

ORDINANCE NO. 4615-16

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO DELETE ARTICLE 6.34, UCO-URBAN COMMERCIAL OVERLAY IN ITS ENTIRETY AND REPLACE IT WITH A NEW WWD-WEST WALNUT STREET DISTRICT.

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

SECTION 1. That Article VI, Section 6.34 UCO-Urban Commercial Overlay be deleted in its entirety and replaced with the follows:

6.34 – WWD, WEST WALNUT STREET DISTRICT

6.34.1 INTENT:

The intent of the West Walnut Street District is to promote a compact urban corridor with a mixture of commercial, office, and residential uses that promotes bicycling and pedestrian mobility and supports the University, the Downtown, and surrounding residential areas.

6.34.2 PERMITTED USES:

Within the West Walnut Street District, the following uses are permitted:

- 6.34.2.1 Accessory structures and uses;
- 6.34.2.2 Amusements and recreation, including theaters;
- 6.34.2.3 Bakeries;
- 6.34.2.4 Beer serving/sales establishments;
- 6.34.2.5 Churches, parish houses, Sunday school buildings, and other church related activities;
- 6.34.2.6 Cultural, civic, and institutional uses;
- 6.34.2.7 Financial institutions;

- 6.34.2.8 Fraternal organizations and clubs, not operated for profit;
- 6.34.2.9 Graphics, printing, and newspaper publishing facilities;
- 6.34.2.10 Home occupations (Subject to Section 4.13.5);
- 6.34.2.11 Hotels;
- 6.34.2.12 Liquor Stores;
- 6.34.2.13 Micro-breweries and distilleries;
- 6.34.2.14 Municipal, county, state, or federal buildings and uses;
- 6.34.2.15 Offices, both private and governmental;
- 6.34.2.16 Outdoor dining, drinking, music, entertainment areas or places designed for congregating or gathering of people shall be allowed along the north side of W. Walnut Street. Outdoor dining shall be allowed along the south side of W. Walnut Street under the following conditions:
 - A. The outdoor dining area shall be located in the front or side of the building. No outdoor dining, drinking, music, entertainment areas or places designed for congregating or gathering of people shall be allowed in the rear or roof of the property. The outdoor dining area shall not extend beyond the rear of the building;
 - B. For side yard dining, an eight (8) foot tall masonry wall or wood fence shall be constructed between the outdoor dining area and rear of the property (See Figure 1). When architectural elements are employed for screening, they shall be of the same building materials as the principal structure; and
 - C. The serving or consumption of food or alcohol shall not occur after 11:00 p.m.
- 6.34.2.17 Parking lots and garages with first floor retail encouraged;
- 6.34.2.18 Personal, business, and professional services;
- 6.34.2.19 Pharmacies;

- 6.34.2.20 Public utility stations;
- 6.34.2.21 Residential dwellings on the upper floors of buildings;
- 6.34.2.22 Restaurants;
- 6.34.2.23 Schools, public and private;
- 6.34.2.24 Stores and shops conducting retail trade;
- 6.34.2.25 Warehousing associated with a permitted use in the district.

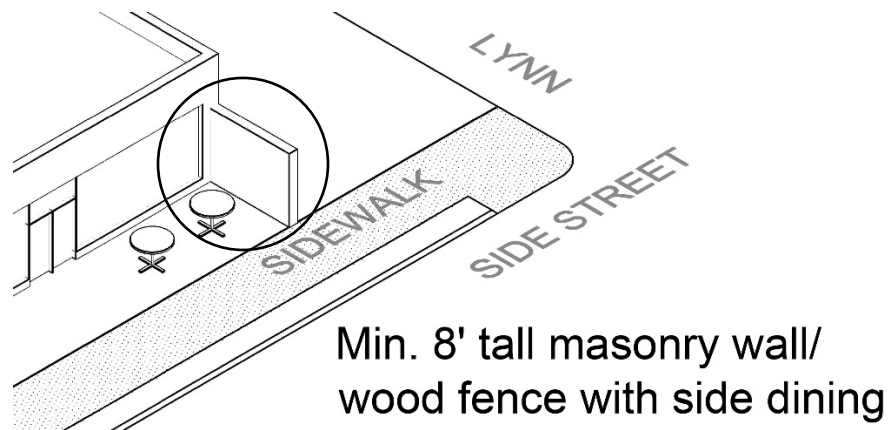


Figure 1. Wall / Fence Placement

6.34.3 USE PERMITTED BY APPROVAL AS SPECIAL EXCEPTION:

The following use is permitted when approved by the Board of Zoning Appeals as a Special Exception as provided by Section 15.4.

