

ORDINANCE NO. 4641-17

AN ORDINANCE TO AMEND ARTICLE III, NONCONFORMING PROVISIONS, ARTICLE IV, SECTION 4.10, EXCEPTIONS ON SETBACKS, ARTICLE VI, SECTION 6.10.3.2C, REAR YARD SETBACK FOR RP ZONING DISTRICTS, AND SECTION 6.33, GATEWAY OVERLAY DISTRICT OF THE ZONING CODE OF THE CITY OF JOHNSON CITY

WHEREAS, the Johnson City Regional Planning Commission on June 13, 2017 considered and recommended amendments to the Zoning Code of the City of Johnson City hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Article III, Nonconforming Provisions of the Zoning Code of the City of Johnson City, Tennessee are and the same is hereby amended and modified by adding the following section:

3.5.6. When a dedication of land to the public for the purpose of establishing open space for greenways, trails, parks, streets, slope protection, or stream protection makes a lot, building or structure nonconforming with respect to requirements for minimum yards, building setbacks, building coverage, lot area, lot width, lot depth, or required off-street parking, and this dedication is needed or required by the City of Johnson City, the property shall be considered conforming for zoning purposes without requirement of a variance from the Board of Zoning Appeals, and the Planning Commission may approve a Subdivision plat without need or requirement of a zoning variance.

SECTION 2. BE IT FURTHER ORDAINED, That Section 3.3.1.1E of the Zoning Ordinance of the City of Johnson City, Tennessee be and the same is hereby amended and modified as follows:

3.3.1.1E. Nonconforming structures resulting from the passage of Sections 6.28, 6.30, 6.31 and 6.33 may expand, renovate, alter, remodel, or reconstruct without conformance to the Development Standards set forth in Sections 6.28.3, 6.30.3, 6.31.3 and 6.33.3 providing the nonconforming structures do not expand upon any land area/parcel that was not part of the original property at the time the structures first became nonconforming. The provisions contained in Section 3.4 are still applicable regarding structures that are removed, destroyed, or damaged.

SECTION 3. BE IT FURTHER ORDAINED, That Section 4.10.5 of the Zoning Ordinance of the City of Johnson City, Tennessee, which originally read as follows: “Garbage disposal equipment, non-permanent.”

Is hereby deleted and replaced with the following language:

Accessory structures subject to the requirements of Section 4.13 of this Zoning Code. Where a commercial property adjoins a residential development, permanent garbage disposal equipment shall be set at least 20ft from the property line of the commercial property.

SECTION 4. BE IT FURTHER ORDAINED, That Section 6.10.3.2C of the Zoning Ordinance of the City of Johnson City, Tennessee, which originally read as follows: “The rear yard setback on exterior lots shall be equal to the required setback in the adjacent non RP zoning district.”

Is hereby deleted and replaced with the following language:

The rear yard setback on lots adjoining a non-RP District shall be the same as the setback of the adjacent yard in the non-RP District, provided the rear yard setback in the RP District shall not be required to be greater than 25ft. All other lots not adjoining a non-RP District shall maintain a rear yard setback for drainage and utility easements where necessary.

SECTION 5. BE IT FURTHER ORDAINED, That the Gateway Overlay District that was adopted by Ordinance No.4499-13 and added to the Johnson City Zoning Code as Section 6.31 is renumbered and the same is hereby amended and modified as follows:

6.33 – GO – GATEWAY OVERLAY DISTRICT

6.33.1 INTENT:

The purpose of this overlay district is to establish higher environmental, aesthetic, and design standards for designated areas of Johnson City that includes properties visible from specified streets. Because these standards shall apply without regard to the underlying use of the land, they are created in a special overlay district which can be applied over any zoning district located along a designated street.

6.33.2 APPLICABILITY:

The Gateway Overlay District shall be in effect in all zoning districts along designated streets. The district as measured extends from a parcel’s front property line for a distance of 300 feet. Any parcel having area within the overlay is subject to these requirements. As an overlay, this district is applied in addition to those standards of the underlying district. Any developments within the geographic limits of this district shall conform to the requirements of both districts or the more restrictive of the two. Single-family and two-family land uses shall be exempt from the provisions of this overlay.

6.33.3 DEVELOPMENT STANDARDS:

In the GO district, architectural building elements and/or elevations shall be submitted in conjunction with plans for site plan approval depicting sufficient detail to determine conformance with this district.

The following standards and guidelines shall apply to all development, construction, reconstruction, or alteration:

6.33.3.1 Utilities:

All new utility lines, including, but not limited to, electric, telephone, and TV cable, shall be placed underground. With exception for electric power lines in excess of 100amp, 3 phase, 2500 KVA, which may be placed aboveground.

