

***The Zoning Ordinance  
Of The City of Knoxville, Tennessee***

**As Amended through**

**October 24, 2017**

**MUNICODE DOWNLOAD  
JUNE 30, 2018**

**Knoxville • Knox County  
METROPOLITAN PLANNING COMMISSION  
Suite 403, City County Building  
400 Main Street • Knoxville, Tennessee 37902  
(865) 215-2500 • (FAX) 215-2068  
[www.knoxmpc.org](http://www.knoxmpc.org)**



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(MAY 1986 TO PRESENT)..... 280



# KNOXVILLE, TENNESSEE CODE OF ORDINANCES, APPENDIX B - ZONING REGULATIONS<sup>[1]</sup>

**As Amended through October 24, 2017**

Footnotes:

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**Editor's note**— Appendix B contains the zoning ordinance of the city, adopted by Ord. No. 3369 on Dec. 31, 1963. The ordinance is set out herein substantially as enacted. Amendments have been worked into their proper places and are indicated by parenthetical history notes following the amended sections. A uniform style has been used for capitalization, punctuation and the treatment of numbers. Where necessary for clarity or to correct obvious errors, the editor has added material set out in brackets. Obviously misspelled words, however, have been corrected without notation.

**Cross reference**— Buildings and building regulations, Ch. 6; flood damage prevention and control, Ch. 12; trailers and portable buildings, Ch. 25; subdivision regulations, App. A.

## **ARTICLE I. - TITLE, PURPOSE, AND ENACTMENT**

### **Sec. 1. - Title.**

Ordinance No. 3369 (as amended)

An ordinance to regulate the location, height, bulk, and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; and for such purposes to divide the municipality into districts or zones of such number, shape and areas as it may determine, and regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the use of land; to prescribe penalty for the violation of its provisions and to provide for its enforcement; to repeal Ordinance No. 123, and all amendments thereto, the caption of which Ordinance No. 123 is as follows: "An Ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence or other purposes, the height, and size of buildings and other structures, the size of yards and other open spaces, and the density of population and for said purposes to divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out these regulations; to prescribe penalties for the violation of its provisions and to provide for its enforcement."

(Ord. No. O-111-08, § 1, 5-20-08)

### **Sec. 2. - Short title.**

These regulations shall be known and may be cited as "The Zoning Ordinance of the City of Knoxville, Tennessee."

### **Sec. 3. - Purpose.**

Whereas, the council of the City of Knoxville is empowered to regulate the use of land and buildings, the height of buildings, the size of open spaces, surrounding buildings and the density of population; and

Whereas, the council of the City of Knoxville deems it necessary to exercise the power so granted in order to encourage the most appropriate use of land; to maintain and stabilize the value of property; to secure safety from fire, flood, panic, and other hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities; to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants.

#### **Sec. 4. - Enactment.**

Now, therefore, be it ordained by the council of the City of Knoxville: Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be used for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per dwelling unit be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

(Ord. No. O-176-06, § 1, 8-29-06)

#### **ARTICLE II. - DEFINITIONS**

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meanings customarily assigned to them.

*Abandonment:* The cessation of the use of buildings or other real property, by the owner or his agent, for a period of six (6) months or longer.

*Accessible parking:* A designated parking space(s) reserved for people with disabilities, with adjacent striped access aisle(s), located on the shortest accessible route to the accessible entrance of the facility for which parking is designated.

*Accessory building:* A minor building which is subordinate in area, extent, and purpose to a principal building, the use of which is customarily incidental to that of a main building and located on the same lot therewith.

*Accessory structure:* A minor structure which is subordinate in area, extent, and purpose to a principal building, the use of which is customarily incidental to that of a main building and located on the same lot therewith.

*Accessory use:* A use customarily incidental, appropriate, and subordinate in area, extent, and purpose to the principal use of land or buildings and located on the same lot therewith.

*Administrative review committee:* The committee delegated with authority to review and make decisions regarding plans for certain developments in the city. The committee consists of a representative from the following entities: civil engineering; fire department; utility board; metropolitan planning commission; plans review and inspection; parks and recreation; public services; stormwater engineering; and traffic engineering.

*Aged persons:* Persons who are 62 years of age or older.

*Agricultural use:* Farming, including all forms of agriculture, the growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall commercial feedlots, the raising of fur-bearing animals, fish or minnow hatcheries, riding academy, livery or boarding stables or dog kennels be so considered.

*Agricultural use, accessory:* Those structures or equipment which are normally required in the operation of agricultural uses. No more than two (2) dwellings on each farm shall be classed as agricultural accessory uses, except by specific approval of the board of zoning appeals. The board of zoning appeals shall determine all questions of fact in such instance.

*Alley:* A minor street right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a public street, and which may be used for public utility purposes.

*Alternative financial service:* Establishments that are:

- (1) Not licensed by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift offices, insurance premium finance companies, or mortgage companies;
- (2) Regulated by the state department of financial institutions; and
- (3) Categorized for purposes of this ordinance as:
  - a. "Pawnbrokers" as defined at T.C.A. § 45-6-203; or
  - b. "Title pledge lenders" as defined at T.C.A. § 45-15-103; or
  - c. "Deferred presentment services" as defined at T.C.A. § 45-17-102; or
  - d. "Check cashers" as defined at T.C.A. § 45-18-102 except that check cashers do not include check cashers exempt from state regulation pursuant to T.C.A. § 45-18-103; or
  - e. Any combination of alternative financial services which include, but are not limited to, pawnbrokers, title pledge lenders, deferred presentment services and/or check cashers as defined herein.

*Amusements:* Establishments engaged in providing amusements, or entertainment as a commercial business for a free or admission charge and includes such activities as dancehalls; studios, theatrical procedures; bands, orchestras, and other musical entertainment; bowling alleys, and billiard and pool establishments; commercial sports such as arenas, rings, racetracks, public golf courses and amusement parks; membership sports and recreation clubs, amusement and bathing beaches; swimming pools, riding academies, carnival operations, expositions, game parlors, coin-operated devices, and horse shows.

*Animal crematory:* A building or structure, or a room or space within a building or structure having an apparatus for the cremation of deceased animals.

*Apartment building:* See "Multi-dwelling structure" under "Residential structure types."

*Apartment house:* See "Multi-dwelling structure" under "Residential structure types."

*Apiary:* A collection of one (1) or more colonies of bees in beehives at a location.

*Aquaponics:* The cultivation of fish and plants together in a constructed, re-circulating system utilizing fish culture to increase nutrient concentrations of irrigation water for the purpose of producing food or non-food crops.

*Archeological area:* A land or water area which shows evidence or artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.

*Area, building:* The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

*Area, floor:* See "Floor area (gross)."

*Assisted living facility:* A building, establishment, complex, or distinct part thereof which accepts aged persons, whom constitute a substantial majority (not less than eighty-five (85) percent) of the facility population, for domiciliary care provided that residential units may be shared with a person under the age of 62, if the head of household meets the definition of an aged person. The facility provides on site to its residents, room, board, nonmedical living assistance services appropriate to the residents' respective needs, and medical services as prescribed by each resident's treating physician.

*Attached building:* A building that shares a common wall or roof with another building.

*Auction:* A public sale at which goods, merchandise or livestock are sold to people who offer to pay the most.

*Auction house:* A business that runs auctions.

*Automatic carwash:* A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

*Automobile wash:* Any building or premises, or portion thereof, used for washing automobiles.

*Automobile wash (self-service):* A structure housing coin-operated equipment used for spray washing automobiles and light trucks.

*Automobile wrecking:* The dismantling, storage, sale, or dumping of used motor vehicles, or parts thereof not in running condition.

*Base zone:* The primary zoning classification which determines the uses permitted on a property over which a second zoning classification is placed, e.g., historical zoning district placed on commercially zoned property. The commercial zoning is the base zone.

*Basement:* That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

*Bed and breakfast inn:* A building maintained as a private residence and located in an historic overlay district, where the resident owner offers lodging to transient guests in no more than six (6) guest rooms, and where breakfast is the only meal offered to guests.

*Bicycle parking:* The accessory storage of non-motorized bicycles (which may include trailers or other customary accessories) in a secure manner that allows for quick and convenient access, storage, and removal of the bicycles by users who are making trips to or from an associated principal use.

*Bicycle rack:* A fixed-in-place stand, solidly anchored to the ground or other fixed object, which allows a bicycle to lean against it in an upright position with both wheels on a level surface.

*Blueway corridor:* A water path or trail corridor that is developed with launch points, camping locations and points of interest for canoeists and kayakers.

*Board:* Knoxville Board of Zoning Appeals.

*Boatel:* A combination of a motel and marina that is accessible to boats as well as automobiles and may include overnight accommodations for transients and permanent staff, eating and drinking facilities, and meeting rooms.

*Body piercing:* The term "body piercing" shall mean to create an opening or hole in the body of a human being for the purpose of inserting jewelry or other decoration; and, does not include piercing an ear with disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

*Body piercing establishment:* The term "body piercing establishment" shall mean any room or space where body piercing is performed or where the business of body piercing, or any part thereof, is conducted. The term is synonymous with "body piercing parlor" or "body piercing studio."

**Brewpub:** A type of eating or drinking establishment that includes as an accessory use the production of malt liquors, regardless of alcohol content by volume, for consumption on the premises; except that sales for off-premises consumption, if not prohibited by other local ordinance or state or federal law, shall be allowed in specialty containers holding no more than one (1) U.S. gallon (one hundred twenty-eight (128) U.S. fluid ounces), commonly referred to as growlers. The area of the establishment devoted to the production of malts liquors shall not exceed five thousand (5,000) square feet.

**Brewery:** A facility where malt liquors, regardless of alcohol content by volume, are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

**Buildable area:** The area of the lot that building(s) may occupy. The buildable area sets the limits of the building footprint now and in the future; additions to structures must be within the designated area.

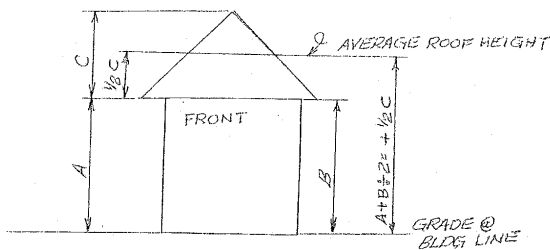
**Building:** Any structure built for the support, shelter or enclosure of persons, animals, chattel, or property of any kind which has a roof and enclosing walls for at least fifty (50) percent of its perimeter. The term "building" shall be as if followed by the words "or part thereof." For the purpose of area and height limitations, this definition shall be applicable to sheds and open sheds.

**Building, accessory:** See "Accessory building."

**Building, attached:** See "Attached building."

**Building coverage:** The gross area of a lot or parcel occupied by all of the ground floor of the building(s) or structure(s), including porches, patios and breezeways, which is under roof.

**Building height:** The vertical distance from the front building line grade plane to the average height of the highest roof surface. For roofs with less than a four in twelve pitch, the height shall be measured to the highest point of the roof.



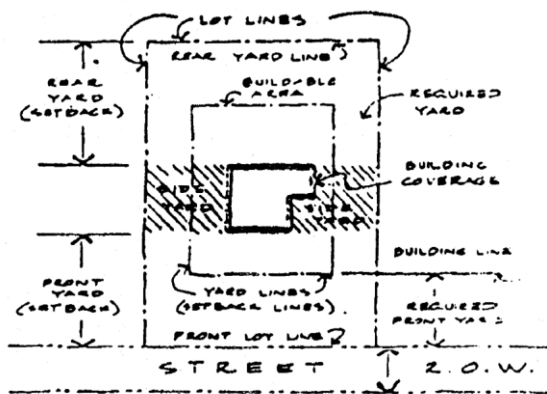
## Building Height

**Building, main or principal:** A building in which is conducted the principal use of the lot on which it is situated.

**Building line, required:** The building shall be built to the required building line (RBL) as shown on the regulating plan. The RBL is a requirement, not a permissive minimum as is a set back. The RBL for each site is shown on the applicable regulating plan. The minimum length of building that is required to be built to the RBL is shown on the appropriate building envelope standard.

**Building official:** The officer or other designated authority charged with the administration and enforcement of this ordinance, or his duly authorized representative.

**Building setback line:** A line delineating the minimum allowable distance between the property lines of the building lot and the structure, within which no building or other structure shall be placed except as provided in article V, section 6.



### Building Setback Line

**Bulk storage:** The storage of chemicals, petroleum products and other material in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

**Business service:** Any activity conducted for gain which renders services primarily to other commercial and industrial enterprises, or which services and repairs appliances and machines used in a home or business.

**Caliper:** A standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four (4) inches in caliper size, and twelve (12) inches above the ground for larger sizes.

**Call center:** A facility for the handling of customer service, technical service or telemarketing activities through electronic communications.

**Campground:** A parcel of land upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**Cemetery:** Any land or structure dedicated to and used or intended to be used for interment of human remains. A cemetery may include a mausoleum, columbarium, a memorial garden, or a scattering garden for the interment of cremated remains, but shall not include a crematory.

**Chickens, domesticated:** Those chickens that qualify for keeping in accordance with chapter 5, section 5-107 of the Code of the City of Knoxville.

**Clinic:** See "Medical facility."

**Club, private:** An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain; providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.

**Cold frame:** A four-sided enclosure with a transparent or translucent and removable or adjustable roof, built low to the ground to house and protect food or non-food crops outside the typical growing season.

**College:** An institution of higher education that grants degrees.

**Columbarium:** A building or structure, or a room or space in a building or structure, used or intended to be used for the interment of cremated human remains. A columbarium may also include a building or structure with access to crypts, vaults, niches or similar architectural features from the exterior and may include a memorial garden for the purpose of creating a designated area where certain themes or designs

create distinctive memorials and interment or direct earth burial (with or without an urn) of cremated human remains.

*Commercial parking lot:* A lot or portion thereof that is used as a commercial enterprise for the parking of motor vehicles, is not accessory to any other use on the same lot. This definition shall not include storage of vehicles awaiting repair, pending insurance, or legal action, awaiting demolition, or vehicles stored for stripping of parts.

*Compost, backyard:* The composting of organic solid waste, such as grass, clippings, leaves, or food waste (excluding meat and dairy), generated on-site by a property owner or other person with an interest in the property, where composting occurs at the site of origin and the resulting product is for on-site use only.

*Congregate housing:* A living arrangement in which residents live in their own apartments and may take their meals in a common dining room, with various opportunities for socialization with other residents. Housekeeping and maintenance services are provided, but health maintenance services are scheduled independently by the residents.

*Contributing historic structure:* A structure listed or eligible for listing on the historic structures inventory and that has been identified as making a contribution to the historical and/or architectural significance of an overall district. Non-contributing structures are identified as not making this contribution.

*Council:* The City Council of Knoxville, Tennessee.

*Country club:* A chartered, nonprofit membership club, with or without dining facilities and cocktail lounge, catering primarily to its membership, providing one (1) or more of the following recreational and social amenities: golf, riding, other outdoor recreation; clubhouse, locker room, pro shop.

*Craft bakery:* A small bakery wherein bread and other baked goods are produced, created, and/or manufactured by those skilled in baking and/or bread making. The area of the establishment devoted to the creation and baking of the finished product shall not exceed three thousand (3,000) square feet. Finished products may be sold through both retail and wholesale sales. The establishment may also include office, retail, eating and drinking establishment or event facility components in addition to the area devoted to production and baking of the finished product. No outdoor storage shall be permitted with the use nor shall the use produce noise not normally associated with a retail business.

*Craft brewery, winery and distillery:* A type of brewery, winery or distillery wherein the area of the establishment devoted to the production of malts and liquors shall not exceed fifteen thousand (15,000) square feet in commercial zone districts or twenty thousand (20,000) square feet in industrial zone districts. The establishment may include a tasting room and may also include office, retail, eating and drinking establishment or event facility components in addition to the area devoted to production of malts and liquors.

*Cremation:* The heating process by which a body or body parts are reduced to bone fragments through combustion and evaporation. Cremation includes the processing and usually includes the pulverization of the bone fragments.

*Crematory:* A building or structure, or a room or space in a building or structure, not a part of a funeral establishment which has been certified by the State for the cremation of deceased persons. Crematory includes crematorium.

*Day care center:* See day nursery, private.

*Day nursery, private:* An agency, organization, or individual providing care for six (6) or more children, not related by blood, marriage to, or not legal wards or foster children of the attendant adult.

*Department store:* A retail store for the sale of many kinds of goods arranged in departments.

*Design capacity:* The maximum number of persons which can be accommodated at any one time with a reasonable degree of comfort, safety, and convenience.

*Development plan:* A plan showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, parking areas, major access, recreation facilities, drainage and landscaping plans.

*Distillery:* A facility where distilled liquors or spirits are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

*District:* Any section or sections of the City of Knoxville for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

*Dog kennel:* See "Kennel."

*Domestic employee:* A person hired by a household to perform general household services such as nanny, baby-sitting, cooking, cleaning, laundering, gardening, yard and maintenance work, caregiving and other duties commonly associated with the meaning of domestic servant.

*Dormitory:* A building containing sleeping rooms for either transient or permanent occupancy.

*Drive aisle:* The vehicular driving surface directly adjacent to parking spaces or stalls used to access the parking spaces or stalls.

*Drive-in commercial use:* Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

*Driveway:* A private local access to one property or a small group of properties, and any structure(s) located thereon, which is owned and maintained by an individual or group.

*Establishment:* An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

*Fabrication and assembly:* The manufacturing from standardized parts of a distinct object differing from the individual components.

*Family:* The heads of household plus persons who are related to the heads of the household (and any domestic employees thereof). These relationships may be of the whole or half blood, by adoption, guardianship, including foster children, or through a marriage to a person with such a relationship with the heads of household.

*Filling station:* See "Gasoline [service] station."

*Flea market:* An occasional or periodic market held in an open area where groups of individual sellers offer goods for sale to the public and the sale goods are moved off the premises between sales dates.

*Floor area:* The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky.

*Floor area (gross):* The sum of the total floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

*Floor area ratio (FAR):* The ratio of gross floor area to parcel area. FAR is calculated by dividing the gross floor area of the building(s) by the gross area of the parcel on which the building(s) is sited.

*Fraternity or sorority house:* A dwelling housing fraternity or sorority members and their guests living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

*Front building grade plane:* The average grade elevation calculated by averaging the highest and lowest elevations at the base of the front building line. For a structure with multiple front yards each front elevation must be calculated.

*Frontage:* The relationship of the building to a public way. The frontage line refers to the front setback line which may also be the required build to line (RBL). The private frontage is the area between the building and the private property line. The public frontage is the area between the private property line and vehicular lanes.



*Funeral establishment:* A place used for human funeral services. Such place may include space and facilities for (a) display of deceased persons and rituals connected therewith before burial or cremation; (b) embalming and the performance of other services used in the preparation of the dead for burial or cremation; (c) the performance of autopsies and other surgical procedures upon the dead; (d) the sale and/or storage of caskets, funeral urns, and other related funeral supplies; (e) the storage of funeral vehicles, and (e) facilities necessary for cremation.

*Garage apartment:* A dwelling unit accessory to a principal dwelling and erected as part of a private garage.

*Garage, private:* An accessory building or a part of a main building used for storage purposes only for not more than four (4) automobiles.

*Garage, public:* Any garage other than a private or repair garage.

*Garage, repair:* See "Repair garage."

*Garden, community:* An area of land managed and maintained by a nonprofit or group of individuals to grow and harvest food and non-food crops for personal or group use, consumption, or donation. A community garden may be a principal or accessory use.

*Garden, market:* An area of land managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both. A market garden may be a principal or accessory use.

*Garden, personal:* An area of land on which food or non-food crops are grown by the property owner or other person with an interest in the property for personal or family consumption and enjoyment. A personal garden may be a principal or accessory use. On-site sales may be allowed through a temporary use permit issued for a seasonal produce stand.

*Gasoline service station:* A place of retail business at which outdoor automotive refueling is carried on using fixed dispensing equipment connected to underground storage tanks by a closed system of piping and at which goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist needs may also be available. The building consists of a sales office where automotive accessories and packaged automotive supplies may be kept or displayed. It may also include one (1) or more service bays in which vehicle washing, lubrication and minor replacement, adjustment and repair services are rendered.

*Governing body:* City Council of Knoxville.

*Grade:* A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

*Greenhouse:* A type of freestanding covered structure that has a supported framework and covered with a translucent material such as plastic or glass. A greenhouse may use generated or electrical heat or power and its purpose is to house and protect food or non-food crops during all seasons of the year.

*Greenway corridor:* A linear park, alternative transportation route, or open space conservation area approved by the city that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas, as indicated in The Knoxville - Knox County Park, Recreation and Greenways Plan.

*Halfway house:* An approved residential facility licensed for the housing, rehabilitation, and/or training of persons on probation, parole or early release from correctional institutions, or other persons found guilty of criminal offenses, and court-ordered to reside at the subject facility.

*Hazardous substances:* Substances as defined by the Hazardous Substances Act, T.C.A. § 68-27-101 et seq., as amended.

*Hazardous wastes:* Wastes as defined by the Tennessee Hazardous Waste Management Act, T.C.A. § 68-46-101 et seq., as amended.

*Hazardous wastes and/or substances processing facility:* A recycling operation which collects, stores, sorts, processes, and/or transports hazardous wastes and/or substances.

*Heads of the household:* One (1) person or two (2) adult persons establishing a household.

*Health department:* Knox County Health Department.

*Height:* See "Building, height of."

*High tunnel* (also known as "hoop house"): A type of freestanding, covered structure that has a supported framework, typically made with metal piping and covered with a translucent material such as plastic or glass. Crops can be grown either in the natural soil profile or by installing permanent beds. A high tunnel does not have heat or electrical power and its purpose is to house and protect food or non-food crops outside the typical growing season.

*Historic structures inventory:* Current list maintained by the Knoxville-Knox County Metropolitan Planning Commission historic preservation planner, which includes structures and districts listed by the keeper of the National Register of Historic Places, National Park Service; structures and districts considered eligible for National Register listing by the Tennessee State Historic Preservation Office; and individual structures deemed to be of local historic significance.

*Historical monument and/or structure:* Any historically or architecturally [significant] structure or building existing contemporaneously with, and commonly associated with, an outstanding event, person or period of history, and any structure or building in which the relics and/or mementos of such event, person or period are housed and preserved.

*Hive* (also known as "beehive"): A container or structure used by a beekeeper to provide a cavity in which a colony of bees is expected to establish a permanent nest.

*Home occupation:* See article V, section 12.

*Hospital:* See "Medical facilities."

*Hotel:* Any building containing twelve (12) or more guestrooms intended or designed to be used, or which are used, rented or hired out for sleeping purposes by guests.

*House trailer:* See "Mobile home."

*House trailer park:* See "Mobile home park."

*Household:* One (1) or more persons occupying a dwelling unit.

*Hydroponics:* The propagation of plants using a mechanical system designed to circulate a solution of minerals in water and without soil.

*Illumination, direct:* Illumination by an artificial light source installed on, or transmitted through, a sign surface.

*Illumination, indirect:* Illumination by reflected light intentionally directed upon a sign surface, or silhouettes of letters or symbols placed before a background of reflected light.

*Indoor commercial recreation:* A building used for recreation purposes operated as a business and open to the public for a fee (see "Amusements").

*Interior island:* A landscaped island located between terminal islands along a parking row, used to break up large expanses of parking surface.

*Junior department store:* A department-type store which does not carry hard goods such as furniture, or household furnishing other than a token representation of the line.

*Junk or salvage facility:* The area of any property used for the storage, sorting, dismantling, processing, and/or sale of large discarded metallic materials, including but not limited to major appliances, scrap metals, machinery and vehicles.

*Kennel:* Any lot or premises on which five (5) or more dogs, more than six (6) months of age, are kept.

*Kindergartens:* See "Day nurseries, private."

*Live/work unit.* A combination of a dwelling unit and business space, such as a shop or office that is open to the public for retail trade or personal or professional services.

*Loading space:* A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck.

*Lodge:* A place where members of a local chapter of an association hold their meetings; and the local chapter itself.

*Lot:* A parcel of land which is, or may be, occupied by a building and its accessory buildings or use customarily incidental thereto, together with such yards or open spaces within the lot lines as may be required by this ordinance.

*Lot area:* The total horizontal area included within lot lines.

*Lot, corner:* A lot of which at least two (2) adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

*Lot coverage:* The building coverage expressed as a percentage of the total lot or parcel area.

*Lot depth:* The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

*Lot, double frontage:* A lot which runs through a block from street to street or which has two (2) nonintersecting sides abutting two (2) or more streets, but not including an alley.

*Lot frontage:* That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

*Lot, interior:* A lot other than a corner lot.

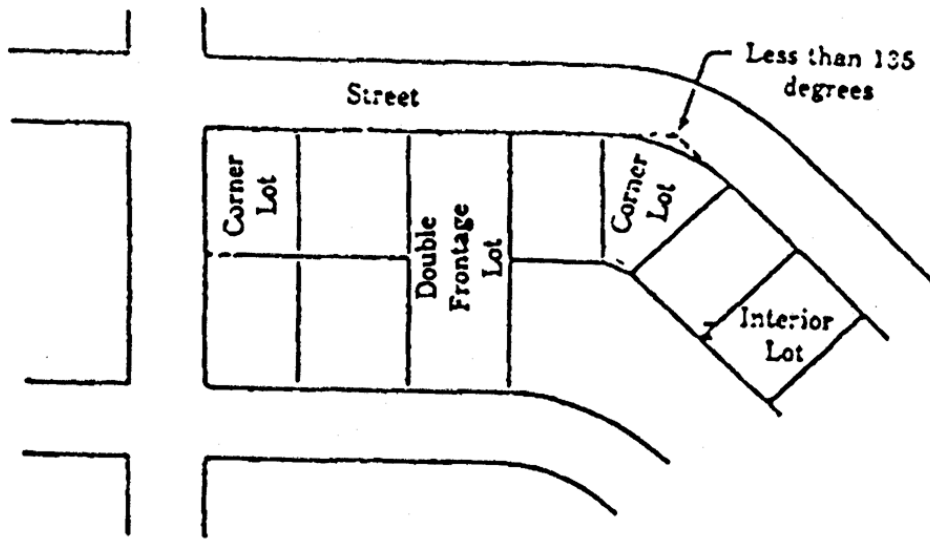
*Lot line, front:* In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street in the request for building permit.

*Lot line, rear:* The lot boundary opposite and most distant from the lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten (10) feet long and wholly within the lot.

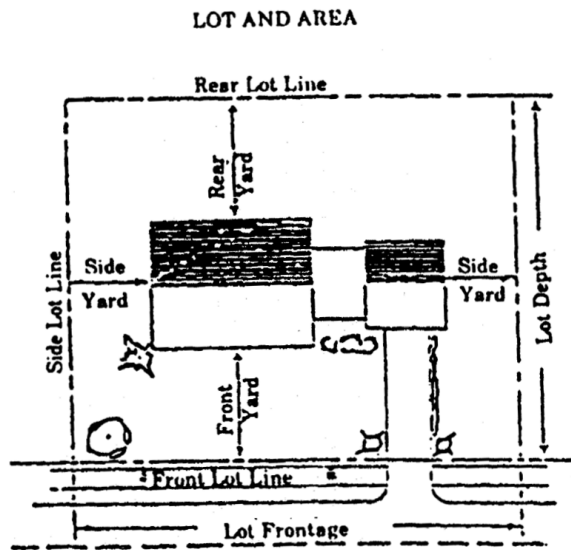
*Lot line, side:* A side lot line is any lot boundary line not a front lot line or rear lot line.

*Lot lines:* The lines bounding a lot as defined herein.

*Lot width:* The width of a lot at the building setback line measured at right angles to its depth.



Double Frontage, Interior and Corner Lots



Lot and Area

*Low tunnel:* A temporary, freestanding structure that has a supported framework, typically made with hooped PVC pipe or wire and covered with plastic. A low tunnel does not have heat or electrical power and its purpose is to house and protect food or non-food crops outside the typical growing season.

*Manufactured home:* A structure transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

*Multi-sectional manufactured home:* Two (2) or more manufactured home sections designed to be attached to each other on a site and used as a dwelling unit.

*Single-wide manufactured home:* A one-section manufactured home designed to be occupied as a single living unit. Also referred to as a mobile home or trailer home.

*Manufacturing:* Established [Establishments] engaged in the mechanical or chemical transforming of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquids.

*Marina:* A facility for storing, servicing, fueling, berthing and securing of pleasure boats. The facility may include eating, sleeping and retail facilities for owners, crews and guests.

*Marketability study:* A study that identifies and analyzes the economic demand for a particular site and/or land use.

*Medical facilities:*

*Convalescent or rest home:* See "Nursing home."

*Dental clinic or medical clinic:* A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

*Dental office or doctor's office:* Same as dental or medical clinic.

*Hospital:* An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

*Nursing home:* An extended or intermediate care facility licensed or approved to provide fulltime convalescent or chronic care to individuals who by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

*Public health center:* A facility primarily utilized by a health unit for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

*Sanitarium or sanitorium:* An institution providing health facilities for treatment of chronic and usually longterm illness.

*Methadone treatment clinic or facility:* A licensed facility for counseling of patients and the distribution of methadone for outpatient, nonresidential purposes only.

*Mobile home:* Sometimes referred to as a trailer home, or a single-wide manufactured home.

*Mobile home park:* Any area, tract, site or plot of land whereupon a minimum of twenty-five (25) mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

*Mobile home space:* A plot of ground within a mobile home park which is designed for and designated as the location for one (1) mobile home and its customary accessory uses.

*Motel:* A building or group of buildings used for the temporary residence of motorists or travelers.

*Nonconforming:* A structure, building or use which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

*Noxious matter:* Matter (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals.

*Nursing home:* See "Medical facilities."

*Office:* A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

*Off-street parking—Class "A":* An off-street parking facility, either controlled or uncontrolled, provided for the use of occupants, employees, visitors, patients, patrons, or students, without charge for its use.

*Off-street parking—Class "B":* A controlled or partially controlled off-street parking facility provided for the use of occupants, employees, visitors, patients, patrons, or students, with or without charge for its use. Such facilities shall be operated by, or for, the owner or owners of the principal use which it is intended to serve.

*Off-street parking—Class "C":* An off-street parking facility operated for profit, which is provided for use by the general public at a fee, whether [such] fee is charged on a partial hour[ly], hourly, daily, weekly, monthly, or other basis. Such facility shall be considered a commercial parking lot or facility.

*Off-street parking—Class "D":* An off-street parking space available for the parking of one (1) motor vehicle for houses, duplexes and attached houses.

*Off-street parking space:* A temporary storage area for a motor vehicle that is directly accessible to an access aisle or driveway and which is not located on a dedicated street right-of-way.

*Open space, conservation:* Any public or privately owned parcel, lot or area of land or water essentially unimproved with any residential, commercial, or industrial uses or structures, and set aside or reserved for scenic, environmental, or preservation purposes. Conservation open space may include horticulture, floriculture, forests and woods, personal and community gardens, recreational open space, and natural features located on a site, such as steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources.

*Open space, recreational:* An area of land developed or intended for development with landscaping, specialized structures, and other features that promote passive or active recreational activities. May be accessible to only a segment of the public with or without payment of a fee, or may be open and accessible to the general public.

*Overlay zone:* See "Base zone."

*Parcel:* A lot or tract of land.

*Park:* An outdoor recreation facility accessible to the public that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities or areas.

*Parking lot:* An off-street facility typically consisting of four (4) or more parking spaces used to provide off-street parking, and typically including drive aisles, terminal islands, and interior islands.

*Parking row:* A single line of contiguous parking spaces.

*Parking space:* An off-street space available for the parking of one motor vehicle, exclusive of passageways and driveways, and having direct access to a drive aisle, street, or alley. Also called "parking stall."

*Party wall:* A common shared wall between two (2) separate structures, buildings or dwelling units.

*Pavement:*

- (1) Brick, stone, concrete or asphalt placed on the surface of the land;
- (2) That part of a street having an improved surface.

*Pedestrian plaza:* An area devoted strictly to pedestrian use which provides access to two (2) or more businesses. Such space shall be surfaced with material generally used for pedestrian traffic and available to the general public during hours which adjoining establishments are open for business. Indoor

pedestrian plazas used to meet requirements of this ordinance shall have a minimum width of fifteen (15) feet. A pedestrian plaza may also be called a courtyard, civic green, or square.

*Penthouse:* An enclosure structure located on the roof of a building, other than a roof structure or bulkhead, occupying not more than one-third of the roof area and not extending more than twelve (12) feet above the roof.

*Perimeter:* The boundaries or borders of a lot, tract, or parcel of land.

*Perimeter screening area:* A planting area that is located between a parking lot, loading area, or vehicular use area and an adjacent right-of-way, property line, or easement.

*Periphery boundary:* The outer boundary of a parcel, development or zone district.

*Personal service:* Establishment primarily engaged in providing services involving the care of a person or his or her apparel.

*Pet day care:* A service where small animals typically considered as household pets are left by their owners for less than eighteen (18) hours each day for the general purpose of individual supervision or supervised interaction in groups of other animals. The operation of a pet day care shall be restricted to the hours between 6:00 a.m. and 9:00 p.m.

*Pet grooming:* A service where small animals typically considered as household pets are bathed, clipped or combed for the purpose of enhancing their aesthetic value or health, or both, and for which a fee is charged. A pet grooming service may include any self-service pet washing business where the customer washes their own pets or may be offered incidentally at a pet shop. The operation of a pet grooming service shall be restricted to the hours between 6:00 a.m. and 9:00 p.m.

*Pet services, indoor:* A use totally enclosed in a building for services provided for small animals typically considered as household pets. Such a use may include retail sales, pet grooming, pet day care, indoor play facilities, indoor training facilities, and similar pet services. Areas for outdoor pet activities are not permitted.

*Pet services, indoor/outdoor:* A use provided for small animals typically considered as household pets. Such a use may include retail sales, pet grooming, pet day care, indoor play facilities, indoor training facilities, and similar pet services. Areas for outdoor pet activities are permitted.

*Planning commission:* Metropolitan Planning Commission of Knoxville and Knox County.

*Planting area:* The area prepared for the purpose of accommodating the planting of trees, shrubs, and other plant material.

*Plat:* A map, plan, or layout indicating the location and boundaries of individual properties.

*Portable storage container:* A boxlike container transported by truck to a desired location, typically moved from the bed of a truck to the ground and back using a hydraulic metal framework or similar device.

*Premises:* A lot, parcel, tract or plot of land together with the building and structures thereon.

*Principal building:* See "Building, main or principal."

*Principal use:* The specific primary purpose for which land or a building is used.

*Processing:* A series of operations usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

*Professional office:* The office of a member of a recognized profession maintained for the conduct of that profession.

*Professional service:* Assistance rendered for a fee by medical practitioners, lawyers, architects, engineers and members of other recognized professions.

*Public building:* A building used for the benefit of all people.

*Public hearing:* A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

*Public notice:* Notice given to the general public in a manner to provide such information as may be required in the particular circumstances, and/or as may be required by state or local law.

*Public uses:* Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and material.

*Public utility:* See "Utility, public or private."

*Quarry:* A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

*Recreation center:* Recreational facilities, such as community centers, playgrounds, parks, swimming pools and playing fields that are available on a membership basis or the general public. Recreation centers may include administrative offices, classroom and meeting space and other space associated with park and recreation facilities or programs.

*Recreation establishments:* A place designed and equipped for the conduct of sports, leisuretime activities and other customary and usual recreational activities.

*Recreational activities:* Leisuretime activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites, or fields.

*Recreational facilities:* Country clubs, riding stables, golf courses, and other noncommercial recreation areas and facilities, or recreation centers including swimming pools.

*Recreational vehicle:* A vehicular-type, portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational camping and travel use including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

*Recycling collection facility:* A recycling operation of less than two thousand (2,000) square feet which collects metal, glass, paper, cloth, plastic, wood, rubber, cardboard or other recyclable materials, excluding junk, salvage, hazardous wastes, and hazardous substances, in removable, completely enclosed containers or vehicles.

*Recycling processing facility:* A recycling operation which collects, stores, sorts, processes, and/or transports metal, glass, paper, cloth, plastic, wood, rubber, cardboard or other recyclable materials, excluding junk, salvage, hazardous wastes, and hazardous substances operations.

*Religious use:* A structure or place in which worship ceremonies, rituals and education pertaining to a particular system of belief are held.

*Repair garage:* Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

*Required setback:* A distance required in this ordinance to obtain the minimum front, side, and rear yards.

*Residential structure types:*

*Duplex.* A building that contains two (2) dwelling units on one (1) lot. The units must share a common wall or common floor/ceiling.

*Dwelling unit.* A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy in accordance with approved residential occupancy standards.

*House.* A detached dwelling unit located on its own lot.

*House, attached.* A dwelling unit located on its own lot that shares one (1) or more common or abutting walls with one (1) or more dwelling units.



*Multi-dwelling development.* A grouping of individual structures where each structure contains one (1) or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development may include an existing house with one (1) or more new detached houses, duplexes or multi-dwelling structures located on the same lot. The key characteristic of this housing type is that there is no requirement for the structures on the lot to be attached.

*Multi-dwelling structure.* A building, or portion of a building, that contains three (3) or more dwelling units that share common walls or floor/ceilings with one (1) or more units. The land underneath the structure is not divided into separate lots.

*Resort:* A facility for transient guests where the primary attraction is generally recreational features or activities.

*Restaurant:* An establishment where food and drink is prepared, served, and consumed primarily within the principal building.

*Retail sales:* See "Retailing."

*Retail trade:* Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

*Retailing:* The process of selling goods or merchandise to customers for their own personal or household use and including the characteristics of attracting the general public to the place of business, inventorying, selling and receiving merchandise, and with the possibility of processing some of the products where such processing is incidental and subordinate to the selling activity.

*Riding academy:* Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

*Right-of-way:* An area used as a public way, measured from boundary line to boundary line, which may also accommodate public utilities.

*Roadside stand:* A farm structure used, or intended to be used, solely by the owner or tenant for the sale of seasonal farm products of the farm on which it is located.

*Rooming and boarding house:* A house with an owner-occupant, or a resident manager, where for compensation, lodging with or without meals is provided for not more than twelve (12) persons.

*Rural area:* A sparsely developed area where the land is undeveloped or primarily used for agricultural purposes.

*Sanitarium, sanatorium:* See "Medical facility."

*Sanitary sewer:* A municipal or community sewage disposal system of a type approved by the state department of public health.

*Scenic highway:* A route, in the City of Knoxville, as designated by the State of Tennessee as part of the State Scenic Highway System.

*Scenic parkway:* A route, in the City of Knoxville, as designated by the State of Tennessee as part of the State Scenic Parkway System.

*School:* Any building or part thereof which is designed, constructed or used for educational [purposes] or instruction in any branch of knowledge.

*School, private:* An institution of learning, including colleges and universities, that is not tax-supported.

*School, public:* A tax-supported institution of learning, including colleges and universities.

*Seasonal produce stand:* A temporary sales space of portable or sectional construction and no more than one hundred (100) square feet, which is used to sell produce and non-food crops that are grown on-site.

*Self-service laundry:* An establishment providing home-type washing, drying and ironing machines and/or customer-operated type dry cleaning machines, to be used primarily by the customer on the premises. Such establishment may be coin-operated, or may be operated by attendants.

*Self-service storage facility:* A structure containing separate storage spaces of varying sizes, leased or rented to the general public, businesses, or institutions.

*Shelter, fallout:* A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

*Shopping center:* A group of commercial establishments, planned, developed, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and types of shops to the trade area which the unit serves.

*Sidewalk:* A paved surface or leveled area usually paralleling and separate from the street, used as a pedestrian walkway.

*Site:* Any plot or parcel of land or combination of contiguous lots or parcels of land.

*Site plan:* The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot including: topography, drainage, floodplain and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices, and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

*Sorority house:* See "Fraternity house."

*Specialty store:* A retail store specializing in a specific item or group of items closely related to a specific market.

*Staff doctor:* A doctor employed by a hospital, clinic or other institution; or a doctor who is "on call" to such institution during certain specified periods of time in case of emergency or other need.

*Story:* That portion of a building included between the upper surface of a floor and upper surface at the floor or roof next above.

*Street:* The entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel.

*Street frontage:* The lot line coincident with the RBL or that portion of the building that is coincident with the RBL as required by the code. The lineal distance is measured horizontally and in feet.

*Street grade:* The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at its midpoint shall be taken as the street grade.

*Street, intersecting:* Any street which joins another street at an angle, whether or not it crosses the other.

*Street line:* A lot line dividing a lot from a street.

*Structure:* A combination of materials to form a construction that is safe and stable and includes, among other things, stadiums, platforms, radio and television towers, sheds, storage bins, fences, and display signs.

*Structured parking:* A building, often of several stories, that provides parking space.

*Studio:* A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

*Supermarket:* A retail establishment selling primarily food as well as other convenience and household goods.

*Tasting room:* A facility, or portion of a facility, accessory to a brewery, winery or distillery at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.

*Tattoo or tattooing:* The terms "tattoo" or "tattooing" shall mean to mark or color the skin by pricking in color matter so as to form indelible marks or figures or by producing scar tissue.

*Tattoo establishment:* The term "tattoo establishment" shall mean any room or space where tattooing is performed or where the business of tattooing, or any part thereof, is conducted. The term is synonymous with "tattoo parlor" or "tattoo studio."

*Telecommunications tower:* A structure, other than a building, on which a transmitting or receiving antenna(e) is located.

*Terminal island:* An island located at the end of a parking row, serving to define aisles and travel ways, which is typically landscaped.

*Theater:* A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles and similar forms of entertainment.

*Theater, outdoor drive-in:* An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

*Tourist cabins:* See "Motel."

*Tourist court:* See "Motel."

*Tourist home:* See "Motel."

*Trailer:* See "Mobile home."

*Trailer court:* See "Mobile home park."

*Trailer, hauling:* A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods and commodities, including boats.

*Trailer, travel or camping:* A portable or mobile living unit used for temporary occupancy by humans away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

*Transient lodging:* See "Motel."

*Toxic materials:* Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

*Unified development:* A shopping center, office park, commercial subdivision, or similar mixed use or commercial development that has been determined to be a unit by the planning commission for the purpose of reviewing a master signage plan as regulated by article V, section 10.

*University:* An educational institution authorized by the state to award baccalaureate or higher degrees.

*University use:* An activity directly related to the university function.

*Urban agriculture:* An umbrella term that describes a range of growing practices for food and non-food crops implemented in an urban or suburban setting. Urban agriculture includes personal gardens, community gardens, market gardens, apiaries (beekeeping), aquaponics, hydroponics, backyard composting, domesticated chickens, and seasonal produce stands.

*Use:* The specific purpose for which land or a building is designed, arranged, intended, for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

*Useable open space:* That portion of a lot which is free of buildings, is not devoted to driveways and parking areas, is available and accessible to the occupants of dwelling units on the lot, and is of reasonable dimension to allow use for active or passive recreation or other outdoor activities. Useable open space may include play lots, gardens, sun decks, courts, courtyards, and private balconies.

Semiprivate balconies, not providing primary access to the units, may also be classified as useable open space for the dwelling unit or units served.

*Utility, public or private:* Any agency, which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service.

*Variety store:* A store which carries several lines of goods (primarily convenience goods) but not a complete line of one (1) or more items.

*Vehicle:* A machine, usually with wheels and an engine, used for transporting people or goods on land, especially on roads.

*Vehicle storage facility:* A site used for the storage of wrecked vehicles, for a period not to exceed ninety (90) days. Such vehicles shall not be processed, dismantled, or sold in parts.

*Vehicular use area:* Any paved or graveled surface used for vehicle access and movement that would not be defined as a parking space, parking stall, or drive aisle.

*Warehouse:* A building used primarily for the storage of goods and materials; and which may include terminal facilities for handling freight operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

*Way:* A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

*Wholesale trade:* Establishments or places of business primarily engaged in selling merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

*Winery:* A facility where vinous liquors are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

*Yard:* An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this ordinance. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

*Yard, front:* An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line, but not an alley, and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

*Yard, rear:* An open (except for permitted accessory structures) space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

*Yard, side:* An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

*Zoning district:* See "District."

(Ord. No. O-90-78, § 3, 6-27-78; Ord. No. O-125-78, §§ 1—12, 7-11-78; Ord. No. O-206-78, § 1, 12-12-78; Ord. No. O-85-83, § 1, 5-24-83; Ord. No. O-70-84, § 1, 4-24-84; Ord. No. O-123-84, § 1, 8-14-84; Ord. No. O-137-84, § 2, 8-14-84; Ord. No. O-207-84, § 1, 12-18-84; Ord. No. O-138-85, § 1, 8-13-85; Ord. No. O-483-92, § 1(A), (B), 11-24-92; Ord. No. O-231-94, § 1(I), 6-21-94; Ord. No. O-526-94, § 1(I), 12-6-94; Ord. No. O-89-95, § 1, 2-28-95; Ord. No. O-90-95, § 1, 2-28-95; Ord. No. O-338-95, § 1, 6-20-95; Ord. No. O-490-95, § 1, 9-28-95; Ord. No. O-492-

95, § 1, 9-28-95; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-483-98, § 1, 9-22-98; Ord. No. O-2-99, § 1, 1-12-99; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-440-99, § 1, 10-19-99; Ord. No. O-338-00, § 1, 7-25-00; Ord. No. O-122-01, § 1, 4-3-01; Ord. No. O-27-02, § 1, 1-22-02; Ord. No. O-426-02, § 1, 10-29-02; Ord. No. O-29-03, § 1, 1-21-03; Ord. No. O-66-04, § 1, 5-25-04; Ord. No. O-221-04, § 1, 11-23-04; Ord. No. O-241-04, § 1, 12-7-04; Ord. No. O-238-05, § 1, 10-25-05; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-30-07, § 1, 2-27-07; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-243-08, § 1, 12-30-08; Ord. No. O-165-2010, § 1, 11-30-10; Ord. No. O-3-2011, § 1, 1-25-11; Ord. No. O-28-2011, § 1, 4-19-11; Ord. No. O-38-2011, § 1, 5-3-11; Ord. No. O-2-2013, § 1, 1-8-13; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-9-2015, § 1, 1-20-15; Ord. No. O-76-2015, § 1, 5-26-15; Ord. No. O-126-2015, §§ 1—4, 7-21-15; Ord. No. O-127-2015, § 1, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. No. O-116-2016, § 1, 7-19-16; Ord. No. O-43-2017, § 1, 3-28-17; Ord. No. O-219-2017, § 1, 10-10-17)

**ARTICLE III. - ZONING DISTRICTS AND MAP**

**Sec. 1. - Establishment of zoning districts.**

For the purpose of this ordinance, the City of Knoxville is hereby divided into zoning districts, as follows:

<i>Agricultural</i>	
A-1	General Agricultural District
<i>Open Space</i>	
OS-1	Open Space Preservation District
OS-2	Park and Open Space District
<i>Residential</i>	
R-1	Low Density Residential District
R-1A	Low Density Residential District
R-1E	Low Density Exclusive Residential District
R-1EN	Established Neighborhood District
R-2	General Residential District

R-3	High Density Residential District
R-4	Residential District
RP-1, RP-2, RP-3	Planned Residential District
<i>Office</i>	
O-1	Office, Medical, and Related Services District
O-2	Civic and Institutional District
O-3	Office Park District
<i>Commercial</i>	
C-1	Neighborhood Commercial District
C-2	Central Business District
C-3	General Commercial District
C-4	Highway and Arterial Commercial District
C-5	Tourist Commercial District
C-6	General Commercial Park District
C-7	Pedestrian Commercial District
SC-1	Neighborhood Shopping Center District
SC-2	Community Shopping Center District
SC-3	Regional Shopping Center District
PC-1	Retail and Office Park District
PC-2	Retail and Distribution Park District

<i>Historical</i>	
H-1	Historical Overlay District
<i>Industrial</i>	
I-1	Planned Industrial Park District
I-2	Restricted Manufacturing and Warehousing District
I-3	General Industrial District
I-4	Heavy Industrial District
<i>Floodway</i>	
F-1	Floodway District
<i>&gt; Technology Corridor</i>	
BP-1	Business and Technology Park District
TO-1	Technology Overlay District
<i>&gt; Design Overlay Districts</i>	
D-1	Downtown Design Overlay District
<i>&gt; South Waterfront Districts</i>	
SW-1	Old Sevier and Scottish Pike
SW-2	River Road, Goose Creek ROW and Island Home Avenue
SW-3	Sevier Avenue
SW-4	City View, Campus Cove and Quay Village
SW-5	Bell Tower Walk

SW-6	Henley Gateway
SW-7	Waterfront Marketplace

(Ord. No. O-164-78, §§ 1—3, 9-19-78; Ord. No. O-66-81, § 1, 3-31-81; Ord. No. O-90-83, § 1, 6-7-83; Ord. No. O-156-93, § 1, 3-30-93; Ord. No. O-157-93, § 1, 3-30-93; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-8-07, § 1, 1-30-07; Ord. No. O-29-07, § 1, 2-27-07; Ord. No. O-108-07, § 1, 5-22-07; Ord. No. O-3-2011, § 1, 1-25-11)

**Editor's note**— The following ordinances amended the zoning ordinance by adding provisions pertaining to the following districts: Ord. No. O-78-89, adopted May 2, 1989, added provisions pertaining to the SP-1 scientific production zone; Ord. No. O-79-89, adopted May 2, 1989, added provisions pertaining to the TO-1 technology overlay zone; Ord. No. O-78-90, adopted Mar. 20, 1990, added provisions pertaining to the PC-1 retail and office park district; and Ord. No. O-79-90, adopted Mar. 20, 1990, added provisions pertaining to the PC-2 retail and distribution park district. These ordinances did not specifically amend Art. III, § 1, and inclusion of these districts in the list of districts in § 1 was at the discretion of the editor.

**Sec. 2. - Zoning map; floodway maps.**

The location and boundaries of the zoning districts established by the ordinance are bounded and defined as shown on the map entitled "Comprehensive City of Knoxville Zoning Map." The said map consists of separate sheets numbered consecutively 1 through 172 (including the county along with the city), and the same is made a part of this ordinance by reference, and upon its introduction and passage, is an effective and operative part thereof. The said map adopted by this ordinance is not included herein, but is on file and available for public inspection in the office of the metropolitan planning commission. After February 1, 1999, changes to the map resulting from rezonings shall be recorded on maps maintained on the Knoxville-Knox County Geographical Information System or its successor.

The zoning map shall hereafter be kept and maintained by the metropolitan planning commission and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

This section is amended so as to adopt and transpose on the comprehensive City of Knoxville zoning maps the five-hundred-year boundary floodway zones within the City of Knoxville prepared by the Federal Emergency Management Administration on maps 5, 7, 8, 10, 11, 14, 15, 16, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 43, 44, 45, and 46, which maps are dated February 18, 1981.

The proposed five-hundred-year floodway boundaries are located on the above-described maps, which maps are made a part of this ordinance by reference, as if attached hereto. Copies of the floodway maps are available for public inspection in the department of engineering for the City of Knoxville.

(Ord. No. O-67-81, § 1, 3-31-81; Ord. No. O-160-83, §§ 1, 2, 8-30-83; Ord. No. O-32-99, § 1, 1-26-99)



**Editor's note**— The provisions in the third and fourth paragraphs of § 2 above derived, respectively, from §§ 1 and 2 of Ord. No. O-160-83, which ordinance specifically provided for the amendment of Art. III, § 2, but did not specify the manner thereof.

**Sec. 3. - Rules for interpretation of district boundaries.**

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of such streets, highways or alleys.
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said boundary lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad line.
4. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses taken at a mean low water.
5. Boundaries shown as following or closely following the limits of the City of Knoxville shall be construed as following such limits.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the planning commission.

Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

**Sec. 4. - Reserved.**

**Editor's note**— Ord. No. O-70-09, § 1, adopted May 5, 2009, amended the Code by renumbering former art. III, § 4, as a new art. IV, § 2.5.

**ARTICLE IV. - SPECIFIC DISTRICT REGULATIONS<sup>[2]</sup>**

Footnotes:

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**Editor's note**— Ord. No. O-70-09, § 1, adopted May 5, 2009, amended the Code by reorganizing former art. IV, §§ 1—27. The former designation of each renumbered section can be found after the history note to the section.

**Section 1. - General Provisions**

1.1. - Introduction.

Article 4 describes permitted uses and provides regulations for specific zone districts. Zone districts are grouped into four sections based on the characteristics of the administrative process within each section: Basic districts (section 2), planned development districts (section 3), form districts (section 4), and overlay districts (section 5). Overlay districts may be applied to an area regulated by underlying basic, planned development or form districts.

(Ord. No. O-70-09, § 1, 5-5-09)

### 1.2. - Supplementary provisions.

Any use described within specific zone districts, whether such use is permitted as a primary use or as an accessory use, shall operate so as to comply with article 5 (supplementary regulations) of this code.

(Ord. No. O-70-09, § 1, 5-5-09)

### 1.3. - Conflicting provisions.

1.3.1 Wherever there appears to be a conflict between the provisions of a specific zone district and requirements in article 5 (supplementary regulations), the requirements set forth in the specific zone district shall prevail.

1.3.2 Wherever there appears to be a conflict between the provisions of an overlay district and requirements of the underlying zone district(s) or the requirements in article 5 (supplementary regulations), the requirements set forth in the overlay district shall prevail.

(Ord. No. O-70-09, § 1, 5-5-09)

## **Section 2. - Basic Districts**

### 2.0 - General Provisions

#### 2.0.1. - *Introduction.*

Basic districts control development through the regulation of land uses and the regulation of size and placement of buildings and structures on the land within specific geographic boundaries in accordance with approved city plans to allow property owners the reasonable uses of their property in a manner that maintains and stabilizes the value of property. Specific uses are permitted in each district by right. Additional uses may be permitted upon public review and approval by the metropolitan planning commission through its use-on-review process.

(Ord. No. O-70-09, § 1, 5-5-09)

#### 2.0.2. - *Permitted land uses.*

Permitted uses within basic districts are set forth for each specific district at subsection 2.1 through 2.4 and summarized at Subsection 2.6

(Ord. No. O-70-09, § 1, 5-5-09)

#### 2.0.3. - *Dimensional requirements.*

Dimensional requirements within basic districts are set forth for each specific district at subsection 2.1 through 2.4 and summarized at section 2.5. Dimensional requirements may be subject to change in accordance with any applicable overlay district guidelines in accordance with the procedures specified by the overlay district.

(Ord. No. O-70-09, § 1, 5-5-09)

#### 2.0.4. - *Additional requirements.*

- A. *Site plan review.* Development in the R-1EN, C-6 and C-7 zone districts is subject to site plan review, as set forth in article 7, administration and enforcement, for initial zoning compliance with design requirements in B., below, prior to application for a building permit.
- B. *Design requirements.* Design requirements applicable to site plan review in the R-1EN, C-6 and C-7 zone districts are set forth as follows:
  - R-1EN Article 4, Subsection 2.1.4
  - C-6 Article 4, Subsection 2.2.9
  - C-7 Article 4, Subsection 2.2.10

(Ord. No. O-70-09, § 1, 5-5-09)

### 2.1 - Residential Districts

#### 2.1.1. - *R-1 low density residential district.*

- A. *General description.* This is the most restrictive residential district intended for low density residential land uses. Additional permitted uses, by review of the planning commission, include related noncommercial, recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
- B. *Permitted principal and accessory uses and structures.* Property and buildings in an R-1 low density residential district shall be used only for the following purposes:
  1. Houses, but not including trailer houses or mobile homes.
  2. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys and rights-of-way.
  3. Accessory uses, subject to the provisions of article V, section 4.
  4. Accessory buildings and structures, subject to the provisions of article V, section 4.C.
  5. Signs, as regulated in article V, section 10.
  6. Agricultural crops, but not the raising of farm animals or poultry other than the keeping of domesticated chickens subject to the provisions of chapter 5, section 5-107 of the Code of the City of Knoxville.
  7. Personal gardens.
  8. Community gardens.
  9. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses and structures permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
  1. Churches or similar places of worship, with accessory structures, but not including missions or revival tents.
  2. Elementary or high schools, public or private.

3. Parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
  4. Libraries, museums, and historical monuments or structures.
  5. Plant nursery in which no building or structure is maintained in connection therewith.
  6. Country clubs with eighteen-hole golf course having grounds of not less than one hundred forty (140) acres, or country club with nine-hole golf course having grounds of not less than sixty (60) acres, but not miniature golf courses or driving ranges operated for commercial purposes.
  7. Cemeteries.
  8. Home occupation as regulated in article V, section 12.
  9. Community swimming pool as regulated in article V, section 16.
  10. Duplexes.
  11. Clubhouse for a civic, nonprofit organization such as a garden club, women's club or a local community club. Off-street parking shall be provided as specified for private clubs in article V, section 7.
  12. Private day nurseries and kindergartens as regulated in article V, section 3.
  13. Accessory buildings and structures, subject to the provisions of article V, section 4.C and D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.
  14. Market gardens.
- D. *Prohibited uses.*
1. Storage facilities for class 1 flammable and combustible liquids (as defined by the National Fire Prevention Code) having an aggregate total of more than fifteen (15) gallons, but excluding storage facilities which are part of a motorized vehicle or pleasure craft. These requirements do not apply to storage on a construction site where such materials are to be used.
- E. *Area regulations.*
1. *Front yard.*
    - a. For dwellings, the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located or extend into the front yard.
    - b. Churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall have a front yard setback of thirty-five (35) feet.
  2. *Side yard.*
    - a. For a single-story dwelling located on an interior lot, side yards shall be not less than eight (8) feet in width; however, the sum of two (2) side yards shall not be less than twenty (20) feet.  
  
For dwellings of more than one (1) story there shall be a side yard requirement of not less than twelve (12) feet.
    - b. For unattached buildings of accessory use, there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to [be] set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
    - c. Churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall [be] set back from all side lot lines a distance of not less than thirty-five (35) feet.

