

**2007 AMENDMENTS**  
**MARYVILLE ZONING AND LAND USE ORDINANCE**

- 2007-11 Non-conforming situation in historic districts with regard to replacement percentage
- 2007-18 Establish Criteria in review of privately owned outdoor recreational facilities
- 2007-24 Repeal Article XVII Floodplain information
- 2007-32 Clarifying Uses Allowed for the Estate zone
- 2007-33 Correcting section numbers regarding to zoning districts

ORDINANCE NO. 2007-11

**AN ORDINANCE TO AMEND THE MARYVILLE ZONING AND LAND USE ORDINANCE OF THE CITY OF MARYVILLE, TENNESSEE," AS AMENDED, REVISING LANGUAGE TO ARTICLE VIII NONCONFORMING SITUATION.**

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

**WHEREAS**, the Council of the City of Maryville, Tennessee, desires to keep the Maryville Zoning and Land Use Ordinance current with sound land use policies;

**NOW THEREFORE, BE IS ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, that ordinance 2006-32, by hereby amended as follows:**

**SECTION 1.** That Article VIII, Nonconforming Situations, Section 5: Repair, Maintenance and Reconstruction is amended by deleting paragraphs (a) and (b) and inserting the following:


Section 5: Repair, Maintenance and Reconstruction

- (a) Minor repairs to and routine maintenance of property where non-conforming situations exist or permitted or encouraged. Major renovation, *i.e.* work estimated to cost more than 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 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 Section 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

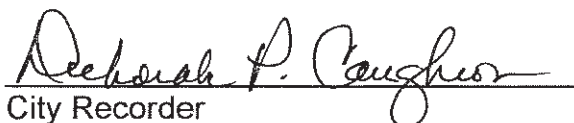
use has been continuous since the time of construction. In such case, a duplex in Zone XIII that was originally designed or constructed as a duplex could be rebuilt, repaired or replaced as a duplex. Likewise, a multi-family residential structure in Zone XIII originally designed or constructed as a multi-family structure could be rebuilt, repaired or replaced as a multi-family structure.

**SECTION 2.** That Article VIII, Nonconforming Situations, Section 5: Repair, Maintenance and Reconstruction is amended by deleting paragraph (c) (3) in its entirety.

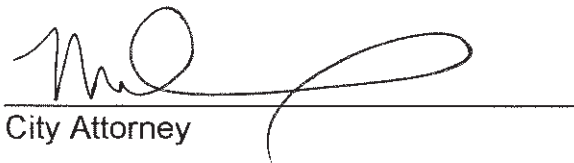
**SECTION 3.** This ordinance shall be effective from and after its final passage, the public welfare requiring it.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Approved As to Form

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

Passed 1st Reading 3/6, 2007   
\_\_\_\_\_  
City Recorder

Passed 2nd Reading 4/3, 2007   
\_\_\_\_\_  
City Recorder

ORDINANCE NO. 2007-18

**AN ORDINANCE AMENDING ORDINANCE NO. 2006-32 ENTITLED THE MARYVILLE ZONING AND LAND USE ORDINANCE, AS AMENDED, TO ESTABLISH CRITERIA IN THE REVIEW OF PRIVATELY OWNED OUTDOOR RECREATIONAL FACILITIES.**

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

**WHEREAS**, the Council of the City of Maryville desires to establish criteria that must be observed and reviewed by the Board of Zoning Appeals when hearing a request for a privately owned outdoor recreational facility; and

**WHEREAS**, the Council of the City of Maryville desires to amend the Zoning and Land Use Ordinance in order to allow privately owned recreational facilities as a special exception in the Residential zone;

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, THAT ORDINANCE 2006-32, as hereby amended as follows:**

**SECTION 1.** That **ARTICLE X, PERMISSIBLE USES, SECTION 1: TABLE OF PERMISSIBLE USES, RECREATION, AMUSEMENT, ENTERTAINMENT**, is amended by changing the category "Privately Owned Outdoor Recreational Facilities as a special exception in the Residential district with additional wording shown in bold to read as follows:

