

**AN ORDINANCE AMENDING CHAPTER 405: ZONING CODE OF THE MUNICIPAL CODE OF MARYVILLE, MISSOURI REGARDING THE CREATION OF A DOWNTOWN OVERLAY DISTRICT.**

**WHEREAS**, the City desires to preserve and reinforce the historic commercial architecture and urban character of downtown while allowing creative infill development, site design and architecture; and,

**WHEREAS**, the City of Maryville recognizes the inherent differences in Downtown Maryville and desires to create a zoning overlay district to guide new and redevelopment opportunities; and,

**WHEREAS**, on \_\_\_\_\_, the Planning and Zoning Commission did evaluate proposed amendments to Chapter 405: Zoning Code of the Municipal Code of Maryville related to the Downtown Overlay District and recommend approval to the City Council; and,

**WHEREAS**, a public hearing on the overlay districts was held \_\_\_\_\_ in accordance with Revised Missouri State Statutes 89.050 with the required fifteen (15) days public notice.

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

**SECTION 1:** That Chapter 405: Zoning Code, Article I. General Provisions, Section 405.025. Overlay Districts, of the Municipal Code of the City of Maryville, Missouri, be and is hereby amended and shall read as follows:

**Section 405.025. Overlay Districts.**

**[Ord. No. 7432 §1, 7-9-2012]**

A. Each of the districts hereinbefore set forth shall be referred to as Overlay Districts and create special zoning districts, placed over existing base zones listed in Section 405.020 and identifies special provisions in addition to those in the underlying base zone. Overlay Districts shall be as follows:

1. “CTO” – Campus Town Overlay District
2. “UNO” – University Neighborhood Overlay District
- 3. “DTO” – Downtown Overlay District**

**SECTION 2:** That Chapter 405: Zoning Code, Article III. District Regulations, of the Municipal Code of the City of Maryville, Missouri, be and is hereby amended to add Section 405.327. Downtown Overlay District, which will read as follows:

**Section 405.327. Downtown Overlay District.**

A. The following requirements for uses shall exist in “DTO” Downtown Overlay District:

1. *Purpose.* The Downtown Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas located within and around downtown Maryville. The district recognizes the importance of the historic pattern of development within the downtown area and provides for its conservation. The district is intended to guide new construction, and to promote small-scale pedestrian-oriented development to service both the surrounding businesses and residential areas.
2. *Area of Application.*
  - (a) The Downtown Overlay District applies to an area within the City of Maryville’s zoning jurisdiction that is generally bound on the north by Seventh Street, on the east by Vine Street, on the south by Jenkins Street, and on the west by Fillmore Street. The legal defined boundary of the Downtown Overlay District is outlined in Section 405.040.
  - (b) The provisions of the overlay district shall apply to all property with zoning classifications of “C-O”, Office Building District, “C-1”, Restricted Business District, “C-2”, General Business District, “C-3”, Commercial District.
  - (b) The provisions of the overlay district shall apply to all new development, redevelopment, additions, or enlargements on each lot or site.
3. *Permitted Uses.* Except as otherwise indicated in this section, regulations, including permitted uses, required landscaping, parking, and signage shall be those permitted in the underlying base zoning. All ground floor uses must be commercial or civic in nature and may not include residential use.
4. *Building Bulk Regulations.*
  - (a) *Building/Structure Height.* No building or structure should exceed fifty (50) feet or three (3) stories.
  - (b) *Maximum Site Coverage.* There are no lot coverage requirements in this District except that a minimum of ten (10%) of the lot shall be landscaped green space. The City Manager, or his/her designee, may require additional landscaping in order to mitigate adverse conditions on surrounding property or may allow additional building lot coverage because of unique conditions of the parcel and such is compatible with surrounding areas. Those determinations shall be made on an individual basis as a part of site and plan review and approval.

(c) *Building Placement Guidelines.*

1. Locate buildings close to the street [within twenty-five (25) feet of the curb] with off-street parking behind and/or beside buildings.
2. If the building is located at a street intersection, place the main building, or part of the building at the corner. Parking, loading, or service should not be located at an intersection without review and approval of the City Manager, or his/her designee.
3. To maximize the street frontage of buildings and minimize the street frontage of parking lots, buildings should be articulated so that the long side fronts on the street.