3. *Rear yard.*
    - a. For main buildings there shall be a rear yard of not less than twenty-five (25) feet.
    - b. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.
  4. *Lot width.*
    - a. For all dwellings there shall be a minimum lot width of seventy-five (75) feet at the front building line, and such lot shall abut for a distance of not less than twenty-five (25) feet on a public street or an approved permanent easement giving access to a public street which meets the requirements for a permanent easement as set forth in the Knoxville-Knox County Minimum Subdivision Regulations, section 64-24.
    - b. For lots having a width of not more than one hundred fifty (150) feet, the lot length shall be not greater than three (3) times the lot width.
  5. *Intensity of use.*
    - a. For each house, and building accessory thereto, served by a sanitary sewer system, there shall be a lot area of not less than seven thousand five hundred (7,500) square feet.
    - b. For each duplex, and building accessory thereto, served by a sanitary sewer system, there shall be a lot area of not less than fifteen thousand (15,000) square feet.
    - c. For those dwellings and buildings accessory thereto not served by a sanitary sewer system there shall be a minimum lot area of twenty thousand (20,000) square feet per dwelling unit; however, a greater area may be required based on recommendations by the health department because of inadequate percolation.
    - d. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in article V, section 7; provided, however, that the lot area for a church shall be not less than thirty thousand (30,000) square feet.
  6. *Maximum lot coverage.*
    - a. Principal residential and accessory buildings shall cover not more than thirty (30) percent of the lot area.
    - b. Other principal nonresidential and accessory buildings shall cover not more than twenty-five (25) percent of the lot area.
- F. *Height regulations.* No main building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5. Accessory buildings shall not exceed fifteen (15) feet in height.

(Ord. No. O-96-81, § 1, 5-26-81; Ord. No. O-69-82, § 1, 3-16-82; Ord. No. O-750-93, § 1, 12-21-93; Ord. No. O-231-94, § 1(II), 6-21-94; Ord. No. O-526-94, § 1(II), 12-6-94; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-629-98, § 1, 12-15-98; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-139-07, § 1, 6-19-07; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-243-08, § 1, 12-30-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-165-2010, § 1, 11-30-2010; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 2.

2.1.2. - R-1A low density residential district.

- A. *General description.* This is a residential district to provide for low to medium population density. The principal uses of land may range from houses to low density multi-dwelling structures or developments. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious, educational, facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and usable open space for dwellings and related facilities and through consideration of the proper functional relationship to each use permitted in this district.
- B. *Permitted principal and accessory uses and structures.* Property and buildings in an R-1A low density residential district shall be used only for the following purposes:
1. Any use permitted in R-1, low density residential district.
  2. Duplexes.
  3. Garage apartment accessory to a principal dwelling. The finished, heated floor area of a garage apartment shall not exceed eight hundred fifty (850) square feet or fifty (50) percent of the finished, heated floor area of the principal dwelling, whichever is less. Garage apartments shall not have accessory uses or structures.
  4. Accessory uses, subject to the provisions of article V, section 4.
  5. Accessory buildings and structures, subject to the provisions of article V, section 4.C.
  6. Personal gardens.
  7. Community gardens.
  8. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses and structures permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Any use permitted on review in an R-1, low density residential district.
  2. Multi-dwelling structure or development, provided the site has vehicular access to a collector or arterial street as shown on the adopted City of Knoxville major thoroughfare system plan.
  3. Fraternities, sororities, and denominational student headquarters.
  4. Nursing home or home for the aged.
  5. A lodge hall, or assembly hall for a nonprofit veterans or service organization.
  6. Private day nurseries and kindergartens, as regulated in article V, section 3.
  7. Attached houses as regulated in article V, section 3.
  8. Bed and breakfast inns, provided that they are located in an historic overlay district, subject to the requirements of article V, section 3.G.9.
  9. Assisted living facility.
  10. Accessory buildings and structures, subject to the provisions of article V, section 4.C and D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.
  11. Market gardens.
- Ca. *Prohibited uses.*
1. Storage facilities for class 1 flammable and combustible liquids (as defined by the National Fire Prevention Code) having an aggregate total of more than fifteen (15) gallons, but excluding storage facilities which are part of a motorized vehicle or pleasure craft. These requirements do not apply to storage on a construction site where such materials are to be used.

- D. *Area regulations.* All buildings shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:
1. *Front yard.*
    - a. For houses, attached houses, duplexes and multi-dwelling structures or developments, the minimum depth of the front yard shall be twenty-five (25) feet; and in no case shall an accessory building be located to extend into the front yard.
    - b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of thirty-five (35) feet.
  2. *Side yard.*
    - a. For single-story dwellings located on interior lots, side yards shall be not less than eight (8) feet in width; however, the sum of the two (2) side yards shall be not less than twenty (20) feet. For dwellings of more than one (1) story, there shall be side yards of not less than twelve (12) feet each.
    - b. For unattached buildings of accessory use, there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to [be] set back more than five (5) feet from an interior lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.
    - c. Churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall [be] set back from all side lot lines a distance of not less than thirty-five (35) feet.
  3. *Rear yard.*
    - a. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty-five (25) feet.
    - b. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.
  4. *Lot width.*
    - a. For houses and duplexes, there shall be a minimum lot width of seventy-five (75) feet at the front building line.
    - b. For multi-dwelling structures and dwellings, there shall be a minimum lot width of one hundred (100) feet at the front building line.
    - c. For lots having a width of not more than one hundred fifty (150) feet, the lot length shall not be greater than three (3) times the lot width.
  5. *Intensity of use.*
    - a. For each house and building accessory thereto served by a sanitary sewer system, there shall be a lot area of not less than seven thousand five hundred (7,500) square feet.
    - b. For each duplex and building accessory thereto served by a sanitary sewer system there shall be a lot area of not less than ten thousand (10,000) square feet.
    - c. For multi-dwelling structures or developments served by a sanitary sewer system there shall be a lot area of not less than twelve thousand (12,000) square feet for the first two (2) dwelling units, plus three thousand (3,000) square feet for each additional dwelling unit. For those structures which provide off-street parking within the main structure, the lot area requirement may be reduced two hundred (200) square feet for parking space.
    - d. For dwellings and buildings accessory thereto not served by a sanitary sewer system there shall be a minimum lot area of twenty thousand (20,000) square feet per dwelling unit;

however, a greater area may be required based on recommendations by the health department because of inadequate soil percolation.

Multi-dwelling structures or developments not served by a sanitary sewer system shall be permitted only on review by the planning commission based on the recommendations of the health department.

- e. When a garage apartment is located in the rear yard of a duplex or multi-dwelling structure or development, the lot area shall not be less than one thousand five hundred (1,500) square feet more than is required by the duplex or multi-dwelling structure or development.
- f. For churches and other main and accessory buildings, other than dwellings in [and] buildings accessory to dwellings, the lot area shall be adequate to provide the yard area as required by this section and the off-street parking area as required in article V, section 7; provided, however, that the lot area for a church shall not be less than thirty thousand (30,000) square feet.

6. *Maximum lot coverage.*

- a. Principal and accessory buildings shall cover not more than thirty (30) percent of the lot area.

E. *Usable open space.* For multi-dwelling structures or developments there shall be usable open space provided for each dwelling unit of not less than four hundred (400) square feet.

F. *Height regulations.* No main building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5. Accessory buildings shall not exceed fifteen (15) [feet] in height.

(Ord. No. 5894, 5-6-75; Ord. No. O-70-82, § 1, 3-16-82; Ord. No. O-146-83, § 1(a), (b), 8-30-83; Ord. No. O-231-94, § 1(III—V), 6-21-94; Ord. No. O-526-94, § 1(III), 12-6-94; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-483-98, § 1, 9-22-98; Ord. No. O-426-02, § 1, 10-29-02; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-139-07, § 1, 6-19-07; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-243-08, § 1, 12-30-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 2a.

**2.1.3. - R-1E low density exclusive residential district.**

A. *General description.* This is a restrictive residential district intended to be used for establishing low density residential subdivisions and areas immediately adjacent to such development intended to be defined and protected from encroachment of uses not performing a function necessary to the low density residential environment.

B. *Permitted principal and accessory uses and structures.* Property and buildings in an R-1E low density exclusive residential district shall be used only for the following purposes:

- 1. Houses, but not including trailer houses or mobile homes.
- 2. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys and rights-of-way.
- 3. Accessory uses, subject to the provisions of article V, section 4.
- 4. Accessory buildings and structures, subject to the provisions of article V, section 4.C.
- 5. Signs, as regulated in article V, section 10.



6. Agricultural crops, but not the raising of farm animals or poultry other than the keeping of domesticated chickens subject to the provisions of chapter 5, section 5-107 of the Code of the City of Knoxville.
  7. Home offices, subject to the provisions of article V, section 12.
  8. Personal gardens.
  9. Community gardens.
  10. Wireless communications facilities, subject to the provisions of article V, section 20.
- Ba. *Uses and structures permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Accessory buildings and structures, subject to the provisions of article V, section 4.C and D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.
  2. Market gardens.
- C. *Prohibited uses.*
1. Storage facilities for class 1 flammable and combustible liquids (as defined by the National Fire Prevention Code) having an aggregate total of more than fifteen (15) gallons, but excluding storage facilities which are part of a motorized vehicle or pleasure craft. These requirements do not apply to storage on a construction site where such materials are to be used.
- D. *Area regulations.*
1. *Front yard.*
    - a. For dwellings, the minimum depth of front yard shall be twenty-five (25) feet and in no case shall an accessory building be located or extend into the front yard.
  2. *Side yard.*
    - a. For a single-story dwelling located on an interior lot, the side yards shall be not less than eight (8) feet in width.
    - b. For dwellings of more than one (1) story, there shall be a side yard requirement of not less than twelve (12) feet.
    - c. Unattached buildings of accessory use shall not be located closer to a side yard line than five (5) feet.
  3. *Rear yard.*
    - a. For main buildings there shall be [a] rear yard of not less than twenty-five (25) feet.
    - b. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.
  4. *Intensity of use.*
    - a. For each dwelling and building accessory thereto, served by a sanitary sewer system, there shall be a lot area of not less than seven thousand five hundred (7,500) square feet.
    - b. For dwellings and buildings accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of twenty thousand (20,000) square feet; however, a greater area may be required based on recommendations by the health department.
  5. *Maximum lot coverage.*
    - a. Principal and accessory buildings shall cover not more than thirty (30) percent of the lot area.

E. *Height regulations.* No main building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5. Accessory buildings shall not extend fifteen (15) feet in height.

(Ord. No. O-254-81, § 1, 10-27-81; Ord. No. O-526-94, § 1(IV), 12-6-94; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-629-98, § 1, 12-15-98; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-139-07, § 1, 6-19-07; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-243-08, § 1, 12-30-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-165-2010, § 1, 11-30-2010; Ord. No. O-19-2014, § 1, 1-21-14; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 2b.

**2.1.4. - EN-1 and EN-2 established neighborhood districts.**

A. *General description.* These districts are intended to protect and preserve older, low-density neighborhoods established with a prevalent development pattern of large lots on a highly connected street pattern and character of development dominated by large lawns and complex, intricately designed residences. The districts establish dimensional regulations that compliment the prevalent development pattern and residential design requirements that reflect the character of the neighborhoods. The districts are intended to provide for neighborhood stability while allowing continued development that is in harmony with the existing development pattern. The district is not intended for use on previously undeveloped land that is currently zoned as agricultural (A-1). It should be used in the context of the prevalent existing development pattern.

B. *Definitions applicable to this section.*

1. *Accessory dwelling unit.* A separate and complete dwelling unit that is contained on the same lot as a house.
2. *Façade, front.* The exterior walls of a structure that face a public right-of-way, or joint permanent easement, upon which the property is addressed.
3. *Irregular lot.* A lot or tract that one or more of the following apply:
  - a. The lot or tract has six (6) or more sides; or
  - b. The natural slope within the required front yard is twenty-five (25) percent or greater from the front property line to the setback line; or
  - c. The proposed first floor finished elevation is greater than twenty (20) feet above or below the average adjacent street elevation; or
  - d. The proposed building site is not visible from the street.
4. *Pervious surface.* A surface that presents an opportunity for precipitation to infiltrate into the ground.

C. *Applicability.* These regulations shall apply to established neighborhood districts as shown on the zoning map according to the following table:

EN-1		EN-2
<ul style="list-style-type: none"> <li>• Chilhowee Hills</li> </ul>	<ul style="list-style-type: none"> <li>• Westmoreland Heights</li> </ul>	

• Holston Hills/Holston Heights		
• Highland/Maple Drives		
• Woodcrest/Seminole		
• Ridgecrest/Sherwood Forest/Castle Heights/Belcaro		
• Curtis Lane		

D. *Uses permitted.* Property and buildings shall be used in accordance with the following table:

Uses	EN-1	EN-2
Houses (1)	P	P
Duplexes (5)	UR	UR
Attached houses	IP	IP
Multi-dwelling structures	IP	IP
Accessory dwelling units (6)	UR	UR
Bed and breakfast inn (7)	UR	X
Home occupations (11)	UR	UR
Utilities (2)	P	P
Accessory uses, buildings and structures (3)	P	P
Signs (4)	P	P
Churches or similar places of worship, with accessory structures, but not including missions or revival tents	UR	UR

Elementary or high schools, public or private	UR	UR
Parks, playgrounds and playfields, and neighbor-hood and municipal buildings and uses (8)	UR	UR
Libraries, museums, and historical monuments or structures	UR	UR
Plant nurseries (9)	UR	UR
Country clubs, 9 or 18 holes of golf (10)	UR	UR
Community swimming pools (12)	UR	UR
Community or civic club house (13)	UR	UR
Private day nurseries or kindergartens (14)	UR	UR
Cemeteries	UR	UR
Wireless communications facilities (15)	P	P
Personal gardens	P	P
Community gardens	P	P
Market gardens	UR	UR

P shows a permitted use

UR shows a use on review in accordance with the provisions of article 7, section 5.

X shows a prohibited use

IP shows a use permitted on a qualified infill property subject to development plan approval

NOTES TO TABLE:

1. Houses shall not include house trailers and mobile homes.
2. Utilities may include, but not be limited to, electric sub-stations and other electric system facilities, water and wastewater facilities, storm water facilities, and transportation related easements, alleys and right-of-ways.
3. Accessory uses, buildings and structures are permitted, subject to the provisions of article v, section 4.

4. Signs are permitted, subject to the provisions of article v, section 10.
5. Duplexes are uses permitted on review, provided the duplex is located on a lot with two (2) street frontages and each primary entrance faces a different street.
6. Accessory dwelling units are uses permitted on review, subject to the provisions of subsection L of this section.
7. Bed and breakfast inns are uses permitted on review where specified, subject to the provisions of subsection K of this section.
8. Parks, playgrounds and playfields, and neighborhood and municipal buildings and uses shall be in keeping with the character and requirements of the district.
9. Plant nurseries are uses permitted on review so long as no building or structure is maintained in connection therewith.
10. Country clubs with eighteen-hole golf course shall have grounds of not less than one hundred forty (140) acres, or country club with nine-hole golf course shall have grounds of not less than sixty (60) acres.
11. Home occupations are uses permitted on review, subject to the provisions of article V, section 12.
12. Community swimming pools are uses permitted on review, subject to the provisions of article V, section 16.
13. Club houses for civic non-profit organizations such as a garden club, women's club or a local community club are uses permitted on review, subject to the off-street parking provisions of article V, section 7, for private clubs.
14. Private day nurseries are uses permitted on review, subject to the provisions of article V, section 3.
15. Wireless communications facilities are permitted, subject to the provisions of article V, section 20.

E. *Dimensional and density regulations.* All buildings shall comply with the following dimensional and density regulations:

Dimensional and Density Regulations	EN-1	EN-2
<b>Minimum lot area - newly platted subdivision</b>		
Primary use other than duplex	22,000 sf	22,000 sf
Duplex	33,000 sf	33,000 sf
To qualify for an accessory dwelling unit	33,000 sf	33,000 sf
<b>Minimum lot area - replat of existing subdivision</b>		
Primary use other than duplex	Average of lots within 500 feet	Average of lots within 500 feet

	in the same subdivision	in the same subdivision
Duplex	33,000 sf	33,000 sf
To qualify for an accessory dwelling unit	33,000 sf	33,000 sf
<b>Minimum lot width</b>		
Primary use other than duplex	100 ft	100 ft
Duplex - must have two street frontages	130 ft	130 ft
Abutting a street	50 ft	50 ft
Minimum front yard		
House or duplex	Average ( $\pm 10'$ ) of yards within 500 feet on the same side of street, but not less than 40 ft	Average ( $\pm 10'$ ) of yards within 500 feet on the same side of street, but not less than 40 ft
Nonresidential primary building	50 ft	50 ft
Maximum encroachment of non-enclosed porch	8 ft	8 ft
Accessory structures	Equal to primary structure	Equal to primary structure
<b>Minimum side yard - Interior</b>		
House or duplex	10% of lot width	10% of lot width
Nonresidential primary building	20% of lot width	20% of lot width
Accessory building	5% of lot width, but not less than 5 ft	5% of lot width, but not less than 5 ft
<b>Minimum side yard - Adjacent to street</b>		

House or duplex	15% of lot width	15% of lot width
Nonresidential primary building	20% of lot width	20% of lot width
Accessory building	Equal to primary building	Equal to primary building
Adjacent to front yard of abutting property	Equal to required front yard of abutting property ( $\pm 10'$ )	Equal to required front yard of abutting property ( $\pm 10'$ )
<b>Minimum rear yard</b>		
Primary building or structure	25 ft	25 ft
Accessory building or structure	5 ft	5 ft
<b>Maximum height</b>		
Primary buildings	35 ft	35 ft
Accessory buildings or structures	15 ft	15 ft
Exception for accessory buildings: The maximum height may be increased 1 ft for each foot of side and/or rear yard greater than the minimum, up to a maximum of 25 ft	Applicable	Applicable
<b>Pervious surface of yards</b>		
Minimum percent of yard	75%	75%
Allowed covering	Lawn, ground cover, pervious landscaping or left in natural condition	Lawn, ground cover, pervious landscaping or left in natural condition
<b>Maximum lot coverage</b>		
All buildings added together	25%	25%
Accessory building	The building coverage of an	The building coverage of an

	accessory building or structure shall not exceed the that of the primary building and shall be less than 30 percent of the rear yard area	accessory building or structure shall not exceed that of the primary building and shall be less than 30 percent of the rear yard area
<b>Minimum dimensions of infill parcel</b>		
Frontage on an existing street	250 ft	250 ft
Area	2 Acres	3 Acres
<b>Permitted density of infill parcel, in lieu of lot area and dimensional requirements</b>		
Base density (dwelling units per acre, dua)	2 dua	2 dua
Additional density that may be awarded for owner occupancy as shown through fee simple lots or recording of condominium documents	1 dua	1 dua
Additional density that may be awarded for location with access to a major collector or arterial road as shown on the Major Road Plan.	1 dua	1 dua

Exception for irregular lots: Where a building site on an irregular lot is situated such that any of the front, side or rear property lines are not readily determinable or cannot be literally applied, required setbacks shall be as determined by the zoning administrator in compliance with the following criterion: required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

F. *Design requirements for new primary structures.* The intent of this section is to require new primary structures to reflect the character of the existing development within the district. New primary structures shall meet the established design requirements in accordance with the following table:

Design Requirement	EN-1	EN-2
--------------------	------	------



Foundations	X	NA
Orientation of structure to street	X	X
Door openings on attached garages	X	X
Building mass and shape	X	NA
Elevations facing a street	X	NA
Exceptions for irregular lots	X	X

X means the requirements are applicable

NA means the requirements are not applicable

1. *Foundations.*

- a. All primary structures shall be attached to a permanent foundation, such as a slab-on-grade, piles, piers, concrete footing or other form designed to give permanent and unmovable stability to a structure.
- b. The foundation system shall be surrounded by a perimeter wall of solid masonry, concrete or other approved material.

2. *Orientation of structure to street.* It is important that new structures reflect the prevalent orientation of structures toward the street that is prevalent in the district. Front façade of the primary structure shall be parallel to the street or tangent to the curve of the street. The primary entrance to a structure shall face the street and provide a hard-surfaced pedestrian connection of driveway and/or sidewalk from the street to the entry; or the primary entrance to a structure shall open upon a covered porch or courtyard that faces the street and that is at least sixty (60) square feet with a minimum depth of six (6) feet and provides a hard surface pedestrian connection of driveway and/or sidewalk from the street to the porch or courtyard.

3. *Door openings on attached garages.*

- a. Front facing garage door opening(s) may comprise no more than forty (40) percent of the front elevation. Detached garages may not be located in front of a primary structure and are not a part of this calculation.
- b. Attached garages with front facing garage door openings must be set back from the front façade of the structure no less than four (4) feet.

4. *Building mass and shape.* To increase architectural variation within neighborhoods and increase architectural interest, yet allow for flexibility in design, primary structures shall meet the requirements of two (2) of the three (3) following characteristics:

- a. Roofs shall be either:
  - (1) Flat - with roof pitch less than 1/12 and a single plane;
  - (2) Steep - with roof pitch of 6/12 or more; or

- (3) Articulated - with multiple pitches, planes, ridge line directions or heights, or displaying hips and valleys.
  - b. More than one (1) finished floor level; or
  - c. The shape of habitable and attached garage space must have no less than eight (8) sides. For the purpose of these regulations a side is an exterior wall segment, from change of direction to change of direction, no less than four (4) feet in length.
- 5. *Elevations facing a street.* To increase architectural variation along streetscapes and increase architectural interest, yet allow for flexibility in design the following requirements apply to elevations that face a street, except for a rear elevation if property abuts a street on the rear of the lot:
  - a. Street-facing elevations must contain window and door systems no less than twenty-five (25) percent of the wall surface area;
  - b. The front façade elevation must contain wall articulation so that no more than twenty-four (24) feet of wall is continuous without one (1) of the following:
    - (1) A recess or projection of habitable space of more than sixteen (16) inches;
    - (2) An entry door system recessed more than sixteen (16) inches; or
    - (3) A covered porch with roof integrated into the primary structure;
  - c. In addition, the front facade elevation must contain three (3) of the following design elements:
    - (1) Dormers;
    - (2) Gabled or hipped roof for a portion of the façade that is a projection from the balance of the elevation;
    - (3) Recessed or projecting entry of at least sixteen (16) inches in depth and eight (8) feet in width;
    - (4) Covered porch that is at least six (6) feet in depth and no less than twenty-five (25) percent of the street-facing elevation in width;
    - (5) Architectural columns supporting a porch roof;
    - (6) Bay window of at least 12 inches in depth that creates a bay or alcove in a room within;
    - (7) Window and door trim of a least four inches in width;
    - (8) Front facing balcony that projects from the façade and is enclosed by a railing or parapet;
    - (9) All masonry wall surfaces; or multiple surface coverings, with masonry surface no less than twenty-five (25) percent of the total façade surface;
    - (10) Habitable space above the garage equal to no less than fifty (50) percent of the garage space below.
- 6. *Exceptions for irregular lots.* On irregular lots where it is determined by MPC staff that a proposed building site is not visible from the street, the requirements of this section may be waived.
- G. *Off-street parking.* Off street parking shall be provided in accordance with article 5, section 7 of these regulations; except:
  - 1. Required off-street parking spaces must be located behind the front building line.
  - 2. Paved vehicle parking and access facilities in the front yard and street side yard shall be limited to not more than the greater of the following:

- a. Twenty-five (25) percent of the front or street side yard area; or
- b. The hard surface area leading directly to a carport or enclosed garage; or
- c. Four hundred (400) square feet.

H. *Administration.*

1. Prior to the construction or placement of any new primary structure within the district, and the issuance of any permits therefor, a site plan and street facing elevation for any primary building must be submitted to the MPC zoning administrator for approval and appropriate certification of the plans. These plans are to be used by the administrator to insure that any proposed development is in conformance with the intent, regulations and requirements of this section.
2. The site plan shall be drawn to scale and must include the following:
  - a. Lot boundaries, dimensions and calculation of area;
  - b. Topography, if the applicant wishes to demonstrate status as an irregular lot;
  - c. Street boundaries and names;
  - d. Building locations, dimensions and calculations of area, including details of wall articulation of the street facing elevations if applicable;
  - e. Roof plan showing roof pitches and location of dormers, hips, valleys, and ridge lines if applicable; and roof area for purposes of calculation lot coverage.
  - f. Driveway and sidewalk locations, dimensions, materials and calculation of area;
  - g. Any other hard surfaced areas, including dimensions, materials and area calculations.
3. If required to demonstrate compliance with specific neighborhood district regulations, drawings of street facing elevations shall be drawn to scale and must include the following:
  - a. Location and dimensions of window and door openings;
  - b. Dimension and details on window and door trim;
  - c. Covered porch and courtyard dimensions and area calculations;
  - d. Identification of exterior materials and area calculations of each type;
  - e. Identification of habitable space above a garage, if proposed, and calculations of area.
4. The applicant may appeal any decisions of staff regarding the certification of these plans to the city board of zoning appeals pursuant to the procedures for application for variances to the zoning regulations.

I. *Established neighborhood alternative infill parcel development standards.* These standards would be applied for qualifying parcels during the use-on-review process if development does not choose to use the dimensional requirements shown in "E" above.

1. *Use and density/intensity.* Use, residential types and density/intensity factors shall be approved by MPC and documented on the development plan.
2. *Minimum lot dimensions and setbacks.* Minimum lot dimensions and setbacks shall be approved by MPC and documented on the development plan.
3. *Residential design requirements.* Residential design requirements consistent with the intent of this section shall be approved by MPC and documented on the development plan.
4. *Required open space.*
  - a. No less than twenty-five (25) percent of the development shall be required to be maintained as permanent open space such as a park, playground, natural area or other approved open space.

- b. Required open space may not be a part of any private yard and shall be maintained for common access.
5. *Landscaping requirements.*
- a. Within any new street right of way or joint permanent easement, street trees (species and minimum size approved by MPC) shall be provided at a rate of one (1) tree per fifty (50) lineal feet of street or easement frontage.
  - b. On residential lots, canopy trees (species and minimum size approved by MPC) shall be provided at a rate of one (1) tree per two thousand five hundred (2,500) square feet of lot area.
  - c. Within required open space, canopy and ornamental trees (species and minimum size approved by MPC) shall be provided at a rate of one (1) tree per 1,000 square feet of lot area. Existing trees with dbh greater than six (6) inches may be preserved and counted toward this requirement.
6. *Building orientation.*
- a. Houses located on lots adjacent to existing streets shall be oriented toward the existing street in accordance with subsection F.2, rather than toward any newly created street or easement.
  - b. Multi-dwelling structures, duplexes or attached houses located on lots adjacent to existing streets shall provide a façade with a single entrance oriented toward the existing street in accordance with subsection F.2. Additional entrances may be located elsewhere on the structure.
  - c. Residential structures located on lots which rely on a newly created street or easement for access to an existing street shall orient the structure toward said street or easement in accordance with subsection F.2.
7. *New street or easement location.*
- a. New streets or access easements within an infill parcel that are located so that no residence is between the street or easement and adjoining property shall provide Type A screening and landscaping per MPC guidelines in order to buffer the street or easement from the adjoining property.
- J. *Established neighborhood accessory dwelling unit standards.* These standards shall apply to applications for use-on-review of proposed accessory dwelling units within an EN zone district.
- 1. *Ownership.* The property owner must occupy either the primary dwelling or the ADU as their permanent residence.
  - 2. *Applicability of building codes.* The design and size of the accessory dwelling unit (ADU) shall conform to all applicable building codes. When there are practical difficulties involved in carrying out the provisions of the building codes, the building official may grant modifications for individual cases.
  - 3. *Water, sewer and other utilities.* Building officials shall certify that utilities are adequate for the ADU.
  - 4. *Number of ADU per lot.* Only one ADU may be created per lot in an EN district, except that lots with an existing duplex may not add any additional ADU.
  - 5. *Location.* The ADU may be within, attached to, or detached from the primary dwelling structure and may be a part of a detached accessory structure. An ADU may be developed within an existing structure or as new development.
  - 6. *Lot coverage and yards.* Any additions to an existing building shall not exceed the allowable lot coverage or encroach into required yards.

7. *Size of ADU.* In no case shall an ADU exceed forty (40) percent of the primary dwelling habitable floor area, nor more than one thousand (1,000) square feet or less than three hundred (300) square feet, nor more than 2 bedrooms, unless warranted by the circumstances of the particular building.
  8. *Appearance.* The ADU shall be designed so that the appearance of the primary structure remains that of a house. The entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the structure which encompasses the entrance to the principal dwelling.
  9. *Parking.* One parking space per bedroom, in addition to those required for the primary dwelling, shall be created for the ADU. This space shall be located behind the front of the primary structure and shall not obstruct access to any garage openings of the primary dwelling, whether required or not.
- K. *Established neighborhood bed and breakfast inn standards.* In specified EN districts, a bed and breakfast inn is an allowed use-on-review provided the following standards are met:
1. *Ownership.* A bed and breakfast inn may only be operated by an owner who also resides in the building.
  2. *Location.* A bed and breakfast inn must be operated in the principal building on the site and not in accessory structures.
  3. *Number of guest rooms.* The number of guest rooms allowed is based on the following square footage requirements:

Gross Sq. Ft. of Principal Building	Guest Rooms Permitted
Less than 1,200 square feet	One (1) room
1,201 to 1,800 square feet	Two (2) rooms
1,801 to 2,400 square feet	Three (3) rooms
2,301 to 3,000 square feet	Four (4) rooms
3,001 to 3,600 square feet	Five (5) rooms
Over 3,600 square feet	Six (6) rooms

4. *Reserved.*
5. *Operation.*
  - a. The maximum length of stay for a transient paying guest is limited to thirty (30) days in any twelve-month period, and the owner shall maintain a current guest register.
  - b. Only incidental retail sale of goods or merchandise will be allowed on the premises.
  - c. No receptions, meetings or other functions shall be allowed on the premises.
  - d. The serving of meals shall be limited to breakfast for registered guests only.

- e. At least one bathroom for use exclusively by guests is required on each floor of the building.
- 6. *Parking.* All required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences. No required off-street parking shall be allowed in the front yard.
- 7. *Spacing.* Bed and breakfast inns with more than one (1) guest room must be one thousand (1,000) feet apart from each other as measured along the centerline of right-of-way from edge of lot to edge of lot.
- 8. *Appearance.*
  - a. Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area.
  - b. One (1) wall sign of no more than two (2) square feet identifying the bed and breakfast inn shall be permitted. This sign shall not be directly or internally lighted.

(Ord. No. O-108-07, § 1, 5-22-07; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-132-2010, § 1, 9-21-10; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 2c.

**2.1.5. - R-1HK Heart of Knoxville residential district.**

This section reserved for future use.

(Ord. No. O-70-09, § 1, 5-5-09)

**2.1.6. - R-2 general residential district.**

- A. *General description.* This is a residential district to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious, educational facilities, and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each use permitted in this district.
- B. *Permitted principal and accessory uses and structures.* Property and buildings in an R-2 general residential district shall be used only for the following purposes:
  - 1. Any use permitted in an R-1 low density residential district.
  - 2. Duplex.
  - 3. Multi-dwelling structure or development.
  - 4. Garage apartment accessory to a principal dwelling. The finished, heated floor area of a garage apartment shall not exceed eight hundred fifty (850) square feet or fifty (50) percent of the finished, heated floor area of the principal dwelling, whichever is less. Garage apartments shall not have accessory uses or structures.
  - 5. Accessory uses, subject to the provisions of article V, section 4.

6. Accessory buildings and structures, subject to the provisions of article V, section 4, with building coverage that does not exceed the building coverage of the principal building. For buildings and structures accessory to houses and duplexes, the building coverage shall be subject to the provisions of article V, section 4.C.
  7. Personal gardens.
  8. Community gardens.
  9. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses and structures permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Any use permitted on review in an R-1 low density residential district.
  2. Fraternities, sororities, and denominational student headquarters.
  3. Mobile home parks, subject to the requirements set forth in supplementary regulations, article V, section 3.
  4. Nursing home or home for the aged.
  5. Medical facility.
  6. A lodge hall, or assembly hall for a nonprofit veterans or service organization.
  7. Private day nurseries and kindergartens, as regulated in article V, section 3.
  8. Attached houses as regulated in article V, section 3.
  9. Assisted living facility.
  10. Bed and breakfast inns, provided that they are located in an historic overlay district, subject to the requirements of article V, section 3.G.9.
  11. Rooming and boarding house, subject to the requirements of article V, section 3.F.10.
  12. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
    - a. No other halfway house located within one (1) mile of this site.
    - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
    - c. The use shall comply with all applicable city, state, and federal codes and regulations.
    - d. The site shall be within one thousand (1,000) feet of an established transit route.
    - e. Signs identifying a use as a halfway house are not permitted.
    - f. The city police department must be provided with a written notification of the use prior to its occupancy.
  13. Buildings and structures accessory to houses and duplexes, subject to the provisions of article V, section 4.C and D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.
  14. Market gardens.
- Ca. *Prohibited uses.*
1. Storage facilities for class 1 flammable and combustible liquids (as defined by the National Fire Prevention Code) having an aggregate total of more than fifteen (15) gallons, but excluding storage facilities which are part of a motorized vehicle or pleasure craft. These requirements do not apply to storage on a construction site where such materials are to be used.

- D. *Area regulations.* All buildings shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:
1. *Front yard.*
    - a. For houses, duplexes and multi-dwelling structures and developments the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located to extend into the front yard.
    - b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of thirty-five (35) feet.
  2. *Side yard.*
    - a. For single-story dwellings, located on interior lots, side yards shall be not less than eight (8) feet in width; however, the sum of the two (2) side yards shall be not less than twenty (20) feet.  
  
For dwellings of more than one (1) story there shall be side yards of not less than twelve (12) feet each.
    - b. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to [be] set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.
    - c. Churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall [be] set back from all side lot lines a distance of not less than thirty-five (35) feet.
  3. *Rear yard.*
    - a. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty-five (25) feet.
    - b. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.
  4. *Lot width.*
    - a. For houses and duplexes there shall be a minimum lot width of seventy-five (75) feet at the front building line.
    - b. For multi-dwelling structures and developments there shall be a minimum lot width of one hundred (100) feet at the front building line.
    - c. For lots having a width of not more than one hundred fifty (150) feet, the lot length shall not be greater than three (3) times the lot width.
  5. *Intensity of use.*
    - a. For rooming and boarding houses served by a sanitary sewer system, there shall be a lot area of not less than twelve thousand (12,000) square feet.
    - b. For each house, and buildings accessory thereto, served by a sanitary sewer system there shall be a lot area of not less than seven thousand five hundred (7,500) square feet. Each duplex served by sanitary sewer system shall have a lot area of not less than nine thousand (9,000) square feet.
    - c. For multi-dwelling structures or developments there shall be a lot area of not less than seven thousand five hundred (7,500) square feet for the first unit, plus one thousand five hundred (1,500) square feet for each additional dwelling unit. For those structures which



shall provide off-street parking within the main structure, the lot area requirement may be reduced two hundred (200) square feet per such parking space.

- d. For dwellings and buildings accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of twenty thousand (20,000) square feet; however, a greater area may be required based on recommendations by the health department because of inadequate percolation.

Multi-dwelling structures or developments not served by a sanitary sewer system shall be permitted only on review by the planning commission based on the recommendations of the health department.

- e. When a garage apartment is located in the rear yard of a multi-dwelling structure or development, the lot area shall be not less than one thousand five hundred (1,500) square feet more than is required for the multi-dwelling structure or development.
- f. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard area as required by this section and the off-street parking area as required in article V, section 7; provided, however, the lot area for a church shall not be less than thirty thousand (30,000) square feet.

- 6. *Maximum lot coverage.* Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

- E. *Usable open space.* For multi-dwelling structures or developments there shall be usable open space provided for each dwelling unit of not less than four hundred (400) square feet.
- F. *Height regulations.* No main building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5. Accessory buildings shall not exceed fifteen (15) feet in height.
- G. *Off-street parking.* As regulated in article V, section 7.

(Ord. No. 5397, 8-15-72; Ord. No. O-71-82, § 1, 3-16-82; Ord. No. O-231-94, § 1(VI), 6-21-94; Ord. No. O-526-94, § 1(V), 12-6-94; Ord. No. O-109-96, § 1, 4-9-96; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-483-98, § 1, 9-22-98; Ord. No. O-426-02, § 1, 10-29-02; Ord. O-410-03, § 1, 11-25-03; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 3.

#### 2.1.7. - R-3 high density residential district.

- A. *General description.* This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate by location and character for occupancy by high density, multi-dwelling structures or developments. One of the important purposes of this district is to create adequate standards of residential development in order to prevent a recurrence of the overcrowded and unhealthy housing conditions which have long been a major problem. The intensity of land use should not be so great as to cause congestion of building or traffic or to preclude the amenities of good housing. Densities should be limited to provide adequate daylight, sunlight, air, and usable open space for dwellings and adequate space for all related facilities.
- B. *Permitted principal and accessory uses and structures.* Property and buildings in an R-3 high density residential district shall be used only for the following purposes:
  - 1. Any use permitted and as regulated in the R-1 and R-2 residential districts.

2. High density multi-dwelling structures or developments.
  3. Personal gardens.
  4. Community gardens.
  5. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Any use permitted on review in an R-1 and R-2 residential district.
  2. Retail business may be conducted, in multi-dwelling structures or developments only, for the convenience of the occupants of the buildings, provided there shall be no entrance to such place of business except from the inside of the building.
  3. There shall be no show window, sign, or other advertising matter visible from the outside of multi-dwelling structures or developments, except as regulated in article V, section 10.
  4. Office and professional uses as described in the O-1 office district may locate in the R-3 district provided all requirements for permitted O-1 uses and R-3 yard, bulk and density requirements are met.
  5. Assisted living facility.
  6. Bed and breakfast inns, provided that they are located in an historic overlay district, subject to the requirements of article V, section 3.G.9.
  7. Market gardens.
- Ca. *Prohibited uses.*
1. Storage facilities for class 1 flammable and combustible liquids (as defined by the National Fire Prevention Code) having an aggregate total of more than fifteen (15) gallons, but excluding storage facilities which are part of a motorized vehicle or pleasure craft. These requirements to not apply to storage on a construction site where such materials are to be used.
- D. *Area regulations.* No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area, building coverage and open space requirements are provided and maintained in connection with such building, structure or enlargement:
1. *Front yard.*
    - a. For houses, duplexes and multi-dwelling structures or developments not exceeding three (3) stories or thirty-five (35) feet, the minimum depth of the front yard shall be twenty-five (25) feet.
    - b. For multi-dwelling structures or developments having a greater height than three (3) stories or thirty-five (35) feet, the minimum depth of the front yard shall be thirty-five (35) feet.
    - c. For churches and other main and accessory buildings, as regulated in the R-2 district.
  2. *Side yard.*
    - a. For single-story dwellings, side yard requirements shall be the same as for the R-2 district.
    - b. For two-story dwellings there shall be side yards of not less than twelve (12) feet each.
    - c. For buildings more than two (2) stories in height, one (1) foot additional side yard on each side on the main building shall be added for each additional story above two (2) stories.
    - d. All other side yard requirements shall be the same as required in the R-2 district.
  3. *Rear yard.*

- a. For main buildings of three (3) stories in height and less, rear yard requirements shall be same as for the R-2 district.
  - b. For all main buildings more than three (3) stories in height, there shall be a rear yard of not less than thirty (30) feet.
4. *Intensity of use.*
- a. Only one (1) principal building shall be permitted on lots having a lot area of five thousand (5,000) square feet or less.
  - b. The lot requirement for a house or duplex shall be five thousand (5,000) square feet.
  - c. The lot area requirement for three (3) or more dwelling units on the same lot shall be five thousand (5,000) square feet for the first two (2) units, plus additional lot area for each unit in excess of two (2) as follows:

Number of Stories	Efficiency Apt. or One-Bedroom Dwelling Unit (square feet)	Two-Bedroom Dwelling Unit (square feet)	Three- or More Bedroom Dwelling Unit (square feet)
1—2	900	1200	1500
3—5	600	800	1000
6—8	570	750	930
9—12	525	700	875
13 or more	480	650	820

- 5. Reserved.
- 6. *Maximum lot coverage.* The maximum lot area which may be covered by main buildings shall be as follows:

Multi-Dwelling Structures or Developments (stories)	Maximum Net Bldg. Coverage
2 or less	30%
3—5	30%
6—8	25%

9—12	20%
13 and over	17%

E. *Usable open space.* For all multi-dwelling structures or developments, usable open space shall be provided as follows:

Multi-Dwelling Structures or Developments (stories)	Square Feet of Usable Open Space per Dwelling Unit
2 or less	400
3—5	300
6—8	250
9 and over	200

F. *Height regulations.* Unlimited.

G. *Off-street parking.* As regulated in article V, section 7.

H. *Entire block development.*

1. *Intent.* To allow a greater flexibility in architectural design, more functional building groupings and combination of high-rise and low-rise development within a single building complex.
2. *Intensity of use.* Where an entire city block is under single ownership and is proposed for development according to a single planned building or groups of buildings, such development may be permitted at the highest density allowed under this section of the ordinance provided that:
  - a. The development plan is approved by the planning commission on review.
  - b. Parking, lot coverage and usable open space requirements of the ordinance are met.
  - c. All yards fronting on streets shall be considered front yards and shall meet the front yard requirements of this section of the ordinance.
  - d. Where a building group is developed in stages, the first stage must include the clearance of all structures not to be included in the final development.

However, unless all buildings not included in the entire block development are removed prior to the issuance of the building permit therefor, a performance bond not to exceed a two-year term shall be executed to insure that the whole block will be developed. The amount of said bond shall be determined and approved by the law director in sufficient amount so that, in the event the buildings are not removed, the bond can be used to remove the buildings from the property.

(Ord. No. 6301-77, § 1, 5-3-77; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-483-98, § 1, 9-22-98; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 4.

**2.1.8. - R-4 residential district.**

- A. *General description.* The R-4 residential district is intended for medium population density areas of the city where preservation of existing structures is desirable. In addition, studios for the creative professions which are in keeping with the residential character of the area are permitted.
- B. *Permitted principal and accessory uses and structures.* Property and buildings in an R-4 residential district shall be used only for the following purposes:
1. Houses.
  2. Multi-dwelling structures or developments.
  3. Fraternity and sorority houses
  4. Home occupations.
  5. Utility substations, easements, alleys and rights-of-way, and transportation easements.
  6. Accessory uses, subject to the provisions of article V, section 4.
  7. Accessory buildings and structures, subject to the provisions of article V, section 4, with building coverage that does not exceed the building coverage of the principal building. For buildings and structures accessory to houses, the building coverage shall be subject to the provisions of article V, section 4.C.
  8. Studios for artists, musicians, craftsmen, sculptors, photographers, architects and authors, provided:
    - a. The studio is conducted by a person that meets the qualifications for membership in a recognized organization of their profession;
    - b. No more than fifty (50) percent of the floor area of any building shall be occupied by studio space;
    - c. Any retail sales shall be limited to items made on the premises;
    - d. Signs shall be limited to that which is permitted for home occupation;
    - e. No display of merchandise shall be visible from off the premises; and
    - f. The residential character of existing structures shall be maintained.
  9. Personal gardens.
  10. Community gardens.
  11. Wireless communications facilities, subject to the provisions of article V, section 20.
- Ba. *Uses and structures permitted on review.*
1. Assisted living facility.
  2. Rooming and boarding house, subject to the requirements of article V, section 3.F.10.
  3. Buildings and structures accessory to houses, subject to the provisions of article V, section 4.C and D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.

4. Market gardens.
- C. *Area regulations.* All buildings shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:
1. *Exterior yard.* Fifteen (15) feet or the average of the setback of dwellings on adjoining property on the same street provided such average setback does not extend into the visibility triangle on corner lots.
  2. *Interior yard.* Five (5) feet provided, however, that no interior yard be required where:
    - a. Buildings are joined by a firewall, or
    - b. A ten-foot easement along the adjacent property line is obtained which prohibits building encroachment into the easement for the life of the building.
  3. *Intensity of use.*
    - a. Only one (1) principal building shall be permitted on lots having a lot area of five thousand (5,000) square feet or less.
    - b. The lot area requirement for a house or duplex shall be five thousand (5,000) square feet.
    - c. The lot area requirement for three (3) or more dwelling units on the same lot shall be five thousand (5,000) square feet for first two (2) units plus additional lot area for each unit in excess of two (2) as follows:
 

Efficiency apartment or one-bedroom dwelling unit, per square foot ..... 900

Two-bedroom dwelling units, per square feet ..... 1,200

Three- or more bedroom dwelling unit, per square feet ..... 1,500
    - d. For rooming and boarding houses served by a sanitary sewer system, there shall be a lot area of not less than twelve thousand square feet.
- D. *Usable open space.* For all multi-dwelling structures or developments four hundred (400) square feet of useable open space shall be provided per dwelling unit.
- E. *Height regulations.* No building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5.
- F. *Landscaping.* All required exterior and interior yards shall be left in natural vegetation.
- G. *Off-street parking.* Off-street parking for the residential uses permitted in this district shall be as regulated in article V, section 7. Off-street parking for nonresidential uses permitted in this district shall be one (1) parking space for each five hundred (500) square feet of studio space or one (1) space per employee, whichever is greater.
- No off-street parking shall be permitted in exterior yards. Where off-street parking is located within interior yards such parking shall be screened by a means sufficiently dense to obscure motor vehicle headlights. Such screening shall be at least three (3) feet and not more than six (6) feet high along property lines.
- H. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Commercial telecommunications towers.

(Ord. No. 6390, § 1, 7-26-77; Ord. No. O-90-78, §§ 1, 2, 6-27-78; Ord. No. O-526-94, § 1(VII), 12-6-94; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-629-98, § 1, 12-15-98; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-426-02, § 1, 10-29-02; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-129-08, § 1, 6-17-08; Ord.

No. O-70-09, § 1, 5-5-09; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 4b.

## 2.2 - Office/Commercial Districts

### 2.2.1. - O-1 office, medical, and related services district.

- A. *General description.* This district is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
- B. *Uses permitted.* The following uses shall be permitted in the O-1 office, medical, and related services district:
1. Any use permitted and as regulated in the R-2 general residential district, except multi-dwelling structures or developments.
  2. Professional offices, including but not limited to offices for lawyers, architects and engineers.
  3. Business offices and membership organizations in which no activity is carried on catering to retail trade with the general public, and no stock of goods is maintained for sale to customers. These include but are not limited to offices for manufacturers' representatives, insurance and real estate agencies, financial service business associations, labor union offices, religious and political organizations.
  4. Medical, dental offices, and clinics.
  5. Private clubs and lodges.
  6. Art gallery and museums.
  7. Public and private schools.
  8. Beauty and barber shops.
  9. Radio, TV and recording studios.
  10. Accessory buildings and uses permitted customarily incidental and subordinate to permitted or permissible uses and structures.
  11. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants and their guests.
  12. Establishments rendering business services associated with the uses listed above, including but not limited to the sale of office supplies and business forms and machines.
  13. Nameplate and signs relating only to the principal use as regulated in article V, section 10.
  14. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
  15. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
    - a. No other halfway house located within one (1) mile of this site.
    - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
    - c. The use shall comply with all applicable city, state, and federal codes and regulations.
    - d. The site shall be within one thousand (1,000) feet of an established transit route.

- e. Signs identifying a use as a halfway house are not permitted.
  - f. The city police department must be provided with a written notification of the use prior to its occupancy.
- 16. Personal gardens.
  - 17. Community gardens.
  - 18. Market gardens.
  - 19. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
- 1. Any use permitted on review in the R-2 general residential district and multi-dwelling structures or developments as regulated in the R-2 district.
  - 2. Hospitals.
  - 3. Hotels and motels.
  - 4. Business colleges.
  - 5. Public and private colleges with student residence and dormitories associated therewith.
  - 6. Veterinary clinics.
  - 7. Off-street parking, class "C."
  - 8. Assisted living facility.
  - 9. Call centers.
  - 10. Churches.
  - 11. Methadone treatment clinic or facility.
  - 12. Halfway houses with greater than five (5) persons subject to the following standards:
    - a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
    - b. The use shall comply with all applicable city, state, and federal codes and regulations.
    - c. The site shall be within one thousand (1,000) feet of an established transit route.
    - d. Signs identifying a use as a halfway house are not permitted.
    - e. The city police department must be provided with a written notification of the use prior to its occupancy.
  - 13. Indoor, climate-controlled, self-storage facilities, subject to the following regulations.
    - a. All buildings shall meet the area requirements of the O-1 zoning district and have the exterior appearance of an office building.
    - b. Access to all individual storage units shall be through the interior of the building only.
    - c. No garage type door entries shall be provided to the building.
    - d. No outside storage shall be permitted on site.
    - e. No overnight truck parking shall be allowed on the site.
    - f. All signage shall comply with the sign requirements of the O-1 zoning district.
    - g. No retail sales other than the indoor, incidental display and sale of boxes and other packing supplies shall be permitted.



- D. *Area regulations.* The area requirements for dwellings, and buildings accessory thereto, shall be the same as the area requirements for the R-2 general residential district.

The following requirements shall apply to all other uses permitted in this district:

1. *Front yard.* All buildings shall [be] set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
2. *Side yard.* Side yard requirements for residential uses shall be the same as in the R-2 district. Where a side yard is adjacent to a residential district, no nonresidential building shall be located closer than twenty (20) feet to the side lot line. In all other cases, no building shall be located closer than fifteen (15) to the side lot line.
3. *Rear yard.* No building shall be located closer than thirty (30) feet to the rear lot line.
4. Reserved.
5. *Maximum lot coverage.*
  - a. The maximum lot area which may be covered by residential structures shall be the same as required in the R-2 district.
  - b. Other main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area.

- E. *Height regulations.*

1. Height regulations for dwellings shall be the same as those in the R-2 district.
2. No other building or structure shall exceed forty-five (45) feet in height, except as provided in article V, section 5.
3. When an O-1 district abuts an R-3 or C-2 district or for other special considerations, such as a planned office complex, the planning commission may consider on review, requests for an increase in the maximum height limitations; provided, however, that for each two (2) feet of building height above the maximum forty-five (45) feet, an additional one (1) foot of side yard be provided in addition to the minimum fifteen (15) feet; and further provided that for each additional two (2) feet of building height above forty-five (45) feet, the permitted lot coverage be reduced by one (1) percent.

- F. *Off-street parking.* As regulated in article V, section 7.

(Ord. No. 3623, 10-6-64; Ord. No. 3791, 5-18-65; Ord. No. 5397, 8-15-72; Ord. No. 5465, 12-5-72; Ord. No. 5466, 12-5-72; Ord. No. O-127-84, § 1(a)—(k), 8-14-84; Ord. No. O-198-84, § 1, 11-20-84; Ord. No. O-483-92, § 1(C)(1), 11-24-92; Ord. No. O-750-93, § 1, 12-21-93; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-251-01, § 1, 7-24-01; Ord. No. O-210-02, § 1, 5-28-02; Ord. No. O-66-04, § 1, 5-25-04; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-126-2015, § 7, 7-21-15; Ord. O-227-2017, § 1, 10-24-17; Ord. No. O-102-2017, § 1, 5-23-17)

**Note**— Former Art. IV, § 5.

### 2.2.2. - O-2 civic and institutional district.

- A. *General description.* This district is intended to be reserved primarily for federal, state, and county and municipal governmental operations, the University of Tennessee, Knoxville College, and other

cultural and civic uses. In addition, residential uses are permitted, and, as special exceptions, certain types of professional and business office uses compatible with the character of the district.

B. *Uses permitted.* The following uses shall be permitted in the O-2 civic and institutional district:

1. Any use permitted and as regulated in the R-2 general residential district.
2. Any governmental or university use or structure having characteristics compatible with this district.
3. Auditoriums, libraries, and museums operated by nonprofit organizations.
4. Private clubs and lodges.
5. Offices of nonprofit organizations and civic organizations.
6. Commercial parking lot or garage.
7. Accessory buildings and uses customarily incidental and subordinate to permitted or permissible uses and structures.
8. As accessory uses only, newsstand, cafeteria, or similar use designed primarily to serve the convenience of persons working in the building in which the accessory use is located, or persons directly involved in the principal use to which the proposed accessory use is related. No such special use may be permitted except after findings by the planning commission that the proposed accessory use:
  - a. Is reasonably necessary to serve the needs of the persons involved;
  - b. Is necessary and clearly incidental to the permitted or permissible principal use;
  - c. Is not designed or intended to attract clientele from outside the O-2 civic and institutional district; and
  - d. Will not adversely affect its neighbors or the district as a whole.
9. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
10. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
  - a. No other halfway house located within one (1) mile of this site.
  - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
  - c. The use shall comply with all applicable city, state, and federal codes and regulations.
  - d. The site shall be within one thousand (1,000) feet of an established transit route.
  - e. Signs identifying a use as a halfway house are not permitted.
  - f. The city police department must be provided with a written notification of the use prior to its occupancy.
11. Personal gardens.
12. Community gardens.
13. Market gardens.
14. Wireless communications facilities, subject to the provisions of article V, section 20.

C. *Uses permitted on review.*

1. Marinas, subject to the requirements set forth in article V, section 3.F.
2. Assisted living facility.
3. High density, multi-dwelling structures or developments, as permitted in the R-3 (high-density residential) district and in compliance with the following provisions:

- a. Locations for such housing shall be contiguous to an existing R-3 zoning district and within one-quarter (¼) mile of the University of Tennessee, Knoxville Campus.
  - b. Area regulations for such housing, including yards, intensity of use, maximum lot coverage, usable open space, height and off street parking, shall comply with paragraph D. below.
4. Churches.
5. Halfway houses with greater than five (5) persons subject to the following standards:
- a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
  - b. The use shall comply with all applicable city, state, and federal codes and regulations.
  - c. The site shall be within one thousand (1,000) feet of an established transit route.
  - d. Signs identifying a use as a halfway house are not permitted.
  - e. The city police department must be provided with a written notification of the use prior to its occupancy.
- D. *Area regulations; height regulations; off-street parking.* Public uses and multi-dwelling structures or developments, as described in C.4. above, to be in accordance with recommendations of the planning commission, as set forth by the general findings in the particular case.
- Offices of nonprofit organizations, private clubs and lodges, to be in accordance with the regulations in the O-1 district.

(Ord. No. 5397, 8-15-72; Ord. No. O-483-92, § 1(C)(2), 11-24-92; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-337-00, § 1, 7-25-00; Ord. No. O-251-01, § 1, 7-24-01; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-126-2015, § 7, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 6.

### 2.2.3. - O-3 office park district.

- A. *General description.* This district is intended to provide for orderly development of office parks so that structures, access road improvements, utility distribution, landscaping, pedestrian circulation, waste disposal and related elements are complementary and allow orderly sequential development through initial coordination of utilities and other services. [The purpose of these regulations is] to create a district which is compatible with surrounding residential areas and services as a transitional area from residential to other less compatible land uses.
- B. *Uses permitted.* The following uses shall be permitted in the O-3 office park district:
- 1. Professional, business, and governmental offices in which no activity is carried on catering to retail trade with the general public, and no stock of goods is maintained for sale to customers. These shall include, but not be limited to offices for lawyers, architects, engineers, and insurance and real estate agents.
  - 2. Clinics, medical, and dental offices.
  - 3. Radio, TV, and recording studios.
  - 4. Art gallery and museums.
  - 5. Public and private schools, excluding residences.
  - 6. Telegraph message center.

7. Barber and beauty shops.
  8. Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.
  9. Recreational uses associated with and maintained primarily for the uses permitted above.
  10. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
  11. Personal gardens.
  12. Community gardens.
  13. Market gardens.
  14. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.*
1. Marinas, subject to the requirements set forth in article V, section 3.F.
  2. Assisted living facility.
  3. Call centers.
  4. Churches.
  5. Methadone treatment clinic or facility.
- D. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
1. *Front yard.* Twenty-five (25) feet.
  2. *Side yard.* Twenty (20) feet where adjacent to an R-1 residential district. In all other cases, the same as required in the district it adjoins.
  3. *Rear yard.* Twenty (20) feet where adjacent to an R-1 residential district. In all other cases the same as required in the district it adjoins.
  4. *Maximum lot coverage.*
    - a. Main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area.
- E. *Height regulations.*
1. No building or structure shall exceed thirty-five (35) feet.
- F. *Landscaping regulations.* The following requirements shall apply in this district:
1. *Required yard.* Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas.
  2. *Parking areas.*
    - a. Parking areas shall contain five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, [of] paved parking area.
    - b. Parking areas located closer than fifty (50) feet to public rights-of-way or adjacent property lines shall be screened by evergreen planting that will obtain a minimum height of five (5) feet at maturity.
    - c. For each five thousand (5,000) square feet of parking area a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.
  3. *Open spaces.* That area designated as open space situated between the site boundary and the nearest building line shall be landscaped or left to remain in natural vegetation.  
For each five thousand (5,000) square feet of open space, a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

- G. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.
- H. *Off-street parking.* As regulated in article V, section 7, except that parking shall not be permitted in the required front yard, or, the required side yards adjacent to any R-1 residential district.
- I. *Signs.* As permitted in article V, section 10, signs, billboards, and other advertising structures.

(Ord. No. O-121-83, § 1(B), 8-2-83; Ord. No. O-483-92, § 1(C)(3), 11-24-92; Ord. No. O-89-95, § 1, 2-28-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-251-01, § 1, 7-24-01; Ord. No. O-66-04, § 1, 5-25-04; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-126-2015, § 7, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 6a.

**2.2.4. - C-1 neighborhood commercial district.**

- A. *General description.* This district is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of retail, service and convenience goods only and to the first floor of a structure. This district is designed for areas where large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood.