6.33.3.2 Mechanical Equipment:

Ground-mounted mechanical equipment shall not be located in the front yard. All ground-mounted mechanical equipment shall be screened from view from the designated street by the use of walls, fences, or landscaping. All roof-mounted mechanical equipment shall be properly screened to minimize visual impact from the designated street, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as or complementary to the building.

6.33.3.3 Building Facades:

Buildings shall be designed and constructed to avoid lengthy, unbroken facades with no scale, detailing, or fenestration. Examples of architectural details include: recessed or articulated wall surfaces; columns and beams; windows and other openings that reflect and enhance the character and style of the building; and defined rooflines. The use of sloped roofs in combination with flat roofs, may be used to vary the building profile and to provide equipment screening.

Exterior building materials that are prohibited, when visible from the designated roadway or abutting residential development, include: corrugated metal siding; vinyl siding; and unpainted concrete block.

A minimum of seventy percent (70%) of every exterior building wall, excluding glass, that is visible from a public right-of-way or an abutting residential development shall be comprised from the following materials: brick; stone; hard-coat stucco; pre-cast concrete; or synthetic stucco (EIFS). Colored split-faced block may also be utilized, in an amount not to exceed twenty-five percent (25%). Painted smooth-faced concrete block may be utilized, in an amount not to exceed five percent (5%).

6.33.3.4 Service, Loading, and Equipment Storage Areas:

Service areas, including storage, special equipment, maintenance, and loading areas, shall be screened so as to minimize visibility from the designated roadway or abutting residential development. Refuse collection areas shall be located in the side or rear yard

and shall be screened so as to minimize visibility. If architectural elements are employed for screening, they shall be of the same building materials as the principal structure.

6.33.3.5 Signage:

All signage located within this overlay shall comply with the requirements of the underlying zoning unless modified below.

No freestanding or development identification sign shall exceed thirty (30) feet in height as measured from the surface grade at the base of the sign or from the surface grade of the highway to which this overlay is applied. The surface grade of the designated highway shall be measured from the centerline of the travel lane closest to the sign. No freestanding sign or development identification sign shall exceed two hundred (200) square feet in sign area. If the distance from the outside driving lane of the adjacent right-of-way to the property line is greater than sixty (60) feet, then the setback for a permitted freestanding or development identification sign may be reduced to ten (10) feet.

6.33.3.6 Parking:

A landscaped pedestrian way, a minimum of five (5) feet in width, is encouraged to be provided between the rows of parking that lead into the primary customer entrance(s) of the business establishment. Parking shall not encroach into the pedestrian way.

6.33.3.7 Lighting:

Direct light and glare from lights can be both a hazard and a nuisance to drivers and neighboring residential development. Exterior lighting shall not emit any light above a horizontal plane. Searchlights, laser source lights, or any similar high intensity light for advertising purposes shall be prohibited. The maximum height of lights not located in the public right-of-way shall be thirty-five (35) feet.

6.33.4 PROHIBITED USES:

The following uses shall be prohibited in the GO district:

- A. Adult-oriented businesses;
- B. Transmission tower structures;
- C. Mobile home sales; and
- D. Salvage and/or junk yards.

6.33.5 USES PERMITTED BY APPROVAL AS SPECIAL EXCEPTION:

When allowed in the underlying district, the following use is permitted when approved by the Board of Zoning Appeals as a Special Exception as provided by Section 15.4:

- A. Self Service Storage, as a primary use: provided that 1) all buildings adhere to the development standards; 2) all storage buildings on site are located perpendicular to the primary adjoining public right-of-way; 3) decorative fencing (examples: wood,

wrought iron, vinyl, aluminum) is installed along adjoining right-of-way(s); 4) chain link fencing may be used on side and rear property lines, provided that it is not adjoining a public right-of-way or residential use, and the fencing is buffered by maintained landscaping; and 5) the colors utilized for all buildings shall be compatible earth tones.

6.33.6 GREENWAYS:

At the time of subdivision or development, whichever comes first, all parcels which abut a flood zone shall provide a drainage and transportation easement of up to fifteen (15) feet in the flood zone to ensure the continued safe flow and unimpeded access

6.33.7 DRAINAGE AND EROSION CONTROL:

The construction of storm sewers and storm water management systems shall be in accordance with the Johnson City Public Works Department's standards of latest issue. Reseeding or sodding any cleared or graded site shall be required where no building activity has occurred within a three (3) month period. Additional reseeded or sodding will be required in the event the initial application(s) are unsuccessful.

SECTION 6. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7. BE IT FURTHER ORDAINED, That this ordinance shall take effect upon final passage and publication of this ordinance in a newspaper of general circulation, the public welfare requiring it.

PASSED ON FIRST READING 7-06-2017
PASSED ON SECOND READING 7/20/2017
PASSED ON THIRD READING 8/03/2017
APPROVED AND SIGNED IN OPEN MEETING
ON THE 3rd DAY OF August, 2017

/s/ Jenny Brock
VICE-MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
STAFF ATTORNEY