, storage bins, trailers, elevated tanks, storage tanks, and similar ancillary structures and equipment shall be screened from

adjacent residential uses and from public roads with landscaping, walls or fences. Screening shall conform to the requirements of § 14-222(8)(d). Such ancillary structures and equipment shall also meet building setbacks.

(vii) Personal storage developments: Personal storage or "mini-storage" buildings shall be sited such that the garage doors do not face roads unless developments are at an elevation significantly lower than roads or are behind landscaping whereby buildings are not visible from roadways. Such developments located on a corner must install a landscape buffer on a least one (1) property line to screen the row of storage buildings. The landscape buffer shall be comply with the landscaping requirements set forth in § 14-213.

(viii) Loading docks: Loading docks shall not be readily visible from public roads.

(ix) Stored materiel shall not be visible from public roads.

(x) Drive-through equipment: There shall be no outdoor drive-through menu boards, outdoor speaker equipment and drive-through windows located within one hundred sixty (160) feet from adjacent residential land uses.

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

(6) General provisions - commercial design criteria - Central Village Overlay Zone. (a) The following items must be reviewed for compliance by the planning department before a building permit is issued. These standards shall apply to the design of all principal buildings and accessory structures used for non-residential land uses. These guidelines shall only apply in the Central Village Overlay Zone.

(i) Massing: Individual buildings shall not exceed an enclosed gross area of five thousand (5,000) square feet.

(ii) Setbacks: Setbacks from existing utility easements must be observed, otherwise:

(A) Front: For frontages on W. Broadway Avenue, a fifteen (15) feet minimum measured from the back of the curb is allowed, unless the right-of-way is greater than fifteen (15) feet from the curb. In this instance, the right-of-way would be the minimum setback. If a patio, drive lane, landscaped area, or other aesthetic feature is placed between the sidewalk and building, then a thirty (30) foot maximum measured from the back of the curb is allowed. A fifty (50) foot maximum setback measured from the back of

the curb may be allowed if a drive lane and a single row of parking is used in the site design. Any setback greater than thirty (30) feet will require a special exception. Drive lanes and front parking are subject to screening requirements below.

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

(iii) Building height: Building height is limited to three (3) stories, not to exceed forty five (45) feet.

(iv) Open space: The maximum lot coverage shall be eighty percent (80%) with open space comprising the remaining twenty percent (20%) of the site.

(v) Landscaping:

(A) At least twenty percent (20%) of each lot must be landscaped. The majority of the landscaped area must be visible from the road. Consideration will be given for redevelopment sites.

(B) At least one (1), two (2) inch caliper tree shall be planted on the parcel for every one thousand (1,000) square feet of building footprint and paved area (paved areas include private streets, parking spaces, driveways, paved storage areas). Preservation of existing trees may be applied toward this requirement.

(vi) Parking: A single row of parking may be allowed between the building and the sidewalk for lots that front Broadway Avenue and shall be subject to screening requirements below. Additional parking is allowed on the side or rear of the building.

(vii) Screening: Vehicular movement areas must be screened from sidewalks with a brick or stone wall (not cinderblock), a wrought iron fence (or other fence materials that are visually similar to wrought iron), and/or landscaping. This is required to establish/maintain an edge to the street consistent with the rest of the district. The brick or stone portion of the wall or fence may not be taller than forty (40) inches. Fences and walls with fences on top shall not exceed six (6) feet in height.

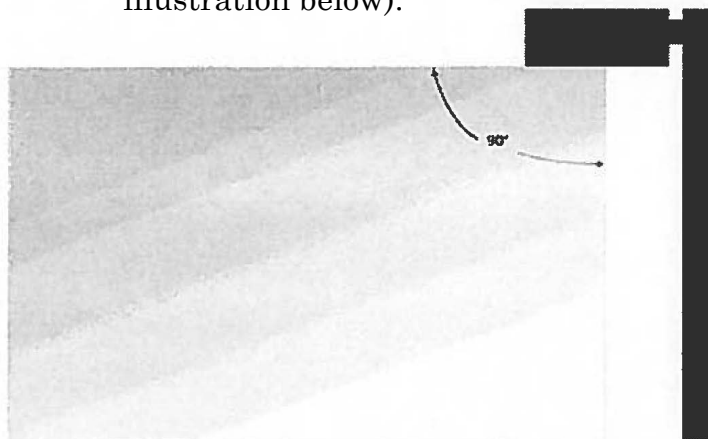
(viii) Facades and elevations:

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

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

- (1) Changes in surface planes
- (2) Porches
- (3) Awnings

- (4) Entry stairs
  - (5) Doors
  - (6) Windows
  - (7) Chimneys
  - (8) Changes in construction materials
  - (9) Landscaping
  - (10) Horizontal and vertical sun-shading devices, such as walls, canopies, and similar devices, that extend a minimum of three (3) feet beyond the wall or adjacent walls. Excessive repetition of only one (1) or two (2) architectural features above is prohibited.
- (ix) Materials:
- (A) Natural stone, brick, wood and fiber-cement siding that resembles horizontal lap siding should be used for all buildings.
  - (B) Veneer materials are not allowed (i.e., vinyl siding, metal facade covering, stucco, and synthetic stucco).
  - (C) Synthetic materials and stucco may only be allowed on a limited basis for accent, trim and cornices.
- (x) Site lighting:
- (A) Light posts: Light posts that will be visible from adjacent residential properties shall not exceed fifteen (15) feet in height and shall have a dark finished paint color such as dark gray, dark brown, dark green or black.
  - (B) Lights:
    - (1) Light fixtures that permit light to project up are prohibited. All outdoor light fixtures should be full-cutoff fixtures which do not allow light to be emitted above ninety degrees (90°) (see illustration below).





(2) Light fixtures used for architectural lighting, such as facade, feature, landscape and sign lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.

(3) External wall or roof mounted flood lights shall not be installed on walls that face abutting residential uses without landscaping or other means to shield the view of such lights from residential properties.

(4) Neon and bare fluorescent light tubes in any form on the exterior of a building or any other structure is prohibited.

(5) Animated lights: Flashing, blinking, strobe, neon, and searchlights are prohibited. Neon and other types of strings of lights that are located either inside and/or outside of windows and doors are prohibited.

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

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

(xii) Signs:

(A) Freestanding signs shall be no higher than eight (8) feet.

(B) Signs attached to buildings shall be no higher than twelve (12) feet.

(C) Signs shall be constructed of natural materials (such as wood, brick, or stone) or constructed of materials that successfully simulate these natural materials.

(D) Signs must not be internally lit and the bulb(s) of proposed lighting must not be seen directly by motorists or adjacent residential property owners.

(E) The maximum area of freestanding signs is calculated as twenty-five percent (25%) of the property frontage. Freestanding signs shall not exceed twenty (20) square feet. Total signage area shall not exceed fifty (50) square feet regardless of property frontage.

(xiii) Ancillary structures and equipment: HVAC equipment, above ground grease traps, electric generators, fuel tanks, trash compactors, dumpsters, garbage containment areas,

storage bins, and similar ancillary structures and equipment shall be screened from public roads and residential uses with landscaping, walls, or fences. Proposed screening, ancillary structures, and equipment shall be submitted for staff review before installation.

(xiv) Storage developments: Personal storage or "mini-storage" buildings are prohibited.

(xv) Loading docks: Loading docks that face public roads must be screened using landscaping or architectural features.

(xvi) Stored materiel shall not be visible from public roads.

(xvii) Drive-through equipment: There shall be no outdoor drive-through menu boards, outdoor speaker equipment, and drive-through windows.

(7) Adult day care as a special exception use and in existing health care facilities. (a) The following items must be reviewed and approved by the board of zoning appeals during the review of a special exception request to locate an adult day care within the Central Community zoning district.

(i) All new construction for adult day care facilities shall be subject to the commercial design guidelines and regulations found in § 14-211(5) of this chapter. Existing facilities shall comply with the requirements outlined in the commercial design standards as closely as possible.

(ii) Proposed parking area(s) and any required landscaping regulated either by the landscaping provisions found herein or as part of the approval process by the board of appeals.

(iii) The total lot area shall not be less than fifteen thousand (15,000) square feet. No adult day care operation or service shall be conducted in any accessory building to the primary structure on the lot.

(iv) Off street parking for new construction of adult day care facilities regulated in the parking provision of this chapter. Existing structures renovated for an adult day care land use shall provide parking, safe loading and unloading areas for clients, as well as safe ingress and egress to the property. Ingress and egress and circulation of vehicles on the property shall be reviewed by the city's engineering department.

(v) Any approval of an adult day care facility shall state the maximum number of clients to be kept at the facility structure.

(vi) Adult day care operations must be licensed by the State of Tennessee Department of Human Services if the operation provides a service for five (5) or more clients, for less than twenty-four (24) hours.

(b) An existing health care facility may offer adult day care regardless of the zoning district it is located in, as long as the care does

not exceed twenty-four (24) hours. Applicable building regulations may apply to the adult day care if modifications, construction, or retrofitting is necessary to accommodate the referenced use.

(8) General provisions - continuous care facility of community.

(a) Subject to other provisions and densities of this ordinance, the overall density for all uses within the CCRC shall not exceed twelve (12) units per acre. The minimum acreage for the entire development must be fifteen (15) acres in size.

(b) Within any CCRC,

(i) The number of units for nursing care cannot exceed the number of planned non-licensed and/or non-regulated single-family residential units;

(ii) The total developed gross floor area of all State-licensed facilities shall not exceed twenty-two percent (22%) of the total site area;

(iii) Maximum ground floor area developed shall preserve as open space seventy percent (70%) of the total site area (the required open space can be used for landscaping, pedestrian features, site circulation, parking, landscape screens, setbacks, detention ponds, open-air recreation, and other similar uses); and

(iv) The total developed gross floor area of the CCRC shall not exceed thirty-five percent (35%) of the total site.

(c) Any detached non-residential portion of a continuing care retirement community, as approved by the board of appeals, may not be occupied until the approved phase of the development is eighty percent (80%) constructed or completion of the approve phase is assured by mechanisms provided for in § 14-204(13) to guarantee completion. The foregoing limitation does not apply to the following uses: clubhouse, maintenance or service buildings of the CCRC and not for the community-at-large, and like uses. Accessory use buildings shall not exceed five percent (5%) of the total ground floor area.

(d) No building over thirty-five (35) feet in height shall be built within fifty (50) feet of a residential lot line of an adjacent residential lot. Further, no building over thirty-five (35) feet in height shall be built within 150' of any public right-of-way or proposed public right-of-way fifty (50) feet in width or greater.

(9) General provisions - gathering place special exception. The following items must also be reviewed by the board of zoning appeals in reviewing a "gathering place" special exception request:

(a) Traffic volumes and associated turning movements at the property and to be provided by the applicant's engineers.

(b) Proposed location of all outdoor facilities (including, but not limited to, such items as picnic tables, play areas, restrooms, food preparation areas, refuse areas).

(c) Hours of operation in no case shall any activity be conducted beyond 12:00 A.M. on any night of the week.

(d) Proposed parking area(s) and any required landscaping regulated either by the landscaping ordinance found herein or as part of the approval process by the board.

(e) Setbacks of the proposed special exception.

(f) Height of all structures proposed and associated with the special exception use being reviewed by the Board.

(g) Amplifying equipment located outside the structure is allowed as long as it does not create a nuisance to adjacent property owners or otherwise violate the anti-noise ordinance of the City of Maryville.

(h) Any sign allowed for the proposed use must meet the Maryville sign regulations. In no case shall an off-premise sign be allowed. Any lighting of a sign for the on site business must illuminate only the sign itself. No sign which is displayed on any vehicle may be located near the entrance to the property on an intermittent or ongoing basis.

(i) No flashing or blinking light, strobe lights, or search lights shall be allowed.

(j) The driveway entrance to the property shall be landscaped for at least the first fifty (50) feet (measured from the right-of-way).

(10) General provisions - tearoom/café in office district special exception

(a) The following items must be reviewed and approved by the board of zoning appeals during review of a special exception to locate a tearoom/café in the office district:

(i) Proposed location of all outdoor facilities, parking, landscaping suitable to screen the view of parking from adjoining existing single family and duplex land uses, existing trees and landscaping to be removed, outdoor seating areas, and refuse areas;

(ii) Proposed parking area(s). The number of required paved parking spaces for non-residential use in the Oak Park Historic District may be phased, if approved as a condition by the board of zoning appeals, as follows. The property must provide a minimum of fifty percent (50%) of the required parking spaces and circulation lanes with a paved non-erosive material and the remainder of the required spaces must be stabilized with grass, pavers or a combination thereof. However, gravel or other such loose aggregates is not acceptable material for the parking area. At any time the board of zoning appeals determines that the non-paved areas become deteriorated beyond the point of a safe and convenient condition, the property owner must pave such lots within sixty (60) day of notice by the city;

(iii) Location of proposed new construction or additions;  
and

(iv) Height of all proposed new structures or additions.

(b) Dumpsters are not required if the tearoom/café is able to use a sufficient number of roll-out residential garbage containers. Proposed dumpsters must be screened from public roads and adjacent single family uses using architectural and landscape screening, but flat-faced block is not allowed. The open end of the dumpster shall not be visible from public view or from adjacent single-family uses.

(c) The majority of proposed tearoom/café activities shall be provided within existing structures. Additions and outside dining areas are permissible. However, such additions and outside dining shall not exceed twenty-five percent (25%) of the square footage of the original structure used for a tearoom/café use.

(d) There shall be no amplifying equipment located outside of the structures.

(e) No flashing or blinking lights, strobe lights, neon lights or search lights shall be allowed.

(f) The driveway entrance to the property shall be reviewed by the city director of engineering and public works and when deemed necessary, shall be improved by the property owner.

(g) There shall be no outdoor drive-thru menu boards or speaker equipment.

(h) The maximum ground floor area developed shall preserve as open space thirty percent (30%) of the total site area (the required open space does not include parking areas, but may include landscaping and sidewalks).

(i) Additions, site modifications including new parking areas and driveways are subject to the required landscaping buffer pursuant to § 14-213(10). However, property owners may propose alternative landscape buffers for board review if the buffer meets or exceeds the required screening opacity.

(j) Freestanding signs shall be no higher than eight feet and at least eighteen feet from the sidewalk. Signs in residential and office areas shall be no higher than twelve (12) feet when attached to buildings. Signs shall be constructed of natural materials (such as wood, brick or stone) or constructed of materials that successfully replicate these natural materials. Signs must not be internally lit and the bulb(s) of proposed lighting must not be seen directly by motorists or adjacent residential property owners.

(k) There shall be no mechanical equipment located outside the structure where sound produced by the equipment will be detected by adjacent residential property owners.

(l) Bright lights shall not be installed on the side of buildings that create direct bright light to be visible from adjacent residential property owners. Such lights are commonly referred to as "pack lights" and floodlights. Light posts that will be visible from adjacent residential property owners shall not exceed twelve (12) feet in height and shall have a dark finished paint color such as dark gray, dark brown, dark green or black.

(m) Hours of operation in no case shall occur outside the hours of 10:00 A.M. until 2:00 P.M. and 5:00 P.M. until 7:00 P.M. Occasional dinners may be served to small parties of patrons not to exceed hours of operation past 10:00 P.M.

(11) General provisions - auto body repair shop. The following items shall apply to all auto body facilities and must be observed before any auto body business begins operation.

(a) Auto body shops, specific to damage or collision repair of motor vehicles, shall be allowed according to the land use table or description of districts found within this document.

(b) All auto body repairs of damaged vehicles and like services shall be conducted entirely within the confines of the structure.

(c) Damaged or partially disassembled vehicles, as well as parts, replacement parts, tires, or similar materials shall be kept within the structure or behind a screen or fence conforming to the commercial fence regulations found in § 14-222 of Maryville Zoning and Land Use Ordinance. No wrecked or damaged vehicle may be parked or stored upon a trailer or a tow truck unless it is located behind said screen or fence.

(d) All new construction specific to auto body repair shops shall be subject to these regulations and all commercial design guideline requirements found within this document. Retrofitted structures or sites for motor vehicle damage and collision repair shall be subject to fencing guidelines and other applicable regulations.

(e) All auto body repair shops for damage and collision repair shall be permitted within the acceptable zoning districts as long as such uses are located along an arterial designated road as classified on the city's official major road plan. This provision shall not apply to operations located within designated industrial parks or properties zoned Industrial.

(f) For the purpose of this section only, body work, auto body repair and motor vehicle repair shall not include the painting of vehicles or vehicle parts on site.