Offices of nonprofit organizations, private clubs and lodges [are] to be in accordance with the regulations in the O-1 district.

- B. *Uses permitted.* Property and buildings in a C-1 neighborhood commercial district shall be used only for the following purposes:
  1. Reserved.
  2. Food market including specialty foods such as:
    - a. Bakery goods.
    - b. Delicatessen goods.
    - c. Meats.
  3. Drugstore or fountain including:
    - a. Book and reading matter.
    - b. Stationery.
    - c. Tobacco.
    - d. Vanity goods.
    - e. Pharmacy.
  4. Barbershop and beauty shop.
  5. Cleaning and pressing collection stations.
  6. Gift shop.
  7. Self-service laundry and/or dry cleaning establishment, either coin- or attendant-operated; provided, however, that notwithstanding other requirements of this section, no such establishment shall exceed four thousand (4,000) square feet of gross floor area and no variance to such maximum floor area shall be granted.
  8. Gasoline service station. (See article V, section 11, for additional requirements.)

9. Shoe repair and shoeshine service.
  10. Professional and business offices.
  11. Nameplate and sign, as regulated in article V, section 10.
  12. Accessory buildings and uses customarily incidental to the above uses.
  13. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys and rights-of-way.
  14. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
  15. Personal gardens.
  16. Community gardens.
  17. Market gardens.
  18. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5, and article V, section 3:
1. Specialty shops dealing in men's or women's wearing apparel.
  2. Dry goods stores.
  3. Libraries.
  4. Eating and drinking establishments excluding brewpubs.
  5. Churches.
  6. Dwelling units in conjunction with another permitted use.
- D. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
1. *Front yard.* All buildings shall [be] set back from the street right-of-way lines not less than twenty-five (25) feet.
  2. *Side yard.*
    - a. *Commercial uses only.* No side yard is required except as hereinafter provided.
    - b. *Combined commercial and residential uses.* Side yards shall be not less than twelve (12) feet each.
    - c. *All uses.* Where side yard is adjacent to a residential district, such side yard shall be not less than twenty (20) feet.
  3. *Rear yard.* There shall be a rear yard, alley, service court, or combination thereof, of not less than thirty (30) feet in depth, and all of the service areas of all buildings shall be completely screened from public view with plant materials or fencing.
  4. *Maximum lot coverage.* No building or buildings shall cover more than thirty-five (35) percent of the lot area.
- E. *Height regulations.* No building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5.
- F. *Off-street parking.* As regulated in article V, section 7.

(Ord. No. 4251, 3-21-67; Ord. No. 4441, 1-23-66; Ord. No. 4833, 6-1-69; Ord. No. O-71-84, § 1(a)—(c), 4-24-84; Ord. No. O-483-92, § 1(C)(4), 11-24-92; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-650-97, § 1, 12-16-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-39-08, § 1, 2-26-08; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1,

1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 7.

*2.2.5. - C-2 central business district.*

- A. *General description.* This district, with complementary office, medical, civic, residential, and historical areas, forms the metropolitan center for commercial, financial, professional, governmental, and cultural activities. The intent here is to protect and improve the central business district for the performance of its primary functions. In addition, uses are discouraged which do not require a central location or would create friction in the performance of functions that should be centralized.
- B. *Uses permitted.* The following uses shall be permitted in the C-2 central business district:
1. Retail store, sales and display rooms and shops.
  2. Offices.
  3. Hotels and motels.
  4. Financial institutions.
  5. Eating and drinking establishments, brewpubs.
  6. Personal service establishments.
  7. Business service establishments.
  8. Commercial and job printing.
  9. Establishments offering repair services on items brought in by customers.
  10. Amusement and recreation establishments.
  11. Wholesaling from sample stocks only, provided that no manufacturing or storage for distribution shall be permitted on the premises.
  12. Business schools, studios, vocational schools not involving processes of light or heavy industrial nature.
  13. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.
  14. Clubs and lodges.
  15. Churches.
  16. Public buildings and lands.
  17. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys and rights-of-way.
  18. Outdoor advertising as regulated in article V, section 10.
  19. Other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "prohibited uses and structures."
  20. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.
  21. Dwelling units.
  22. Indoor pet services.

23. Private day nurseries and kindergartens, subject to:
    - a. Total building area shall equal seventy (70) square feet of usable play area per child. At least thirty-five (35) square feet of this area per child shall be designated for large motor skill activities.
    - b. There shall be a minimum of fifty (50) square feet of usable outdoor play area for each child on the playground at one time (maximum number of children to be permitted on the playground at one time to be established by the Tennessee Department of Human Services at the time of licensing).
    - c. The outdoor play area shall be fenced to a minimum height of four (4) feet.
    - d. The fenced play area shall be thirty-five (35) feet from any public street. Where the thirty-five (35) foot setback cannot be met, the applicant may have the option of installing a vehicle barrier that will meet the objectives of separation and safety. The barrier alternative shall be subject to approval by the department of engineering.
    - e. Asphalt, concrete, and other non-resilient surfaces shall be prohibited under and around outdoor play equipment where children could possibly fall more than one (1) foot. This includes:
      1. At least two (2) feet around any climbing apparatus.
      2. At least four (4) feet beyond the end of any slide.
      3. At least two (2) feet beyond the end of the arc of any swing.
  24. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
  25. Call centers.
  26. Halfway houses subject to the following standards:
    - a. No other halfway house located within one (1) mile of this site.
    - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
    - c. The use shall comply with all applicable city, state, and federal codes and regulations.
    - d. The site shall be within one thousand (1,000) feet of an established transit route.
    - e. Signs identifying a use as a halfway house are not permitted.
    - f. The city police department must be provided with a written notification of the use prior to its occupancy.
  27. Personal gardens.
  28. Community gardens.
  29. Market gardens.
  30. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.*
1. Parking facilities consistent with the adopted "Downtown Plan."
  2. Marinas, subject to the requirements set forth in article V, section 3.F.
  3. Private schools.
  4. Craft breweries, distilleries and wineries.
  5. Auction houses (excluding livestock, auction within enclosed building).
  6. Indoor, climate-controlled, self-storage facilities, subject to the following regulations.



- a. All buildings shall meet the area requirements of the C-2 zoning district and have the exterior appearance of an office building.
- b. Access to all individual storage units shall be through the interior of the building only.
- c. No garage type door entries shall be provided to the building.
- d. No outside storage shall be permitted on site.
- e. No overnight truck parking shall be allowed on the site.
- f. All signage shall comply with the sign requirements of the C-2 zoning district.
- g. No retail sales other than the indoor, incidental display and sale of boxes and other packing supplies shall be permitted.

D. *Prohibited uses and structures.* The following uses are prohibited in the C-2 central business district:

- 1. Gasoline service station, repair garages.
- 2. Manufacturing, except for production of products for sale at retail on the premises or as involved in production of jewelry, eyeglasses, hearing aids, and prosthetic appliances.
- 3. Service or repair of gasoline or diesel motors.
- 4. Warehousing and storage except as necessary to a permitted principal use.
- 5. Storage of goods except in completely enclosed buildings.
- 6. All uses and structures not of a nature specifically permitted herein.
- 7. Any use which the planning commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts or to those who pass on public ways, by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or likely for other reasons to be incompatible with the character of the district.

E. *Area regulations.* The following requirements shall apply to all uses permitted in this district:

- 1. *Front yard.* There shall be a first-story setback, for all buildings on vehicular streets, of not less than five (5) feet.
- 2. *Side and rear yard.* There are no specified side or rear yard requirements.
- 3. *Maximum lot coverage.*

Stories	Coverage
6	100%
7—12	95%
13—16	90%
17 and over	85%

F. *Height regulations.* Unlimited.

- G. *Off-street parking.* None required.
- H. *Off-street loading and unloading requirements.* As regulated in article V, section 9.

(Ord. No. O-116-90, § 1, 5-15-90; Ord. No. O-445-91, § 1, 10-29-91; Ord. No. O-483-92, § 1(C)(5), 11-24-92; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-189-2010, § 1, 12-28-2010; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. No. O-43-2017, § 1, 3-28-17; Ord. O-227-2017, § 1, 10-24-17; Ord. No. O-102-2017, § 1, 5-23-17)

**Note**— Former Art. IV, § 8.

### 2.2.6. - C-3 general commercial district.

- A. *General description.* This commercial district is for personal and business services and general retail business. Districts in this category are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. Regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
- B. *Uses permitted.* The following uses shall be permitted in the C-3 general commercial district:
  1. Retail establishments including incidental manufacturing of goods for sale at retail on the premises; provided, however, that the space devoted to manufacturing does not exceed twenty (20) percent of the gross floor area of the establishment; sale and display rooms and lots, not including yards for storage of new or used building materials or yards for any scrap or salvage operations, or for storage or display of any scrap, salvage, or secondhand materials.
  2. Delicatessens and bakeries, eating and drinking establishments, brewpubs.
  3. Automobile service and repair establishments, including gasoline service stations, automatic car washing establishments, and repair garages; provided, however, that all major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building and all spray painting, with the exception of minor touch-up with aerosol-type spray can of standard touch-up size, shall be conducted within an approved spray booth and, provided further, that no outdoor storage of automobile parts, discarded tires, or similar material shall be permitted. (See article V, section 11, for gasoline service station requirements.)
  4. Tire recapping or retreading within a completely enclosed building and with no outdoor storage of tires, discarded rubber, or similar materials.
  5. Personal service establishments, including barber and beauty shops, shoe repair shops, cleaning, dyeing, laundry, pressing, dressmaking, tailoring and garment repair shops with processing on the premises.
  6. Hotels, motels, rooming and boarding houses.
  7. Indoor commercial recreational structures and uses, such as theaters, bowling alleys, poolrooms.
  8. Commercial parking lots and garages.
  9. Offices, studios, clinics and laboratories.
  10. Financial institutions.

11. Private clubs and lodges.
12. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys, and rights-of-way.
13. Indoor pet services and veterinary establishments, provided that all animals shall be kept inside soundproof air conditioned buildings.
14. Public buildings and grounds other than elementary schools.
15. Churches.
16. Business and vocational schools not involving operations of an industrial character.
17. Contractor's business offices such as building, electrical, paint or plumbing contractors, termite and pest control service, wholesale and distributing centers, with all activities within a completely enclosed building, except as provided below, designated as paragraph 22 [21].
18. On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures that are not of a nature prohibited under "Prohibited uses and structures."
19. Any other store or shop for conducting retail trade or rendering personal, professional, or business service which, based on the criteria set forth in article V, section 1 of these regulations, in the opinion of the chief building official in concurrence with the staff of the metropolitan planning commission, does not produce more noise, dust, vibration, blast, or traffic more than those uses enumerated above.
20. Buildings, structures and uses accessory and customarily incidental to any of the above uses.
21. Open storage of material and equipment incidental to a permitted use, provided that all such open storage shall:
  - a. Conform to the setback required for principal buildings in the C-3 district.
  - b. Be screened from all adjoining properties and public rights-of-way to a minimum height of six (6) feet with one (1) of the following:
    - (1) A chainlink fence with inserted lattice which blocks the vision.
    - (2) An evergreen hedge which blocks the vision.
    - (3) A masonry wall.
    - (4) Any other proposed screen which is approved by the metropolitan planning commission, as a "use permitted on review."
  - c. The above screening requirements do not apply to materials and equipment stored on a construction site where such materials or equipment are to be used, or to the storage of commercial vehicles.
22. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
23. Call centers.
24. Tattoo and/or body piercing establishments.
25. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
  - a. No other halfway house located within one (1) mile of this site.
  - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
  - c. The use shall comply with all applicable city, state, and federal codes and regulations.
  - d. The site shall be within one thousand (1,000) feet of an established transit route.

- e. Signs identifying a use as a halfway house are not permitted.
  - f. The city police department must be provided with a written notification of the use prior to its occupancy.
- 26. Personal gardens.
  - 27. Community gardens.
  - 28. Market gardens.
  - 28. Market gardens.
  - 29. Auction houses (excluding livestock, auction within enclosed building) with no outdoor display or storage of auction items allowed.
  - 30. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
- 1. Fabrication and sale of light sheet metal products such as heating, air conditioning and ventilating ducts and equipment.
  - 2. Private day nurseries and kindergartens, including day care centers, as regulated in article V, section 3.
  - 3. Marinas, subject to the requirements set forth in article V, section 3.F.
  - 4. Halfway houses with greater than five (5) persons subject to the following standards:
    - a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
    - b. The use shall comply with all applicable city, state, and federal codes and regulations.
    - c. The site shall be within one thousand (1,000) feet of an established transit route.
    - d. Signs identifying a use as a halfway house are not permitted.
    - e. The city police department must be provided with a written notification of the use prior to its occupancy.
  - 5. Funeral establishments.
  - 6. Craft breweries, distilleries and wineries.
  - 7. Craft bakeries.
  - 8. Alternative financial services as regulated by article V, section 26.
  - 9. Multi-dwelling structure, either as a single use or as part of a mixed use development, as regulated by article V, section 3.F.15
  - 10. Indoor, climate-controlled, self-storage facilities, subject to the following regulations.
    - a. All buildings shall meet the area requirements of the C-3 zoning district and have the exterior appearance of an office building.
    - b. Access to all individual storage units shall be through the interior of the building only.
    - c. No garage type door entries shall be provided to the building.
    - d. No outside storage shall be permitted on site.
    - e. No overnight truck parking shall be allowed on the site.
    - f. All signage shall comply with the sign requirements of the C-3 zoning district.

- g. No retail sales other than the indoor, incidental display and sale of boxes and other packing supplies shall be permitted.

D. *Prohibited uses and structures.* The following uses are prohibited in the C-3 general commercial district:

1. All residential uses, except as provided under "permitted uses" and special exceptions permissible by the planning commission.
2. Manufacturing of goods except as provided under "permitted uses."
3. Public or private elementary schools.
4. Yards for storage, display or sales of scrap, or for any scrap or salvage operations.
5. Outdoor storage of any number of motor vehicles whether or not such vehicles are operable, inoperable, [or] awaiting repair, or damage appraisal.
6. Truck terminals, storage warehouses containing over five thousand (5,000) square feet.
7. Bulk petroleum products storage and distribution.
8. Outdoor displays of merchandise.
9. All uses and structures not of a nature specifically permitted herein.
10. Any uses which the planning commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous, or offensive to adjacent occupancies in the same or neighboring districts or to those who pass on public ways, by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or likely for other reasons to be incompatible with the character of the district.
11. Outdoor commercial recreational uses.

E. *Area regulations.* The following requirements shall apply to all uses permitted in this district:

1. *Front yard.* All buildings shall [be] set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
2. *Side yard.* No side yard is required, except that the width of a side yard which abuts a residential district shall be not less than twenty-five (25) feet.
3. *Rear yard.* Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than fifteen (15) feet. In all other cases no rear yard is required.
4. *Maximum lot coverage.* Main and accessory buildings shall cover not more than seventy-five (75) percent of the lot area.

F. *Height regulations.* No building or structure, except office buildings, shall exceed forty-five (45) feet in height, except as provided in article V, section 5. Office buildings shall not exceed or ninety (90) feet.

(Ord. No. 5050, 8-4-70; Ord. No. 5152, 3-30-71; Ord. No. O-204-78, §§ 1, 2, 12-12-78; Ord. No. O-121-83, § 1(C), 8-2-83; Ord. No. O-44-84, § 1, 3-13-84; Ord. No. O-483-92, § 1(C)(6), 11-24-92; Ord. No. O-338-95, § 1, 6-20-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-320-99, § 1, 8-24-99; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-338-00, § 2, 7-25-00; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-111-08, § 1, 5-20-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. No. O-7-2016, § 1, 1-

5-16; Ord. No. O-116-2016, § 1, 7-19-16; Ord. No. O-43-2017, § 1, 3-28-17; Ord. No. O-205-2017, § 1, 9-26-17; Ord. O-227-2017, § 1, 10-24-17; Ord. No. O-102-2017, § 1, 5-23-17)

**Note**— Former Art. IV, § 9.

**2.2.7. - C-4 highway and arterial commercial district.**

- A. *General description.* This highway and arterial commercial district is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. Typical uses offer accommodations and services to motorists, contain certain specialized retail outlets, or provide commercial amusement enterprises. It is the intent to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade; to provide the orderly development and concentration of highway and arterial commercial uses at appropriate locations; and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity.
- B. *Uses permitted.* The following uses shall be permitted in the C-4 highway and arterial commercial district:
1. Any use permitted in a C-3 general commercial district under the provisions of article IV, section 2.2.6.B including those uses permitted under the provisions of article IV, 2.2.6.B.20.
  2. Drive-in commercial uses.
  3. Souvenir shop, roadside stand, or curio shops.
  4. Fruit or vegetable stand.
  5. Garden center, greenhouse, and nursery.
  6. New and used car and truck sales.
  7. Farm implement and machinery, new and used, sales.
  8. Truck, trailer for hauling, rental and sales, U-haul type.
  9. Motorcycle sales, repair, and services.
  10. Metal and wood fencing, ornamental grillwork.
  11. Monument sales.
  12. Animal hospital, kennel, and pet shop.
  13. Prefabricated and shell house sales.
  14. Auction house.
  15. Mobile home sales and services.
  16. Marina, bait shop, boat sales, rentals, storage, and launching ramp.
  17. Taxidermist.
  18. Recreational uses such as amusement parks, bowling alleys, and ice and roller skating rink.
  19. Outdoor advertising as regulated in article V, section 10.
  20. Archery range, miniature golf, golf driving range, and other similar outdoor recreational uses.
  21. Open storage uses shall comply with the following provisions:

- a. All open storage and display of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side and rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height.
  - b. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed and maintained in such a manner that no dust will be produced by continued use.
  - c. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
  - d. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
  - e. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.
22. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.
23. Public utility electrical or gas receiving, metering, distribution or transformer station, or service yard.
24. Recycling collection facility as an accessory use only as regulated by article V, section 18, B.
25. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
- a. No other halfway house located within one (1) mile of this site.
  - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
  - c. The use shall comply with all applicable city, state, and federal codes and regulations.
  - d. The site shall be within one thousand (1,000) feet of an established transit route.
  - e. Signs identifying a use as a halfway house are not permitted.
  - f. The city police department must be provided with a written notification of the use prior to its occupancy.
26. Personal gardens.
27. Community gardens.
28. Market gardens.
29. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VI, section 5:
- 1. Self-service storage facilities, as regulated in article V, section 3.G.7.
  - 2. Marinas, subject to the requirements set forth in article V, section 3.F.
  - 3. Private day nurseries and kindergartens, including day care centers, as regulated in article V, section 3.
  - 4. Halfway houses with greater than five (5) persons subject to the following standards:
    - a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
    - b. The use shall comply with all applicable city, state, and federal codes and regulations.

- c. The site shall be within one thousand (1,000) feet of an established transit route.
  - d. Signs identifying a use as a halfway house are not permitted.
  - e. The city police department must be provided with a written notification of the use prior to its occupancy.
5. Funeral establishments.
  6. Craft breweries, distilleries and wineries.
  7. Craft bakeries.
  8. Alternative financial services as regulated by article V, section 26.
- D. *Prohibited uses and structures.* The following uses are prohibited in the C-4 highway and arterial commercial district:
1. Houses, duplexes, or multi-dwelling structures or developments.
  2. Manufacturing.
  3. Bulk storage of inflammable liquids.
  4. Junkyards, salvage yards.
  5. Elementary schools, public or private.
  6. All uses and structures not of a nature specifically permitted herein.
  7. Any use which the planning commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts, or to those who pass on public ways by reason of odor, smoke, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation, or likely for other reasons to be incompatible with the character of the districts.
- E. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
1. Reserved.
  2. *Front yard.*
    - a. All lots fronting on an arterial street shall have a building setback of not less than fifty (50) feet.
    - b. All other lots shall have a building setback of not less than thirty-five (35) feet.
  3. *Side yard.* The width of any side yard which abuts a residential district shall be not less than fifty (50) feet. In all other cases each side yard shall be not less than twelve (12) feet.
  4. *Rear yard.* Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a residential district shall be not less than fifty (50) feet.
- F. *Floor area ratio.* The floor area ratio for buildings in the C-4 highway and arterial commercial district shall be no greater than 1.60. Height and lot coverage for structures in this district shall be governed by this floor area ratio except that all front, side and rear yard requirements will limit the total amount of lot which may be covered with structure.
- G. *Off-street parking.* As regulated in article V, section 7.

(Ord. No. 5224, 9-28-71; Ord. No. 5397, 8-15-72; Ord. No. 5465, 12-5-72; Ord. No. O-65-84, § 1, 4-24-84; Ord. No. O-483-92, § 1(C)(7), 11-24-92; Ord. No. O-90-95, § 1, 2-28-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-146-01, § 1, 5-1-01; Ord. No. O-140-04, § 1, 8-17-04; Ord. No. 176-06, § 1, 8-29-06;



Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-9-2015, § 2, 1-20-15; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. No. O-116-2016, § 1, 7-19-16; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 10.

**2.2.8. - C-5 tourist commercial district.**

- A. *General description.* This tourist commercial district is established to provide areas in which the principal use of land is devoted to commercial establishments and resort areas which cater specifically to the needs of tourist-oriented trade. The intent here is to reserve lands which because of particular location and natural features are adapted for tourist uses, and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity.
- B. *Uses permitted.* The following uses shall be permitted in the C-5 tourist commercial district:
1. Hotels and motels.
  2. Eating and drinking establishments (not including hamburger, ice cream, soft drink, or other drive-in eating stand), brewpubs.
  3. Gasoline service stations. (See article V, section 11, for additional requirements.)
  4. Souvenir and curio shops only when operated within a motel or restaurant.
  5. Resort including marina, camping facilities and grounds, and tourist oriented trailer parks not for permanent residence.
  6. Outdoor advertising as regulated in article V, section 10.
  7. Utility sub-stations, easements, alleys, and rights-of-way, transportation easements, alleys, and rights-of-way.
  8. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.
  9. Buildings, structures and uses accessory and customarily incidental to any of the above uses.
  10. Recycling collection facility as an accessory use only as regulated by article V, section 18, B.
  11. Personal gardens.
  12. Community gardens.
  13. Market gardens.
  14. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.*
1. Marinas, subject to the requirements set forth in article V, section 3.F.
  2. Craft breweries, distilleries and wineries.
  3. Craft bakeries.
- D. *Prohibited uses and structures.* The following are prohibited in the C-5 tourist commercial district: Same as for the C-4 district and, in addition, any open display commercial use and any use which the planning commission determines [is] not desirable in a tourist-oriented district.
- E. *Area regulations.* Front, side, and rear yards—Same as in the C-4 district.

- F. *Floor area ratio* . The floor area ratio for building in the C-5 tourist commercial district shall be no greater than 1.20. Height and lot coverage for structures in this district shall be governed by this floor area ratio, except that all front, side and rear yard requirements will limit the total amount of lot which may be covered with structure.
- G. *Off-street parking*. As regulated in article V, section 7.

(Ord. No. 5224, 9-28-71; Ord. No. 5465, 12-5-72; Ord. No. O-483-92, § 1(C)(8), 11-24-92; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-146-01, § 1, 5-1-01; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-9-2015, § 3, 1-20-15; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 11.

### 2.2.9. - C-6 general commercial park district.

- A. *Legislative purpose, intent and application*. The legislative purpose, intent and application of the general commercial park development [district] are as follows:
  1. To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.
  2. To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated.
  3. To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading and landscaping.
  4. To encourage commercial development which is consistent with the long range, comprehensive, general plan for Knoxville and Knox County.
  5. To allow for mixing of light industrial (manufacturing) uses with compatible commercial uses as stated within the following subsections.
  6. To encourage general commercial activities to locate in areas that have access to a major street system.
- B. *Permitted uses in a general commercial park development*. The following uses may be permitted as a part of a commercial park development only when they are found to be compatible with each other and surrounding uses by the metropolitan planning commission staff:
  1. Any permitted use in the C-3 General Commercial District, unless otherwise noted in this section.
  2. Wholesaling and warehousing.
  3. Business services.
  4. Public and private schools, colleges and universities, and business and vocational schools not involving operations of an industrial nature.
  5. Light industries that can comply with the performance standards as set forth in this section.
  6. Automobile, marine craft, and truck sales and service, including the sales and service of any accessories.
  7. Signs, as regulated by article V, section 10.

8. Public, private and commercial athletic facilities, including facilities for training and instruction.
9. Self-service storage facilities, subject to the requirements of article V, section 3.F.7.
10. Halfway houses with maximum capacity of five (5) persons subject to the following standards:
  - a. No other halfway house located within one (1) mile of this site.
  - b. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
  - c. The use shall comply with all applicable city, state, and federal codes and regulations.
  - d. The site shall be within one thousand (1,000) feet of an established transit route.
  - e. Signs identifying a use as a halfway house are not permitted.
  - f. The city police department must be provided with a written notification of the use prior to its occupancy.
11. Personal gardens.
12. Community gardens.
13. Market gardens.
14. Wireless communications facilities, subject to the provisions of article V, section 20.

C. *Uses permitted on review.*

1. Marinas, subject to the requirements set forth in article V, section 3.F.
2. Private day nurseries and kindergartens, as regulated in article V, section 3.
3. Halfway houses with greater than five (5) persons subject to the following standards:
  - a. A site cannot be located within three hundred (300) feet of a park, school, or day care center.
  - b. The use shall comply with all applicable city, state, and federal codes and regulations.
  - c. The site shall be within one thousand (1,000) feet of an established transit route.
  - d. Signs identifying a use as a halfway house are not permitted.
  - e. The city police department must be provided with a written notification of the use prior to its occupancy.
4. Funeral establishments.
5. Craft breweries, distilleries and wineries.
6. Craft bakeries.
7. Alternative financial services as regulated by article V, section 26.
8. Multi-dwelling structure, either as a single use or as part of a mixed use development, as regulated by article V, section 3.F.15

D. *Area regulations.*

1. *Floor area ratio.* The following maximum floor area ratios shall be applied in the general commercial park:
  - One-story structures: 0.50 FAR.
  - Two-story structures: 1.00 FAR.
  - Three-story structures: 1.50 FAR.

Four-story structures: 2.00 FAR.

For each additional story above four, add twenty-five one-hundredths (0.25) to the floor area ratio.

2. *Area and open space requirements.*

- a. *Front yard.* All buildings shall [be] set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
- b. *Side yard.* All buildings shall have a side yard of not less than twenty (20) feet in depth, except the depth of a side yard which abuts a residential district shall not be less than sixty (60) feet.
- c. *Rear yard.* The depth of a rear yard where buildings are to be serviced from the rear shall be a minimum of thirty (30) feet, except the depth of a rear yard which abuts a residential district shall not be less than sixty (60) feet. In all other cases, a rear yard is not required.

E. *Landscaping requirements.* The following provisions shall be applied in general commercial park development:

1. *Front yard.* The required front yard shall be landscaped or left in natural vegetation. Such landscaping or vegetation shall at all times be maintained in a satisfactory manner.
2. *Rear and side yards.* A landscaped strip, with a minimum depth of fifteen (15) feet, shall be maintained where the rear or side yard abuts residential zoning. Landscaped areas abutting residential zoning shall include either evergreen or deciduous plantings that shall be designed and installed in a manner deemed appropriate by the metropolitan planning commission staff. These plantings shall obtain a minimum height of eight (8) feet within a period of one year. All other side and rear yards shall be landscaped in a manner deemed appropriate by the metropolitan planning commission staff.

3. *Parking areas.*

- a. Parking areas shall contain a minimum of five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet or fraction thereof of paved parking area. For each increase of one (1) percent over the minimum area of landscaping required, the total number of required parking spaces may be reduced by one (1) percent. The reduction in the number of required parking spaces, however, shall not exceed ten (10) percent.
- b. All parking areas shall be screened by evergreen planting that will obtain a minimum height of eight (8) feet within a period of one (1) year where the parking area abuts a residential zone.
- c. For each five thousand (5,000) square feet of parking area, a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

4. *Open spaces.* That area designated as open space situated between the site boundary and the nearest building line shall be landscaped or left to remain in natural vegetation.

For each five thousand (5,000) square feet of open space a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

5. *Loading and service areas.* Loading, service and outdoor storage areas shall be screened with evergreen planting that shall obtain a minimum height of five (5) feet within a one-year period.

F. *Required off-street parking, loading and vehicular access locations.* The following regulations shall apply to general commercial park development:

1. *Required off-street parking and loading.* As regulated by use in article V, section 7 of the Knoxville zoning ordinance:

- a. The parking area of any general commercial park development shall be so laid out as to provide systematic and orderly circulation, traffic separation devices, and parking stalls in accordance with good traffic engineering practice and planning practices.
  - b. Required parking spaces shall be available for the parking of an operable passenger automobile of customers, patrons and employees only and shall not be rented, leased or assigned to any other person or organization. No parking of trucks or other equipment on wheels or tracks or the conduct of any business activity shall be permitted on the required parking spaces.
  - c. Required parking spaces not within a garage or other structure may be located within the required side or rear yards.
  - d. Ingress and egress to required parking area may be through the required front yard. This is not to be construed to mean that parking is permitted within the required front yard.
2. *Loading regulations.* Loading berths may be located in the required rear yard or side yard and must be directly accessible to main structures. Loading berths not so located will be considered as fulfilling the requirements of this section if evidence is presented to show that loading activities can take place without moving materials on sidewalk or street area, and in no case for a distance in excess of three hundred (300) feet.
3. *Vehicular access locations.* Vehicular access locations shall be provided so that vehicles entering or departing the commercial development site shall do so only at such locations. Elsewhere along the property lines of said commercial development site, a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the metropolitan planning commission staff and director of traffic engineering. A traffic access and impact study may be required, subject to the requirements of the administrative rules and procedures of the metropolitan planning commission.
- a. No vehicular access location serving a general commercial park development site shall be:
    - (1) Within seventy-five (75) feet of the intersection of street right-of-way lines, bounding, in part, the same commercial development site.
    - (2) Within two hundred fifty (250) feet of any interchange ramp. Such distance shall be measured from a point where the centerline of the ramp intersects with the edge of the pavement of the travelway of the intersecting street.
- G. *Performance standards.* Any activity included in a general commercial park development shall comply with the performance standards contained in article V, section 1. In the case of conflict between the performance standards set forth herein and any rules or regulations adopted by any other governmental agency, the most restrictive shall apply.
- H. *Outdoor storage and display.* All outdoor storage facilities are prohibited in any general commercial park development. This provision shall not be construed to exclude the outdoor display of new or used automotive vehicles for sale or rent, or the incidental display of goods or chattels for sale or rent in a commercial planned unit development by an establishment having activities that occur principally within a building. However, if outdoor display is required, it cannot be within the required front yard.
- I. *Utilities.* All utility transformers serving each use shall be located within the individual buildings. Utility transmission lines serving individual uses shall be placed underground.
- J. *Outdoor lighting.* Any outdoor lighting shall be installed in accordance with the requirements of article V, section 17.
- K. *Administration.*

1. Prior to any building permits being issued, a development plan must be submitted to the planning staff for approval and appropriate signatures certifying such approval has been affixed to the plan. The development plan is to be used by the staff to insure that it is in conformance with the regulations contained within this section.
2. The development plan must include the following:
  - a. The existing topographic character of the land.
  - b. The location of major thoroughfares.
  - c. A map showing street systems, parcel lines, the use of adjacent properties, and access points for adjacent properties.
  - d. An off-street parking and loading plan.
  - e. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the park.
  - f. A landscaping plan.
  - g. The location and height of all outdoor lighting.
3. If after review of the proposed development plan by the planning staff, the applicant feels he has been aggrieved, he may appeal the decision of the planning staff to the metropolitan planning commission.

(Ord. No. O-121-83, § 1(D), 8-2-83; Ord. No. O-483-92, § 1(C)(9), 11-24-92; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-49-97, § 1, 1-28-97; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-322-97, § 1, 7-29-97; Ord. No. O-476-98, § 1, 9-8-98; Ord. No. O-425-02, § 1, 10-29-02; Ord. No. O-215-06, § 1, 10-24-06; Ord. No. O-188-07, § 1, 8-28-07; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-9-2015, § 4, 1-20-15; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. No. O-116-2016, § 1, 7-19-16; Ord. No. O-205-2017, § 1, 9-26-17; Ord. O-227-2017, § 1, 10-24-17)

#### **2.2.10. - C-7 pedestrian commercial district.**

- A. **General description.** The pedestrian commercial district is established to provide for a mixed use area responsive to the needs of persons associated with the university, nearby hospitals, and persons living in the surrounding neighborhood. The district will also provide a unique shopping, working and living area for a greater clientele looking for merchandise and service associated with a university environment. This district is designed to accommodate pedestrian-oriented uses and has design guidelines to achieve multi-model transportation and building siting, use and height standards.
- B. **Uses permitted.** The following uses shall be permitted in the C-7 pedestrian commercial district:
  1. Art and craft studio.
  2. Business and professional school.
  3. Retail sales within enclosed buildings. However, there may be incidental, temporary outside display and sale of merchandise normally sold by the business at the following times:
    - a. Special sales events endorsed by the Cumberland Avenue Merchants Association.
    - b. University of Tennessee home football game weekends.
    - c. For five (5) consecutive days beginning two (2) days prior to University of Tennessee fall and spring semester registration.

4. Office (business and professional).
  5. Eating and drinking establishments, brewpubs.
  6. Motels and hotels, rooming and boarding houses.
  7. Dry cleaning and laundry pickup.
  8. Coin-operated laundry and dry cleaning.
  9. Barber and beauty shop.
  10. Shoe repair.
  11. Photography service.
  12. Printing.
  13. Bicycle repair.
  14. Seamstress.
  15. Financial institutions.
  16. Theater (indoors).
  17. Dwelling units on the second floor and above.
  18. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
  19. Personal gardens.
  20. Community gardens.
  21. Market gardens.
  22. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Gasoline service stations.
  2. Dwelling units on the first floor and below.
  3. Automobile wash, self-service.
  4. Class "C" commercial parking lots and parking garages.
  5. Garage parking on the ground floor.
  6. Craft breweries, distilleries and wineries.
  7. Craft bakeries.
- D. *Area regulations.* See the Cumberland Avenue Corridor Design Guidelines ([www.knoxmpc.org/cumberland](http://www.knoxmpc.org/cumberland)).
- E. *Height regulations.* See the Cumberland Avenue Corridor Design Guidelines ([www.knoxmpc.org/cumberland](http://www.knoxmpc.org/cumberland)).
- F. *Off-street parking regulations.* Dwelling units shall meet the off-street parking required by article V, section 7.A.3.
- All other permitted uses, none required.
- G. *Off-street loading regulations.* Loading requirements shall be provided as required by article V, section 9 of this ordinance and the Cumberland Avenue Corridor Design Guidelines ([www.knoxmpc.org/cumberland](http://www.knoxmpc.org/cumberland)).

- H. *Occupancy permit regulations.* Within the C-7 districts certificates of occupancy shall be required when any existing building changes use and/or before any newly constructed building is occupied.
- I. *Administration.* A design review board shall be elected within any C-7 district. Such board shall consist of five (5) members with not less than two (2) being merchants in the area. Board members shall be comprised of, and elected by residents, property owners or lessees within the district with each business license, recorded parcel of land, and dwelling unit having one (1) vote. Terms of office shall be four (4) years with vacancies filled by appointments by the design review board with such appointees serving until the next annual election, at which time a replacement shall be elected for the unexpired term. All members shall serve without compensation. The annual meeting at which eligible voters elect members to the board shall be held in August of each year.

Constitution of [the] design review board shall be accomplished by election of five (5) members with each elected to serve either one (1), two (2), three (3), four (4) or five (5) years, with their successors elected to serve all four-year terms. Such election shall be held within sixty (60) days of creation of a C-7 commercial district.

The design review board shall establish bylaws which shall include establishment of a regular meeting date. Such meetings shall be open to the public with notice of time and place published in a local paper with general circulation in the area.

The design review board shall have assistance from the staff of the planning commission in performing its functions. Publication costs and other authorized expenditures shall be paid by the planning commission.

The review board shall have the following responsibilities:

1. Review and approve elevation and site plans for public and private improvements, according to adopted design guidelines for the district.

No building or occupancy permits shall be issued until the design review board has found and reported in writing to the city building inspection department that the plans meet the adopted criteria of the board. However, until design criteria is adopted the board approval shall be based on the district regulations only. Failure of the design review board to act upon any plan within thirty (30) days of submittal shall be deemed approval of the plan and the building permit shall be issued upon demand. Metropolitan planning commission staff may approve minor projects that meet the adopted guidelines, including signs and interior and exterior renovation plans.

Any person aggrieved by any decision of the design review board may appeal its decision by filing a petition with the metropolitan planning commission within thirty (30) days from the date of the board's action. Appeal from the metropolitan planning commission shall be as provided by Knoxville City Code, appendix B, article VII, section 6(F).

(Ord. No. 6400, § 1, 8-9-77; Ord. No. O-121-83, § 1(E), 8-2-83; Ord. No. O-44-84, § 2, 3-13-84; Ord. No. O-124-84, § 1, 8-14-84; Ord. No. O-198-89, § 1, 9-19-89; Ord. No. O-351-90, § 1, 11-27-90; Ord. No. O-483-92, § 1(C)(10), 11-24-92; Ord. No. O-538-95, § 1, 10-24-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-206-97, § 1, 5-20-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-7-06, § 1, 1-17-06; Ord. No. O-187-07, § 1, 8-28-07; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 11b.

## 2.3 - Industrial Districts

### 2.3.1. - I-2 restricted manufacturing and warehousing district.



- A. *General description.* The industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the general and heavy industrial districts. Regulations are intended to prevent frictions between uses within the district and also to protect nearby residential districts.
- B. *Uses permitted.* Property and buildings in the I-2 restricted manufacturing and warehousing district shall be used only for the following purposes:
1. Any use, except a residential use, permitted in the I-1 planned industrial park district. No residential use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 industrial district.
  2. A retail or service use only where it directly serves or is auxiliary to the needs of industrial plants or employees thereof.
  3. Any of the following uses shall be permitted:
    - a. Business signs as regulated in article V, section 10.
    - b. Book bindery.
    - c. Bottling or packaging works.
    - d. Creamery.
    - e. Electrical appliances and equipment assembly.
    - f. Electronic equipment assembly and manufacturing.
    - g. Engraving and/or printing plant.
    - h. Furniture manufacturing.
    - i. Instrument and meter manufacturing.
    - j. Laundry and cleaning establishments.
    - k. Leather goods fabrication.
    - l. Optical goods manufacturing.
    - m. Paper products fabrication.
    - n. Public utility service yard or electrical receiving or transforming station.
    - o. Sporting goods manufacturing.
    - p. The manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.
    - q. Wholesale or warehousing enterprise.
    - r. Offices, such as engineering offices, which are directly related to the industrial function.
    - s. Manufacturing, wholesaling or warehousing including accessory sales, installation, service and office on the same premises, provided, however, that the space devoted to accessory uses does not exceed twenty (20) percent of the gross floor area of the establishment.
    - t. Self service storage facilities.
    - u. Craft breweries, distilleries and wineries.
  4. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.

Buildings, structures and uses accessory and customarily incidental to any of the above uses. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be screened by ornamental walls and fences or evergreen planting, and in no case shall materials be stacked or stored so as to exceed the height of the screen.

5. Recycling collection facility as an accessory use only as regulated by article V, section 18, B.
  6. Outdoor display of manufactured products, subject to the following requirements:
    - a. The product displayed shall be manufactured by the company displaying the product. The manufacturing of such a product shall be a permitted use in the zone where the products are displayed.
    - b. The product shall be placed entirely within an enclosed wall, fence or evergreen planting, with a minimum height of eight (8) feet. The wall, fence or evergreen planting shall include space for a driveway entrance and shall be located abutting or inside the front, side or rear setback lines.
    - c. Each display lot shall include three (3) on-site parking spaces.
    - d. The area used for outdoor product display shall not exceed one (1) acre and may not cover more than fifty (50) percent of the lot area.
    - e. The intent of this section is to provide for outdoor manufacturer's display lots. Display lots shall be designed so that the products are viewed on the display lot. The display shall not be designed in such a way as to create a promotional display directed at public streets. The director of development shall review a site plan and permit application for each display lot and shall deny any application that does not comply with the intent of this section.
  7. Personal gardens.
  8. Community gardens.
  9. Market gardens.
  10. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.*
1. Marinas, subject to the requirements set forth in article V, section 3.F.
  2. Breweries, distilleries and wineries.
  3. Auction houses (excluding livestock, auction within enclosed building) with no outdoor display or storage of auction items allowed.
- D. *Prohibited uses and structures.* Dwelling units, except as provided under "uses permitted"; elementary or high schools, public or private; churches; yards or lots for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage, or secondhand building materials, wrecked automobiles, [or] secondhand automobile parts; salvage yards; junkyards; all uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in article V, section 1.
- E. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
1. *Reserved.*
  2. *Front yard.* All buildings shall [be] set back from all street right-of-way lines not less than twenty-five (25) feet.
  3. *Side yard.* No building or structure shall be located closer than ten (10) feet, or a distance equal to one-half the building height, whichever is the greater, to a side yard line.

4. *Rear yard.* No building or structure shall be located closer than ten (10) feet or a distance equal to one-half the building height from a rear yard line, whichever is greater.

A rear yard which abuts a residential district or office district shall not be less than fifty (50) feet; provided, however, that no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.

5. *Maximum lot coverage.* Main and accessory buildings and loading facilities shall not cover more than fifty (50) percent of the lot area.
- F. *Height regulations.* No building or structure shall exceed forty-five (45) feet in height, except as hereinafter provided in article V, section 5, of these regulations.
- G. *Minimum off-street parking and loading requirements.* As regulated in article V, sections 7 and 9.
- H. *Screening and landscaping.* All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

(Ord. No. 3624, 10-6-64; Ord. No. 3642, 10-6-64; Ord. No. 5465, 12-5-72; Ord. No. O-198-85, § 1, 12-17-86; Ord. No. O-483-92, § 1(C)(15), 11-24-92; Ord. No. O-90-95, § 1, 2-28-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-476-98, § 1, 9-8-98; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-146-01, § 1, 5-1-01; Ord. No. O-476-02, § 1, 11-26-02; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 8, 7-21-15; Ord. No. O-43-2017, § 1, 3-28-17; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 16.

### 2.3.2. - I-3 general industrial district.

- A. *General description.* This industrial district is established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and for warehousing. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air, or street transportation routes. Such uses have some adverse effects on surrounding properties and are not properly associated with, nor compatible with, residential, institutional, and retail commercial uses.
- B. *Uses permitted.* Property and buildings in the I-3 general industrial district shall be used only for the following purposes:
  1. Any use, except a residential use, permitted in the I-2 restricted manufacturing and warehousing district. No residential use, except sleeping facilities required by caretakers or nightwatchmen employed on the premises, shall be permitted in an I-3 industrial district.
  2. Any of the following uses:
    - a. Signs as regulated in article V, section 10.
    - b. Retail, service, eating and drinking establishments, and brewpubs.
    - c. Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or a transit mix plant.
    - d. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
    - e. Freighting or trucking yard or terminal.

- f. Outdoor storage facilities for coal, coke, building materials, sand, gravel, stone, lumber. Open storage of construction contractor's equipment and supplies shall be screened by seven foot obscuring fence, wall, or mass plantings, or otherwise so located as not to be obnoxious to the orderly appearance of the district.
  - g. Tank storage of bulk oil and gasoline and the mixture of bulk storage of illuminating or heating gas, subject to the proper precautions as to location for prevention of fire and explosion hazards.
  - h. Vehicle storage facility.
3. The following uses when conducted within a completely enclosed building:
    - a. The manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
    - b. The manufacture, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, rubber, textiles, tin, iron, steel, tobacco, wood (excluding saw mill), yarn, and paint not involving a boiling process.
    - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
    - d. The manufacture and maintenance of electric and neon signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
    - e. The manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
    - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, and body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing, provided, however, that all spray painting, with the exception of minor touch-up with aerosol-type spray can of standard touch-up size, shall be conducted within an approved spray booth.
    - g. The sale, storage and sorting of junk, waste, discarded or salvaged materials, machinery or equipment, but not including processing.
    - h. Blacksmith shop and machine shop.
    - i. Foundry casting lightweight nonferrous metal not causing noxious fumes and odors.
    - j. Planing mill.
    - k. Processing facility.
  4. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.
  5. Buildings, structures and uses accessory and customarily incidental to any of the above uses.
  6. Recycling collection facility as an accessory use only as regulated by article V, section 18, B.
  7. Truck sales, leasing, servicing, and repair, consistent with the requirements under section B.3.f., of this section.
  8. Personal gardens.
  9. Community gardens.
  10. Market gardens.
  11. Wireless communications facilities, subject to the provisions of article V, section 20.

The uses in this section shall be conducted in such a manner that no noxious odor, fumes, or dust will be emitted beyond the property line of the lot on which the use is located.

C. *Uses permitted on review.*

1. Marinas, subject to the requirements set forth in article V, section 3.F.
2. Breweries, distilleries and wineries.
3. Auction houses.

D. *Prohibited uses and structures.* Dwelling units, including hotels and motels, except as provided under "uses permitted"; elementary or high schools, private or public; churches; cement, lime or gypsum manufacture; disposal plants of all types including trash and garbage, and sewage treatment plants; acid manufacture; creosote manufacture or treatment plant; explosive material manufacture of any kind; garbage, offal, or animal reduction, incineration or processing; metal or ore reduction, refining, smelting or alloying; outdoor salvage operations or for processing, storage, display or sales of any scrap, salvage, or secondhand building materials, wrecked automobiles, [or] secondhand automobile parts; salvage yards or junkyards; all uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in article V, section 1.

E. *Area regulations.* The following requirements shall apply to all uses permitted in this district:

1. *Reserved.*
2. *Front yard.* All buildings shall [be] set back from all street right-of-way lines not less than thirty-five (35) feet.
3. *Side yard.* No building shall be located closer than twenty-five (25) feet to a side lot line.  
The width of a side yard which abuts a residential district shall be not less than seventy-five (75) feet.
4. *Rear yard.* No building shall be located closer than twenty-five (25) feet to the rear lot line.  
The depth of any rear yard which abuts a residential district shall be not less than fifty (50) feet; provided, however, that no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.
5. *Maximum lot coverage.* Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty (80) percent of the lot area.

F. *Height regulations.* No building or structure shall exceed forty-five (45) feet in height, except as hereinafter provided in article V, section 5, of these regulations.

G. *Minimum off-street parking and loading requirements.* As regulated in article V, sections 7 and 9.

H. *Screening and landscaping.* All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

(Ord. No. 3506, 6-16-64; Ord. No. 4251, 3-21-67; Ord. No. 5465, 12-5-72; Ord. No. O-483-92, § 1(C)(16), (D)(1), (F)(1), 11-24-92; Ord. No. O-686-93, § 1(A), 11-23-93; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-207-97, § 1, 5-20-97; Ord. No. O-476-98, § 1, 9-8-98; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-441-00, § 1, 9-19-00; Ord. No. O-146-01, § 1, 5-1-01; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-118-2012, § 1, 7-24-12; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 8, 7-21-15; Ord. No. O-43-2017, § 1, 3-28-17; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 17.

### 2.3.3. - I-4 heavy industrial district.

- A. *General description.* This industrial district is established to provide areas in which the principal use of land is for manufacturing, and other heavy uses with which there are associated adverse effects on surrounding property. Such uses are not properly associated with nor compatible with residential, institutional, retail business, or light industrial uses.
- B. *Uses permitted.* Property and buildings in the I-4 heavy industrial district shall be used only for the following purposes:
1. Any use permitted in the I-3 general industrial district; provided, however, that no residential use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-3 industrial district.
  2. Any of the following uses:
    - a. Acetylene gas manufacture or bulk storage.
    - b. Signs as regulated in article V, section 10.
    - c. Breweries, distilleries and wineries.
    - d. Ammonia, bleaching powder or chlorine manufacture.
    - e. A retail or service use only when it serves directly or is auxiliary to the needs of industrial plants or employees thereof.
    - f. Asphalt manufacture or refining.
    - g. Boiler works.
    - h. Brick, tile or terra cotta manufacture.
    - i. Chemical manufacture.
    - j. Concrete or cement products manufacture.
    - k. Railroad freight terminal.
    - l. Iron, steel, brass or copper foundry or fabrication plant.
    - m. Paint, oil, shellac, turpentine, varnish or enamel manufacture.
    - n. Plastic manufacture.
    - o. Power plant.
    - p. Quarry or stone mill.
    - q. Railroad repair shops.
    - r. Rolling mills.
    - s. Soap manufacture.
    - t. Tar distillation or tar products manufacture.
    - u. Tobacco processing or treatment.
    - v. Recycling processing facility.
    - w. Vehicle storage facility.
  3. In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like and not allowed in any other district; provided, however, that any use not specified herein shall be approved by the planning commission.
  4. Buildings, structures and uses accessory and customarily incidental to any of the above uses.
  5. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.

6. Personal gardens.
7. Community gardens.
8. Market gardens.
9. Wireless communications facilities, subject to the provisions of article V, section 20.

C. *Uses permitted on review.*

1. The following uses may be permitted, on review by the planning commission in accordance with provisions contained in article VII, section 3.
  - a. Acid manufacture.
  - b. Blast furnace or coke oven.
  - c. Cement, lime gypsum or plaster of Paris manufacture.
  - d. Distillation of bones.
  - e. Drop forge industries manufacturing forging with power hammers.
  - f. Explosives, manufacture or storage.
  - g. Fat rendering, except as an incidental use.
  - h. Fertilizer manufacture.
  - i. Garbage, offal, or dead animal reduction or dumping.
  - j. Glue manufacture.
  - k. Extraction, concentration, reduction, and storage of natural mineral resources.
  - l. Paper and pulp manufacture.
  - m. Processing or storing of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling, as regulated in article V, section 3.
  - n. Refuse dumps.
  - o. Rock, sand or gravel or earth excavation, crushing or distribution.
  - p. Sawmill.
  - q. Slaughter of animals including poultry killing or dressing.
  - r. Smelting of tin, copper, zinc or iron ores.
  - s. Stockyards or feeding pens.
  - t. Tannery or the curing or storage of raw hides.
  - u. Hazardous wastes and/or substances recycling processing facility.
  - v. Crematories.
  - x. Animal crematories.
  - x. Auction houses.
2. All other similar uses which the planning commission declares to be special uses.
3. Marinas, subject to the requirements set forth in article V, section 3.F.

D. *Prohibited uses and structures.* Dwelling units, including hotels and motels, except as provided under "uses permitted"; elementary or high schools, public or private; churches; and any retail use or service unless it serves or is auxiliary to the needs of the industrial plants or employees thereof; and any use not conforming to the performance standards set forth in article V.

- E. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
1. Reserved.
  2. *Front yard.* All buildings except offices shall [be] set back from all street right-of-way lines not less than seventy-five (75) feet. Offices shall [be] set back from all street right-of-way lines not less than fifty (50) feet.
  3. *Side yard.* No building shall be located closer than fifty (50) feet to a side lot line.  
The width of a side yard which abuts a residential district shall be not less than one hundred (100) feet.
  4. *Rear yard.* No building shall be located closer than thirty (30) feet to the rear lot line.  
The depth of any rear yard which abuts a residential district shall be not less than seventy-five (75) feet; provided, however, that no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.
  5. *Maximum lot coverage.* Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty (80) percent of the lot area.
- F. *Height regulations.* No building or structure shall exceed fifty-five (55) feet in height, except as hereinafter provided in article V, section 5 of these regulations.
- G. *Minimum off-street parking and loading requirements.* As regulated in article V, sections 7 and 9.
- H. *Screening and landscaping.* All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

(Ord. No. 3506, 6-16-64; Ord. No. 5397, 8-15-72; Ord. No. 5465, 12-5-72; Ord. No. O-483-92, § 1(C)(17), (D)(2), (E), (F)(2), 11-24-92; Ord. No. O-686-93, § 1(A), 11-23-93; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-152-09, § 1, 11-17-09; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 8, 7-21-15; Ord. No. O-43-2017, § 1, 3-28-17; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 18.

## 2.4 - Other Districts

### 2.4.1. - A-1 general agricultural district.

- A. *General description.* This district is intended to provide space for agricultural uses which together comprise an important part of the economy of Knox County and the City of Knoxville. The intent here is to permit lands best suited for agriculture to be used for agriculture purposes, and also to prevent the encroachment of urban and other incompatible land uses on farm lands and thereby protect the physical and economic well-being of agricultural operations.

Further, this district is intended to provide suitable locations on the fringes of the urban area for urbanization which will occur in the foreseeable future. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. Rather, this district should promote an organized, efficient pattern of urban development by providing conditions conducive to continued use of land for agricultural purposes in appropriate locations, thereby reducing economic pressures which would otherwise lead to a scattered, inefficient, inconvenient pattern of urban activities. The types of uses, area and intensity of use of land authorized in this district



are designed to encourage and protect any agriculture uses until urbanization is warranted and the appropriate changes in districts can be made.

- B. *Permitted principal and accessory uses and structures.* Property and buildings in the A-1 general agricultural district shall be used only for the following purposes:
1. Agricultural uses and their accessory structures, as defined in article II.
  2. Houses.
  3. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys and rights-of-way.
  4. Signs not over twelve (12) square feet in area advertising the sale of farm products on the premises as regulated in article V, section 10.
  5. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions in article VII, section 5:
1. A cemetery, airport, camp, hospital, sanitarium, correctional institution or institution for the insane.
  2. Athletic fields, fairgrounds, country club and golf courses, parks, playgrounds, community swimming pools, and recreational areas operated by membership organizations for the benefit of their members.
  3. Churches or similar places of worship with accessory structures.
  4. Commercial livestock feed and sales yard.
  5. Dog kennels, livery stable or riding academy, fish and minnow raising, and the raising of fur-bearing animals.
  6. Elementary or high schools, public or private, and institutions of higher learning.
  7. Home occupations as regulated in article V, section 12.
  8. Lodge hall, civic organizations.
  9. Mobile home parks, subject to the requirements set forth in article V, section 3.
  10. One roadside stand, provided that it does not exceed an area of two hundred (200) square feet; and that it is located not nearer than thirty-five (35) feet to any street or highway right-of-way.
  11. Portable sawmill and quarry.
  12. Marinas, subject to the requirements set forth in article V, section 3.F.
  13. Automobile, motorcycle, and all other tracks for competitive racing.
  14. Subsurface extraction of natural mineral resources.
  15. Bed and breakfast inns, provided that they are located in an historic overlay district, subject to the requirements of article V, section 3.G.9.
- D. *Area regulations.* All buildings shall be set back from the right-of-way lines, lot lines, and property lines to comply with the following yard requirements:
1. *Front yard.* The minimum depth of the front yard shall be thirty-five (35) feet.
  2. *Side yard.*
    - a. For single-story dwellings and accessory structures, side yards shall be not less than twelve (12) feet, and an additional four (4) feet shall be provided on each side yard for each additional story or part thereof.

- b. For churches and other main and accessory buildings, other than dwellings, there shall be a side yard setback of not less than thirty-five (35) feet.
- 3. *Rear yard.*
  - a. There shall be a rear yard for a main building of not less than thirty-five (35) feet.
  - b. Unattached buildings of accessory use shall not be located closer to any rear lot line than ten (10) feet.
- 4. *Land area.* No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites less than ten (10) acres, except for other nonresidential permitted uses. However, where there is an existing lot of record of less than ten (10) acres, at the time of adoption of this ordinance, this lot may be used for the development of one house. In no case shall property be subdivided, sold, or reduced to less than one (1) acre of lot area for any nonresidential use.
- 5. *Maximum lot coverage.*
  - a. Main farm and agricultural accessory buildings shall cover not more than five (5) percent of the lot area.
  - b. Permitted nonagricultural main and accessory buildings shall cover not more than twenty-five (25) percent of the lot area.
- E. *Height regulation.* No building shall exceed thirty-five (35) feet in height. Water towers, silos, granaries, barns, radio towers and antennas, and similar structures or necessary mechanical appurtenances may exceed the height limit as provided in article V, section 5.
- F. *Off-street parking.* As regulated in article V, section 7.

(Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-483-98, § 1, 9-22-98; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. 176-06, § 1, 8-29-06; Ord. No. 07-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 1.

#### 2.4.2. - OS-1 open space preservation district.

- A. *General description.* This open space preservation district is established to provide areas in which the principal use of land is devoted to the preservation and protection of recreational and conservation open space. The district is intended to preserve, and enhance land as permanent open space that contributes to the creation of a network of lands that provide safe and enjoyable areas and routes for non-intensive recreational opportunities, is protective of natural resources, and is compatible with surrounding land uses. The district is consistent with and intended to implement the Park, Public Institutional, Open Space and Environmental Protection land use classifications of the *Knoxville - Knox County General Plan 2033*, or its successor documents.
- B. *Permitted principal and accessory uses and structures.* The following uses shall be permitted in the OS-1 (open space preservation) district:
  - 1. Horticulture, floriculture, forests and woods, community gardens.
  - 2. Houses.
  - 3. Recreational open space, such as parks, playgrounds, golf courses and country clubs, cycling, hiking and equestrian trails, parkways, hunting preserves, camps and resorts, fishing lakes, and greenway and blueway corridors.
  - 4. Conservation open space, such as watershed protection areas, public water supply points, lakes and reservoirs, wildlife management areas, and significant natural areas.

