

**ORDINANCE NO. 2023-05**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF JONESBOROUGH, TENNESSEE TO AMEND TITLE 11 CHAPTER 5 PROVISIONS RELATING TO ZONING ENTITLED "PROVISIONS GOVERNING USE DISTRICT" BY ADDING SECTION 11-517E ENTITLED "CORRIDOR OVERLAY DISTRICT" AND TO ESTABLISH DESIGN GUIDELINE STANDARDS FOR SUCH DISTRICTS**

**Whereas**, Sections 13-7-201 through 13-7-212 of the Tennessee Code Annotated provides the Town of Jonesborough, Tennessee with the powers and authority to enact local municipal zoning codes; and

**Whereas**, said sections provide a process for the amendment of local municipal zoning codes; and

**Whereas**, Tennessee Code Annotated 6-54-133, authorizes municipalities to establish a Design Review Commission having the authority to develop general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the municipality; and

**Whereas**, the Board of Mayor and Aldermen desire to adopt guidelines for the exterior appearance of nonresidential property and any entrance to a nonresidential development within the municipality; and

**Whereas**, a Design Review Commission has been established through Resolution by the Board of Mayor and Aldermen; and

**Whereas**, the members of the Planning Commission of the Town of Jonesborough shall serve as the Design Review Commission; and

**Whereas**, any property owner affected by the design guidelines may appeal a decision of the Design Review Commission to the Board of Mayor and Aldermen; and

**Whereas**, the Town of Jonesborough has an interest in maintaining the aesthetic beauty of the community and in preserving and promoting high-quality design standards;

**Whereas**, the Town of Jonesborough Planning Commission met on February 21, 2023 for the purpose of considering this ordinance amendment and recommended approval of the ordinance to the Board of Mayor and Aldermen; and

**Whereas**, the Town of Jonesborough, Tennessee Board of Mayor and Aldermen recognizes it to be in the best interest and to the best general welfare of the citizens of the Town of Jonesborough, Tennessee to create corridor overlay districts and establish design guideline standards for these Corridor Overlay Districts.

**Now, Therefore, Be It Ordained** by the Board of Mayor and Aldermen of the Town of Jonesborough, Tennessee that the Town of Jonesborough Municipal Zoning Ordinance is hereby amending Title 11, Chapter 5 Provisions Relating to Zoning by adding Section 11-517E Corridor Overlay District, and to read as follows:

**INTENT:**

The purpose of this overlay district is to establish higher environmental, aesthetic and design standards for designated areas of Jonesborough that includes properties visible from specified streets. Building walls should reflect and complement the traditional materials and construction techniques of the Town of Jonesborough. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. 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 as identified on the overlay district map. The designated streets include: East Jackson Boulevard, West Jackson Boulevard, and Headtown Road.

**APPLICABILITY:**

The Corridor Overlay District shall be in effect in all zoning districts along designated streets. The district as measured is one parcel deep from each side of the designated street. 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, two-family, and multi-family land uses shall be exempt from the provisions of this overlay.

**DEVELOPMENT STANDARDS:**

In the Corridor Overlay 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:

**Utilities:**

All new utility lines, including, but not limited to, electric, telephone, and TV cable, shall be placed underground (with the exception of power lines that are (1) 3-phase; (2) greater than 100 amp; or (3) greater than 2500 KVA; which may be placed aboveground). Wherever possible, the town requests that electric that is placed aboveground be located at the rear of the building otherwise a variance is required to be approved if placed on any other side.

**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.

**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

The following are exterior building materials that are discouraged from use: corrugated metal siding; vinyl siding; and unpainted concrete block. In the event of the requested use of one or more of these materials, significant reasoning or hardship is required to be presented to the Design Review Commission, or in the event of any variance, to the Board of Mayor and Aldermen.

A minimum of seventy-five percent (75%) of every exterior building wall, excluding glass, which is visible from a public right-of-way or an abutting residential development (if not buffered) shall be comprised from the following materials: natural clay brick; and/or natural quarried stone products. Secondary façade materials, which may be used up to twenty percent (20%) on exterior building walls include: all-encompassing synthetic stuccos or concrete based products; and/or other materials as approved by the Building Inspector. Painted smooth-faced concrete block, wood, architectural metal, and/or other materials differing from those used as primary and secondary materials may be utilized, in an amount not to exceed five percent (5%).

Exterior building materials for roofed overhangs, porches, porch-ceilings, and soffits are excluded from these design guidelines.

**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 loading areas, and 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.

**Signage:**

All signage located within this overlay shall comply with the requirements as per the Jonesborough Municipal Code in effect at the time of the development.

**Parking:**

A pedestrian walkway, a minimum of five (5) feet in width, is required 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 designated walkway. A parking space width of nine (9) feet for the entire parking lot is preferred for the ease of pedestrian access in general.

**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 as per the Jonesborough Municipal Code in effect at the time of the development.

LED lights affixed around the perimeter of windows and doors is specifically prohibited.

**PROHIBITED USES:**

The following uses shall be prohibited in the DO district:

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

## **DRAINAGE AND EROSION CONTROL**

The construction of storm sewers and storm waste management systems shall be in accordance with Town policies and codes. 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.

## **REHABILITATION AND IMPROVEMENTS TO EXISTING BUILDINGS AND SITES**

As buildings and sites are renovated, updated and improved over time, it is the desire of the Town of Jonesborough that these sites and buildings be updated to comply with the current Corridor Overlay District. The use of high-quality materials for such renovations should be used. Deteriorated materials should be removed.

In the event of any change to the exterior of a building or site where there is a 50% or greater change to the exterior of the structure, the applicant must submit plans to the Design Review Commission and come into compliance with these guidelines. The following categories of changes to the exterior of a building or site may be approved by Town Staff if it is of the opinion of Town Staff that such changes are in conformity with current Design Review Commission guidelines and such changes will not interfere with the character of the area where such changes are proposed:

1. Replacement of existing materials with the same, including materials, design and color.
2. Repainting or re-roofing.
3. Repair or replacement of items with similar material and color.
4. Replacement of windows with the same design and color.

## **APPEALS PROCESS**

Appeals by the property owners regarding design standards and guidelines will come before the Board of Mayor and Aldermen for review. Applicants are encouraged to work closely with the Jonesborough Building Inspector and Town Administrator to review existing and proposed conditions of a building or developed site to determine the best alternatives. In lieu of an opinion by Town Staff, an applicant of any change to the exterior of a building or site may request to appear before the Design Review Commission.

## COMPATIBILITY WITH OTHER REGULATIONS

This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for design shall control.

## SEVERABILITY

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof than the part held to be invalid.

**Be It Further Ordained**, that this ordinance shall be effective from and after its passage, the public welfare requiring it.

Approved by the Planning Commission

February 21, 2023

Date

Passed on First Reading

February 13, 2023

Date

Public Hearing Held On

March 13, 2023


Date

Passed on Second Reading

March 13, 2023


Date

Approved and Signed in Open Meeting

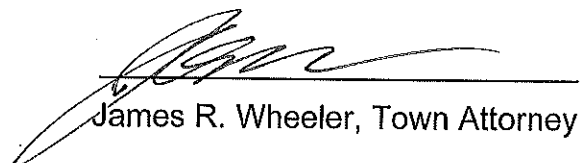


Chuck Vest, Mayor

Attest:

  
Robert Anderson, Town Recorder

Approved as to Form:

  
James R. Wheeler, Town Attorney