5. *Setback Requirements.*

- (a) *Front yard.* There is no minimum front yard setback requirement in the Downtown Overlay District.
- (b) *Side yard.* There are no minimum or maximum side yard setback provisions in this district except where a lot abuts a residential use, a side yard of at least five (5) feet shall be provided.
- (c) *Rear yard.* The required setback in the Downtown Overlay District is a minimum of fifteen (15) feet. Modifications to the required rear yard setback are permitted/required under the following conditions:
  1. Where a corner lot exists and thereby two (2) front yards, the property line opposite to the front yard line with the greater street frontage shall be considered the side yard and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard.
  2. Outside stairways, tower balconies or fire escapes may project no more than five (5) feet beyond the face of the wall.
  3. Roof eaves may project no more than three (3) feet beyond the face of the wall.
  4. Window sills, bay windows, belt courses and similar architectural features, as well as rain leaders and chimneys, may project no more than two (2) feet beyond the face of the wall.

6. *General Building Design Guidelines.*

- (a) New buildings should strive for a contextual approach to design. A contextual design approach is not intended to necessarily mean a historic approach, but rather one that is sensitive to the surrounding urban, built, and natural conditions.

- (b) Adjacent buildings should relate in similarity of scale, height, materials, and configuration.
- (c) The adopted Downtown Design Guidelines (2019) should be used for reference in the design process.

7. *Façade Treatment Guidelines.*

- (a) The primary entrance shall be both architecturally and functionally designed on the front façade of the building facing the primary public street. Such entrances shall be designed to convey their prominence on the front façade.
- (b) Buildings at street corners should be designed to address the corner, that is, to encourage the interest of drivers, pedestrians, and bicyclists at the intersection. Provide a building entry, additional building mass, and distinctive architectural elements at the corner.
- (c) Use building massing, special architectural features, signage, and/or changes in the roofline to emphasize building entrances.
- (d) The ground level of the building shall be designed to encourage pedestrian interest along sidewalks and paths. This includes windows, entrances, and architectural details. Signage, awnings, benches, and ornamentation are encouraged.
- (e) Canopies and awnings should be canvas or similar material and may be permitted to encroach over a sidewalk to within two (2) feet of a public street curb.

8. *Materials.*

- (a) Materials shall express their function clearly and honestly, and shall not appear as materials that are foreign to the character of the rest of the building.
- (b) Consistency of exterior architectural materials. Any building exterior elevation shall consist of architectural materials that are equal in quality, appearance, and detail to the other exterior elevations of the same structure.
- (c) Unadorned concrete masonry units, corrugated and/or sheet metal.
  - 1. No portion of a building may be constructed of unadorned concrete masonry units, or corrugated and/or sheet metal.
  - 2. Nothing in this section shall preclude the use of architectural metal cladding, which may be incorporated into the overall building composition when used as an architectural accent and when found to meet the intent of this section. Such architectural cladding will exhibit features, such as quality architectural materials, a natural or high-quality fluoropolymer finish, and concealed fasteners

(d) *Primary Building Materials.*

1. Primary exterior building materials in the Storefront Zone shall be either brick or wood. Stucco may be used only as Secondary Building Materials.
2. The use of primary building materials may not be feasible for redevelopment of certain structures due to existing conditions. Substitution of a portion or all of the primary building materials may be reviewed and approved by the City Manager, or his/her designee.

(e) *Secondary Building Materials.*

1. Stucco or materials similar in appearance or texture may be used in “voids” or reveals between brick building masses, but shall not constitute more than fifty percent (50%) of the area of the building façade.
2. Stucco or materials similar in appearance or texture may be used for details such as sills, lintels, and cornice features.
3. Cast or natural finish stone may be used as decorative detailing at the base or as lintels and/or sills or cornice features.

9. *Maintenance and Repair.*

- (a) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Downtown Overlay District that does not involve a change in design, material, color, or exterior appearance thereof.
- (b) Nor shall it be construed to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature that the Code Enforcement Officer or similar official shall certify is required by the public safety because of an unsafe or dangerous condition.