(12) Standards for the development of new, expanded or upgraded park, recreational and athletic facilities. Park, recreational and athletic facilities are important to the quality of life in Maryville and their development should keep pace with the needs of the community. These facilities can generally be located in various zoning districts upon review as special exception uses by the board of zoning appeals. When new facilities are planned or existing facilities are

expanded or upgraded, they will be reviewed by an ad hoc committee organized by the city to ensure that these amenities will be compatible with, and respectful of, their immediate surroundings.

(a) Lighted outdoor park, recreational and athletic facilities: When these facilities are lighted for nighttime use, not only are the daytime effects of the activities extended into the evening hours, but the issue of "light trespass" must also be considered. Effective management of this issue can take several forms, including planning for a physical separation between new facilities and existing sensitive land uses, providing buffering between activity centers and adjoining properties, matching the height of the light poles to the needs of the activity being lit, and using the full cut off (shielded) type of luminaries.

(b) The differing nature of individual sports and activities dictates how tall the light poles should be in order to provide adequate light on the field/court to safely accommodate the activity and to help avoid glare and control light trespass onto adjoining properties. Most sports require pole heights that exceed the city's general limit for specific sports supercede the general standard found in § 14-211(5) of the Maryville Municipal Code:

| <u>Type of Activity</u>            | <u>Not to Exceed*</u> |
|------------------------------------|-----------------------|
| Football, soccer, lacrosse, etc.   | 80 feet               |
| Baseball (high school or college)  | 70 feet               |
| Softball, little league baseball   | 60 feet               |
| Tennis, basketball                 | 40 feet               |
| Track, swimming pools, playgrounds | 30 feet               |

\* If the circumstances at a specific site justify a taller pole(s), the board of zoning appeals can hear and decide a variance request.

(c) All new luminaries shall be of the full cut (shielded) type, specifically designed for athletic use. As the existing old style (unshielded) luminaries are removed from service, they shall be replaced with the modern full cut off type, if feasible from a budget standpoint.

(d) General city zoning regulations [MMC 14-213(6)(c)] require landscaping and screening between "activity centers" (which include athletic fields, etc.) and adjoining residential properties, and remain in effect under this section of the municipal code.

(13) Bed and breakfast homestay facilities. (a) A Bed & Breakfast (B&B) facility is defined as a private single-family residence that contains no more than three (3) guest rooms and which offers sleeping accommodations and breakfast to transient tenants only for

compensation. For the purposes of this section, a B&B facility is what Tennessee Code Annotated, § 68-14-501, et seq. refers to as a "bed and breakfast homestay," subject to the following local regulations:

(i) The proprietor of the B&B must be a permanent resident of the structure, and maintain living quarters separate from the guest rooms.

(ii) No more than two (2) non-residents may be employed to work at the B&B.

(iii) Only one (1) sign, not to exceed (6) square feet in area may be used to identify the B&B. If illuminated, the sign shall be only externally illuminated and not internally illuminated.

(iv) One (1) off-street parking space must be provided for each guest room. These space(s) must be in addition to the required parking for the residence. These space(s) must not be developed in the front yard of the residence, but may be located in the existing driveway of the residence if adequate area is available. City staff can require the B&B parking space(s) to be screened from adjoining residences, if applicable, or if otherwise required by the terms of the zoning ordinance.

(v) "Events" (weddings, receptions, meetings, conferences, etc.) shall not be held at B&B locations unless it is determined by staff that adequate parking is available and that such events would not be incompatible with the surrounding development.

(vi) The B&B must meet all other applicable city codes and regulations including building codes and life safety regulations.

(b) B&Bs may be developed by right in private single-family residences located in the various zones in and immediately adjacent to the downtown area, including:

- (i) Central Business district;
- (ii) Central Business Support district;
- (iii) Washington Street Commercial Corridor district;
- (iv) Heritage Development district;
- (v) Office Transition district;
- (vi) Central Community district.

(c) If the situation arises where the staff and an applicant cannot agree upon the interpretation of any provision in this section, either party may appeal the matter to the Maryville Board of Zoning Appeals, following the established procedures of the board and the code.

(14) Manufacturing/processing performance standards - electrical disturbance or interference. No manufacturing, processing or assembling use may create any electrical disturbance that adversely affects any operation or equipment other than those of the creator of such disturbance, or otherwise



cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(15) Wireless telecommunication towers and antennas - purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the city council shall give due consideration to the City of Maryville's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(16) Wireless telecommunication towers and antennas - definitions. As used in this ordinance, the following terms shall have the meanings set forth below:

(a) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(b) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(c) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(d) "FAA" means the Federal Aviation Administration.

(e) "FCC" means the Federal Communications Commission.

(f) "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to

the highest point on the tower or other structure, including the base pad and any antenna.

(g) "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(17) Wireless telecommunication towers and antennas - applicability.

(a) New Towers and Antennas. All new towers or antennas in City of Maryville shall be subject to these regulations, except as provided in 13(b) through (d), inclusive.

(b) Amateur radio station operator/receive only antennas. § 14-211 shall not govern any tower, or the installation of any antenna, that is under forty (40) feet in height and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers forty (40) feet and found within this ordinance shall continue to apply.

(c) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of sections 14(f) and 14(g).

(d) AM array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as on AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(18) Wireless telecommunication towers and antennas - general requirements.

(a) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(c) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas,

including specific information about the location, height, and design of each tower, that are within the jurisdiction of the City of Maryville. The zoning administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Maryville, provided, however that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for tower construction.

(d) Aesthetics. Towers and antennas shall meet the following requirements:

(i) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(ii) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(iii) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(iv) The use of stealth type hidden/disguise antennas are to be encouraged by any applicant and given preference for a tower building permit in any area near a residential zone.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Where lighting is required by FAA such lighting shall be of the "dual lighting" provisions as defined by the FAA (white during the day and red during the evening hours) or in the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA regulations. White flashing lighting at night is strictly prohibited under this ordinance.

(f) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different

compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(g) Building codes: safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Maryville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Maryville irrespective of municipal and county jurisdictional boundaries.

(i) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and/or permits required by law for the construction and/or operation of a wireless communication system in the City of Maryville have been obtained and shall file a copy of all required franchises with the city.

(j) Public notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved used or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in section § 17(b) (5) (ii), Table 2, in addition to any notice otherwise required by the zoning ordinance.

(k) Signs. No signs shall be allowed on an antenna or tower except for any structure identification sign as may be required by the FCC or the FAA. Such sign is not to exceed ten inches (10") by fifteen inches (15") and is to be mounted at the base of the structure no higher than \_\_\_\_ feet from the ground.

(l) Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 18.

(m) Multiple antenna/tower plan. The City of Maryville encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(19) Wireless telecommunication towers and antennas - exceptions.

(a) The provisions of this part shall not apply to:

(i) Antennas or towers located on property owned, leased, or otherwise controlled by the city and under forty (40) feet in height.

(ii) Antennas or towers located on property owned, leased, or otherwise controlled by the city and over forty (40) feet in height, and in accordance with (16)(a) and (b) of this part.

(20) Wireless telecommunication towers and antennas administratively approved uses. (a) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(i) The administrator may administratively approve the uses listed in this section.

(ii) Each applicant for administrative approval shall apply to the administrator providing the information set forth in (17)(b)(1) and (17)(b)(3) of this ordinance and a nonrefundable fee as established by resolution of the city council to reimburse the City of Maryville for the costs of reviewing the application.

(iii) The administrator shall review the application for administrative approval and determine if the proposed use complies with (14)(17)(b)(4) and (17)(b)(5) of this ordinance.

(iv) The administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.

(v) In connection with any such administrative approval, the administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(vi) If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to vii of this part and other applicable provisions of the special use permit found in § 14-204.

(b) List of administratively approved uses. The following uses may be approved by the administrator after conducting an administrative review:

(i) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any business/transportation zone (excluding the Parkway Overlay District).

(ii) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below:

(A) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

(1) The antenna does not extend more than thirty (30) feet above the highest point of the structure; and

(2) The antenna complies with all applicable FCC and FAA regulations; and

(3) The antenna complies with all applicable building codes.

(B) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the administrator allows reconstruction as a monopole.

(2) Height

(i) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(ii) The height change referred to in subsection (iii) (a) may only occur one time per communication tower.

(iii) The additional height referred to in subsection (iii)(a) shall not require an additional distance separation as set forth in (7). The tower's premodification height shall be used to calculate such distance separations.

(3) Onsite location

(i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

(ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(iii) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to (17)(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of (17)(b)(5).

(iv) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in (17)(b)(5) shall only be permitted when approved by the administrator.

(iii) New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than Business/Transportation (excluding the Parkway District) provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the administrator concludes the tower is in conformity with the goals set forth in (10) and the requirements of (14); the tower meets the setback requirements in (17)(b)(4) and separation distances in §(17)(b)(5) and all other provisions in (17); and the tower meets the following height and usage criteria:

(A) for a single user, up to ninety (90) feet in height;

(B) for two users, up to one hundred twenty (120) feet in height; and

(C) for three or more users, up to one hundred fifty (150) feet in height.

(iv) Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the administrator is in conformity with the goals set forth in (10) this ordinance.

(v) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(21) Wireless telecommunication towers and antennas - special use permits.

(a) General. The following provisions shall govern the issuance of special use permits for towers or antennas by the board of zoning appeals.

(i) If the tower or antenna is not a permitted use under (15) of this ordinance or permitted to be approved administratively pursuant to (16) of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.

(ii) Applications for special use permits under this section shall be subject to the procedures and requirements of § 14-204 of this ordinance, except as modified in this part.

(iii) In granting a special use permit, the board of zoning appeals may impose conditions to the extent the board of zoning appeals concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

(iv) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

(v) An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the city council to reimburse the City of Maryville for the costs of reviewing the application.

(b) Towers.

(i) Information required. In addition to any information required for applications for special use permits pursuant to § 14-204 of this ordinance, applicants for a special use permit for a tower shall submit the following information:

(A) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in (17)(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the administrator to be necessary to assess compliance with this ordinance.

(B) Legal description of the parent tract and leased parcel (if applicable).

The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.



(C) The separation distance from other towers described in the inventory of existing sites submitted pursuant to (14)(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(D) A landscape plan showing specific landscape materials.

(E) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(F) A description of compliance with (14)(c), (d), (e), (f), (g), (j), (l), and (m), (17)(b) (4), (17)(b) (5) and all applicable federal, state or local laws.

(G) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(H) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(I) A description of the feasible location(s) of future towers or antennas within the City of Maryville based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(J) A copy of the stress analysis of the proposed structure including reasonably anticipated loads of additional users, and certified by a State of Tennessee licensed professional engineer.

(ii) Factors considered in granting special use permits for towers. In addition to any standards for consideration of special use permit applications pursuant to § 14-204, the board of zoning appeals shall consider the following factors in determining whether to issue a special use permit, although the board of zoning appeals may waive or reduce the burden on the applicant of one or more of these criteria if the board of zoning appeals concludes that the goals of this ordinance are better served thereby:

(A) Height of the proposed tower;

(B) Proximity of the tower to residential structures and residential district boundaries;

(C) Nature of uses on adjacent and nearby properties;

(D) Surrounding topography;

- (E) Surrounding tree coverage and foliage;
- (F) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (G) Proposed ingress and egress; and
- (H) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in (17)(b)(3) of this ordinance.

(iii) Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of zoning appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the board of zoning appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(A) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(B) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(C) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(F) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(G) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(H) Self supporting structures are to be encouraged over guyed towers. Applicant must demonstrate that a self-supported structure is not feasible before any guyed tower will be approved.

(iv) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the board of zoning appeals may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

(A) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(B) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(v) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the board of zoning appeals may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

(A) Separation from off-site uses/designated areas.

(1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(2) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

| Off-site Use/Designated Area              | Separation Distance                                   |
|---|---|
| Single-family or duplex residential units | 200 feet or 300% height of tower whichever is greater |

| Off-site Use/Designated Area  | Separation Distance                                   |
|---|---|
| Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired | 200 feet or 300% height of tower whichever is greater |
| Vacant unplatted residentially zoned lands  | 200 feet or 200% height of tower whichever is greater |
| Existing multi-family residential units greater than duplex units   | 200 feet or 100% height of tower whichever is greater |
| Non-residentially zoned lands or non-residential uses   | None; only setbacks apply                             |

(B) Separation distances between towers.

(1) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:

Existing Towers - Types

|                                     | Lattice | Guyed | Monopole 75 Ft in Height or Greater | Monopole Less Than 75 Ft in Height |
|-------------------------------------|---------|-------|-------------------------------------|------------------------------------|
| Lattice                             | 5,000   | 5,000 | 5,000                               | 750                                |
| Guyed                               | 5,000   | 5,000 | 5,000                               | 750                                |
| Monopole 75 Ft in Height or Greater | 1,500   | 1,500 | 1,500                               | 750                                |
| Monopole Less Than 75 Ft in Height  | 750     | 750   | 750                                 | 750                                |

(vi) Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be

equipped with an appropriate anti-climbing device; provided however, that the board of zoning appeals may waive such requirements, as it deems appropriate.

(vii) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the board of zoning appeals may waive such requirements if the goals of this ordinance would be better served thereby.

(A) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(B) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(C) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(22) Wireless telecommunication towers and antennas - buildings or other equipment storage. (a) Antennas mounted on structures or rooftops.

The equipment cabinet or structure used in association with antennas shall comply with the following:

(i) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than twelve (12) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or twelve (12) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(ii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent (10%) of the roof area.

(iii) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(b) Antennas mounted on utility poles or light poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(i) In residential districts, the equipment cabinet or structure may be located:

(A) In a front or side yard provided the cabinet or structure is no greater than twelve (12) feet in height or one hundred (100) square feet of gross floor area and the cabinet/structure is located a minimum of twenty-five (25) feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

(B) in a rear yard provided the cabinet or structure is no greater than twelve (12) feet in height or one hundred (100) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(ii) In business/transportation districts the equipment cabinet or structure shall be no greater than twenty (20) feet in height or two hundred (200) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with ultimate height of twelve (12) feet and a planted height of at least 36 inches.

(c) Equipment structures to be located on towers. The related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve (12) feet in height, and shall be located no closer than forty (40) feet from all lot lines.

(d) Modification of building size requirements. The requirements of 18(a) through (c) may be modified by the administrator in case of administratively approved uses or by the board of zoning appeals in case of uses permitted by special use to encourage collocation.

(23) Wireless telecommunication towers and antennas - removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Maryville notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

(24) Wireless telecommunication towers and antennas - nonconforming uses. (a) Preexisting towers. Preexisting towers shall be allowed to continue

their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance. Any expansion of an existing use shall be reviewed and permitted according to the terms of this section.

(b) Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding (19), bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections (17)(b)(4) and (17)(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in (19).

(25) Wireless telecommunication towers and antennas - severability.

The various parts, sections and clauses of this part are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

(26) Wireless telecommunication towers and antennas - repealer. Any ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only as pertaining to the subject matter of this section.

(27) Storefront churches. (a) Places of worship proposed to locate within existing commercial structures, multi-tenant commercial structures, and locations previously approved by the board of zoning appeals shall be permitted uses and exempt from formal review by the said board. However, such uses proposed within the city shall be subject to all applicable rules, regulations, and policies enforced by various city departments.

(b) Exemptions from the board of zoning appeals review and approval process for places of worship shall be subject to the provisions outlined in Tennessee Code Annotated, § 13-7-208. If a location for a place of worship has been vacant or ceased operation for more than thirty (30) continuous months then a new application to the city's board of zoning appeals shall be submitted for a formal special exception review as outlined within the city's zoning ordinance and Tennessee Code Annotated, § 13-7-208(g).

(c) New construction for churches, synagogues, and places of worship that are proposed to be located within the city as free standing

structures shall continue to be subject to the city's special exception process outlined within the zoning and land use ordinance. This section is not intended to create any undue burden on a religious institution desiring to locate within the city, but rather to protect the community from any significant adverse impacts that may occur at a specific location.

(d) The regulations outlined within this section shall also apply to other zoning districts not listed within the table of land uses and shall include the following: Central Business District; Washington Street Commercial Corridor; Office Transition; Heritage Development Zone; Central Business Support Zone; High Intensity Commercial; Industrial; High Density Residential; Institutional; and High Intensity Retail District. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2008-47, Oct. 2008, Ord. #2008-52, Nov. 2008, Ord. #2009-18, May 2009, Ord. #2011-33, Dec. 2011, Ord. #2013-01, Jan. 2013, Ord. #2015-42, June 2015, Ord. #2016-01, Jan. 2016, Ord. #2017-05, March 2017, Ord. #2018-02, Feb. 2018 *Ch17\_2-5-19*, Ord. # 2018-11, June 2018 *Ch17\_2-5-19*, and Ord. #2018-30, Sept. 2018 *Ch17\_2-5-19*)

**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.

(a) "Building." Any structure built for the support, shelter, housing or enclosure of persons, animals or property of any kind.