5. Historic and archeological sites.
  6. Accessory buildings, structures and uses.
  7. Wireless communications facilities, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Multi-dwelling structures or developments at a maximum gross density of twelve (12) units per acre per development site.
  2. Marinas, subject to the requirements set forth in article V, section 3.F.
- D. *Area regulations.* All buildings and structures shall comply with the following requirements:
1. *Front yard.* The minimum front yard shall be fifty (50) feet.
  2. *Side yard.* For single-story principal and accessory buildings and structures the minimum side yard shall be twenty (20) feet and an additional four (4) feet shall be provided on each side yard for each additional story or part thereof, for structures exceeding one (1) story.
  3. *Rear yard.*
    - a. For principal buildings and structures the minimum rear yard shall be fifty (50) feet.
    - b. For accessory buildings and structures the minimum rear yard shall be twenty (20) feet.
  4. *Lot width.* The minimum lot width shall be two hundred (200) feet.
  5. *Minimum lot area.* The minimum lot area for subdivisions of parcels shall be three (3) acres.
  6. *Maximum coverage by impervious surfaces.* The maximum coverage of buildings and other impervious surfaces shall be five (5) percent of a lot or parcel area; except that paths such as sidewalks, greenway trails, and golf cart paths or driveways less than twelve (12) feet in width shall not be a part of the calculation.
- E. *Height regulations.* The maximum height of buildings and structures shall be thirty-five (35) feet; except as provided in article V, section 5 and section 6.
- F. *Off-street parking.* Off-street parking shall be provided in accordance with article V, section 7.

(Ord. No. 6391, § 1, 7-26-77; Ord. No. O-190-83, § 1(a)—(e), 11-8-83; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-2-2011, § 1, 1-25-11; Ord. No. O-126-2015, § 9, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 1a.

#### 2.4.3. - OS-2 park and open space district.

- A. *General description.* This park and open space district is established to create, preserve and enhance land accessible to the public as permanent space to meet the active park and recreational needs of the population. The district is intended to provide for both improved and unimproved park and recreation lands. Facilities may include, but are not limited to, structures or other active, player-oriented facilities such playgrounds, recreational fields, ball-fields, sport courts, dog parks and associated accessory facilities such as recreation and community centers, administrative offices, parking areas and restrooms. The district is also intended to accommodate buildings of a public nature such as museums, libraries, police, fire or EMS stations. The district is consistent with and intended to implement the Park, Public Institutional, Open Space and Environmental Protection land use classifications of the Knoxville - Knox County General Plan 2033 and the Knoxville - Knox County Park, Recreation and Greenways Plan, or successor documents.

- B. *Permitted principal and accessory uses and structures.* The following uses shall be permitted in the OS-2 (park and open space) district:
1. Horticulture, floriculture, forests and woods, and community gardens.
  2. Recreation and community centers, public or private, and administrative offices associated with park and recreation facilities.
  3. Recreational open space, such as parks, playgrounds, golf courses and country clubs, cycling, hiking and equestrian trails, parkways, hunting preserves, camps and resorts, fishing lakes, and greenway and blueway corridors.
  4. Conservation open space, such as watershed protection areas, public water supply points, lakes and reservoirs, wildlife management areas, and significant natural areas.
  5. Historic and archeological sites.
  6. Accessory buildings, structures and uses.
  7. Wireless communications facilities, subject to the provisions of article V, subject to the provisions of article V, section 20.
- C. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
1. Museums, libraries, police, fire or EMS stations, or other similar public facilities, provided such uses shall not exceed ten (10) percent of the lot area.
  2. Marinas, subject to the requirements set forth in Article V, Section 3.F.
  3. Recreational centers that bring the total lot coverage to greater than twenty (20) percent.
- D. *Area regulations.* All buildings and structures shall comply with the following requirements:
1. *Front yard.* The minimum front yard shall be twenty (20) feet.
  2. *Side yard.* For principal and accessory buildings the minimum side yard shall be equal to the requirements of the adjacent zone district.
  3. *Rear yard.*
    - a. For principal buildings and structures the minimum rear yard shall be equal to the requirements of the adjacent zone district.
    - b. For accessory buildings and structures the minimum rear yard shall be ten (10) feet.
  4. *Lot width.* There shall be no minimum lot width.
  5. *Minimum lot area.* There shall be no minimum lot area.
  6. *Maximum lot coverage.* The maximum lot coverage shall be twenty (20) percent of a lot or parcel area; except that recreational centers that bring the total lot coverage to greater than twenty (20) percent may be permitted after a development plan has been approval by MPC.
- E. *Height regulations.* The maximum height of buildings and structures shall be thirty-five (35) feet; except as provided in article V, section 5 and section 6.
- F. *Off-street parking.* Off-street parking shall be provided in accordance with article V, section 7.

(Ord. No. O-3-2011, § 1, 1-25-11; Ord. O-227-2017, § 1, 10-24-17)

#### 2.4.4. - F-1 floodway district.

- A. *General description.* The F-1 floodway district is established for the purpose of meeting the needs of the streams to carry floodwaters of a five-hundred-year frequency flood and protecting the river, creek channels and floodplains from encroachment so that flood heights and flood damage will not

be increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and the overflow of lands.

- B. *Permitted uses.* The following open-type uses are permitted in the F-1 floodway district subject to approval of the city engineering department and to such conditions [as] the city engineering department may specify to protect the public interest:

*Adjacent to agricultural and residential districts:*

1. Agricultural uses including crops, nursery stock, and tree farming, truck gardening, livestock grazing, personal gardens, community gardens, market gardens, and other agricultural uses which are of the same or a closely similar nature.
2. Railroads, streets, bridges, and public utility wire and pipe lines for transmission and local distribution purposes.
3. Public parks and playgrounds, and outdoor private clubs including but not limited to country clubs, swimming clubs, [and] tennis clubs, provided that no principal building is located in the floodway.
4. Recreational camps, campgrounds, and camp trailer parks, provided that restroom facilities shall be located and constructed in accordance with the health department requirements.
5. Commercial excavation of natural materials and improvements of a stream channel.
6. Other similar uses accessory to those permitted in the adjoining districts subject to planning commission approval as a use permitted on review.

*Adjacent to a commercial district:*

1. Any of the above permitted uses.
2. Archery range, drive-in theaters, miniature golf courses, and golf ranges.
3. Marina, boat launching ramp, boat rental, boat sales; provided that no principal building is located in the floodway unless it is designed and constructed to withstand, without major damage, the flood conditions at the site.
4. Loading and unloading areas and parking lots.
5. Other similar uses accessory to those permitted in the adjoining district subject to planning commission approval as a use permitted on review.

*Adjacent to an industrial district:*

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing, and other agricultural uses which are of the same or closely similar nature.
2. Storage yards for equipment and material not subject to major damage by flood, provided such use is accessory to a use permitted in an adjoining district.
3. Parking lots.
4. Railroads, streets, bridges and utility lines.
5. Other similar uses accessory to those permitted in the adjoining district subject to planning commission approval as a use permitted on review.

- C. *Uses permitted on review.*

1. Marinas, subject to the requirements set forth in article V, section 3.F., when the area zoned F-1 directly abuts an area zoned A-1, OS-1, O-2, O-3, C-2, C-3, C-4, C-5, C-6, PC-1, PC-2, I-1, I-2, I-3, or I-4.

- D. *City engineering department approval.* No permit shall be issued for the construction of any building or structure including railroads, streets, bridges and utility lines, or for any use within the floodway district until the plans for such construction or use have been submitted to the city engineering department certifying that no increase in the five-hundred-year flood levels will occur as a result of this construction and approval is given in writing for such construction or use.

In its review of plans submitted, the city engineering department shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will increase flood heights and endanger life and property:

1. Any structure or filling of land permitted shall be of a type not appreciably damaged by floodwaters, provided no structures for human habitation shall be permitted.
  2. Any use permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining district.
  3. Any permitted structures or the filling of land shall be designed, constructed and placed on the lot so as to offer the minimum obstruction to and effect upon the flow of water.
  4. Any structure, equipment or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream.
  5. Where, in the opinion of the city engineering department, topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or fill and/or the effect of the structure or fill on the flow of water, the city engineering department may require the applicant to submit such data or other studies prepared by competent engineers and other technical people.
  6. The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by the City of Knoxville or by any officer or employee thereof, and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.
- E. *Limited rezoning.* Property in an F-1, floodway district, may be rezoned to any requested zoning classification; provided, however, that such rezoning, if otherwise appropriate, shall be granted subject to all requirements, conditions and regulations relating to grading, filling, drainage and general site preparation established by and placed on said property by the metropolitan planning commission, city engineering department or the city council. The ordinance approving such limited rezoning shall become effective when the above-mentioned conditions and requirements have been fully satisfied and written approval of same is transmitted from the executive director of the metropolitan planning commission to the city building official. No permits shall be issued for and no construction shall commence on any such rezoned property until all the conditions, requirements and regulations hereinabove mentioned have been fully and completely satisfied and the aforesaid written approval of the executive director of the metropolitan planning commission has been received by the city building official.

(Ord. No. 4311, 6-13-67; Ord. No. O-65-83, § 1, 3-29-83; Ord. No. O-191-83, § 1, 11-8-83; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-189-98, § 1, 3-24-98; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-3-2011, § 1, 1-25-11; Ord. No. O-126-2015, § 10, 7-21-15)

**Editor's note**— Ord. No. O-3-2011, § 1, adopted January 25, 2011, amended the Code by renumbering former § 2.4.3 as a new § 2.4.4.

## 2.5 - Summary of Area Requirements

**SUMMARY OF AREA REQUIREMENTS**

(A listing of important requirements is set forth in full in articles IV and V)

District	Setbacks (See article V, section 6, "Exceptions")			Width	Area		Maximum Lot Coverage	Height	Site Plan Review and Approval
	Front	Side	Rear		Sewers	No Sewers			
A-1	35 feet	1 story, 12 feet; plus 4 feet each additional story (See Note 1)	35 feet; accessory building, 10 feet	No minimum	10 acres; permitted nonresidential uses, 1 acre		5%; permitted nonagricultural buildings, 25%	35 feet. See article V, section 5.	Not required except for certain uses on review
OS-1	50 feet	1 story, 20 feet; plus 4 feet each additional story	50 feet; unattached accessory buildings, 20 feet	200 feet	3 acres	3 acres	5% all structures	35 feet. See article V, section 5.	Not required
R-1	25 feet (See Note 1)	1 story, 8 feet, and 20 feet total (See Notes 1, 4, 5)	25 feet	75 feet	House: 7,500 sq. feet Duplex: 15,000 sq. feet (See Note 2)	20,000 square feet or health department requirement (See Note 2)	30%; all nonresidential buildings, 25%	35 feet; accessory buildings, 15 feet. See article V, section 5.	Not required except for certain uses on review

R-1A	25 feet (See Note 1)	1 story, 8 feet, and 20 feet total (See Notes 1, 3, 4)	25 feet; garage apartment, 10 feet (See Note 6)	House and duplex: 75 feet Multi-dwelling structure: 100 feet	House: 7,500 sq. feet Duplex: 15,000 sq. feet Multi-dwelling structure: 12,000 sq. feet plus 3,000 sq. feet per each additional dwelling unit Garage apartment in rear of duplex or multi-dwelling structure: +1,500 sq. feet (See Notes 2 and 5 below)	20,000 square feet; more if required by health department /MPC review (See Note 2)	30%, and 400 square feet minimum open space/D.U.	35 feet. Accessory building, 15 feet. See article V, section 5.	Not required except for certain uses on review
R-1E	25 feet	8 feet; 2 or more stories, 12 feet (See Note 6)	25 feet (See Note 6)	No minimum	7,500 square feet	20,000 square feet or health department requirement	30%	35 feet. Accessory building, 15 feet. See article V, section	Not required



								5.	
R-2	25 feet (See Note 1)	8 feet, and 20 feet total (See Notes 1, 3, 4)	25 feet; garage apartment in rear of other dwelling, 10 feet (See Note 6)	House and duplex: 75 feet Multi-dwelling structure: 100	House: 7,500 sq. feet Multi-dwelling structure: 7,500 sq. feet, plus 1,500 sq. feet per each additional dwelling unit Accessory buildings: 5 feet Garage apartment in rear of multi-dwelling structure: +1,500 sq. feet (See Notes 2 and 5)	20,000 square feet; requires review by planning commission based on health department recommendation (See Note 2)	30% and 400 square feet minimum open space/D.U.	35 feet. Accessory building: 15 feet. See article V, section 5.	Not required except for certain uses on review
R-3	25 feet, 3 stories or less; more than 3 stories, [35 feet] (See	1 story, 8 feet and 20 feet total; 2 stories, 12 feet each side; and 1 foot additional/story over 2 (See	25 feet, 3 stories or less; 30 feet, more than 3 stories	No minimum	See article IV, section 2.1.7.D.4		See article IV, section 2.1.7.D.6; minimum open space, see 2.1.7.E	Unlimited	Not required except for certain uses on review

	Note 1)	Notes 1, 3)							
RP-1, RP-2, RP-3	Front yard for a house, 25 feet; other yards as determined by MPC; see article IV, section 3.1.D; periphery boundary, 1- and 2-story, 25 feet plus 2 additional feet each story over 2			House: 60 feet; others, no minimum	Lot area for a house: 6,000 sq. feet	Planning commission may approve any density less than but not more than 24 D.U./acre in RP-1; 40 D.U./acre in RP-2; 80 D.U./acre in RP-3		No minimum	Detailed site plan review and approval by MPC after zoning, and before building permit
R-4	Exterior yard, 15 feet or average setback of D.U.'s on same street; not in visibility triangle	Interior yard, 5 feet; or none where buildings are joined by firewall or 10-foot easement is given on adjacent property		No minimum	One principal building or house and duplex: 5,000 sq. feet 3 or more D.U., see article IV, section 2.1.8.C.3.c	As required by health department	For multi-dwelling structures or developments: 400 sq. feet usable open space per D.U.	35 feet. See article V, section 5.	Not required
O-1	25 feet	Residential uses, see R-2; nonresidential uses adjoining residential district, 20	30 feet	Residential 75 feet or 100 feet; see R-2	Residential uses, same as R-2; others no minimum	As required by health department	35%, nonresidential; 30%, residential; see article IV, section	See article IV, section 2.2.1.E	Not required

		feet; others, 15 feet; see article IV, section 2.2.1.D.2					2.2.1.D.5		
O-2	R-2 uses—same as R-2; offices of clubs, lodges, etc.—same as O-1; public uses to be in accordance with the recommendations of the planning commission								Not required except for public uses
O-3	25 feet	20 feet adjoining R-1 district, otherwise same as adjoining district		No minimu m	No minimum	As required by health department	35%	35 feet	Not required
C-1	25 feet	See article IV, section 2.2.4.D.2.a, b, c	30 feet (may include alley and service court)	No minimu m	No minimum	As required by health department	35%	35 feet. See article V, section 5.	Not required except for certain uses on review
C-2	5 feet first story	0 feet	0 feet	No minimu m	No minimum	Not applicable	See article IV, section 2.2.5.E.3	Unlimi ted	Not required
C-3	25 feet	25 feet if adjacent to residential district, otherwise none required	Commer cial, 30 feet if serviced from rear; 15 feet adjoinin g residenti	No minimu m	No minimum	As required by health department	75%	45 feet. Office buildin gs, 90 feet. See article V, section	Not required

			al district; all other cases, none					5.	
C-4	On arterial street, 50 feet; all other streets, 35 feet	Adjacent to residential district, 50 feet; all others, 12 feet	Adjacent to residential district, 50 feet; building serviced from rear, 30 feet; all others, 10 feet	No minimum	Floor area ratio, maximum 1.60		Governed by maximum 1.60 floor area ratio; see article IV, section 2.2.7.F		Not required
C-5	Same as C-4 district above			No minimum	Floor area ratio, maximum 1.20		Governed by maximum 1.20 floor area ratio; see article IV, section 2.2.8.F		Not required
C-6	25 feet, or 60 feet from site boundary if adjoining residential area	0 feet, or 60 feet from site boundary if adjoining residential area		No minimum	Maximum floor area ratios: <ul style="list-style-type: none"> <li>• One-story structures: 0.50 FAR</li> <li>• Two-story structures: 1.00 FAR             <ul style="list-style-type: none"> <li>• Three-story structures: 1.50 FAR</li> </ul> </li> <li>• Four-story structures: 2.00 FAR</li> <li>• 0.25 added to FAR for each additional story</li> </ul>		Governed by floor area ratio; see article IV, section 2.2.9.D		Detailed site plan review and approval by planning commission staff is required
C-7	See article IV, section 2.2.10.D			No minimum	No	As required by health	See article IV, section	90 feet.	Plan approval

			m	minimum	department	2.2.10.D	See article V, section 5.	I by design review board prior to issuance of building permit
SC-1, SC-2, SC-3	25 feet from all streets; all buildings, 25 feet from residential district line	30 feet (may include alley or service court)	No minimum	No minimum	As required by health department	20%	35 feet. See article V, section 5.	Detailed site plan review and approval by MPC is required
PC-1	25 feet	Not required	No minimum	No minimum	As required by health department	50%	No minimum	Detailed site plan review and approval by MPC is required
PC-2	25 feet	Not required	No minimum	No minimum	As required by health department	50%	No minimum	Detailed site plan review and approval by MPC is required
H-1	See article IV, section 5.1							Plan approval by historic

									zoning commission before building permit issued
I-1	25 feet	30 feet; or 50 feet adjacent to residential district (See Note 7)		No minimum	No minimum	As required by health department	30%	35 feet. See article V, section 5.	Same as SC-1
I-2	25 feet	The greater of: 10 feet or ½ building height	The greater of: 10 feet of ½ building height; 50 feet adjacent to residential district (See Note 7)	No minimum	No minimum	As required by health department	50% all buildings and loading facilities	45 feet. See article V, section 5.	Not required
I-3	35 feet	25 feet, or 75 feet adjacent to residential district	25 feet, or 50 feet adjacent to residential district (See	No minimum	No minimum	As required by health department	80% all buildings, off-street parking and loading facilities	45 feet. See article V, section 5.	Not required

			Note 7)						
I-4	75 feet; offices, 50 feet	50 feet, or 100 feet adjacent to residential district	30 feet, or 75 feet adjacent to residential district (See Note 7)	No minimum	No minimum	As required by health department	80% all buildings and off-street parking and loading	55 feet. See article V, section 5.	Not required except for certain uses on review
F-1	See article IV, section 3.10								
BP-1	50 feet	40 feet	30 feet	No minimum	No minimum	As required by health department	Governed by ground area coverage, not to exceed 0.25	Governed by floor area ratio, not to exceed 0.30. See art. IV, section 3.10.F	Not required except for certain uses on review
TO-1	Requirements are to be in accordance with any recommendations of the Tennessee Technology Corridor Development Authority (TTCDA) pursuant to its adopted design guidelines and with base zoning district requirements in effect at the time of Technology Overlay zoning or as subsequently amended.								
NC-1	See article IV, section 5.2.C.								
TND-1	See article IV, section 3.11.D and E.								

Notes:

1. Churches and other main and accessory buildings—Thirty-five (35) feet.
2. Churches and other main and accessory buildings—Thirty thousand (30,000) square feet.
3. Unattached accessory buildings—Eight (8) feet; more than ninety (90) feet—Behind front line five (5) feet.
4. More than one (1) story—Twelve (12) feet each side.
5. Lot area requirement may be reduced two hundred (200) square feet per parking space provided within the main building.
6. Unattached accessory buildings—Five (5) feet.
7. No rear yard required where lot abuts existing or proposed railroad right-of-way or spur.

(Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-111-08, § 1, 5-20-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-9-2015, §§ 5—10, 1-20-15)

**Note**— Former Art. III, § 4.

## 2.6 - Summary of Permitted Uses

This section reserved for future table.

(Ord. No. O-70-09, § 1, 5-5-09)

## **Section 3 - Planned Development Districts**

### 3.0. - General provisions.

*3.0.1. Introduction.* Planned development districts allow development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the basic district provisions of this article. As part of the zoning approval process, public review and metropolitan planning commission approval of development plans are required prior to any development. The planned development district may permit a greater mixing of land uses not easily accomplished by the application of basic district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and public services. In return, the planned development district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

*3.0.2. Permitted land uses.* Permitted uses within planned development districts are set forth for each specific district at subsection 3.1 through 3.12.

*3.0.3. Dimensional requirements.* Dimensional requirements within planned development districts are set forth for each specific district at subsection 3.1 through 3.12. In many planned development districts, dimensional requirements may be established by the planning commission at the time of development plan approval in accordance with the procedures specified by the planned development district.

*3.0.4. Additional requirements.*



- A. *Development plan review.* All development is subject to development plan review as set forth in article 7, administration and enforcement.
- B. *Design requirements.* Design requirements within planned development districts are set forth for each specific district at subsection 3.1 through 3.12. Additional design requirements or conditions may be imposed by the planning commission at the time of development plan review and approval in accordance with the procedures specified for planned development districts.

(Ord. No. O-70-09, § 1, 5-5-09)

### 3.1. - RP-1, RP-2, and RP-3 planned residential districts.

- A. *General description.* The regulations established in this section are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, education, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, a new RP-1, RP-2, or RP-3 planned residential district may be created to be developed specifically as planned unit development.

District regulations shall be as outlined in this section and shall be the same for RP-1, RP-2, and RP-3 districts except for the overall population density permitted in each district.

Each planned unit development shall be compatible with the surrounding or adjacent districts. Such compatibility shall be determined by the planning commission by review of development plans for the district.

Commercial uses may be permitted in a planned unit development which contains not less than twenty (20) acres, as hereinafter provided.

#### Aa. *Permitted uses.*

- 1. Wireless communications facilities, subject to the provisions of article V, section 20.

- B. *Permitted principal and accessory uses structures.* The following uses, buildings, and structures are permitted subject to use on review development plan approval:

- 1. Houses, including attached houses.
- 2. Duplexes.
- 3. Multi-dwelling structures or developments. The number of dwelling units permitted shall be determined by multiplying the net development area by the allowable density for the district according to article IV, section 3.1.E, population density.

Net development area shall be determined by subtracting the area set aside for nonresidential or recreational uses from the gross development area and deducting fifteen (15) percent of the remainder for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.

- 4. Accessory uses, subject to the provisions of article V, section 4.
- 5. Accessory buildings and structures, subject to the provisions of article V, section 4, with building coverage that does not exceed the building coverage of the principal building. For buildings and structures accessory to houses (including attached houses) and duplexes, the building coverage shall be subject to the provisions of article V, section 4.C.
- 6. Personal gardens.
- 7. Community gardens.

Notwithstanding the definition of "House" in article II, two (2) or more houses can be located on a lot when approved in accordance with the regulations of the RP-1, RP-2, and RP-3 districts.

C. *Uses and structures permitted on review.*

1. Commercial and office uses: Commercial establishments as set forth in article IV, section 3.2., subsection B.1, and business and professional offices subject to the following conditions:
  - a. Prior to any occupancy permits being issued for a commercial or office use, occupancy permits for not less than one hundred (100) dwelling units shall have been issued within the project. However, upon receipt by the building official of a written request from the developer requesting an inspection of progress of the development, the building official may issue occupancy permits for commercial and office uses, if all structural elements of exterior and interior walls shall have been completed for the required minimum number of dwelling units.
  - b. One (1) acre may be set aside for commercial and office development for each one hundred (100) dwelling units in the development.
  - c. Commercial and office development shall have architectural design compatible with surrounding residential development as determined by the planning commission.
  - d. The following landscaping requirements shall apply for commercial and office uses within planned residential districts:
    - (1) When parking areas are not enclosed within a structure, they shall be screened by evergreen planting that will obtain a minimum height of five (5) feet within a period of one (1) year. For each ten thousand (10,000) square feet, or fraction thereof, a minimum of five hundred (500) square feet of landscaping shall be required.
    - (2) For each five thousand (5,000) square feet of parking area, a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.
    - (3) All yards not being utilized for parking, driveways, or service areas shall be left in natural vegetation or landscaped in a manner acceptable to the planning commission.
    - (4) Loading, unloading and service areas shall be screened with evergreen planting that shall obtain a height of five (5) feet within a period of one (1) year.
  - e. Other requirements concerning commercial and office development may be imposed by the planning commission when it can be demonstrated that it is in the public interest to do so.
2. Recreation uses: Recreation uses may include a community center, a golf course, a swimming pool, or parks, playground or other public recreational uses. Any structure involved in such uses shall have a twenty-five-foot setback from all property lines. The amount of land set aside for permanent usable open space and recreational use shall be fifteen (15) percent of the gross development area.
3. Education use: Elementary, junior high, high schools, and educational uses of a similar nature as determined by the planning commission.
4. Community facilities: Community facilities such as libraries, museums, churches and other religious institutions, private day nurseries, and kindergartens as regulated in article V, section 3, and nonprofit clubs such as country clubs, swimming and/or tennis clubs.
5. Assisted living facility.
6. Buildings and structures accessory to houses and duplexes, subject to the provisions of article V, section 4.C and D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for any single accessory building as a permitted.
7. Market gardens.

D. *Area regulations.* All buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:

1. *Front yard.*

a. The front yard setback for all structures shall be determined by the planning commission.

2. *Periphery boundary.* All buildings shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet, with two (2) feet additional for each floor above two (2), except that within the Hillside and Ridgetop Protection Area as established by the Hillside and Ridgetop Protection Plan this requirement shall not apply to any periphery boundary setback that is also a front yard setback.

3. *Default minimum setbacks.* For situations when there are no building setbacks specified on approved development plans and when not controlled by a periphery boundary setback, the minimum setbacks for main structures will be as follows:

Front: Not less than twenty-five (25) feet.

Side: Not less than five (5) feet.

Rear: Not less than fifteen (15) feet.

Accessory structures, when not controlled by the periphery boundary setback, shall be subject to the minimum accessory structure setbacks of the R-1 zoning district.

E. *Population density.*

1. *RP-1 district:* Allowable population density shall be twenty-four (24) dwelling units per net acre.

2. *RP-2 district:* Allowable population density shall be forty (40) dwelling units per net acre.

3. *RP-3 district:* Allowable population density shall be eighty (80) dwelling units per net acre.

F. *Off-street parking.* As regulated in article V, section 7.

G. *Administrative procedure for a planned residential development.*

1. The planning commission may recommend establishment of an RP-1, RP-2, or RP-3 district or an application may be made to the planning commission for rezoning to RP-1, RP-2, or RP-3 in accordance with the regulations set forth in article VII, section 6, of this ordinance.

2. No building permit shall be issued for development of any property within an RP-1, RP-2, or RP-3 district until a written application for review and approval of the development plan has been filed with the planning commission. Said application shall be made in conformity with article VII, section 5, of this ordinance and shall be accompanied by the following information:

a. The application must be accompanied by an overall development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, school sites, and other open spaces, with such other pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements different from those ordinarily applicable under this ordinance.

b. Where several buildings are to be constructed, architectural sketches and data should be provided to insure an aesthetically acceptable design for all buildings.

c. Application for an apartment development shall include a general architectural layout and design showing the number and size of apartments, the location and extent of public facilities, and a description of the type of construction.

d. The proposed development plan shall be prepared by a recognized architect, landscape architect, or engineer.

3. The planning commission shall renew the proposed development and may give approval, request modification, or reject the proposed development:
  - a. The planning commission shall review the conformity of proposed development recognizing principles of civic design, land use planning and landscape architecture.
  - b. The planning commission may impose conditions regarding layout, circulation and performance of the proposed development, and may require that appropriate deed restriction be filed.
  - c. The tract or parcel of land involved must be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.
  - d. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood, and must provide standards of open space and areas for parking adequate for the occupancy proposed. It must include provisions for recreation areas to meet the needs of the anticipated population.
  - e. No building permit shall be issued until the development plan is approved by the planning commission. No occupancy permit shall be issued until the building inspector has determined that the project as constructed meets all the requirements of the approved plan.
4. Minor revisions or adjustments to the structural footprints of approved development plans may be approved by the MPC executive director or designee provided such changes:
  - Do not alter the basic relationship of the proposed development to adjacent property;
  - Do not alter the uses permitted;
  - Do not increase the maximum density;
  - Do not increase the amount of off-street parking; and
  - Do not reduce the minimum yards or setbacks.

Such requests shall be accompanied by an amended overall plan which clearly indicates all revisions, additions, and modifications.
5. The planning commission shall approve revisions or deviations that increase intensity of the development, or substantially alters the structural arrangement of the approved development plan that can not meet the above requirements. Such applications shall be made in accordance with article VII, section 5, of this ordinance and shall be accompanied by an amended overall plan which clearly indicates all revisions, additions, and modifications.
6. Applications for variance from approved development plans shall not be considered by the city board of zoning appeals.

(Ord. No. 5209, 8-17-71; Ord. No. 5397, 8-15-72; Ord. No. O-89-78, § 1, 6-27-78; Ord. No. O-121-83, § 1(A), 8-2-83, Ord. No. O-72-84, § 1(a)—(f), 4-24-84; Ord. No. O-97-85, § 1, 6-18-85; Ord. No. O-231-94, § 1(VII), 6-21-94; Ord. No. O-526-94, § 1(VI), 12-6-94; Ord. No. O-574-94, § 1, 12-20-94; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-144-05, § 1, 6-21-05; Ord. No. O-284-05, § 1, 12-20-05; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-119-2012, § 1, 7-24-2012; Ord. No. O-126-2015, §§ 5, 6, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 4a.

3.2. - SC-1 neighborhood shopping center district.

- A. *General description.* This commercial district is intended for a unified grouping, in one (1) or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the neighborhood shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.
- B. *Uses permitted.* Property and buildings in an SC-1 neighborhood shopping center district shall be used only for the uses enumerated below; provided, however, that these uses shall be located in a unified shopping center which shall have not less than five (5), or more than twenty (20) shops and stores, at least one (1) of which should be an anchor tenant of not less than ten thousand (10,000) square feet of gross floor area. The shops and stores of the shopping center shall have a combined total gross floor area of not less than twenty thousand (20,000) square feet or more than one hundred thousand (100,000) square feet. The anchor tenant shall comprise no greater than fifty (50) percent of the total floor area of the shopping center.
1. Any of the following uses shall be permitted:
    - Antique shops
    - Apparel and shoe store
    - Appliance store
    - Art gallery and frame shop
    - Artist supplies
    - Auction houses (excluding livestock, auction within enclosed building).
    - Bank
    - Barbershop
    - Beauty shop
    - Book or stationery store
    - Call centers
    - Camera shop
    - Catering establishment
    - Church
    - Cleaning and pressing establishments
    - Community garden
    - Drugstore
    - Eating and drinking establishments, brewpubs
    - Florist shop

Furniture store  
Gift shop  
Grocery store or supermarket  
Hardware store  
Hobby store  
Jewelry store  
Liquor store  
Mailing service  
Market garden  
Music store  
Newsstand  
Office and school supply store  
Optometrist, sales and service  
Package store  
Paint and decorating shop  
Personal garden  
Pet shop  
Photographic studio  
Radio and television sales and service  
Self-service laundry  
Sewing machine sales and service  
Shoe repair shop  
Specialty food store  
Sporting goods sales  
Tailor or dressmaking shop  
Toy store  
Variety store

2. Office uses and dental and medical offices; provided, however, that the total gross floor area of all office uses, exclusive of those listed in subsection 1. above, shall not exceed twenty (20) percent of the gross floor area of the shopping center.
3. Gasoline service station, provided that it is designed as an integral part of the shopping center building group. (See article V, section 11 for additional requirements.)

4. Signs, as regulated in article V, section 10, relating to the shopping center, the stores and shops and products sold therein. All business signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center.
  5. Accessory buildings and uses customarily incidental to the above uses.
  6. Material or goods which is actively being offered for sale may be temporarily displayed outside of a building for up to 90 days per year, provided that it shall not be displayed on a public street or right-of-way and it must be displayed by a merchant that is a permanent tenant of the shopping center.
  7. Any store or shop for retail trade or for rendering personal, professional, or indoor pet services which in the opinion of the planning commission will not be injurious to the district.
  8. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
  9. Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.
- C. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
1. *Yards.* It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, residential areas, and that ornamental screening from noise and light be provided where necessary; provided, however, that in no case shall the design of the shopping center provide less than the following standards:
    - a. All buildings shall [be] set back from all street right-of-way lines not less than twenty-five (25) feet.
    - b. Where the shopping center district abuts a residential district, no building shall be constructed less than twenty-five (25) feet from such district line.
    - c. There shall be a rear yard, alley, service court or combination thereof, of not less than thirty (30) feet in depth; and all of the service areas of all buildings shall be completely screened from public view with permanent ornamental screening materials.
  2. *Maximum lot coverage.* Buildings shall not cover more than twenty (20) percent of the site on which the shopping center is located.
- D. *Height regulations.* No building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5.
- E. *Off-street parking.* As regulated in article V, section 7.
- F. *Loading.* One (1) off-street loading space for standing, loading and unloading shall be provided for each twenty-five thousand (25,000) square feet of aggregate gross floor space for all buildings in this district. The appropriate dimensions of this space are at least fifty (50) feet in depth, twelve (12) feet in width and an overhang clearance of not less than fourteen (14) feet, exclusive of access, platform or maneuvering area. All truck loading and unloading facilities shall be designed with appropriate means of truck access to a street or alley, as well as adequate maneuvering area.
- G. *Screening and landscaping.* The shopping center shall be permanently screened from adjoining residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet. A landscaped area at least ten (10) feet in depth, exclusive of the sidewalk, must be provided along street frontage, and must be located between the curblin and a line parallel to and ten (10) feet inside the property line. The planning commission may waive the requirement for a screening enclosure and/or screening area if equivalent screening is provided by existing parks, parkways, recreation areas or by topography or other natural conditions.
- H. *Administrative procedures for shopping center development.* An application for development of a shopping center shall follow a two-step procedure for (1) the proper rezoning of land, and (2) review and approval of development plans.

1. An application for rezoning for a neighborhood shopping center may be required to include the following in addition to the requirements set forth in article VII, section 6 of this ordinance:
  - a. Reserved.
  - b. A general land use map of the surrounding neighborhood showing the relationship between the proposed shopping center and traffic arteries, public transportation, neighborhood land uses, available community services (sewer, water, etc.), general draining patterns and topographic features;
  - c. A sketch site plan of the proposed shopping center showing tentative building site, shape and location, general parking lot arrangement, access to public streets and patterns of ingress and egress.
2. A development plan of the shopping center shall be submitted to the planning commission for approval as a use permitted on review.
  - a. An overall development plan showing the use or uses, adjacent and intersecting streets, dimensions and locations of proposed streets, parking areas, buildings, service facilities, areas to be used for temporary outdoor merchandise display, signs and other spaces, with such other pertinent information as may be necessary to determine the contemplated arrangement and use.
  - b. Architectural sketches and data shall be provided to ensure an aesthetically acceptable design for all buildings, signs, and other structures.
  - c. A detailed landscaping plan showing location, species type, height, and caliper measure/container size of all proposed landscape materials.
3. Application for review and approval of WCF shall be subject to the provisions of article V, section 20.

(Ord. No. O-91-80, § 1, 6-24-84; Ord. No. O-121-83, § 1(F), 8-2-83; Ord. No. O-66-84, § 1, 4-24-84; Ord. No. O-483-92, § 1(C)(11), 11-24-92; Ord. No. O-495-94, § 1, 11-22-94; Ord. No. O-251-97, § 1, 6-17-97; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 7, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. No. O-43-2017, § 1, 3-28-17; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 12.

### 3.3. - SC-2 and SC-3 community and regional shopping center districts.

#### A. *General description.*

1. *Community shopping center.* The community shopping center is intended to be developed as a unified group of stores and shops with adequate off-street parking for customers and employees and with appropriate landscaping and screening. A community center should provide convenience goods and shopping goods in a wider range than a neighborhood center. It should serve a population of twenty thousand (20,000) to one hundred thousand (100,000) within ten (10) to twenty (20) minutes' driving time.
2. *Regional shopping center.* The regional shopping center incorporates the same unified design requirements as neighborhood and community centers. A regional center is intended to provide a full range of merchandise and services including apparel, furniture and home furnishings, variety and foods. A regional center should serve a population in excess of one hundred thousand (100,000) within a thirty-minute driving radius.

#### B. *Use descriptions.*



1. Community shopping center. In addition to the uses permitted in the SC-1 district, department stores and theatres, but not open air or drive-in theatres, as well as craft breweries, distilleries and wineries, and alternative financial services as regulated by article V, section 26, shall be permitted in the SC-2 community shopping center district. An SC-2 district community shopping center should have not less than fifteen (15) nor more than forty (40) shops and stores, at least one (1) of which shall be an anchor tenant. The anchor tenant should have not less than twenty-five thousand (25,000) square feet of gross floor area. The combined floor area of the shops and stores in a community shopping center should not be less than one hundred thousand (100,000) square feet. The total land area in an SC-2 shopping center district should not be less than fifteen (15) nor more than forty (40) acres.
2. Regional shopping center. A regional shopping center SC-3 district shall have the same permitted uses as a community center SC-2, but containing more than thirty (30) stores and shops. The anchor tenant should be one (1) or more full-line department stores. The leading tenant should have a gross floor area in excess of one hundred thousand (100,000) square feet, and the gross floor area of the combined stores and shops in the SC-3 shopping center should be in excess of three hundred thousand (300,000) square feet. The total land area for a regional shopping center should be in excess of forty (40) acres.

**Ba. Uses permitted.**

1. Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.

**C. Area regulations.**

1. *Yards.* Same as in the SC-1 neighborhood shopping center district.
2. *Maximum lot coverage.* Same as in the SC-1 neighborhood shopping center district.

**D. Height regulations; off-street parking; loading; screening, and landscaping.** Same as in the SC-1 neighborhood shopping center district.

**E. Administrative procedures for shopping center development.**

1. Application for rezoning for the SC-2 and SC-3 districts shall be the same as for the SC-1 district.
2. Application for review and approval of development plans for the SC-2 and SC-3 districts shall be the same as for the SC-1 district.
3. Application for review and approval of WCF shall be subject to the provisions of article V, section 20.

(Ord. No. 4696, 4-14-70; Ord. No. O-251-97, § 1, 6-17-97; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-116-2016, § 1, 7-19-16; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 13.

**3.4. - PC-1 retail and office park district.**

- A. *General description.* The PC-1 district is established to provide for the unified development of uses ranging from retail stores and services such as are found in neighborhood shopping centers and community shopping centers to businesses and professional offices. In the interest of promoting orderly design and development, the district regulations emphasize rational placement of activities, traffic and pedestrian circulation, access and parking, loading, landscaping, and the mitigation of adverse offsite impacts.

B. *Permitted uses.* The following uses shall be permitted as a part of a unified development within the PC-1 retail and office park district when deemed compatible with each other:

- (1) Dwellings on the second floor and above.
- (2) Hotels and motels.
- (3) Public utilities, as defined by article II.
- (4) Cultural activities and exhibits.
- (5) Indoor recreational establishments.
- (6) Retail sales, where the product is primarily displayed indoors.
- (7) Financial, insurance and real estate establishments.
- (8) Personal, business, professional and indoor pet services.
- (9) Accessory uses.
- (10) Signs, as regulated in article V, section 10.E.1, 2, and 12.
- (11) Gasoline service stations.
- (12) Eating and drinking establishments, brewpubs.
- (13) Medical facilities.
- (14) Governmental facilities.
- (15) Day nurseries and kindergartens, as regulated in article V.
- (16) Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
- (17) Call centers.
- (18) Personal gardens.
- (19) Community gardens.
- (20) Market gardens.
- (21) Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.

Ba. *Uses permitted on review.*

1. Marina, subject to the requirements set forth in article V, section 3.F.
2. Craft breweries, distilleries and wineries.
3. Craft bakeries.
4. Alternative Financial Services as regulated by article V, section 26.
5. Auction houses (excluding livestock, auction within enclosed building).

C. *Area regulations.*

- (1) *Lot coverage.* Any development may be divided into individual lots or building sites, provided that all buildings within the development shall not cover more than fifty (50) percent of the development's total area.
- (2) *Peripheral boundary.* Fifty-foot building setback shall be provided from the development boundary line or any public street or road existing prior to the development.
- (3) *Front yard.* Twenty-five-foot building setback shall be provided from streets created within the development.
- (4) *Side and rear yards.* No side or rear yards shall be required within the development.

- (5) *Minimum land area.* There shall not be less [than] five (5) acres within a retail and office park district.
- D. *Landscaping requirements.* A landscaping plan shall comply with the following requirements:
- (1) *Yards, open space and drainage areas.* Landscaped or maintained in preexisting vegetation with one (1) tree for each five thousand (5,000) square feet of yard or open space.
  - (2) *Peripheral boundary adjacent to residential zone.* A fifteen-foot-wide landscaped strip shall be maintained adjacent to residential zoning. Landscaped areas adjacent to residential zoning shall consist of evergreen plantings set ten (10) feet apart for trees and five (5) feet apart for shrubs. These plantings shall obtain a minimum height of eight (8) feet within a period of one (1) year.
  - (3) *Parking areas.*
    - a. Five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet or fraction thereof of paved parking area.
    - b. One (1) tree that will obtain a minimum height of forty (40) feet at maturity for each five thousand (5,000) square feet of parking area.
  - (4) *Loading and service areas.* Loading and service areas adjacent to the periphery boundary shall be screened with evergreen planting that will obtain a minimum height of eight (8) feet within a one-year period.
- E. *Required off-street parking, loading and vehicular access.* As regulated by article V.
- F. *Outdoor storage.* Outdoor storage is prohibited in any development.
- G. *Utilities.* Utility transmission lines within the development shall be placed underground.
- H. *Administrative procedure for a retail and office park district.*
- (1) The PC-1 district, as in other planned zones, shall follow a two-step procedure: (1) rezoning, and (2) use-on-review approval of the development plan.
  - (2) Building permits for any development shall not be issued within a PC-1 district until a development plan has been filed and approved. Said application shall be made in conformity with article VII of this ordinance and shall be accompanied by the following information:
    - a. An overall development plan showing the use or uses, dimensions and locations of proposed streets, buildings, parking areas and other improvements and facilities to be constructed within the development along with such other pertinent information, and restrictive covenants, as may be necessary to determine if the contemplated arrangement or use is desirable and applicable under this ordinance.
    - b. Data to insure an acceptable site design, including:
      1. The existing and proposed topographic character of the land.
      2. A proposed drainage plan, including drainage calculations.
      3. The location of proposed underground utilities.
      4. Dimensions, locations and proposed use of all buildings and facilities constructed or to be constructed within the development.
      5. A map showing street systems and lot lines.
      6. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development.
      7. A proposed parking design.
      8. Any required traffic impact studies.
      9. A landscaping plan.

- c. A statement of the purpose and function of the planned complex.
  - d. A statement identifying the type of operations permitted listing uses permitted or performance standards required in the development. If performance standards are proposed as criteria, a firm means of enforcing such standards must be included.
  - e. A list of uses prohibited in the commercial park, or a list of the type of uses or operations which would generally be considered to be incompatible with the purpose and function of the proposed development.
  - f. An architectural rendering specifying construction materials and a schedule for development phases. An architect or engineer for the development should approve such designs and construction plans.
- (3) The development plans shall be prepared by an architect, landscape architect or engineer registered in the State of Tennessee.
- (4) Protective covenants. All development plans shall include protective covenants for the planned commercial development. These covenants shall indicate the use and design of structures in the planned complex as well as establishing measures to protect occupants of the development from incompatible uses and structures. These covenants shall include but not be limited to:
- a. A statement of the purpose and function of the planned complex.
  - b. A statement identifying the type of operations permitted listing uses permitted or performance standards required in the development. If performance standards are proposed as the criteria, a firm means of enforcing such standards must be included in the covenants.
  - c. A list of uses prohibited in the commercial park, or a list of the type of uses or operations which would generally be considered to be incompatible with the purpose and function of the proposed development.
  - d. Site requirements, including minimum lot size, maximum site coverage and any front, side and rear yard requirements for the development.
  - e. Parking and loading requirements of the development insuring a standard at least equal to the minimum specified in article V of these regulations.
  - f. Restrictions on outdoor storage.
  - g. Landscaping requirements.
  - h. An architectural rendering specifying construction materials and a schedule for development phases. An architect or engineer for the development or an architectural review engineer for the development or an architectural review board should approve such designs and construction plans.
  - i. Sign control regulation for the development shall be specified, insuring that only the types of signs permitted in these regulations are allowed.
  - j. Any other consideration which may be established to better insure that the development is in accordance with the stated purpose and intent of the development.
- (5) The planning commission shall review the proposed development and shall approve, modify or deny the proposed development.
- a. The planning commission shall review the proposed development for conformity with principles of urban design, land use planning, landscape architecture, and the intent of the district.
  - b. The planning commission shall review the proposed development for conformity with district regulations, parking and access regulations, and landscaping requirements.

- c. The planning commission may impose conditions and restrict the location of physical improvements regarding layout, circulation and performance of the proposed development, consistent with the environmental sensitivity of the site and with surrounding development.
  - d. The site involved shall be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.
  - e. The proposed development shall be designed to produce an environment of stable and desirable character with adequate open space, and parking areas for the occupancy proposed.
- (6) No substantial deviation from the approved development shall be made without resubmittal and approval by the planning commission of an amended overall plan which clearly indicates all revisions, additions and modifications. Any significant increase in the size of structures, or significant change in the locations of structures, roads, or parking areas shall be considered a substantial deviation.
- (7) Application for review and approval of WCF shall be subject to the provisions of article V, section 20.

(Ord. No. O-78-90, § 1, 3-20-90; Ord. No. O-483-92, § 1(C)(12), 11-24-92; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-336-00, § 1, 7-25-00; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 11, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. No. O-116-2016, § 1, 7-19-16; Ord. No. O-43-2017, § 1, 3-28-17; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 13a.

### 3.5. - PC-2 retail and distribution park district.

- A. *General description.* The PC-2 district is established to provide for the unified development of uses ranging from those found in regional shopping centers to those found in distribution/light warehousing parks. Businesses within this district may cater to a variety of retail, wholesale and service trades and may require limited outdoor storage for materials and equipment. As with other planned commercial districts, emphasis is placed on rational placement of activities, traffic and pedestrian circulation, access and parking, loading, landscaping and the mitigation of adverse offsite impacts.
- B. *Permitted uses.* The following uses shall be permitted in a PC-2 retail and distribution park district when deemed compatible with each other:
- (1) Any use permitted in the PC-1 retail and office park district.
  - (2) Recreation establishments.
  - (3) Wholesale trade.
  - (4) Retail sales such as building materials, hardware, farm and construction equipment stores; truck, automotive, marine craft, and accessories sales and service centers.
  - (5) Warehousing and distribution center.
  - (6) Contractor's business offices such as building, electrical, paint or plumbing contractors, termite and pest control services.
  - (7) Self-service storage facilities.
  - (8) Recycling collection facility as an accessory use only as regulated by article V, section 18.B.

- (9) Personal gardens.
  - (10) Community gardens.
  - (11) Market gardens.
  - 12. Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.
- Ba. *Uses permitted on review.*
- 1. Marinas, subject to the requirements set forth in article V, section 3.F.
  - 2. Craft breweries, distilleries and wineries.
  - 3. Craft bakeries.
- C. *Area regulations.*
- (1) *Lot coverage.* Any development may be divided into individual lots or building sites, provided that all buildings within the development shall not cover more than fifty (50) percent of the development's total area.
  - (2) *Peripheral boundary.* Fifty-foot building setback shall be provided from the development boundary or any public street or road existing prior to the development.
  - (3) *Front yard.* Twenty-five-foot building setback shall be provided from streets created within the development.
  - (4) *Side and rear yards.* No side or rear yards shall be required within the development.
  - (5) *Minimum land area.* There shall not be less than fifteen (15) acres within a retail and distribution park district.
- D. *Landscaping requirements.* A landscaping plan shall comply with the following requirements:
- (1) *Yards, open space and drainage areas.* Landscaped or maintained in preexisting vegetation with one (1) tree for each five thousand (5,000) square feet of yard or open space.
  - (2) *Peripheral boundary adjacent to residential zone.* A fifteen-foot-wide landscaped strip shall be maintained adjacent to residential zoning. Landscaped areas adjacent to residential zoning shall consist of evergreen plantings set ten (10) feet apart for trees and five (5) feet apart for shrubs. These plantings shall obtain a minimum height of eight (8) feet within a period of one (1) year.
  - (3) *Parking areas.*
    - a. Five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet or fraction thereof of paved parking area.
    - b. One (1) tree that will obtain a minimum height of forty (40) feet at maturity for each five thousand (5,000) square feet of parking area.
  - (4) *Loading and service areas.* Loading and service areas adjacent to the periphery boundary shall be screened with evergreen planting that will obtain a minimum height of eight (8) feet within a one-year period.
- E. *Required off-street parking, loading and vehicular access.* As regulated by article V.
- F. *Outdoor storage areas.* Outdoor storage areas shall be located to the side or rear of buildings and screened to a minimum height of eight (8) feet.
- G. *Outdoor display.* All outdoor display areas in any development shall be located in the side or rear yard and shall be screened at the side and rear to a height of seven (7) feet.
- H. *Utilities.* Utility transmission lines within the development shall be placed underground.
- I. *Administrative procedure for a retail and distribution park district.*

- (1) The PC-2 district, as in other planned zones, shall follow a two-step procedure: (1) rezoning, and (2) use-on-review approval of the development plan.
- (2) Building permits for any development shall not be issued within a PC-2 district until a development plan has been filed and approved. Said application shall be made in conformity with article VII of this ordinance and shall be accompanied by the following information:
  - a. An overall development plan showing the use or uses, dimensions and locations of proposed streets, buildings, parking areas and other improvements and facilities to be constructed within the development along with such other pertinent information, and protective covenants, as may be necessary to determine if the contemplated arrangement or use is desirable and applicable under this ordinance.
  - b. Data to insure an acceptable site design including:
    1. The existing and proposed topographic character of the land.
    2. A proposed drainage plan, including drainage calculations.
    3. The location of proposed underground utilities.
    4. Dimensions, locations and proposed use of all buildings and facilities constructed or to be constructed within the development.
    5. A map showing street systems and lot lines.
    6. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development.
    7. A proposed parking design.
    8. Any required traffic impact studies.
    9. A landscaping plan.
  - c. A statement of the purpose and function of the planned complex.
  - d. A statement identifying the type of operations permitted listing uses permitted or performance standards required in the development. If performance standards are proposed as criteria, a firm means of enforcing such standards must be included.
  - e. A list of uses prohibited in the commercial park, or a list of the type of uses or operations which would generally be considered to be incompatible with the purpose and function of the proposed development.
  - f. An architectural rendering specifying construction materials and a schedule for development phases. An architect or engineer for the development should approve such designs and construction plans.
- (3) The development plans shall be prepared by an architect, landscape architect, or engineer registered in the State of Tennessee.
- (4) Protective covenants. All development plans shall include protective covenants for the planned commercial development. These covenants shall indicate the use and design of structures in the planned complex as well as establishing measures to protect occupants of the development from incompatible uses and structures. These covenants shall include but not be limited to:
  - a. A statement of the purpose and function of the planned complex.
  - b. A statement identifying the type of operations permitted listing uses permitted or performance standards required in the development. If performance standards are proposed as the criteria, a firm means of enforcing such standards must be included in the covenants.

- c. A list of uses prohibited in the commercial/distribution development or a list of the type of uses or operations which would generally be considered to be incompatible with the purpose and function of the proposed development.
  - d. Site regulations, including minimum lot size, maximum site coverage and any front, side and rear yard requirements for the development.
  - e. Parking and loading requirements of the development insuring a standard at least equal to the minimum specified in article V of these regulations.
  - f. Restrictions on outdoor storage.
  - g. Landscaping requirements.
  - h. An architectural rendering specifying construction materials and a schedule for development phases. An architect or engineer for the development or an architectural review board should approve such designs and construction plans.
  - i. Sign control regulation for the development shall be specified, insuring that only the types of signs permitted in these regulations are allowed.
  - j. Any other consideration which may be established to better insure that the development is in accordance with the stated purpose and intent of the development.
- (5) The planning commission shall review the proposed development and shall approve, modify or deny the proposed development.
- a. The planning commission shall review the proposed development for conformity with principles of urban design, land use planning, landscape architecture and the intent of the district.
  - b. The planning commission shall review the proposed development for conformity with district regulations, parking and access regulations, and landscaping requirements.
  - c. The planning commission may impose conditions and restrict the location of physical improvements regarding layout, circulation and performance of the proposed development, consistent with the environmental sensitivity of the site and with surrounding development.
  - d. The site involved shall be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.
  - e. The proposed development shall be designed to produce an environment of stable and desirable character with adequate open space, and parking areas for the occupancy proposed.
- (6) No substantial deviation from the approved development shall be made without resubmittal and approval by the planning commission of an amended overall plan which clearly indicates all revisions, additions and modifications. Any significant increase in the size of structures, or significant change in the locations of structures, roads or parking areas shall be considered a substantial deviation.
- (7) Application for review and approval of WCF shall be subject to the provisions of article V, section 20.

(Ord. No. O-79-90, § 1, 3-20-90; Ord. No. O-483-92, § 1(C)(13), 11-24-92; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-336-00, § 1, 7-25-00; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 11, 7-21-15; Ord. No. O-7-2016, § 1, 1-5-16; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 13b.



### 3.9. - I-1 Planned industrial district.

A. *General description.* This industrial district is intended to be located between light or heavy industrial areas and residential areas, or in locations which are served by major roads but are not feasible for light or heavy industrial developments because of proximity to residential uses. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open spaces, landscaping and parking areas. To these ends, development is limited to a low concentration; external effects are limited; and permitted uses are confined to those administrative, wholesaling, and manufacturing activities that can be carried on in an unobtrusive manner, and to certain facilities that are necessary to serve the employees of the district.

B. *Uses permitted.* Property and buildings in the I-1 planned industrial park district shall be used only for the following purposes:

1. A retail or service use only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof.

No residential use, except sleeping facilities required by caretakers or nightwatchmen employed on the premises shall be permitted in the I-1 industrial district.

2. Any of the following uses shall be permitted:

- a. Business signs as regulated in article V, section 10.

- b. Assembly of electrical appliances, electronic instruments and devices, radios and photographs, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.

- c. Research, experimental, or testing laboratories.

- d. The manufacturing, compounding, processing, packaging, treatment or fabrication of ceramics, cosmetics, clothing, jewelry, instruments, optical goods, pharmaceuticals and toiletries.

- e. The manufacturing, compounding, assembling or treatment of articles of merchandise from the following prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, iron, leather, paper, plastics, precious or semiprecious metals or stones, shell, steel, rubber, textiles, tin, tobacco, wood (except planing mill), and yarns.

- f. Utility substations, easements, rights-of-way and alleys, transportation easements, alleys, and rights-of-way.

3. Other assembly or limited manufacturing uses of a similar nature, when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the planning commission.

4. Buildings, structures, and uses accessory and customarily incidental to any of the above uses.

5. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.

6. Public, private and commercial athletic facilities, including facilities for training and instruction.

7. Call centers.

8. Craft breweries, distilleries and wineries.

9. Personal gardens.

10. Community gardens.

11. Market gardens.

12. Indoor pet services.

13. Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any obnoxious dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce any noise level occurring on the adjacent street. All storage shall be confined to the interior of buildings.

- Ba. *Uses permitted on review.* The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:
  1. Marinas, subject to the requirements set forth in article V, section 3.F.
  2. Breweries, distilleries and wineries.
  3. Indoor/outdoor pet services.
- C. *Prohibited uses and structures.* Dwelling units, including hotels and motels, except as provided under "uses permitted"; elementary or high schools, public or private; churches; yards or lots for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage, or secondhand building materials, wrecked automobiles, [or] secondhand automobile parts; salvage yards or junkyards; all uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in article V, section 1.
- D. *[Area regulations.]* The following requirements shall apply to all uses permitted in this district:
  1. Reserved.
  2. *Front yard.* All buildings shall [be] set back from all street right-of-way lines not less than twenty-five (25) feet.
  3. *Side yard.* No building shall be located closer than thirty (30) feet to a side yard lot line.  
The width of a side yard which abuts a residential district shall be not less than fifty (50) feet.
  4. *Rear yard.* No building shall be located closer than thirty (30) feet to the rear lot line.  
The depth of any rear yard which abuts a residential district shall be not less than fifty (50) feet; provided, however, that no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.
  5. *Maximum lot coverage.* Building coverage shall not exceed thirty (30) percent of the area of the lot.
- E. *Height regulations.* No building or structure shall exceed thirty-five (35) feet in height, except as hereinafter provided in article V, section 5, of these regulations.
- F. *Minimum off-street parking and loading requirements.* Dustproofed and properly drained off-street parking and loading facilities shall be provided in amounts sufficient to meet the needs of all persons associated with the development, either as employees, customers, suppliers or visitors, and as regulated in article V, sections 7 and 9.
- G. *Screening and landscaping.* All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in such a manner as to provide a park-like setting for the district.
- H. *Administration procedures for planned industrial park development.* Within the I-1 industrial park district, and in addition to the administration requirements set forth in article VII, no building or structure shall be erected or altered until and unless the following conditions have been complied with:
  1. There shall have been filed with and approved by the planning commission a written application for approval of a contemplated use within said district. The application shall be accompanied with the following information:

- a. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, and other necessary uses.
  - b. Preliminary architectural plans for the proposed building or buildings.
  - c. An estimate of the maximum number of employees contemplated for the proposed development and the number of shifts during which they would work. Also, a description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety and welfare of the area.
  - d. Engineering and architectural plans for the handling of any problems of the type outlined in item c. above, including a designation of sewers to be used, and necessary plans for controlling of smoke or other nuisances such as those enumerated under item c. above.
  - e. Any other information the planning commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing public services to the area. All sewage disposal systems and land requirements for such systems must be approved before a building permit is issued.
2. Application for review and approval of WCF shall be subject to the provisions of article V, section 20.

(Ord. No. 3491, 5-19-64; Ord. No. 5397, 8-15-72; Ord. No. 5465, 12-5-72; Ord. No. O-483-92, § 1(C)(14), 11-24-92; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-476-98, § 1, 9-8-98; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-40-08, § 1, 2-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 8, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 15.

