

**2011 AMENDMENTS
MARYVILLE ZONING AND LAND USE ORDINANCE**

- 2011-03 Office zone definition and tattoo parlors allowed in BT zone only
- 2011-13 Electronic message center signs and correction of a misprint in the general sign regulations
- 2011-16 Clarifying and correcting the satellite parking provisions
- 2011-33 Allow Bed & Breakfast Homestay Facilities in Downtown Zones
- 2011-34 Allow and regulate digital billboards

ORDINANCE NO. 2011-03

AN ORDINANCE AMENDING TITLE 14, ZONING AND LAND USE CONTROL, OF THE MARYVILLE MUNICIPAL CODE DEFINING PROFESSIONAL AND PERSONAL CARE SERVICES AND ALLOWING SAID SERVICES WITHIN THE OFFICE DISTRICT, AND SPECIFYING THAT BODY PIERCING, TATTOO ARTISTS AND TATTOO PARLORS ARE ALLOWED IN THE BUSINESS AND TRANSPORTATION DISTRICT.

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

WHEREAS, the Council of the City of Maryville desires to keep the zoning and land use ordinance current and consistent with acceptable public policy;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 OF THE MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. That Title 14: Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-202. Basic Definitions and Interpretations is amended by inserting the following in the correct alphabetical sequence to read:

“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.

SECTION 2. That Title 14, Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-202. Basic Definitions and Interpretations is amended by inserting the following in the correct alphabetical sequence to read:

“Professional Service.” Professional services 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.

SECTION 3. That Title 14, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-209, Zoning Districts and Zoning Map is amended by deleting District VI: Office District of paragraph (1) (a) and inserting the following:

14-209. Zoning districts and Zoning map.

(1) (a) 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/café 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/café are set forth in 14-211 (9)

SECTION 4. That Title 14, Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-210, Permissible Uses (1) Table of Permissible Uses is amended by adding the following highlighted wording to the subsection of 'Operations designed to attract and serve clients on the premises, e.g. office of attorneys, physicians, and other professional offices' in order that the referenced subsection reads as follows:

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.

SECTION 5. That Title 14, Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-209, Zoning districts and zoning map is amended by adding the following highlighted sentence to 14-209 (1) (a) District II Business and Transportation District to read as follows:

District II: Business and Transportation District: The land uses in the area include commercial (wholesale and retail), offices, highway-oriented commercial (e.g. service stations, convenience stores), light industrial (assembly, light manufacturing), public/institutional (e.g. municipal building, 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 area being of primary concern. Body piercing and tattoo artists are permitted uses in this zoning district.

SECTION 6. That Title 14, Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-210, Permissible Uses (1) Table of Permissible Uses is amended by adding the category 'Body piercing, tattoo artists, and tattoo parlors' under the section for "OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE" to read as follows:

LAND USE

OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE

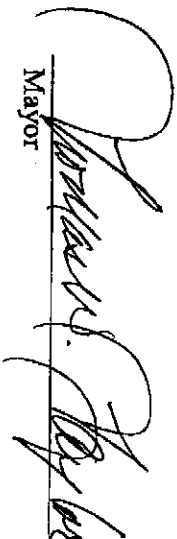
All operations conducted entirely within fully enclosed building.

Body Piercing, Tattoo Artists, and Tattoo Parlors

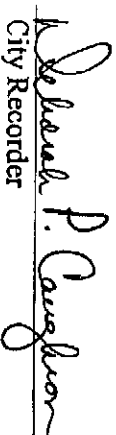
ZONES

I	II	III	IV	V	VI	VII
3	1	3	3	3	3	3

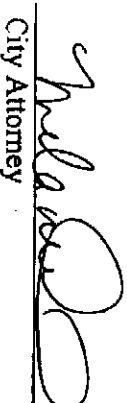
SECTION 7. That this ordinance shall take effect immediately upon its final passage the public welfare requiring it.