(b) "City." The City of Maryville, Tennessee.

(c) "Dwelling unit." A group of one or more rooms designed for or intended for occupancy by a single family.

(d) "Flood plain." That area of a stream bed or its adjoining land subject to recurrent overflow or inundation in time of flood.

(e) "Row dwelling." One of a service of three or more attached dwelling units under a common roof with a common exterior wall and separated from one another by continuance vertical party walls without openings from basement to roof.

(f) "Single family dwellings." A detached building designed for or intended to be occupied by one family.

(g) "Site plan." A plan delineating the overall scheme of development of tract a of land, including but not limited to grading, 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.

(h) "Site plan review team." The site plan review team shall consist of the following persons or their representatives: superintendent of public works, city building inspector, fire chief, fire marshal, city



planner, city director of engineering and public works, and the respective superintendents of water and wastewater, and elective divisions of the city and any additional members that the city manager elects to appoint or are needed during a project.

(i) "Structure." Anything which is built or constructed, an assembly of materials or any piece of work artificially built up or composed or parts joined together in some definite manner.

(j) "Two family dwellings." A building designed for or intended to be occupied by not over two families, living independently of each other. This shall include both duplex (one dwelling unit above another) and semi-detached (two dwelling units having a common vertical party wall).

(k) "Dwelling." A building or portion thereof which is designed or used exclusively for residential purposes.

(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, accessory building thereto or to the land on which they are situated or proposed.

(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 director of engineering and public works 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 director of engineering and public works.

(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 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 ten complete 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. 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 and 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) Site plans shall expire after one year from the date of approval unless ten percent of the development has been completed. If a development is designed to be completed in stages, then the approved site plan shall only apply to the phase under construction. If a site plan exists for a non-conforming project then the site plan shall be updated and in accordance with all applicable development regulations for the remaining phases of a development as outlined in § 14-208(8) of this ordinance.

(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 director of engineering and public works and by spot elevations where necessary to indicate flat areas.
  - (ix) Benchmarks for all elevations shall be shown on the site plan. The city director of engineering and public works 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 director of engineering and public works. The city director of engineering and public works 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, 1968 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, 1968 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 director of engineering and public works 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 director of engineering and public works.

(g) Adequate water mains and fire hydrants shall be provided in accessible places in accordance with good fire fighting 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 director of engineering and public works 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 city director of engineering and public works as required to certify compliance with the approved site plan and applicable city standards.

(b) The owner or developer shall notify the office of the city director of engineering and public works five (5) days prior to the beginning of all streets or storm sewer work shown to be constructed on the site plan.

(c) 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.

(d) 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.

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

(10) 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. (as added by Ord. #2006-32, June 2006)

**14-213. Landscaping and screening.** (1) Purpose and necessity.

(a) Purpose. Mission of the landscaping and screening ordinance:

(i) To accommodate growth while providing protection to established neighborhoods and property owners;

(ii) To encourage quality development by ensuring attractive and complementary landscaping; and

(iii) To enhance the scenic beauty of Maryville.

(b) Because of projected growth in the city, a landscaping and screening ordinance is necessary for the following reasons:

(i) To lessen the impact of high intensity land uses that adjoin lower intensity land uses. commercial development sometimes encroaches on residential neighborhoods. This ordinance is a law requiring that a strip of trees, bushes, and/or fences act as a buffer between high intensity land uses (such as a shopping center or convenience store) and low intensity land uses (such as residential housing). This helps ensure that development can occur around established areas with minimal impacts.

(ii) To create adequate screening within residential zones to protect existing residential properties. Sometimes new developments have the potential to decrease privacy for existing residential areas, especially when new 'activity centers' (a parking lot, playground, swimming pool, driveways, sports fields, club houses, etc.) are built near existing property boundaries. Screening

of activity centers increases privacy for residents while accommodating development.

(iii) To protect existing residential properties from glare associated with outdoor lighting. Excessive glare and light trespass on existing properties is a growing concern for many Maryville residents. This ordinance minimizes the amount of light that can shine across property lines.

(iv) To ensure that Maryville's "best foot forward" will be presented to potential residents, businesses and tourists. At the junction of several major approaches to the Great Smoky Mountains, Maryville has the opportunity to leave a favorable impression on millions of travelers. As a National Arbor Day Foundation "Tree City, USA," this ordinance satisfies an important criterion for maintaining this designation.

(2) Definitions. As used in this article, the following words and phrases shall have the following meanings:

(a) "Activity center" refers to any new land use that causes significant noise, glare, and/or loss of privacy for an existing residential property. Screening is only required for activity centers in developments that must submit a site plan, including planned residential developments and planned unit developments. Examples of activity centers include, but are not limited to: swimming pools, parking lots, driveways, outdoor sports fields, playgrounds, club houses, etc.

(b) "Caliper" refers to the diameter of the tree/shrub trunk.

(c) "Canopy spread" refers to the diameter of vegetative cover.

(d) "Foot-candle" is the measure of light per square foot.

(e) "Hardship" refers to lots that are less than one half ( $\frac{1}{2}$ ) acre in area, extraordinarily configured (as determined by the board of zoning appeals), and not exceeding one hundred fifty (150) feet in depth.

(f) "High intensity use." For purposes of this ordinance, any use other than single family or two family residential.

(g) "Incompatible land use" refers to high intensity land uses (industrial, office, commercial, etc.) when they adjoin low intensity land uses (one and two family residential).

(h) "Lamp" is the component of a luminaire that produces the actual light.

(i) "Landscaping" means beautification of a tract of land by decorative planting.

(j) "Low intensity use," for purposes of this ordinance, means single family residential or two family residential uses.

(k) "Luminaire" is a complete lighting system which includes a lamp(s) and a fixture.

(l) "Lumen" is a unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

(m) "Opaque." Visually impenetrable.

(n) "Point by point foot-candle diagram." A simple plat or photometric drawing that displays the foot-candle reading at certain points on a property.

(o) "Public view(s)" refers to the prevailing view(s) that is (are) directly in sight of the general public.

(p) "Screen" is a partition (such as a wall or fence) and/or vegetation (such as screening trees, screening shrubs, and shade trees in a row) used to protect established neighborhoods, existing properties, and the public view.

(q) "Screening shrubs" will grow to at least eight feet (8) and have a mature canopy spread of at least five feet (5).

(r) "Screening trees" are used exclusively for screening incompatible property uses because of their density and opacity. Minimum height at installation and maturity are eight feet (8) and eight feet (8) respectively.

(s) "Shade trees" are used in addition to screening trees to provide additional opacity and shade. Minimum height at installation: twelve feet (12) and two (2) inches caliper. Minimum height at maturity: thirty five feet (35) and canopy spread of twenty feet (20).

(t) "Variance." A grant of permission by the Maryville Board of Zoning Appeals or the regional board of zoning appeals that authorizes the recipient to do that which, according to the strict letter of this ordinance, he/she could not otherwise legally do.

(3) Applicability. The article shall apply to any non-residential development that abuts residential property.

(4) Landscape plan submittal. A landscape plan for each development must be submitted to the department of planning. The approval process for the landscape plan shall take place during weekly site plan review meetings. In addition to the "minimum site plan requirements" found on page 4 of The City of Maryville Site Plan Approval Process booklet (copies are available at the planning department), all landscape plan submittals will be reviewed for the following three general categories and sub-elements:

(a) Existing vegetation inventory: General location, type, and quality of existing vegetation; existing significant trees and/or vegetation to be saved (a variance can be requested to save historic, old and/or large trees. Setback requirements can be modified to save existing trees. Contact the planning department for more details); and methods and details for protecting significant vegetation during construction.

(b) Planting proposal: General location and labels for all proposed plants; plant lists or schedules with the botanical and common



name, quantity, and spacing of all proposed landscape material at the time of planting; and planting and installation details as necessary to ensure conformance with all required standards.

(c) Built features list: Light poles/structures; a point-by-point foot-candle plat (see outdoor lighting requirements); and, general location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;

(5) Landscaping and screening types. (a) In order to provide the greatest possible flexibility, several landscaping and screening types are available to accommodate a variety of different physical land features in the Maryville area. Screening Types A, B, and C, are in place to screen new development from incompatible land uses or activity centers. Any form of Screening Types A, B, or C may be chosen depending on each site's topography and situation.

The successful location of a landscape buffer to adequately screen a new development from an existing residential use is dependent on several variables. For most projects, particularly for projects that are on level topography with adjacent residential uses, the landscape buffer will likely be proposed and approved along the outer perimeter of the property line. However, when existing and proposed topography varies between proposed development and adjacent residential use, the landscape buffer must be more closely evaluated. The zoning administrator has authority to require relocation of proposed landscape buffer locations if he determines a more effective buffer location would maximize the short and long-term visual effectiveness and survivability of the landscape buffer. Review of proposed landscape buffers will be based on the following attributes: existing and proposed topography between the new development and adjacent residential use; location of utilities; elevation of building pads; location of buildings; desirable views to protect; and height of walls.

Type A: Existing natural screen. For those properties that have significant vegetation that exists along property lines and may be appropriate for screening, the Type A option should be chosen. The width of the natural screen shall be at least twenty-five feet (25). If a substantial screen of less than 25' exists, a written request can be sent to the administrator for review. To ensure that all existing natural screens are consistent in opacity and depth, a site visit by the planning department will be necessary to determine if the natural screen is in the spirit of the type A option. For those properties that have little or no existing vegetation, type B or C should be used.

Type B: Dense screen\*. Any of the following variations may be chosen for the type B option:

(i) Type B (1): Screen width of fifteen (15) feet and above. Screening trees\*\* spaced at a maximum of ten (10) feet as measured trunk to trunk; and shade trees\*\* spaced at a maximum of twenty (20) feet apart.

(ii) Type B (2): Screen width of ten (10) feet to fifteen (15) feet. Screening trees\*\* spaced at a maximum of ten (10) feet as measured trunk to trunk; shade trees\*\* spaced at a maximum of twenty (20) feet apart; and screening shrubs\*\* spaced at a maximum of 5' apart.

\*Trees and shrubs already in place should be implemented into the landscaping pattern.

\*\*All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section.

Type C: Combination screen\*. Any of the following variations may be chosen for the type C option:

(i) Type C (1): Screen width of fifteen (15) feet and above. Screening trees\*\* spaced at a maximum of fifteen (15) feet' as measured trunk to trunk or two staggered rows of screening shrubs\*\* spaced at a maximum of ten (10) feet' apart. The plantings shall face the existing property; and an opaque fence or masonry wall of at least six (6) feet in height which shall face the new development.

(ii) Type C (2): Screen width of ten (10) feet to fifteen (15) feet. Screening Trees\*\* spaced at a maximum of 10' as measured trunk to trunk or two staggered rows of screening shrubs\*\* spaced at a maximum of seven (7) feet apart. The plantings shall face the existing property; and an opaque fence or masonry wall of at least 6' in height which shall face the new development.

\*Trees and shrubs already in place should be implemented into the landscaping pattern.

\*\*All plantings shall meet the installation and planting size requirements specified in the plant installation specifications section.

(b) If a proposed high intensity development is bordered by existing lower intensity development across a street, type D, 'street buffer' is required.

Type D: Street screening\*. Where a proposed commercial, office, or high-intensity residential development (more than 2 family residential) borders any residential development on the opposite side of a street, alley, or other public or private way, Type D screening is required. Choose from the following:

Minimum 10' screen width: An opaque fence or masonry wall of at least six (6) feet in height with a series of screening trees\*\* spaced at a maximum of fifteen (15) feet from trunk to trunk on alternating sides of the fence/wall AND screening shrubs\*\* shall alternate between the trees

on the street side of the fence/wall. Screening must be planted on the property at a minimum distance of ten (10) feet from the street right-of-way to observe utility easements). Plantings must not impair vision or line of sight of ingress and egress.\*\*\*

\*Trees and shrubs already in place should be implemented into the landscaping pattern.

\*\*All plantings shall meet the installation and planting size requirements specified in the plant installation specification section.

\*\*\*The engineering department will review the site plan to make sure that sight distance is adequate before landscaping can begin.

The planning department staff is authorized to consider proposed alternatives to the street screening, type D, as long as the proposed buffer or screen meets or exceeds the opacity requirements of this section. Proposed alternative landscaping plans may eliminate the required fencing if approved by the planning department. A landscape plan will still be required for any alternative to the type D requirements proposed by the applicant.

(6) Outdoor lighting requirements. This section involves the measurement and regulation of light along property lines to protect the privacy, comfort, and character of existing residential neighborhoods. Outdoor lighting is important for night visibility, safety, and security. Outdoor lighting can, however, also invade privacy and cause nuisance if excessive glare and direct light trespasses on established residential properties. These requirements ensure that new development minimizes the amount of light that may shine on abutting properties. The following is required when installing lights:

(a) A lighting plan may be required (as determined by the planning department);

(b) A light "point by point" foot-candle diagram must be shown on the site plan with a 10 x 10 foot maximum grid. The diagram should cover the at least ten feet on either side of property lines that border residential zones or uses;

(c) Lighting must not exceed one foot-candle at or beyond the property line zoned or used for residential purposes;

(d) Any luminaire with a lamp(s) rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp(s) rated at a total of more than nine hundred (900) lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire;

(e) Laser source lights or any similar high intensity light for outdoor advertising or entertainment is prohibited; and

(f) The operation of searchlights for advertising purposes is prohibited.

Refer to the matrix below to determine how new developments are required to provide appropriate screening according to their relationship with surrounding land uses. Screening types are described in their entirety in the following pages.

Land Use-Screening Matrix:

| P<br>R<br>O<br>P<br>O<br>S<br>E<br>D | E  | X | I  | S         | T                 | I        | N                                 | G               |  |
|--------------------------------------|--|---|----|-----------|-------------------|----------|-----------------------------------|-----------------|--|
|                                      | 1 and 2 Family Residential                               |   |    |           | Other Residential |          | Commercial, Industrial and Office |                 |  |
|                                      | 1 and 2 family residential                               |   |    | NA*       | NA <sup>1</sup>   |          | NA <sup>1</sup>                   |                 |  |
|                                      | Other Residential  |   |    | A B, or C |                   | NA       |                                   |                 |  |
|                                      | Commercial, industrial, and office                       |   |    | A B or C  |                   | A B or C |                                   | NA <sup>2</sup> |  |
|                                      | Any land use with an <u>Activity Center</u> <sup>3</sup> |   |    | A B or C  |                   | A B or C |                                   | NA              |  |
|                                      | Street screening (new high-intensity uses)               |   |    | NA        |                   | D        |                                   | D               |  |
| Outdoor lighting requirements        |  |   | NA |           | E                 |          | E                                 |                 |  |

NA = "Not Applicable"

1. No landscaping is required unless a residential activity center is built.
2. If a property is zoned business/transportation or office but the current use of existing property is residential, then screening is required.
3. Landscaping must screen the length of the activity center along the property line plus an additional ten (10) feet on either side.

(7) Plant installation specifications. All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures specified in the Arboricultural Specifications Manual or the Tennessee Department of Agriculture, University of Tennessee Extension Services Horticultural Guidelines. All landscaping plants are to be nursery grown and purchased from a state licensed plant and nursery dealer, and must be hardy to zone 6B.

(a) Shade trees: All shade trees shall be installed at a minimum of 2" caliper and not less than 12' as measured from grade level to the top of the tree crown. Planted trees shall also have a minimum expected maturity height of 35' and a minimum canopy spread of 20'. Evergreen trees can be treated as shade trees provided they meet the minimum maturity height and canopy spread criteria.

## Recommended Species

| <u>Common Name</u>              | <u>Scientific Name</u>             |
|---------------------------------|------------------------------------|
| American Beech                  | Fagus Grandiflora                  |
| American Sycamore               | Platanus Occidentalis              |
| Ash                             | Fraxinus _____                     |
| Bald Cypress                    | Taxodium Distichum                 |
| Blackgum                        | Nyssa Sylvatica                    |
| Chestnut                        | Aesculus _____                     |
| Chinese Elm                     | Ulmus Parvifolia                   |
| Dawn Redwood                    | Metasequoia Glyptostrobooides      |
| Ginkgo (male only)              | Ginkgo Biloba                      |
| Honey Locust                    | Gleditsia Triacanthos              |
| Japanese Zelkova                | Zelkova Serrata                    |
| Kentucky Coffeetree             | Gymnocladus Dioicus                |
| Linden                          | Tilia _____                        |
| London Planetree                | Plantanus Acerifolia               |
| Maple (Except Silver)           | Acer _____                         |
| Oak                             | Quercus (any sub-species)          |
| Ohio Buckeye                    | Aesculus Glabia                    |
| River Birch                     | Betula Nigra                       |
| Sweet Bay Magnolia              | Magnolia Virginiana                |
| Sweetgum                        | Liquidambar Styraciflua            |
| Thornless Common<br>Honeylocust | Gleditsia Triacanthos Var. Inermis |
| Tulip Poplar                    | Liriodendron Tulipifera            |
| Willow                          | Salix Sp.                          |

(b) Screening trees: All screening trees shall be installed at minimum height of eight (8) feet and have a minimum expected mature canopy spread of eight (8) feet. Screening trees shall be semi-sheared and not natural cut.