- 6.34.3.1 Sidewalk dining in accordance with Section 6.15.3.2. The serving or consumption of food or alcohol shall occur within the hours of operation, not to exceed 11:00 p.m.

6.34.4 AREA REGULATIONS:

6.34.4.1 Building Placement:

All buildings shall be set back no further than fifteen (15) feet from the adjoining property line of West Walnut Street. There is no setback for other streets (See Figure 2).

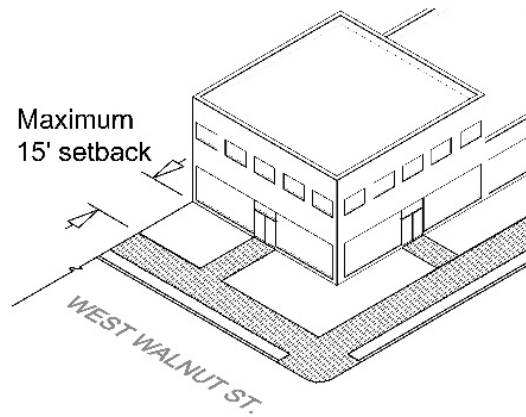
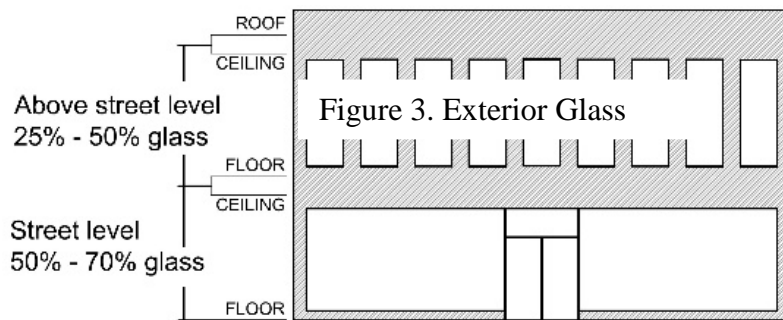


Figure 2. Building Placement

6.34.4.2 Exterior Building Treatment:

A minimum of fifty (50) percent and a maximum of seventy (70) percent of the street level facade shall be transparent glass. Openings above the street level on the principal frontage shall be a minimum of 25 percent and a maximum of fifty (50) percent of that level's wall area. (See Figure 3).

This section applies to the following streets: State of Franklin Road, W. Walnut Street, Ashe Street, University Parkway, Buffalo Street, and Watauga Avenue.



6.34.4.3 Building Facades:

Building facades conform to Design Overlay, Section 6.30.3.3.

6.34.4.4 Building Height:

The maximum height of buildings along the south side of W. Walnut Street shall be two stories. There is no height limit for buildings along the north side of W. Walnut Street. (See Figure

4).

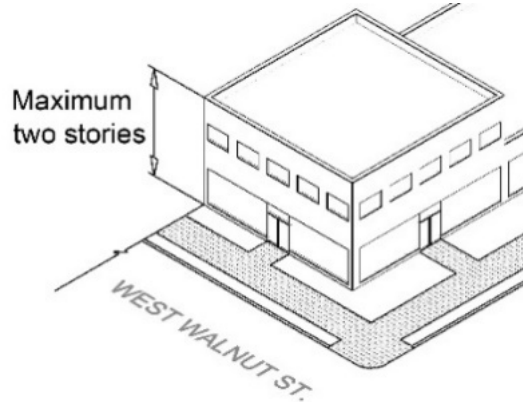


Figure 4. Building Height

6.34.5 SIGN REGULATIONS:

The signs in this district shall comply with the B-2, Central Business requirements under Section 7.3.3.