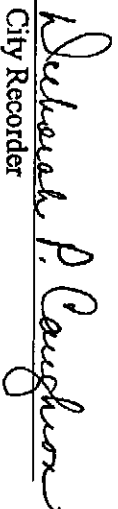

Mayor

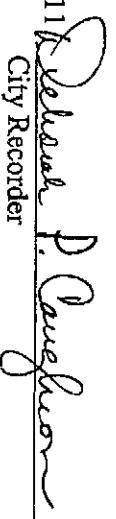
ATTEST:


City Recorder

APPROVED AS TO FORM:


City Attorney

Passed 1st Reading 1/4, 2011 
City Recorder

Passed 2nd Reading 2/1, 2011 
City Recorder

ORDINANCE NO. 2011-13

AN ORDINANCE AMENDING TITLE 14, ZONING AND LAND USE CONTROL, OF THE MARYVILLE MUNICIPAL CODE CONCERNING ELECTRONIC MESSAGE CENTER SIGNS AND CORRECTING A MISPRINT IN THE GENERAL SIGN REGULATIONS.

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 desires to keep the zoning and land use ordinance current and consistent with acceptable public policy;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 OF THE MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. That Title 14: Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-218. Signs, is amended by correcting the reference in section 14-218 (8) (e) from “.05 square feet” to “.5 square feet.”

SECTION 2. That Title 14, Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-218. Signs, is amended by deleting section (8) (i) in its entirety and inserting the following wording in its place:

(i) An electronic message center sign may be an electronically changeable copy sign or message sign that is a type of on-premise business sign and may not exceed twenty (20) square feet of functional surface area in the Business & Transportation zone, and may not exceed thirty (30) square feet of functional surface area in the High Intensity Retail zone or the Institutional zone. This type of sign is to be permitted in addition to other allowed signs.

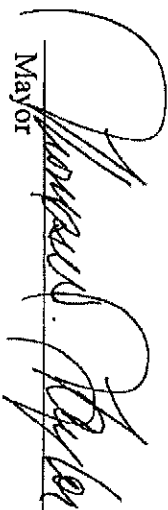
SECTION 3. That Title 14, Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-218. Signs, is amended by deleting section (13) (f) (i) in its entirety and inserting the following wording in its place:

(i) Shall be allowed only in the Business & Transportation, High Intensity Retail and Institutional zoning districts;

SECTION 4. That Title 14, Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-218. Signs, is amended by deleting section (13) (f) (ii) in its entirety and inserting the following wording in its place:

(ii) Shall be limited to one display per parcel, lot or development complex regardless of multi-tenants leased or ownership status;


SECTION 5. That this ordinance shall take effect immediately upon its final passage, the public welfare requiring it.


Mayor

ATTEST:


City Recorder

APPROVED AS TO FORM:


City Attorney

Passed 1st Reading 3/24, 2011 
City Recorder

Passed 2nd Reading 4/5, 2011 
City Recorder

ORDINANCE NO. 2011-16

AN ORDINANCE AMENDING TITLE 14, ZONING
AND LAND USE CONTROL, OF THE
MARYVILLE MUNICIPAL CODE BY
CLARIFYING AND CORRECTING THE
SATELLITE PARKING PROVISIONS WITHIN
THE CODE.

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 desires to update the Zoning and Land Use Control Section of the Municipal Code; and,

WHEREAS, the Council of the City of Maryville desires to keep the zoning and land use regulations consistent with good land use policies.

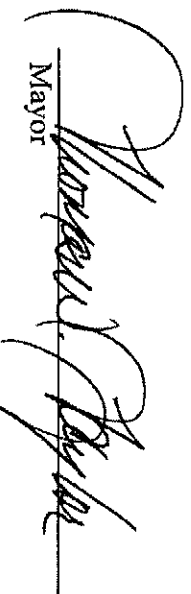
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 OF THE MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. That Title 14: Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-219, Parking, is amended by deleting section (9)(d) in its entirety and inserting the following wording in its place:

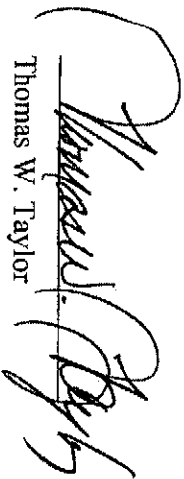
(a) Satellite parking.