## Recommended Species

| <u>Common Name</u> | <u>Scientific Name</u> |
|--------------------|------------------------|
| American Holly     | Ilex Opaca             |
| Atlas Cedar        | Cedrus Atlantica       |

|                     |                            |
|---------------------|----------------------------|
| Canadian Hemlock    | Tsunga Caroliniana         |
| Deodar Cedar        | Cedrus Deodara             |
| Eastern Red Cedar   | Juniperus Virginianan      |
| Foster Holly        | Illex Cassine              |
| Leyland Cypress     | Xcupressocyparis Leylandii |
| Nellie Sevens Holly | Ilex X "Nellie Stevens"    |
| White Pine          | Pinus Strobus              |
| Savannah Holly      | Ilex Attenuata             |
| Southern Magnolia   | Magnolia Grandiflora       |

(c) Screening shrubs: All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature canopy spread of at least five (5) feet.

#### Recommended Species

| <u>Common Name</u>     | <u>Scientific Name</u>      |
|------------------------|-----------------------------|
| Burford Holly          | Ilex Cornuta "Burfordi"     |
| Chinese Juniper        | Jniper Chinensis Sp.        |
| Dahoon Holly           | Ilex Cassine                |
| Leatherleaf Viburnum   | Viburnum Rhytidophyllum     |
| Lusterleaf Holly       | Ilex Latifolia              |
| Savannah Holly         | Ilex X Attenuata "Savannah" |
| Wax Myrtle             | Myrica Cerifera             |
| Cherrylaurel           | Prunus Caroliniana          |
| English Laurel         | Prunus Laurocerasus         |
| Frunchet's Cotoneaster | Cotoneaster Franchetii      |
| Parney's Cotoneaster   | Cotoneaster Lacteus         |

(d) Landscaping shrubs: To be used if desired in addition to landscaping requirements. All landscaping shrubs shall be installed at a minimum size of three (3) gallons

(e) In addition: Earth berms, other shrubs, ground cover, and plant materials may be used to supplement landscaping/screening requirements.

(f) Prohibited plants: The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance or nuisance:

|                      |                 |                   |
|----------------------|-----------------|-------------------|
| Autumn Olive         | Mimosa          | Shrub Honeysuckle |
| Common Privet        | Mulberry        | Siberian Elm      |
| Japanese Honeysuckle | Multiflora Rose | Silver Maple      |
| Garlic Mustard       | Paulownia       | Silver Poplar     |

Kudzu Vine  
Lespedeza

Purple Loostrife  
Poison Ivy/Oak/Sumac

Tree of Heaven

(g) Prohibited landscaping materials: No rip-rap shall be used except along the edges of basins, ponds, or lakes, or at the end of culverts. All other areas should have culverts installed and covered with soil, flagstone, and/or have fast growing ground covers planted (e.g. Liriope, Junipers, Vinca).

(h) Utility easement policy: Any tree or shrub used to meet the requirements of this Section shall not be located within proposed or existing utility easements or inside street rights of way. The applicant is responsible for identifying existing and proposed easements.

(8) Maintenance and enforcement. Maintenance of landscaped areas is the ongoing responsibility of the property owner and/or the lessee of the development. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met provided one year after the planting is completed. The property owner or lessee must provide this documentation to the building inspector.

Enforcement of this landscape ordinance is the responsibility of the Maryville Codes Enforcement Department.

(9) Hardships. Hardships: The landscaping/screening ordinance does not intend to create undue hardship on affected properties. The following administrative remedies are available when applicable:

(a) An automatic fifty percent (50%) reduction in landscape yard depth requirements for screening; and

(b) A twenty-five percent (25%) reduction in planting requirements (for all sections except for the required screening trees) applies for lots with:

(i) Depths of 150' or less;

(ii) Extraordinary configurations (as determined by the Maryville Board of Zoning Appeals); and/or

(iii) Areas of less than one half acre (21,780 square feet or less).

(10) Conflict with other ordinances. Conflict with other articles in the Maryville Land Development regulations: Where any requirement of the Landscaping/Screening Ordinance conflicts with the requirement of another article in the Maryville Land Development Regulations, the most stringent requirement shall prevail. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2009-01, Jan. 2009, and Ord. #2018-30, Sept. 2018 *Ch17\_2-5-19*)

**14-214. Density and dimensional regulations.** (1) Minimum lot size. Subject to the provisions of Section 4 (Cluster Subdivisions) and 5 (Integrally

Designed Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table:

| Zone                                      | Minimum Square Feet |
|---|---------------------|
| Residential                               | 7,000               |
| without sanitary sewer                    | 30,000              |
| without sanitary sewer and public water   | 35,000              |
| Environmental Conservation                | 40,000              |
| Business and Transportation               | 5,000 **            |
|   | No minimum          |
| Central Community                         | 5,000 **            |
|   | No minimum          |
| Single Family                             | 11,000              |
| Office                                    | 5,000               |
| Neighborhood                              | 5,000               |
| Residential in Oak Park Historic District | 16,000 ***          |
| College Hill Historic District            | 14,000              |
| Estate                                    | 43,560              |

\*\*If used for residential purposes, otherwise no minimum.

\*\*\*Refer to City Code on nonconforming uses regarding Oak Park Historic District nonconforming situations of duplexes and multi-family structures

Subject to the provisions in the city land development ordinances concerning nonconforming lots and these regulations, the permit-issuing authority and the owner of two or more contiguous lots may agree to regard multiple lots as a single lot if necessary to comply with any of the requirements of these regulations.

(2) Residential density. (a) Subject to subsection (b) and the provision of (4) (cluster subdivisions) and (5) (integrally designed subdivisions), every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole number.



| <u>Zone</u>                             | <u>Minimum Square Feet</u> |
|---|----------------------------|
| Residential                             | 7,000                      |
| without sanitary sewer                  | 30,000                     |
| without sanitary sewer and public water | 35,000                     |
| Central community                       | 5,000                      |
| Environmental conservation              | 40,000                     |
| Single-family                           | 11,000                     |
| Office                                  | 5,000                      |
| Neighborhood                            | 7,000                      |
| Estate                                  | 43,560                     |

(b) Two-family conversions and primary residences with an accessory apartment shall be allowed only on lots having at least one hundred fifty percent (150%) of the minimum square footage required for one dwelling unit on a lot in such district. With respect to multi-family conversions into three- or four-dwelling units, the minimum lot size shall be two hundred percent (200%) and two hundred fifty percent (250%) respectively of the minimum required for one dwelling unit.

(3) Minimum lot widths. (a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

(i) Could be used for purposes that are permissible in that zoning district, and

(ii) Could satisfy any applicable setback requirements for that district.

(b) Without limiting the generality of the foregoing standard, the following indicated minimum lot widths that are recommended and are deemed presumptively to satisfy the standard set forth in subsection (a). The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot.

| <u>Zone</u>                 | <u>Lot Width in Feet</u> |
|-----------------------------|--------------------------|
| Residential                 | 75                       |
| Central community           | 50                       |
| Business and transportation | 100                      |
| Environmental conservation  | 100                      |
| Single family               | 75                       |
| Office                      | 75                       |

|                                 |     |
|---------------------------------|-----|
| Neighborhood                    | 75  |
| Estate (at front building line) | 150 |

(c) No lot created after the effective date of these regulations that is less than the recommended width shall be entitled to a variance from any building setback requirement.

(4) Cluster subdivisions. (a) In any single-family residential subdivision a developer may create lots that are smaller than those required by Section 1 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimum set forth in the following table:

| <u>Zone</u>                | <u>Minimum Square Feet</u> |
|----------------------------|----------------------------|
| Residential                | 5,500                      |
| Environmental Conservation | 25,000                     |

(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by (1).

(c) The amount of usable open space that must be set aside shall be determined by:

(i) Subtracting from the standard square footage requirement set forth in (1) the amount of square footage of each lot that is smaller than that standard:

(A) Adding together the results obtained in (1) for each lot.

(d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least ten thousand (10,000) square feet of space that satisfies the definition of usable open space set forth in § 14-211(3) and if such usable open space is otherwise in compliance with the provisions of § 14-211.

(e) The setback requirements found in the city code shall apply in cluster subdivisions.

(5) Integrally designed subdivisions. (a) In any integrally designed subdivision, the developer may create lots and construct buildings without regard to any minimum lot size, lot width, or setback restrictions except that:

(i) Lot boundary setback requirements as found in the city code shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and

(ii) Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of these regulations and of the city code.

(b) The number of dwelling units in an integrally designed subdivision may not exceed the maximum density authorized for the tract under (2).

(c) To the extent reasonably practicable, in residential subdivisions the amount of land "saved" by creating lots that are smaller than the standards set forth in (1) shall be set aside as usable open space.

(d) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

(6) Density on lots where portion dedicated to city. (a) Subject to the other provisions of this section, if any portion of a tract that lies with an area designated on any officially adopted City plan as part of a proposed public park, greenway, or bikeway and before the parcel or tract is developed, the owner of the parcel or tract with the concurrence of the city dedicates to the city that portion of the tract so designated, when the remainder of the tract is developed for residential purposes the permissible density at which the remainder may be developed shall be calculated in accordance with the provision of this section.

(b) If the proposed use of the remaining property after the dedication at issue in subsection (a) is a single-family detached residential subdivision, then the lots such subdivision may be developed in accordance with the provisions of (4) and (5) of this section except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the city in accordance with subsection (a).

(c) If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lots as if it were still part of the lot proposed for development.

(d) If the portion of the tract that remains after dedication as provided in subsection (a) is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections (b) and (c).

(7) Building setback requirements. (a) Subject to the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line than is authorized in the table set forth in this section.

(i) If the street right-of-way is readily determinable (by reference to a recorded map, iron pins, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the centerline of the street.

(ii) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

(iii) As used in this section, the term "building" includes any substantial structure which by nature of its size scale, dimensions, bulk or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structure shall be deemed to fall within this description, except gasoline pump islands, pumps and canopy support poles. The minimum setback requirements for decks/patio are the same as for accessory buildings (which do not exceed twelve feet (12') in height) or is two feet (2') for every foot of height (measured from grade to the top of the railing), whichever is greater.

(A) Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six feet in height and are substantially opaque.

(b) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

(c) Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.)

(i) Subject to the provisions stated above, the following structural projections shall be allowed to encroach within designed setbacks not to exceed three (3) feet: awnings; canopies; bay windows; chimneys; planter boxes and the like; overhanging cornices; eaves; gutters; roofs; and similar architectural features; minor utilities associated with the structures; open fire escapes; steps, open terraces; unenclosed porches.

(d) Whenever a private road that serves more than three (3) lots or more than three (3) dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three (3) dwelling units is located long a lot boundary, then:

(i) If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the centerline of the private road just as if such road were a public street.

(ii) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes shall be measured from the inside boundary of the traveled portion of the private road.

(e) City of Maryville setback tables:

City of Maryville  
Required Building Setbacks (Feet)

|  | FRONT <sup>note 1</sup> | SIDE                      | REAR                      |
|--|-------------------------|---------------------------|---------------------------|
| <b>RESIDENTIAL USES</b> <sup>notes 2,6</sup> |                         |                           |                           |
| Estate zone                                  | 30                      | 10 <sup>note 3</sup>      | 25                        |
| Other  | 25                      | 10                        | 20                        |
| <b>COMMERCIAL USES</b> <sup>note 2</sup>     | 20                      | NONE <sup>notes 4,5</sup> | NONE <sup>notes 4,5</sup> |
| <b>INDUSTRIAL USES</b>                       | 60                      | 50                        | 60                        |

NOTES:

1. All setbacks along street right-of-way property lines shall be considered a "front" setback even if there are multiple "front" setbacks on a lot.
2. Setback from a collector - forty (40) feet; setback from an arterial fifty (50) feet.
3. In estate zone side setbacks shall be fifteen (15) feet for dwelling with more than one (1) story.
4. If commercial uses are adjacent to residential uses - ten (10) feet side and/or ten (10) feet rear.
5. Gasoline pump island and canopy supports setback from collector or arterial - thirty-five (35) feet.
6. Setbacks within Impact Overlay Districts and Planned Unit Developments shall be established by BZA on review of the proposed site plan.

City of Maryville  
Residential Accessory Building Setback Requirements

**Setbacks for accessory buildings that do not exceed 12 feet in height (Feet)**

|                   | REAR YARD | SIDE YARD | STREET R-O-W |
|-------------------|-----------|-----------|--------------|
| RESIDENTIAL ZONES | 5         | 10        | See note     |
| ESTATE ZONE       | 10        | 10        | See note     |

Note: Street R-O-W setback same as principle structure.

**Setbacks for accessory buildings that exceed 12 feet in height (Feet)**

|                   | REAR YARD                           | SIDE YARD                           | STREET R-O-W |
|-------------------|-------------------------------------|-------------------------------------|--------------|
| RESIDENTIAL ZONES | 5+2 per every ft over 12 in height  | 10+2 per every ft over 12 in height | See note     |
| ESTATE ZONE       | 10+2 per every ft over 12 in height | 10+2 per every ft over 12 in height | See note     |

Note: Street R-O-W setback same as principle structure.

Accessory structure setbacks are not required to exceed primary structure setbacks.

- (8) Building height requirements. (a) For purposes of this section:
  - (i) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
  - (ii) A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than seventy five percent (75%) are regarded as walls.
- (b) Subject to the remaining provision of this section, building height limitations in the various zoning districts shall be as follows:

| <u>Zone</u>                | <u>Height Limitation</u><br><u>(in feet)</u> |
|----------------------------|--|
| Environmental conservation | 35   |
| Residential                | 35   |
| Central community          | 55   |

|                             |    |
|-----------------------------|----|
| Business and transportation | 55 |
| Single family               | 35 |
| Office                      | 35 |
| Neighborhood                | 35 |

(c) Subject to subsection (d), the following features are exempt from the district height limitations set forth in subsection (b):

(i) chimneys, church spires, elevator shafts, flyspaces for curtains, scenery, or lighting in a theatre, auditorium, or multipurpose structure and similar structural appendages not intended as places of occupancy or storage.

(ii) flagpoles and similar devices,

(iii) heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.

(d) The features listed in subsection (c) are exempt from the height limitations set forth in subsection (b) if they conform to all other applicable codes and regulations and to the following requirements:

(i) Not more than one-third of the total roof area may be consumed by such features unless approved by the board of zoning appeals.

(ii) The features described in subsection (c)(iii) above must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached, unless approved by the board of zoning appeals.

(iii) The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield features listed in subsections (b)(i) and (iii) from view.

(e) Notwithstanding subsection (b), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing four (4) or more dwelling units may not exceed thirty-five (35) feet unless the fire chief certifies to the permit-issuing authority that such building is designed to provide adequate protection against the dangers of fire.

(f) Towers and antennas fifty (50) feet tall or less - all districts; towers and antennas fifty (50) feet tall or more - Business and Transportation District and Central Community District.

(9) Accessory building setback requirements. (a) All accessory buildings in rear yards of lots in residential districts shall be required to observe a five (5) foot setback from the rear and side yards.

(b) All accessory buildings in residential districts must comply with street right-of-way and side lot setback provisions if the accessory building is not to the rear of the principal structure.

(c) Where the high point of the roof or any appurtenance of any accessory building exceeds twelve (12) feet in height, the accessory building shall be setback from the rear lot boundary lines an additional two (2) feet for every foot of height exceeding twelve (12) feet.

(d) Maximum lot coverage on principal and accessory buildings shall not exceed forty percent (40%) of the lot.

(e) The cumulative total of accessory buildings shall not exceed six hundred (600) square feet of ground floor area nor shall any accessory building exceed fifteen feet (15') in height without a special exception permit granted by the board of zoning appeals. (as added by Ord. # 2006-32, June 2006 and amended by Ord. # 2006-39, Aug. 2006, Ord. #2006-40, Aug. 2006, Ord. #2016-06, March 2016, and Ord. #2018-12, June 2018 *Ch17\_2-5-19*)

**14-215. Streets and sidewalks.** (1) Access to lots. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

(2) Road and sidewalk requirements in unsubdivided developments.