LAND USE

I II III IV V VI VII

RECREATION, AMUSEMENT, ENTERTAINMENT

Activity conducted primarily outside enclosed buildings or structure

Privately owned outdoor recreational facilities (golf and country clubs, swimming or tennis clubs, **or other uses**, when not associated with a residential development) (i.e., not part of an overall development the primary land use of which is residential) **subject to criteria found in Article XI, Part 1. General Provisions, Section 10.** 2

**SECTION 2.** That ARTICLE XI, PART 1. GENERAL PROVISIONS is amended by adding SECTION 10: PRIVATELY OWNED RECREATIONAL FACILITIES SPECIAL EXCEPTION to read as follows:

**SECTION 10: PRIVATELY OWNED RECREATIONAL FACILITIES SPECIAL EXCEPTION**

(a) 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.

(1) 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.

(2) Hours of operation shall be between 8:00 a.m. to 9:00 p.m.

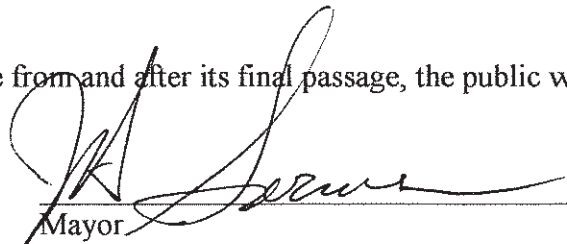
(3) Proposed location of all outdoor facilities (including, but not limited to such times as picnic tables, play areas, restroom, food preparation areas, and refuse areas).

(4) Sanitary sewer/sub-surface sewer shall be placed into service by the applicant in order to provide such services to users of the private recreational facility.

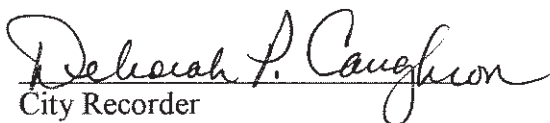
(5) Commercial design guidelines shall apply.

(6) Site plan approval.

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

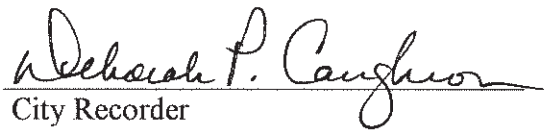
  
\_\_\_\_\_  
Mayor

ATTEST:

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

Approved As To Form:

  
City Attorney

Passed 1<sup>st</sup> Reading 6/5, 2007   
City Recorder

Passed 2<sup>nd</sup> Reading 6/26, 2007   
City Recorder

ORDINANCE NO. 2007-24

AN ORDINANCE TO AMEND TITLE 12, CHAPTER 8 OF THE MARYVILLE MUNICIPAL CODE AND THE MARYVILLE LAND DEVELOPMENT AND PUBLIC WORKS STANDARDS TO ADD THE MUNICIPAL FLOODPLAIN ZONING ORDINANCE AND TO REPEAL THE EXISTING ARTICLE XVII OF THE MARYVILLE ZONING AND LAND USE ORDINANCE

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WHEREAS the municipal floodplain requirements in the City of Maryville are outdated and no longer sufficient to meet the Federal Emergency Management Agency (FEMA) requirements, and

WHEREAS the City is required to adopt updated Flood Insurance Rate Maps (FIRM) and a Municipal Floodplain Zoning Ordinance based on the requirements above, and

WHEREAS the City wishes to repeal Article XVII of the Maryville Zoning and Land Use Ordinance in its entirety, and

WHEREAS, the Maryville Land Development and Public Works Standards are incorporated by reference in Title 12, section 801 of the City Code,

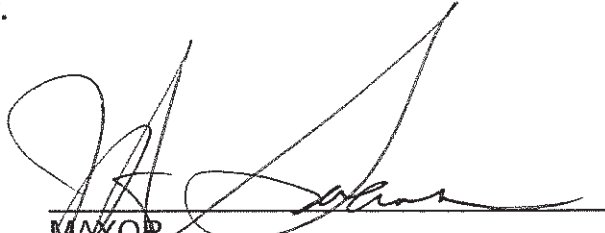
WHEREAS the City wishes to adopt this Ordinance as part of the Land Development and Public Works Standards to comply with the above requirements for the governing of the stormwater utility of the City of Maryville, Tennessee

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


SECTION 1. Pursuant to the authority in City Code 12-801, that a new section be added to the Maryville Land Development and Public Works Standards which consists of the language attached hereto as exhibit A and which is incorporated herein by reference. This language shall be added to Part 1 Construction Standards, Specifications, Design Criteria, Policies and Guidelines for the Governing of the Stormwater Utility of the City of Maryville, Tennessee.

