

AN ORDINANCE AMENDING CHAPTER 405. ZONING CODE OF THE MUNICIPAL CODE OF MARYVILLE, MISSOURI REGARDING YARD SPACE AND PERMITTED ACCESSORY USES.

WHEREAS, the City seeks to provide clarification and direction for personal property storage in residential zoning districts; and,

WHEREAS, the City desires to preserve and promote positive aesthetics in the City; and,

WHEREAS, the City of Maryville recognized the need for temporary and permanent personal property storage options; and,

WHEREAS, it was identified Permitted Accessory Uses and Portable Storage Container are not defined or sufficiently restricted as permitted accessory residential use in the municipal code; and,

WHEREAS, on April 19th, 2023, the Planning and Zoning Commission did review the proposed amendments to Chapter 405: Zoning Code of the Municipal Code of Maryville and recommend approval to the City Council.

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

SECTION 1: That Chapter 405. Zoning Code, Article I. General Provisions, Section 405.120. Definitions, of the Municipal Code of Maryville, be and is hereby amended and shall read as follows:

A. For the purpose of this Title, certain words and terms used herein shall be defined and interpreted as follows:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used."

ACCESSORY RENTALS, ACCESSORY RESIDENTIAL RENTALS, ACCESSORY UNITS AND ACCESSORY RESIDENTIAL UNITS

1. A habitable living unit that is:
 - a. Within or added to a single-family dwelling; or
 - b. A detached dwelling on the same lot as a single-family dwelling, which:
 - (1) Is not open to the remainder of the single-family dwelling;
 - (2) Includes separate, complete, independent and permanent provisions for living, sleeping, eating, cooking and sanitation; and
 - (3) Which complies with the requirements of "R-2" Zones [Currently found in Section 405.240(A)(1)(b)].
2. For purposes of the requirement in Subsection (1)(b)(2) hereof, the unit shall, at a minimum, have the following amenities separate and exclusive from the single-family dwelling: a direct entrance from the exterior of the dwelling; lavatory; bathing or showering facilities; access to running water with sink; hot cooking facilities; electrically powered cold food storage, and no less than two (2) outside access points (door or window) sufficient to comply with then-current building/fire code requirements.
3. Accessory rentals and accessory residential rentals are for a period exceeding thirty (30) days.

ALLEY

A minor way, dedicated to public use, which is primarily for vehicular access to the back side of the properties otherwise abutting on a street.

APARTMENT HOTEL

An apartment house which furnishes service for the use of its tenants which are ordinarily furnished by hotels, but the privilege of which is not primarily available to the public.

AUTO WRECKING

The collection, burning out, dismantling or wrecking of used motor vehicles, wheeled or track equipment, or trailers, or the storage, sale of, dumping or dismantled, partially dismantled, obsolete

or wrecked motor vehicles, wheeled or track equipment, or trailers or their parts. The dismantling and rebuilding other than customer repair of more than one (1) motor vehicle, piece of wheeled or track equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as "auto wrecking." The storage of a partially dismantled motor vehicle, piece of wheeled or track equipment or trailer shall be considered auto wrecking.

BED AND BREAKFAST FACILITY

A type of short-term rental where a portion of a single-family residence may be used for temporary guest accommodations.

BLOCK

A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way, parks, or a combination thereof. There may be more than one (1) numbered block as shown on a plat, falling within a single block as herein defined.

BOARD

The Board of Zoning Adjustment of the City of Maryville, Missouri.

BUILDING

Any structure having a roof or partial roof supported by columns, posts or walls for the enclosure of persons, animals, equipment or chattels of any kind. A residential building within the meaning of this Chapter shall include a building enclosed by a continuous wall, regardless of the existence of platted lot lines through the area occupied by such building. A commercial or industrial structure, may, within the meaning of this Chapter, consist of separate buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings. A tent shall be defined as a building for the purposes of this Chapter.

BUILDING HEIGHT

The distance measured from the mean elevation of the grade at the front face of the building to the highest point on the roof or parapet of said building.

BUILDING OFFICIAL

The official appointed by the administration or the City Council of Maryville, Missouri, and charged with the responsibility of enforcing this Title.