10. *Parking Requirements.*

- (a) The parking requirements for each development shall be as approved by the City Manager, or his/her designee, in conjunction with site plan review and approval. Parking requirements shall be consistent with ordinance when possible, but will be reviewed and considered on an individual basis after evaluating existing conditions and space available. In cases where minimum parking requirements cannot be provided on site or a shared parking agreement cannot be acquired, the City Manager, or his/her designee, shall review a parking plan. The City Manager, or his/her designee, shall inform the City Council of the action taken on the parking plan.
- (b) For businesses and residential uses that do not meet the City minimum on-site parking requirements, exemptions under Section 405.290 (D), or have

been provided a variance by the Board of Adjustment, a contribution of one thousand five hundred dollars (\$1,500.00) per parking space below the minimum requirement shall be provided to the City. The funds gathered from these contributions will be used for the City to create or maintain public parking opportunities within the Downtown Overlay District.

11. *Screening Requirements.* Screening shall be provided to obscure certain uses, or portions of a specific use, which by the scale or design represent a potential negative impact on adjacent properties. All screening materials shall be compatible or complementary of the primary structure and will be accomplished by the use of fences, walls, hedges, landscaping, earth berms, natural buffers, or any combination thereof, as reviewed and approved by the City Manager, or his/her designee.

(a) The following specific uses or features shall be screened from adjacent properties and from public view from any existing or proposed public street, regardless of their size, scale, or location on the site:

1. Dumpster and trash hauling areas.
2. Service entrances and utility facilities.
3. Loading docks or spaces.
4. Areas used for outdoor storage of materials or equipment.

(b) In addition to the standards set forth in this section, the following standards apply to all screening:

1. Minimum height of any screening shall be that which is sufficient to visually separate uses within the subject property from adjoining properties and streets.
2. Height of any screen materials on a corner is controlled by vehicular sight distance.
3. Plant material used for screening shall be of evergreen varieties and shall be at least six (6) feet in height and no farther apart than ten (10) feet apart when planted.
4. All screening must be maintained and replaced as required to stay in compliance.

12. *Outdoor Lighting Guidelines.*

(a) Use low intensity of high-quality white light, which will provide good, uniform visibility while avoiding light pollutions.

(b) Cutoff fixtures are preferred because they are more efficient than non-cutoff fixtures at casting light on the sidewalk and avoiding light spillage and pollution.

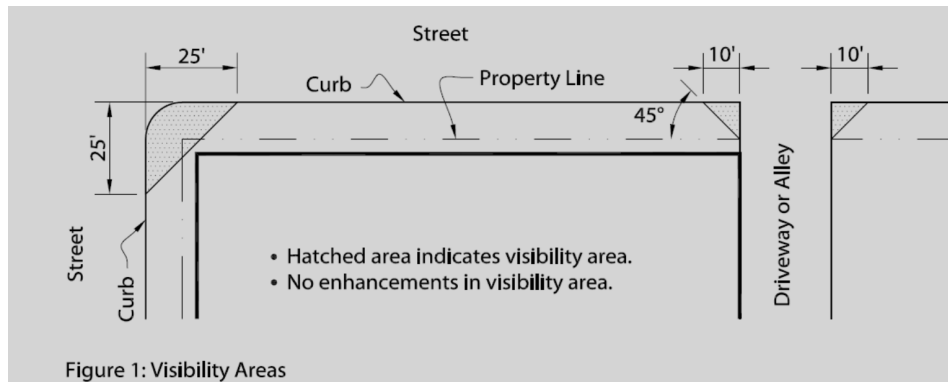
- (c) Use decorative bases, posts, luminaries and bollards in lieu of standard wood poles.
- (d) A substantial amount of lighting for pedestrians should be provided from the storefronts using either indirect illumination from within a building or direct illumination under canopies and awnings.

13. *Site Landscaping Guidelines.* The corners of street intersections, particularly gateways and site entries (entries from both street and sidewalk) should be distinguished by special landscape treatments: flower displays, specimen trees and shrubs, accent rocks, low walls, signage, decorative lighting, sculpture, architectural elements, and/or special paving. Features for vehicular entry points must meet sight triangle requirements.