SECTION 2. That Article XVII of the Maryville Zoning and Land Use Ordinance be repealed in its entirety.

SECTION 3. The provisions of this Ordinance shall take effect immediately upon final passage, the public welfare requiring it.


  
MAYOR


ATTEST:

  
City Recorder

APPROVED AS TO FORM:

  
City Attorney

Passed 1<sup>st</sup> reading this 5<sup>th</sup> day of June, 2007.   
City Recorder

Passed 2<sup>nd</sup> reading this 3<sup>rd</sup> day of July, 2007.   
City Recorder

ORDINANCE NO. 2007-32

**AN ORDINANCE AMENDING ORDINANCE NO. 2006-32 ENTITLED THE MARYVILLE ZONING AND LAND USE ORDINANCE, AS AMENDED, BY CLARIFYING USES ALLOWED FOR THE ESTATE ZONE.**

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

**WHEREAS**, the Council of the City of Maryville desires to expand upon the list of permitted and prohibited uses for the Estate Zone district; and

**WHEREAS**, the Council of the City of Maryville desires to amend the Estate Zone district to clarify uses within the district;

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, THAT ORDINANCE 2006-32, as hereby amended as follows:**

**SECTION 1.** That ARTICLE IX, ZONING DISTRICTS AND ZONING MAP, *PART 1. ZONING DISTRICTS*, SECTION 1: ESTABLISHMENT OF DISTRICTS, Subsection (a) District XVIII: Estate Zone is deleted in entirety with the following inserted to read:

District XVIII: Estate Zone: The Estate zone is the most restrictive residential district intended for single-family residential uses and low populations densities. This district is created in order to protect encroachment of uses not associated with 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 found in ARTICLE IX, *PART 1*, and SECTION 14.

**SECTION 2.** That ARTICLE IX, ZONING DISTRICTS AND ZONING MAP, *PART 1. ZONING DISTRICTS*, SECTION 14: ESTATE ZONE: is amended by deleting (c) (1) and (c) (2) and inserting the following to read:

(c) Land Uses:

- (1) Permitted Uses: Single-family residential structures are permitted but this use does not include mobile homes as defined by Article II of this document. Home occupations uses are permitted in the Estate Zone if they meet with criteria set forth in Article II thereof.
- (2) Prohibited Uses: Uses not listed in the permitted section are prohibited.

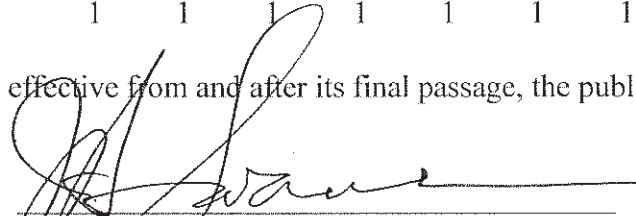
- (3) Special Uses: Nothing in this section shall prohibit uses authorized and protected by state and federal legislation as an example churches, synagogues, or temples shall be considered a special exception use and shall be subject to the provision found in Article IV, Section 9 Special Exception Permits.