(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 article.

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

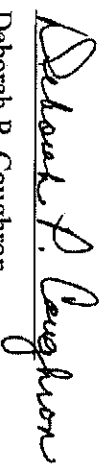

Mayor

) Section 3: This ordinance shall take effect upon its passage and amend the total associated with the previous budgeted amounts, the public welfare requiring it.


Thomas W. Taylor

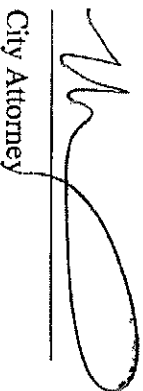
Mayor

ATTEST:

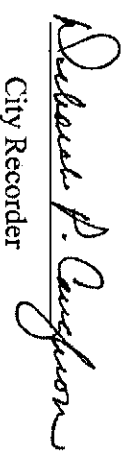

Deborah P. Caughron

City Recorder

APPROVED AS TO FORM:


City Attorney

PASSED ON 1ST READING 4/5, 2011


City Recorder

PASSED ON 2ND READING 5/3, 2011


City Recorder

ORDINANCE NO. 2011-33

AN ORDINANCE AMENDING TITLE 14, ZONING AND LAND USE CONTROL, OF THE MARYVILLE MUNICIPAL CODE BY ALLOWING BED AND BREAKFAST HOMESTAY FACILITIES WITHIN THE DOWNTOWN COMMERCIAL DISTRICTS.

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 desires to regulate uses within the downtown districts and its environs; and,

WHEREAS, the Council of the City of Maryville desires to keep the zoning and land use regulations consistent with acceptable land use policies,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT TITLE 14 OF THE MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. That Title 14: Zoning and Land Use Control, Chapter 2: Zoning and Land Use Ordinance, Subsection 14-211. Supplemental Use Regulations is amended by adding Section (10) to read as follows, with current sections (10) -- (22) being renumbered as Sections (11) -- (23):

(10) 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 TCA 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.

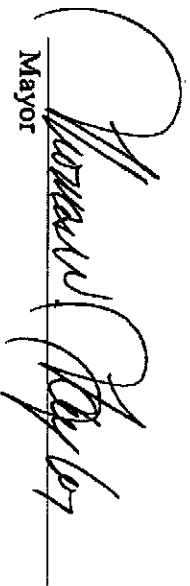
- (iv) One (1) off-street parking space must be provided for each guest room. These space(s) must be in addition to the required parking for the residence. These space(s) must not be developed in the front yard of the residence, but may be located in the existing driveway of the residence if adequate 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:

- Central Business district
- Central Business Support district
- Washington Street Commercial Corridor district
- Heritage Development district
- Office Transition district
- 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.

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


Mayor

ATTEST:

Deborah P. Coughlin
City Recorder

APPROVED AS TO FORM:

Paul Blawie

City Attorney

Passed 1st Reading 11/1, 2011 *Deborah P. Coughlin*
City Recorder

Passed 2nd Reading 12/6, 2011 *Deborah P. Coughlin*
City Recorder

ORDINANCE NO. 2011-34

AN ORDINANCE AMENDING CITY CODE 14-218, OTHERWISE KNOWN AS THE SIGN ORDINANCE TO ALLOW AND REGULATE DIGITAL BILLBOARDS IN THE CORPORATE LIMITS AS REPLACEMENTS FOR TRADITIONAL BILLBOARDS THAT ARE GRANDFATHERED UNDER STATE LAW.