(a) Within unsubdivided developments, all permanent private easements and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of the city' subdivision regulations and/or applicable city ordinances. To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this article may be applied to satisfy the standards set forth in the first sentence of this subsection.

(b) Whenever a road in an unsubdivided development connects two or more sub collector streets, collector streets, or arterial streets (as the same are defined in the city' subdivision regulations) in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases when roads in unsubdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.

(c) In all unsubdivided residential developments, sidewalks shall be provided linking dwelling units with other dwelling units, the



public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities.

(d) Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten feet to provide such access.

(e) The sidewalks required by this section shall be at least five (5) feet wide and constructed according to specifications outlined by the city director of engineering and public works or his or her designee and in accordance with other design criteria adopted by the city, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

(i) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

(ii) Such walks could be more environmentally desirable or more in keeping with the overall design of the development.

(3) Attention to handicapped in street and sidewalk construction.

(a) Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with the International building code, in the current edition otherwise adopted by the city, as enforced by the city building inspector.

(b) In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the building code of the City of Maryville.

(4) Street names and house numbers. (a) Street names shall be assigned by the developer subject to the approval of the permit-issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the city's planning jurisdiction, regardless of the use of different suffixes (such as those in subsection (b)).

(b) Street names shall include a suffix such as the following:

(i) Circle. A short street that returns to itself.

(ii) Court or place. A cul-de-sac or dead-end street.

(iii) Loop. A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

(iv) Street. All public streets not designated by another suffix.

(c) Building numbers shall be assigned by the city.

(d) Street signs shall be placed appropriately by the developer or subdivider in a new subdivision. The developer shall install signs where indicated by the city director of engineering and public works or his or her designee.

In the event the street is a designated private street then those who are responsible for the maintenance of the said private street shall also be responsible for the installation and maintenance of all traffic control devices.

All devices shall conform to size, material and location criteria found in the "Manual of Uniform Traffic Control Devices".

(5) Bridges. All bridges shall be constructed in accordance with the standards and specifications of the Tennessee Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a licensed architect or engineer.

(6) Utilities. Utilities installed in public rights-of-way or along permanent private easements shall conform to the requirements set forth in § 14-216.

**14-216. Utilities.** (1) Utility ownership and easement rights.

(a) In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, cable television, or stormwater facilities and appurtenances and intends that such facilities shall be owned, operated, or maintained by the public utility or other entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership and/or easement rights to enable the utility or entity to operate and maintain such facilities.

(b) Drainage and utility easements shall be five (5) feet in width along interior boundary lines of lots in a subdivision and shall be ten (10) feet in width along all exterior lot lines where adjoining lot or property is not subject to a similar easement at least five (5) feet in width. A ten (10) foot utility and drainage easement shall exist along platted rights-of-ways and be determined by this document to be an exterior lot line. Such dedication shall be noted on the final plat of a subdivision, unless otherwise required by the appropriate reviewing agency.

(2) Lots served by governmentally owned water or sewer lines. Water and sewer connection requirements shall be determined based on the rules, rates, regulations and policies of the City of Maryville Water Quality Control Department.

(3) Sewage disposal facilities required. Every principal use and every lot within a subdivision shall be served by sanitary sewer as provided in (2) of this section or by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations. For purposes of complying with all local health department regulations, if the lot uses a subsurface sewer disposal system and

is served by a public water supply, there shall be a minimum of thirty thousand (30,000) square feet of useable lot area for lots developed for residential purposes. If a lot is developed for residential purposes and sanitary sewer and public water are not available to the lot, then the minimum lot area per unit shall be thirty-five thousand (35,000) square feet.

(4) Determining compliance with § 14-216(3). (a) Primary responsibility for determining whether a proposed development will comply with the standards set forth in (3) often lies with an agency other than the city, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under these regulations may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with (3). However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the IF statement describes the type of development and the THEN statement indicates the agency that must certify to the city whether the proposed sewage disposal system complies with the standards set forth in (3).

(i) IF The use is located on a lot that is served by the City sewer system or a previously approved, privately owned package treatment plant, and the use can be served by simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex): THEN No further certification is necessary.

(ii) IF The use (other than a subdivision) is located on a lot that is served by the city's sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex); and

(A) IF the internal collection system is to be transferred and maintained by the city: THEN the internal collection system must meet the standards of the city from design to installation.

(B) IF the internal collection system is to be privately maintained: THEN The City must certify that the proposed collection system is adequate.

(iii) IF the proposed use is a subdivision;

(A) IF Lots within the subdivision are to be served by simple connection to existing city lines or lines of a previously approved private system:

THEN No further certification is necessary.

(B) IF Lots within the subdivision are to be served by the city system but the developer will be responsible for installing the necessary additions to the city system:

THEN the internal collection system must meet the standards of the city from design to installation.

(c) On subdivision plats depicting property within the city where existing Subsurface Sewer Disposal (SSD) systems exist, it shall be required that these subdivisions contain wording or notations as follows:

"In accordance with the policies of the Tennessee Department of Environment and Conservation, the Blount County Health Department has not evaluated the existing Subsurface Sewerage Disposal (SSD) system on lot(s) represented on this plat. In approving this plat for recordation, the Maryville Municipal Planning Commission makes no representation as to the performance of the existing SSD system."

If additional language is required by the planning commission than that stated in this section, it shall be added and appropriately noted on the plat starting where existing subsurface sewage disposal systems exist.

(5) Water supply system required. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

(6) Determining compliance with § 14-216(5):

(a) Primary responsibility for determining whether a proposed development will comply with the standards set forth in (5) often lies within an agency other than the city and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this chapter may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with (5). However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the IF statement describes the type of development and the THEN statement indicates the agency that must certify to the city whether the proposed water supply system complies with the standards set forth in (5).

(i) IF The use is located on a lot that is served by the city water system or a previously approved, privately owned public water supply system and the use can be served by simple connection to the system (as in the case of a single-family residence) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex): THEN No further certification is necessary.

(ii) IF The use (other than a subdivision) is located on a lot that is served by the city water system but service to the use necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex); and the internal distribution system is to be transferred to and maintained by the city:

THEN the proposed internal distribution system must meet the standards of the city from design to installation.

(iii) IF The use (other than a subdivision) is located on a lot not served by the city system or a previously approved, privately owned public water supply system; and

(A) IF the use is to be served by a privately owned public water supply system that has not previously been approved:

THEN The Tennessee Department of Environment and Conservation must certify that the proposed system complies with all applicable state and federal regulations. The Blount County Health Department must also approve the plans if the water source is well and the system has a design capacity of 1,000,000 gallons per day. A private well system may not be connected to the City utility system.

(B) IF the use is to be served by some other source (such as an individual well):

THEN: The Blount County Health Department must certify that the proposed system meets all applicable state and local regulations.

(iv) IF the proposed use is a subdivision; and

(A) IF Lots within the subdivision are to be served by simple connection to existing city lines or lines of a previously approved public water supply system:

THEN No further certification is necessary.

(B) IF Lots within the subdivision are to be served by the city system but the developer will be responsible for installing the necessary additions to such system:

THEN the proposed internal distribution system must meet the standards of the city from design to installation.

(C) IF Lots within the subdivision are to be served by individual well:

THEN The Blount County Health Department must certify to the City that each lot intended to be served by a well can be served in accordance with applicable health regulations.

(7) Lighting requirements. (a) Subject to subsection (b), all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of these regulations shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

(b) To the extent that fulfillment of the requirement established in subsection (a) would normally require street lights installed along public streets, this requirement shall be applicable only to residential and commercial subdivisions located within the corporate limits of the city.

(c) All roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

(d) All entrances and exits in substantial buildings used for non-residential purposes and in two-family or multi-family residential developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

(8) Excessive illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standards set forth in (7) or if the standards set forth in (7) could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

(9) Electric power. Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

(a) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.

(b) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the city that it can provide service that is

adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

(10) Telephone service. Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

(a) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.

(b) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

(11) Underground utilities. (a) All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of these regulations shall, when placed underground, be done in accordance with the specifications and policies of the respective utility service providers.

(b) All electric power lines (not to include transformers or enclosures containing electric equipment including, but no limited to, switches, meters, or capacitors which may be pad mounted) serving four (4) or more residential lots or developments with apartments, condominiums, townhouses, etc. shall be placed underground. All electric power lines installed underground shall be done in accordance with specifications and policies of the utility service provider as provided for in (a) of this section.

(c) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of these regulations, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

(12) Utilities to be consistent with internal and external development.

(a) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be

made conveniently and without undue burden or expense or unnecessary duplication of service.

(b) Whenever it can be reasonably accomplished, when a development is constructed or phased over time and underground utility facilities are used in the initial stages of development, then remaining portions of the development or subdivision shall be serviced with underground utilities.

(c) All utility facilities shall be constructed in such manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

(13) As-built drawings required. When a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the city with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provided. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development. As-built drawings shall further be provided for stormwater lines, ponds or any associated infrastructure in the stormwater system. Such as-built drawing shall be approved by the city prior to acceptance by the city of such infrastructure.

(14) Fire hydrants. (a) Every development within the corporate limits (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

(b) The presumption established by these regulations is that to satisfy the standards set forth in subsection (a), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than five hundred (500) feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if recognized fire safety standards would allow another arrangement more satisfactory which would comply with the standards set forth in subsection (a).

(c) The Maryville Fire Chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets that have curb and gutter.

(d) The water and wastewater division of the utilities board shall determine the design standards of all hydrants as set forth in the rules, regulations, rates and policies for the city water quality control department. Unless otherwise specified by the fire chief, all hydrants shall have two (2) two and one-half inch hose connections and one 5 1/4



inch hose connection. The two and one-half-inch hose connections shall be located at least twenty one and one-half inches from ground level. All hydrant threads shall be national standard threads.

(e) Water lines that serve hydrants shall be designed and sized according to the rules, regulations, rates and policies for the City of Maryville Water Quality Control Department. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2018-30, Sept. 2018 *Ch17\_2-5-19*)

**14-217. [Repealed.]** (as added by Ord. #2006-32, June 2006, and repealed by Ord. #2007-24, July 2007)

**14-218. Signs.** (1) Title, purpose, and scope. This section shall be known as the "Sign Ordinance of the City of Maryville, Tennessee," and may be so cited, and further referenced elsewhere as "sign ordinance" and herein as "the ordinance" or "this ordinance" shall imply the same wording and meaning as the full title.

The general purpose and intent of this section shall be the fair and comprehensive regulation of signs. The intent of this section is to assist the economic development of the city without lessening the citizenry's quality of life. The regulations as set forth in this section are established to provide for the public safety, area development, preservation of property values, and the general welfare within the city.

The specific purposes of this section include, but not limited to:

- (a) Aiding in traffic control and safety through the regulation of undue concentration of signs which could be distracting and which could adversely impact traffic safety and traffic flow;
- (b) Protecting property values by avoiding unnecessary visual competition and the uncontrolled proliferation of signs;
- (c) Lessen congestion of available land and air spaces by the establishment of reasonable standards for commercial and other advertising through the use of signs so as not to be a future detriment to business activity and area development;
- (d) Recognizing the rights of the public when using the roads, streets, highways, and other public right-of-ways; and
- (e) Preserve the attractive character of the city.

This section will regulate all signs within the City of Maryville except those located within the interior of buildings and/or structures. All signs which are located either on or to the exterior of a building are to be regulated. All signs erected by local, state, and federal governmental agencies are subject to the provisions of this section except as set forth in (4) and (12) herein.

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

(a) "Animated sign." Any sign which incorporates in any manner visible or mechanical movement within the sign frame and not rotating movement of the sign itself, or visible apparent movement achieved by electrical pulsations.

(b) "Banner." A sign made of fabric or non-rigid material.

(c) "Billboard." A billboard is any off-premise sign in excess of one-hundred square feet.

(d) "Changeable copy sign." A sign which by manual or mechanical means or by lighting effects can have its copy message changed, apart from any reworking of the sign.

(e) "Digital billboard." A digital billboard is an off-premises billboard sign in excess of one hundred (100) square feet that is digital in nature and uses LCD, LED, or similar electronic technology for providing content to the billboard.

(f) "Directory sign." A directory sign is one which directs and guides traffic on private property.

(g) "Electronic Message Center (EMC) sign." A type of changeable copy sign that uses a bank of lights or other lighting technology that can be electronically altered to form words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

(h) "Free-standing sign." A sign erected on a free-standing frame, mast or pole, and not attached to any building.

(i) "Internally illuminated sign." Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

(j) "Landmark sign." A sign that exemplifies the cultural, architectural or commercial identity of the City of Maryville, is iconic in its location, and contributes to the character of the surrounding area.

(k) "Marquee sign." A wall sign mounted on a permanent roof-like projection over the entry to an establishment, with or without changeable copy.

(l) "Monument sign." A free-standing sign sitting directly on the ground or mounted on a low base.

(m) "Mural." A picture or representation painted on a wall of a structure.

(n) "Non-conforming sign." Any sign which was lawfully erected and maintained prior to such time as it was subject to a sign ordinance and which now fails to conform to the present sign ordinance.

(o) "Off-premise sign." A sign or structure which advertises a business, product or service not on or offered on the premise on which

subject sign is located or a sign or structure which identifies an organization not located on the premise on which subject sign is located.

(p) "On-premise sign." A sign or structure which advertises a business, product or service on or offered on the premises on which subject sign is located or a sign or structure which identifies an organization located on the premise on which subject sign is located.

(q) "Parapet or parapet wall." That portion of a building wall that rises above the roof level.

(r) "Pennant." A piece of plastic or cloth, pointed at the bottom and suspended at its top, and primarily used as an attention-getting device.

(s) "Permit." An authorization by the City of Maryville of a particular act or activity. A permit is required for the erection, relocation, or other alteration of a sign.

(t) "Placard." A card generally used for advertising a product or service.

(u) "Product sign." A sign which displays petroleum product prices. Such sign is considered a changeable copy sign.

(v) "Propeller." A device of two (2) or more blades on a revolving hub used as an advertising device.

(w) "Right-of-way width." The particular distance across a public street or other right-of-way, usually measured from property line to property line.

(x) "Sign." Any letter, figure, design, symbol, trademark or device mounted or otherwise placed and intended to be visible from the outside of a building, for display as an advertisement, announcement, notice, or name.

(y) "Sign height." The vertical dimension from ground level at the base of the structure to the uppermost point of the sign.

(z) "Sign setback." The linear distance measured horizontally in feet from the property line or public right-of-way to the nearest edge of a sign.

(aa) "Streamer." Any long, narrow, flowing strip primarily used as an attention-getting device.

(bb) "Street frontage." The linear distance measured horizontally along that portion of a property adjacent to a street.

(cc) "Temporary sign." A sign that is used in the connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time. If a sign display area is permanent but the message displayed is to be subject to periodic changes, that sign shall not be regarded as temporary.

(dd) "Wall sign." Any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length

by such wall where the edges of the sign do not project more than twelve inches therefrom.

(3) Permit required for signs. Except signs excluded from regulation or signs not requiring a permit, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this section.

(a) Sign permit applications and sign permits shall be in accordance with § 14-204.

(b) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), a master sign plan is required. Sign permits will be issued in the name of the individual business enterprise requesting a particular sign. Signage allocation per each business enterprise will be determined based on the amount of store frontage (business to business).

(c) Signs constructed in Maryville shall conform to the standards and specifications outlined in the International Building Code as amended in the edition most recently otherwise adopted by the city.

(d) The sign permit application fee shall be ten dollars (\$10.00), and sign permit fees shall be one dollar (\$1.00) per square foot beyond what is allowed without a permit.

(e) Where work for which a permit is required by this section is started or proceeds prior to obtaining said permit, the penalty shall be two hundred-fifty dollars (\$250.00), but the payment of such penalty shall not relieve any persons from fully complying with the requirements of this section nor from other penalties.

(4) Signs not requiring a permit. The following signs do not require a permit: (a) Signs not exceeding six (6) square feet in a residential zoning district, the Office Transition district, Institutional district, and the Neighborhood district; or not exceeding nine (9) square feet in a downtown district (excluding the Office Transition district), Central Community district, the Office district; or sixteen (16) square feet in the Business and Transportation district, the High Commercial district, the High Intensity Retail district and the Industrial district.

(b) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(c) Official signs of a non-commercial nature erected by public utilities.

(d) Flags, pennants, or insignia of any government.

(e) Integral, decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, or moving parts.

(f) Directory signs.

(g) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

(5) Temporary signs. 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.

(6) Determining the number of signs. (a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(b) A two (2) sided or multi-sided sign shall be regarded as one (1) sign so long as:

(i) With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet (5'); and

(ii) With respect to double-faced (back-to-back) signs, the distance between the backs of each face of the sign does not exceed three feet (3').