### 3.10. - BP-1 business and technology park district.

- A. *General description.* This zone is intended to provide for a wide range of uses including professional, business, governmental, and medical offices and uses that rely on advanced scientific and engineering capability. It is intended to provide sites for the location of such enterprises in an attractive, park-like setting. To this end, development is limited to a low concentration; external effects are limited; and access road improvements, utility distribution, landscaping, buildings and other improvements shall be complementary and so designed as to enhance the natural environment. It is the intent of the provisions of this section to establish a district in which research facilities, pilot plants, prototype production facilities, and manufacturing operations requiring a high degree of scientific input will be permitted. It is the intent of this section that manufacturing operations permitted should be those requiring the application of research knowledge and activity continually or recurrently and as an integral part of the manufacturing process in contrast to such application only initially or infrequently as in the case of mass production operations. It is the intent of this section that manufacturing operations permitted shall be those in which the input of science, technology, research, and other forms of concepts or ideas constitutes per unit of product a major element of value added by manufacture.
- B. *Minimum size of zone.* In order to achieve the above intent an area of sufficient size to permit a spacious design and coordinated arrangement of buildings and facilities is necessary. Therefore, no BP-1 business and technology park district may be created which has an area of less than five (5) acres.

- C. *Uses permitted.* The following uses may be permitted by approval of a development plan that indicates they are within the intent of this zone as described in paragraph A. above and that they comply with the development standards of paragraph M. These performance standards, like all other provisions of this ordinance, are continuing obligations and all uses must continue to operate in compliance with the standards.
- (1) Professional, business, governmental and medical offices in which no activity is carried on catering to retail trade with [the] general public, and no stock of goods is maintained for sale to customers, except as may be allowed under paragraph C.(9) of this section.
  - (2) Hospitals, clinics, medical and dental offices, and veterinary clinics.
  - (3) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders.
  - (4) Research, experimental or testing laboratories.
  - (5) The manufacturing, compounding, processing, packaging, treatment or fabrication of ceramics, instruments, optical goods and pharmaceuticals.
  - (6) The manufacturing, compounding, assembling or treatment of articles of merchandise from prepared materials.
  - (7) Utility substations, easements, transportation rights-of-way and alleys.
  - (8) Other assembly or limited manufacturing uses, of a similar nature, when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the planning commission.
  - (9) Retail commercial uses may be approved as part of the overall development proposal, subject to the following conditions:
    - a. Minimum parcel size for the total development plan shall be twenty (20) acres.
    - b. Retail uses shall not exceed ten (10) percent of the total floor areas of the approved development plan.
    - c. Only the following retail uses shall be permitted, provided that there shall be no sales, display or storage of merchandise outside of a fully enclosed building:
      1. Banks and credit unions.
      2. Barber shops and beauty salons.
      3. Book stores.
      4. Camera and photography supply stores, including film processing.
      5. Clothing stores.
      6. Drug stores.
      7. Dry cleaners.
      8. Employment services.
      9. Florists.
      10. Food stores, including convenience stores without gasoline pumps.
      11. Gift stores.
      12. Toy stores.
      13. Jewelers.
      14. Restaurants, without drive-through facilities.

15. Sales of office supplies, office equipment, and computers.
  16. Sporting goods stores.
  17. Accessory uses customarily incidental to any of the above uses, including commercial and recreational uses associated with and maintained primarily for the uses permitted above.
- d. Building permits for retail commercial development may not be issued until certificates of occupancy have been granted for nonretail uses equal to ten (10) percent of the total floor area of the approved development.
- (10) Order processing centers for goods or services, including television home shopping networks, call centers and internet and catalog order processing centers, corporate and business offices, order fulfillment operations and related receiving, warehousing and distribution of goods for sale to customers and incidental on-premises sales subject to the following conditions:
- a. Floor areas devoted to on-premises, over-the-counter sales to walk-in customers, shall not exceed ten (10) percent of the total floor area of the approved development plan.
  - b. On-premises sales may be permitted at special events no more than five times during any calendar year.
- (11) Hotels and motels, subject to the standards and requirements of paragraph C.(9) of this section.
- (12) Personal gardens.
- (13) Community gardens.
- (14) Indoor pet services.

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any obnoxious dust or smoke, or noxious odor or fumes outside of the building housing the operation or produce any noise level occurring on the adjacent street. Operations shall cause no radiation or radioactivity at any exterior wall and no electrical radiation that affects any operation or equipment other than those of the creator of the radiation. All storage shall be confined to the interior of buildings.

Ca. *Uses permitted.*

1. Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.

D. *Uses permitted on review.* The following uses may be permitted by the metropolitan planning commission as a use on review in accordance with the provisions of this section and of article V, section 3 and article VII, section 5 of this ordinance:

1. Residential uses.
2. Commercial telecommunications towers.
3. Market gardens.
4. Indoor/outdoor pet services.

E. *Area requirements.* The following requirements shall apply to all parcels within a BP-1 business and technology park district and to all uses permitted in this zone:

1. *Peripheral boundary.* All buildings or structures shall be set back from the peripheral boundary of a BP-1 business and technology park district not less than fifty (50) feet.
2. *Front, side and rear yard.* Front, side and rear yard setbacks shall be determined by the planning commission, with the approval of a development, as described under paragraph K, except that a rear yard setback shall be fifty (50) feet where such yard coincides with the peripheral boundary setback.

3. *Minimum lot size.* The minimum lot size shall be one (1) acre.
- F. *Maximum lot coverage and height of building.* The maximum lot coverage and height of building shall be determined by the planning commission, with the approval of a development plan, as described under paragraph K.
- G. *Landscaping regulations.* The following requirements shall apply in this zone:
- (1) *Required yard.* Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in such a manner as to provide a park-like setting for the district.
  - (2) *Parking areas.* Parking areas shall contain five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area. Parking areas located closer than fifty (50) feet to public rights-of-way or adjacent property lines shall be screened by evergreen planting that will obtain a minimum height of five (5) feet at maturity. For each five thousand (5,000) square feet of parking area a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.
- H. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.
- I. *Signs.* In a BP-1 business and technology park district, the following regulations shall apply:
- (1) Each development shall be limited to one (1) freestanding sign of not more than one hundred (100) square feet and not exceeding six (6) feet in height. For double-faced signs, a maximum of fifty (50) square feet will be permitted per side.
  - (2) One (1) face [flat] sign will be permitted per building at one (1) square foot of sign space for each foot of building road frontage up to a maximum of one hundred (100) square feet per building. Sign shall not project above parapet wall.
  - (3) Additional signs may be permitted if approved by the planning commission provided that scale drawings of the signs indicate they will not detract from the attractive, park-like character of the zone; and that the development plan clearly shows that because of unusual topography, building locations and relationships or developments with multiple structures, additional signs are essential to inform and direct the public.
  - (4) No sign may have flashing, intermittent or animated illumination.
- J. *Off-street parking.* As regulated in article V, section 7, except that parking shall not be permitted in the required front yard.
- K. *Application procedures for BP-1 business and technology park developments.* Within the BP-1 business and technology park district zone no building or structure shall be erected or altered until and unless there shall have been filed with and approved by the planning commission a written application for approval of a plan for the contemplated development within said district. The application shall be accompanied with the following information:
- (1) A description of all operations proposed in sufficient detail to show that the proposed uses are within the intent of the BP-1 business and technology park district as described in A. above and to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety, and welfare of the area.
  - (2) A development plan indicating the following: location of present and proposed buildings, loading docks, driveways, parking lots, other accessory uses, existing wooded areas, proposed landscaping, and trash disposal areas.
  - (3) Preliminary architectural plans for the proposed building or buildings.
  - (4) An estimate of the maximum number of employees contemplated for the proposed development and the number of employees per shift.

- (5) A storm drainage plan which includes accurate existing and proposed watercourses; the system of open channels, pipes, culverts, drains, inlets, catchbasins, and similar facilities designed to handle stormwater in times of rainstorms, the calculations used in the design of such systems and the easements required in the construction and maintenance of the drainage system and meeting all requirements of city engineering.
  - (6) Other engineering and architectural plans for the handling of any problems of the type outlined in the above paragraphs, including a designation of sewers to be used and necessary plans for controlling smoke or other nuisances.
  - (7) Any other information the planning commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing public services to the area. All sewage disposal systems and land requirements for such systems must be approved before a building permit is issued.
- L. *Approval of individual site plans after approval of overall development plan.* The metropolitan planning commission may approve an overall development plan for a business park comprising an area of twenty (20) acres or more, subject to administrative review and approval of plans for development of individual sites or parcels within the park by the MPC staff.
- (1) In lieu of site specific plans, as referenced in paragraph (K.), the overall development plan shall provide design standards for landscaping and architectural features in sufficient detail to allow the planning commission to determine that the development would comply with the intent of the BP-1 business and technology park zone.
  - (2) In administratively reviewing plans for specific sites, the staff shall approve any site plan that complies with the above-referenced design standards, the overall development plan approved by the planning commission, and the requirements of the City of Knoxville zoning and subdivision regulations. MPC staff decisions may be appealed to the planning commission. Anyone aggrieved by a decision of the planning commission may appeal such decision to the city council, pursuant to article VII, Section 5 and Section 6, of these regulations.
- M. *Standards for approval.* The metropolitan planning commission shall approve, approve with conditions, or deny the development plan based on the following standards:
- (1) Roads, driveways, parking lots and curb cuts are designed so as to promote safe and efficient movement of vehicular traffic.
  - (2) The development will comply with all applicable requirements of the performance standards, as described under article V, section 1.
  - (3) The development will comply with all dimensional and area requirements and requirements for landscaping, parking, signs and utilities contained in this section.

(Ord. No. O-78-89, § 1, 5-2-89; Ord. No. O-157-93, § 1, 3-30-93; Ord. No. O-629-98, § 1, 12-15-98; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-80-05, § 1, 3-29-05; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-50-2013, § 1, 4-2-13; Ord. No. O-126-2015, §§ 12, 13, 7-21-15; Ord. No. O-219-2015, § 1, 11-24-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 20.

### 3.11. - TND-1 traditional neighborhood development district.

- A. *General description.* This district is established to foster the development of comprehensively planned, pedestrian-oriented neighborhoods. This is to be accomplished by promoting a variety of land uses, housing types, and density, and by requiring skillful architectural and landscape design in creating buildings and open spaces. This district is also created to avoid the negative impacts of

suburban sprawl by minimizing infrastructure costs, traffic congestion, and environmental degradation.

The design of the neighborhood should reflect the principles of noteworthy town development found in this country prior to the 1940s, including:

1. Architectural harmony, including compatibility in styles, materials, colors, and building size and setbacks;
2. Variety in housing types, density, and cost;
3. Parks, squares, and other common open spaces for residents to interact and recreate, and to provide a setting for the architecture of the development;
4. TND-1 sign regulations are to be found in article V, section 10, subsection H;
5. Neighborhood centers and civic spaces, which, depending on the scale of the development, can include places to shop, work, learn, or worship;
6. An interconnected street system which:
  - a. On generally level terrain (slopes less than ten (10) percent; ten-foot rise in one hundred (100) feet vertical distance) is based on a modified grid system, especially when located next to the blocks of Knoxville's pre-1940 neighborhoods; or
  - b. On rolling to moderately slope terrain (ten (10) to twenty-five (25) percent slope) is composed of interconnecting, curvilinear streets, designed to conform to the topography. This approach may be applicable in suburban areas where the surrounding development has curvilinear streets.
7. Sidewalks, street trees, and substantial on-street parking, providing distinct separation between pedestrians and traffic;
8. Streets and sidewalks that are spatially defined by buildings in a regular pattern; unbroken by parking lots;
9. Traffic calming, including more narrow streets with shorter turning radii than suburban streets, and medians, circles and related features along prominent streets;
10. Lighting which is designed for safe walking and signage which has a pedestrian-orientation; and
11. A system of land subdivision and development which links one neighborhood to another and can logically be extended.

The publications, "Traditional Neighborhood Development Principles" (available through the Knoxville Knox County Metropolitan Planning Commission), and *New Urbanism: Comprehensive Report and Best Practices Guide* (3rd or subsequent editions), provide illustrations for development associated with this section of the ordinance and may be used in evaluating development proposals. The commission may recognize other traditional neighborhood development guidelines for development plan review in the future.

B. *Permitted principal and accessory uses and structures.* The following uses, buildings, and structures are permitted subject to use on review development plan approval:

1. Houses;
2. Attached houses;
3. Duplexes;
4. Multi-dwelling structures or developments;
5. Garage apartments or accessory dwelling units (having a unit size which shall not exceed six hundred (600) square feet);



6. Open space, including parks, squares, greens and other recreational uses (as provided for in the following section);
7. Commercial and office uses (as provided for in the following sections);
8. Civic and religious buildings (as provided for in the following sections);
9. Accessory uses, subject to the provisions of article V, section 4; and
10. Accessory buildings and structures, subject to the provisions of article V, section 4, with building coverage that does not exceed the building coverage of the principal building.
11. Personal gardens.
12. Community gardens.
13. Market gardens.

For houses, the ground floor area of the accessory building(s) shall not exceed six hundred (600) square feet. The accessory building(s) shall not exceed the number of stories of the principal structure. Accessory buildings for boats, recreational vehicles and other large items to be stored shall be in keeping with the dimensions outlined in this section.

**Ba. *Permitted principal and accessory uses and structures.***

1. Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.

**C. *Guidelines for use on review.***

1. *Commercial and offices uses.*
  - a. Property and buildings in the district shall be used for the following purposes: grocery stores, bakeries, arts and crafts, book and stationary stores, drug stores, barber/beauty shops, cleaning and processing collection stations, gift shops, self-service laundries, shoe shops (including repairs), similar uses which the planning commission finds to be appropriate, and business and professional offices.
  - b. The ground floor shall have door(s) and windows, covering at least fifty (50) percent of the front facade. Dwelling units can be constructed above the ground floor.
  - c. The total ground floor area of the commercial and office uses, including off-street parking areas, shall not exceed five (5) percent of the district, unless the planning commission finds that a larger commercial area would meet the grocery and other day-to-day shopping needs of an area which is underserved by a neighborhood shopping center.
  - d. Commercial and office development shall have an architectural design which is compatible with the design of residential buildings. The design of commercial and office buildings shall be included with the development plan (as outlined in subsection I).
  - e. Parking regulations for commercial and office uses are presented in section F.
2. *Open space, including parks, squares, greens and other recreational uses.*
  - a. Within a development no less than 15 percent of the total land, exclusive of land set aside for roads shall be devoted to common open space for recreation, conservation, and beautification purposes. At least seven and one-half (7.5) percent of the total land shall be devoted parks, greens and squares. Yards of residential, commercial, office uses are not to be considered common open space. In cases where a portion of the site is in a floodway or on steep slopes (twenty-five (25) percent or more), the planning commission may require additional common open space. The planning commission may require less open space in a development which is less than twenty (20) acres and in a pre-1940 neighborhood, if a neighborhood or community park (exceeding five (5) acres in size) is within one-quarter ( $\frac{1}{4}$ ) mile of the property. If a golf course or other large open space is to be created as part

of the TND development, at least seven and one-half (7.5) percent of the area outside of such recreational space, shall be devoted to parks, squares or greens.

- b. Common open space may be designed for active recreation, passive recreation, pathways (other than sidewalks), traffic circles, medians, and similar traffic calming features, conservation, or natural buffers.
- c. Provisions shall be made to ensure that no more than twenty (20) percent of the common open space will be devoted to paved areas and structures such as courts, or recreation buildings. Parking lots and on-street parking shall not to be located within or along the side of a street bordering parks, greens and squares.
- d. Use of the common open space shall be subject to use on review by the planning commission. All improvements shall be a part of the use on review documents approved by the planning commission.
- e. Land which has been environmentally damaged prior to final approval of the development by the planning commission as a result of soil removal, tree clearing or similar degradation shall not be accepted as common space unless and until the land is restored to a condition which the planning commission determines to be reasonable and appropriate to effect the purpose of this article. The planning commission may grant final approval for a development subject to such restoration of the common open space provided an appropriate performance bond is posted.
- f. Open space shall be protected against building development and environmental damage by conveying to the city, homeowners' association and/or a land trust, an open space easement restricting the area in perpetuity against any future building, and against the removal of soil, trees and other natural features, except as the planning commission determines is consistent with conservation or recreational purposes.
- g. All Type I houses, attached houses, and duplexes shall be located within one-eighth ( 1/8 ) mile of a park, green or common.

3. *Civic and religious uses.*

- a. Uses can include primary and intermediate schools, libraries, post offices, museums, auditoriums, recreation centers, satellite town halls, fire and police stations, day care facilities, or similar uses which the planning commission finds to be appropriate, and buildings for religious assembly.
- b. Buildings shall be designed to complement the architecture of their surroundings.
- c. Civic and religious buildings should be located at prominent locations, or serve as landmarks in the neighborhood, particularly at such focal points as the end of a street axis.
- d. The height of civic and religious buildings, excluding towers, steeples, or similar features shall not exceed forty-five (45) feet.
- e. All civic and religious uses are subject to use on review in keeping with the general standards of article V, section 3. The application shall include a site plan, depicting structure(s), parking, yard space, trees and other landscaping, recreational features and related pertinent information, and architectural rendering or elevation of the structure(s).
- f. Parking regulations for civic and religious buildings are presented in section F.
- g. The building location, dimensions, signage, setbacks and related area regulations shall be presented in and approved as part of the development plan.

D. *Area regulations.*

- 1. Size:
  - a. Minimum size:

- 1) In or adjacent to pre-1940 neighborhoods: Ten (10) acres;
  - 2) In other areas: Twenty (20) acres.
    - b. Exception: areas which are of less than ten (10) acres which are adjacent to and can be interconnected to an existing TND district can be developed under this section of the code.
2. The following table lists the site development regulations:

Regulation	Type I House 4,000— 6,999	Type II House 7,000— 14,000	Duplex	Attached House (a, b)	Commercial, Office, Multi-Dwelling Structure or Development	Civic or Institutional
Minimum Lot Size	4,000 square ft. 4,500 square ft. on corner lot	7,000	7,000	2,000 square ft. 2,500 square ft. on corner lot	3,500 square ft. 4,000 square ft. on corner lot	3,500 square ft. 4,000 square ft. on corner lot
Maximum lot size	6,999	14,000	14,000	4,000 square ft.	43,560 square ft.	c.
Minimum lot width	40', 45' on corner lot, 50' if a driveway is provided from the front of the property	50', 60' on corner lot, 50' if a driveway is provided from the front of the property	50'	20', 25' on corner lot	25'	c.
Maximum height	2½ stories/35'	2½ stories/35'	2½ stories/35'	2½ stories/35'	3½ stories/45'	3½ stories/45'
Minimum front yard setback	15' to habitable portion of the house	20'	20' to habitable portion of the units	5'	0', 15' (multi-dwelling structure or development)	c.
Maximum front yard setback	25' to habitable	30'	25' to habitable	10'	10', 15' (multi-dwelling)	c.

	portion of the house		portion of the units		structure or development)	
Minimum street side yard setback	8.5'	10'	10'	5'	5', 15' (multi-dwelling structure or development)	c.
Minimum interior side yard setback	3.5'	5'	5'	0'	0', 10' (multi-dwelling structure or development)	c.
Minimum rear yard setbacks: main building/accessory buildings	25'/5'	25'/5'	25'/5'	25'/5'	0', if adjoining other commercial; 10' if adjoining another use	c.
Maximum building coverage	65%	55%	55%	70%	70%	c.
Maximum impervious cover	75%	65%	65%	90%	90%, 65% (multi-dwelling structure or development)	90%
Permitted porch encroachment into front yard	6'	8'	8'	Not applicable	Not applicable (commercial, office); 8' (multi-dwelling structure or development)	No
Build to line (d), (e)	Yes	Yes	Yes	Yes	Yes	No

*Additional requirements:*

- a. For privacy the ground level of townhouses should be at least eighteen (18) inches above sidewalks.
  - b. The minimum number of stories in a townhouse shall be two (2) stories.
  - c. The dimensions and area requirements of civic and institutional buildings shall be established via a development plan and use on review.
  - d. Build-to line (defined): a line that shall be depicted along each street within a TND that references the vertical plane to which buildings shall generally be constructed.
  - e. When attached houses and type I houses are on the same block, the built-to-line may be adjusted to ensure that the front facades of these housing types are setback similar distances.
3. *Peripheral setbacks*: The minimum peripheral setback shall be twenty-five (25) feet.

E. *Housing density, composition, location, and related requirements.*

- 1. The overall housing density of all principal residential units shall not exceed eight (8) units per acre, based upon the land suitable for development, that is, land outside of floodplains and not on steep slopes (areas exceeding twenty-five (25) percent slope). The planning commission may require fewer overall residential units per acre, based on the surrounding patterns of development, adopted plans, traffic and environmental constraints, and related factors.
- 2. Composition and location of housing:
  - a. Houses shall comprise at least fifty (50) percent of the total number of residential units, such housing includes:
    - 1. Type I houses which are generally smaller units constructed on smaller lots and are subject to smaller area regulations (see subsection D). These houses should generally be located toward the core of the TND or near publicly-oriented open spaces.
    - 2. Type II houses which are placed on larger lots and require greater area and setbacks (see subsection D.)
  - b. Duplexes, attached houses and multi-dwelling structures or development shall comprise less than fifty (50) percent of the units. Residential dwelling units which are above commercial uses shall be considered multi-dwelling structures or development.
  - c. The location of the various types of units shall be depicted on the development plan submitted under subsection I.
  - d. At least thirty (30) percent of the housing shall be comprised of type I houses and attached houses.
  - e. On the development plan, a "build-to line" shall be depicted along each street, providing a guide for the location of the buildings to be created. In order to avoid monotonous design and to create privacy for houses and duplexes, there should be variation in the location of the front facade, bays and porches within five (5) feet of either side of the build-to line. Additionally, house and duplex designs shall not be repeated within five (5) buildings of each other.
  - f. Each house, attached house and dwelling unit within a duplex shall have a minimum of four hundred (400) square feet of private open space (such as backyard or court yard) to the rear of the dwelling beyond setbacks required in subsection D. Where topographic or other physical limitation inhibits compliance with this provision, balconies or similar private space may be considered in meeting this requirement.

F. *Parking regulations.*

- 1. *Residential parking*:
  - a. Houses require two (2) off-street parking spaces per unit.

- b. Attached house and duplexes require two (2) off street parking spaces per unit unless the planning commission finds that one (1) of the spaces per unit can be accommodated through on-street parking.
  - c. Off-street parking for townhouses shall be off an alley.
  - d. Garage doors which face the front of the property shall be placed twenty (20) feet beyond the setback of the principal structure. Exception: The planning commission may modify this requirement for no more than twenty (20) percent of the dwelling units in a development if warranted by topography or other environmental conditions.
  - e. The minimum lot width for detached houses with driveways from the front property line shall be fifty (50) feet.
  - f. Multi-dwelling structures or development require one (1) parking space for the first bedroom of a dwelling unit and one-half (0.5) parking space for each additional bedroom.
2. Parking provisions for nonresidential uses:
- a. Parking lots shall be located to the rear or side of buildings. Side parking lots shall account for no more than twenty-five (25) percent of parking, and shall be screened from sidewalks by a combination of low walls or fences and landscaping.
  - b. Parking lots and garages shall not abut a street intersection, the front yards of civic or religious buildings or multi-dwelling structures or development, shall not be adjacent to squares or parks, and shall not occupy space which terminates a T-intersection within the district or similar prominent point.
  - c. In view of the pedestrian-oriented nature of this district, the parking requirements for commercial, office and other nonresidential uses shall be fifty (50) percent of the number of spaces required for uses in article V, section 7.
  - d. In the case of commercial or office uses which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.
  - e. The required number of spaces for commercial and office uses may be further reduced by demonstrating the use of shared parking as in article V, section 7.
  - f. Parking lot landscaping shall be consistent with the provisions of subsection H.
  - g. If the developer desires additional customer parking for nonresidential uses, it shall be provided on grassy, pervious surfaces (reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.

All on-street parking shall comply with the guidelines for intersection sight distance, recognized by the Association of State Highway Transportation Officials.

**G. *Streets, utilities, alleys and sidewalks.***

- 1. The street network of the TND shall be connected to the existing streets, unless the planning commission determines that topography, requirements of traffic circulation or other considerations make such connections impractical. In suburban areas, TND streets should be laid out to allow extensions to future neighborhoods.
- 2. Travel lanes of local streets shall be no less than ten (10) feet wide.
- 3. Sidewalks shall be provided along both sides of each street. For pedestrian safety, sidewalks shall be separated at least seven (7) feet from the curb. To minimize crosswalk distances, a curb return radius of fifteen (15) feet shall be used on local streets. In pre-1940 residential areas, the sidewalks shall be at least five (5) feet wide. In creating a suburban TND, with a density less than three (3) dwelling units per acre, sidewalks shall be at least four (4) feet wide.

4. Alleys can provide parking access for residential properties, particularly in pre-1940 neighborhoods which traditionally had alleys. Alley rights-of-way shall be twenty (20) feet, with at least ten (10) feet of pavement. Alley pavement shall be built to the local street standard of the subdivision regulations for pavement thickness.
5. The average perimeter of all blocks within the district shall not exceed one thousand two hundred (1,200) feet. No block face shall have a length greater than four hundred (400) feet without a dedicated alley or pathway providing through access.
6. Utilities shall be placed underground and or shall run within alley easements.
7. Street lamps shall be installed on both sides of the street, no less than one hundred (100) feet apart.
8. The axis of the most significant streets shall have appropriate termination with either a public or quasi-public building, park, square or other open space or neighborhood commercial center.
9. Local residential street design speed and length:
  - a. Design speed: Twenty (20) miles per hour; and
  - b. General length: One-quarter ( $\frac{1}{4}$ ) mile without a break in orientation or other traffic calming measure.
10. Landscape provisions regarding streets are presented in subsection H.
11. The detailed design of streets and alleys which are to be publicly dedicated shall conform to the current edition of the Association of State Highway Transportation Officials Design Guidelines. It is recognized that there are a variety of streets that may be possible to design in a TND that are different from the preceding standards or those of the minimum subdivision regulations; approval of width, turning radius and related dimensions will be part of the use-on-review process, in consultation with city departments.

H. *Landscape regulations.*

1. Native shade trees which grow to a minimum height of forty (40) feet at maturity shall be planted along all streets at a maximum average spacing of thirty (30) feet on center. The trees shall have a minimum caliper of two and one-half ( $2\frac{1}{2}$ ) inches at the time of planting.
2. Trees shall be arranged and maintained at intersections and alley entrances to provide adequate visibility, avoiding conflicts between vehicles, bicycles, and pedestrians as recognized by Association of State Highway Transportation Official Guidelines.
3. For all parking lots with more than six (6) spaces, the landscaped area shall be comprised of a minimum of twenty (20) percent of the total parking lot area. One (1) native shade tree which grows to a minimum height of forty (40) feet at maturity shall be required for each three hundred (300) square feet of the above required open space. Native shade trees shall have a minimum caliper of two and one-half ( $2\frac{1}{2}$ ) inches at the time of planting.

I. Administrative procedure for traditional neighborhood development (TND-1) district.

1. The planning commission may recommend establishment of a TND district or an application may be made to the planning commission for rezoning of a TND district in accordance with the regulations set forth in article VII, section 6, of this ordinance.
2. No building permit shall be issued for development of any property within a TND district until development plan has been approved by the planning commission. Said application shall be made in conformity with article VII, section 5 of this ordinance and shall be accompanied by the following information:
  - a. The application must include an overall development plan showing the land uses, squares, parks, and other open spaces, lighting and the layout of all modes of travel and the features of the natural environment that will be preserved. A phased development plan, outlining the creation of roads, sidewalks, lighting, open space, utility and other

infrastructure and the sequence of land development, is required. Prototypical drawings and plans shall be included showing the footprints for the types of residential units and accessory structures, and section and plan views of streets and other modes of travel. Site plans and improvements shall be submitted for the common open space, including buildings, court spaces and other structural improvements which are proposed for parks, squares, greens or plazas. Other pertinent information may be required to determine the contemplated arrangement or use(s) which makes it desirable to apply regulations and requirements different from those ordinarily applicable under this ordinance.

- b. Design guidelines: In order to achieve harmonious design throughout the traditional neighborhood development district, architectural design guidelines for the residential, commercial, office, civic and institutional uses shall be submitted to the Planning Commission and used in creating the development. Guidelines shall include: (1) a pattern book, outlining the building types and architectural styles, or (2) an illustrated guidebook, outlining the architectural features of the proposed development, including exterior surfaces, building height and transitions in stories, roof design and roofing material, porch design, window and door design, and (3) guidelines for applicable landscaping, walls and fencing, parking, building locations on lots, and related provisions which are pertinent to the developer's project.
  - c. The proposed development plan shall be prepared by a recognized architect, planner, landscape architect or urban designer (recognized in this section shall refer to individuals who are licensed, certified or registered to practice their profession). The planning commission may request additional information prepared by a recognized landscape architect, planner, or engineer regarding components of the development plan.
  - d. To ensure architectural compatibility as the neighborhood develops, a covenant shall be created by the developer, noting that lots will be developed in keeping with the architectural design guidelines, and that an architect shall be retained to review and make decisions regarding the building plans.
3. The planning commission shall review the proposed development and may give approval, request modification, or reject the proposed development.
    - a. The planning commission shall review the conformity of proposed development, recognizing principles of traditional neighborhood development, urban design, land use planning and landscape architecture. The planning commission publication, "Traditional Neighborhood Development Principles," may be used in evaluating TND proposals. *New Urbanism: Comprehensive Report and Best Practices Guide* (3rd or subsequent editions) may also be used in evaluating proposals.
    - b. The planning commission may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.
    - c. The tract or parcel of land involved must be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.
    - d. The proposed development must be designed to produce an environment of stable and desirable character which is in harmony with surrounding neighborhoods.
    - e. No building permit shall be issued until the development plan is approved by the planning commission. No occupancy permit shall be issued until the building inspector has determined that the project as constructed meets all the requirements of the approved plan.
    - f. In reviewing the development plan, the planning commission may:



1. Approve setbacks that are greater than those outlined in subsection D (area regulations), should the commission find that topographic or other physical limitation inhibits compliance with the setback requirements;
2. Approve smaller setbacks and lot sizes in view of innovative design (recognized in the planning commission's TND guidelines or *New Urbanism: Comprehensive Report and Best Practices Guide*, published by New Urban News, or subsequent publications that the commission recognizes to guide TND design review), provided that an equal or greater amount of open space, such as a court yard, green or common, is provided adjacent to the smaller lots (the calculation of this open space is the total of differences between the minimum lot size four thousand (4,000) and the proposed lot sizes).
4. No substantial revision or deviation from the approved development plan shall be made without prior approval of the planning commission. MPC staff may approve minor changes, including the location of buildings in relation to the area regulations if the change is in keeping with the intent of the design guidelines or other documents submitted with the development plan.
5. The planning commission may approve revisions to an approved development plan upon written application for review and approval. Such application shall be made in accordance with article VII, section 5, of this ordinance and shall be accompanied by an amended overall plan which clearly indicates all revisions, additions, and modifications.
6. The planning commission staff shall be responsible for the administration of the design guidelines.
7. Application for review and approval of WCF shall be subject to the provisions of article V, section 20.

(Ord. No. O-34-99, § 1, 1-26-99; Ord. No. O-497-00, § 1, 11-14-00; Ord. No. O-17-05, § 1, 1-18-05; Ord. No. O-238-05, § 1, 10-25-05; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-129-08, § 1, 6-17-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-126-2015, § 11, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 23.

### 3.12. - TC-1 town center district.

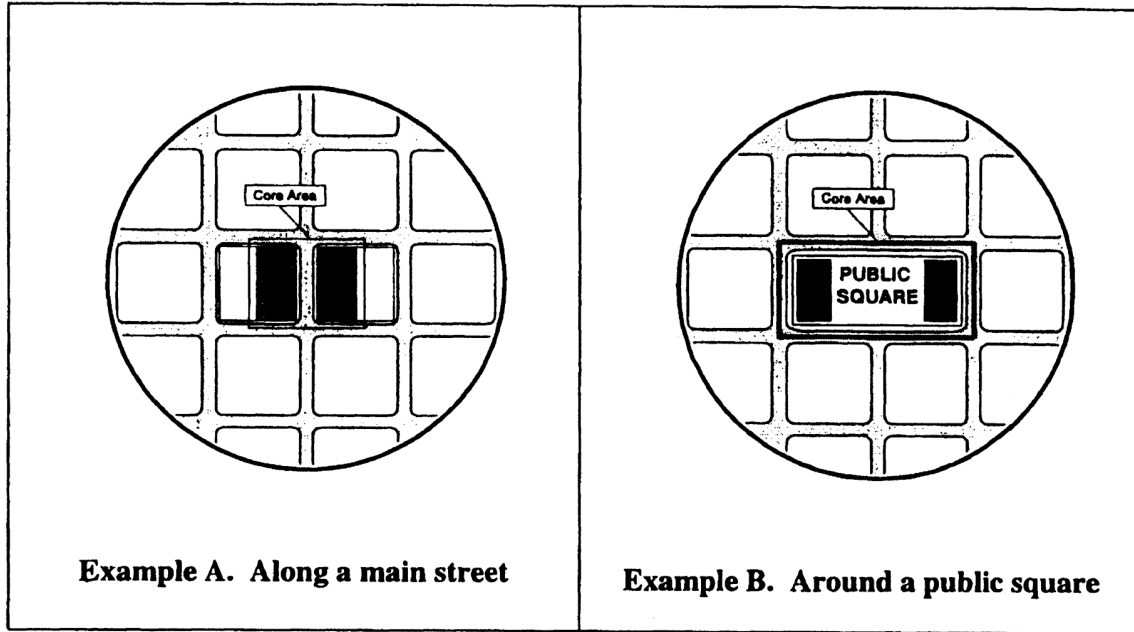
- A. *General description.* The purpose of the town center district is to encourage the creation of pedestrian-oriented, mixed-use urban developments, providing shopping, employment, housing and business and personal services. These developments are intended to promote an efficient, compact land use pattern; encourage use of public transportation; reduce reliance on private automobiles; promote a more functional and attractive community through use of recognized principles of urban design; preserve historic structures and allow developers considerable flexibility in land use and site design. As an incentive, this district offers flexible land use and development standards. A high level of attention to site and building design is required to promote attractive, functional development that is more compatible with residential development than other commercial zoning districts.
- B. *General requirements.* It is necessary that a development plan be approved by the planning commission in order to pursue the development of a TC-1 town center district. The district shall be established adjacent to an arterial or collector street. The district shall contain a core area, and when it does not abut the C-2 district, a peripheral area, which can contain a mix of uses. The general requirements for these areas are:

The core area. Pedestrian-oriented uses are required on the ground floor. Upper-story uses can include dwellings, offices, studios or other permitted uses identified in subsection C. The minimum area shall be

two (2) acres. The core area should be created along a main street or public square (see the examples below).

The peripheral area. This area can include a mix of uses on the various floors of buildings or a mix of single-purpose buildings, such as townhouses, apartments and office buildings. Subsection C provides a list of permitted uses. The maximum extension from the core area shall be one thousand two hundred (1,200) feet. A peripheral area is not required in TC-1 districts that abut the C-2 central business district.

The intensity of uses in the core and peripheral areas may be limited by the planning commission, based upon adopted plans, surrounding land use, transportation and environmental impacts or other factors that the commission finds to relevant.



Examples of Core Area

C. *Uses permitted.* Only the following uses shall be permitted in the TC-1 town center district:

	Use	Core Area Ground Level	Core Area Upper Level/s	Peripheral Area
1.	Retail sales and trade	X	X	
2.	Offices, including medical offices and clinics	X	X	X
3.	Hotels and motels	X	X	X
4.	Banks, savings and loans, mortgage companies and	X	X	X

	stockbrokers			
5.	Eating and drinking establishments, brewpubs	X	X	X
6.	Personal service establishments	X	X	X
7.	Business service establishments	X	X	X
8.	Commercial and job printing	X	X	X
9.	Establishments offering repair services on small appliances, electronic equipment, watches, furniture, and similar items brought in by customers	X	X	X
10.	Amusement, entertainment and recreation establishments	X	X	
11.	Wholesaling from sample stocks only, provided that no manufacturing or storage for distribution shall be permitted on the premises		X	X
12.	Business schools, studios and vocational schools not involving processes of light or heavy industrial nature		X	X
13.	Laboratories and establishments for production and repair of jewelry, eyeglasses, electronic equipment, small appliances, hearing aids, and prosthetic appliances		X	X
14.	Clubs and lodges		X	X
15.	Churches and similar places of worship			X
16.	Governmental, educational, and cultural facilities, other than middle or high schools		X	X
17.	Bed and breakfast inns	X	X	X
18.	Utility sub-stations, easements, and transportation easements			X
19.	Other uses and structures which are customarily accessory and clearly subordinate and incidental to permitted uses and	X	X	X

	structures and are not of a nature prohibited under "Prohibited Uses and Structures"			
20.	Any other store or shop for retail trade or for rendering personal, professional, or business service, which the Planning Commission finds, does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above	*	*	*
21.	Dwelling units		X	X
22.	Live/work units	X	X	X
23.	Parks and recreational establishments and facilities	*	*	*
24.	Recycling collection facility as an accessory use only as regulated by article V, section 18, B.			X
25.	Call centers, not exceeding 20,000 square feet at the ground floor		X	X
26.	Personal gardens	X	X	X
27.	Community gardens	X	X	X
28.	Market gardens	X	X	X
29.	Wireless communications facilities shall be a permitted use, subject to the provisions of article V, section 20.	X	X	X

\*To be considered as part of development plan review.

D. *Uses permitted on review.*

1. Private day nurseries and kindergartens, subject to the following standards:

- a. Total building area shall equal seventy (70) square feet of usable play area per child. At least thirty-five (35) square feet of this area per child shall be designated for large motor skill activities.
- b. There shall be a minimum of fifty (50) square feet of usable outdoor play area for each child on the playground at one (1) time (maximum number of children to be permitted on the playground at one (1) time to be established by the state department of human services at the time of licensing).

- c. The outdoor play area shall be fenced to a minimum height of four (4) feet.
- d. The fenced play area shall be thirty-five (35) feet from any public street. Where the thirty-five (35) foot setback cannot be met, the applicant may have the option of installing a vehicle barrier that will meet the objectives of separation and safety. The barrier alternative shall be subject to approval by the department of engineering.
- e. Asphalt, concrete, and other non-resilient surfaces shall be prohibited under and around outdoor play equipment where children could possibly fall more than one (1) foot. This includes:
  - (1) At least two (2) feet around any climbing apparatus.
  - (2) At least four (4) feet beyond the end of any slide.
  - (3) At least two (2) feet beyond the end of the arc of any swing.

As an alternative to a and b above, the following minimum requirements may be used:

- a. The total lot area shall not be less than ten thousand (10,000) square feet.
  - b. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.
  - c. A fenced play area of not less than two thousand five hundred (2,500) square feet for the first twenty (20) children shall be provided. For every additional child, an additional one hundred (100) square feet shall be provided.
- 2. Marinas, subject to the standards in article V, section 3.
  - 3. Parking structures, provided that retail, office or other nonresidential uses are established at ground level along seventy (70) percent of street-oriented facades.
  - 4. Craft breweries, distilleries and wineries.
- E. *Prohibited uses and structures.* All uses and structures not of a nature specifically permitted herein are prohibited in the TC-1 town center district. Any drive-through business is prohibited in the TC-1 town center district with the exception of banks, which may have two (2) drive-through lanes, and pharmacies, which may have one (1) drive-through lane. All drive-thrus must be designed in similar architectural style to the main building and be located to the rear of the bank or drug store. They should be separated from parking areas with at least six (6) feet of continuous landscaped space, planted with similar trees and shrubbery that is used in other portions of the parking lot; the exit from the drive-through shall be back to the alley or parking area exit to minimize vehicle/pedestrian conflicts.
- F. *Area regulations.*
- 1. Minimum size of a TC-1 district: If a TC-1 district abuts the C-2 district, two (2) acres. In all other locations, eight (8) acres. Minimum core area, two (2) acres. The district shall include the area of streets, alleys, squares and other public places.
  - 2. Maximum size of a TC-1 district: The edge of the peripheral area shall not exceed a distance of one thousand two hundred (1,200) feet from the core area.
  - 3. Area regulations for houses, attached houses and duplexes, see article IV, section 3.11 (the traditional neighborhood development district).
  - 4. Area regulations for other uses are as follows:
    - a. Front yard: To be determined by the planning commission through approval of a master development plan.
    - b. Minimum side yard:
      - (1) Exterior lots: same as abutting zoning district.

- (2) Corner lots: same as front yard.
- (3) Interior lots: none.
- c. Minimum rear yard: to be determined by the planning commission through approval of a master development plan.
- d. The maximum site coverage is:
  - (1) With all parking under the building, ninety (90) percent.
  - (2) With a parking structure of two (2) or more levels on the same lot, seventy-five (75) percent.
  - (3) With surface parking on the same lot, fifty (50) percent.
  - (4) When abutting C-2 (central business district) zoning, one hundred (100) percent.
- 5. Build-to lines: To be determined by the planning commission through approval of a master development plan.

G. *Building height and number of stories:*

- 1. Minimum. Two (2) stories, with the following exceptions and limitations:
  - a. One (1) story and one and one-half story construction is acceptable for new buildings with a ground floor of seven thousand (7,000) square feet or less.
  - b. Theatres, churches and other places of worship, and such public facilities as auditoriums may be based on one-story construction, which the planning commission finds to be compatible in height with other buildings on the street.
  - c. Pre-existing one-story buildings may be included in the district.
- 2. Maximum to be determined by the planning commission through approval of a development plan (see subsection L), with the following exceptions:
  - a. Buildings along streets at the edge of the peripheral area shall not exceed two and one-half (2½) stories (and thirty-five (35) feet) when a low density residential area (as identified in the applicable sector plan) is adjacent to a TC-1 town center district.
  - b. The overall density of residential development in the peripheral area shall not exceed sixteen (16) dwelling units per acre.

H. *Parking:* Off-street, surface parking in the core area shall be located behind buildings. Off-street parking for nonresidential uses in the peripheral area shall be located behind or to the side of buildings.

On-street parking is to be provided. The number of on-street parking spaces that are created adjacent to the street frontage of a building shall be subtracted from the number of required off-street parking spaces. The planning commission may waive the requirement for on-street parking on arterial or collector streets or on existing streets that cannot, as determined by the director of the department of engineering, be reasonably reconstructed to include on-street parking.

Off-street parking shall be based on providing ninety (90) percent of the required spaces in article V, section 7, with the following exceptions:

- 1. If the TC-1 district abuts C-2 (the central business district) on two (2) or more sides, no off-street parking shall be required.
- 2. When the core area of the TC-1 district is within a one-quarter (¼) mile walk via sidewalks of a Knoxville Area Transit stop, eighty-five (85) percent of the number of parking spaces are required.
- 3. The number of required off-street parking spaces for various types of dwelling units is as follows:

- a. One (1) space for each house or attached house; two (2) spaces for each duplex.
- b. One (1) space for each efficiency or one-bedroom unit in an apartment.
- c. One and one-half (1.5) spaces for the first twenty (20) dwelling units of two (2) or more bedrooms in an apartment building and one (1) space for each dwelling unit exceeding twenty (20) units.

Other than houses, attached houses and duplexes, the number of off-street, surface parking spaces cannot exceed the preceding requirements. All off-street residential parking is to be located off alleys unless the planning commission finds that the extent of existing development or topographic conditions limit such access provisions.

4. Shared parking arrangements are encouraged and shall be identified in the development plan. An agreement for the use of shared parking shall be submitted with the development plan.
5. Parking structures that are constructed within the district may be used to meet the preceding requirements, provided that the development plan identifies the number of spaces that are to be created and the land uses that are to be served by the structure.

I. *Loading and storage of refuse:*

1. Loading: For sites abutting a C-2 district on two (2) or more sides, the loading requirements are the same as those for the C-2 district.
2. Loading: For other sites, loading space shall be accommodated to the rear of buildings and shall not include alley or driveway areas.
3. Storage of refuse: Commercial units shall maintain a separate refuse storage container from that used by residents. It shall be clearly marked for commercial use only and use by residential tenants is prohibited. Refuse storage containers shall be screened on all sides from ground-level view and by screening with the same finishing material used on the principal building.

J. *Landscaping:*

1. Native shade trees that grow to a minimum height of forty (40) feet at maturity shall be planted along all streets at a maximum average spacing of forty (40) feet on center (note: for the purposes of this requirement, alleys and unimproved rights-of-way are not to be considered streets).
2. Parking lots containing more than five thousand (5,000) square feet shall be landscaped in compliance with article V, section 7, using native shade trees.
3. For monument or ground-mounted shingle signs: Appropriately sized shrubbery or flowers shall be planted around the base of the sign.
4. Along building foundations: for those buildings with front, side or rear yard space, eighty (80) percent of the exterior wall (exclusive of doors, loading docks and similar entrances to a building) shall be landscaped with shrubbery. This provision does not apply to the front of buildings that meet a sidewalk.

K. *Signs:*

1. Approval of a master signage plan is required at the time of development plan approval. After approval of a master signage plan by the planning commission, the MPC staff may approve minor changes to the signage plan administratively. For the purpose of these regulations, minor changes include:
  - a. An increase in the size of any sign by up to ten (10) percent, provided this does not exceed the maximum sizes permitted below.
  - b. Changing the text, message, design or material of any sign shall not require approval by MPC or MPC staff, providing that the sign is consistent with the standards contained in the master signage plan.

2. Types of signs permitted, subject to approval of master signage plan:
    - a. Monument signs: Surface area not to exceed twenty (20) square feet on lots with a frontage of one hundred (100) feet or less and thirty (30) square feet on other lots within the district. Monument signs that are used at entrances to identify the overall district may be up to one hundred (100) square feet.
    - b. Shingle signs: Surface area not to exceed twelve (12) square feet on lots with a frontage of one hundred (100) feet or less and eighteen (18) square feet on other lots within the district. Height shall not exceed six (6) feet.
    - c. Directional signs.
    - d. Wall signs including projected and face mounted signs.
    - e. Window signs, not exceeding ten (10) percent of that window space.
  3. Advertising signs, billboards, and ground signs, with the exception of monument signs, are prohibited.
- L. *Development plan and standards:* The purpose of the development plan and standards is to create buildings that are of varied design yet complementary to each other. Consistency is expected in establishing setbacks, sidewalks, landscaping, lighting and related features. The development plan must address the following features. Design guidelines already approved for historic or neighborhood conservation overlay districts may be accepted in fulfillment of this requirement to the extent that the features listed below are addressed.
1. Architectural features:
    - a. Building type (for example, slot commercial buildings constructed to sidewalk, townhouses);
    - b. Building facade;
    - c. Exterior features;
    - d. Building height, set backs and built-to-line standards;
    - e. Roofs and rooftops;
    - f. Exterior materials;
    - g. Exterior colors;
    - h. Permitted signs;
    - i. Prohibited signs;
    - j. Sign design standards.
  2. On-site and off-site improvements:
    - a. Fences and walls;
    - b. Main street, square or plaza;
    - c. Landscaping;
    - d. Special pavement and sidewalk treatments;
      - (1) Sidewalks;
      - (2) Accent patterns at street intersections;
    - e. Setbacks and sidewalk easements;
    - f. Street lighting;
    - g. Street furniture;



- h. Parking standards;
- i. Refuse storage;
- j. Utilities: all utility lines shall be placed underground with the exception of redevelopment areas in which this provision may be waived by the planning commission.

A plan for the maintenance of the preceding improvements, including appropriate agreements, may be required by the planning commission.

M. *Standards for specific improvements:*

1. Where public transit is available: loading/unloading space and appropriate shelter shall be provided when the planning commission finds that the district is large enough to warrant such a facility.
2. Sidewalks are to be established throughout the district as follows:
  - a. Core area (minimum standards):
    - (1) Ten-foot-wide sidewalks (with street trees in tree wells), when one and one-half-story and/or two-story buildings compose the area. A yard space may be established between the buildings and the sidewalk.
    - (2) Twelve-foot-wide sidewalks for two-story buildings, constructed to the edge of the sidewalk (street trees to be established in tree wells).
    - (3) Fourteen-foot-wide sidewalks for buildings higher than two (2) stories, constructed to the edge of the sidewalk (street trees to be established in tree wells).
  - b. Peripheral area (minimum standards):
    - (1) Five-foot-wide sidewalks with a seven-foot planting strip (measured from the street-side edge of the curb) when at least five (5) feet of yard space is provided between buildings and sidewalks.
    - (2) Twelve-foot-wide sidewalks when buildings are established to the edge of the sidewalk (street trees to be established in tree wells).

The planning commission may approve different sidewalk configurations if it finds that the intent of preceding standards (safe, comfortable pedestrian circulation) can be realized through another design. The commission may waive the preceding dimensional requirements in areas with preexisting sidewalks.

3. The provision of public open space, including squares, plazas, greens and parks shall be required by the planning commission. The amount of required open space(s) shall not exceed ten (10) percent of area within the district. Yards, planting strips and landscaped road medians are not to be considered in fulfilling this requirement.

N. *Administrative procedures:* A TC-1 district shall be established through a two-step procedure:

1. Rezoning, including a conceptual site plan, depicting (1) the configuration of streets, public spaces, core area and, if applicable, peripheral area; and (2) the general location, intensity and mix of uses.
2. Approval of a development plan, subject to the requirements of article VII, section 5, procedures for authorizing uses on review; article V, section 3, development standards for uses permitted on review, and the additional requirements of this section. The development plan shall include:
  - a. A site plan showing compliance with the requirements of the zoning ordinance and other applicable city ordinances.
  - b. A landscaping plan.
  - c. A signage plan.

- d. Architectural design guidelines for new development and any changes to the exterior of buildings visible from public roads. Architectural elevation drawings drawn to scale and showing materials to be used may be substituted for architectural design guidelines.
  - e. A schedule of permitted uses, including the proposed residential densities. The applicant may ask for approval for all uses listed in subsection C, above, or the schedule of permitted uses may exclude some of the uses listed in subsection C. The schedule may also limit the size of individual buildings.
  - f. Specific operational standards for permitted hours of operation for any business, delivery of stock in trade or supplies for any business, permitted levels of noise, including amplified sound, from any business or entertainment event, and other such operating restrictions needed to promote compatible coexistence of mixed uses in the development.
  - g. If a certificate of appropriateness for the design of buildings, signs, landscaping or parking lots has been approved by the historic zoning commission or their designee, then the planning commission may accept this approval in lieu of a development plan for these project elements.
  - h. As part of the development plan, the owner or owners of property within the district may voluntarily establish a design review committee and enter into covenants or binding agreements to enforce design standards and provide for design review. Documents outlining the committee's responsibilities and review procedures shall be filed with the development plan.
3. Alternative compliance may be permitted under use on review by the planning commission. The purpose of alternative compliance is to foster innovative, high quality, environmentally-sustainable development that meets the intent of this pedestrian-oriented, mixed use district that would not otherwise be allowed by a strict interpretation of the district regulations.
  4. After consideration of the development plan, the planning commission may approve, deny, or approve the plan subject to conditions or modifications.
  5. It is the intention of these TC-1 district regulations that after approval of a development plan, new construction, changes of tenants or land uses, and changes in signage, landscaping or parking layout may be approved administratively by MPC staff, providing that the executive director certifies that these changes comply with the standards of this ordinance and the approved development plan.

(Ord. No. O-122-01, § 1, 4-3-01; Ord. No. O-18-05, § 1, 1-18-05; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-39-09, § 1, 3-24-09; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-80-2012, § 1, 5-29-12; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-126-2015, § 11, 7-21-15; Ord. O-227-2017, § 1, 10-24-17)

**Note**— Former Art. IV, § 24.

## **Section 4 - Form Districts**

### 4.0. - General provisions.

**Editor's note**— The general provisions have been removed from the printed version of the Code at the direction of the city. They were adopted by O-70-09, adopted May 5, 2009; and amended by Ord. No. O-30-2013, adopted February 19, 2013; Ord. No. O-205-2013, adopted October 29, 2013; and O-108-2015, adopted June 23, 2015. A PDF of the general provisions may be accessed [via this link](#).

#### 4.1. - South waterfront district.

The regulations contained in the *Knoxville South Waterfront Form Based Development Code* adopted February 27, 2007, and effective as of March 16, 2007, are incorporated by reference. Subsequently, the regulations were amended by Ord. No. O-126-2015, § 16, adopted July 21, 2015, and Ord. No. O-16-2017, § 1, adopted February 28, 2017. A copy of the *Knoxville South Waterfront Form Based Development Code* document may be purchased from the Metropolitan Planning Commission at its office at 403 City County Building, 400 Main Street, Knoxville, TN.

(Ord. No. O-70-09, § 1, 5-5-09)

**Editor's note**— The South Waterfront district regulations may now be accessed [via this link](#), rather than being purchased from the Metropolitan Planning Commission.

#### 4.2. - Cumberland Avenue Corridor district.

**Editor's note**— The Cumberland Avenue Corridor district is not set out in the printed version of the Code at the direction of the city. The Cumberland Avenue Corridor district was adopted by Ord. No. O-205-2013, adopted October 29, 2013; and amended by Ord. No. O-126-2015, §§ 14 and 15, adopted July 21, 2015. A PDF of the Cumberland Avenue Corridor district may be accessed [via this link](#).

#### 4.3. - North Central Street district.

This section reserved for future use.

(Ord. No. O-70-09, § 1, 5-5-09)

### **Section 5 - Overlay Districts**

#### 5.0. - General provisions.

*5.0.1. Introduction.* Overlay districts address specific aspects of land use control or development design that transcend provisions of underlying basic, planned development or form districts. Overlay districts are intended to provide flexibility of design and to avoid the need for variances, preserve and protect sensitive and established structures and neighborhoods, and promote cohesive and compatible development through the use of design guidelines and/or regulations adopted for each district.

*5.0.2. Applicability.* Overlay districts shall be depicted as a mapped geographic area applied to the official zoning map according to the amendment procedures of article 7, section 6. Overlay districts may be applied over any basic, planned development, or form districts established by this Code, and may encompass one or more of those districts. Unless expressly stated otherwise in this section, all lands encumbered by an overlay district shall conform to all other applicable provisions of this code.

*5.0.3. Permitted land uses.* The range of land uses permitted within an overlay district shall be those afforded by the underlying district(s).

*5.0.4. Additional requirements.*

- A. *Design guidelines.* Alternative development standards within the overlay districts may be set forth for each specific district at subsections 5.1 through 5.5. In addition, each overlay district, when created, shall include design guidelines - which should be the result of a small area

planning process - for a specific area of sufficient detail to demonstrate how the design goals and objectives will be accomplished.

- B. *Project review.* Development proposals are subject to review by the proper authority as set forth in each specific district in subsections 5.1 through 5.5.

(Ord. No. O-70-09, § 1, 5-5-09)

5.1. - H-1 historic overlay district.

- A. *General description.* This district is intended, as provided in T.C.A. 13-7-401 et seq., to preserve and protect historic structures and areas which serve as visible reminders of the history and cultural heritage of the City of Knoxville, State of Tennessee and the United States of America. This district is also intended to assist in stabilizing and improving property values in historic areas by encouraging rehabilitation or new construction harmonious with the historic area. Through this district, historic structures and areas of sufficient historical or architectural significance are designated for public protection. It is the intent of this district to regulate the construction, repair, alteration, rehabilitation, relocation or demolition of any building or other structure which is located or proposed to be located in an H-1 historic overlay district. This district is not intended, however, to regulate the use of land, buildings or structures.
- B. *Permitted uses.* Property and buildings in an H-1 historic overlay district shall be used for the purpose permitted by the base zoning district in effect at the time of historic overlay zoning or subsequent zoning districts legislatively approved for the site.
- C. *Nonconforming uses and structures.* The historic zoning commission may permit the remodeling or rebuilding of any nonconforming structure for the purpose of continuing a use which was lawfully existing at the time of historic overlay zoning; provided, however, that such design and appearance of the remodeled or rebuilt structure is, in the opinion of the historic zoning commission, in keeping with the historical and architectural character of the historic overlay district.
- D. *Area regulations, height regulations, and off-street parking.* Lot sizes, front, side and rear yard setbacks and off-street parking are to be in accordance with design guidelines adopted at the time an H-1 historic overlay district is created. In the case of an H-1 historic overlay district that is not a single structure, minimum lot sizes specified by the design guidelines may be smaller than those required by the base zone. If the guidelines do not specify any particular area, setback, height or parking requirements, the requirements of the base zoning district shall be applicable. Intensity of use for multi-dwelling structures or development shall be determined by the base zoning district.
- E. *Historic zoning commission, creation, appointment of members, term of office, jurisdiction and powers.* For the purpose of enforcing the H-1 historic overlay district requirements and making a recommendation on the designation of landmark and historic signs, a historic zoning commission is hereby established. The historic zoning commission shall also have the jurisdiction and authority to determine whether a structure meets the criteria set forth in T.C.A. 7-51-1201, as set forth in Appendix B, Article V, Section 24 of this Code. Said commission shall consist of nine (9) persons: one (1) shall be a representative of a local patriotic or historic organization; one (1) shall be an architect, if available; and one (1) shall be a person who is a member of the local planning commission at the time of such person's appointment; and the remainder shall be from the community in general. Historic zoning commission members shall be appointed by the mayor of the city, subject to confirmation by the city council for the city. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but no more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with the provisions of this part.
- F. *H-1 historic overlay districts defined; criteria for selection.* The definition of historic districts subject to regulations to be applied under the H-1 historic overlay district shall be based on the standard of a geographically definable area which possesses a significant concentration, linkage or continuity of

sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meet one (1) or more of the following criteria:

- (1) That it is associated with an event which has made a significant contribution to local, state, or national history;
- (2) That it includes structures associated with the lives of persons significant in local, state or national history;
- (3) That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components lack individual distinction;
- (4) That it has yielded or may be likely to yield archeological information important in history or prehistory; or
- (5) That it is listed in the National Register of Historic Places.

