ZONING ORDINANCE

Maynardville, Tennessee

Amended January 2026

MAYNARDVILLE ZONING ORDINANCE

PREPARED FOR

THE MAYNARDVILLE MUNICIPAL PLANNING COMMISSION

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TABLE OF CONTENTS

ORDINANCE NO. 144 Page

ARTICLE I AUTHORITY

A. Short Title 1
B. Purpose 1
C. Definitions 1

ARTICLE II GENERAL PROVISIONS

A. Continuance of Nonconforming Uses 7
B. Site Plan Requirement 7
C. Off-Street Automobile Parking 8
D. Off-Street Loading and Unloading Space 10
E. Vision Clearance 10
F. Ingress and Egress 10
G. Special Carport Construction 11
H. Planned Unit Development 11
I. Signs and Billboards 13
J. Temporary Use Regulations 15
K. Mobile Food Vendors 16

ARTICLE III APPLICATION OF REGULATIONS

A. Use 19
B. Street Frontage 19
C. One Principal Building on a Lot 19
D. Reduction of Lot Size Prohibited 19
E. Conformity to Subdivision Regulations 19
F. Height and Density 19
G. Annexations 19
H. Mobile Homes 19

ARTICLE IV ESTABLISHMENT OF DISTRICTS

A. Districts 21
B. Boundaries 21

ARTICLE V PROVISIONS GOVERNING USE DISTRICTS

A. R-1 Low Density Residential 22
B. R-2 Medium Density Residential 22
C. B-1 Central Business 22
D. B-2 General Business 25
E. M-1 Industrial 25
F. FP-1 Floodplain 26

ARTICLE VI AREA, YARD, AND HEIGHT REQUIREMENTS

A. Purpose 27

B. Minimum Requirements 27

ARTICLE VII EXCEPTIONS AND MODIFICATIONS

A. Lot of Record 29
B. Front Yards 29
C. Group Housing Projects 29
D. Exceptions on Height Limits 29

ARTICLE VIII ENFORCEMENT

A. Enforcing Officer 30
B. Building Permit Required 30
C. Issuance of Building Permit 30
D. Certificate of Occupancy 30
E. Penalties 30
F. Remedies 30

ARTICLE IX BOARD OF ZONING APPEALS

A. Creation and Appointment 31
B. Procedure 31
C. Appeals: How Taken 31
D. Powers 31

ARTICLE X AMENDMENT

A. Procedure 34
B. Approval by Planning Commission 34
C. Introduction of Amendment 34

ARTICLE XI LEGAL STATUS PROVISIONS

A. Rescission of Ordinance No. 14 35
B. Conflict with Other Ordinances 35
C. Validity 35
D. Effective Date 35

ORDINANCE NO. 144

CITY OF MAYNARDVILLE, TENNESSEE

ARTICLE I

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-7-401, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Maynardville, as follows:

A. **Short Title.** This ordinance shall be known as the "Zoning Ordinance of the City of Maynardville, Tennessee," and the map herein referred to, which is identified by the title "Zoning Map of the City of Maynardville, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

B. **Purpose.** These zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

C. **Definitions.** Unless otherwise stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended," arranged or designed to be used or occupied.

1. Adult Oriented Businesses and Uses. Adult oriented businesses and uses are defined in accordance with and controlled by the City of Maynardville Municipal Ordinance, Licensing and Regulation of Adult-Oriented Business and any subsequent amendments to said ordinance.

2. Arterial Street. A street that primarily provides for major traffic movement between areas and across portions of the city, as shown on the Zoning Map of the City of Maynardville.

3. Boarding or Rooming House. A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

4. Buffer Strip. A plant material acceptable to the building inspector, which has such growth characteristics as, will provide an obscuring screen not less than six feet in height.

5. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

   a. Principal building: A building in which is conducted the main or principal use of the lot on which said building is located.

   b. Accessory building or use: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

6. Building Height. The vertical distance measured from the finished grade at the building line to the highest point of the roof.

7. Business Sign. A sign, which directs attention to a business or profession, conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.

8. Carport. A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air and view.

9. Clinic. A structure used in providing medical services for outpatients only.

10. Club. Building and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on by a business.

11. Collector Street. A street providing for traffic movement within the city as shown on the Zoning Map of the City of Maynardville.

12. Condominium. A multi-unit structure offering individual ownership of said units.

13. "Day Care Center." A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play-schools, and kindergartens, as well as agencies providing before-and-after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or religious organizations).

14. Dwelling, Single Family. A building designed, constructed and used for one dwelling unit.

15. Dwelling, Two Family or Duplex. A building designed, constructed, or reconstructed and used for two dwelling units that are connected by a common structural wall.

16. Dwelling, Multi-Family. A building designed, constructed, or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall.

17. Family. One or more persons occupying a dwelling unit and living together as a single housekeeping unit.

18. Home Occupation. An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and not more than thirty (30) percent of the premises is used for home occupation purposes.

19. Junk Yard or Salvage Yard: A lot, land, or structure or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Five vehicles, which are not in running condition, shall be considered as constituting a junk yard. "Running condition" is hereby defined as meeting the following criteria: a) engine runs; b) has adequate tires; c) can demonstrate operable steering, brakes, safety lighting, and transmission; and d) has current vehicle registration. (Amended by Ordinance 0-2013-5, 10/8/13)

20. Lot. A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

    a. Lot line: The boundary dividing a given lot from a street, alley, or adjacent lots.

    b. Lot of record: A lot, the boundaries of which are filed as legal record.