**SECTION 3.** That ARTICLE X, PERMISSIBLE USES, SECTION 1: TABLE OF PERMISSIBLE USES is amended to add home occupation as a use in the table of permissible uses under residential and such use shall be permitted as follows:

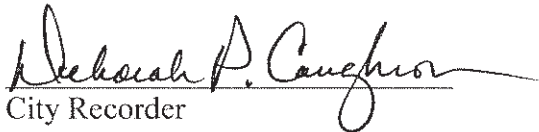
TABLE OF PERMISSIBLE USES

<u>LAND USE</u>	<u>ZONES</u>								
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	<u>VI</u>	<u>VII</u>	<u>XIV</u>	
HOME OCCUPATIONS	1	1	1	1	1	1	1	1	


**SECTION 4.** This ordinance shall be effective from and after its final passage, the public welfare requiring it.

  
 \_\_\_\_\_  
 Mayor


ATTEST:

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

Approved As To Form:

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

Passed 1<sup>st</sup> Reading 10/2, 2007   
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 City Recorder

Passed 2<sup>nd</sup> Reading 11/6, 2007   
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 City Recorder

ORDINANCE NO. 2007-33

**AN ORDINANCE AMENDING ORDINANCE NO. 2006-32  
ENTITLED THE MARYVILLE ZONING AND LAND USE  
ORDINANCE, AS AMENDED, BY CORRECTING  
SECTION NUMBERS WITH REGARD TO ZONING  
DISTRICTS.**

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

**WHEREAS**, the Council of the City of Maryville desires to keep the numbering of sections for zoning districts consistent with the sections in which they are located; and

**WHEREAS**, the Council of the City of Maryville desires to amend Article IX to reflect those corrections;

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, THAT ORDINANCE 2006-32, as hereby amended as follows:**

**SECTION 1.** That ARTICLE IX, ZONING DISTRICTS AND ZONING MAP, *PART 1. ZONING DISTRICTS, SECTION 1: ESTABLISHMENT OF DISTRICTS*, District VIII: Central Business District through District XX: **Industrial** be amended to correct section numbers (in bold) to which the districts are located in the Article as follows:

District VIII: Central Business District ... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 4.

District IX: Washington Street Commercial Corridor .... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 5.

District X: Office Transition Zone ... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 6.

District XI: Heritage Development Zone ...All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 7.

District XII: Central Business District Support Zone ...All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 8.

District XIII: College Hill Historic District ...All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 9.

District XIV: College Hill Historic Overlay District ...All provisions set forth regarding

this district are in ARTICLE IX, PART 1, SECTION 10.

District XV: High Intensity Commercial District ... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 11.

District XVI: Oak Park Historic District ... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 12.

District XVII: Oak Park Historic Overlay Zone ... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 13.

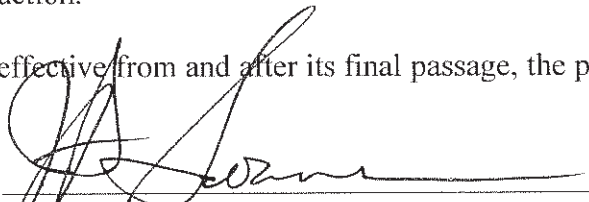
**District XVIII: Estate Zone:** The Estate Zone is the most restrictive residential district intended to be used for single-family residential areas with low population densities. This district is created and intended to be protected from the encroachment of uses not performing a function necessary 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 XIX: High Density Residential ... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 15.

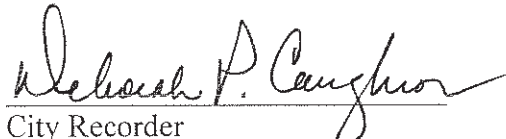
District XX: Industrial... All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 16.

(b) These districts ... in the Introduction.

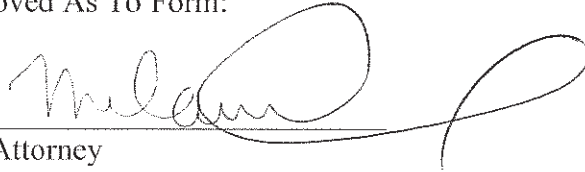
**SECTION 2.** This ordinance shall be effective from and after its final passage, the public welfare requiring it.

  
\_\_\_\_\_  
Mayor


ATTEST:


  
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City Recorder

Approved As To Form:



City Attorney

Passed 1<sup>st</sup> Reading 10/2, 2007   
City Recorder

Passed 2<sup>nd</sup> Reading 11/6, 2007   
City Recorder