(7) Computation of sign area. (a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b) If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one (1) vantage point. Without otherwise limiting the generality of the foregoing:

(i) The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed eighteen inches (18").

(ii) The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign ( the larger side if there is a size

difference), so long as the angle of the "V" does not exceed thirty degrees (30°) and at no point does the distance between the backs of such sides exceed five feet (5').

(8) Total sign surface area for all signs. (a) Unless otherwise provided in this section, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.

(b) Unless otherwise provided in this section, the maximum, permanent sign surface area permitted on any lot in any residential district is four (4) square feet.

(c) Subject to the other provisions of this section and of this section, the maximum sign surface area permitted on any lot in a commercial land use, other than the Business and Transportation district or the Industrial Zone district, shall be determined as follows:

(i) There may be not more than one half (0.5) square feet of sign surface area per linear foot of lot street frontage up to two hundred feet (200') of frontage.

(ii) There may be up to three quarters (0.75) square feet of additional sign surface area per linear foot of lot street frontage in excess of two hundred feet (200').

(d) Subject to the other provisions of this section, the maximum sign surface area on any lot in the Business and Transportation district or the Industrial district shall be determined by multiplying the number of linear feet of street frontage of the lot by one foot (1.0').

(e) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one (1) street and the closest lot boundary to this street for determining the total permitted sign surface area.

(f) The sign surface area of any sign located on a wall of a structure may not exceed one-third (1/3) or thirty-three percent (33%) of the total surface area of the wall on which the sign is located. If a wall painting is depicted with any advertisement (i.e., business name) then a sign permit shall be issued and such a wall painting will be considered as part of the overall signage for that particular development.

(g) The surface area for a marquee or changeable copy sign may not exceed twenty (20) square feet (thirty (30) square feet in the High Intensity Retail and Institutional zoning districts). The area of this type of sign does not count against the calculated total sign area for a given property. Only one (1) such sign per development will be allowed.

(h) An Electronic Message Center (EMC) sign is a type of electronically changeable copy sign. For EMC signs see § 14-218(13)(g).

(i) In the case of the retail sale of gasoline, diesel, kerosene, and oil, a product (price) sign may be installed on the free-standing sign or on the building itself. The product sign surface area may not exceed twenty-five (25) square feet. If the product sign is installed on the free-standing sign, a changeable copy sign may not be installed on the same free-standing sign. There shall be only one product sign per individual lot or development. The product sign may not be installed as a separate free-standing sign nor may it be installed as a portable sign.

(9) Free-standing sign surface area. (a) For purposes of this section, a side of a free-standing sign is any plane or flat surface included in the calculation of the total sign surface area. For example, wall signs typically have one (1) side. Free-standing signs typically have two (2) sides (back-to-back), although four-sided and other multi-sided signs are also common.

(b) In no case may a single side of a free-standing sign exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than two hundred feet (200') of frontage on the street toward which the sign is primarily oriented, seventy-five (75) square feet on lots with two hundred (200) or more but less than four hundred feet (400') of frontage, and one hundred (100) square feet on lots with four hundred feet (400') or more of frontage.

(c) In the Central Community district, no free-standing sign shall exceed one hundred (100) square feet in surface area.

(d) With respect to free-standing signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such free-standing sign may exceed the maximum total surface area allowed for double-sided, free-standing sign.

(e) In the Parkway district, no free-standing sign shall exceed seventy-five (75) square feet in surface area on lots with two hundred (200) or more feet of frontage and no more than fifty (50) square feet on lots with less than two hundred feet (200') of frontage.

(f) In the Industrial zone, no free standing sign shall exceed one hundred fifty (150) square feet in surface area. The free-standing sign shall be monument type.

(10) Number of free-standing signs. (a) Except as authorized by this section, no development (single or multi-tenant) may have more than one (1) free-standing sign.

(b) If a development is located on a corner lot that has at least one hundred feet (100') of frontage on each of the two (2) intersecting public streets, then the development may have not more than one (1) free-standing sign along each side of the development bordered by such streets.

(c) If a development is located on a lot that is bordered by two (2) public streets that do not intersect at the lot's boundaries (double-front lot), then the development may have not more than one (1) free-standing sign on each side of the development bordered by such streets.

(d) A development that has more than five hundred (500) linear feet of frontage or more, and located within the Parkway district along U.S. Highway 321, may have two (2) free-standing signs if the following provisions are met:

(i) Both signs do not collectively exceed seventy-five (75) square feet;

(ii) Both signs and their support structures do not exceed ten feet (10') in height;

(iii) The two (2) signs are separated by one hundred (100) linear feet as measured from base of sign to base of sign; and

(iv) The property must have two (2) or more businesses on the same parcel.

(11) Subdivision and multi-family development entrance signs. Any entrance to a residential subdivision or multi-family development may have no more than two (2) signs identifying such subdivision or development. A single side of any such sign may not exceed sixteen (16) square feet, nor may the total surface area of all such signs located at a single entrance exceed thirty-two (32) square feet, nor may the sign structure exceed a height of eight feet (8') from ground level.

(12) Location and height. (a) Free-standing ground signs shall observe a minimum setback requirement of ten feet (10') from the property line, and, where feasible, shall observe the setback requirements of this section.

(b) No sign may extend above any parapet or be placed, erected or constructed upon any roof surface with the exception of canopies and roof surfaces with an angle of more than seventy-five degrees (75°) measured from the horizontal. Any roof surface with an angle less than seventy-five degrees (75°) from horizontal, individual letters may be installed on the roof surface provided the size requirements for the zoning district is met. The individual letters must be installed flush with the roof surface and not bounded by any type framework or additional flat surface such as a background.

(c) No sign attached to a building may project more than twelve inches (12") from the building wall.

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



(e) No part of a free-standing ground sign may exceed a height, measured from ground level, of twenty feet (20').

(f) Directory signs may not exceed four (4) square feet in size, be no more than three feet (3') in height, and do not have to meet the required ten feet (10') setback from the right-of-way and/ or property line.

(13) Sign illumination and signs containing lights. (a) Unless otherwise prohibited by this section signs may be illuminated in accordance with this section.

(b) No sign within one-hundred-fifty feet (150') of a residential use may be illuminated between the hours of midnight and 6:00 A.M., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

(c) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(d) Internally illuminated free-standing signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business and/or operation. This subsection shall not apply to the following types of signs:

(i) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates time, date, or weather conditions, or similar device whose principal function is not to convey an advertising message,

(ii) Signs that do not exceed two (2) square feet in area and that convey the message that a business or enterprise is open or closed.

(e) Neon and bare fluorescent light tubes in any form on the exterior of a building or any other structure is prohibited. In addition, plastic with back lighting is also prohibited as an accent feature.

(f) No sign may contain or be illuminated by flashing or intermittent lights or lights of changing intensity. Typical "time and temperature" displays are exempt from this requirement.

(g) Electronic Message Center (EMC) signs permitted as changeable copy on-premise, business signs shall be allowed subject to the following standards:

(i) EMC signs are allowed in the Business and Transportation High Intensity Retail and Institutional zoning districts; as well as in the Central Community zoning district if located along an arterial roadway as designated on the most recent City of Maryville Major Road Plan; and EMC signs may also be located at public schools and the Blount County Public Library in any zoning district as long as they conform to the EMC sign standards herein.

(ii) EMC signs shall be limited to one (1) display per development, regardless of the number of tenants or owners within the project.

(iii) The maximum size of an EMC sign display area shall be twenty (20) square feet in the Business and Transportation and Central Community zoning districts, and for EMC signs used by public schools and the public library; and thirty (30) square feet in the High Intensity Retail and Institutional zoning districts.

(iv) The area of an EMC sign does not count against the calculated total sign area for a given property.

(v) EMC signs must hold a constant message for a minimum of sixty (60) seconds. Messages on an EMC sign cannot scroll, be animated, contain moving video images, etc.

(vi) EMC signs must be located at least one hundred feet (100') from a residential structure, measured on a straight line from the nearest point on the sign face to the nearest point of the residence.

(h) Any illuminated free-standing sign erected within the corporate limits of Maryville must be installed in accordance with the National Electric Codes and must have a disconnect either installed on or be within sight of such sign and of no more than fifty feet (50') from such sign.

(14) Miscellaneous restrictions and prohibitions. (a) As provided in the table of permissible uses, no off-premises signs (except those exempted from regulations or from permit requirements may be located in any district.

(b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(c) Signs that revolve, rotate, or are animated or utilize movement or apparent movement to attract the attention of the public are prohibited. Unless their movement:

(i) Is not a primary design feature of the sign, and

(ii) Is not intended to attract attention to the sign.

The restriction of this sub-section shall not apply to signs indicating the time, date, or weather conditions.

(d) No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(e) Free-standing signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may

be moved by the wind or other forces of nature and cause injury to persons or property.

(f) No signs are allowed which are written upon, temporarily or permanently placed upon or attached to a motor vehicle or trailer, which advertise the price of any product or service, or advertise special business events or sales. This provision prohibits the use of an automobile, truck or trailer for on-premise or off-premise advertising. This restriction shall not be construed to prohibit signs on vehicles which carry a firm name, telephone number, address of business, major enterprise, principle products, or service.

(g) No signs shall be allowed on any telecommunication tower or antenna.

(h) Streamers are prohibited.

(i) Animated signs are prohibited.

(j) Pennants are prohibited.

(k) Propellers are prohibited in relation to signs or attention seeking devices.

(l) Off-premise signs including billboards are prohibited. However, existing billboards that are grandfathered under state law as pre-existing, non-conforming uses may be replaced with digital billboards of the same or lesser size.

(m) No signs are allowed to exist in the median or right-of-way of any roadway. The city may immediately, and without prior notice, remove a sign erected, placed or maintained in whole or in part on public right-of-way if the sign is not authorized by state law or under the terms of this section. Removed signs will be stored at a City of Maryville facility pending disposal or returned to the rightful owner. The city will exercise ordinary care with such signs while in its possession. If the city removes a sign and the name and address of the owner is reasonably ascertainable, the city will notify the owner about the sign's removal within three (3) working days of the date of the removal and provide the owner information regarding retrieval of the sign. Reasonably ascertainable means that the name and mailing address of the owner are displayed on the sign or a name is displayed on the sign from which the city can readily identify the name and address of the owner. The owner must pay removal costs in order to retrieve a removed sign. The owner will remit the removal cost by cash, cashier's check or money order with ten (10) days from the date of the removal of the sign in order to retrieve the sign. If the owner fails to timely remit the removal costs, the sign will be considered abandoned and may be discarded and disposed of by the city on or after the eleventh (11th) day from the date of removal. Any sign owner may declare ownership of a sign at any time between removal and prior disposal.

(n) Banners are prohibited in the City of Maryville except as permitted temporary signs.

(o) Placards are prohibited in the City of Maryville except as permitted temporary signs.

(p) Air inflated displays including air powered displays are prohibited at all business and commercial locations. This prohibition does not apply to residential type uses or locations, use on floats for a parade where a permit has been issued by the city or at recreational, festival or authorized events by the city or sponsored by the city.

(15) Maintenance of signs. (a) All signs and all components thereof, including without limitation, supports, braces, and anchors, shall be kept in a state of good repair.

(b) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This sub-section shall not be construed to alter the prohibition on the replacement of a non-conforming sign. Nor shall this sub-section be construed to prevent changing a sign.

(c) The area within ten feet (10') of any part of a free-standing sign shall be kept clear of all debris and all undergrowth more than five inches (5") in height.

(d) The sign inspector as designated by the city manager shall notify in writing the owner of the sign if the sign is need of maintenance or repair.

(16) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City of Maryville;

(b) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located;

(c) In any area where such trees or shrubs are required to remain.

(17) Non-conforming signs. (a) Subject to the remaining restrictions of this section, signs that were otherwise lawful on the effective date of this section may be continued only pursuant to rights granted under state law and as provided herein.

(b) No person may increase the extent of non-conformity of a non-conforming sign. No nonconforming sign may be enlarged or altered

in such a manner as to aggravate the non-conforming condition, nor may illumination be added to any non-conforming sign.

(c) A non-conforming sign may not be moved, replaced, or altered except to bring the sign into complete conformity with this chapter. This sub-section shall not apply to digital billboards which are regulated separately.

(d) If a non-conforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this section, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a non-conforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value as listed for tax purposes) of the sign so damaged.

(e) The message of a non-conforming sign may be changed so long as this does not create any new non-conformity (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

(f) Subject to the other provisions of this section, non-conforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve (12) month period, fifty percent (50%) of the value of such sign. This sub-section shall not apply to digital billboards which are regulated separately.

(g) If a non-conforming sign, other than a billboard, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

(h) If a non-conforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:

(i) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

(ii) The advertising message it displays becomes illegible in whole or substantial part; or

(iii) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

(18) Enforcement of sign regulations. The sign inspector as designated by the City Manager of the City of Maryville shall be responsible for the enforcement of these regulations, including the issuance of permits, as required, for construction and placement of signs.

(19) Digital billboards. Billboards that are existing in the City of Maryville which are grandfathered under state law as pre-existing, non-conforming uses may be replaced at the same location with digital billboards of the same or lesser size. Digital billboards are otherwise prohibited in the City of Maryville. Such digital billboards shall be subject to the following rules and regulations:

(a) The message display shall remain static and fixed for a minimum of eight (8) seconds with a maximum transition time of one (1) second to the next message. Transitions shall not be scrolling, but shall be instantaneous.

(b) Video, continuous scrolling messages, and animation are prohibited.

(c) The minimum spacing is two thousand feet (2,000') between digital billboards measured billboard to billboard on the same side of the street.

(d) No person shall erect, operate, use or maintain a digital billboard without first obtaining and annually renewing a sign permit with the City of Maryville.

(e) Digital billboards must be single-faced with one (1) display area.

(f) Digital billboards must be located at least one hundred feet (100') from any residentially zoned property measured from the closest point of any structural element of the billboard to the residential property line.

(g) Displays on digital billboards cannot have varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, traveling, tracing, twinkling or simulated movement or convey the illusion of movement other than the change of the entire copy of the sign message at one (1) time.

(h) No smoke, steam, or noise shall emanate from the digital billboard.

(i) The light intensity of a digital billboard shall have a monitor to allow it to automatically adjust for natural ambient light conditions.

(j) Owners of digital billboard will coordinate with the City of Maryville to convey real time emergency information such as Amber Alerts or National Disaster Directives.

(k) A digital billboard shall be at the same or lesser height as the billboard it replaces.

(l) A digital billboard shall be stationary and not contain any visible moving parts.

(m) Using industry standards, daytime brightness levels shall be no more than ninety percent (90%) maximum intensity. At night the brightness shall be reduced to no more than twenty percent (20%) of maximum light intensity for an LED (Light Emitting Diode) sign.

(n) Digital billboards shall conform to the standards and specifications outlined in the International Building Code as amended in the edition most recently adopted by the city.

(o) Digital billboards shall not be lit externally.

(p) Digital billboards can only be placed in the city's High Intensity Retail zone.

(20) Landmark signage. The Maryville City Council may, by resolution, designate certain existing signs as landmark signs. Upon such a designation, the following will apply:

(a) The sign may be restored and repaired to its original condition.

(b) In restoring or repairing landmark signs, the same color scheme and materials shall be used to an extent practicable in order to replicate the original condition of the sign.

(c) A designated landmark sign shall not count towards any applicable maximum sign allowances.

(d) Restoration or repair of the sign shall not be expanded beyond the original sign area nor shall such sign be lighted.

(e) A sign permit for repair and restoration of a landmark sign is required.

(f) At such time a landmark sign is removed or destroyed by purposeful intent of the property owner, agent or lessee, the landmark designation of such sign shall be rendered null and void. The Maryville City Council may also remove the landmark sign designation upon determination that the sign no longer meets the definition for a landmark sign. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2008-19, April 2008, Ord. #2008-20, April 2008, Ord. #2011-13, April 2011, Ord. #2011-34, Dec. 2011, Ord. #2012-11, May 2012, and Ord. #2016-07, March 2016, and replaced by Ord. #2018-33, Oct. 2018 *Ch17\_2-5-19*)

**14-219. Parking.** (1) Definitions. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

(a) "Circulation area." That portion of the vehicle movement area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

(b) "Driveway." That portion of the vehicle movement area that consists of a travel lane bounded on either side by an area that is not part of the vehicle movement area.

(c) "Gross floor area." The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

(d) "Loading and unloading area." That portion of the vehicle movement area used to satisfy the requirements of (11).

(e) "Long term parking." Long term parking shall be defined as the continuous use of parking space in a designated parking area for five (5) days or longer within the city's industrial zoning district. Long term parking is not associated with off street parking requirements for industrial uses, businesses, or commercial operations within the industrial zoning district, but rather for specific parking and storage areas for motorized vehicles, motor homes, boats, trailers, etc. where owners of the referenced vehicles pay rental fees for the ability to store and park said vehicles.