21. Methadone Treatment Clinic or Facility shall mean a licensed facility for the counseling of patients and the distribution of methadone, suboxone, or similar drug for outpatient, non-residential purposes only. (Added by Ordinance 0-2013-3, 7/9/13)

22. Mobile Home. A detached residential dwelling unit built on a chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location or jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

23. Mobile Home Park. A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling, purposes.

24. Mobile Food Vendor. Means a person who sells, serves, offers for sale, or gives away only food from a mobile food vending unit parked or located on a private parcel of property. This term does not include a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis for no more than thirty minutes per site per day.

25. Mobile Vendor. Means a person who peddles, vends, sells, serves, displays, offers to sell or gives away goods, wares, or merchandise from a mobile vending unit which is parked or located on a parcel of private property. This term does not include a mobile vending unit that visits multiple private property sites on a daily basis for no more than thirty minutes per site per day.

26. Mobile Vendor Food Court. Means a commercial or industrial parcel specifically designed to host multiple mobile food vendors and mobile vendors for the purpose of selling food and merchandise to the public at a central location.

25. Nonconforming Use. Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

26. Nursing Home. One licensed by the State of Tennessee.

27. Outdoor Advertising. An attached, freestanding or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge or idea to the public.

28. Pain Management Clinic (as found in Tennessee Code Annotated at § 63-1-301) – means a privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve-month period.

    A pain management clinic does not include:
    a) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
    b) A hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
    c) Hospice services as defined in TCA § 68-11-201;
    d) A nursing home as defined in TCA § 68-11-201;
    e) A facility maintained or operated by the state government; or
    f) A hospital or clinic maintained or operated by the federal government.
    (Added by Ordinance 0-2013-3, 7/9/13)

29. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof.

30. Street. A public right-of-way set aside for public travel which (a) has been accepted for maintenance by the City of Maynardville; (b) has been established as a public

street by a governmental unit prior to the date of adoption of this ordinance; or (c) has been dedicated to and accepted by the City of Maynardville for public travel by the recording of a street plan or a plat of a subdivision which has been approved by the planning commission.

31. Structure. Anything constructed or erected the use of which requires location on the ground, or attachment to something having location on the ground.

32. Total Floor Area. The area of all floors of a building including finished attic, finished basement, and covered porches.

33. "Travel Trailer." Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

34. "Travel Trailer Park." Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than 30 days.

35. Yard. An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

    a. Front yard: The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

    b. Rear yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.

    c. Side yard: A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

ARTICLE II

GENERAL PROVISIONS

A. **Continuance of Nonconforming Uses**. Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:

1. No building or land containing a nonconforming use, except commercial and industrial uses exemplified by TCA 13-7-208, shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance;

2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Inspector determines that the building is damaged to the extent of more than fifty (50) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance;

3. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

B. **Site Plan Requirements**. Site plans are required for all new construction except agricultural buildings and single and two-family residences. Four (4) copies of the site plan shall be submitted to the City Recorder at least ten (10) days prior to the meeting at which it is to be reviewed. All site plans shall be reviewed and approved by the planning commission before a building permit shall be issued. All site plans shall include the following:

1. All site plans shall be drawn to scale not less than one-inch equal's fifty feet and stamped by a licensed surveyor or engineer.

2. The locations and dimensions of all property lines.

3. North point and graphic scale.

4. Topographic contours at vertical intervals of not more than five (5) feet.

5. The name(s) and address (es) of the owners/applicants.

6. The current zoning classification.

7. All site plans shall meet the requirements of the city's Municipal Stormwater Ordinance, O-2005-04, contained in The Maynardville Municipal Code.

8. Location and size of all existing and/or proposed utilities.

9. All building setbacks, including the front, rear, and sides.

10. The locations, dimensions and uses of all existing and/or proposed structures, street rights-of-way, sidewalks, easements, and covenants.

11. The location, layout and dimensions of each parking stall and parking lot.

12. The location, height, and dimensions of all signage.

13. Designs and dimensions of proposed ingress and egress locations as well as the dimensions of the driveways. There shall be a maximum grade of 10% on ingress/egress and/or driveways.

14. A landscaping plan shall be submitted showing five percent of all front yards landscaped in permanent trees or shrubs. Grass is not considered landscaping.

15. The size, dimensions, and location of all loading zone areas.

16. Any attendant facilities size, location, and dimensions must be shown. An example is a storage shed.

17. One fire hydrant must be installed unless there is an existing, working fire hydrant within five hundred (500) feet.

18. Any hazardous materials, toxic or flammable products or wastes, which are held on the property, must be noted on the site plan.

19. All site plans shall be stamped and signed by the Chairman and Secretary of the Maynardville Planning Commission upon approval.

20. A digital copy of the complete set of approved final site plans shall be submitted to the planning commission in .dwg format or equivalent.

C. **Off-Street Automobile Parking**. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except for nonresidential uses in the B-1 (Central Business) District. The number of automobile parking spaces provided shall be as listed below; however, the Planning Commission may allow deviation from these minimums depending on the specifics of the site. Each space shall have at least one hundred eighty (180) square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back onto a street.

1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.

2. Churches: One space for each four (4) seats.

3. Clubs and lodges: One space for each three-hundred (300) square feet of floor space.

4. Dwellings: Two spaces for each unit.

5. Funeral parlors: One space for each four (4) seats in the chapel.

6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.

7. Hospitals and nursing homes: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

8. Hotels: One space for each four (4) employees plus one space for each guestroom.

9. Industry: One space for each three (3) employees, computed on the largest number of persons employed at any period during day or night.