BUILDING, ACCESSORY

Any structure erected or constructed, including buildings as herein defined, the use of which required location on the ground or attachment to something located on the ground and which is incidental and customarily appurtenant to a principal use permitted on the zoning lot, but not including fences and walls of less than six (6) feet in height, or bank protection structures, regardless of height, provided they do not project more than one (1) foot above the surface of the ground on high side.

BUILDING, PRINCIPAL

A building in which is conducted the primary use of the site on which it is situated. In any residential district any dwelling shall be deemed to be the principal building of the site on which it is located.

CERTIFICATE OF OCCUPANCY

A permit issued by the Building Official indicating that the use of the building or land in question is in conformity with this Chapter or that there has been a legal variance therefrom as provided by this Chapter.

CHURCH

A building or property primarily used for public religious worship and/or associated religious functions (education, fellow-ship, etc.), including churches, synagogues, temples, or other places of worship.

CLINIC, MEDICAL

A building or portion of a building containing the offices and associated facilities of one (1) or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy or similar services for outpatients only, with or without shared or common spaces and equipment. A common area pharmacy or drug dispensary available to persons other than patients being treated therein or making charges separate from bills for professional services of said practitioners shall not be considered as a medical clinic use. Not to include medical marijuana facilities.

CLUB

Includes clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose but shall not include an organization or premises, the chief activity of which is a service or activity customarily carried on as business even though it may be chartered and named for purposes herein defining a club.

COMMISSION

The Planning and Zoning Commission of the City of Maryville, Missouri.

COUNCIL

The City Council of the City of Maryville, Missouri.

COUNTRY CLUB

For the purposes of this Chapter, shall include golf courses, par-3 courses, swimming pools, tennis clubs, and neighborhood clubhouses, any and each of which shall be located on a site of not less than one (1) acre and open only to membership subscribing for the use of all facilities for a term of not less than one (1) year and members' non-paying guests. Sleeping facilities other than for one (1) caretaker or manager and his/her family shall be prohibited. Clubs operated as restaurants, cocktail lounges, card rooms, beer taverns, bowling alleys, pool and billiard parlors and similar activities normally carried on as a business shall be construed to limit the method of operation of such facilities enumerated in this definition when owned or operated by a governmental agency.

DAY CARE CENTER

A Missouri Department of Health and Senior Services licensed, regulated, or childcare subsidized facility where care is provided for children by a child care provider for any part of the twenty-four-hour day.

DAY CARE HOME

A dwelling occupied by a day care provider and conducted or maintained for any part of the twenty-four-hour day to provide care for hire for four (4) or fewer children not related to the day care provider.

DRIVE-IN

May be used as a noun or adjective and shall refer to a business which is designed to serve patrons while they are reposed in vehicles or by means of service windows with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

DWELLING

A building or portion thereof designed exclusively for residential occupancy, excluding hotels, motels, boarding, rooming and lodging houses, travel trailers/recreational vehicles and tourist courts.

DWELLING UNIT

Any building or portion thereof which provides complete and independent living facilities for one (1) or more persons, having permanent provisions for living, eating, sleeping, cooking and sanitation and which has a separate entrance/exit and separate utility metering.

DWELLING, ATTACHED (ROW)

A multi-family dwelling in which each dwelling unit has a separate outdoor entrance and is either:

1. Joined to one (1) other dwelling unit at one (1) side by one (1) party wall; or
2. Joined to two (2) other dwelling units by one (1) party wall on each side; or
3. Under one (1) roof.

DWELLING, DETACHED

A dwelling that is completely surrounded by open space on the same lot.

DWELLING, MOBILE

A vehicle used or so constructed as to permit its being used as a conveyance upon a public street or highway and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, reconstructed, or added to by any means, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place of one (1) or more persons and supported by wheels, jacks or similar supports. Transportable dwellings not meeting Building Code requirements for a dwelling shall be treated as mobile dwellings.

DWELLING, MULTI-FAMILY

A building or portion thereof containing two (2) or more dwelling units under one (1) roof.