(f) "Parking area aisles." That portion of the vehicle movement area consisting of lanes providing access to parking spaces.

(g) "Parking space." A portion of the vehicle movement area set aside for the parking of one vehicle.

(h) "Pug mix." A mixture of various sizes of crushed stone aggregate material commonly used as a base layer for paving. Other material such as water or cement may be added to the various mixture of aggregate to enhance compaction of the finished product.

(i) "Vehicle movement area." That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

(2) Number of parking spaces required. (a) All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. The parking requirements for uses may be provided by individual action for a use, by joint action for all the uses of a lot, by joint project of adjacent lots for all the uses of those lots, by joint action for some or all the uses of an Impact Overlay district, or by public parking program carried out by special assessment district or otherwise.

(b) The presumptions established by this article are that: (1) a development must comply with the parking standards set forth in Subsection (e) to satisfy the requirement stated in subsection (a), and (2) any development that does meet these standards is in compliance. However, the table of parking requirements is only intended to establish a presumption and should be flexibly administered, as provided in (3).



(c) Uses in the table of parking requirements (subsection (e)), are based on the table of permissible uses (following pages). When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(d) The council recognizes that the table of parking requirements set forth in subsection (e) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirement using this table as a guide.

(e) Satellite parking facilities in residential zones shall be subject to the special exception process but shall also consider the following criteria: (1) that satellite parking shall be located so that it will adequately serve the intended uses; (2) ease of pedestrian access; (3) satellite parking shall serve a unique facility in the residential zone and (iv) off-site parking lots in residential zones shall be owned by the facility served.

Table of Parking Requirements

| USE   | PARKING REQUIREMENT  |
|---|--|
| Single-family detached, one dwelling unit per lot       | Two spaces per dwelling unit plus one space per room rented out  |
| Single-family detached, more than one dwelling per unit | Two spaces for each dwelling unit, except that one-bedroom units require only one space  |
| Multi-family residences                                 | With respect to multi-family units located in buildings where each dwelling unit has an entrance and a living space on the ground floor, the requirement shall be one and one half spaces for each one-bedroom unit and two spaces for each unit with two or more bedrooms |
| Residences for elderly and/or handicapped               | Multi-family units limited to persons of low- or moderate- income or the elderly require only one space per unit. All other multi-family units require one space for each bedroom in each unit plus one additional space for every four units in the development           |

| USE  | PARKING REQUIREMENT  |
|--|--|
| Homes emphasizing special services, treatment or supervision   | Three spaces for every five beds except for uses exclusively serving children under sixteen, in which case one space for every three beds shall be required. |
| Tourist homes and hotels or motels   | One space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities              |
| Home occupations   | Four spaces for offices of physicians or dentists; two spaces for attorneys, one space for all others  |
| Sales or rentals of goods, merchandise, or equipment-miscellaneous (not storage or display of goods outside fully enclosed building) | One space per two hundred (200) feet of gross floor area   |
| Convenience stores   | One space per two hundred (200) feet of gross floor area   |
| Wholesale sales  | One space per four hundred (400) square feet of gross floor area   |
| Retail and wholesale sales (outside storage, display of goods)   | One space per two hundred (200) square feet of gross floor area  |

| USE   | PARKING REQUIREMENT  |
|---|--|
| Wholesale sales and retail with low-volume traffic generation   | One space per four hundred (400) square feet of gross floor area   |
| Retail and wholesale sales (outside storage, display of goods)  | One space per two hundred (200) square foot of gross floor area  |
| Wholesale sales and retail with low-volume traffic generation   | One space per four hundred (400) square feet of gross floor area   |
| Office, clerical, research, service uses:<br>-primarily on-premises services (attorneys, physicians and other professions)<br>-services with little or no customer or client traffic; primarily employee traffic<br>-medical, dental clinics with less than ten thousand (10,000) square feet of gross floor area | One space per two hundred (200) square feet of gross floor area<br><br>One space per four hundred (400) square feet of gross floor area<br><br>One space per one hundred fifth (150) square feet of gross floor area |
| Banks with drive-in service   | One space per two hundred (200) square feet of area within main building plus reservoirs and capacity equal to five (5) spaces per window (ten (10) spaces if window serves two stations)                            |
| Enclosed manufacturing, processing, assembling, repairing; mainly walk-in trade   | One space per four hundred (400) square feet of gross floor area   |
| Enclosed manufacturing, processing, repairing, assembling with little or no walk-in trade   | One space for every two employees on the maximum shift except that, if permissible in the commercial districts, such uses may provide one space per two hundred (200) square feet of gross floor area                |
| Schools   | 1.75 spaces per classroom in elementary schools, five spaces per classroom in high schools   |
| Trade or vocational schools   | One space per one hundred (100) square feet of gross floor area  |

| USE   | PARKING REQUIREMENT   |
|---|---|
| Colleges, universities  | One space per one hundred fifty (150) square feet of gross floor area   |
| Churches, synagogues, temples                                 | One space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus one space for every two hundred (200) square feet of gross floor area designed to be used neither for services nor residential purposes |
| Libraries, art galleries, museums, social and fraternal clubs | One space per three hundred (300) square feet of gross floor area   |
| Indoor recreational facilities                                | One space for every three persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion<br><ul style="list-style-type: none"> <li>• example, tennis courts or bowling alleys) plus one space per two hundred (200) square feet of gross floor area used in a manner not susceptible to such calculation</li> </ul>   |
| Movie theaters, stadiums, coliseums                           | One space per every four seats  |
| Outdoor recreational facilities, public and private           | One space per two hundred (200) square feet of area within enclosed buildings, plus one space for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity   |

| USE  | PARKING REQUIREMENT   |
|--|---|
| Golf driving ranges and similar recreational uses  | Miniature golf course, skateboard park, water slide, and similar uses - one space per three hundred (300) square feet of area plus one space per two hundred (200) square feet of building gross floor area; driving range - one space per tee plus one space per two hundred (200) square feet in building gross floor area; par three course - two spaces per golf hole plus one space per two hundred (200) square feet of building gross floor area |
| Stables  | One space per horse that could be kept at the stable when occupied to maximum capacity  |
| Hospitals, clinics, medical treatment facilities   | Two spaces per bed or one space for one hundred fifty (150) square feet of gross floor area, which ever is greater  |
| Institutions for nursing care, intermediate care, handicapped or infirm care, child care                       | Three spaces for every five beds. Multifamily units developed or sponsored by public or non-profit agency for limited income families or the elderly require only one space per unit  |
| Institutions for mentally ill and correctional facilities  | One space for every two employees on maximum shift  |
| Restaurants, entertainment (no substantial carry-out or delivery; no drive-in service)                         | One space per one hundred (100) square feet of gross floor area   |
| Restaurants, entertainment with carry-out or delivery and/or outside service, consumption                      | One space per one hundred (100) square feet of gross floor area plus one space for every four outside seats   |
| Restaurants, entertainment with carry-out or delivery and/or outside service, consumption and drive-in service | Restaurants, entertainment with carry out or delivery and/or outside service, consumption and drive-in service  |

| USE   | PARKING REQUIREMENT   |
|---|---|
| Motor vehicle-related sales and service                   | One space per two hundred (200) square feet of gross floor area   |
| Gas sales   | One space per two hundred (200) square feet of gross floor area of building devoted primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces   |
| Car wash  | Conveyor type - one space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operations. Self service type - two spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall |
| Goods storage (no sales on premises)                      | One space for every two employees on the maximum shift but not less than one space per five thousand (5,000) square feet of area devoted to storage (whether inside or outside)   |
| Scrap materials salvage yards, junk yards                 | One space per two hundred (200) feet of gross floor area  |
| Veterinarian, kennels                                     | One space per two hundred (200) square feet of floor area   |
| Emergency services  | One space per two hundred (200) square feet of gross floor area   |
| Agricultural, silvicultural, mining, quarrying operations | One space for every two employees on maximum shift  |
| Post office   | One space per two hundred (200) square feet of gross floor area   |
| Sanitary landfill   | One space for every two employees on maximum shift  |

| USE                                      | PARKING REQUIREMENT  |
|--|--|
| Military reserve, national guard centers | One space per one hundred (100) square feet of gross floor area                                |
| Dry cleaner, laundromat                  | One space per two hundred (200) square feet of gross floor area                                |
| Open air markets and horticultural sales | One space per one thousand (1,000) square feet of lot area used for storage, display, or sales |
| Funeral home                             | One space per one hundred (100) square feet of gross floor area                                |
| Nursery school; day care centers         | One space per employee plus one space per two hundred (200) square feet of gross floor area    |
| Bus station                              | One space per two hundred (200) square feet of gross floor area                                |
| Commercial greenhouse                    | One space per two hundred (200) square feet of gross floor area                                |

(3) Flexibility in administration required. (a) The council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in subsection (2)(e) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in (2), the permit-issuing authority may permit deviations from the presumptive requirements of subsection (2)(e) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in subsection (2)(a).

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in subsection (2)(e) when it finds that:

- (i) A residential development is irrevocably oriented toward the elderly;
- (ii) A business is primarily oriented to walk-in trade.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in subsection (2)(e), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by subsection (2)(e) for a particular use classification is erroneous, it shall initiate a request for an amendment to the table of parking requirements in accordance with the procedures set forth in § 14-220.

(4) Parking space dimensions. (a) Subject to subsections (b) and (c), each parking space shall contain a rectangular area at least nineteen (19) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces created contain within them the rectangular area required by this section.

(b) In the parking areas containing ten (10) or more parking spaces, up to fifteen percent (15%) of the parking spaces need to contain a rectangular area of only seven and one-half (7 ½) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(c) Whenever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by nine (9) feet.

(5) Required widths of parking area aisles and driveways. (a) Parking area aisle widths shall conform to the following table which varies the width requirement according to the angle of parking.

| <u>Aisle Width</u> | <u>PARKING ANGLE</u> |           |           |           |           |
|--------------------|----------------------|-----------|-----------|-----------|-----------|
|                    | <u>0</u>             | <u>30</u> | <u>45</u> | <u>60</u> | <u>90</u> |
| One-way traffic    | 13                   | 11        | 13        | 18        | 24        |
| Two-way traffic    | 19                   | 20        | 21        | 23        | 24        |

(b) Driveways shall be not less than ten (10) feet in width for one-way traffic and eighteen (18) feet in width for two-way traffic, except that ten-foot-wide driveways are permissible for two-way traffic when: (1) the driveway is not longer than fifty (50) feet, (2) it provides access to not more than six (6) spaces, and (iii) sufficient turning space is provided so that the vehicles need not back into a public street.

(6) General design requirements. (a) Unless no other practicable alternative is available, vehicle movement areas shall be designed so



that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

(b) Vehicle movement areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements. Every vehicle movement area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(c) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(d) Parking requirements for the Office District shall be in accordance with all other sections of this section and the site plan review process and when possible vehicle movement areas and parking spaces shall be located to the rear of the structures.

(e) Parking requirements for the Neighborhood District shall be in accordance with all other sections of this Article and the site plan review process.

(7) Vehicle movement area surfaces. (a) Vehicle movement areas that: (1) include lanes for drive-in windows, or (2) contain parking areas that are required to have more than five (5) parking spaces and that are used regularly at least five (5) days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standards set forth in this subsection shall be in accordance with those requirements outlined by the city director of engineering and public works.

Long term parking spaces and areas within the industrial zoning district may use pug mix for the permanent surface. A mixture such as TDOT Specifications 303.01 "Mineral Aggregate Grading D" is acceptable for the graded surface material. The gradation of stone sizes is listed in table 903.05 of the TDOT Standard Specification for Road and Bridge Construction (2006). This specification of gradation of stone listed in table 903.05 of the TDOT construction manual may also be used under or within permanent shelters, garages, storage buildings, or three (3) sided structures. Specifications for the surface material set forth in this subsection shall be submitted to the city director of engineering and public works for review. The access and circulation aisles serving the long

term parking spaces shall meet the standard paving requirements of this section. Access and circulation aisles shall be constructed of asphalt, concrete, or other such materials to protect against pot holes, erosion and dust.

(b) Vehicle movement areas that are not provided with the type of surface specified in subsection (a) shall be graded and surfaced with crushed stone, gravel or other suitable material as set forth by the city director of engineering and public works, to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar material. In addition, whenever such a vehicle movement area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle movement area that opens onto such street), shall be paved as provided in subsection (a) for a distance of fifteen (15) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.

(c) Parking spaces in areas surfaced in accordance with subsection (a) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (b) shall be demarcated whenever practicable.

(d) Vehicle movement areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle movement area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(8) Joint use of required parking spaces. (a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally ninety percent (90%) vacant on weekends, another development that operates only on weekends could be credited with ninety percent (90%) of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty percent (50%) of capacity on days of primary use, another development could make use of fifty percent (50%) of the church lot's spaces on those other days.

(c) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 9 are also applicable.

(9) Satellite parking. (a) If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

(b) All such satellite parking spaces (except spaces intended for employee use) must be located within four-hundred (400) feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

(d) Persons who obtain satellite parking spaces in accordance with this section shall be held accountable for insuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this subsection.

(e) Satellite parking facilities in residential zones shall be subject to the special exception process but shall also consider the following criteria: (1) that satellite parking shall be located so that it will adequately serve the intended uses; (2) ease of pedestrian access; (3) satellite parking shall serve a unique facility in the residential zone and off-site parking lots in residential zones shall be owned by the facility served.

(10) Special provisions for lots with existing buildings. Notwithstanding any other provisions of this ordinance, whenever: (1) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (2) a changing use that does involve any enlargement of a structure is proposed for such lot, and (3) the parking requirements of (2) that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of (2) to the extent that: (1) parking space is practicably available on the lot where the development is located, and (2) satellite parking spaces are reasonably available as provided in (8). However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtains satellite parking when it does become available.

(11) Loading and unloading areas. (a) Subject of subsection (e), whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standards set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

| <u>GROSS LEASEABLE AREA OF BUILDING</u> | <u>NUMBER OF SPACES*</u> |
|---|--------------------------|
| 1,000 - 19,999                          | 1                        |
| 20,000 - 79,999                         | 2                        |
| 80,000 - 127,999                        | 3                        |
| 128,000 - 191,999                       | 4                        |
| 192,000 - 255,999                       | 5                        |
| 256,000 - 329,999                       | 6                        |
| 320,000 - 391,999                       | 7                        |

NOTE: Plus one (1) space for each additional seventy-two thousand (72,000) square feet or fraction thereof.

\*Minimum dimensions of twelve (12) feet X fifty-five (55) feet and overhead clearance of fourteen (14) feet from street grade required.

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can: (1) maneuver safely and conveniently to and from a public right-of-way, and (2) complete the loading and unloading operations without obstructing or interfering with public right-of-way or any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(e) Whenever: (1) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (2) a changing use that does not involve any enlargement of a structure is proposed for such lot, and (3) the loading area requirements of this

section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible. (as added by Ord. #2006-32, June 2006, and amended by Ord. #2011-16, May 2011, and Ord. #2012-23, Sept. 2012)

**14-220. Amendments.** (1) Initiation of amendments. (a) Whenever a request to amend this ordinance is initiated by the city council, the board of zoning appeals, or the city administration, the city attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the council so that a date for a public hearing may be set.

(b) Any other person may also petition the council to amend this ordinance. The petition shall be filed with the administrator and shall include, among the 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 in the text of this ordinance.

(c) Upon receipt of a petition as provided in subsection (b), the administrator shall either:

(i) treat the proposed amendment as one initiated by the city administration and proceed in accordance with subsection (a) if he believes that the proposed amendment has significant merit and would benefit the general public, or

(ii) Forward the petition to the council with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the council may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the council may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the administrator, to draft an appropriate ordinance.

(2) Planning commission consideration of proposed amendments.

(a) If the council sets a date for a public hearing on a proposed amendment on a zoning matter or annexation matter, it shall also refer the proposed amendment to the planning commission for its consideration.

(b) The planning commission shall endeavor to review the proposed amendment in such a timely way that any recommendations it may have can be presented to the council at the public hearing on the amendment. However, if the planning commission is not prepared to make recommendations at the public hearing, it may request the council to delay final action on the amendment until such time as the planning commission can present its recommendations.

(c) The council must have before it the recommendations of the planning commission before taking action on a proposed amendment. The council is not bound by any recommendations of the planning commission that are before it at the time it takes action on a proposed amendment.

(3) Hearing required; notice. (a) No ordinance that amends any of the provisions of this ordinance may be adopted until a public hearing has been held on such ordinance.