10. Methadone treatment and pain management facilities and clinics: Five (5) spaces plus two (2) additional spaces per exam room and one (1) space for each anticipated employee. Due to the nature of these businesses, handicapped accessible parking shall be provided at a rate double to that which is required by this ordinance or the ADA requirements, whichever is greater. Handicapped spaces shall not count toward the above required parking spaces. (Added by Ordinance 0-2013-3, 7/9/13)

11. Motels: One space for each four (4) employees plus one space for each accommodation.

12. Offices:

    a. Medical - one space for each three hundred (300) square feet of floor space.

    b. Other - one space for each four hundred (400) square feet of floor space.

12. Places of public assembly: One space for each five (5) seats in the principal assembly room or area.

13. Recreation and amusement areas without seating capacity: One space for each five (5) customers, computed on a maximum service capacity.

14. Restaurants: One space for each four (4) employees, plus one space for each four (4) customers, computed on a maximum service capacity.

15. Retail business and similar uses: One space for each two-hundred (200) square feet of gross floor space.

16. Schools: One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.

17. Wholesale business: One space for each three (3) employees based on maximum seasonal employment.

18. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

19. Extension of parking space into a residential district: Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it

provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.

D. **Off-Street Loading and Unloading Space**. On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

1. Retail business: One space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.

2. Wholesale and industrial: One space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.

3. Terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

E. **Vision Clearance**. In all districts, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

F. **Ingress/Egress Requirements**. The following regulations are designed to protect and promote the safety of the traveling public while providing for adequate access of individual properties to the public streets in the city. As part of an application for a building permit, the applicant shall include an ingress/egress plan which meets the requirements of this section. For uses requiring a site plan or PUD plan, the ingress/egress plan shall be a part of such plan. Uses which wish to have access onto a state/federal highway will need to also obtain an access permit from the Tennessee Department of Transportation, and the property owner shall have the responsibility of coordinating his application for a TDOT permit with the building permit review process. Where there is conflict between these regulations and those of TDOT, the stricter shall apply.

1. Driveway Entrance Location. Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the centerline of the roadway. The driveway angle may be between 45 degrees (min.) and 60 degrees (max.) when the driveway is to be used for vehicles in only one direction of highway travel (right turns only) on a divided highway.

    a. No driveway entrance shall be constructed within twenty-five (25) feet of the point of intersection of the rights-of-way of two intersecting streets. A greater distance may be required where public safety or special conditions warrant the requirement of a greater setback.

    b. Driveway entrances shall be located at least five (5) feet from side lot lines, except that a joint use driveway may be allowed in nonresidential zoning districts if approved by the reviewing body and if established by legal instrument. In residential districts, the building official may approve such joint

use driveways, if they do not violate the intent of this section or any other part of this ordinance.

c. If a lot of record cannot meet the above access control requirements, a driveway cut will not be denied; but the spirit and intent of this section shall be adhered to as closely as possible.

2. Maximum Width of Driveways. Driveways shall not exceed thirty (30) feet in width at the intersection with the right-of-way line, unless site specific circumstances require a greater width.

3. Number of Driveway Entrances Allowed. In order to promote safety by reducing the points of vehicular conflict, the following regulations shall apply:

a. Lots with less than one hundred fifty (150) feet road frontage may have one (1) driveway entrance; except that, lots containing single family homes may have additional driveway entrances, if the building official finds the intent of this section is preserved.

b. Lots with one hundred fifty (150) feet to eight hundred (800) feet of road frontage may have two (2) driveway entrances.

c. Lots with over eight-hundred (800) feet road frontage may have one (1) additional driveway entrance for each additional four-hundred (400) feet.

4. Driveway Entrance Construction Standards. All driveway entrances shall have a paved surface from the edge of the street's pavement to the outer limit of the public right-of-way; except that the building official may waive this requirement for single family dwellings, which do not have a paved driveway. In all instances, however, driveway entrances shall be designed and installed to properly accommodate stormwater runoff.

G. Special Carport Construction. In housing constructed prior to 1950 where no provision was made for the off-street parking of automobiles, carports may be constructed in rear and side yards provided the intent and purpose of this ordinance are met as closely as possible and where in the opinion of the Building Inspector no objectionable condition to the community will result with the construction of the carport.

H. Planned Unit Developments.

1. Purpose: The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development, which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility

networks while providing building groupings for privacy, usable attractive open spaces, safe circulation's, and the general well-being of the inhabitants.

2. Location: A PUD may be located within any residential, commercial or industrial district provided that the density and use requirements of the district in which such a PUD plan is to be located has been reviewed and recommended for approval by the Maynardville Municipal Planning Commission.

3. Permitted Uses: Any use which is specifically authorized in the particular zoning district in which a planned unit development is to be located shall be permissible. The Maynardville Board of Zoning Appeals may also authorize uses not permitted in the district where the planned unit development is proposed, provided that:

   a. Such uses do not comprise more than 10 percent of the land area of the PUD.

   b. Such uses are desirable or convenient for residents of the PUD or the immediate neighborhood.

   c. Such uses will not materially alter the existing character of the neighborhood.

4. Relationship to the Subdivision Regulations: The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the Major Thoroughfare Plan, Maynardville, Tennessee, together with provisions for street improvements shall generally comply with standards set forth in the subdivision regulations. However, the uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations.

5. Changes and Modifications: Major changes in the planned unit development after it has been adopted shall be considered the same as a new petition. Minor changes in planned unit development plan may be approved by the planning commission.