DWELLING, SINGLE-FAMILY

A building containing one (1) dwelling unit only.

DWELLING, TWO-FAMILY

A building containing two (2) dwelling units only, referred to as duplex dwelling units.

FLAMMABLE LIQUIDS

Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of eighty degrees Fahrenheit (80° F.), is flammable.

FLOOR AREA

The floor area of a building, as used in calculating the gross floor area ratio or as otherwise used in this Chapter, shall include all areas having headroom of seven (7) feet or more, including basement areas where they are used as a dwelling unit for sleeping accommodations, or other family eating or living purposes, but not including basement floor areas used for utility and storage purposes. Floor area for business and industrial buildings shall include all usable floor space above grade and that portion of basements used for the conduct of business or industry, but not including utility areas of said basements. Measurements shall be made at the outside of outside walls. An area may be surfaced with natural earth and still be considered a floor.

GOLF COURSE

Standard-sized layouts of at least nine (9) holes and shall not include miniature golf courses, par-3 golf courses, pitch and putt courses or driving ranges.

GRADE

The mean elevation of the ground measured along the wall of a building, or lot line, or the top of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.

GROSS FLOOR AREA RATIO (GFAR)

The floor area of a building divided by the area of the zoning lot as defined herein. (For example, a building one (1) story high covering an entire lot would have a GFAR of 1.0 where as a building two (2) stories high covering an entire lot would have a GFAR of 2.0 while a building one (1) story high covering half a lot would have a GFAR of five-tenths (0.5).) Both principal and accessory buildings shall be considered in calculating gross floor area.

GROUND COVERAGE

The area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.

GROUP HOME

Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HEIGHT, BUILDING

See "building height."

HOME OCCUPATION, GENERAL

1. A business occupation or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:
 - a. There shall not be external evidence of the occupation with the exception of one (1) unlighted name plate of not more than one (1) square foot in area attached flat against the building. Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
 - b. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectible at the zoning lot line.
 - c. The activity shall employ only members of the immediate family of the resident of the dwelling.
 - d. There shall not be a stock of goods on the premises in excess of thirty (30) cubic feet in volume, none of which shall be of a flammable nature.
 - e. There shall be no signs, radios, television, newspapers, handbill or similar types of advertising linking the address of the premises with the home occupation.

- f. Said home occupation shall not involve continual visits by the general public, except that music lessons may be given to four (4) pupils at a time, and a dressmaker may have two (2) customers at a time. A beauty shop or barber shall not be considered a home occupation.
 - g. The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises.
 - h. Said occupation may include the caring for not more than four (4) children at one (1) time for hire.
 - i. Room or board for hire, but not for more than two (2) persons.
2. Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics, shall not be interpreted to be a home operation despite the fact that it may attempt to operate in a residential building.

HOME OCCUPATION, LIMITED

1. A business, occupation or profession carried on within a residential dwelling by the resident thereof, and which has the following characteristics:
- a. There shall be no external or externally visible evidence of the occupation, business or profession whatsoever.
 - b. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.
 - c. The activity shall employ only members of the immediate family of the resident of the dwelling.
 - d. There shall be no stock of goods on the premises.
 - e. There shall be no machinery other than that normally found in a home.
 - f. There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one (1) pupil at a time, and cultural, art or dance instruction may be given to four (4) pupils at one (1) time.
 - g. Said occupation may include the care for of not more than four (4) children at one (1) time for hire.
 - h. There shall be no signs, radio, television, newspaper, handbill or similar types of advertising linking the address of the premises with the home occupation.
 - i. The above listed characteristics of a limited home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
2. Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics of a limited home occupation, shall not be interpreted to be a limited home occupation despite the fact that it may attempt to operate in a residential building.

JUNK

Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

LOT

A zoning lot unless the context shall clearly indicate a lot of record, in which case a lot is a lot of record.

LOT LINE

A boundary of a zoning lot. Lot line is synonymous with property line.

LOT OF RECORD

Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the County Recorder of Nodaway County, Missouri, the deed to which was recorded in the office of said Recorder prior to the adoption of this Chapter (June 10, 1991).