WHEREAS, the City of Maryville has a sign ordinance in effect regulating signs in the City of Maryville, Tennessee, including billboards, and

WHEREAS, billboards are generally prohibited in the City of Maryville under the existing sign ordinance though billboards exist in the City because they are existing due to grandfathering laws found in T.C.A. §13-7-208, and

WHEREAS, digital billboards are now technologically possible allowing billboard companies to use LCD, LED, and similar electronic technology to place copy on billboards instead of using standard paper or vinyl, and

WHEREAS, the Tennessee Department of Transportation has adopted some regulations for the use of digital billboards in Tennessee but cities can place more restrictive provisions in local zoning ordinances if digital billboards are to be permitted, and

WHEREAS, the City of Maryville desires to allow digital billboards in the City of Maryville as replacements for traditional billboards in grandfathered locations, but requires certain regulations related to such use.

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

SECTION 1. That the City sign ordinance set forth in City Code 14-218 be amended as follows:

(a) Definition. Add a new definition in sub-section (2) for digital billboard as follows:

Digital Billboard. A Digital Billboard is an off premises billboard sign in excess of 100 square feet that is digital in nature and uses exclusively LCD, LED, or similar electronic technology for providing content to the billboard.

(b) Under sub-section 14(i), this section shall be amended

by adding the following language to the existing language:

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.

(c) A new section shall also be added to City Code 14-218 with the following content:

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:

- (1) 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.
- (2) Video, continuous scrolling messages, and animation are prohibited.
- (3) The minimum spacing of the Digital Billboards is 2,000 feet between Digital Billboards measured billboard to billboard on the same side of the street.
- (4) 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.
- (5) Digital Billboards must be single-faced with one display area.
- (6) Digital Billboards must be located at least 100 feet from any residentially zoned property measured from the closest point of any structural element of the billboard to the residential property line.
- (7) Displays on Digital Billboards are prohibited where they 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 time.
- (8) No smoke, steam, or noise shall emanate from the Digital Billboard.
- (9) The light intensity of a Digital Billboard shall have a monitor to allow it to automatically adjust for natural ambient light conditions.
- (10) 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.
- (11) A Digital Billboard shall be at the same or lesser height as the billboard it replaces.
- (12) A Digital Billboard shall be stationary and not contain any visible moving parts.
- (13) Using industry standards, daytime brightness levels shall be no more than 90% maximum intensity. At night the brightness shall be reduced to no more than 20% of maximum light intensity for an LED (light emitting diode) sign.
- (14) 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.
- (15) Digital Billboards shall not be lit externally, but instead only lit internally.
- (16) Digital Billboards can only be placed in the City's High Intensity Retail Zone.
- (d) Sub-section 17(d), Non-Conforming Signs, shall be amended and the following language shall be added to the existing language at the end of the existing paragraph:

This sub-section shall not apply to Digital Billboards which are regulated separately.

(e) In Sub-section 17(c), add to the existing language the following:

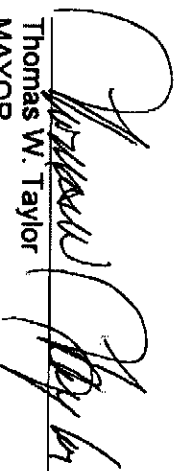
This sub-section shall not apply to Digital Billboards which are regulated separately.


(f) In Sub-section 17(f), add to the existing language the following:

This sub-section shall not apply to Digital Billboards which are regulated separately.

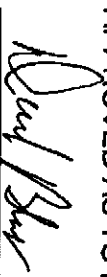
SECTION 2. The provisions of this Ordinance shall be in effect from and after its final passage of public welfare requiring it.

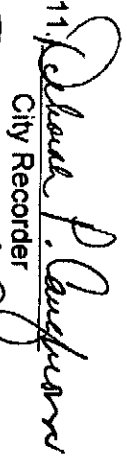
ADOPTED this 6th day of Dec., 2011.


Thomas W. Taylor
MAYOR

ATTEST:

Deborah P. Caughron
City Recorder

APPROVED AS TO FORM:


City Attorney

Passed 1st reading this 1st day of Nov., 2011. 
City Recorder

Passed 2nd reading this 6th day of Dec., 2011. 
City Recorder