6. Area: The minimum development site for a planned unit development shall be one acre.

7. Density: A residential planned unit development may have a density 15 percent greater than that of the district in which the planned unit development is located.

8. Site Improvements: All dedicated public streets shall be constructed so as to conform to the intent of the Maynardville Subdivision Regulations.

9. Sidewalks: The minimum width of such sidewalks shall be four feet.

10. Storm drainage: Storm drainage facilities shall be constructed in accordance with plans and specifications approved by the planning commission.

11. Landscaping: For the prevention of noise, improvement of visual character, and a generally more pleasing environment, adequate landscaping shall be required and shall be shown on the PUD plan.

12. Signage: Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be a face sign

attached to a building and shall not project above the building. All proposed signage shall be reviewed and approved by the Maynardville Planning Commission during the plan approval stage.

13. Building Construction: No multi-family structure in a PUD shall have more than four contiguous apartment units that are not separated by fire resistant construction. No building shall be located closer than twenty (20) feet to another building or the outer property line of the property.

14. Open Space: Open space shall be established in the appropriate legal manner and maintained in one of the following methods:

    a. By the developer or management authority of the PUD.

    b. By the homeowners association established by deed restrictions.

    c. By the public if dedication of such open space is approved by the planning commission.

15. Staging: The applicant may elect to develop the site in successive stages in a manner indicated in the PUD, however, each such stage shall be substantially completed within itself. The planning commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

16. Site Plan Approval Process: The Maynardville Planning Commission must review and approve a preliminary site plan and a final site plan.

17. Preliminary Site Plan: The preliminary site plan shall consist of the following information:

    a. A general site plan showing tentative street plans, public facilities, and building arrangements.

    b. Preliminary sketches and specifications showing architectural design and type of construction.

18. Final Site Plan: The final site plan shall consist of the following information:

    a. An overall development plan showing the use or uses of land, dimensions and locations of proposed streets, parks, and other open spaces, with such other pertinent information as may be necessary to determine the desirability of applying regulations which differ from those ordinarily applicable under this code.

    b. When several buildings are to be constructed, architectural sketches and data should be provided to ensure an aesthetically acceptable design for all buildings.

    c. Application for an apartment development shall include a general architectural layout and design showing the number and size of apartments, the location and extent of public facilities, and a description of the type of construction.

    d. At least the following construction plans must be submitted for all development under this section: profiles of proposed sanitary sewers and storm water sewers with grades, sizes and elevations indicated, proposed water distribution system

showing pipe sizes and the location of valves and fire hydrants, and a complete grading plan.

e. The proposed development plat shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Tennessee.

19. Administrative Procedures: The planning commission shall review the conformity of a proposed development recognizing principles of civic design, land use planning, and landscape architecture. The final design must conform with the original application to the satisfaction of the planning commission.

a. The planning commission may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.

b. No building permit or zoning compliance permit shall be issued until a final plat of the proposed development is approved by the planning commission and recorded. No occupancy permit shall be issued until the building inspector has determined that the project, as constructed, meets all the requirements of the proposed plan.

c. The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included.

20. Abandonment of PUD Concept: An applicant shall submit a final site plan within one year of approval of the preliminary site plan. Otherwise, approval of the preliminary site plan shall lapse.

a. Authorization shall expire upon the abandonment of a project or upon the expiration of one year from final site plan approval. The area authorized for PUD shall revert to the regulations of the zoning district, which governed prior to approval under this section.

I. Signs and Billboards. All signs constructed, replaced, relocated, or expanded on any property with Maynardville must conform to the standards established below.

1. Definitions.

a. Accessory Sign. A sign used to identify an accessory building or use, or a sign used to enhance movement of people or traffic on private property.

b. Billboard. A sign not located on the property that it advertises or a sign advertising generally ubiquitous goods or services.

c. Direct Lighting. Lighting used to illuminate a sign, which is directed to the sign from an external source.

d. Ground Sign. A sign supported by structures or supports attached to the ground and independent of support from any building.

e. Portable Sign. Any sign not supported by, or attached to, a permanent structure, building or wall.

f. Projecting Sign. A sign affixed to a wall or building whole leading edge extends beyond the building or wall.

g. Sign. Any writing, pictorial representation, symbol, or emblem used to advertise, announce, or direct attention, and includes the physical surface used to portray such information.

h. Sign Face. The physical surface used to display a sign or the area enclosed by a continuous line connecting the outermost edges of a sign.

i. Wall Sign. A sign painted upon or attached to, and parallel to the external face of a building or wall.

2. General Provisions. The following regulations shall apply to all zoning districts.

a. Applicants shall provide the building inspector with a sign plan and specifications identifying the location, type, and design of proposed and existing signs.

b. No part of any sign shall be placed within one (1) foot of any public road right-of-way or within five (5) feet of and ingress/egress except as needed for traffic control.

c. No ground sign shall be erected where the distance between the ground and the sign face is less than nine (9) feet unless the sign face does not protrude from the sign support.

d. All rotating or flashing lights shall be yellow or white. Direct lighting is allowed provided it will not hinder pedestrian or traffic visibility.

e. Billboards are prohibited.

f. Campaign and political signs are permitted provided they are removed within ten (10) days after an election.

3. Residential Districts. Signs in residential districts are governed by section I.2. and the following regulations.

a. Signs utilizing rotating or flashing lights are not permitted.

b. Nonresidential uses permitted in residential districts are limited to one (1) sign per road frontage not to exceed thirty (30) square feet in sign area.

c. Subdivisions, apartments, and other multi-family developments are limited to one (1) sign per entrance, not to exceed three (3) per development. No sign shall exceed thirty (30) square feet in sign area.