LOT WIDTH

The horizontal distance between side lot lines measured at the front building line.

LOT, CORNER

A zoning lot situated at the intersection of two (2) streets, or bounded on two (2) or more adjacent sides by street right-of-way lines or in the case of curved right-of-way lines, when the extension of tangents at the side lot lines yields an internal angle which does not exceed one hundred thirty-five degrees (135°).

LOT, INTERIOR

A zoning lot other than a corner lot.

LOT, REVERSE CORNER

A corner zoning lot, the side street line of which is substantially a continuation of the front lot line of the zoning lot to its rear.

LOT, THROUGH

A zoning lot having frontage on two (2) parallel or approximately parallel diverging or converging streets, but not including a corner lot as defined herein.

LOT, ZONING

See "zoning lot."

MARIJUANA OR MARIHUANA

Means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana or Marihuana do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this Section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA FACILITY

A medical marijuana dispensary, medical marijuana cultivation facility, medical marijuana testing facility, or medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused projects manufacturing facility.

MICROBREWERY

A business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less.

MINI-STORAGE or MINI-WAREHOUSE

A building or group of buildings containing individual, compartmentalized and controlled access stalls or lockers for storage.

MINOR REPAIR, AUTOMOBILE

The replacement of minor assemblies or parts and tune-up of automobiles, or trucks of less than fifteen thousand (15,000) pounds gross license weight, but not including body and fender work, painting, engine overhaul or similar type of work.

MODIFYING ZONE

A zone which is dependent upon a primary zone and which is designed to add to the primary zone a specific restriction or liberalization to meet specific locational needs which if accomplished by an additional series of primary zones would make the ordinance unnecessarily lengthy and complicated.

MOTOR HOTEL or HOTEL

A group of attached or detached living units with individual toilet facilities designed primarily for transient guests and which may include restaurants and other similar related services. Not more than forty percent (40%) of the units in a motor hotel may be occupied as residential units, provided each such unit must first be approved by City Code Officials as to adequate life-safety conditions, occupants per room, off-street parking spaces and other conditions protecting the occupants and the public.

NON-CONFORMING BUILDING

A building or structure or portion thereof lawfully existing at the time this Chapter (June 10, 1991) or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking, loading or other requirements of this Chapter or any amendment thereto.

NON-CONFORMING USE

A use which lawfully occupies building or land at the time this Chapter (June 10, 1991) or an amendment thereto becomes effective but does not meet the requirements of this Chapter or any amendment thereto.

OUTDOOR ADVERTISING

An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems.

PAR-3 GOLF COURSE

A golf course other than a miniature golf course and other than a golf course defined herein and having greens similar to a golf course and fairways of not less than fifty (50) yards in length. A par-3 golf course may not be lighted unless so specified as permitted in the text of this Chapter.

PORTABLE STORAGE CONTAINER

Any box-like container which is transported by truck or trailer to a desired location for drop off and which is otherwise stored at an off-site location. A common term for portable storage container is PODS, an acronym for portable on-demand storage. The term shall not include yard waste containers, construction debris containers, or similar.

PRIMARY ZONE

A zoning classification which can stand alone as a classification of a parcel of property.

PRINCIPAL PERMITTED USE

That use of a zoning lot which is among the uses allowed as a matter or right as the exclusive use of a lot under the zoning classification.

ROOMING HOUSE

A dwelling containing one (1) or more lodging rooms that accommodate one (1) or more persons who are not members of the keeper's family; provided, however, that the letting of rooms for hire, to the extent permitted by this Chapter as a home occupation, shall not in itself cause a dwelling to be a rooming house. In a rooming house, lodging or meals are provided for compensation on a weekly or monthly basis. Rooming house includes boardinghouse.

SHORT-TERM RENTAL

The rental of a property, a dwelling unit, bed and breakfast facility, or portion thereof for a period of less than thirty (30) consecutive days, excluding hotels and motels.

SPECIAL USE PERMIT

A use which is not allowed in a zone as a matter or right, but which is permitted by the Council based on findings and recommendations of the Planning and Zoning Commission.