6.34.6 PARKING:

Off-premise parking shall be approved by the Board of Zoning Appeals and shall be exempt from the following provisions of Article 11.4, Off-Premise Parking:

- A. The property shall lie within four hundred (400) feet of the main entrance of the principal use;
- B. The property shall not be separated from the principal use by a collector or arterial street as designated on the zoning map and shall be located on the same street as the principal use; and
- C. Such spaces shall not exceed fifty (50) percent of the required parking.

6.34.7 PARKING LOT SCREENING

When on-site parking is provided for properties along the south side of W. Walnut Street, a minimum four (4) foot tall masonry wall or wood fence shall be required along Lynn Street/Lynn Alley whenever a new principal building is built or the gross floor area of an existing principal building is expanded by twenty-five (25) percent or greater (See Figure 5). When architectural elements are employed for screening, they shall be of the same building materials as the principal structure.

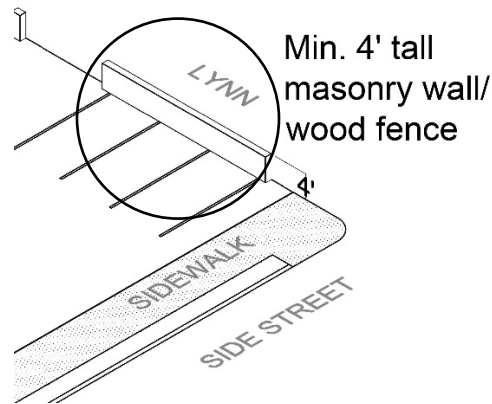


Figure 5. Parking Lot Screening

When on-site parking adjoins State of Franklin Road, in addition to the landscape requirements under Section 12.2, Landscape Yard, a minimum two (2) foot tall landscaped berm shall be constructed with a row of evergreen shrubs spaced a maximum of five (5) feet on center which grow to a minimum height of 2 feet. (See Figure 6).

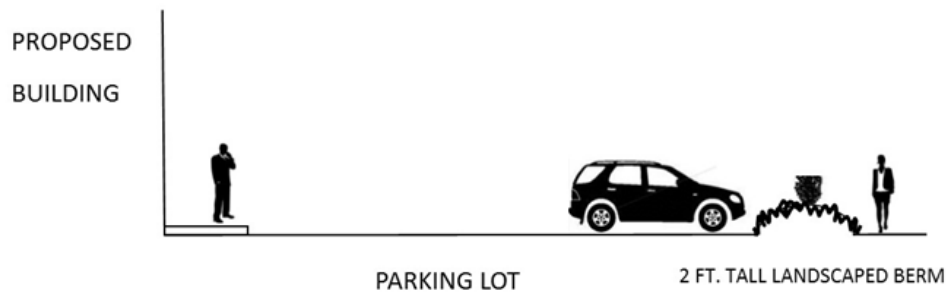


Figure 6. State of Franklin Buffer

- 6.34.8 UTILITIES:
All new utility lines, including, but not limited to, electric, telephone, and TV cable, shall conform to Section 6.30.3.1.
- 6.34.9 MECHANICAL EQUIPMENT:
The installation of mechanical equipment shall conform to Section 6.30.3.2.
- 6.34.10 SERVICE, LOADING, AND EQUIPMENT STORAGE AREAS:
Service areas, including storage, special equipment, maintenance, and loading areas, shall be screened shall conform to Section 6.30.3.2.

6.34.11 LIGHTING:

All lighting shall conform to Section 6.30.3.7. The maximum height of lights not located in the public right-of-way shall be fifteen (15) feet.

6.34.12 SPECIAL USE PERMIT

A Special Use Permit, obtained from the Building Division and approved by the City Commission, shall be required for outdoor events extending past 11:00 PM. Outdoor events include, but are not limited to, festivals, outdoor music/entertainment, and other similar activities. Sidewalk dining is excluded in order to be considered for City Commission approval, a completed Special Use Permit shall be received by the Building Division no later than thirty (30) days prior to the City Commission meeting at which it is to be considered.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 09/15/2016
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 10/06/2016
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 11/17/2016
APPROVED AND SIGNED IN OPEN
MEETING ON THE 17th DAY OF
November, 2016
FOLLOWING PASSAGE ON THIRD
READING

/s/ W. Clayton Stout
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
CITY ATTORNEY