4. Commercial Districts. Signs in commercial districts are governed by section I.2. and the following regulations.

a. The maximum number of signs per principal building is three (3), but not two (2) of the same type. Buildings fronting on more than one (1) street may have one (1) additional sign for each road frontage.

b. The maximum height of any ground sign is twenty-five (25) feet.

c. In the B-1 district, the maximum sign area of any ground sign is sixty (60) square feet. Buildings housing more than one (1) tenant may have an additional fifteen (15) square feet of sign area, provided the total sign area does not exceed ninety (90) square feet in area.

d. In the B-2 district, the maximum sign area of any ground sign is ninety (90) square feet. Buildings housing more than one (1) tenant may have an additional fifteen (15) square feet of sign area, provided the total sign size does not exceed one hundred and twenty (120) square feet in area.

e. Portable signs are permitted provided they do not exceed forty (40) square feet in area, are anchored, have yellow or white flashing lights only, and are maintained in a safe and attractive manner.

f. No wall sign shall cover more than 25 percent of the wall area on which it is to be located.

g. No projecting sign shall exceed twenty (20) square feet in sign area nor be located closer than nine (9) feet from the ground.

h. Small accessory signs may be allowed to encourage the safe flow of vehicular or pedestrian traffic.

i. Accessory building shall be allowed to have one (1) wall sign provided it does not exceed forty (40) square feet in sign area.

5. Industrial District. Signs in the M-1 Industrial District are governed by section I.2. and the regulations pertaining to the B-2 district in section I.4.

J. Temporary Use Regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

1. Carnival or Circus:
   May obtain a Temporary Use Permit in the B-2, or FP-1 districts; however, such permit shall be issued for a period of not longer than fifteen (15) days.

2. Christmas Tree Sale:
   May obtain a thirty (30) day Temporary Use Permit for the display of Christmas trees on open lots in any district.

3. Temporary Buildings:
In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extension; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

4. Real Estate Sales Office:
In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision, which has been approved by the planning commission under the Maynardville Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted for two (2) six-month extensions. Such office shall be removed upon completion of the development of the subdivision or upon the expiration of the Temporary Use Permit, whichever occurs first.

5. Religious Tent Meetings:
In any district, except the M-1, Industrial District, a Temporary Use Permit shall be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30-day period.

6. Seasonal Sale of Farm Produce:
In any district, except the M-1, Industrial District, a Temporary Use Permit may be issued for the sale of farm produce grown in the county. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five-month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet.

K. Mobile Vendors, Mobile Food Vendors, and Mobile Vendor Food Courts. The requirements of this section apply to the Mobile Vendors (MVs) and Mobile Food Vendors (MFVs) as defined.

1. Permit Required. A permit for any MV or MFV is required. Said permit shall be issued by the city recorder once all permitting requirements are met. Any MV or MFV operating without a valid permit may be ticketed and fined.

2. Permit Application. A permit application form, letter from the private property owner allowing use of the property, and general description of the MV/MFV and where it is to be placed on the property is required, as well as any other pertinent information required by the City.

3. Permit Review. The permit application will be reviewed by the building official. The building official will either approve the permit or refer it to the planning commission if determined that it needs review and adjudication by the Planning Commission. In

the absence of the building official, the city recorder may review and approve or refer permit applications to the planning commission.

4. Permit Issuance. Upon approval by the building official, city recorder and/or planning commission, the city recorder will issue the MV or MFV permit. The permit shall be valid for one (1) year from date of issue.

5. Temporary Permit. A temporary permit may be issued for a single event which would be good for one to three (1-3) days. The applicant shall follow the above procedures.

6. Permit Fee Schedule. Fee schedule for permits is as follows:
Annual Permit - $200 1st year; $50 renewal fee annually
Temporary Permit (3 Days) - $40
Temporary Permit (1 Day) - $15

7. Requirements on Public Property or Rights-of-Way. MVs and MFVs may be allowed on public property or public rights-of-way during certain festivals or similar events. This is at the discretion of the planning commission, or in the case of temporary permits, the discretion of the City Recorder. The applicant shall follow the same procedures as detailed above.

8. Location Requirements on Private Property. MVs or MFVs on private property shall meet the following location requirements.

   a. Shall be set back thirty (30) feet from street curbs or the asphalt roadways.

   b. Shall not obstruct existing driveways or travel aisles.

   c. Shall not impede site distance for vehicles on the roadway or vehicles entering or exiting the property.

   d. Shall not exceed three (3) MVs or MFVs per parcel except as may be permitted for a festival or special event.

9. No MFVs or MVs in Residential Zones. There shall be no MFVs or MVs in Residential zones. They are only allowed in zones B-1, B-2, and M-1.

10. General Requirements. The following requirements shall apply to all MVs and MFVs.

    a. Waste collection/storage containers shall be provided and maintained on site; all provisions of Title 17 of the Maynardville Municipal Code must be adhered to

regarding trash disposal and site cleanliness. MFV and MV operators are responsible for the disposal of their own graywater.

b. Seating is limited to two picnic tables or twelve individual chairs or a proportionate combination of the two.

c. No outside lighting is allowed.

d. No signage is allowed except for one "sandwich board" sign not to exceed 3' wide and 5' tall.

e. MVs and MFVs shall not have any attached structures.

f. At a minimum, ingress/egress and parking areas should be a gravel surface.

g. Any MV or MFV desiring to set up on a permanent foundation must submit a site plan in accordance with Article II, Section B of the Maynardville Zoning Ordinance.