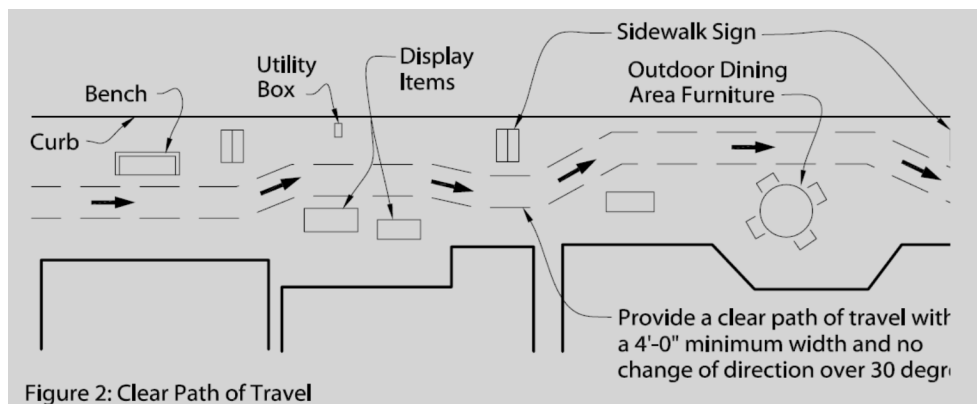
14. *Pedestrian Zone Regulations.* Improvements in the Pedestrian Zone are permitted to optimize the growth and income of retail business and restaurants by allowing and encouraging the use of portions of the public right-of-way between the curb and adjoining private property. These improvements will promote an environment that encourages pedestrian traffic.

- (a) *Permitted.* Only those retail and restaurant businesses with ground floor access fronting onto the public right-of-way are permitted to place sidewalk signs, outdoor display or provide outdoor dining areas subject to the provisions of this section.
- (b) *Permit(s) Required.* Prior to installation of any improvement within the City's public right-of-way an Encroachment Permit shall be secured. This approval shall be limited to one per year from the date of approval. The City may withhold re-issuance of this permit if pedestrian improvements have not been maintained in a safe or sanitary condition, if the business insurance policy not been maintained or acceptable to the City, or the City has responded to multiple complaints to the location of the pedestrian improvement in a one-year period.
- (c) *Liability Insurance.* The business owner shall maintain a policy of liability insurance in the amount that is satisfactory to the City Manager in order to protect the City and property owner from any potential claims from the pedestrian improvements. The policy of liability shall be in an acceptable form to the City. Cancellation of a business insurance policy immediately voids the permit approval.
- (d) *Violation of Standards.* The business owner shall remove or relocate, at the business owner's expense, any pedestrian improvement, within 24 hours after direct notice by the City. The city also has the authority to order that any pedestrian improvement be immediately removed or relocated to protect the life, health, and safety of the public.
- (e) *Location.* The location of improvements is critical to the safety of the pedestrians within the Pedestrian Zone. The business owner, upon securing necessary approvals, shall adhere to the following locational criteria when placing improvements in the Public Right-of-Way.

1. Pedestrian improvements shall not be placed so as to block or obstruct vehicular visibility areas, including but not limited to the twenty-five-foot (25') visibility triangle required at the intersection of any two streets and the ten foot (10') visibility area required at a driveway or alley intersecting a street. (Figure 1)

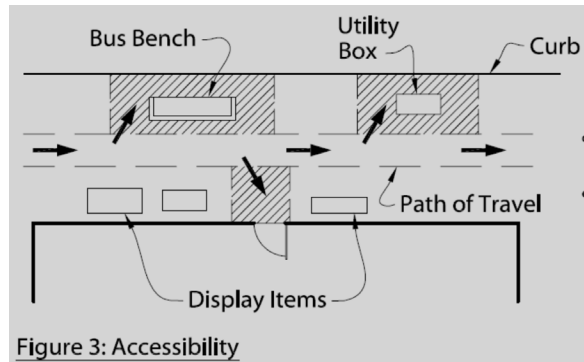


2. Pedestrian improvements shall be placed as to maintain a clear path of travel that has (a) a minimum width of four feet (4'), (b) no more than thirty-degree (30°) changes of direction for travel along the sidewalk itself, and (c) no travel onto private property except for access to and egress from a specific business, area, or location. (Figure 2)