G. *Knoxville Historic Register; creation of H-1 historic overlay districts.*

1. The city council of the city or the mayor or the owner of the subject property shall have the authority to initiate applications for H-1 historic overlay designation or the removal of properties from an H-1 historic overlay designation. The historic zoning commission shall review requests for designation or removal of designation and shall advise city council of their recommendations concerning designation or removal of designation for H-1 historic overlay. In the case of a request for designation, the city historic zoning commission shall review the request based on the criteria for selection contained in article IV, section 5.1.F of this ordinance. In making recommendations for removal of designation, the historic zoning commission shall likewise base its recommendations on the criteria contained in article IV, section 5.1.F of this ordinance, and the impact of removal on the remainder of the district. An applicant for removal of a property from an H-1 historic overlay district shall provide evidence of consultation with the historic district liaison prior to consideration of the request for removal by the historic zoning commission. The city council shall have authority to make final determination of designation or removal of designation after reviewing both the recommendations of the historic zoning commission and the metropolitan planning commission. The city council shall notify the historic zoning commission, the metropolitan planning commission and the building official of the city of their approval or rejection of each proposed H-1 historic overlay district designation or the removal of designation within thirty (30) days following such decision. All H-1 historic overlay districts created or modified by the action of the city council shall be listed on the historic register of the city.
2. The historic zoning commission shall have the authority to submit recommendations to the city council of the city regarding the creation of historic overlay districts in accordance with the criteria for selection contained in this historic zoning ordinance and shall likewise review requests for designation made by individuals, organizations or other governmental bodies. The historic zoning commission shall submit their recommendations regarding such designations in writing to the city council of the city.
3. The historic zoning commission and the metropolitan planning commission shall each submit written recommendations to the city council regarding the creation or the removal of properties from historic overlay districts.

H. *Review guidelines; public hearing; notice.* Prior to any recommendation on a pending application made to establish an H-1 historic overlay district, the historic zoning commission shall adopt for each proposed H-1 historic overlay district a set of review guidelines which shall guide any granting or denial of certificates of appropriateness within the purposes enumerated in this ordinance and with the regulations and standards adopted by the U. S. Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction alteration, rehabilitation, relocation or demolition of any building, structure, or other improvement situated within an H-1 historic overlay district. The review guidelines shall be made a part of the recommendations

forwarded by the historic zoning commission to the city council of the city for adoption, and a public hearing shall be held by the historic zoning commission before such recommendations are made to the city council. Recommendations made by the historic zoning commission shall be forwarded to the city council of the city within forty-five (45) days of said public hearing.

- I. *Certificates of appropriateness within H-1 historic overlay districts; applications for building permits.*
  - (1) All applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any structure, object, or other improvement to real estate located or to be located within a historic overlay district shall be referred to the historic zoning commission, which shall have broad powers to request detailed construction plans and related data pertinent to a thorough review of the proposal. No building permit issuing authority in the City of Knoxville shall issue any such permit for new structures or improvements within a historic overlay district without issuance of a certificate of appropriateness by the historic zoning commission.
  - (2) MPC staff assigned to serve the historic zoning commission shall review applications for level I certificates and shall issue them if, in staff's judgment, the application meets the adopted design guidelines for the property. Level I certificates include the repair of historic siding, fascia, soffits, windows, roof (including replacement) and other features with features of identical material and design. The historic zoning commission shall review all other matters for which certificate applications are made.
  - (3) Level I certificates issued by MPC staff shall be summarized in a report to be presented to the historic zoning commission at their regularly scheduled monthly meeting.
  - (4) In the event of a denial of a level I certificate, the applicant may appeal the staff decision to the next regularly scheduled meeting of the historic zoning commission for which the application deadline is met.
  - (5) The provisions of this section of the ordinance notwithstanding, MPC staff or the applicant may exercise the option of requesting a review by the historic zoning commission. In that event, the application for certificate of appropriateness will be heard by the historic zoning commission at the next regularly scheduled monthly meeting for which the application deadline is met.
- J. *Guidelines for issuance or denial of certificate of appropriateness.* The historic zoning commission shall, within thirty (30) days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny said certificate, and shall state the reasons for denial or the conditions attendant with the granting of a certificate, in writing. In its review of any such work to be undertaken in a historic overlay zone, the historic zoning commission shall apply the applicable review guidelines as provided herein, and shall give prime consideration to the following general criteria when applying specific review guidelines:
  - (1) Historic or architectural value of the present structure, object or building;
  - (2) The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district;
  - (3) The general compatibility of exterior design, arrangement, texture, and materials to be used; and
  - (4) Any other factor, including aesthetic, which is justified by the historic character of the proposed district or is reasonably related to the purposes of this section.
- K. *Appeal of historic zoning commission decisions.* Anyone who may be aggrieved by any final order or judgment of the historic zoning commission may have such order or judgment reviewed by the courts as provided by law.
- L. *Moratorium on issuance of demolition permits.*
  - (a) No application for a demolition permit shall be accepted and no demolition permit shall be issued for any building or structure located on property for which an application has been filed for rezoning to and designation as an H-1 historic overlay district for a period not to exceed one

hundred eighty (180) days after the rezoning and designation application process has been initiated.

- (b) If litigation is filed challenging a decision of the historic zoning commission, the metropolitan planning commission or city council approving the H-1, historic overlay district, the prohibition on application for and issuance of a demolition permit set forth in the preceding subsection shall be extended until the court's decision in any such litigation is final.
- (c) In the event that the proposed rezoning to and designation as an H-1 historic overlay district is denied, withdrawn or not approved by city council, or is withdrawn by the applicant or mayor, within the one hundred eighty-day period or is subsequently set aside by a court of competent jurisdiction and the court's decision becomes final, the prohibition on application for or issuance of a demolition permit for buildings or structures on such property shall terminate.

(Ord. No. 5176, 6-8-71; Ord. No. 5397, 8-15-72; Ord. No. O-40-80, § 1, 4-1-80; Ord. No. O-100-81, §§ 1—3, 5-26-81; Ord. No. O-125-84, § 1, 8-14-84; Ord. No. O-53-96, § 1, 2-27-96; Ord. No. O-440-00, § 1, 9-19-00; Ord. No. O-73-01, § 1, 2-20-01; Ord. No. O-5-04, § 1, 1-20-04; Ord. No. O-77-05, § 2, 3-29-05; Ord. No. O-216-05, § 1, 9-13-05; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-28-2011, § 1, 4-19-11; Ord. No. O-176-2012, § 1, 9-8-12; Ord. No. O-76-2015, §§ 2, 3, 5-26-15)

**Note**— Former Art. IV, § 14.

## 5.2. - NC-1 neighborhood conservation overlay district.

- A. *General description.* The neighborhood conservation overlay district recognizes that older Knoxville neighborhoods need to be conserved for their cultural, historic and housing values, as provided in T.C.A. Subsection 13-7-401 et seq. The purposes of the district are: 1) to permit development which conforms to the size, orientation and setting of the buildings of the neighborhood; 2) to avoid the need for zoning variances for building setbacks, lot dimensions and related physical characteristics; and, 3) to regulate demolition. The neighborhood conservation district is intended to foster new construction that is in harmony with the scale and physical character of the original buildings of the neighborhood through the use of design guidelines.
- B. *Permitted uses.* This district is not intended to regulate the use of land, buildings or structures. Property and buildings in an NC-1 neighborhood conservation overlay district may be used for the purpose permitted by the base zoning district in effect at the time of neighborhood conservation zoning or subsequent zoning districts legislatively approved for the district.
- C. *Area regulations, height regulations, and off-street parking.* Lot sizes, front, side and rear yard setbacks, and off-street parking are to be in accordance with design guidelines adopted at the time a neighborhood conservation overlay district is created. Minimum lot sizes specified by the design guidelines may be smaller than those required by the base zone. If the guidelines do not specify any particular area, setback, height, or parking requirements, the requirements of the base zoning district shall be applicable. Intensity of use for multi-dwelling structures and development shall be determined by the base zoning district.
- D. *NC-1 neighborhood conservation overlay districts defined; selection criteria.* A neighborhood conservation district (NC-1) shall be a geographically definable area that has a significant concentration, linkage or continuity of sites which are united by physical development or history, and possesses the following general characteristics:
  - 1. The district is located in an area where the general pattern of development, including streets, lots and buildings, was established prior to 1950.
  - 2. The area possesses unifying, built environmental characteristics that create an identifiable setting, character, and association.

3. The designated area must be ten (10) or more acres in size. Areas of less than ten (10) acres may be designated if they abut an existing neighborhood conservation overlay district.

E. *Creation of NC-1 neighborhood conservation overlay districts.*

1. The historic zoning commission and the metropolitan planning commission shall each submit written recommendations to the city council regarding the creation or the removal of properties from neighborhood conservation overlay districts.
2. The responsibilities of the historic zoning commission are to review the application for neighborhood conservation overlay districts for conformance to the selection criteria contained in article IV, section 5.2.D of this ordinance. In the case of an application for removal of properties from a neighborhood conservation overlay district, the historic zoning commission shall likewise take into account the criteria contained in article IV, section 5.2.D, and the impact of removal on the remainder of the district. An applicant for removal of a property from an NC-1 neighborhood conservation overlay district shall provide evidence of consultation with the neighborhood conservation district liaison prior to consideration of the request for removal by the historic zoning commission. The recommendation of the historic zoning commission to create a neighborhood conservation overlay district shall include a set of design guidelines.
3. The metropolitan planning commission shall review the application for its planning and zoning implications.
4. The city council, the mayor, an owner or a majority of the owners to be included in the proposed NC-1 neighborhood conservation overlay or appropriate governmental authority may initiate an application for neighborhood conservation overlay district or an application for removal of property from an existing neighborhood conservation overlay district designation. The city council shall make final determination of designation after reviewing the recommendations of the historic zoning commission and the metropolitan planning commission.
5. Applications may be initiated by petition when signed either by the owners of fifty-one (51) percent of the property or by at least fifty-one (51) percent of the property owners within the proposed district.

F. *Administrative procedures.*

1. An application for a neighborhood conservation overlay district (NC-1) shall include:
  - a. A map designating the boundaries of the proposed district, depicting both the developed and undeveloped parcels.
  - b. A description of the historical and physical development of the proposed district, including black and white photographs of architecture representative of the neighborhood; and
  - c. Development guidelines for improvements to the neighborhood buildings and physical setting.
    - 1) The guidelines may address the appearance of new construction, including primary and accessory buildings and the addition of habitable living space to existing buildings, with provisions for setback, rhythm and orientation of new structures, their height, scale and massing, the proportion of doors and windows, roof shapes and the height of foundation. The appearance of exterior wall coverings may also be addressed.
    - 2) Following the historic zoning commission's approval of the design guidelines and the creation of a neighborhood conservation overlay district by the city council, the design guidelines shall guide the issuance of certificates of appropriateness.
    - 3) The historic zoning commission may delegate the authority to approve certificates of appropriateness to MPC staff.
2. Certificates of appropriateness will be issued as outlined below:



- a. All applications for certificates of appropriateness within a neighborhood conservation overlay district shall be reviewed by the historic zoning commission, which shall have the power to issue or deny certificates of appropriateness. When certificates are approved by staff under authority delegated by the historic zoning commission, a report summarizing staff actions shall be presented to the historic zoning commission at its next monthly meeting. When certificates are issued by staff, staff's approval or denial of certificates may be appealed to the historic zoning commission within forty-five (45) days after the staff decision.
  - b. No permit shall be issued for the following activities within a neighborhood conservation overlay district without issuance of a certificate of appropriateness by the historic zoning commission:
    - 1) Demolition;
    - 2) Construction of a primary or accessory building, structure or other additions to real estate;
    - 3) The addition of space to an existing primary or accessory building.
  - 3. The historic zoning commission shall, within thirty (30) days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny said certificate, and shall state the reasons for denial or the conditions attendant with the granting of a certificate in writing.
- G. *Appeal of historic zoning commission decisions.* Anyone who may be aggrieved by any final order or judgment of the historic zoning commission may have such order or judgment reviewed by the courts as provided by law.
- H. *Moratorium on issuance of demolition permits.*
- (a) No application for a demolition permit shall be accepted and no demolition permit shall be issued for any building or structure located on property for which an application has been filed for rezoning to and designation as an NC-1 neighborhood conservation overlay district for a period not to exceed one hundred eighty (180) days after the rezoning and designation application process has been initiated.
  - (b) If litigation is filed challenging a decision of the historic zoning commission, the metropolitan planning commission or city council approving the NC-1, neighborhood conservation overlay district, the prohibition on application for and issuance of a demolition permit set forth in the preceding subsection shall be extended until the court's decision in any such litigation is final.
  - (c) In the event that the proposed rezoning to and designation as an NC-1 neighborhood conservation overlay district is denied, withdrawn or not approved by city council, or is withdrawn by the applicant or mayor, within the one hundred eighty-day period or is subsequently set aside by a court of competent jurisdiction and the court's decision becomes final, the prohibition on application for or issuance of a demolition permit for buildings or structures on such property shall terminate.

(Ord. No. O-33-99, § 1, 1-26-99; Ord. No. O-73-01, § 1, 2-20-01; Ord. No. O-78-05, § 2, 3-29-05; Ord. No. O-216-05, § 1, 9-13-05; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-76-2015, § 4, 5-26-15)

**Note**— Former Art. IV, § 22.

### 5.3. - TO-1 technology park district.

- A. *General description.* The technology overlay zone is established to provide for physical development review in the Tennessee Technology Corridor area of the City of Knoxville by the Tennessee

Technology Corridor Development Authority (TTCDA). Within the technology overlay zone, no base zoning may be changed, no variance from the provision of the zoning ordinance may be granted and no building or grading permit may be issued prior to the issuance of a certificate of appropriateness by the TTCDA (except for a residential or agricultural use).

- B. *Permitted uses.* Property and buildings in the technology overlay [zone] shall be used for purposes permitted by the base zoning in effect at the time of overlay zoning, or as permitted by subsequent base zones approved by the City Council of Knoxville.
- C. *Area regulations, height regulations, signs, landscaping, parking and other requirements.* Unless set forth below, requirements for yards, setbacks, lot area, maximum lot coverage, height of structures, signs, landscaping, parking, exterior lighting, utilities, loading, storage and all other requirements are to be in accordance with any recommendations of the TTCDA pursuant to its adopted design guidelines and with base zoning district requirements in effect at the time of technology overlay zoning or as subsequently amended.
- D. *Prohibited uses and structures.* Junkyards, billboards and moveable or portable advertising or business signs including signs mounted upon trailers, not securely affixed to the ground or to any building, are prohibited in the technology overlay zone.
- E. *Pellissippi Parkway access.* Access to properties fronting on Pellissippi Parkway shall be from an existing roadway or from a new public road constructed according to the officially adopted Tennessee Technology Corridor Comprehensive Development Plan, or from a private road constructed according to that plan or a development plan approved by the TTCDA according to this ordinance. No new median cuts shall be provided.
- F. *Signs.*
  - (1) All signing within the technology overlay zone shall be regulated by the sign design guidelines set forth in the Tennessee Technology Corridor Comprehensive Development Plan and Design Guidelines.
- G. *Boundaries.* Any modifications of the boundaries of the technology overlay zone (except for residential or agricultural use or any use within the Town of Farragut or City of Knoxville defined by the jurisdictional boundaries at the time of enactment of Private Chapter No. 148, Senate Bill No. 1230 of the Private Acts of 1983, hereafter referred to as the act unless otherwise set forth below) shall be made by amendment of the act upon concurrence of the governing body and the approval of the TTCDA.
- H. *Certificate of appropriateness.*
  - (1) *Certificate required.* No rezoning or variance to zoning provisions shall be granted, nor shall construction, alteration, repair, rehabilitation or relocation of any building, structure or other improvement to real property situated within the technology overlay zone be performed without the issuance of a certificate of appropriateness by the TTCDA. No building permit issuing authority in Knoxville shall issue any such permit for new structures or improvements within the technology overlay zone without issuance of a certificate of appropriateness by the TTCDA or by the City Council of Knoxville.
  - (2) *Excluded areas.* The structures, facilities and land uses identified herein shall not be required to apply for a certificate of appropriateness from the TTCDA:
    - a. Agricultural uses and structures or appurtenances located in an agricultural zone and used solely for the production of products for sale to wholesale or retail markets and not part of or functionally related to manufacturing, commercial or industrial enterprises within the technology overlay zone.
    - b. Residential structures when such structures are located within subdivisions approved by local planning commissions or otherwise permitted by the general law. Medium and high density residential developments, as defined by the Knoxville-Knox County General Plan, or its successors, shall not be exempt.

- c. All uses within incorporated areas of Farragut defined by the jurisdictional boundaries at the time of enactment of the act. Areas annexed by any municipality subsequent to enactment of the act shall not be exempt.
- I. *Application procedures.* All applicants for rezoning, variance and building or grading permit shall be reviewed by the TTCDA or TTCDA staff for compliance with the adopted Technology Corridor Comprehensive Development Plan and Design Guidelines. The TTCDA shall, within a reasonable time period but in no case more than sixty (60) days following initial consideration of an application by the TTCDA meeting in regular session, grant a certificate of appropriateness with or without attached conditions, or deny the certificate, and shall state in writing its reason for approval or denial. Failure by the TTCDA to act upon an application within the required time period shall constitute approval of the certificate, unless an extension is granted by request of the applicant. Approval of a certificate of appropriateness for rezoning does not constitute an amendment of the zoning. Approval of a certificate of appropriateness for a variance does not constitute approval of the variance. Approval of a certificate of appropriateness for a building permit does not constitute issuance of a building permit.
- (1) *Minimum data requirements.*
    - a. *Rezoning.* The minimum submission for a certificate of appropriateness for zoning shall be a copy of the application for rezoning submitted to MPC.
    - b. *Variance.* The minimum submission for a certificate of appropriateness for a variance is all [the] information needed to show that the variance is necessary, due to unique circumstances not created by the applicant, to relieve the applicant of undue hardship created by the requirements of the technology overlay zone or the base zoning district; that the variance is the minimum necessary to allow the use of the land in the same way as other land in the same zone; and that the relief sought may be granted without substantially impairing the intent of the technology overlay zone, the base zone or the Technology Corridor Comprehensive Development Plan.
    - c. *Building permit or grading permit.* A development plan for an entire parcel (even when development phasing is being considered) must be submitted to the TTCDA for approval prior to the TTCDA issuance of a certificate of appropriateness for a building or grading permit. The development plan shall meet all the requirements of the minimum regulations for the subdivision of land in the City of Knoxville and shall be accompanied with information required by the adopted procedures of TTCDA.
  - (2) *Supplemental data.* Dependent upon the nature of the development proposal, supplemental data, as described below, may be required by the TTCDA. For all planned zones (OS-1 Open Space, RP-1, 2 and 3 Planned Residential, O-3 Office Park, C-6 General Commercial Park, SC-1, 2 and 3 Regional Shopping Center, PC-1 Retail and Office Park, PC-2 Retail and Distribution Park, I-1 Planned Industrial Park, and BP-1 Business and Technology Park), the same data and the same guidelines used by the TTCDA will be applied by MPC in addition to MPC's data and guidelines, which shall also be applied. All plans must be prepared by a registered engineer or architect.
    - a. A description of all operations proposed in sufficient detail to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, smoke, air pollution, water pollution, fire and safety hazards, or other factors detrimental to the health, safety and welfare of the area.
    - b. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping and signs, other necessary uses, and any development phasing.
    - c. Preliminary architectural plans showing elevations, areas, height, materials and other information necessary to evaluate proposed building(s).
    - d. An estimate of the maximum number of employees contemplated for the proposed development and the number of employees per shift.

- e. A storm drainage plan which includes accurate existing and proposed watercourses; the system of open channels, pipes, culverts, drains, inlets, catchbasins, and similar facilities designed to handle stormwater in times of rainstorms, the calculations used in the design of such systems and the easements required in the construction and maintenance of the drainage system. Erosion and sediment control measures suggested in the Knox County Erosion and Sediment Control Handbook, 1981, or subsequent editions, shall be utilized.
  - f. Other engineering and architectural plans, including a designation of sewers to be used and plans for abating any effects described in paragraph a, above, or any other nuisances. All sewage disposal systems and land requirements for such systems must be approved by the Knox County Health Department before a certificate of appropriateness can be issued.
  - g. Any other information the TTCDA may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing public services to the area.
- J. *Stop order.* A stop order will be issued if construction of any part, or phase, of the development is not in compliance with the approved plans.
- K. *Revisions of development plans.* A revised development plan shall be submitted to the TTCDA for approval of any changes, or extensions to the development plan. This shall include previously approved certificates of appropriateness for building, grading or sign permits. TTCDA may approve revised development plans which are consistent with this ordinance and with TTCDA adopted design guidelines. Minor revisions to development plans may be approved by the TTCDA executive director, or designee, provided such changes:
- 1. Do not alter the basic relationship of the proposed development to adjacent property or streets and roads.
  - 2. Do not alter the uses permitted.
  - 3. Do not increase the area of development by more than five (5) percent of the previously approved square footage.
  - 4. Do not require the approval of a waiver of the TTCDA Design Guidelines, or a variance to the zoning ordinance.
- L. *Appeal of TTCDA actions.* Any interested party who is aggrieved by any action of the TTCDA including the approval or denial of a certificate of appropriateness may appeal its decision to the city council by filing an appeal on the designated form and paying such filing fees as may be required within thirty (30) days of the action of the TTCDA. The action that is appealed may be overruled by an affirmative majority vote of the city council. All appeals shall be heard within sixty (60) days of filing of application for appeal. Appeal from the action of the city council shall be by writ of certiorari as provided in the general law and shall be filed within thirty (30) days of such action.

(Ord. No. O-79-89, § 1, 5-2-89; Ord. No. O-482-92, § 1, 11-24-92; Ord. No. O-156-93, § 1, 3-30-93; Ord. No. O-9-06, § 1-17-06; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-120-2011, § 1, 8-23-11)

**Note**— Former Art. IV, § 21.

#### 5.4. - IH-1 infill housing overlay district.

- A. *General description.* This overlay district is intended to foster infill residential development and major additions that are compatible with the design of original houses in older Knoxville neighborhoods, particularly those built prior to 1950 along grid streets that often had sidewalks and alleys.

The purposes of an Infill Housing Overlay District are as follows:

- To promote neighborhood and economic stability;
  - To strengthen desirable physical features and design characteristics, and a neighborhood's identity, charm and flavor;
  - To enhance pedestrian-oriented streets;
  - To prevent blight, caused by incompatible and insensitive development;
  - To promote and retain affordable housing;
  - To encourage the harmonious, orderly and efficient growth and redevelopment in older Knoxville neighborhoods.
- B. *Permitted uses.* The district is not intended to regulate the use of the land, buildings or structures. Property and buildings in the infill housing overlay district may be used for the purpose permitted by the base zoning.
- C. *IH-1 Infill housing overlay districts defined—Selection criteria.* An infill housing overlay district shall be a geographically definable area, having the following characteristics:
1. The district is located in a neighborhood where the houses and streets were generally established prior to 1950;
  2. The neighborhood has similar lot sizes, housing patterns and related physical features; and
  3. The area should be ten (10) or more acres in size. Areas of less than ten (10) acres may be designated if they abut an existing infill housing overlay district.
- D. *Creation of an infill housing review committee.*
1. For the purpose of administering the regulations and guidelines of the overlay district, an infill housing design review committee is hereby established. The review of applications by this committee shall be administered by the metropolitan planning commission. The committee shall be comprised of staff from metropolitan planning commission (three (3) members), community development division (two (2) members), plans review and inspection division (two (2) members), city engineering (one (1) member) and the East Tennessee Community Design Center or their successors (one (1) member).
  2. The responsibilities of the infill housing design review committee are to review the applications for infill housing overlay district for conformance to the Heart of Knoxville infill housing design guidelines. In addition to setbacks and lot dimensions, the committee shall review the proposed development in terms of roof pitch, porch, door, window and related features that were characteristic of the original pattern of development.
- E. *Creation of an IH-1 infill housing overlay district.*
1. The metropolitan planning commission shall submit written recommendations to the city council regarding the creation of, or subsequent changes to the boundaries and related criteria of an infill housing overlay district.
  2. The city council, the mayor, an owner or a majority of the owners to be included in the proposed IH-1 infill housing overlay may initiate an application for infill housing overlay district or an application for removal of property from an existing infill housing overlay district. The city council shall make final determination of designation after reviewing the recommendations of the infill housing design review committee.
  3. Applications may be initiated by petition when signed either by the owners of fifty-one (51) percent of the property or by at least fifty-one (51) percent of the property owners within the proposed district.
- F. *Administrative procedures.* The district is intended to foster compatible infill housing, which may have different open space, height, and off-street parking regulations than those found in the base zone. Minimum lot sizes and setbacks may differ from those required by the base zone in order to realize

the principles associated with the guidelines. The infill housing review committee may vary the base zone regulations by issuance of a certificate of appropriateness. The issuance of a certificate of appropriateness will relinquish any need for variances within the infill overlay district.

Lot sizes, front, side and rear setbacks, and off-street parking are to be in accordance with the principles of the Heart of Knoxville Infill Guidelines.

An alley shall serve as the primary means of ingress and egress for all dwelling units unless special site circumstances or conditions prohibit alley access (such as exceptional narrowness or topography).

A certificate of appropriateness shall be required for any building permit or request for subdivision approval within the overlay district and shall be based on conformity with the adopted standards of the overlay district which are made a part of this ordinance amendment by reference.

1. An application for an infill housing overlay district (IH-1) shall include:
  - a. A map designating the boundaries of the proposed district, depicting both the developed and undeveloped parcels.
  - b. A description of the physical development of the proposed district, including photographs of representative houses within the neighborhood.
2. Certificates of appropriateness will be issued as outlined below:
  - a. All applications for certificates of appropriateness within an infill housing overlay district shall be reviewed by the infill housing design review committee within thirty (30) days. The infill housing design review committee shall have the power to approve, approve with conditions or deny a certificate of appropriateness.
  - b. No building permits shall be issued until the sixteenth day after actions by the infill housing design review committee. If the action of the infill housing design review committee is appealed to the metropolitan planning commission, no building permit shall be issued until the metropolitan planning commission has acted on the appeal.
  - c. No building permit shall be issued for the following activities within an infill housing overlay district without issuance of a certificate of appropriateness by the infill housing design review committee:
    - 1) New primary structure;
    - 2) Additions visible from the primary street;
    - 3) Changes to porches visible from the primary street;
    - 4) Driveways, parking pads, access points, garages or similar facilities.
3. An application for a certificate of appropriateness shall include:
  - a. Front and side elevation drawings;
  - b. Plot plan with address and CLT#;
  - c. Elevation of corners;
  - d. Finished floor elevation (approximate);
  - e. Setbacks;
  - f. Driveway and sidewalks locations (proposed and existing);
  - g. Alley location if lot is adjacent to an alley;
  - h. Heart of Knoxville infill guidelines checklist.

(Ord. No. O-201-06, § 1, 9-26-06; Ord. No. O-75-08, § 1, 3-25-08; Ord. No. O-70-09, § 1, 5-5-09)

**Note**— Former Art. IV, § 25.

#### 5.5. - D-1 downtown design overlay district.

A. *General description.* This overlay district is intended to foster attractive and harmonious development and rehabilitation in Downtown Knoxville that reflects the goals of adopted plans, and the principles of the downtown design guidelines that are to be adopted when the zoning map is amended to create this district. Additionally, a downtown design review board will be established to review and approve the plans for public and private improvements in the district. Pursuant to procedures and conditions provided in this chapter, the design review board shall work to realize the following objectives:

1. Promote downtown as a place for a viable mix of commercial, office, civic and residential uses, including street level development that creates a pedestrian-friendly environment.
2. Create quality publicly-oriented spaces, including streets, pedestrian ways, parks and squares that are safe and beautiful.
3. Create harmony in architectural and landscape architectural elements to provide a pleasing environment and continuous commerce and interest along sidewalks.
4. Create efficient processes for the review and approval of downtown projects.
5. Establish a means for design review for public improvements and building development and renovation to protect overall downtown investments.
6. Foster new development that complements adjacent historic resources.
7. Provide for the development of areas of special character, including the older grid street district (including such streets as Gay and Market streets and Clinch and Cumberland avenues), the Warehouse District (the Jackson-Central vicinity) and areas that are characterized by boulevard-like streets (such as sites along Summit Hill Drive and Henley Street).

B. *Permitted uses.* Permitted uses shall be determined by the base zone of the property (such as the C-2 or O-2 zoning districts).

C. *Area regulations.* The dimensional requirements of the base zone, such as the five-foot front yard setback and the open space requirement for taller buildings in the C-2 zoning district, will not always be consistent with the intent of the downtown design guidelines. The downtown design review board may issue a certificate of appropriateness (referenced in subsection F) to avoid the need for variances in cases where a development has been conceived to respect the historic context of the block, provide greater pedestrian activity at sidewalk level or meet other provisions of the guidelines.

D. *Downtown overlay district defined and required guidelines.* The downtown design overlay district shall be shown on the city zoning map. Downtown design guidelines shall be adopted with changes to the zoning map to create boundaries for this overlay and shall be used by the design review board as a basis of their recommendations and decisions.

Historic zoning overlay (H-1) districts, which have their own boundaries and guidelines, shall not be included within the D-1 overlay.

E. *Design review board: Creation, responsibilities, membership and administrative rules.* For the purpose of making decisions relative to the downtown design guidelines, a downtown design review board shall be established. The design review board's function is not to impose any architectural preferences. In no way are the guidelines meant to bring uniformity in design or approach or to require specific materials. They are meant to be applied in as flexible manner as possible to meet the needs of the building designer while encouraging the design to respect the context of nearby

buildings and the streetscape. The guidelines are thus not a rigid set of rules, but rather a set of key principles to guide development. The review board's task is to provide certainty that both immediate surroundings as well as downtown as a whole are taken into account with each building project. Administrative rules, including rules governing the board, terms of membership and application schedules, shall be approved by the metropolitan planning commission. The responsibilities of the board and its membership are outlined below.

*Responsibilities:*

1. Review the designs for all public projects, including, but not limited to, street and sidewalk design, landscaping, park improvements, public facility improvements and public way-finding systems.
2. Review and approve private development plans, based upon the adopted design guidelines as set forth at the time of amendments to the zoning map.
3. Advise the mayor, city council, metropolitan planning commission and historic zoning commission on means to improve downtown design, incentives that could be used to foster good design, and programs that should be pursued to foster beautification, safety and related public purposes downtown.

*Composition:* The design review board shall be appointed by the mayor with the approval of a majority of the city council and shall be composed of permanent staff and other rotating members set forth as outlined below.

*Staff (permanent members):*

- (a) Metropolitan planning commission executive director (or designee), who shall be an ex officio non-voting member.
- (b) City's director of policy development (or designee).

*Other (rotating members):*

- (a) One architect (from a slate recommended by AIA Knoxville).
- (b) One urban design professional with a background in architecture or urban planning (selected from nominations from AIA Knoxville and the local chapter of the American Planning Association).
- (c) Two downtown residents.
- (d) Two businesses, development or real estate professionals whose work is largely focused upon downtown.
- (e) A member of the central business improvement district board (from a slate proposed by the board).
- (f) A member of the city's historic zoning commission.

*Ex-officio members:* The following may be called on to serve as non-voting members when cases require their technical and professional expertise.

- (a) Metropolitan planning commission and historic zoning commission staff.
- (b) Building official (or designee).
- (c) City engineering director (or designee).
- (d) Central business improvement district staff.
- (e) Knoxville Utilities Board staff.
- (f) Knoxville's community development corporation staff.



(g) City Law Department staff.

*Administrative rules* : The board shall adopt administrative rules and shall submit the rules to the metropolitan planning commission for adoption. The rules shall outline the terms of board members, election of its chair, its schedule of meetings, voting procedures, application requirements regarding certificates of appropriateness, and appeal processes to the planning commission.

F. *Administrative procedures.*

*Public improvements*

1. The design of projects that are initiated by the city and Knoxville Utility Board, such as improvements to or new construction of streets, sidewalks, way-finding and other signs, lighting, parks and civic buildings, must be submitted to the review board for approval. The board shall send a report to the mayor and city council, and utility board director regarding their findings.
2. The board may request the mayor's assistance to pursue board review of other public projects, including those of county, state and federal governments.

*Private development*: The board must issue a certificate of appropriateness before a building permit can be issued. The following procedures are to be utilized:

1. The developer shall meet with staff (see subsection E) to discuss preliminary concepts of the proposed development; staff may waive this provision should they find the project to be of a minor nature (such as window, door or sign board replacement) or if the renovation is not oriented to a publicly-oriented space (such as a street, plaza or pedestrian way). Sketches, draft architectural drawings or photographs of similar projects are means which may be used to provide an understanding of the project. Staff, in turn, will discuss the implications of the design guidelines relative to the proposed concept. A brief report will be provided to the developer. Any requests for sign lighting or electronic message center exceptions within the D-1 (Downtown Design Overlay) shall be reviewed and approved by the downtown design review board and a certificate of appropriateness issued to the applicant.
2. An application for a certificate of appropriateness shall be filed with the metropolitan planning commission and shall include the application form and the following information for the review board's consideration:
  - a. A site plan, including property lines, sidewalk location, building footprint, landscaping, and parking and access points (as applicable);
  - b. Building elevations, showing entrances, windows, sign(s), construction materials and parapet or other structures to avoid visual or noise problems associated with heating/cooling or other utility units (other drawings such as perspectives are encouraged, but not required by the review board); and
  - c. A written description, stating the intended uses for the floors of the building(s); these may be presented as notes on the elevation(s).
3. Certificates of appropriateness will be issued in accordance with the following:
  - a. All applications for certificates of appropriateness shall be considered by the review board, which shall have the power to approve, approve with conditions or deny certificates of appropriateness.
  - b. No permit shall be issued for the following activities without issuance of a certificate of appropriateness by the design review board:
    - (1) New construction,
    - (2) Facade changes to a publicly-oriented space or interior changes that would obscure windows and doors (such as drop ceilings or display cases),

- (3) Parking facility development or redevelopment, and
  - (4) Removal of building features facing a publicly-oriented space.
- c. Exemptions to the board's review include ordinary repairs, removal of signs (without replacement), temporary signs or structures, emergency safety repairs and interior alterations that do not obscure windows.
  - d. Staff may approve the following when they find that the design conforms to adopted guidelines: new signs, in-kind replacement of building features, removal of non-historic building features facing a publicly-oriented space, replacement of windows at ground level with transparent glass, or other replacements of building features that are consistent with the design guidelines.
  - e. The review board shall, within thirty (30) days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny said certificate, and shall state the reasons for denial or the conditions attendant with the granting of a certificate in writing.

*Appeals:* As to application for certificates of appropriateness located within the D-1 Design Guidelines Overlay boundaries of the city, the applicant submitting an application, or any person who was a party for or against the application at the downtown design review board meeting, may appeal approval, conditions of approval, or disapproval of such application to the metropolitan planning commission, in accordance with article IX of the city downtown design review board administrative rules and procedures. A staff decision, based on judgment, may be appealed to the downtown design review board, in accordance with article VII, section 3, city downtown design review board administrative rules and procedures.

(Ord. No. O-8-07, § 1, 1-30-07; Ord. No. O-236-07, § 1, 10-23-07; Ord. No. O-14-08, § 1, 1-29-08; Ord. No. O-77-08, § 1, 3-25-08; Ord. No. O-165-08, § 1, 8-26-08; Ord. No. O-70-09, § 1, 5-5-09; Ord. No. O-50-2014, § 1, 3-18-14)

**Note**— Former Art. IV, § 26.

## **ARTICLE V. - SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS**

These supplementary relations are listed and described in this one (1) article, rather than repeated several times throughout the ordinance as they are applicable to specific, several, or to all districts. The regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions, thus warranting a more convenient placement than that which would be possible by placing them in article IV, Specific District Regulations.

### **Sec. 1. - Performance standards.**

The purpose of this section is to establish regulations and standards for the installation and operation of industrial uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted. Further, this section prescribes procedures and methods of measurement of industrial characteristics subject to the performance standards established hereunder.

All uses permitted in south waterfront zoning districts, the planned industrial, restricted manufacturing and warehousing, general industrial, heavy industrial, and business and technology park districts, whether such use is permitted as a principal use or as an accessory use, shall be subject to these standards; evidence of ability to comply shall be required prior to the issuance of a building permit or a certificate of occupancy, and continued compliance shall be required during the operation of such uses and activities.

- A. *Permit procedure.* Before issuing a building permit in any commercial or industrial district, the building inspector shall be given information by the applicant sufficient to enable said building

inspector to assure himself that all performance standards and site development standards set forth in this ordinance can and will be complied with at all times.

The building inspector, in order to determine whether or not the applicant will meet such standards, may require the submission of all information and evidence submitted in applications to indicate conformity with the performance standards set forth herein, which shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

B. *Performance standards.* The following regulations shall apply to all industrial uses:

1. *Noise.* At no point on or beyond the boundary of any lot which abuts a lot in the same district, shall the sound pressure level resulting from any use or activity, whether open or enclosed (except noise not directly under control of the property user, noises resulting from the construction and maintenance of buildings and facilities including site preparation, and the noises of safety signals, warning devices, and railroads) exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below:

Octave Band, Frequency in Cycles Per Second	Sound Pressure Level in Decibels
0—74	79
75—149	74
150—299	66
300—599	59
600—1,199	53
1,200—2,399	47
2,400—4,799	41
4,800 and over	39

Where any industrial use adjoins a district permitting residences the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

2. *Smoke.* It shall be unlawful for any person to permit the emission of any smoke from any source whatever of a density equal to or greater than that density described as No. 2 on the Ringelmann Chart, published by the U. S. Bureau of Mines, (Powers' Micro-Ringelmann Chart, McGraw-Hill Publishing Company, 1954 may be used) and as regulated by chapter 34 of the [1962] Code of Ordinances of the City of Knoxville, Tennessee.

3. *Odors.* No continuous, frequent, or repetitive emission of odors or odor-causing substances which would be offensive at or beyond any property line of any industrial use will be permitted. An odor emitted no more than fifteen (15) minutes in any one (1) day for not more than two (2) days in any calendar month shall not be deemed as continuous, frequent or repetitive within the meaning of these regulations. The existence of any odor shall be presumed when the concentration of the odor-causing substance or substances in the air at any point at or beyond the property line of the emitting industry or industries exceeds the lowest concentration listed as the odor threshold for such substance or substances in table III, "Odor Thresholds" appearing in chapter 5 of the Air Pollution Abatement Manual, copyright 1952 by the Manufacturing Chemists Association, or as subsequently amended. Substances not cited in said table shall be deemed odorous when analysis by a competent technician demonstrates that a discernible odor is being emitted. In a planned industrial park district or a restricted manufacturing and warehousing district, no emission of odors or odor-causing substances (as defined above) shall be permitted.
4. *Toxic and noxious matter.* No emission which would be demonstrably injurious to human health, animals or plant life at or beyond the lot boundaries of any industrial use in any industrial district will be permitted. Where an industrial use could produce such emission as a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken.
5. *Radiation hazards.* The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the applicable regulations of the Atomic Energy Commission.
6. *Fire and explosive hazards.* The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exteriors and protected throughout by an automatic fire extinguishing system.

All activities involving the use and/or storage and/or disposal of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved.

7. *Glare and heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.
  8. *Electromagnetic radiation.* In the interest of maintaining an atmosphere fruitful to research, there shall be no electromagnetic interference that adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference, or that is not in conformance with the regulations of the Federal Communications Commission.
  9. *Fly ash, dust, fumes, vapors, gases and other forms of air pollution.* No emission which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point, and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding three-tenths grain per cubic foot of the conveying gas or air at any point shall be permitted. This shall be measured at the point of emission.
- C. *Enforcement.* Where in the opinion of the building inspector or other designated inspector, there is a probable violation of any provision of this section, he is empowered to have a qualified technician perform such investigations, measurements and analysis as may be necessary to determine whether or not there is in fact a violation of this ordinance. Upon confirmation of a

violation, the offending industry or activity shall bear the cost incurred by the city in retaining the qualified technician.

(Ord. No. O-205-78, § 1, 12-12-78; Ord. No. O-30-07, § 2, 2-27-07; Ord. No. O-50-2013, § 1, 4-2-13)

**Editor's note**— Old Code chapter 34, relating to air pollution, referred to in subsection B.2. of the preceding section, has been deleted from the new Code as no longer used.

**Sec. 2. - Floodway fringe area requirements.**

For the purposes of this ordinance, land lying outside the F-1 floodway district and below the elevation of the following stream reaches as published in the 1981 Flood Insurance Study by the Federal Emergency Management Agency shall be subject to flood:

Stream Name Identification City of Knoxville Streams	Stream Reach (Stream Mile Above Mouth)
East Fork Third Creek	0.00-1.77
First Creek	0.00-7.10
Fourth Creek	0.00-3.84
Goose Creek	0.00-1.20
Holston River	1.77-4.40
Love Creek	0.00-1.42
	1.94-2.27
Second Creek	0.00-5.83
Ten Mile Creek	3.77-4.76
Tennessee River	639.90-651.40
Third Creek	0.00-7.98
Tributary to Goose Creek	0.00-0.24

Tributary #1 to Fourth Creek	0.00-1.50
Tributary #2 to Fourth Creek	0.00-1.17
Tributary to Ten Mile Creek	9.50-0.75
White's Creek	0.00-2.50

These stream reaches are made a part of this ordinance by reference. The flood insurance study shall be kept and maintained by the chief building official and shall be available for inspection and examination by members of the public at all reasonable times as any other record.

Areas lying outside the F-1 floodway district, as shown on the zoning map of the City of Knoxville, Tennessee, but subject to flood as defined above, shall be subject to the following regulations:

- A. No building or structure shall be erected and no existing building or structure shall be extended or moved unless the main floor of said building or structure is placed one (1) foot above the elevation subject to flood. No basement floor or other floor shall be constructed below or at lower elevation than the main floor. Foundations of all structures shall be designed and constructed to withstand flood conditions at the site.
- B. Land may be filled within these floodway fringe areas, provided such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon.
- C. Any structure proposed to be located outside the F-1 floodway district but within one hundred (100) feet of any main drainage channel or stream, must be approved by the city engineering department. The city engineering department shall determine, on the basis of the area of the watershed and the probable runoff, the opening needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of floodwater; provided, however, no building shall be permitted within ten (10) feet of the top of the bank of any stream.

(Ord. No. O-66-83, § 1, 3-29-83)

**Sec. 3. - Development standards for uses permitted on review.**

In order to accomplish the general purpose of this ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such uses cannot definitely be foreseen. The uses listed under the various districts herein as "uses permitted on review" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such use makes it desirable that they be permitted to locate therein. Therefore, these uses must be specially placed into the development pattern which exists at the time of their arrival.

The following uses shall be subject to compliance with the regulations in this section and with the "procedure for authorizing uses permitted on review," as set forth in article VII, section 5:

- A. *General standards.* The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the "General Plan" and the "One-Year Plan," and by the following general standards:

1. The use is consistent with adopted plans and polices, including the "General Plan" and the "One-Year Plan."
  2. The use [is] in harmony with the general purpose and intent of these zoning regulations.
  3. The use is compatible with the character of the neighborhood where it is proposed, and with the size and location of buildings in the vicinity.
  4. The use will not significantly injure the value of adjacent property or by noise, lights, fumes, odors, vibration, traffic, congestion or other impacts detract from the immediate environment.
  5. The use is not of a nature or so located as to draw substantial additional traffic through residential streets.
  6. The nature of development in the surrounding area is not such as to pose a potential hazard to the proposed use or to create an undesirable environment for the proposed use.
- B. *Planned residential development.* See article IV, section 3.1., RP-1, RP-2 and RP-3, planned residential development.
- C. *Attached houses.* Attached houses are permitted in the R-1A, R-2 and R-3 residential districts, provided, each dwelling is located on a separate lot fronting on a street and complies with the following specifications:
1. *[Minimum area.]* A minimum area of three (3) acres, exclusive of streets, in single ownership or control, shall be developed.
  2. *[Approval by planning commission.]* Development involving new or additional streets, or any public dedication of land, shall be subject to the planning commission review and approval as provided in article VII, section 5.
  3. *Area regulations.*
    - a. *Front yard.* The minimum depth of the front yard shall be twenty-five (25) feet.
    - b. *Side yard.*  
Interior attached dwellings: None required.  
End dwellings of attached or semidetached dwellings:  
Single-story—Ten (10) feet.  
Two-story—Twelve (12) feet.
    - c. *Rear yard.* There shall be a rear yard of not less than twenty-five (25) feet.
    - d. *Lot area.* No lot shall contain less than two thousand (2,000) square feet of land area; however, the average land area provided for each dwelling unit in the project shall be not less than twenty-six hundred (2600) square feet, exclusive of public pedestrian ways, parking areas and open space. Streets are not included in this additional area.
    - e. *Lot size.*  
Minimum frontage of attached dwellings: Eighteen (18) feet.  
Minimum frontage of interior end units of attached dwellings:  
Single-story—Twenty-eight (28) feet.  
Two-story—Thirty (30) feet.  
End units adjacent to intersecting streets: Forty-three (43) feet.

Minimum frontage of semidetached dwellings on interior lots:

Single-story—Twenty-eight (28) feet.

Two-story—Thirty (30) feet.

Semidetached [dwellings] on corner lots: Forty-three (43) feet.

Minimum depth: One hundred (100) feet.

4. *Height regulations.* No attached or semidetached dwelling unit shall exceed the height of two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in article V, section 5.
  5. *Off-street parking.* As regulated in article V, section 7.
  6. *Other requirements.*
    - a. There shall be not more than twelve (12) dwelling units in any group of attached dwellings.
    - b. Off-street parking shall be permitted only in rear yards, or in common parking garages or areas to which each property owner holds an undivided share.
- D. *Mobile home parks.*
1. The following property development standards shall apply for all mobile home parks:
    - a. No parcel of land containing less than two and one-half (2½) acres and less than fifteen (15) mobile home spaces, available at the time of first occupancy shall be used for a mobile home park. However, the plans submitted for approval, as required in number 4 [of this subsection D], Plans required, shall be designed for a minimum of twenty-five (25) mobile home units.
    - b. The mobile home park shall be subject to the density provisions of the district in which it is located; provided, however, there shall be not less than three thousand (3,000) square feet of lot area for each space provided on the site. This space ratio shall include access roads, automobile parking, accessory building space, and recreational area.
    - c. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
    - d. Yards.
      - (1) Each mobile home park shall have a front yard of twenty-five (25) feet extending for the full width of the parcel devoted to said use.
      - (2) Each mobile home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than ten (10) feet.
      - (3) Where a side or rear yard abuts a street, the yard shall be not less than twenty-five (25) feet, and all yards shall be landscaped and maintained.
    - e. No building or structure erected or stationed in this park shall have a height greater than one (1) story or fifteen (15) feet.
    - f. A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven (7) feet in height. Such wall, fence, or hedge shall not be constructed or planted within the required front yard setback.
    - g. Each mobile home park shall be permitted to display on each street frontage one (1) identifying sign of a maximum size of nine (9) square feet. Said sign shall contain



thereon only the name and address of the mobile home park, and may be lighted by indirect lighting only.

2. Each mobile home space shall be of sufficient size that, in addition to the trailer, the following areas shall be provided:
  - a. Each mobile home space shall be at least thirty (30) feet wide, and such space shall be clearly defined by permanent markers.
  - b. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
  - c. Mobile homes shall be so harbored on each space so that there shall be at least a twenty-foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall be not less than ten (10) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
  - d. There shall be at least one (1) paved, off-street parking space for each trailer space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
  - e. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet and having a storage locker of at least one hundred (100) cubic feet. Storage lockers may be located in locker compounds.
3. General provisions.
  - a. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one (1) for every four (4) trailer sites.
  - b. Access roads within a mobile home park shall be paved to a width of not less than twenty-four (24) feet. Where access roads are paved to a width of thirty-two (32) feet or more, the required guest parking area shall be waived.
  - c. Mobile home spaces may abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include an adequate vehicular turning space or cul-de-sac.
  - d. A minimum of six (6) inches of compacted gravel, or other suitable pavement material, shall be installed for each trailer space. Sizes of pads shall be as follows:
    - (1) Five (5) percent—Ten (10) feet by forty (40) feet or larger.
    - (2) Ninety (90) percent—Ten (10) feet by forty-five (45) feet or larger.
    - (3) Five (5) percent—Ten (10) feet by fifty (50) feet or larger.
  - e. Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to service buildings.
  - f. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the health department.
  - g. There shall be provided a park and recreation area having a minimum of one hundred fifty (150) square feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than thirty (30) feet.
  - h. Each mobile home park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment, and laundry facilities equipped with

washing machines and dryers. Outside drying yards shall be enclosed with a six-foot-high solid fence.

- i. Reserved.
  - j. Reserved.
  - k. Trailers, with or without toilet facilities, that cannot be connected to a sanitary sewer line shall not be permitted in a mobile home park.
  - l. Cabanas and other similar enclosed structures are prohibited.
  - m. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home parks.
4. Plans required. The following information shall be shown on the mobile home park development plan:
- a. The location and legal description of the proposed mobile home park.
  - b. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
  - c. The proposed use of buildings shown on the site.
  - d. The location and size of all mobile home spaces.
  - e. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
  - f. The location of all landscaping to be provided.
  - g. The location of all lighting standards to be provided.
  - h. The location of all walls and fences and the indication of their height and the materials of their construction.
  - i. The location of all off-street parking facilities.
  - j. The name and address of the applicant.
  - k. Such other engineering and topographic data as may be required to permit the planning commission to determine if the provisions of this ordinance are being complied with.
5. The development plan of the mobile home park shall be submitted to the planning commission for approval as a "use permitted on review."
6. A revised development plan shall be submitted to the planning commission for approval of any changes, alterations, amendments, or extensions to the development plan. Approval of such changes may be granted if, in the opinion of the planning commission, the requested changes would be in keeping with the intent and provisions of this ordinance.
7. No building permit shall be issued for construction of any building or location of any mobile home on the land until the planning commission has approved the development plan and a statement of approval has been affixed.
8. The building permit shall be revoked if construction of any part or phase of the development is not in compliance with the approved plans.
- E. *Marina development standards.* The following regulations shall apply to all marina developments:
- 1. *Purpose and uses.*
    - a. The purpose of this regulation is to insure the proper development of marinas and the safe operation of marine equipment.

- b. Marinas may include assembly buildings, caretaker's residences, docks, fueling and supply facilities, house boats, launching and storage facilities, boat sales and servicing facilities, parking areas, repair and maintenance areas, restaurants, signs, supplementary recreational facilities, hotels, motels, boatels, boat lifts, launching ramps, water taxi services, boat charter services, and incidental retail sales associated with the principal use. All the proposed uses shall be identified in the development plan.
2. *Access.* The tract of marina development shall have adequate access to thoroughfares. This adequacy shall be based on the relationship of the size of marina facilities to the practical capacity of the thoroughfares.
3. *Area regulations.* There is no minimum lot size required; however, the site size shall be sufficient to assure space for the facilities proposed in the use on review application and shall meet all local, state, and federal regulations. Development must conform to the following yard requirements:
  - a. *Front yard.* The minimum depth of the front yard shall be the same as required in the districts where marinas are permitted as a use on review.
  - b. *Side yard.* Minimum side yards of fifty (50) feet shall be provided between adjacent tracts of land and marina facilities, including all floating structures. Side yards can contain outdoor recreational uses and parking subject to development plan approval.  
  
The site shall be developed in such a way as to preserve its natural character, particularly in preserving natural vegetation adjacent to the normal summer pool elevation. A mass planting strip at least six (6) feet in height shall be located between the marina and adjacent residential areas, except that no planting shall be required between marina facilities and a public road. Yards may be used for parking but in no case shall parking be closer than fifteen (15) feet to any property and no closer than 25 feet to the normal summer pool elevation.
4. *Control of opposite shoreline.* When the proposed marina development is situated on a cove or embayment which is less than three hundred (300) feet in width (at normal pool as defined by the Tennessee Valley Authority) the applicant must own or control the shoreline opposite such development to a minimum depth of one hundred (100) feet from the shoreline. However, the metropolitan planning commission may waive this requirement if the property opposite the proposed development site, because of topography and/or existing land use, is not adversely affected by the proposed development.
5. *Off-street parking.* As regulated in article V, section 7.
6. *Signs.* As regulated in article V, section 10.
7. *Administrative procedures for marina development.* A use on review application for a marina permit shall be filed with the metropolitan planning commission. Each application shall be accompanied by a site plan drawn to scale, and prepared by a licensed engineer or architect. Such site plan shall be reviewed by the health department, the city engineer, the city architect, and the building inspector; and the comments of these departments shall be reported to the planning commission. The following information shall be shown:
  - a. The location and legal description of the proposed marina development.
  - b. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the marina development.
  - c. The proposed use of buildings shown on the site.
  - d. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
  - e. The location of all landscaping to be preserved or additionally provided.

- f. The location of all lighting standards to be provided.
  - g. The location of all off-street parking facilities.
  - h. The location of all pedestrian spaces, including sidewalks and walkways to the docks.
  - i. The name and address of the applicant.
  - j. Such other architectural and engineering data as may be required to permit the planning commission, the health department, building inspector, and city architect to determine if the provisions of this ordinance are being complied with.
  - k. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.
  - l. Use on review approval shall be contingent upon issuance of all required permits and approvals from federal, state and local authorities, including the Tennessee Valley Authority, U.S. Army Corps of Engineers, the city, and the county health department.
- F. *Other uses permitted on review.*
- 1. *Airports and heliports.*
    - a. The area shall be sufficient to meet the federal aviation agency's requirements for the class of airport proposed.
    - b. There shall be no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or landing strips of the airport.
  - 2. *Cemetery.*
    - a. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
    - b. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
    - c. All other structures, including but not limited to indoor columbarium, outdoor columbarium, memorial garden, mausoleum, permanent monument or maintenance building, shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
    - d. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
    - e. All required yards shall be landscaped and maintained.
  - 3. *Drive-in theater.*
    - a. The site must have direct access to a major public road.
    - b. In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.
    - c. The theater screen shall not be visible from any public street within fifteen hundred (1500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six (6) feet in height.
    - d. Loading space for patrons waiting [for] admission to the theater shall be equal to twenty (20) percent of the capacity of the theater. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.
    - e. Sale of refreshments shall be limited to patrons of the theater.

- f. No central loudspeakers shall be permitted.
  - g. All parking areas and accessways shall be adequately lighted; provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street, or onto neighboring properties.
  - h. Amusement parks or kiddylands shall be limited to patrons of the theater.
4. *Private day nurseries and kindergartens.*
- a. Total lot area shall not be less than fifteen thousand (15,000) square feet.
  - b. Total building area shall equal thirty-five (35) square feet per child, with not less than seventy-five (75) percent of this area provided in the primary care area of the building.
  - c. A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with one hundred (100) additional square feet for each additional child. No portion of the fenced play area shall be located closer than thirty-five (35) feet to any public street.
  - d. The planning commission shall use the above requirements and other information about the site, including the functional street classification accessing the site, and surrounding residential development to deny or approve the request. Any approval shall state the maximum number of children to be kept at the facility.
  - e. Off-street parking [shall be] as regulated in article V, section 7.
  - f. In addition to the above requirements, the facilities, operation, and maintenance shall meet the requirements of the state department of human services.
5. *Automobile wrecking and junkyards.* Because of the nature and character of their operations, automobile wrecking, junk, or salvage yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. These uses tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics.
- a. *Location.* Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential district.
  - b. *Screening.* All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Such fence or wall shall be constructed on or inside the front, side and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.
  - c. *[Off-street parking.]* Off-street parking shall be as regulated in article V, section 7.
  - d. *Ingress and egress.* The number of vehicular access driveways permitted on any single street frontage should be limited to:
    - (1) One (1) driveway where the parcel to be used has a maximum street frontage of one hundred (100) feet or less.
    - (2) Two (2) driveways where the street frontage exceeds one hundred (100) feet.
 Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width, exclusive of curb returns.

6. *Rod and gun club, skeet range.*
  - a. An application to operate a rod and gun club or skeet range shall be accompanied by a drawing showing thereon the following information.
    - (1) Boundaries of the proposed tract and location of proposed buildings, ranges, and other features germane to the operation of the club; and
    - (2) Access roads and parking facilities existing or to be constructed on the site.
  - b. Restrictions as to the location, orientation, size and intensity of such uses shall be determined in relation to its effects upon the environment, and such restrictions shall be incorporated into and made a part of the written approval.
7. *Self-service storage facilities.* In addition to the requirements set forth in article IV of the Knoxville Zoning Ordinance, the following regulations shall apply to self-service storage facilities:
  - a. Access to the site shall be from the following:
    - (1) A street identified as a major collector or arterial on the Knox County Major Road Plan; or
    - (2) A street identified as a future major collector or arterial on the Major Road Plan for Knoxville and Knox County; or
    - (3) A street that provides a connection from the proposed development to a major collector or arterial as identified on the Major Road Plan for Knoxville and Knox County without passing adjacent to or through any residentially zoned land.
    - (4) If a self service storage facility is developed on a street identified as a future major collector or arterial on the Knox County Major Road Plan or a street that provides a connection from the proposed development to a major collector or arterial road as identified on the Knox County Major Road Plan without passing adjacent to or through any residentially zoned land, then adequate right-of-way and road improvements shall be provided as determined by the City of Knoxville Department of Engineering.
  - b. Off-street parking, access and driveways must be provided, as regulated in article V, section 7. In addition, a minimum twenty-six-foot parking/driveway lane shall be provided adjacent to all buildings when the buildings open only to one (1) side of the lane and a minimum thirty-foot when the buildings open to both sides of the lane. All parking/driveway lanes shall be paved.
  - c. Maximum size for each individual storage unit shall be six hundred (600) square feet.
  - d. Total lot area shall be not less than two (2) acres.
  - e. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage premises and may be of sufficient intensity to discourage vandalism and theft. Such lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
  - f. A minimum six-foot high opaque fence shall be provided and set back a minimum of five (5) feet from any side or rear property line when the self-service storage facility site abuts a residential zone. In addition, the area between the property line and the opaque fence shall be landscaped with evergreen and/or deciduous plant material and suitable ground cover, such as grass, bark, ornamental gravel, or a combination thereof. Such landscaping shall be placed in the front yard of the facility. All required landscaping shall be approved by the city arborist.
  - g. Any proposed outdoor storage areas shall be shown on a site plan for the facility. Outside storage of any materials will be governed by the specific requirements of the

zone in which the facility is located. In no case shall parking areas or driveways be used for storage.