SPOT ZONE

Any area which is less than one-half (1/2) of a City block. A one-half (1/2) City block shall consist of an area equal to the size of four (4) "R-2" standard lots or an area of not less than twenty-eight thousand eight hundred (28,800) square feet (60 ft. x 120 ft. x 4 = 28,800).

STORY

That portion of a building included between the upper surface of a floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or crawl space is more than six (6) feet above grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or crawl space shall be considered a story.

STREET

The entire width between property lines dedicated or acquired for the purpose of public use for vehicular traffic or access other than an alley. Where a way or place exists by virtue or consent agreement or an established public right, then for the purpose of this Chapter the way or place shall be considered to be fifty (50) feet in width falling half on each side of the center line of the traveled way. Where the dimensions, set out in a consent agreement, exceed fifty (50) feet, then the larger dimension shall govern.

STRUCTURAL ALTERATIONS

Any change in the structural members of a building, such as walls, columns, beams or girders. Vehicles duly licensed for operation upon public streets or highway shall not be considered structures.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to or resting on something having a fixed location on the ground. Moreover, the following shall always be considered structures: buildings, walls, fences, signs and billboards.

UNRELATED PERSONS

Persons who are not related within the third degree of consanguinity or affinity.

USE

The purpose for which land or a building is designed, arranged or intended or to which said land or building is occupied, maintained or leased.

USE, ACCESSORY

A use customarily incident to a principal permitted use or building and located on the same zoning lot with such principal use of building.

USE, SPECIFICALLY EXCLUDED

A use of land or a structure which is excluded from a zone by the operation of other regulations of the zone, and which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.

WAREHOUSE

A building used primarily for the storage of goods and materials.

WAREHOUSE, DISTRIBUTION

Use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment.

YARD, FRONT

An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front of such main building.

YARD, REAR

An open space extending the full width of the zoning lot, between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height except as provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear of such main building.

YARD, SIDE

An open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side of such main building.

ZONING LOT

A single tract of land, located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by the owner or developer as a tract to be used, developed or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure for which the building permit or certificate of occupancy is issued and including such area of land as may be required by the provisions of this Chapter for such use, building or structure.

SECTION 2: That Chapter 405. Zoning Code, Article II. Exceptions and Encroachments, Section 405.140. Yard Space, of the Municipal Code of Maryville, be and is hereby amended and shall read as follows:

Section 405.140. Yard Space

- A. *General Rule.* Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the zone in which it is located except as specified below. The required yard space for any building, structure or use shall and such required yard space shall fall entirely upon land in a zone or zones which the principal use is permitted. Any required yard space shall be open from thirty (30) inches above the ground to the sky except as specified herein.
- B. *Yard Space Encroachments.*
1. *Eaves.* Eaves, cornices and similar features may extend one (1) foot into a required yard space except that eaves may encroach three (3) feet into a yard space when such yard space is ten (10) feet or more in width.
 2. *Chimneys.* Chimneys, when not more than four (4) feet wide, may extend one (1) foot into any required yard space. Chimneys including those in excess of four (4) feet wide may extend two (2) feet into any yard space when such yard is ten (10) feet or more in width.
 3. *Rear yard.* Accessory buildings or structure shall be permitted to occupy a required yard with the following restrictions:
 - a. **No such accessory structure shall be greater than twenty (20) feet in height nor be closer than twenty (20) feet from any street line.**
 - b. An accessory structure may be constructed within two (2) feet of an inside lot line when the entire structure is within forty (40) feet of the rear property line, or on the rear half of a lot if the adjacent lot is built upon and the accessory building will be entirely to the rear of the line of any principal building on the said neighboring lot.
 - c. Adjoining property owners may construct accessory buildings with party walls in lieu of the two (2) foot side yard, but in compliance with the general location rules of (b) above, provided such walls conform with the requirements of the Building Code and a finding is made by the Board of Adjustment that such party wall development will be appropriate to the topographic conditions and in harmony with the character of development of the neighborhood.
 4. *Canopies.* Canopies and overhangs on any side of a business building may extend four (4) feet into a required yard space. Signs mounted on the face of any such canopy or overhang shall not exceed eight (8) inches in height in any zone in which flat wall signs are specified. Canopies and awnings on a residential building may extend four (4) feet into any required side yard or seven (7) feet into any required front or rear yard when they are attached to and supported entirely by or from a wall of the building.
- C. *Yard Space Exception — Steep Slopes.* Automobile storage garages may be allowed within a required front or side yard when such garage will be entirely below the grade of the lot and after a finding by the Board of Zoning Adjustment that topographic conditions make such a location necessary, that such orientation will not create a hazard to automobile or pedestrian traffic in the street, and that such orientation will be in harmony with the character of development of the neighborhood.