11. Exemptions. The provisions and requirements of this section do not apply to:
    a. All events/activities/festivals approved by the city council; and
    b. All events/activities/festivals lasting no longer than 3 consecutive days that are open to the public for the purpose of providing entertainment/food and/or sales of merchandise and are in conjunction with a single event or celebration, including but not limited to the seasonal farmers market, the Heritage Festival, and the Thunder in the Park event.

12. Penalties. Any person violating any provision of this section shall be guilty of a civil ordinance violation and shall not be fined less than two dollars ($2.00) nor more than fifty dollars ($50.00) for each ordinance violation. Each day such violation shall continue shall constitute a separate offence.

ARTICLE III

APPLICATION OF REGULATIONS

A. **Use**. Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located

B. **Street Frontage**. No building shall be erected on a lot which does not abut on at least one public street for at least fifty (50) feet except that condominiums and townhouses may be excluded from this provision through the plan approval process for planned unit developments.

C. **One Principal Building on a Lot**. Except for approved planned unit developments only one principal building and its customary accessory buildings may hereafter be erected on any lot.

D. **Reduction of Lot Size Prohibited**. No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other provisions of this ordinance are not maintained.

E. **Conformity to Subdivision Regulations**. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Maynardville Municipal Planning Commission.

F. **Height and Density**. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

G. **Annexations**. All territory which may hereafter be annexed to the City of Maynardville, Tennessee, shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

H. **Mobile Homes**. The use of mobile homes as dwellings are permitted on single lots provided that:

1. The wheels are removed and the mobile home is made a permanent or semi-permanent structure.

2. The mobile home is fully underpinned and has a porch, steps, and driveway.

3. The mobile home and any related construction meet the requirements of all adopted building codes.

4. The mobile home meets the requirements of the zoning ordinance for the district in which it is located.

5. All mobile homes shall be anchored in accordance with the "Tennessee Manufactured Home Anchoring Act" (Title 68, Chapter 126, Part 4, Tennessee Code Annotated) and the "Rules of the Tennessee Department of Commerce and Insurance, Chapter 0780-2-5, Stabilizing of Manufactured Homes," and any subsequent amendments thereto. (Ordinance Amendment A, August 10, 1993).

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

A. **Districts**. For the purpose of this ordinance, the City of Maynardville, Tennessee, is hereby divided into six (6) classes of districts as follows:

Residence	-	R-1 District	-	Low Density
Residence	-	R-2 District	-	Medium Density
Business	-	B-1 District	-	Central Business
Business	-	B-2 District	-	General Business
Industrial	-	M-1 District	-	Industrial
Flood	-	FP-1 District	-	Floodplain

B. **Boundaries**. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Maynardville, Tennessee," dated December 1997, and all amendments thereof which is a part of this ordinance and which is on file in the office of the City Recorder. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines or a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

ARTICLE V

PROVISIONS GOVERNING USE DISTRICTS

A. **R-1 (Low Density) Residential**. It is the intent of this district to establish low density residential areas along with open areas, which appear likely to develop in a similar manner. The requirements for the district are designed to protect the unique characteristics of the area. In order to achieve the intent of the R-1 (Low Density) Residential District, as shown on the Zoning Map of the City of Maynardville, Tennessee, the following uses are permitted:

1. Single family residences, including mobile homes.

2. Duplexes.

3. Customary general farming.

4. Customary home occupations provided that: there is no external evidence of the occupation except an announcement sign not more than six (6) square feet in area; that only two persons, not a resident of the dwelling, are employed; and not more than 30 percent of the total premises is used.

5. Publicly owned buildings and uses, following approval by the planning commission as required by Tennessee Code Annotated, 13-4-104, and churches, provided that:

    a. The buildings are placed not less than thirty (30) feet from the side and rear property lines.

    b. There are planted buffer strips along side and rear property lines.

6. Customary accessory buildings provided that they are located in rear yards and not closer than five (5) feet to any property line.

B. **R-2 (Medium Density) Residential**. It is the intent of this district to provide areas for single and multi-family dwellings; to encourage development and continued use of the land for residential purposes; to prohibit business and industrial uses and other uses, which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the R-2 (Medium Density) Residential District, as shown on the Zoning Map of the City of Maynardville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-1 Residential District.

2. Multi-family dwellings.

3. Boarding and rooming houses and bed and breakfast houses.

4. Day care centers upon approval of a site plan by the planning commission and the issuance of a letter of approval by the Department of Human Services.

5. For residential subdivisions of 25 lots or more or multi-family developments of 25 dwellings or more, a landscaping and streetscape plan by a registered landscape architect or architect must be submitted. This must include a pedestrian circulation

system and thoughtfully designed common areas of usable recreational or green space.

C. **B-1 (Central Business) District**. It is the intent of this district to establish an area for concentrated general commercial development that the general public requires. The regulations are designed to protect the essential characteristics of the district by the promotion of commercial, public and limited residential uses which serve the general public and discourage industrial and wholesale development which do not lend themselves to pedestrian traffic. In order to achieve the intent of this district, as shown on the Zoning Map of the City of Maynardville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-2 district.