(b) The administrator shall publish a notice of the public hearing on any ordinance that amends the provisions of this ordinance on one occasion in a newspaper having general circulation in the area. If it is a zoning matter, the notice shall be published at least fifteen (15) days before the date fixed for the hearing. If it is not a zoning matter, the notice shall be published at least five (5) but no more than fifteen (15) days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

(c) With respect to minor 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.

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

(e) 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 city clerk, and

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

(f) 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 (b)) shall render any amendment invalid.

(4) Council action on amendments. (a) At the conclusion of the public hearing on a proposed amendment, the council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this ordinance shall proceed in the same manner as other ordinances, except that if it has been disapproved by the planning commission a majority of the entire membership of the council is required to adopt an amendment to this ordinance (Tennessee Code Annotated § 13-7-204).

(5) 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 minor 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 consider the recommendation made by the planning commission. (as added by Ord. #2006-32, June 2006)

**14-221. Fees.** (1) Planning commission and board of zoning appeals hearings. The following fees shall be collected by the city when an application is submitted and prior to placing the application on the agenda for consideration by the Maryville Municipal Planning Commission or the board of zoning appeals for review of a special exception, variance request, or hearing on a planned unit development, or designation of an impact overlay zone:

| <u>Activity</u>  | <u>Fee</u> |
|--|------------|
| Special exception request  | \$150.00   |
| Planned unit development   | \$150.00   |
| Impact overlay district  | \$150.00   |
| Variance or any other request to BZA   | \$150.00   |
| Telecommunications towers and antennas review<br>or cost of review, whichever is greater | \$1,000.00 |
| Rezoning requests  | \$250.00   |
| Requested amendments to zoning or subdivision text                                       | \$150.00   |

(2) Subdivision fees. The following fees shall be collected by the city when an application is submitted and prior to placing it on the agenda for consideration by the Maryville Municipal Planning Commission for a preliminary subdivision plat and/or a final subdivision plat:

| <u>Subdivision Plats</u> | <u>Number of Lots</u> | <u>Fee</u>               |
|--------------------------|-----------------------|--------------------------|
| Preliminary Plat         | 1-2                   | \$100.00                 |
|                          | 3-10                  | \$150.00                 |
|                          | 11-30                 | \$300.00                 |
|                          | 31-50                 | \$400.00                 |
|                          | Over 50               | \$500.00                 |
| Final Plat               | 1-4                   | \$25.00                  |
|                          | 5-30                  | \$100.00+\$10.00 per lot |
|                          | over 30               | \$100.00+\$10.00 per lot |

(3) Called meetings. Five hundred dollars (\$500.00) shall be paid to the city before any called meeting - separate and apart from a regularly scheduled meeting - of the Maryville Municipal Planning Commission or the Maryville Board of Zoning Appeals' consideration of an application for a special exception, variance, administrative hearing, or subdivision of property.

(4) Site plan review fees. (a) All site plans reviewed by the site review team shall be subject to the following fee schedule:

| <u>Size of Site (Acres)</u> | <u>Fee</u> |
|-----------------------------|------------|
| 0-1                         | \$100.00   |
| 1.01 to 10                  | \$150.00   |
| 10.01 to 20                 | \$200.00   |
| 20.01 to 50                 | \$250.00   |
| 50.01 or more               | \$300.00   |



(b) Standard single-family detached, attached condominium housing development or any other subdivision development submitted to the planning commission for subdivision approval will not be subject to the site plan fee. These type developments are subject to the site plan process as outlined in this document and other fee schedules found elsewhere in this section.

(c) Parking lot improvement designs for individual residential or commercial lots which propose, add, or reconfigure ten (10) parking stalls or less will not be subject to the site plan fee. New designs, improvements, or additions of ten (10) parking stall stalls to an individual site will be subject to site plan process as outlined in this document. The addition of eleven (11) parking stalls or more to a residential or commercial site or tract will be subject to the site plan review fee and the site review process. (as added by Ord. #2006-32, June 2006, as amended by Ord. #2018-30, Sept. 2018 ***Ch17\_2-5-19***)

**14-222. Fences and vegetation adjacent to roadways.** (1) Title, purpose, and scope. This shall be known as the "Fence Ordinance of the City of Maryville, Tennessee," and may be so cited, and further referenced elsewhere as "fence ordinance" and herein as "the ordinance" or "this ordinance" shall imply the same wording and meaning as the full title. The intent of this ordinance shall be the fair and comprehensive regulation of fences. It is the intent of this ordinance that its interpretation and application assist in the economic development of the city, but without lessening a quality of life which the citizens of Maryville strive to maintain and improve. The regulations as set forth in this ordinance are established to provide for the public safety, area development, preservation of property values, and the general welfare within the city. The purpose of this ordinance is to:

- (a) Protect public safety regarding motorists' line of sight at road and driveway intersections;
- (b) Provide efficient access to city infrastructure and facilities which may be located on private property;
- (c) Protect property values by adopting a minimum level of aesthetic regulations; and

This ordinance regulates all fences within the City of Maryville except those exempted. No fence may be constructed, erected, moved, extended or enlarged unless it complies with the provisions herein.

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

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

Fence. A fence means an unroofed barrier or screen of any nature (excluding vegetation) or construction. A retaining wall is a fence insofar as it

extends in height above the finished grade of the high side. Fences over six feet (6') tall shall be considered accessory structures and meet the setback requirements of §14-214.

(3) Miscellaneous restrictions and prohibitions, including regulation of vegetation adjacent to roadways. (a) It shall be unlawful for any property owner or occupant to have or maintain on his or her property any fence which prevents or impairs persons driving vehicles on public streets or alleys from obtaining a clear view of traffic and/or traffic control signs.

(b) No fence may be located so that it substantially interferes with utility or emergency workers needing access to utilities including meters, fire hydrants and other fire protection devices, water main valves, stormwater junction boxes, catch basins, manholes, transformers, pedestals, etc.

(c) The removal and replacement cost of fences located within utility easements will be the property owner's responsibility when utilities have to be accessed for service or replacement. Therefore, construction of fences within utility easements is discouraged.

(d) It shall be unlawful for any property owner or occupant to have or maintain on his or her property any vegetation, including, but not limited to, bushes, trees or other plant matter which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic and traffic control signs.

(4) Nonconforming fencing. Subject to the remaining restrictions of this section, nonconforming fences that were otherwise lawful on the effective date of this ordinance may be continued only pursuant to rights granted under state law and as provided herein.

(5) Enforcement of fence regulations. A permit is not required for erecting a fence. However, fences that are erected shall comply with this article. These fence regulations shall be enforced by the city manager or his designee. If a site plan was approved to include a fence, such fence shall be installed as specified on site plan including height, location from property line and materials.

(6) Fence regulations applicable to properties within the College Hill Historic District and Oak Park Historic District. Property owners in the historic districts must prepare an application and receive approval by the City of Maryville Historic Zoning Commission before installing a fence. Following are the fence regulations for the historic districts.

(a) Preserve historic fence and retaining wall materials.

(b) The addition of historic fence designs and materials is appropriate; fence designs shall be related to the architectural design of the primary structure.

(c) Wood plank fences and solid wall brick fences walls shall not be placed between the street and the structure.

(d) Wood plank fences and solid walls shall not be added on secondary or side yards unless they are recessed back at least twenty feet (20') from the plane of the structure's front wall.

(e) Fences on the facades shall not exceed three feet (3') in height while fences on the secondary and rear facades shall be no higher than six feet (6'). On corner lots fences shall be no higher than two and a half feet (2 1/2') within ten feet (10') of the street intersection.

(f) The use of uncoated-chain-link or vinyl/similar-material is not allowed.

(g) The use of coated-chain-link is allowed, provided that:

(i) The proposed fencing would be located in a rear yard and would not be readily visible from a public street, or

(ii) The proposed fencing would be located in a side yard in which the fencing is recessed back at least twenty feet (20') from the plane of the structure's front wall and is not highly visible from a public street.

(iii) The fence must have a permanent black, brown or green coating. Other colors are allowed provided the applicant can demonstrate that the fence blends-in with its background.

(h) Chain link pet cages are prohibited if clearly visible from the street.

(i) Wood picket and cast iron are the most appropriate materials at the sidewalk or property line on the primary facade of a residence or any street fronting side. Information provided in applications for proposed fencing shall include the location of the proposed fence on a scaled site plan, the proposed materials. In the case of proposed picket fences, the details of the picket width, spacing, and design shall also be shown on drawings.

(j) Wooden split rail fences are prohibited.

(k) The use of ivy, vines, or other suitable plant material to cover or screen existing chain link fences is encouraged.

(7) Fence regulations applicable to residential properties outside historic districts. (Applicable to single-family and two-family dwellings. Multifamily residential development having three (3) or more dwelling units shall comply with the fence regulations set forth in section (8), fences on commercial property).

A fence that is six feet (6') or less in height, measured from the ground to the top of the structure, may be erected adjacent to the rear and side property lines. Fence posts, including decorative features on fence posts shall not exceed seven feet, (7') as measured from the ground to the top of the structure.

(a) A fence that is taller than six feet (6') in height, measured from the ground to the top of the structure, must meet minimum setback requirements for accessory structures per § 14-214.

(b) A fence may be erected in the front yard but shall be no closer than five feet (5') from the street right-of-way. Exception: Chain link or fence of similar type may extend to the street right-of-way when determined by the Maryville City Engineer that no sight distance problems or safety hazards exist.

(c) Fence structures should be free of barbs, spikes, razor wire electrical wire (except agricultural uses) and similar safety hazards.

(8) Fences on commercial property. The following standards shall apply to the design of all fencing on commercial and multi-family land uses.

(a) Fences: Fences that are visible from residential uses and are visible from public roads shall not be constructed of unfinished concrete block, unfinished chain link metal wire or mesh. Chain link fencing is only acceptable if it is dark colored. Chain link fencing is prohibited in the downtown districts when visible from public roads. Within the Parkway District Overlay, chain link fencing is prohibited when visible from public roads between US 129 and Washington Street. Chain link is allowed in other areas within the Parkway Overlay District if screening trees (as defined in §14-213) are planted at fifteen feet (15') intervals on the outer perimeter of the fence.

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

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

(b) Fence structures should be free of barbs, spikes, razor wire electrical wire (except agricultural uses) and similar safety hazards unless granted a special exception from the BZA.

(c) Fence used to screen dumpsters. Dumpsters must be screened from public roads and adjacent residential uses but flat faced block and any type of chain link fencing are not allowed. Dumpster screening may consist of painted split faced concrete block, brick, stone, wooden fencing or similar type materials.

(d) Construction fence wrapping. Fence wrapping is defined as mesh or similar material attached to construction fences for the purpose attractively screening the view of construction sites. Fence wrapping shall not be subject to sign regulations. Such fence wrapping shall be allowed when all of the following conditions are met:

(i) Commercial sites must be two (2) acres or larger as measured by the area of disturbed soil;

(ii) Fence wrap shall not be placed in the right-of-way nor in areas that block motorist visibility;

(iii) Fence wrap shall be attached to stable well-anchored fencing such as chain-linked fencing;

(9) All fence wrap shall be removed within two (2) weeks after a certificate of occupancy is issued. Landscape with fences used to screen commercial and industrial projects from adjacent residential development. The City of Maryville Land Development Regulations addresses ways to visually screen commercial and industrial development when it is located adjacent or across the street from a residential development. Landscaping and screening requirements are addressed in §14-213.

(10) Fence regulations applicable to properties in industrial zones. Properties zoned "Industrial" are only required to comply with subsections (1)-(5) and (9) of this fence section, but are not required to the height restriction in subsection (9).

(11) Fence regulations in private subdivision covenants. Property in the City of Maryville may be subject to private restrictive covenants that set forth criterion for fencing. This section does not address such private restrictive covenants. The city does not enforce private restrictive covenants, and doing so would be outside of the city's legal authority. This section regulating fences shall apply to all property specified herein, regardless of what language may appear in such private restrictive covenants. (as added by Ord. #2008-20, April 2008, amended by Ord. #2010-07, Jan. 2010, Ord. #2010-08, Jan. 2010, and Ord. #2016-26, Oct. 2016, and replaced by Ord. #2018-11, June 2018 **Ch17\_2-5-19**)

## CHAPTER 3

### HISTORIC ZONING COMMISSION

#### SECTION

- 14-301. Creation of historic zoning commission.
- 14-302. Powers and duties.
- 14-303. Jurisdiction.
- 14-304. Review of decision.

**14-301. Creation of historic zoning commission.** (1) In accordance with Tennessee Code Annotated, § 13-7-401 et seq. there is hereby created a historic zoning commission for the City of Maryville which shall officially be known and designated as the "Maryville Historic Zoning Commission."

(a) Membership. (i) The members of the Maryville Historic Zoning Commission (HZC) shall be appointed by the mayor, subject to confirmation by the council. The commission shall be comprised of seven (7) members which consist of a representative of a local patriotic or historical organization; an architect, if available; a member of the Maryville Planning Commission at the time of such person's appointment; and the remainder shall be from the community in general.

(ii) The terms of the members shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation.

(iii) Members of the HZC may be removed from office by the mayor for just cause. Removal can also occur once the member has been absent from three (3) regular, consecutive meetings or absent from six (6) regularly scheduled meetings in a twelve (12) month period. A commission member moving outside the city shall constitute resignation from the commission effective on the date a replacement is appointed.

(iv) The commission shall annually elect from its members a chair and a vice chair.

(v) The commission may adopt rules and regulations consistent with the provisions of Tennessee Code Annotated, § 13-7-403(a).

(b) Meetings. (i) The HZC 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 commission. All meetings of the commission shall be open to the public, and the agenda shall be made available in advance of the meeting.

(ii) **Quorum.** A quorum for the HZC shall consist of a majority of the regular commission membership (excluding vacant seats). A quorum is necessary for the commission to take official action.

(iii) **Voting.** The concurring vote of a simple majority of the regular commission membership (excluding vacant seats) shall be necessary to decide in favor of the applicant any matter upon which it is required to pass under any ordinance.

(iv) **Conflict of interest.** Any member of the HZC who shall have a direct or indirect interest in any decision of the commission shall recuse themselves from participating in the discussion, decision, and/or proceedings of the HZC in connection therewith. (1985 Code, § 11-201, as replaced by Ord. #2018-40, Dec. 2018 *Ch17\_2-5-19*)

**14-302. Powers and duties.** (1) The HZC shall review all plans for construction, alteration, repair, rehabilitation, relocation or demolition of any structure in the designated zones in accordance with Tennessee Code Annotated, § 13-7-407(a), and either grant or deny certificates of appropriateness in accordance with Tennessee Code Annotated, § 13-7-408. In all cases the commission shall review within thirty (30) days all applications for construction within the designated zone. If a certificate of appropriateness is denied then the applicant shall be informed of the commission's finding in writing no later than seven (7) days after the termination of the thirty (30) day period.

(2) Historic zones and boundaries shall be recommended by the HZC to the Maryville Planning Commission and council of the City of Maryville.

(3) The commission shall present guidelines for the historical districts to the planning commission for its recommendation to city council, who shall approve or deny approval of the same.

The HZC shall maintain guidelines for the historic districts and recommend to the planning commission and to city council any amendments needed. Copies of the HZC 's Required Regulations and Suggested Guidelines shall be kept in the development services office.

(4) Windshield surveys of the historic districts should be undertaken on a regular basis by the HZC to monitor approved cases and to check that unauthorized work is not in progress.<sup>1</sup> (1985 Code, § 11-202, as amended by Ord. #2018-30, *Ch17\_2-5-19*, and replaced by Ord. #2018-40, Dec. 2018 *Ch17\_2-5-19*)

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<sup>1</sup>Required Regulations and Suggested Guidelines (all volumes) and any amendments are of record in the city recorder's office.

**14-303. Jurisdiction.** (1) The HZC has jurisdiction over the historic zones per Tennessee Code Annotated, §§ 13-7-403 and 13-5-405 through § 13-7-408.

(2) The following zoning districts must conform to the required regulations as adopted in the City of Maryville Zoning Ordinance, § 14-209:

- (a) College Park Historic District
- (b) Oak Park Historic District
- (c) College Park Historic District Overlay
- (d) Oak Park Historic District Overlay (1985 Code, § 11-203, as replaced by Ord. #2018-40, Dec. 2018 *Ch17\_2-5-19*)

**14-304. Review of decision.** Any person who may be aggrieved by any final order or judgment of the HZC may have such order or judgment reviewed by the courts by the procedure of statutory certiorari as provided in Tennessee Code Annotated, § 13-7-409. (1985 Code, § 11-204, as replaced by Ord. #2018-40, Dec. 2018 *Ch17\_2-5-19*)