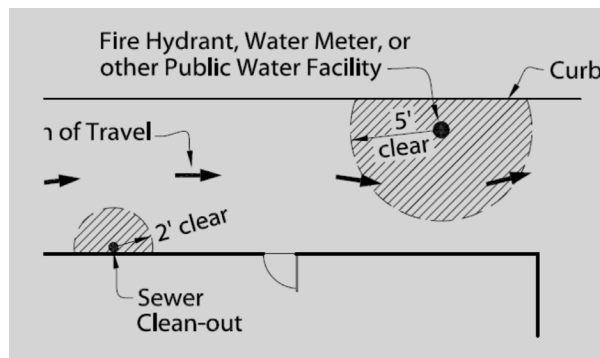


3. Pedestrian improvements shall be placed no closer than two feet (2') to the front face of the curb.
4. Pedestrian improvements shall be placed as to not block or obstruct access to building entrances and exits, and street furniture, including but not limited to, bus benches, shelters, public utility boxes, and poles. (Figure 3)



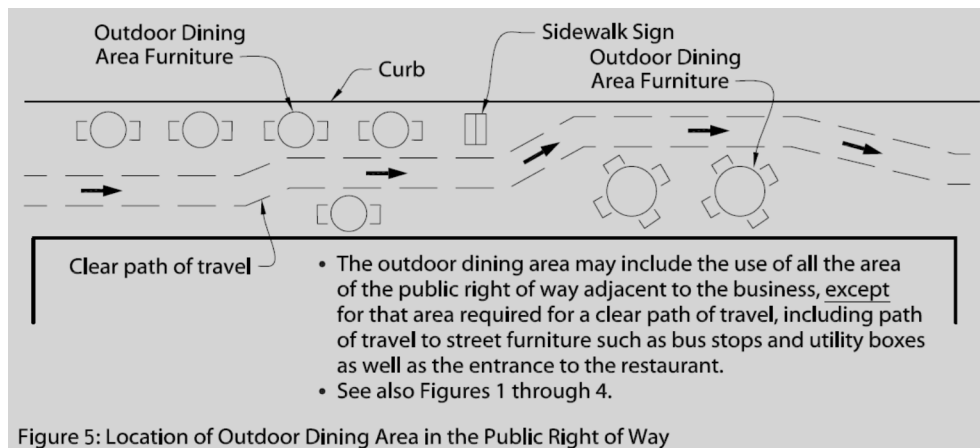


5. Pedestrian improvements shall be placed a minimum of five feet (5') from any public water facilities including fire hydrants and meter boxes or assemblies. (Figure 4)
6. Pedestrian improvements shall be placed a minimum of two feet from any sewer lateral cleanout in the public sidewalk. (Figure 4)



7. Pedestrian improvements shall not be attached to public utility boxes, poles, hydrants, or street furniture.
  8. The public right-of-way shall not be painted, resurfaced, or raised.
- (f) *Exclusions.* Pedestrian improvements do not include the installation of awnings, railings, and other permanent structures (except flower pots and flower boxes) in the public right-of-way.
15. *Outdoor Dining Area Standards.* Outdoor dining areas are permitted to encourage a pedestrian environment that is interesting, unique, and interactive.
- (a) *General.* Only those restaurant businesses fronting on the public right-of-way and located on the first floor may have outdoor dining areas. Dining seating may be placed only in the public right-of-way directly in front of the business storefront as long as they conform to the general requirements, standards, and conditions of the Pedestrian Zone. The following additional standards are required to establish outdoor dining areas.