2. Stores and shops conducting retail business.

3. Personal, business, and professional services, excluding junkyards, auto repair garages, and other similar uses.

4. Public and semi-public uses upon approval of a site plan by the planning commission.

5. Funeral homes.

6. Places of amusement and assembly.

7. Lodges and clubs, hotels and motels, restaurants and similar services.

8. Craft shops, pattern shops, and similar craft type uses.

9. Mobile food vendors, mobile vendors, and mobile vendor food courts, in accordance with Article II Section K.

10. Special Exceptions. In the B-1, Central Business District, the following uses and their accessory uses may be permitted subject to approval by the Maynardville Board of Zoning Appeals in accordance with the provisions of Article IX, Section D.

    a. Methadone Treatment Clinic or Facility
        1. The consideration for approval by the Board of Zoning Appeals of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.
        2. Maps showing existing land use and zoning within one-half mile of the proposed site should be submitted with an application for Special Exception approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.

3. The clinic or facility shall be located on and gain access only from Arterial Streets as designated on the city's major road plan.
4. Measurement shall be made in a straight line on the Maynardville Zoning Map from the nearest wall of the building in which the methadone treatment clinic or facility is proposed to the nearest property line of the following uses:
   a) The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park/recreation center, church, pharmacy or similar facility that dispenses prescription or over the counter drugs, hospital, or any establishment that sells alcoholic beverages for either on- or off- premises consumption.
   b) The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility or any pain management clinic or facility.
5. The site shall comply with off-road parking requirements as regulated by this ordinance.

b. Pain Management Clinic or Facility:
   1. For the purposes of this ordinance, a pain management clinic means a privately-owned facility in compliance with the requirements of TCA § 63-1-302 through § 63-1-311
   2. This section does not apply to the following facilities as described in TCA § 63-1-302:
      a) A medical or dental school, an osteopathic medical school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
      b) Hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
      c) Hospice services as defined in TCA § 68-11-201;
      d) A nursing home as defined in TCA § 68-11-201;
      e) A facility maintained or operated by the State of Tennessee; or
      f) A hospital or clinic maintained or operated by the federal government.
   3. Certification. Said facility shall maintain in good standing a certificate in compliance with TCA § 63-1-306 through § 63-1-309.
   4. Maps showing existing land use and zoning within one-half mile of the proposed site should be submitted with an application for Special Exception approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
   5. Receipts. A pain management clinic, in conformity with TCA § 63-1-310 may accept only a check, credit card or money order in payment for services provided at the clinic, except that a payment may be made in cash for a co-pay, coinsurance or deductible when

the remainder of the charge for services is submitted to the patient's insurance plan for reimbursement.

6. A site plan of the proposed clinic clearly depicting at a minimum:
   a) Off-Street Parking and Vehicular Operation. Off-street parking shall be provided for the facility as required by this ordinance or as required to prevent the cuing of vehicles in the public right-of-way whichever is greater.
   b) Measurement shall be made in a straight line on the Maynardville Zoning Map from the nearest wall of the building in which the pain management clinic or facility is proposed to the nearest property line of the following uses:
      1) The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park/recreation center, church, pharmacy or similar facility that dispenses prescription or over the counter drugs, hospital, or any establishment that sells alcoholic beverages for either on- or off- premises consumption.
      2) The site shall not be less than one-half (1/2) mile from any other pain management clinic or facility or any methadone treatment clinic or facility.
7. The clinic or facility shall be located on and gain access only from Arterial streets.
8. In reviewing each application, the Board of Zoning Appeals may establish additional requirements or conditions of approval to further reduce the impact such facility may have on surrounding properties. (Added by Ordinance 0-2013-3, 7/9/13)

D. **B-2 (General Business) District**. It is the intent of this district to establish commercial areas that encourage the grouping of compatible commercial uses, reduce traffic congestion, and maintain the aesthetic characteristics of the community. In order to achieve the intent of this district, as shown on the Zoning Map of the City of Maynardville, Tennessee the following uses are permitted:

1. Any business use permitted in the B-1 District.

2. Auto and mobile home sales.

3. Wholesale business, warehouses, storage yards and buildings, and similar uses.

4. Gasoline service stations, provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall not be less than fifteen (15) feet from intersection of street lines.

E. **M-1 (Industrial) District**. It is the intent of this district to establish industrial areas along with open areas, which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling, and business, uses and to discourage residential development. In order to achieve the intent of the M-1 (Industrial) District, as

shown on the Zoning Map of the City of Maynardville, Tennessee, the following uses are permitted:

1. Any use permitted in business districts, except residences.

2. Terminals.

3. Wholesale businesses.

4. Warehouses.

5. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions, as determined by the planning commission.

6. Adult Oriented Businesses as allowed in accordance with the City of Maynardville Municipal Ordinance, Licensing and Regulation of Adult-Oriented Businesses and any subsequent amendments to said ordinance.

7. Automobile Wrecking, Junk and Salvage Yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

   A. All motor vehicles stored or kept in such yards shall be maintained so they will not catch and hold water and so that they will not constitute a place or places in which vermin may be harbored or propagated.

   B. Must be a minimum of 300 feet from any established residential zone.

   C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall (8-12 feet tall), excepting driveway areas. Storage between the road or street and such fence is prohibited, and the fence or wall shall be properly painted in good condition.

   D. All such yards shall be maintained in a sanitary condition and not be a menace to public health or safety.

   (Added by Ordinance 0-2013-5, 10/8/13)

F. **FP-1 (Floodplain) District**. The intent of the floodplain district is to require restrictions upon the use of lands which lie in floodways and floodplains within the city and to meet federal regulations developed to implement the Flood Disaster Protection Act of 1973 as amended and the City of Maynardville Ordinance No. 86-33; thereby protecting persons, property, and the community from dangers arising from periodic flooding. The floodplain district is shown on flood boundary maps, which are made a part of this ordinance. The floodplain district is an overlay district. In order to achieve the intent of this district, as shown on the Zoning Map of the City of Maynardville, Tennessee, the following regulations shall be required in addition or in lieu of the underlying district regulations:

1. Within designated floodways, no permanent structures shall be allowed.

2. Within flood fringe areas, uses permitted in the underlying zoning district shall be allowed subject to the conditions established in the regulations governing the National Flood Disaster Act of 1973 as amended.