- h. The following uses shall be prohibited:
  - 1. Auctions, wholesale and retail sales, miscellaneous or garage sales.
  - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment, except for purposes of construction and repair of the self-service storage facility.
  - 4. Transfer and storage business.
  - 5. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.
  - 6. The storage of hazardous materials.
- 8. *Commercial telecommunications towers.*
  - a. *General.* Commercial telecommunications towers are permitted as uses on review in residential and planned commercial zoning districts. These towers are also subject to the requirements of article V, section 5.B.4. (exceptions to height regulations), article V, section 3.A. (development standards for uses permitted on review, general standards), and article VII, section 5 (procedure for authorizing uses permitted on review).
- 9. *Bed and breakfast inns.* This subsection prescribes the conditions under which bed and breakfast inns may be permitted.
  - a. A bed and breakfast inn must be operated in the principal building on the site and not in accessory structures.
  - b. A bed and breakfast inn may only be operated by an owner who also resides in the building.
  - c. The number of guest rooms allowed is based on the following square footage requirements:

Gross Sq. Ft. of Principal Building	Guest Rooms Permitted
Less than 1,200 square feet	One (1) room
1,201 to 1,800 square feet	Two (2) rooms
1,801 to 2,400 square feet	Three (3) rooms
2,401 to 3,000 square feet	Four (4) rooms
3,001 to 3,600 square feet	Five (5) rooms
Over 3,600 square feet	Six (6) rooms

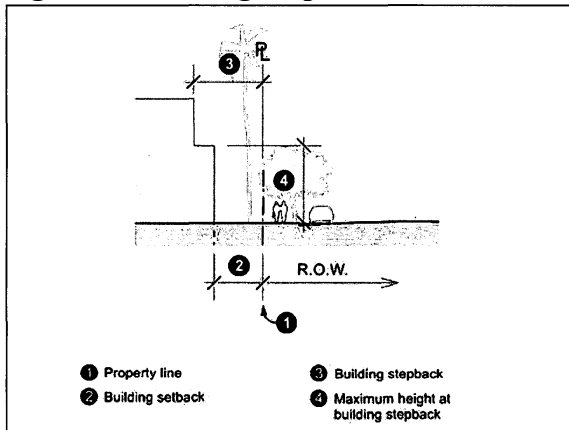
- d. A certificate of appropriateness must be obtained from the Knoxville historic zoning commission that affirms that the proposed bed and breakfast inn is in an H-1 historic overlay zone and that any proposed exterior changes are consistent with the adopted design guidelines approved for that district.
  - e. The maximum length of stay for a transient paying guest is limited to thirty (30) days in any twelve-month period, and the owner shall maintain a current guest register.
  - f. No more than one (1) wall sign of no more than two (2) square feet identifying the bed and breakfast inn shall be permitted. This sign shall not be directly or internally lighted. The Knoxville historic zoning commission shall approve signs under this provision.
  - g. No retail sale of goods or merchandise will be allowed on the premises.
  - h. No receptions, meetings or other functions shall be allowed on the premises.
  - i. The serving of meals shall be limited to breakfast for registered guests only.
  - j. At least one (1) bathroom for use exclusively by guests is required on each floor of the building.
  - k. All required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences. No required off-street parking shall be allowed in the required front yard.
10. *Rooming and boarding houses.* In addition to the requirements set forth in article IV, sections 2.1.6., 2.1.7., and 2.1.8. of the Knoxville Zoning Ordinance, the following regulations shall apply to rooming and boarding houses:
- a. All required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences, as may be required by the planning commission.
  - b. All required off-street parking shall be located at the side or rear of the structure.
  - c. The structure shall be located on an arterial or collector street.
11. *Methadone treatment clinics or facilities.*
- a. The approval by the planning commission of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the state department of health.
  - b. Applicants seeking approval of a methadone treatment facility shall provide written documentation that the city police department has been notified in writing regarding the facility's proposed location, hours of operation, programs and treatments methods offered, and staffing levels and qualifications. This same information shall be made available to the planning commission as part of the use on review application.
  - c. The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, residential use, pharmacy, or similar facility that sells or dispenses either prescription drugs or over the counter drugs, as measured from property line to property line.
  - d. The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on- or off-premises consumption, measured from property line to property line.
  - e. The facility shall be located on and have access to an arterial street as shown on the city major road plan.



- f. In reviewing each application, the planning commission may establish additional requirements or conditions of approval to further reduce the impact such a facility may have on surrounding properties.
12. *Funeral establishments.*
- a. Any smokestack of a facility for cremation within a funeral establishment shall be located no less than five hundred (500) feet from the nearest property line of an existing school, park, day care center or residence.
  - b. The funeral establishment shall be limited to one (1) single unit cremator designed to cremate the remains of one (1) deceased person at a time, with two (2) chambers, a primary chamber in which the cremation takes place and a secondary chamber to control air emissions.
  - c. There shall be no more than thirty-three (33) percent of the floor area of a funeral establishment devoted to the crematory, including area for the cremator, cremation observation, crematory access and maintenance areas, and any additional areas used primarily for services related to cremation.
13. *Craft breweries, distilleries and wineries.*
- a. Production facilities of craft breweries, distilleries and wineries that are greater than ten thousand (10,000) square feet shall be separated from residential uses located within a zone district primarily for residential or office uses by no less than two hundred (200) feet, as measured on a straight line from property line to property line. For purposes of this regulation, zone districts primarily for residential or office uses shall be the R-1, R-1E, R-1A, R-2, R-3, RP-1, RP-2, RP-3, EN-1, EN-2, O-1, O-2 and O-3 zone districts.
  - b. No outdoor storage shall be permitted.
  - c. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
  - d. Loading areas in a newly constructed facility shall not be oriented toward a public street, nor shall loading docks be located on the side of any building facing an adjacent zone district primarily for residential or office uses. Where these districts or streets abut all sides of the property, these loading areas shall be screened by a solid wall or opaque fence with a minimum height of six (6) feet, in addition to any required landscape buffer.
  - e. Service doors in a newly constructed facility facing a public street or an adjacent zone district primarily for residential uses shall be screened by a solid wall or opaque fence with a minimum height of six (6) feet, in addition to any required landscape buffer.
  - f. For adaptive reuse of existing buildings, newly constructed loading areas and service doors should be located so as to minimize any impact on surrounding public streets; and existing loading areas and services doors should be screened to the extent feasible from view from public streets or any adjacent zone district primarily for residential or office uses.
  - g. By-products or waste from the production of the malt, vinous or distilled liquor shall be properly disposed of off the property.
14. *Pet services, indoor/outdoor.*
- a. All areas for outdoor pet activity shall be located at least one hundred fifty (150) feet from any lot in a residential zoning district or in residential use.
  - b. All areas for outdoor pet activity shall be fenced for the safe confinement of animals.
  - c. Any side of any area for outdoor pet activity not enclosed by a building, structure or solid wall a minimum of eight (8) feet in height shall be provided a transitional buffer yard a minimum of fifteen (15) feet in width, sown with grass or ground cover for its full width, containing either of the following:

- i. Two (2) offset rows of deciduous or evergreen canopy trees planted a maximum of sixteen (16) feet apart, with a continuous evergreen hedge (planted a maximum of four (4) feet apart), fence, wall or earthen berm, or combination thereof, achieving a height of six (6) feet at maturity; or
    - ii. Two (2) offset rows of evergreen trees with branches touching the ground.
15. *Development standards for multi-dwelling structures in the C-3 and C-6 zoning districts.*
  - a. *Setbacks/build-to lines.*
    1. *Maximum setback.* New buildings that include dwelling unit(s) shall have a maximum setback of 70 feet from the street right-of-way of the primary (fronting) street.
    2. *Within an existing development.* If dwelling unit(s) are in a new building within a development with existing buildings and/or is part of a unified development, the new building shall not be setback any farther from the right-of-way of the primary (fronting) street than the existing buildings. In cases where the setback of existing buildings varies, the setback of the new building shall be no greater than the average of the setbacks of the existing buildings. If the new building has porches or stoops as a means of access dwelling units, the building may vary from the setback line up to five (5) feet. In cases where there is not adequate area in front of or to the side of existing buildings for a new building, the metropolitan planning commission may permit the new building to be located to the rear of the existing buildings as part of the use on review approval.
    3. *Front setbacks.* Buildings that have a setback of less than fifteen (15) feet and that exceed one hundred (100) feet in length shall have variation (articulation) in their facade through the provision of a forecourt, plaza, patio, or other means. Such variation shall have a minimum depth often (10) feet and shall be equal to not less than ten (10) percent of the total length of the front facade. Any one (1) area of variation shall be no more than thirty-five (35) feet in width and depth. The variation may be distributed in more than one (1) location but no area of variation shall have an area of less than one hundred (100) square feet.
  - b. *Corner lots.*
    1. *Setbacks.* On corner lots the building must be located at the street corner respecting setback standards, treating both streets as primary streets.
    2. *Transparency.* Those buildings located on a corner lot shall treat both street facing facades as primary elevations for the purposes of meeting the transparency requirements set forth in subsection d. of this section.
  - c. *Building height.* New buildings in which dwelling unit(s) are located shall have a minimum height of two (2) stories and a maximum height of ninety (90) feet. The MPC shall evaluate the compatibility of the proposed height with the character of the surrounding development. Any buildings with a setback of less than fifteen (15) feet from a street right-of-way and exceeding three (3) stories in height shall have a stepback with a depth of at least fifteen (15) feet that begins above the first floor but below the fourth floor on the street fronting facade(s). The stepback shall continue to the top of the building.

**Figure 1: Building Stepback**



- d. *Transparency.* The first floor primary (street facing) elevation of any building with dwelling units shall have a minimum transparency of thirty (30) percent. All other floors on the primary elevation shall have a minimum transparency of twenty-five (25) percent. The ground floor windows must allow views into the ground story for a depth of at least eight (8) feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). Buildings located on a double frontage lot shall treat the street facing facades with customer or tenant entrance(s) as primary facades.
- e. *Building orientation.* The primary elevation of any building with dwelling unit(s) shall be orientated towards the primary (fronting) street. The MPC staff shall determine which street or streets are primary streets based on the following:
- The pedestrian orientation of the street;
  - The established building orientation of the block;
  - The street parallel to an alley within the block;
  - The street that the lot takes its address from; and
  - The street with the highest street classification.
- f. *Entrances.* Buildings with dwelling unit(s) shall have at least one (1) pedestrian entrance for every seventy-five (75) feet of length along the primary facade(s), with no more than one hundred (100) feet between entrances. Distance shall be measured from the nearest edge of the door frame to the nearest edge of the adjacent doorframe.
- g. *Pedestrian connections.* New buildings that include dwelling unit(s) shall provide safe pedestrian access connecting main entrances of buildings, establishments, or uses on a site with all other such entrances and with access points including parking, streets, sidewalks, and transit stops. The pedestrian facilities must be an easily discernable walkway or multi-use path. If the cost of providing pedestrian access on the site exceeds twenty (20) percent of the project cost, the metropolitan planning commission may approve a reduction in the pedestrian facilities and/or approve alternatives.
- h. *Building materials.* On new buildings that include dwelling unit(s), plain face masonry block or vinyl shall not be used on any elevation and EIFS shall not be used on or below the first level (story) above grade and shall not constitute more than twenty-five (25) percent of any facade.
- i. *Building massing and articulation.* Cumulative blank wall areas of more than thirty (30) percent of the total wall area on any facade shall be prohibited. Blank wall areas are areas that do not include windows or doors, columns, pilasters, or other articulation greater than

twelve (12) inches in depth or a substantive material change (paint color is not a material change).

- j. *Streetscape.* The street facing frontage of a building that includes dwelling unit(s) shall incorporate landscaping, street furniture, and/or art to create a pleasing pedestrian environment. At a minimum, street trees (large maturing deciduous with a minimum height of 30 feet at maturity) shall be planted at a ratio of one (1) tree per thirty-three (33) feet of frontage. Trees may be grouped together but shall have a minimum spacing of fifteen (15) feet. Trees shall be a minimum 2 inch caliper at planting. All landscaping shall be installed and maintained in accordance with this subsection.
- k. *Transition zone.*
  - 1. New buildings that include dwelling unit(s) shall be set back a minimum of twenty (20) feet from abutting residentially zoned properties. Within this setback zone a landscaped buffer with a minimum width of twenty (20) feet shall be provided. The buffer shall be planted with a minimum of four (4) large maturing deciduous trees (minimum 2 inch caliper at planting), two (2) small maturing trees (deciduous or evergreen, minimum 1 1/2-inch caliper or height of six (6) feet measured from ground level to top of tree at planting), and ten (10) shrubs per one hundred (100) linear feet.
  - 2. New buildings that include dwelling unit(s) shall be set back a minimum of twenty (20) feet from a street or alley right-of-way if the right-of-way abuts residentially zoned property. Gardens, garages (no dwelling units shall be located in the garage), and playgrounds may be located within this setback zone provided they comply with the requirements set forth in Article V, section 6. Garages shall be an accessory use to the dwelling unit(s), shall be used only for storage of vehicles and related items, and shall have a maximum height of twenty-five (25) feet.
  - 3. Facilities serving commercial uses, such as surface parking, stormwater facilities, and outdoor dining areas, shall be located no closer than twenty (20) feet to the residentially zoned property.
  - 4. New buildings that include dwelling unit(s) and that are located within the area beginning at a point twenty (20) feet from the property line of the residentially zoned property (the edge of the setback zone) and extending to a point fifty (50) feet from the property line of the residentially zoned property shall have a maximum height of three (3) stories or forty (40) feet.
- l. *Parking.* Off-street parking shall be provided as required by article V, section 7. Structured parking located on the ground floor shall be set back a minimum of thirty (30) feet from the front of the building.
- m. *Open space.* Open space shall be provided on the lot on which the dwelling units are located and shall be available for use by occupants of the dwelling units. The amount of required open space shall be a minimum of five (5) percent and shall not exceed fifteen (15) percent of the land area developed with residential uses and supporting those uses, such as parking areas. The open space shall be provided in accordance with the "outdoor amenity space" standards of article 4, section 4.0.3.G (form districts - general provisions).
- n. *Density.* There shall be no maximum density established for dwelling units in the C-3 and C-6 zoning districts. The density shall be determined by the MPC as part of the use on review approval.
- o. *Exceptions.* The metropolitan planning commission shall have authority to grant exceptions from the standards set forth in this section and approve an alternative design when warranted by site characteristics, physical limitations, or other unusual conditions.

(Ord. No. 3734, 2-9-65; Ord. No. 3774, 4-20-65; Ord. No. 4548, 8-6-68; Ord. No. 4603, 8-6-68; Ord. No. 4604, 8-6-68; Ord. No. O-67-84, § 1(a)—(c), 4-24-84; Ord. No. O-137-84, § 1, 8-14-

84; Ord. No. 90-95, § 1, 2-28-95; Ord. No. O-197-96, § 1, 7-2-96; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-483-98, § 1, 9-22-98; Ord. No. O-425-02, § 1, 10-29-02; Ord. No. O-426-02, § 1, 10-29-02; Ord. No. O-66-04, § 1, 5-25-04; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-233-08, § 1, 12-16-08; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14; Ord. No. O-219-2015, § 1, 11-24-15; Ord. No. O-205-2017, § 1, 9-26-17)

#### **Sec. 4. - Accessory uses, buildings and structures.**

The uses of land, buildings and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses permitted. In addition to such principal uses, this section shall regulate uses customarily incidental to any principal uses permitted in the district.

- A. *General provisions.* Each permitted accessory use shall:
1. Be customarily incidental to the principal use established on the same lot.
  2. Be subordinate to and serve such principal use.
  3. Be subordinate in area, extent and purpose to such principal use.
  4. Contribute to the comfort, convenience, or necessity of users of such principal use.
- B. *Permitted accessory structures.* Accessory structures shall be used only to conduct permitted accessory uses. Area, bulk, height, and location requirements for accessory structures shall be regulated by zoning district requirements.
1. For houses, attached houses and duplexes:
    - a. Shelter to house animal pets, but not exceeding two (2) shelters per dwelling.
    - b. Children's playhouse and playground equipment.
    - c. Reserved.
    - d. Decks, gazebos, trellises and barbecues.
    - e. Moorage or boathouse for private pleasure boat, subject to approval by the Tennessee Valley Authority and U.S. Army Corps of Engineers.
    - f. Private greenhouse, from which no products are sold or offered for sale.
    - g. Private garage or carport.
    - h. Private swimming pool and bathhouse.
    - i. Structure for the storage of household items and equipment used on the premises.
    - j. Tennis court.
    - k. Fenced enclosures and henhouses for the keeping of domesticated chickens, subject to the provisions of chapter 5, section 5-107 of the Code of the City of Knoxville.
  2. For multi-dwellings structures or developments: Structures as permitted above in section 1., and also including the following for the use of residents of the multi-dwellings structure or development:
    - a. Recreational buildings and structures.
    - b. Offices for operation, leasing and maintenance purposes.
    - c. Laundry room.
    - d. Fenced enclosures and henhouses for the keeping of domesticated chickens, subject to the provisions of chapter 5, section 5-107 of the Code of the City of Knoxville.
  3. For church, chapel, temple or synagogue:

- a. Parish house, or residence for the clergymen of the congregation.
  - b. Religious education building.
  - c. Nonprofit counseling service.
  - d. Indoor columbarium, subject to meeting the minimum yard requirements of a principal building or structure.
  - e. Outdoor columbarium and memorial gardens for the interment of cremated remains, subject to meeting the following standards:
    - i. Any structure greater than 42 inches in height shall be set back no less than 50 feet from adjacent property.
    - ii. Any portion of the memorial garden shall be set back no less than 25 feet from adjacent property and streets and said setback area shall be maintained as a landscaped buffer yard.
4. For educational institutions:
- a. Convent or lay teacher's quarters.
  - b. Dormitories.
  - c. Power or heating plant.
  - d. Stadium, gymnasium, field house, game courts or field.
5. For golf and country clubs:
- a. Dwelling for caretaker.
  - b. Maintenance equipment storage shed.
  - c. Pro shop.
  - d. Lounge and dining area.
6. For hospitals and health institutions:
- a. Staff quarters.
  - b. Laundry, incidental to the principal use only.
  - c. Medical and nursing instruction.
  - d. Chapel.
7. For industrial uses in the industrial districts:
- a. Offices.
  - b. Restaurant or cafeteria.
  - c. Watchmen's quarters.
  - d. Research or pilot structure.
8. For cemeteries:
- a. Indoor columbarium, subject to meeting the minimum yard requirements of a principal building or structure.
  - b. Outdoor columbarium and memorial gardens for the interment of cremated remains, subject to meeting the following standards:
    - i. Any structure greater than forty-two (42) inches in height shall be set back no less than fifty (50) feet from adjacent property.

- ii. Any portion of the memorial garden shall be set back no less than twenty-five (25) feet from adjacent property and streets and said setback area shall be maintained as a landscaped buffer yard.
9. For community gardens, personal gardens, and market gardens:
- a. High tunnels.
  - b. Greenhouses.
  - c. Cold frames.
  - d. Low tunnels.
  - e. Storage sheds or utility buildings.
  - f. Backyard compost containers.
  - g. All accessory structures or uses for community gardens, personal gardens, and market gardens are subject to the performance standards set forth in section 25 of this article and may be subject to review and approval according to the design guidelines for overlay districts, including, but not limited to the Historic (H-1), Neighborhood Conservation (NC-1), and Downtown Design (D-1) overlay districts.

C. *Maximum size of accessory buildings and structures in the R-1, R-1A, R-1E, R-1EN, R-2, R-4, RP-1, RP-2, RP-3, and TND-1 zone districts.* Accessory buildings and structures houses, duplexes and attached houses are permitted in accordance with the following table:

Lot size of primary use	Max. building coverage for a single accessory building or structure as a permitted use	Max. building coverage for a single accessory bldg as a use-on-review	Max. bldg. coverage for any combin. bldgs. or structures
15,000 sq. ft. or less	750 sq. ft. or the building coverage of the primary struct., whichever is less	900 sq. ft., or the bldg. coverage of primary struct., whichever is less	Bldg. coverage of the primary structure
More than 15,000 sq. ft., but less than acre	900 sq. ft. or the bldg. coverage of the primary struct., whichever is less	1100 sq. ft. or the bldg. coverage of primary struct., whichever is less	Bldg. coverage of the primary structure
More than one acre	1100 sq. ft., or the bldg. coverage of the primary struct., whichever is less	1500 sq. ft., or the bldg. coverage of primary struct., whichever is less	Bldg. coverage of the primary structure

- D. *Criteria for use-on-review of accessory structures exceeding 1,100 square feet in a residential zone district.* Accessory buildings should be compatible to the principal building on the lot with respect to:
- a. Scale;
  - b. Proportions of facades;
  - c. Massing;

- d. Height;
- e. Exterior materials;
- f. Roof shapes;
- g. Details and ornamentation.

"Compatible" does not mean "the same as." Rather, compatible refers to the sensitivity of the proposed building in maintaining the character of the primary building.

The same or similar quality exterior material shall be used in the accessory building as in the principal building; except brick, stucco and stone dwellings may justify an exemption for required matched building exteriors.

(Ord. No. O-126-78, § 1, 7-25-78; Ord. No. O-30-81, § 1, 2-17-81; Ord. No. O-64-83, § 1, 3-29-83; Ord. No. O-526-94, § 1(VIII), 12-6-94; Ord. No. O-70-97, § 1, 2-25-97; Ord. No. O-354-98, § 1, 6-30-98; Ord. No. 176-06, § 1, 8-29-06; Ord. of O-129-08, § 1, 6-17-08; Ord. No. O-165-2010, § 1, 11-30-2010; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-126-2015, § 17, 7-21-15)

### **Sec. 5. - Height.**

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in article IV herein:

- A. The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts:
  - 1. Agricultural buildings—Barn, silo, windmill, but not including dwellings.
  - 2. Chimneys, smokestacks, penthouses, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers.
  - 3. Telecommunications antennae, observation towers, and power transmission towers.
  - 4. Wireless communications facilities, subject to the provisions of article V, section 20.
  - 5. Observation towers and power transmission towers.
  - 6. Water tanks and standpipes.
  - 7. Other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the districts in which they are located, provided that they are not used for human occupancy.
- B. Churches, schools, hospitals, sanatoriums, and other public and semipublic buildings may exceed the height limitations of the district if the minimum depth of the front, side and rear yards required in the zone is increased one (1) foot for each two (2) feet by which the height of such public or semipublic structure exceeds the prescribed height limit.
- C. Airport hazard districts. Height restrictions in the areas adjacent to the McGhee-Tyson Airport are regulated by the McGhee-Tyson Airport Zoning Ordinance, Ordinance No. 3126. In other areas, no exception to the height limit shall be permitted in any district with which is combined an airport hazard district, except to the extent that the maximum height limit specified in such airport hazard district exceeds the height limit specified in the use district.

(Ord. No. O-492-95, § 1, 9-28-95; Ord. No. O-587-95, § 1, 12-5-95; Ord. No. O-629-98, § 1, 12-15-98; Ord. No. O-111-08, § 1, 5-20-08; Ord. O-227-2017, § 1, 10-24-17)

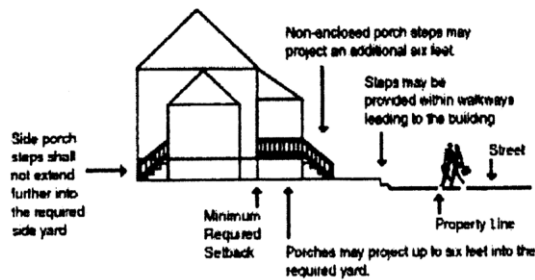
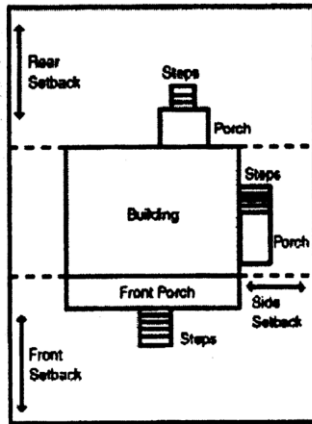
### **Sec. 6. - Yard, building setback and open space exceptions.**



The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article IV herein.

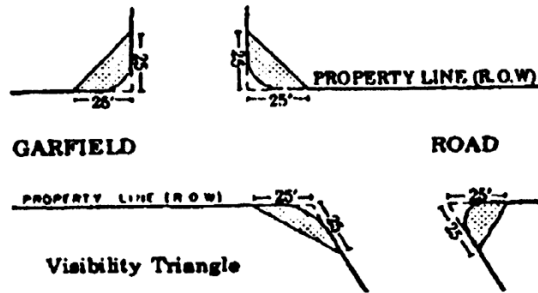
- A. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.
- B. The following structures shall be allowed to project or be constructed in any required yard or beyond the building setback line, subject to all limitations set forth hereunder.
  1. Awnings, canopies and marquees subject to the following:
    - a. Districts that have specific standards shall take precedent.
    - b. Awnings, canopies and marquees may extend across any required yard and over public property or right-of-way subject to the following:
      - i. When over a sidewalk the following shall apply:
        1. Fixed, with nine-foot minimum clearance above sidewalk not to exceed more than two-thirds ( 2/3 ) of width of sidewalk.
        2. Fixed, with fourteen-foot minimum clearance above sidewalk may extend to back of curb.
        3. Moveable (metal or canvas), with eight-foot minimum clearance above sidewalk not to extend more than two-thirds ( 2/3 ) of width of sidewalk or more than five (5) feet of width of sidewalk, whichever is less.
      - ii. When extending across any required yard and/or over public property or right-of-way, but not over a sidewalk, the following shall apply:
        1. Fixed, nine-foot minimum ground clearance.
        2. Moveable, eight-foot minimum ground clearance.
        3. Not to exceed three (3) feet in all zoning districts, except those with a design review board.
        4. Where awnings extend over public property, they shall not extend closer than twenty-four (24) inches to the curbline.
      - iii. Awnings, canopies and marquees shall not have support posts on a public sidewalk, public property or right-of-way, unless approved by city engineering.
      - iv. In no case shall awnings, canopies and marquees be allowed to extend over a public road.
    2. Bay windows and chimneys, not to exceed two (2) feet.
    3. Driveways, curbs, sidewalks, walkways, and stairs and steps within walkways.
    4. Fences, walls, and hedges, subject to the regulations as set forth in this section.
    5. Flagpoles.
    6. Garbage disposal equipment, non-permanent.
    7. Landscape features, planting boxes and recreational equipment.
    8. Overhanging roof, eave, gutter, cornice, or other architectural feature, not to exceed three (3) feet. Open fire escapes may extend into any required yard not more than six (6) feet.
    9. Parking space subject to the regulations set forth in article V, section 7.
    10. Signs, subject to the regulations set forth in article V, section 10.
    11. Terraces (open) and porches (non-enclosed) not to exceed six (6) feet; or stairs or steps to a building, not to exceed six (6) feet; stairs or steps to a porch, not to exceed six (6) feet

as illustrated below. Exceptions to this provision are the historic overlay (H-1) district, the neighborhood conservation overlay (NC-1) district, and the traditional neighborhood development (TND-1) district in which a front porch may extend up to ten (10) feet and front porch steps may extend up to an additional eight (8) feet into the front yard setback.



## Porches

12. Trees, shrubs, flowers, and other plants subject to the vision requirements in this section.
  13. Mechanical equipment, including heating and air conditioning units, and heat pumps, not to extend more than four (4) feet into any required yard.
- C. The following regulations provide for the maximum safety of persons using sidewalks and streets and for the maximum enjoyment of the use of property:
1. On any corner lot where front and side yards are required, no wall, fence, sign, structure, plant growth or any other object, whether movable or stationary, which obstructs the vision at elevations between two and one-half (2½) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a visibility triangle, as shown on the sketch below.



### Visibility Triangle

2. In any required front yard, except as provided in 1 above, no fence, wall, hedge or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half (3½) feet.
- D. The purpose here is to clarify certain conditions pertaining to the use of lots and access points.
1. In residential districts, if twenty-five (25) percent or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but, this regulation shall not require a front yard of greater depth than fifty (50) feet.
  2. Double frontage lots shall provide the required front yard setbacks along those streets.
  3. For all buildings located on corner lots, there shall be a side yard setback from all intersecting streets the same as the required front setback. The interior side yard shall be the same as required for interior lots.
  4. On corner lots, all exterior yards shall conform to the district regulations except where existing yards on the same side and in the same block of the street do not meet the requirements of the district. The exterior yard on such street may be equal to the average depth of the existing yards, provided such average depth does not extend into the visibility triangle.
  5. Division of a lot. No recorded lot shall be divided into two or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the district in which the property is located and no reduction in the size of a recorded lot below the minimum requirements of this ordinance shall be permitted, with the following exceptions:
    - a. When a dedication of right of way is required and approved under the provisions of the Knoxville-Knox County Minimum Subdivision Regulations, and this dedication makes a lot, building or structure nonconforming with requirements for minimum yards, building setbacks, building coverage, lot area, lot width or lot depth, a final plat may be approved which results in no other new non-conformity and no other increase in the extent of non-conformity.
    - b. When a legal, non-conforming structure exists on the property being subdivided and this structure is non-conforming with requirements for minimum yards, building setback or height, a final plat may be approved which results in no new non-conformity and no increase in the extent of any existing non-conformity.
    - c. When a subdivision of property is proposed and each proposed new lot will contain a principal building categorized as contributing in an H-1 or NC-1 overlay zone district. If each proposed new lot meets this criteria, and the existing principal buildings are non-

conforming with requirements for minimum yards, building setbacks, and/or lot coverage, the property owner may seek a variance as prescribed by law.

- d. Subsections "a," "b" and "c" above shall also apply to one lot subdivisions, as defined in the Knoxville-Knox County Minimum Subdivision Regulations, which combine two or more lots into one lot or where an adjustment is made to one lot line between two existing recorded lots.
- e. In any residential district, a house may be constructed on a lot created by deed provided the lot is:
  - i. Located in the area within the city boundary resulting from an annexation in 1917; is described by a deed recorded prior to February 3, 1947; and has remained intact with the same boundary configuration since the recorded date; or
  - ii. Located in the area within the city boundary resulting from a series of annexations in 1962 (Ordinances 3049, 3050, 3052, 3053 and 3054); is described by a deed recorded prior to February 3, 1947; and has remained intact with the same boundary configuration since the recorded date.

If a lot created by deed meets the criteria cited above, and is non-conforming with requirements for minimum yards, building setbacks, and/or lot coverage, the property owners may seek a variance as prescribed by law. Upon application for a building permit, the owner will be required to submit a survey completed by a registered land surveyor that has been recorded with the register of deeds.

- f. When the lot proposed to be recorded results in a larger recorded lot than existed prior to such subdivision, but does not yet achieve conformity with the zoning district regulations.
- 6. Small lots of record. In any residential zoning district, a house not exceeding two (2) stories or thirty-five (35) feet in height may be constructed on lots recorded upon the City of Knoxville ward maps which do not meet the minimum lot area or minimum width at building line provided that the side yard setback shall not be less than five (5) feet on one (1) side and the sum of the side yards shall not be less than twelve (12) feet and the front and rear setback requirements for the district are met. Garage apartments are not permitted on small lots of record; however, other customary accessory uses and structures are permitted according to the specific zoning district regulations.
  - 7. Principal uses without buildings. Where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which located, as well as obtaining any other license or permit applicable to that particular use.
  - 8. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the centerline of the street easement.
  - 9. No dwelling shall be erected on a lot which does not abut for a distance of not less than twenty-five (25) feet on a public street or an approved permanent easement giving access to a public street which meets the requirements for a permanent easement as set forth in the Knoxville/Knox County Minimum Subdivision Regulations. A street or permanent easement shall form the direct and primary means of vehicular ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of vehicular ingress and egress with the exception of the infill housing overlay (IH-1), historic overlay (H-1), neighborhood conservation overlay (NC-1) and traditional neighborhood development (TND-1) districts. In those districts, the planning commission may approve plans for the use of alleys as the sole means of ingress and egress or the planning commission staff may approve alley access plans, if designed in compliance with design

guidelines for specific areas that have been approved by the historic zoning commission or planning commission.

10. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street right-of-way line.
11. Accessory buildings shall not be located in any required front yard.
12. Outdoor display of merchandise, where permitted, shall set back from street right-of-way lines not less than one-half the distance of the required building setback. This requirement shall not apply to the outdoor display of manufactured products, as permitted in the I-2, I-3 and I-4 zones.
13. No more than one (1) house shall be located on a lot except as part of a planned development in the RP-1, RP-2, or RP-3 districts approved in accordance with these regulations.

(Ord. No. 4296, 5-16-67; Ord. No. O-90-78, § 4, 6-27-78; Ord. No. O-96-81, § 2, 5-26-81; Ord. No. O-68-82, § 1, 3-16-82; Ord. No. O-231-94, § 1(VIII), 6-21-94; Ord. No. O-579-98, § 1, 11-17-98; Ord. No. O-495-00, § 1, 11-14-00; Ord. No. O-496-00, § 1, 11-14-00; Ord. No. O-158-01, § 1, 5-15-01; Ord. No. O-476-02, § 1, 11-26-02; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-214-05, § 1, 10-24-06; Ord. No. O-58-07, § 1, 3-27-07; Ord. No. O-76-08, § 1, 3-25-08; Ord. No. O-176-09, § 1, 12-29-09; Ord. No. O-64-2010, § 1, 5-18-10; Ord. No. O-190-2010, § 1, 12-28-10)

## **Sec. 7. - Off-street parking, access, driveway, and landscaping requirements.**

### **A. *Applicability.***

1. *Generally.* These regulations are applicable in zoning districts without specific off-street parking requirements exclusive to the zoning district. If specifically provided, the requirements in article IV shall prevail. Where an existing building, existing parking facility, or both is being renovated or redeveloped, the subsections A.2. and A.3. of this section shall apply; provided, however, that shopping centers and mixed-use multi-tenant structures, excluding residential, shall not be subject to A.2.b.
2. *Redevelopment of existing structures and facilities.*
  - a. Exceeding fifty percent of value. When an existing building(s) is redeveloped or renovated and such change exceeds fifty (50) percent of the assessed or appraised value of the lot and building(s) being renovated, whichever is the greater of the two (2), required parking shall be provided according to the parking standards within this section. If the recalculation of parking requirements under this section results in parking spaces that exceed the maximums set forth in this section, the excess parking spaces may continue to be used and are not required to comply with this section.
  - b. *Less than fifty percent of value.* When an existing building(s) is redeveloped or renovated, the property shall not be subject to the requirements of this section if the cost of the redevelopment or renovation is less than fifty (50) percent of the assessed or appraised value of the lot and building(s) being renovated, whichever is the greater of the two (2). In such instances, nonconforming parking areas may be continued and counted towards the total parking requirements for any new activity, addition, or extension placed on the property; provided, however, that the existing parking design shall not pose a threat to traffic safety, in the opinion of the department of engineering. The department of engineering may require redesign of such areas if a traffic safety hazard can be eased or eliminated. Loss of parking spaces resulting from the required redesign will be considered by the department of plans review and inspections in determining the minimum parking requirements.

3. *Redevelopment of existing parking lots.* When existing parking is modified or altered, the modified or altered portions shall be designed and constructed in compliance with the standards set forth in this section.

B. *General requirements.*

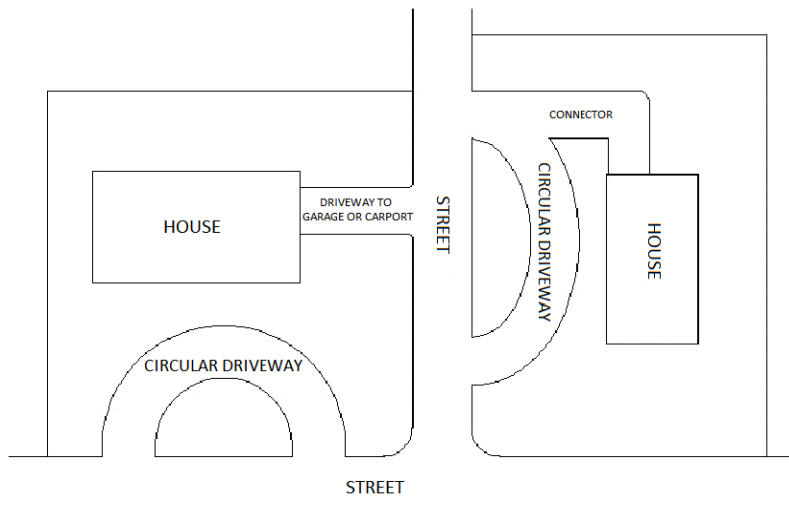
1. Off-street parking facilities shall be surfaced with those materials included in the city department of engineering land development manual, as updated April 2007 and any subsequent editions.
2. The storage of merchandise, the storage of automobiles or other motor vehicles for sale, or the repair of automobiles or other motor vehicles on required off-street parking facilities is prohibited.
3. Wherever parking is required by this section, no building permit shall be issued prior to approval of entrance to affected city streets and/or state highways by the appropriate city and/or state official.
4. The department of engineering may require minimum internal queuing and stacking space at driveways, drive through lanes, and other access points to prevent disruption of traffic flow on adjacent streets. The minimum width for drive through lanes shall be ten (10) feet.

C. *Location and setbacks.*

1. Off-street parking for uses other than residential uses may be provided on a lot other than that on which the principal use is located if the required number of parking spaces for any land use cannot be provided on the same lot on which the principal use is located, according to the requirements of subsection F.
2. Parking lots with common frontage in the same block with residentially zoned property and located on roads with less than four (4) existing travel lanes, shall be set back twenty-five (25) feet from the street line, provided, however, that this setback shall not apply to multi-dwelling structure(s) or development(s).
3. Minimum depth of the setback of a parking lot, measured from the edge of the parking lot to all rights-of-way, shall be ten (10) feet, except where the parking lot is less than twenty thousand (20,000) square feet, the setback may be reduced to six (6) feet.
4. Minimum depth of a side or rear setback of a parking lot, measured from the edge of parking lot to the property line shall be set back as follows:
  - a. Industrial zoning districts abutting agricultural or residential zoning districts: twenty (20) feet;
  - b. Office or commercial zoning districts abutting agricultural or residential zoning districts: fifteen (15) feet;
  - c. Multi-dwelling structure(s) or development(s) abutting agricultural or single family residential zoning districts: ten (10) feet.
  - d. Nonresidential uses in residential or agricultural zoning districts: ten (10) feet.
5. Perimeter screening area required by subsection J. of this section may be located within the required setback.
6. In R1, R1A, R1E, R2, and R3 zoning districts, parking is prohibited in the front yard of houses, duplexes, and attached houses except as follows:
  - a. On approved driveways and parking spaces.
  - b. A maximum of two (2) vehicles with a current and properly displayed accessible/disabled parking license plate or placard/hang tag.
  - c. Temporary loading or unloading.

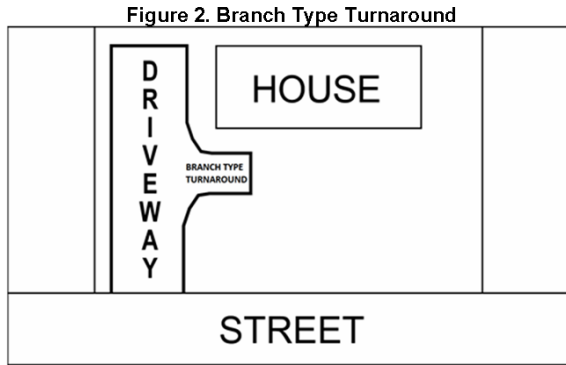
- d. When construction, remodeling, maintenance, or repairs are being performed on the property, temporary front yard parking shall not exceed the period for which city permit is valid or as necessary to complete the work.
  - e. Parking for isolated, non-recurring gatherings, parties, or visitors. This exception is not intended to provide permanent or semi-permanent parking for extra cars.
  - f. Areas within a two-mile radius of Neyland Stadium during University of Tennessee-Knoxville home football games and areas within a one-mile radius of Chilhowee Park and Exposition Center during city-approved events.
7. In R1, R1A, R1E, R2, and R3 zoning districts, approved parking and driveway(s) in the front yard on any lot shall be limited to the following:
- a. On lots with a carport or garage (Figure 1):
    - 1) The driveway leading to a carport or enclosed garage, not to exceed the maximum width allowed, except for flares adequate to access the carport or garage, and/or
    - 2) A connector driveway may extend from a circular driveway to beyond the front wall of the principal structure. Connector driveways shall comply with driveway width requirements.

**Figure 1. Residential Lots with a Carport or a Garage**



- b. On lots with no carport or garage:
  - 1) Lot frontage of seventy-five (75) feet or less, the driveway shall be within ten (10) feet of the side lot line.
  - 2) No driveway, other than a circular driveway, shall be constructed in the area between the front wall of the principal structure and the front property line.
  - 3) A corner lot driveway cannot be built between the front wall of the principal structure and the front lot line as designated in the building permit.
  - 4) A connector driveway may extend from a circular driveway to beyond the front wall of the principal structure. Connector driveways shall comply with driveway width requirements.
- c. For a detached garage served by an alley, the minimum rear yard shall be:
  - 1) Twelve (12) feet when garage doors are oriented to the alley; or

- 2) Five (5) feet when garage doors are oriented to the side yard.
- d. In addition to any of the above, a branch type turnaround not to exceed two hundred (200) square feet is permitted on any lot where city engineering standards can be met (Figure 2). This subsection shall not apply to approved off-street parking (for residential uses) and driveways in existence as of January 16, 2009.



- e. For the purpose of this section, lot frontage for any lot (except a small lot of record) that does not have seventy-five (75) feet or greater frontage on any street, joint permanent easement (private right-of-way), or access easement, shall be measured at the front building setback line.

**D. Number of vehicle parking spaces required.**

- 1. The minimum and maximum number of off-street vehicle parking spaces shall be determined in accordance with table 1, unless otherwise specified in the applicable zoning district. In the C-2 zoning district, the minimum number of parking spaces noted below shall not apply; however, the maximum number shall apply.

Table 1. Minimum and Maximum Parking Space Requirements				
		Use	Minimum	Maximum
1	Multi dwelling structure	0 to 1 Bedroom	1 per dwelling unit + guest parking	1.25 per dwelling unit + guest parking
		2 Bedrooms	1.25 per dwelling unit + guest parking	1.75 per dwelling unit + guest parking
		3 Bedrooms	1.5 per dwelling unit + guest parking	2.25 per dwelling unit + guest parking
		4 or more Bedrooms	2 per dwelling unit + guest parking	2.5 per dwelling unit + guest parking
		Housing development renting by bedroom(s)	0.67 per bedroom	1.2 per bedroom



		Guest Parking (located in area(s) commonly accessible to all units)	0.2 per dwelling unit	0.25 per dwelling unit
2		Boarding house	0.75 per lodging unit	1 per lodging unit
3		Duplex	2 per unit	No limitation
4		House: attached	2 per unit + 0.25 per unit for guest parking	No limitation
5		House: detached	2 per unit	No limitation
6		Mobile home park	2 per unit + 0.25 per unit for guest parking	2 per unit + 0.25 per unit for guest parking
7		Congregate Housing	0.5 per unit + 1 per employee on shift of greatest employment	0.67 per unit + 1 per employee on shift of greatest employment
8		Nursing home	0.2 per bed + 1 per employee on shift of greatest employment	0.33 per bed + 1 per employee on shift of greatest employment
9		Assisted living facility	0.2 per bed + 1 per employee on shift of greatest employment	0.33 per bed + 1 per employee on shift of greatest employment
10		Continuing care retirement community (contains multiple elements of congregate housing, assisted living, and convalescent care in one campus/complex)	Sum of the minimum requirements of the individual components of the complex (specified in this table)	Sum of the maximum requirements of the individual components of the complex (specified in this table)
11		Convalescent care	0.2 per bed + 1 per employee on shift of greatest employment	0.33 per bed + 1 per employee on shift of greatest employment
12		Dormitory, residence hall	0.5 per resident	0.67 per resident

13	Fraternity house, sorority house	0.33 per resident	0.5 per resident
14	Day care home, group day care home, child care center, adult day care facility	0.67 per employee on shift of greatest employment + 0.125 off-street loading space for every client	1.0 per employee on shift of greatest employment + 0.167 off-street loading space for every client
15	Appliance, carpeting, and furniture sales	2.5 per 1,000 SF gross sales area	3.5 per 1,000 SF gross sales area
16	Automobile, truck, manufactured home, boat, and outdoor equipment sales (including service area)	3.5 per 1,000 SF office sales area and waiting area	5 per 1,000 SF office sales area and waiting area
17	Automobile and truck services	2 per bay	4 per bay
18	Automobile car wash with employees	0.5 per employee	1 per employee
19	Bowling alley	3 per lane	5 per lane
20	Commercial recreation	4 per 1,000 SF GFA	5 per 1,000 SF GFA
21	Convenience store with gas	4 per 1,000 SF GFA	8 per 1,000 SF GFA
22	Funeral parlor	0.33 per person at design capacity	0.67 per person at design capacity
23	Hotel, motel, bed/breakfast	1 per lodging unit	1.25 per lodging unit
24	Kennel: without clinic	2 per 1,000 SF GFA	4 per 1,000 SF GFA
25	Laundry and dry cleaning establishment	0.5 per employee + 1 per 75 SF customer service area	0.5 per employee + 1 per 50 SF customer service area
26	Building material sales	1 per 1,000 SF GFA + 1 per 1,000 SF outdoor sales area	2 per 1,000 SF GFA + 2 per 1,000 SF outdoor sales area
27	Home improvement superstore	2.5 per 1,000 SF GFA	4 per 1,000 SF GFA

28	Movie theatre, indoor live entertainment	0.2 per seat	0.5 per seat
29	Retail sales, personal service establishment, shopping center	3 per 1,000 SF GFA	6 per 1,000 SF GFA
30	Hybrid convenience store with gas / quick serve restaurant with kitchen	4 per 1,000 SF GFA	10 per 1,000 SF GFA
31	Restaurant without drive-thru	8 per 1,000 SF GFA	16 per 1,000 SF GFA
32	Restaurant with drive-thru	6 per 1,000 SF GFA	12 per 1,000 SF GFA
33	Mixed use multi-tenant structure excluding residential	3 per 1,000 SF GFA	8 per 1,000 SF GFA
34	Bank	2.5 per 1,000 SF GFA	5 per 1,000 SF GFA
35	Call center	4.5 per 1,000 SF GFA	12 per 1,000 SF GFA
36	Medical, dental, or chiropractic office/clinic	4 per 1,000 SF GFA	10 per 1,000 SF GFA
37	Hospital	3.25 per bed	5.75 per bed
38	Office: general, governmental	3 per 1,000 SF GFA	8 per 1,000 SF GFA
39	Veterinary hospital, animal clinic	2.5 per 1,000 SF GFA + kennel minimum	3.5 per 1,000 SF GFA + kennel maximum
40	Self-storage facility: enclosed (All storage units accessible from interior hallways)	5 spaces adjacent to the office/entry + 0.02 per unit	7 spaces adjacent to the office/entry + 0.033 per unit
41	Self-storage facility: not enclosed (All storage units are individually accessible from drive aisles)	5 spaces adjacent to the office	7 spaces adjacent to the office
42	Industrial: light	0.9 per 1,000 SF GFA	6 per 1,000 SF GFA
43	Industrial: heavy	0.75 per employee at the largest shift	1 per employee at the largest shift

44	Warehouse and distribution facility: Wholesale	0.5 per 1,000 SF GFA	2 per 1,000 SF GFA
45	Demolition landfill, solid waste facility, sanitary landfill	3 per 1,000 SF office floor area	4 per 1,000 SF office floor area
46	Clubs, halls, lodges	5 per 1,000 SF GFA	6.5 per 1,000 SF GFA
47	Golf course (not counting other facilities)	3 per hole	6 per hole
48	Marina, boat livery (not counting other facilities)	0.5 per boat slip	1 per boat slip
49	Market garden	1 per employee on shift of greatest employment	2 per employee on shift of greatest employment
50	Park: active and passive	Determined by the department of engineering	Determined by the department of engineering
51	Place of assembly, auditorium, stadium, place of worship (with or without fixed seats)	0.25 per seat in the main assembly	0.5 per seat in the main assembly
52	Public cultural facility, gallery, museum, library	3 per 1,000 SF display floor area	4 per 1,000 SF display floor area
53	School: elementary and middle	1 per classroom	2 per classroom
54	School: high school	0.25 per student	0.5 per student
55	School: college, vocational, and trade	5 per 1,000 SF GFA	6.5 per 1,000 SF GFA
56	Swimming pool, tennis courts	0.33 per person per design capacity	0.5 per person per design capacity

2. In any determination of parking requirements, as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half (0.5) may be eliminated from the count and any fraction one-half (0.5) or more shall be counted as one (1) parking space.

3. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the director of plans review and inspections.
4. Off-street parking requirements for multi-family residential developments may be reduced up to twenty (20) percent from the minimum requirements set forth in table 1 provided the development is located within one-fourth (0.25) of a mile of a transit route. A KAT approved shelter may be required on or within one-fourth (0.25) of a mile of the development site. Bicycle parking requirements may not be reduced.
5. Parking lots may exceed by up to twenty (20) percent the maximum number of spaces set forth in table 1 provided that the spaces exceeding the maximum and the access aisles accessing those spaces are constructed of pervious materials approved by the department of engineering. Parking spaces exceeding the identified maximum by twenty (20) percent or more for the use(s) may be approved by the department of engineering upon submittal of a parking study justifying the need for additional spaces, and the approval of the parking study by city staff. All excess spaces and their access ways shall be constructed of pervious materials. Pervious paving materials may not be required for excess parking on sites with brownfield agreements upon approval by the department of engineering.
6. Upon approval by the department of engineering of a parking study for the proposed use(s), the minimum number of parking spaces set forth in table 1 may be reduced.
7. Structured parking may exceed the maximum number of parking spaces set forth in table 1 upon approval by the department of engineering.
8. All parking lot elements required by the Americans with Disabilities Act (ADA) must be accessible. All off-street parking lots shall have a number of accessible parking spaces as required by table 2, or as amended by ADA:

Table 2. Required Accessible Parking Spaces		
Total Parking Spaces Provided	Minimum Number of Accessible Parking Spaces Required	
	Van	Total (Van + Car)
1 to 25	1	1
26 to 50	1	2
51 to 75	1	3
76 to 100	1	4
101 to 150	1	5
151 to 200	1	6
201 to 300	2	7
301 to 400	2	8

401 to 500	2	9
501 to 1000	1 for every 6 accessible spaces*	2% of total provided parking spaces*
1001 and over	1 for every 6 accessible spaces*	20, plus 1 for each 100, or fraction thereof, over 1000

\* When a fraction number of spaces is required, round up to the nearest wholenumber.

E. *Dimensions of spaces and aisles.*

1. Off-street parking lots shall be laid out in accordance with the following regulations:
  - a. Accessible parking spaces shall be at least eight (8) feet wide with an adjacent pedestrian access aisle of at least five (5) feet wide.
  - b. Van accessible spaces shall be either:
    - 1) At least eleven (11) feet wide with an adjacent pedestrian access aisle of at least five (5) feet wide.
    - 2) At least eight (8) feet wide with an adjacent pedestrian access aisle of at least eight (8) feet wide.
  - c. Pedestrian access aisles shall be hatched and include a "No Parking" designation.
  - d. The dimensions for parking stalls and aisles shall be as specified in table 3.

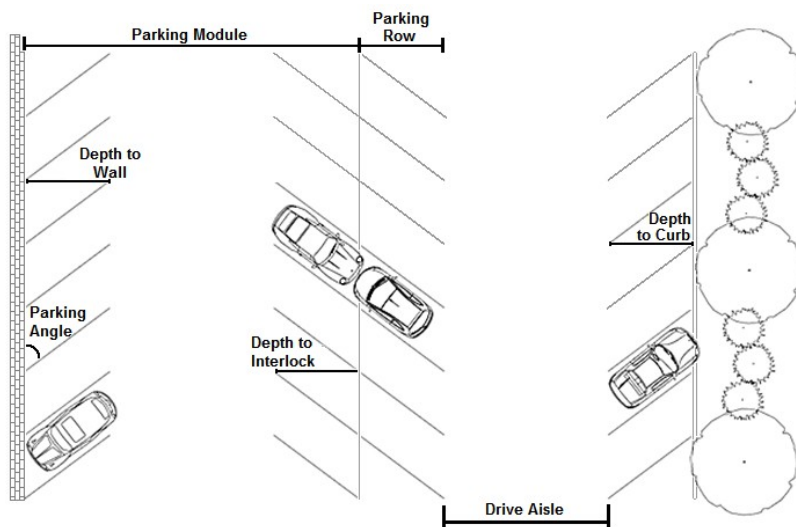
Table 3. Parking Stall and Parking Lot Drive Aisle Dimensions					
Parking Angle	Depth to Wall (feet)	Depth to Curb (feet)	Depth to Interlock (feet)	Stall Width (feet)	Minimum Aisle Width (feet)
45 degrees	16.5-20.5	15.0-19.0	14.5-18.5	9.0-13.0	15.0 One-way 26.0 Two-way
60 degrees	18.0-22.0	16.5-20.5	16.5-20.5	9.0-13.0	18.0 One-way 26.0 Two-way
75 degrees	18.5-22.5	17.5-21.5	17.5-21.5	9.0-13.0	22.0 One-way 26.0 Two-way
90 degrees	17.5-21.5	15.5-19.5	17.5-21.5	9.0-13.0	26.0 One-way 26.0 Two-way

Parking Direction	Length to Wall (feet)	Length to Curb (feet)	Length to Interlock (feet)	Stall Width (feet)	Minimum Aisle Width (feet)
Parallel	22.5 - 26.5	20.5 - 24.5	22.5 - 26.5	9.0-13.0	15.0 One-way 22.0 Two-way

Notes:

- Stall depth measured perpendicular to aisle.
- Stall lengths, stall depths, and aisle widths for parking angles, other than those indicated, shall be consistent with the above values and are subject to the approval of the department of engineering.
- See Figure 3 for typical parking dimensions and layout.
  - e. Up to twenty (20) percent of the total number of parking spaces provided may be designed for compact vehicles. Where possible, these spaces shall be clustered together and shall be marked with signs restricting their use to compact vehicles. Compact spaces with a parking angle of ninety (90) degrees shall have the following minimum dimensions: eight (8) feet width, thirteen and one-half (13.5) feet depth to curb, and fifteen and one-half (15.5) feet depth to a wall or interlock.
  - f. Columns, light poles, and/or other protrusions may encroach into a parking module up to a maximum of one (1) foot for modules with parking on one side or a maximum of two (2) feet for modules with parking on two sides, one (1) foot protrusion into each parking row. The protrusions cannot affect more that twenty-five (25) percent of the spaces.