1. The outdoor dining shall be located directly in front of the restaurant of food/beverage business.
2. The sale of alcoholic beverages in an outdoor dining area requires licensing by the Missouri Division of Alcohol & Tobacco Control. If a restaurant intends on serving alcohol in the outdoor dining area all requirements and improvements to satisfy licensing shall be shown on the submitted plans.
3. The hours of operation of the outdoor eating areas shall not exceed those of the primary use.
4. A minimum horizontal clearance of four feet (4') will be maintain on the sidewalk area to ensure than an adequate path of travel is provided.
5. An outdoor dining area may include the use of all the area in the public right-of-way adjacent to the business except that area required for clear path of travel or clear area adjacent to street furniture, such as benches or utility boxes and that area of public right-of-way within two feet of the curb. *(Figure 5)*



6. Tables and chairs shall be moveable, metal, wood, durable plastic, or other approved material, and must be in good condition and not require repair. Umbrellas must be in good condition, be fire-treated, and not require repair.
7. Permanent lighting complying with the City and accessibility standards and installed with electrical permits may be provided for the public right-of-way. The lighting shall be attached to the building.

**SECTION 3:** That Chapter 405: Zoning Code, Section 405.040 (The Official Zoning Map), of the Municipal Code of the City of Maryville, Missouri, be and is hereby amended by incorporating the following districts:

**Downtown Overlay District**

Beginning at the southeast corner of Lot 1, Maryville Proper, said point also being the intersection of the west right-of-way line of Main Street and the north right-of-way line of Sixth Street; thence west along the north right-of-way line of Sixth Street to its intersection with the west right-of-way line of Fillmore Street, said point also being the southeast corner of Lot 1, Block 5, Northwest Extension to the City of Maryville; thence south along the west right-of-way line of Fillmore Street to the southeast corner of Lot 8, Block 7, Robinson's 1<sup>st</sup> Addition, said point also located on the north right-of-way line of Second Street; thence southeast to a point on the south right-of-way line of Second Street located 650 feet west of the northeast corner of Lot 17, Maryville Proper, said point is also the northeast corner of a tract of land recorded in Book 458, Page 99; thence south following the property line 144 feet to the northeast corner of a tract of land recorded in Book 782, Page 61; thence south following the east property line of said tract a distance of 132 feet to the north right-of-way line of First Street (Highway 46); thence west along the north right-of-way line of First Street (Highway 46) to its intersection with the prolonged west right-of-way line of Fillmore Street; thence south along the west right-of-way line of Fillmore Street to the southeast corner of Lot 1, Block 3, Roseberry's Addition, said point also being on the north right-of-way line of Jenkins Street; thence east along the north right-of-way line of Jenkins Street to the southeast corner of Lot 1, Block 1, Roseberry's Addition; thence continuing east along the north right-of-way line of Jenkins Street to the southeast corner of Lot 5, Block 10, Southern Extension to the City of Maryville, said point also being located on the west right-of-way line of Vine Street; thence north along the west right-of-way line of Vine Street to the northeast corner of Lot 30, Maryville Proper; thence north to the southeast corner of Lot 5, Block 8, Maryville Proper, said point also being the intersection of the north right-of-way line of First Street (Highway 46) and the west right-of-way line of Vine Street; thence north along the west right-of-way of Vine Street to the northeast corner of Lot 8, Block 1, Maryville Proper; thence continuing north on the west right-of-way line of Vine Street to its intersection with the south right-of-way line of Seventh Street, said point also being the northeast corner of Block B, Maryville Proper; thence northeast to the southeast corner of Lot 10, S.G. Gillam's Subdivision, said point also being located on the north right-of-way line of Seventh Street; thence west along the north right-of-way line of Seventh Street to the southwest corner of Lot 6, S.G. Gillam's Subdivision, said point also being located on the east right-of-way line of Franklin Place; thence north along the east right-of-way line of Franklin Place to the northwest corner of Lot 2, S.G. Gillam's Subdivision; thence continuing due north to the north line of the Large Lot 2, Maryville Proper, said point also being located on the north right-of-way line of Franklin Place; thence west along the north right-of-way line of Franklin Place to its intersection with the east right-of-way line of Main Street; thence due west to the west right-of-way line Main Street and its intersection with the north line of Large Lot 1, Maryville Proper; thence south along the west right-of-way line of Main Street to the Point of Beginning; and all of any portion of Lots or Tracts described herein, all in the City of Maryville, Nodaway County, State of Missouri.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its passage and adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Rachael Martin, Mayor

ATTEST:

\_\_\_\_\_  
Stacy Wood, City Clerk