SECTION 3: That Chapter 405. Zoning Code, Article III. District Regulations, Section 405.210. Permitted Accessory Uses, of the Municipal Code of Maryville, be and is hereby amended and shall read as follows:

Section 405.210. Permitted Accessory Uses.

- A. Subject to further restrictions or liberalizations which are imposed by a specific zone, the following accessory uses are permitted in all residential zones:

1. **Each Principal Use is allowed no more than two (2) accessory use buildings:**
 - a. **The aggregate total square footage of residential accessory use buildings shall not exceed ten (10) percent of the lot area.**
 - b. **Maximum square footage of any single accessory building may not exceed 1,500 square feet.**
2. Subject to any other regulations or ordinances of the City, private swimming pools exclusively for the use of residents of the premises and their non-paying guests.
3. The parking of one (1) unoccupied trailer or recreational vehicle designed for recreational use or similar self-propelled recreational vehicle within a building or in the open in a rear or side yard, subject to any permits required by law or ordinance and the following restrictions:
 - a. On a corner lot no such trailer or self-propelled vehicle shall be parked closer than twenty-five (25) feet to the intersection of the right-of-way lines of the streets adjacent thereto; and
 - b. No such trailer or self-propelled recreational vehicle shall be used as living quarters while so parked.
4. The storage of one (1) pleasure boat on or off a trailer, within a building or in the open in a rear or side yard, except that no boat shall be so stored on a corner lot closer than twenty-five (25) feet to the intersection of the right-of-way lines of the streets adjacent thereto.
5. Other accessory uses and structures customarily appurtenant to a permitted use.

B. Portable Storage Containers.

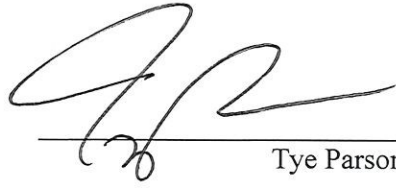
1. **The maximum allowable area of a portable storage container located within a residential zoning district shall be one hundred sixty (160) square feet with no dimension exceeding twenty (20) feet.**
2. **Not more than one (1) portable storage container shall be placed on any lot in a residential zoning district located within the City at one time.**
3. **A portable storage container shall be placed no closer than ten (10) feet to the front property line of the lot upon which it is located. A portable storage container shall comply with the side and rear lot setback requirements for structures in the zoning district within which it is located.**
4. **Portable storage containers shall not, under any circumstances, be placed or unloaded on any street within the City.**

C. Permit Required.

1. **Prior to any portable storage container being placed on a lot within a residential zoning district, a valid Temporary Building Permit shall have been obtained. No lot within a residential zoning district shall have located upon it any portable storage container for no more than sixty (60) days within any three hundred sixty-five (365) day period, except when there is a change of ownership or occupancy, and then a new permit period shall begin.**
2. **A permit or an extension of a permit for the placement of a portable storage container on a given lot in a residential zoning district for more than thirty (30) days within a three hundred sixty-five (365) day period may be granted by the Public Works Director or his/her designee, provided the permit applicant has satisfactorily demonstrated that extenuating circumstances exist which justify the extension.**
3. **Any permit issued under the provisions of the Section shall be valid from the date issuance for the period enumerated, only to the name and location specified on the permit, and is in no way transferable.**

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

PASSED AND ADOPTED this 24th day of April, 2023.



Tye Parsons, Mayor

ATTEST:



Stacy Wood, City Clerk