ARTICLE VI

AREA, YARD, AND HEIGHT REQUIREMENTS

A. **Purpose**. For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the City of Maynardville, Tennessee Zoning Ordinance are hereby established as follows:

B. **Minimum Requirements**.

Minimum Lot Size in Square Feet				Minimum Yard Requirements From Property Lines			
District	Area in Square Feet	Per Additional Family	Lot Width in Feet	Front	Side (Each)	Rear	Maximum Height of Structures
R-1	20,000	3,000	50 ft.*	25 ft.	10 ft. per-story	20 ft.	35 ft.
R-2	7,500	2,500	50 ft.*	25 ft.	10 ft.	20 ft.	35 ft.
B-1							35 ft.
B-2				30 ft.	10 ft.	25 ft.**	35 ft.
M-1				**	***	**/***	35 ft.

* Except 40 feet on cul-de-sac.
** Customary accessory buildings – 5 ft. from any property line.
*** Setbacks as needed to maintain utility easements.

ARTICLE VII

EXCEPTIONS AND MODIFICATIONS

A. **Lot of Record**. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Article IX.

B. **Front Yards**. The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

C. **Group Housing Projects**. In the case of a group housing project of two or more buildings to be constructed on a plot of ground of at least one acre not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood and will insure substantially the same character of occupancy and intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is located or a smaller lot area per family than the minimum required in such district, or a greater height or a larger coverage than the requirements of this ordinance permit in such a district.

D. **Exception on Height Limits.** The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

ARTICLE VIII

ENFORCEMENT

A. **Enforcing Officer**. The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

B. **Building Permit Required**. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building inspector has issued a building permit for such work.

C. **Issuance of Building Permit**. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.

D. **Certificate of Occupancy**. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state such refusal in writing with the cause. No land or building hereafter erected or altered, shall be used until such a certificate of occupancy has been granted.

E. **Penalties**. Any persons violating any provision of the ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as stated by state law for each offense. Each day such violation shall continue shall constitute a separate offense.

F. **Remedies**. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, or structure of land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building.

ARTICLE IX

BOARD OF ZONING APPEALS

A. **Creation and Appointment.** A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of Public Acts of Tennessee of 1935. The Maynardville Municipal Planning Commission is hereby designated as the Board of Zoning Appeals and the terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the Maynardville Municipal Planning Commission.

B. **Procedure.** Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

C. **Appeals: How Taken.** An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

D. **Powers.** The Board of Zoning Appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special exceptions. To hear and decide application for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass by this ordinance. The following procedures shall apply:

    a. The procedure shall be the same whether review is required by this ordinance or if a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

    b. Application and fee. An application shall be filed with the Board of Zoning Appeals for review. Said application shall include a site plan showing the location and intended uses of the site, the names of the

property owners within one thousand (1,000) feet, zoning and existing land uses within one-half (1/2) mile, and any other material pertinent to the request which the Board of Zoning Appeals may require. To partially defray the administration cost and cost of giving notice to the public, the applicant shall pay a non-refundable filing fee to the City of Maynardville of fifty ($50) dollars.

c. Notice of property owners. Person(s) requesting the special exception shall submit to the Board of Zoning Appeals letters addressed to each property owner and resident within one thousand (1,000) feet of the property in question containing information adequate to notify such owners and residents of the intended special exception. Information relevant to the date, time and location of the meeting of the Board of Zoning Appeals shall be included. Such letter shall be placed in unsealed, stamped, and addressed envelopes ready for mailing by the board or city. The return address of the board or city must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application. In addition, the city shall post a sign on the property stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request.

d. Restrictions. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of the zoning ordinance.

e. Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

f. General Requirement. A special exception shall be granted provided that the Board of Zoning Appeals finds that it:

1. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

2. Will not adversely affect other property in the area in which it is located;

3. Is within the provision of "special exceptions" as set out in this ordinance; and

4. Conforms to all applicable provisions of this ordinance.

(Amended by Ordinance 0-2013-3, 7/9/13)

3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

ARTICLE X

AMENDMENT

A. **Procedure.** The board of mayor and aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this ordinance.

B. **Approval by Planning Commission.** No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission disapproves such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective.

C. **Introduction of Amendment.** Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen of the request change. Said notice shall be published in some newspaper of general circulation in the City of Maynardville, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XI

LEGAL STATUS PROVISIONS

A. **Rescission of Ordinance No. 14.** Ordinance No. 14, "Zoning Ordinance, Maynardville, Tennessee," (Title 11, The Maynardville Municipal Code), and any amendments thereto, is hereby rescinded in its entirety.

B. **Conflict with Other Ordinances.** In the case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Maynardville, the most restrictive shall in all cases apply.

C. **Validity.** If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

D. **Effective Date.** This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Certified by Planning Commission: April 22, 1993

Passed on First Reading: May 6, 1993

Passed on Second Reading: June 3, 1993

Passed on Third Reading: July 8, 1993

Gina Singletary — City Recorder

H. E. Richardson — Mayor

Effective Date: December, 1991

Codified as amended through October 2020.