**Figure 3. Typical Parking Space and Facility Layout Dimensions**



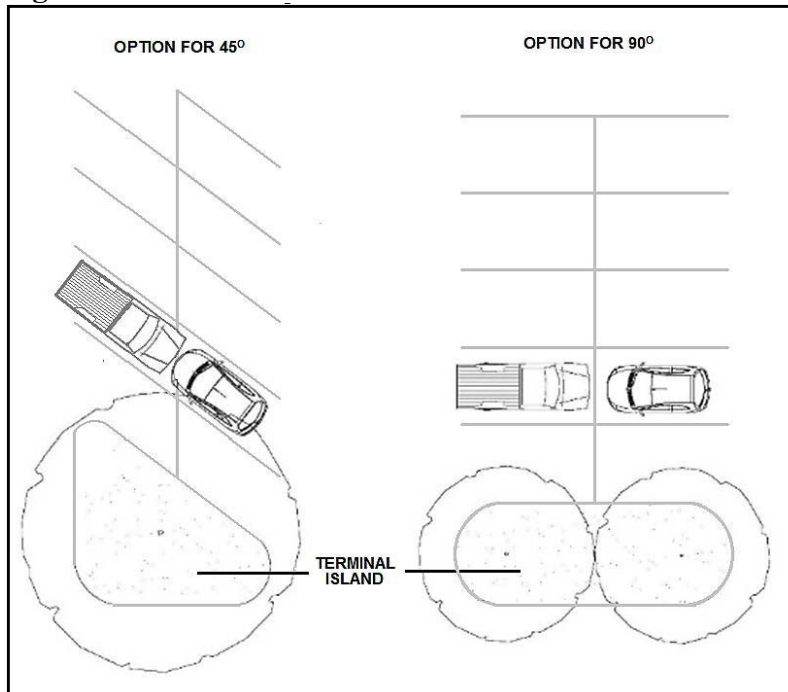
2. Structured parking shall comply with the following requirements:

- a. The department of engineering may approve a reduction in parking dimensions when columns and light poles protrude into a parking module (see figure 3) a combined maximum of two (2) feet as long as they do not affect more than twenty-five (25) percent of the stalls in that bay.
  - b. Stairways, elevators, or other provisions shall be made to separate vehicular and pedestrian movements between the various levels of parking structures.
  - c. The maximum approach, departure, and ramp angles shall be subject to the review and approval of the department of engineering.
  - d. A minimum of nine (9) feet clearance shall be maintained on all levels containing accessible spaces and on all levels providing ingress to and egress from the accessible spaces. A minimum of seven (7) foot clearance shall be maintained throughout the remainder of the structured parking.
- F. *Off-site parking.* The director of the city department of plans review and inspections may consider and approve a shared parking plan for uses that are located near one another and that have different peak parking demands and operating hours. All off-site parking arrangements must comply with the following provisions, at a minimum. Additional requirements may be imposed by the director of the city department of plans review and inspections, or the director of the city department of plans review and inspections may deny the shared parking plan for good cause.
1. The uses will not overlap in hours of operation or in demand for the shared spaces.
  2. The person or entity requesting the shared parking must submit a shared parking study and site plan to the department of engineering for approval.
  3. The lot upon which the shared or off-site parking is located shall be no greater than five hundred (500) feet walking distance as measured from the boundary of the property on which the principal use is located to the boundary of the property where the shared parking is located.
  4. Any crossing of a roadway with a classification higher than local roadway shall be a marked pedestrian crossing.
  5. The off-site parking shall be located on land owned by the owner(s) of the principal use it is intended to serve, or under lease or license to the owner(s) of the principal use it is intended to serve, in accordance with the following subsections.
    - a. If the shared parking accounts for fifty (50) percent or less of the parking spaces required for the principal use that is unable to meet its requirements on-site, the shared parking agreement shall be a parking license with a minimum term of two (2) years. The shared parking license may be revocable and is not required to be recorded; however, a copy of the license must be provided to the city department of plans review and inspections after approval of parking plans and before issuance of building permit.
    - b. If the shared parking accounts for more than fifty (50) percent of the parking spaces required by the principal use that is unable to meet its requirements on-site, the shared parking agreement shall be a lease agreement with a minimum term of five (5) years. Such lease agreement shall be subject to approval by the city law department. Where such a lease is involved, a memorandum of lease shall be recorded with the register of deeds of the county with copies furnished to the city law director and city department of plans review and inspections after approval of parking plans and before issuance of building permit.
  6. Off-site parking shall be in a zoning district that permits the principal use it will serve and off-site parking shall not be located in a residential zoning district.
  7. The shared parking spaces shall be maintained as long as the uses they serve are in operation.
  8. Accessible parking may not be shared.
- G. *Miscellaneous requirements for parking facilities.*



1. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street or alley to obtain egress, except as follows:
  - a. Off-street residential parking for houses, duplexes, and attached houses when the lot is accessed from a local street.
  - b. Egress directly from parking spaces to alleys may be allowed when the aisle width, including the alley width, meets the minimum aisle width specified in table 3.
2. The maximum grade in a parking lot shall be ten (10) percent.
3. Surface drainage shall be collected so as to preclude uncontrolled drainage onto the paved portion of street rights-of-way as determined by the department of engineering.
4. An accessible pathway shall be provided from the accessible parking space(s) to the destination that the parking space(s) are intended to serve. The accessible pathway shall be located along the shortest accessible route to the accessible door/entrance.
5. In an effort to reduce vehicle/pedestrian conflicts:
  - a. Parking lots serving a building and having more than one (1) parking row between the fronting street and the building's front entrance should have sidewalks or clearly defined and designated routes connecting the building's main entrance or a central location to the parking lot.
  - b. A clearly defined and designated accessible route shall connect a building's main entrance or central location to a sidewalk in the ROW where the cost of providing this route does not exceed twenty (20) percent of the parking lot improvement cost.
  - c. Landscaped islands and divider medians shall be arranged so as to channel traffic and minimize vehicular and pedestrian conflicts within parking areas. A divider median shall be provided at a minimum interval of one median per every six (6) parking rows to channel traffic and minimize vehicular and pedestrian conflicts within interior parking lots.
  - d. Parking rows shall be terminated at both ends with terminal islands of a minimum area of one hundred twenty (120) square feet for each parking row. Islands may be combined for double parking rows, resulting in a terminal island with a minimum area of two hundred forty (240) square feet (see figure 4).

**Figure 4. Terminal Islands**



6. Interior islands shall have a minimum area of one hundred twenty (120) square feet for each parking row that they interrupt. Islands may be combined for double parking rows, resulting in an interior island with a minimum area of two hundred forty (240) square feet.
  7. In industrial (I) and C-2 zoning districts, terminal islands, interior islands, and divider medians shall not be required. This exemption shall not apply to parking in industrial zoning districts designated for employees and visitors where the principal building is over forty thousand (40,000) square feet.
  8. Construction and maintenance. All areas devoted to permanent off-street parking as required under this section shall be surfaced and maintained as to control dust, rutting, erosion as a result of continuous use, and migration of surface materials. Parking spaces must be clearly delineated.
  9. Vehicular and pedestrian signs must be MUTCD compliant and approved by the city department of engineering.
- H. *Access and driveway requirements.* These regulations are applicable in zoning districts without specific access and driveway requirements exclusive to the zoning district. If specifically provided, the requirements in article IV shall prevail. The department of engineering is authorized to develop and implement such policies and procedures as may be necessary and desirable to control the design and construction of driveways which are consistent with this ordinance.
1. The number of driveways on a given street, joint permanent easement, or access easement shall be based on the following:
    - a. Typical developments - Table 4.

Table 4. Maximum Number of Driveways for Lot Frontages	
Lot Frontage	Maximum Number of Driveways

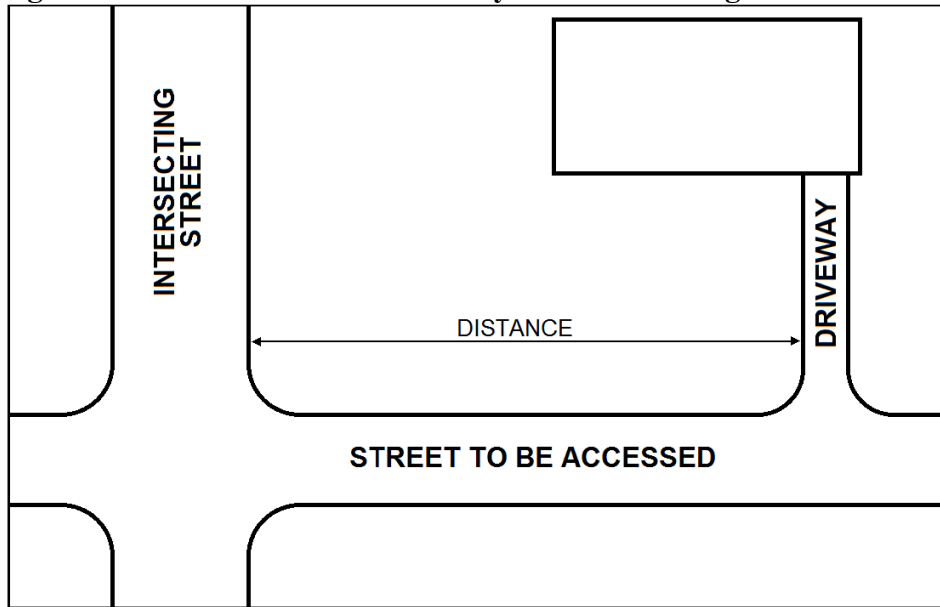
Less than 150 feet	1*
150 feet—450 feet	2
Greater than 450 feet—600 feet	3
Greater than 600 feet—750 feet	4
Greater than 750 feet	Determined by dept. of engineering

\* For single family residences with lot frontages of 100 feet or more, a circular driveway is permissible.

- b. Gas stations and establishments where services are normally provided to customers without leaving their vehicles may have two (2) driveways.
  - c. Projects required to prepare a traffic impact study shall be considered individually based on the recommendation of the study and the approval of the department of engineering.
  - d. Boulevard driveways (with raised median separation) and right-in/right-out driveway pairs will be considered as one (1) driveway.
  - e. The department of engineering may impose other access and driveways requirements as necessary based on specific site conditions.
2. All driveways shall be located subject to the following controls:
- a. On a corner lot, the minimum distance between a driveway and the intersecting street is described in table 5 (see also figure 5).

Table 5. Corner Clearance Requirements			
Classification of Intersecting Street	Classification of Street to be Accessed		
	Arterial	Collector	Local
Arterial	200 ft.	150 ft.	100 ft.
Collector	150 ft.	100 ft.	50 ft.
Local	100 ft.	50 ft.	50 ft.

**Figure 5. Distance Between Driveway and Intersecting Street**



- b. If the required distance cannot be met due to lot size, the driveway shall be located as far as possible from the intersecting street.
  - c. All driveways in a development must be separated by a minimum distance equal to the width of the wider driveway.
  - d. No curb cut may encroach on the frontage of adjacent property without the written consent of the owner for such encroachment, except where a joint use driveway with the adjacent property is established at the request of both owners.
3. The width of all driveways shall be within the minimum and maximum limits specified as follows:
- a. Houses, attached houses and duplexes - Table 6.

Table 6. Driveway Width and Curb Cut Length Standards for Houses, Attached Houses, and Duplexes				
Lot Frontage (feet)	Driveway Dimensions		Length of Curb Cut	
	Min. (feet)	Max. (feet)	Min. (feet)	Max. (feet)
50 feet or less	10	18	15	24
>50—74	10	20	15	26
Greater than 74	10	25	15	32

- b. A circular driveway shall be no wider than eighteen (18) feet.

- c. All other development - table 7.

Table 7. Driveway Width and Curb Cut Length Standards for All Other Development				
Land Use	Driveway Dimensions		Length of Curb Cut	
	Min. (feet)	Max. (feet)	Min. (feet)	Max. (feet)
Uses serving a substantial number of large trucks (5/day or 25/week)	20	40	60	90
All other	20	30	25	60

- d. Gas stations may have driveways up to forty (40) feet wide.
- e. Boulevard driveways (with raised median separation) and right-in/right-out driveway pairs are not subject to table 4 and will be reviewed on a case by case basis by the department of engineering.
- f. For driveways required to be built to the department of engineering's utility driveway standard (access to cell towers, electrical substations, pump stations, etc.), as set forth in the city's land development manual, the minimum driveway width may be reduced to sixteen (16) feet.
- g. Major traffic generators will be considered as individual cases and are not subject to table 7. A major traffic generator is defined as any facility which is required by this section to provide four hundred (400) or more parking spaces.
4. When a change in use, redevelopment, or alteration of any land or building makes any or all of the driveways unnecessary or noncompliant, the owner of the property shall, at their expense, replace all necessary curbs, gutters, sidewalks, and landscape to a condition consistent with current city standards.
- I. *Bicycle parking provisions.*
1. Bicycle parking shall be provided for all uses for which vehicular off-street parking is required and/or provided, with the exception of single family homes and duplexes. For newly provided off-street vehicular parking, bicycle parking shall be provided for uses in the amount indicated in table 8.

Table 8. Required Bicycle Parking		
Land Use Category	Total Required Motor Vehicle Parking Spaces (minimum)	Required Number of Bicycle Parking Spaces
Nonresidential*	Less than 50	4

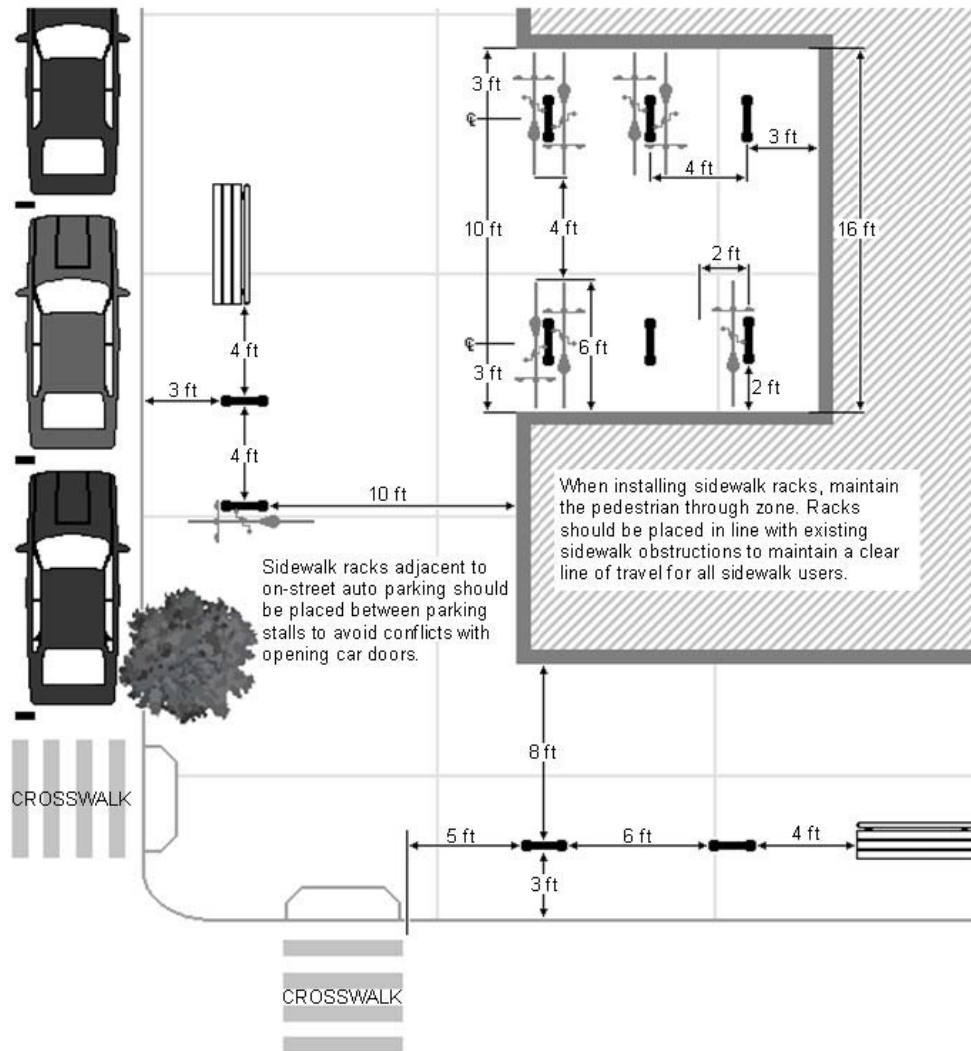
	51—100	8
	101—500	12
	501—1,000	16
	1,001 or more	16 for the first 1001 + 8 for every 500 thereafter of vehicle parking spaces over 1,000
Residential	Detached one- or two-family dwellings	0
	Multi-Family	0.25 per unit, or none if interior storage space is provided for each unit

\* Shopping centers and mixed-use multi-tenant structures are to be considered as a whole, not as individual tenants. Bike racks shall be spaced throughout the shopping center.

2. In the C-2 zoning district, bicycle parking is required. The number of bicycle parking spaces required shall be based on the minimum number of vehicle parking spaces that the proposed use(s) would be required based on Table 1.
3. In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half (0.5) may be eliminated from the count and any fraction one-half (0.5) or more shall be counted as one (1) parking space.
4. One (1) required vehicle parking space may be used as a space for providing required bicycle parking.
5. The required bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance or other location approved by the department of engineering.
6. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
7. Users shall not be required to climb or descend stairs in order to access the bicycle parking facility unless there is a bicycle wheel trough parallel to the stairs.
8. Connections to bicycle networks may be required by the department of engineering.
9. Bicycle parking shall not impede pedestrian or accessible routes.
10. Bicycle parking spaces shall include a rack which permits the locking of the bicycle frame and one wheel to a rack or fixture and shall support a bicycle in a stable position without damage to the wheels, frame or components. Racks must be securely anchored to prevent the racks from being removed from the location.
11. Bicycle racks shall be installed according to the following minimum standards (see figure 6):
  - a. Three (3) feet from the side of the rack to any obstruction.

- b. Three (3) feet forwards or backwards from the centerline of the rack to any obstruction.
  - c. Four (4) feet from the side of the rack to another bike rack.
  - d. Ten (10) feet forwards or backwards from the centerline of the rack to the centerline of another bike rack.
  - e. Alternatives to these standards may be approved by the department of engineering.
12. Bicycle parking and access to bicycle parking shall be constructed in accordance to subsection G.8. of this section.

**Figure 6. Typical Bicycle Parking Rack and Spacing**



- J. *Parking lot landscaping.* The purposes of this subsection are to foster pedestrian and vehicular safety by directing traffic flow, to promote stormwater drainage, and to lessen negative visual and environmental effects that parking lots can have on the community. To those ends, this subsection establishes the minimum landscaping standards by which parking lots will be screened from adjacent public streets or from adjacent properties.
- 1. These standards shall apply to newly constructed parking lots, including vehicular use areas, of ten thousand (10,000) square feet or larger; provided, however, that newly constructed parking lots with less than twenty thousand (20,000) square feet of vehicular use area are exempt from

the interior landscaping requirements in subsection J.3. of this section and the perimeter screening requirements in subsection J.2.c.3) of this section. When an existing parking area is expanded, only the area of expansion shall be required to comply with these landscaping standards. Structured parking shall be exempt from the landscaping requirements of this section.

2. Perimeter landscaping.

- a. Perimeter screening areas shall be provided between parking lots and/or vehicular use areas and adjacent properties and/or streets.
- b. Breaks may be provided in the perimeter screening area for pedestrian walkways, driveway access, signs, and utilities. Encroachments should minimize impact on landscaping.
- c. The perimeter screening area shall be as follows:
  - 1) Between parking lots and residential zones: A perimeter screening area at least ten (10) feet wide, measured from the edge of the parking lot to the property line shall be provided between the parking lot and any adjacent residential zoning district. Such perimeter screening area shall be planted with a minimum of four (4) evergreen trees, three (3) deciduous trees, and fourteen (14) shrubs for every one hundred (100) linear feet. A minimum of fifty (50) percent of the shrubs shall be evergreen.
  - 2) Between parking lots and rights-of-way: A perimeter screening area at least ten (10) feet wide, measured from the edge of the parking lot to the right-of-way, shall be provided between the parking area and the right-of-way of all adjoining streets. Such perimeter screening area shall be planted with a minimum of three (3) deciduous and/or evergreen trees and ten (10) shrubs for every one hundred (100) linear feet. A minimum of fifty (50) percent of the shrubs shall be evergreen. For parking lots, including vehicular use areas, of less than twenty thousand (20,000) square feet, the width of the perimeter screening area may be reduced to six (6) feet.
  - 3) Between parking lots and mixed use or nonresidential zones: Perimeter screening areas no less than five (5) feet wide, measured from the edge of the parking lot to the property line, shall be provided between the parking lot and any property zoned for mixed use or nonresidential purposes, including parking lots on adjacent property. Such perimeter screening areas shall be planted so as to be continuous when plants reach maturity. A minimum of fifty (50) percent of the shrubs shall be evergreen.
- d. Parking lots located on properties developed under a common or unified development plan and/or which have a shared access agreement shall not be required to provide the perimeter screening area along common property lines where parking areas abut. All interior plantings shall be provided, as well as perimeter screening areas adjacent to properties not developed under the common or unified development plan.

3. Interior landscaping.

- a. Landscaped islands shall be pervious and planted, at a minimum, as follows:
    - 1) One (1) deciduous tree, such tree shall be no less than two (2) inches caliper, and no less than eight (8) feet tall at the time of planting (height measured from ground to top of tree when planted).
    - 2) Landscaped areas shall be planted with natural plant materials (vines, shrubs, ground covers, or grass).
  - b. In parking rows, runs of more than fifteen (15) parking spaces shall be broken by an interior island.
4. Landscaped areas may be recessed if flush curbs are utilized. If recessed, the landscaped areas must be designed for stormwater management and to prevent erosion and tracking.



5. Landscaped areas shall be protected from encroachment of vehicles through use of curbs or wheel stops where necessary.
6. At intersections of streets, drives, and other travel ways, sight distance shall be maintained. To maintain sight distance, the maximum combined height of shrubs, groundcover, berms, walls, and fences shall be thirty (30) inches, using plant heights at maturity. Trees obstructing sight distance shall be trimmed whereby the lowest branches are ten (10) feet above the ground.
7. In C-2 zoning districts, the perimeter landscaping standards shall not apply; however, the total landscaped area provided shall be at least four (4) percent of the total area of the parking lot.
8. Species should be selected based on those that will survive and thrive in East Tennessee. Noxious and invasive species shall not be used for landscaping. Trees should be selected from the city's tree list maintained by the city.
9. Landscaping plan submittals shall not conflict with existing overhead and underground utility infrastructure and maintenance zones. Plans shall reference the city's tree list for appropriate species and their respective planting distances from adjacent utility infrastructure. No landscaping shall be permitted, which at maturity will grow into conflict with the utility maintenance zone. As stated in subsection J.11., alternative landscaping plans may be considered when an applicant cannot meet any of the specific requirements of subsection J. because of the utility maintenance zones.
  - a. Overhead utilities: At maturity, landscaping shall not grow within ten (10) feet of primary distribution lines and twenty five (25) feet within 69kv sub-transmission lines.
  - b. Utility poles: Trees shall not be planted within ten (10) feet of primary distribution poles and twenty five (25) feet within 69kV sub-transmission poles.
  - c. Support wires: Trees shall not be planted within five (5) feet of supporting guy wires.
  - d. Underground utility lines: The minimum distance of tree planting from the utility center line shall not be less than ten (10) feet. Shrubs and other landscaping vegetation are permitted in this area.
  - e. Pad mount transformers: Landscaping shall be planted a minimum of six (6) feet away from the side with doors and three (3) feet away from the other sides.
10. The owner of any property where parking lot landscaping is required shall be responsible for the maintenance of all required plant material and the replacement of any dead and/or missing plant material.
11. Alternative landscape compliance:
  - a. The landscape requirements are intended to set minimum standards for quality development and environmental protection; site conditions or other reasons may justify the need to request an alternate method of compliance. Alternative landscaping plans may be considered when an applicant cannot meet any of the specific requirements of subsection J. because:
    - 1) Strict application of the landscaping requirements would require unreasonable or unnecessary compliance. Such situations could include water features, topography, lot configurations, utility maintenance zones, or unusual site conditions; or
    - 2) The applicant envisions a more creative means to meet the spirit and intent of these requirements; or
    - 3) A comprehensive landscaping plan involving several properties is proposed.
  - b. Administration of alternative landscaping plans: The applicant shall submit an alternative landscaping plan indicating proposed landscaping, and will include a list of landscaping requirements not met, a description of the alternatives proposed, and a written explanation of how the proposed plan fulfills the spirit and intent of the landscaping requirements. The alternative landscape plan shall be submitted to and approved by the administrative review

committee subject to administrative review committee administration. In approving the alternative landscape plan, the administrative review committee shall find that:

- 1) The proposed alternative will not present a safety hazard.
  - 2) That proposed alternative will, upon maturity, provide landscaping that is equal to or better than the standards requirements.
  - 3) The proposed alternative is designed to address plant health and vigor.
  - 4) The proposed alternative is reasonably compatible with the natural and topographic features of the site.
  - 5) The proposed alternative supports the purpose statement noted in subsection J. of this section.
12. Conservation of existing trees: Existing healthy trees shall be conserved when possible and shall be credited toward landscaping requirements, when they are comparable in terms of species to new trees that would be permitted in the proposed location.
- a. Credit for conserving existing, healthy trees shall be subject to approval by the city director of plans review and inspections or designee. The credit approved for each conserved tree shall be based on a tree's diameter, measured four and one-half (4.5) feet above the ground and may be up to the amount indicated below:
    - 1) Four (4) to eight (8) inches: two (2) trees credited;
    - 2) Eight (8) to twelve (12) inches: three (3) trees credited;
    - 3) Twelve (12) to eighteen (18) inches: four (4) trees credited; and
    - 4) Eighteen (18) inches or greater: five (5) trees credited.
  - b. Existing trees may be used to fulfill some of the perimeter screening requirements, subject to approval by the director of plans review and inspections or designee. Existing trees shall be credited as set forth in subsection J.12.a of this section. Trees to be conserved shall be identified on the required landscaping plan. Conserved trees shall comprise no more than fifty (50) percent of the perimeter screening requirements and shall be supplemented with new landscaping materials as required to create an effective screen. If existing trees are being used as credit toward meeting the tree planting standards, a grading permit shall not be issued until suitable protective barriers are placed around the critical root zone (CRZ) of the tree(s) to be conserved. Conserved trees shall be subject to the maintenance and replacement requirements set forth in subsection J.10. of this section.

(Ord. No. 3737, 2-9-65; Ord. No. 4039, 3-1-66; Ord. No. 4707, 1-7-69; Ord. No. 4709, 1-7-69; Ord. No. 4832, 6-10-69; Ord. No. 4970, 4-14-70; Ord. No. 5029, 8-7-70; Ord. No. 5051, 8-4-70; Ord. No. 6344, § 1, 6-28-77; Ord. No. 6450, 10-18-77; Ord. No. O-127-78, §§ 1—3, 7-25-78; Ord. No. O-57-79, § 1, 4-17-79; Ord. No. O-44-84, § 3(a)—(e), 3-13-84; Ord. No. O-99-85, § 1, 6-18-85; Ord. No. O-125-89, § 1, 6-13-89; Ord. No. O-750-93, § 1, 12-21-93; Ord. No. O-90-95, § 1, 2-28-95; Ord. No. O-431-97, § 1, 10-7-97; Ord. No. O-41-98, § 1, 1-27-98; Ord. No. O-371-99, § 1, 9-21-99; Ord. No. O-483-98, § 1, 9-22-98; Ord. No. O-245-00, § 1, 6-27-00; Ord. No. O-335-00, § 1, 7-25-00; Ord. No. O-129-06, § 1, 6-20-06; Ord. No. O-176-06, § 1, 8-29-06; Ord. No. O-30-07, § 2, 2-27-07; Ord. No. O-59-07, § 1, 3-27-07; Ord. No. O-243-08, § 1, 12-30-08; Ord. No. O-4-2011, § 1, 1-25-11; Ord. No. O-2-2013, § 1, 1-8-13; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-43-2017, § 1, 3-28-17; Ord. No. O-219-2017, § 1, 10-10-17)

**Editor's note**— Old Code § 28-62.1, referred to in subsection A.5.a of the preceding section, was deleted upon a 1979 revision of chapter 28.

## **Sec. 8. - Storage and parking of trailers, recreational vehicles, commercial vehicles, and school buses.**

Commercial vehicles hauling trailers, boat trailers, recreational vehicles, and school buses shall not be parked or stored on any lot improved with a dwelling or on any lot zoned residential, except in accordance with the following provisions:

- A. One each lot, only one of the following vehicles may be parked or stored per household living on the premises:
  - 1. A commercial vehicle, which does not exceed 26,000 pounds, gross vehicle weight.
  - 2. A school bus.
- B. The following vehicles are prohibited:
  - 1. A three-axle combination commercial vehicle cab.
  - 2. Any commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products.
- C. On each lot, a total of two (2) (one (1) from any two (2) of the subsections listed below) of the following vehicles may be parked or stored per household living on the premises, and said trailer, or recreational vehicle, shall not exceed forty-five (45) feet in length or nine (9) feet in width; and further provided that said trailer, or recreational vehicle, shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line:
  - 1. Recreational vehicle.
  - 2. Hauling trailer.
  - 3. Boat trailer.
- D. A recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a travel trailer court or other location authorized under this ordinance.

(Ord. No. O-236-98, § 1, 4-21-98; Ord. No. 176-06, § 1, 8-29-06)

## **Sec. 9. - Off-street loading and unloading requirements.**

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distribution of materials or merchandise, there shall be provided and maintained on the site adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys.

- A. Except in neighborhood and community shopping center districts which are regulated in article IV, sections 3.2 and 3.3 and south waterfront zoning districts which are regulated in article IV, section 4.1, onstreet loading and unloading space shall be provided as follows:
  - 1. The number of loading and unloading spaces provided shall be as indicated in table V-9A.
  - 2. Where three (3) are required, one (1) of the three (3) and one-half (fifty (50) percent) of all spaces above three (3) shall be designed to accommodate tractor-trailer or semitrailer (WB-40) vehicles. All other spaces shall be designed to accommodate a single unit (SU-30) vehicle.
  - 3. Up to twenty-five (25) percent of the off-street loading and unloading requirements may be provided in an onsite holding area designed and located so as not to interfere with the maneuvering of other vehicles.

- B. In addition to off-street loading and unloading spaces, off-street spaces for service vehicles shall be provided as follows:
1. The number of service vehicle spaces provided shall be as indicated in table V-9A.
  2. Where three (3) or more spaces are required at least one-third of all spaces shall be designed to accommodate single-unit (SU-30) trucks. Other spaces may be designed to accommodate standard passenger cars or van-type vehicles.
  3. Off-street spaces for service vehicles may be waived where parking is provided in accordance with article V, section 7, A.3.
- C. Where tractor-trailer or semitrailer (WB-40) [vehicles] are specified as the design vehicle, loading and unloading spaces shall be twelve (12) feet by forty-five (45) feet with a fourteen-foot height clearance.
- Where single-unit (SU-30) trucks are specified as the design vehicle spaces shall be eleven (11) feet by thirty (30) feet with a twelve-foot height clearance.
- All spaces shall be provided with appropriate means of access to a street or alley. Adequate maneuvering area shall be provided within the site to preclude the need for stopping and backing of vehicles within adjacent street rights-of-way.
- D. All areas devoted to permanent off-street loading and unloading as required under this section shall be of a sealed-surface construction and maintained in such a manner that no dust will result from continuous use.

TABLE V-9A. SUMMARY OF LOADING AND SERVICE VEHICLES

	Type of Space	Less than 25,000 Sq. Ft.		25,000 to 50,000 Sq. Ft.		50,000 to 100,000 Sq. Ft.		100,000 to 150,000 Sq. Ft.		More than 150,000 Sq. Ft.		Additional
		1	1	1	2	2	3	2	3	3	4	
Office Hospital, Hotel and other similar uses	Loading and Unloading	1	1	1	2	2	3	2	3	3	4	Plus 1 for each additional 200,000 sq. ft.
	Service	1	2	1	2	2	3	2	3	3	4	Plus 1 for each additional 100,000 sq. ft.
Retail	Loading and Unloading	1	1	1	2	2	3	3	4	4	5	Plus 1 for each additional 100,000 sq. ft.
	Service	1	1	1	2	1	2	2	3	2	3	Plus 1 for each additional 200,000 sq. ft.

													ft.
Wholesale, Warehouse, Manufacturing and other similar uses	Loading and Unloading	1	1	1	2	2	3	3	4	4	5	Plus 1 for each additional 50,000 sq. ft.	
	Service	1	1	1	1	1	2	2	2	2	3	Plus 1 for each additional 200,000 sq. ft.	

Minimum	Desirable
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(Ord. No. 6345, § 1, 5-17-77; Ord. No. O-30-07, § 2, 2-27-07)

**Sec. 10. - Reserved.**

**Editor's note**— Ord. No. O-127-2015, § 2, adopted July 21, 2015, amended the Code by repealing former § 10, which pertained to signs, billboards, and other advertising structures; and derived from Ord. No. 5824, adopted November 8, 1974; Ord. No. O-74-82, adopted March 16, 1982; Ord. No. O-85-83, adopted May 24, 1983; Ord. No. O-139-85, adopted August 13, 1985; Ord. No. O-67-86, adopted May 6- 1986; Ord. No. O-89-95, adopted February 28, 1995; Ord. No. O-490-95, adopted September 28, 1995; Ord. No. O-407-00, adopted August 22, 2000; Ord. No. O-150-01, adopted May 15, 2001; Ord. No. O-27-02, adopted January 22, 2002; Ord. No. O-241-04, adopted December 7, 2004; Ord. No. O-238, adopted October 25, 2005; Ord. No. O-8-06, adopted January 17, 2006; Ord. No. O-176-06, adopted August 29, 2006; Ord. No. O-30-07, adopted February 27, 2007; Ord. No. O-236-07, adopted October 23, 2007; Ord. No. O-37-09, adopted March 24, 2009; Ord. No. O-57-09, adopted April 21, 2009; Ord. No. O-152-09, adopted November 17, 2009; Ord. No. O-43-2010, adopted April 20, 2010; Ord. No. O-28-11, adopted April 19, 2011; and Ord. No. O-38-2011, adopted May 3, 2011. For more information, see Art. VIII of this appendix.

**Sec. 11. - Gasoline service stations.**

In addition to the requirements set forth in article IV of this ordinance, the following regulations shall apply to gasoline service stations:

A. *Setback requirements.*

1. The principal building used in conjunction with the service stations shall conform to the setback requirements for principal buildings for the district in which they are located, except as hereinafter provided.

2. Gasoline pump islands shall:
    - a. Be located not closer than fifteen (15) feet to any street right-of-way when constructed parallel to the pavement edge.
    - b. Be located not closer than thirty (30) feet to any street right-of-way when constructed perpendicular to the pavement edge.
    - c. Be separated by a driveway of at least twenty-two (22) feet in width when two (2) islands are located parallel to each other.
    - d. Be separated from the principal building by a driveway of at least twenty (20) feet where the islands are constructed parallel to the building (excluding a service attendant building constructed as a part of a pump island).
    - e. Be separated from the principal building by a driveway of forty (40) feet where the islands are constructed perpendicular to the building.
    - f. Be set back fifteen (15) feet from all property lines other than street rights-of-way.
  3. Canopies shall not be constructed closer than fifteen (15) feet from any street right-of-way.
  4. Gasoline service station requirements less than the above minimum standards may be approved by the planning commission as a use on review where it can be shown by a site plan drawn to a scale of one (1) inch equals fifty (50) feet that:
    - a. Adequate space exists on the site to handle vehicular circulation.
    - b. Servicing of vehicles would occur entirely on the site.
    - c. Conditions exist which make it impractical for the site to meet the letter of the ordinance, but the plan submitted does comply with the intent of this section and would not adversely affect the community.
- B. *Driveways.*
1. The maximum width of a driveway opening at the property line shall be forty (40) feet.
  2. The minimum distance between the intersection of street right-of-way lines on a corner lot and the driveway to a service station shall be not less than twenty-five (25) feet at the right-of-way line.
  3. The minimum distance from an adjoining interior lot line and a driveway opening shall be not less than twelve and one-half (12½) feet at the street right-of-way line.
  4. Minimum distance between two (2) driveways serving the same property and which provide access to the same street, measured at property line:
    - a. Where street is not a state highway: Twenty-five (25) feet.
    - b. Where street is a state highway: Twenty-five (25) feet or the same width as the widest driveway, whichever is greater.
- C. *Curbs.*
1. A raised curb at least six (6) inches in height shall be constructed on or behind all street property lines, except at driveway openings.
  2. Radius of curb return. The curb return radius shall be not less than five (5) feet nor more than twenty (20) feet; provided, however, that no such radius shall exceed the distance between the driveway opening at the property line and the adjoining property line, or one-half the distance to an adjacent driveway.
- D. *Screening and lighting.*

1. Service stations constructed adjacent to any residential district shall be screened along their periphery from adjoining residential property to a minimum height of six (6) feet by one (1) of the following:
  - a. A chainlink fence with inserted lattice which blocks the vision.
  - b. An evergreen hedge which blocks the vision.
  - c. A masonry wall.
  - d. Any other proposed screen which is approved by the metropolitan planning commission, as "use on review."
2. No exterior lighting shall be oriented in such a manner as to cause direct lighting to be cast onto property zoned residential.

(Ord. No. 5895, 5-6-75)

## **Sec. 12. - Home occupations and home offices.**

This section defines home occupations and home offices and prescribes the conditions under which such occupations and offices may be permitted.

- A. A home occupation is a gainful occupation conducted in a dwelling unit by a resident thereof, provided that:
  1. No more than one (1) person other than members of the household residing on the premises shall be engaged in such occupation.
  2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
  3. There shall be no change in the outside appearance of the building or premises, nor outdoor storage of anything, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.
  4. No home occupation shall be conducted in any accessory building.
  5. There shall be no sales in connection with such home occupation other than sales of services and products produced on the premises.
  6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and other than in a required front yard.
  7. No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house, or outside the dwelling unit if conducted in other than a house. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
- B. The following occupations, subject to the requirements of the above section, may be permitted as home occupations:
  1. Artist, sculptor, author.
  2. Barber shop and beauty shop.

3. Dressmaker, milliner, seamstress, tailor, interior decorator.
  4. Professional office of a physician, dentist, lawyer, engineer, architect or accountant.
  5. Teaching, including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time.
  6. Computer programming and word processing.
  7. Telephone answering.
  8. Cooking and preserving.
  9. Any other similar use which the planning commission deems to be a home occupation.
- C. The following are prohibited as home occupations:
1. Tea rooms.
  2. Tourist homes.
  3. Real estate offices.
  4. Convalescent homes.
  5. Funeral establishments.
  6. Animal hospitals.
  7. Repair shops.
  8. Catering services.
- D. Stores, trades or business of any kind not herein excepted shall not be deemed to be home occupations.
- E. A home office is a space within a dwelling unit designed for and used to support an occupation of a person residing in the dwelling unit involving only written correspondence, telephones, computers, or other common office equipment; provided that:
1. The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
  2. No more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
  3. No employees shall be permitted to work on the premises, except for family members residing in the dwelling unit and except that a disabled individual may employ a personal care attendant as necessary to accommodate a home office use;
  4. No visible evidence of such home office to the outside appearance of the residence or its premises shall be permitted;
  5. No outdoor storage of material, merchandise or other product related to the home office shall be permitted;
  6. No outside signs in relation to the home office use shall be permitted.
  7. No home office shall be located in any accessory building.
  8. No production or display of products is permitted; no repair of any type of materials, merchandise or other products is permitted; storage of items for distribution is confined to the home office area.
  9. No customer, client, or outside employee meetings shall be conducted within the dwelling unit or its home office.
  10. No additional parking is required for a home office use.



11. No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house, or outside the dwelling unit if conducted in other than a house. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

(Ord. No. O-71-80, § 1, 5-27-80; Ord. No. O-126-84, § 1, 8-14-84; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-202-06, § 1, 9-26-06; Ord. No. O-83-2013, § 1, 5-28-13; Ord. No. O-19-2014, § 1, 1-21-14)

### **Sec. 13. - Temporary uses.**

The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, nonpermanent in nature.

- A. Application for a temporary use permit shall be made to the building inspector, and shall contain the following information:
  1. A survey or legal description of the property to be used, rented or leased for a temporary use, including all information necessary to accurately portray the property.
  2. A description of the proposed use.
  3. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to serve the proposed use.
- B. The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:
  1. *Carnival or circus.* In any nonresidential district, a temporary use permit may be issued for a carnival or circus, but such permit shall be issued for a period of not longer than fifteen (15) days. Such a use shall [be] set back from all residential districts a distance of one hundred (100) feet or more.
  2. *Christmas tree sale.* In any district, a temporary use permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period of not longer than thirty (30) days.
  3. *Temporary construction facilities.* In any district, a temporary use permit may be issued for a contractor's temporary construction facilities such as yards, parking lots, offices, trailers, sheds, etc., incidental to a construction project located on the property or in the vicinity of the property. Such construction facilities shall not contain sleeping or cooking accommodations. Such permit shall be valid for not more than one year but may be renewed a maximum of two one-year extensions. However, such construction facilities shall be removed upon completion of the construction project or upon expiration of the temporary use permit, whichever occurs sooner.
  4. *Real estate sales office.* In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved in accordance with the provisions of the ordinance regulating subdivisions, found in chapter 37, Code of the City of Knoxville [Appendix A to the city Code]. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year, but may be renewed [for] a maximum of three (3) one-year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the temporary use permit, whichever occurs sooner.

5. *Seasonal sale of farm produce.* In any district, other than agricultural, a temporary use permit may be issued for the sale of food or non-food crops grown only on the premises. Acceptable seasonal produce stands shall be a portable table or cart, and shall not exceed an area of one hundred (100) square feet. Such stands shall be removed when not in use. A permit shall be valid for not more than nine (9) months per calendar year. Applicants may submit for a subsequent seasonal produce stand permit one (1) calendar year from the issuance of their last permit for this purpose. Seasonal produce stands shall be set back from all public rights-of-way a distance of not less than fifteen (15) feet.
6. *Periodic warehouse sales.* In an I-2 zone, a temporary use permit may be issued for indoor retail sales provided:
  - a. Parking is provided equal to that required for retail sales.
  - b. The site has direct access to an arterial or collector street as defined in the major thoroughfare plan.
  - c. Other uses in the area do not pose a health or safety risk as determined by the fire chief and the chief of police or their designees.
  - d. No permit shall be issued under this section for any lot within the City of Knoxville for a period in excess of one hundred ten (110) days within any calendar year.
7. *Portable storage container:* In any residential, office or C-1 (neighborhood commercial) district, a temporary use permit shall be required for a portable storage container and issued subject to the following requirements:
  - a. The use of a portable storage container shall be limited to no more than sixty (60) consecutive days in any year. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the temporary use permit may be extended for additional two-week periods upon a showing of need. There shall be no more than three (3) extensions of any temporary use permit. An exception to this shall be made if the portable storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container shall not exceed the period for which the building or demolition permit has been issued.
  - b. Portable storage containers shall not be placed in a public right-of-way, or located so as to interfere with traffic visibility.
  - c. Portable storage containers shall not be placed in the front yard of the main building, unless there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location.
8. *Use of goats for control of kudzu or other invasive plants .* In any district, a temporary use permit may be issued for the use of goats for the purpose of controlling kudzu or other invasive plants on any property owned, leased or otherwise controlled by the city, subject to the following requirements:
  - a. The area to be browsed by animals shall be measured, staked, and appropriately fenced.
  - b. The animals shall remain within a secure enclosure at all times. The animals may be moved to a separate holding pen at night, which shall be located the maximum distance practicable from residences.
  - c. The animals shall be used to control kudzu or other invasive plants only and shall be removed when seasonal control has been established.
  - d. Animal droppings shall be removed as needed to prevent accumulation, to avoid health or sanitation problems, or the breeding of flies, and to prevent discharge into the storm water system.

- e. The use of animals to control kudzu or other invasive plants shall be accomplished in such a way as to not create erosion. Reasonable care must be taken to prevent storm water runoff and water quality problems.
  - f. Once the browsing project is complete, the animals and any temporary fencing must be removed.
9. *Additional temporary uses.* In addition to the temporary uses and structures listed above, a temporary use permit may be issued by the building official for other temporary uses and structures that are substantially similar to a temporary use or structure listed above and not intended to become permanent. A permit may be issued if the building official determines that such use or structure is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. Such permit may be valid for not more than one year, but may be renewed a maximum of two one-year extensions.

(Ord. No. O-469-92, § 1, 11-10-92; Ord. No. O-221-04, § 1, 11-23-04; Ord. No. O-140-07, § 1, 6-19-07; Ord. No. O-78-08, § 1, 3-25-08; Ord. No. O-99-2010, § 1, 6-29-10; Ord. NO. O-16-2014, § 1, 1-21-14; Ord. No. O-126-2015, § 18, 7-21-15)

#### **Sec. 14. - Fallout shelters.**

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the building setbacks, yard, and lot coverage regulation of the district. Such shelters may contain or be contained in other structures, or may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

#### **Sec. 15. - Tents.**

A tent is any structure, enclosure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects. Tents for events incidental to the principal permitted use of the site are considered a temporary use and structure; these tents may be located in any district subject to meeting the following requirements:

1. Tents shall be set back from the front property lines(s) a distance as specified in the base zoning district, but the setback shall not be required to be more than fifteen (15) feet.
2. The erection of the tent shall not reduce the required parking for the principal permitted use by more than twenty-five (25) percent. A parking plan must be submitted for approval.
3. On a corner lot, a tent shall not be located within the visibility triangle as shown in the sketch in the Knoxville City Code, Appendix B, Article 5, Section 6(C)(1).
4. Each temporary permit shall be for a period not to exceed fifteen (15) consecutive calendar days, and no permit shall be issued for more than forty-five (45) calendar days per year except as stated herein.
5. In the alternative, the plans review and inspections division of the city shall have authority to issue an annual permit for use, erection, and maintenance of tents for extended use, subject to rules adopted by the city; however, such annual permit shall not authorize the use or maintenance of a tent for more than fifteen (15) consecutive calendar days or more than forty-five (45) total days per year.

Use, erection, and maintenance of tents shall be subject to compliance with all other applicable codes and regulations of the city. No tent shall be used, erected, or maintained as living quarters. Overnight camping tents are permitted on public lands established for camping purposes, and in private camps permitted in districts of this ordinance.

(Ord. No. O-136-84, § 1, 8-14-84; Ord. No. O-16-2014, § 1, 1-21-14)

**Sec. 16. - Swimming pools[; tennis courts].**

The following regulations shall apply to swimming pools:

- A. A private swimming pool shall be any pool or open tank having a depth of more than thirty (30) inches which is designed and built for swimming and bathing; however, this definition shall not include spas and hot tubs which are securely covered when not in use by a sturdy insulated top capable of restriction [restricting] access by children. Private swimming pools are permitted in any residential district, provided:
  1. The pool is intended and is to be used solely for enjoyment of the occupants of the property on which it is located and their guests.
  2. No swimming pool or part thereof, including aprons, walks and equipment rooms, shall protrude into any required front or side yard.
  3. The swimming pool area shall be so enclosed by a wall or gate fence with a self-latching gate to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height, shall not have openings that would allow a four-inch diameter sphere to pass through it, and shall be maintained in good condition.
- B. A private tennis court shall be any tennis court not open to the public. Private tennis courts are permitted in any residential district, provided:
  1. The tennis court is intended and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
  2. No part of the court or its appurtenances shall protrude into any required front or side yard.
- C. A community club swimming pool not open to the public shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their guests. Community and club swimming pools shall comply with the following conditions and requirements:
  1. The pool shall be maintained in a useable condition during the swimming season, or secured from access, and provided solely for the enjoyment of the members and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
  2. The pool and accessory structures thereto, including the areas used by bathers, shall be not closer than fifty (50) feet to any property line of the property on which located.
  3. The swimming pool and all of the area used by the bathers shall be enclosed by a wall or fence with a self-latching gate to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not have openings that would allow a four-inch diameter sphere to pass through it, shall be at least five (5) feet in height and shall be maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.
- D. A community tennis club not open to the public shall be any tennis court constructed by an association of property owners, or by a private club for use by members and their guests. Community and club tennis courts shall comply with the following conditions and regulations:
  1. The tennis court is intended solely for the enjoyment of the members and guests of members of the association or club under whose ownership or jurisdiction the tennis court is operated.

2. The tennis court and appurtenances shall not be closer than twenty-five (25) feet to any property line of the property on which located.

(Ord. No. O-126-78, §§ 2—4, 7-25-78; Ord. No. O-29-81, § 1, 2-17-81; Ord. No. O-211-98, § 1, 4-7-98; Ord. No. 176-06, § 1, 8-29-06)

### **Sec. 17. - Lighting.**

Lighting of all types shall be directed so as to reflect away from all residential districts, and shall be so situated as not to reflect directly onto any public rights-of-way. Additional regulations as specified in article IV for specific zone districts shall apply.

(Ord. No. O-30-07, § 2, 2-27-07)

### **Sec. 18. - Recycling facility.**

In addition to the requirements set forth in article IV of the Zoning Code, the following regulations shall apply to a collection facility, hazardous wastes and/or substances processing facility, processing facility, vehicle storage facility, and junk or salvage facility:

A. *General standards.*

1. The property owner shall maintain the collection or operation free of litter and debris.
2. The property owner shall control rodent or insect infestation.

B. *Recycling collection facility standards.*

1. Containers shall [be] set back a minimum of ten (10) feet from any property line or building and a minimum of twenty-five (25) feet from any residential zone.
2. Containers shall not be located so as to obstruct pedestrian or vehicular traffic.
3. Containers shall have one (1) sign per container or vehicle which identifies the type of material to be placed in the container or vehicle, the name and telephone number of the operator, the hours of operation, and a warning that no material may be left outside the container or vehicle.
4. Five (5) percent of the required parking spaces for the primary use may be used for the recycling collection facility.

(Ord. No. O-483-92, § 1(G), 11-24-92; Ord. No. O-686-93, § 1(B), 11-23-93)

### **Sec. 19. - Multi-section manufactured homes.**

Multi-sectional manufactured homes, as defined in Article II of this ordinance, may be used for houses and attached houses, provided the following development criteria are met:

A. *General standards:*

1. Such dwellings shall meet all applicable building, safety and fire codes.
2. Such dwellings shall have the same general appearance as required for site built homes.

B. *Specific standards:*

1. All wheels, axles, hitches and other parts used for transport of the dwelling shall be removed prior to issuance of a certificate of occupancy.

2. A perimeter wall of solid masonry, concrete or other material approved by the building official shall be installed around the base of the dwelling.
3. All roofing, siding, veneers and other exterior materials shall be limited to materials permitted for site built housing.
4. Roof pitch shall be the same as required for site built housing.

(Ord. No. O-2-99, § 1, 1-12-99; Ord. No. 176-06, § 1, 8-29-06)

**Sec. 20. - Wireless communication facilities (WCF).**

A. *Purpose.* The purpose of this section is to create a legal framework for the siting and appearance of wireless communication facilities through regulations that will:

1. Promote and protect the public health, safety and welfare, preserve the aesthetic character of the community, and to reasonably regulate the development and operation of wireless communication facilities within the city to the extent permitted pursuant to state and federal law;
2. Encourage the collocation of antennas on existing towers and structures;
3. Protect residential zones, historic districts, scenic highways and parkways from excessive development of WCFs by ensuring that towers in or near these areas are only sited when alternative facility locations are not feasible;
4. Accommodate the growing demand for wireless communication services;
5. Enable WCF providers to furnish comprehensive and efficient wireless communications service to the community minimizing the adverse impacts of their facilities;
6. Encourage the use of the latest technology through advances in siting and design;
7. Establish clear standards for an orderly process for permit application review.

B. *Definitions.*

*Antenna* means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).

*Antenna array* means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

*Base station* means a perimeter boundary (often fenced) containing the tower and equipment shelters, and associated equipment that enables wireless communications between user equipment and a communications network.

*Collocation* means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

*Distributed antenna system* or *DAS* means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

*Equipment shelter* means a building that contains ground related WCF equipment. The shelters are often located in base station areas.

*Small cells* means compact wireless base stations containing their own transceiver equipment and which function like cells in a mobile network but provide a smaller coverage area than traditional cell towers.

*Tower* means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

*Tower height* means the vertical distance measured from the base of the tower structure at grade to the highest point of the structure, not including lightning rods or antennas.

*Transmission equipment* means equipment that facilitates transmission for any authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Wireless communication facilities* or *WCF* means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets.

C. *Statement of preferred locations.* There are preferred locations for WCFs within these regulations. The regulations encourage an administrative approval process for collocation, small cell and distributed antenna systems (DAS), and new towers located in the preferred ranking list, see subsections C.3.a through C.3.c. New towers sited in the least preferred location shall require review by the metropolitan planning commission (MPC) (see subsection C.3.d).

1. Collocation of WCF on an existing tower and attachment to a building or structure should first be sought.
2. The city regulates the siting and design of small cell and distributed antenna systems (DAS) within its right-of-way through a separate permit process and design guidelines set forth within the city's land development manual. These zoning regulations address location and design of small cell and DAS towers on lots, see subsection D.2.
3. New towers shall be an option of last resort. Where new tower construction is absolutely necessary, the following list provides preferred locations, ranked from most preferred (a) to least preferred (d).
  - a. Industrial zones or business parks (I-1, I-2, I-3, I-4, BP-1);
  - b. Commercial or Office zones, form based districts, and downtown overlay (O-1, O-2, O-3, C-1, C-2, C-3, C-4, C-5, C-6, C-7, SC-1, SC-2, SC-3, PC-1, PC-2, SW 1-7, CU 1-5, and D-1);
  - c. Other zones (A-1, OS-1, OS-2); and
  - d. Residential zones (R-1, R-1A, R-1E, EN-1, EN-2, R-2, R-3, R-4, RP-1, RP-2, RP-3, TND-1, TC-1); within two thousand (2,000) feet of a scenic highway or Tennessee parkway; or historic districts (H-1, NC-1).

D. *Development standards.*

1. *Locating on an existing tower, structure, and building.* New WCF facilities must, to the maximum extent feasible, collocate on existing towers, structures or buildings to avoid construction of new towers, unless precluded by structural limitations, inability to obtain authorization by the owner, or where the existing facility will not meet the service coverage objectives of the applicant.
  - a. Existing tower.
    - 1) An existing tower may be extended a maximum of ten (10) percent higher.

- 2) Expansion of a base station to accommodate accessory equipment is permitted provided the base station is designed in accordance with the standards in subsections D.3.f.2) and D.3.h.2).
  - b. Existing structures (excluding existing towers) or buildings may accommodate new WCFs, provided antennas and supporting structures are not higher than thirty (30) feet above the highest point of the existing structure or building.
    - 1) New WCFs should be camouflaged, disguised, or concealed whenever possible to make them compatible and blend into the setting and host structure or building.
    - 2) Roof-mounted transmission equipment and antennas should be set back from all roof edges to the maximum extent feasible, if b.1) above is not achievable.
2. *New small cell and DAS tower development standards.* For the purposes of this ordinance, references to small cell shall also include DAS. All development standards for small cell towers are contained within this subsection and are not subject to subsection 3, new tower development standards.
- a. *Tower height.* Towers shall not exceed forty (40) feet in height when existing or proposed buildings and structures on the lot are less than forty (40) feet high. In cases where there are taller buildings and structures on the lot, new small cell towers may match the existing height, up to sixty (60) feet.
  - b. *Collocation.* Collocations for two (2) separate wireless service providers on the same support structure is encouraged whenever feasible and safe.
  - c. *Antennas.* The maximum dimensions for panel style antennas shall be thirty (30) inches high and twelve (12) inches wide. The maximum dimensions for canister style antennas shall be forty-eight (48) inches high and sixteen (16) inches in diameter.
  - d. *Accessory equipment.* Shall be contained within a landscaped median, located in a ground vault or mounted on the pole at least eight (8) feet above the ground.
  - e. *Stealth.* WCFs shall be designed to fit into the surrounding area by utilizing existing poles and structures. For example, locating antennas on parking lot light poles, signs (subject to the restriction of article VIII), banner poles, or flagpoles.
  - f. *Setback.* Antennas that are located on parking lot light poles or other existing structures are not subject to a minimum setback.
3. *New tower development standards.*
- a. *Tower type.* All new towers shall be either a type 1 or type 2 monopole design.
    - 1) *Type 1 monopole* is sometimes referred to as a slick stick or unipole. It is a type of monopole design where all antenna and related equipment are housed inside the pole structure rather than attached to the exterior of the pole in an effort to conceal the visual impact of the antennas.
    - 2) *Type 2 monopole* is a single, ground-mounted, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more external antennas.
  - b. *Height.* The maximum height of new towers is regulated by the zoning districts in section E, table 1.
  - c. *Separation.* All towers shall have a minimum separation of one thousand five hundred (1,500) feet. This separation standard shall not apply to sites where applicants are proposing a new tower to replace an existing tower. The old tower shall be removed within sixty (60) days of the new tower becoming operational.
  - d. *Collocation.* A new WCF tower proposed for construction must accommodate a minimum of two (2) antenna arrays if the tower is less than one hundred twenty-five (125) feet in



- height, and at least three (3) antenna arrays if the tower is one hundred twenty-five feet in height or greater. The base station area shall contain adequate space for ground equipment associated with the proposed number of antenna arrays.
- e. *Driveway access.* Shall be paved meeting applicable city standards (land development manual). The driveway shall follow the existing topography as much as possible and limit views of the base station from the public street.
  - f. *Landscaping and screening.*
    - 1) *Towers on ridges.* Towers should be located below the ridgeline. Preservation or enhancements to the surrounding natural vegetation are encouraged to help camouflage the tower.
    - 2) *Base station.*
      - a) *Landscaping.* All landscaping shall be installed and maintained in accordance with this subsection.
        - (1) The outside perimeter of the base station shall be planted with at least a twelve-foot wide planting area that contains six-foot high (at the time of planting) columnar or pyramidal evergreens that will form a solid screen at maturity. A break in the planting area not to exceed twelve (12) feet in width shall be allowed for access.
        - (2) Existing vegetation shall be used when feasible to camouflage the base station.
      - b) *Screening.*
        - (1) All base stations shall be fenced.
        - (2) In residential zones, scenic highway, and historic areas base stations may include wood or masonry fencing. Fencing shall be designed to blend in with existing surroundings, using architecturally compatible construction and colors.
  - g. *Equipment shelter.*
    - 1) An equipment shelter used in connection with a WCF shall be limited to four hundred (400) square feet of gross floor area per provider and twelve (12) feet in height.
    - 2) In residential zones, all equipment shelters should be designed to blend in with existing surroundings, using architecturally compatible construction and colors.
  - h. *Setbacks.*
    - 1) *Towers.*
      - a) All towers shall be set back from the property line of all properties zoned A-1, R-1, R-1A, R-1E, R-2, R-3, RP-1, RP-2, RP-3, R-4, TC-1, or TND-1 (not including right-of-way), all properties with an H-1 or an NC-1 overlay, and any residentially zoned property within the Town of Farragut or the county, a minimum distance equal to one hundred ten (110) percent of the height of the tower.
      - b) In all other cases towers shall meet the building setback requirements of the base zoning district, but not less than twenty-five (25) feet.
    - 2) *Base station.* Perimeter fencing shall meet the setback requirements of the base zoning district, but not less than twenty-five (25) feet.
  - i. *Lighting.* For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. Dual (low intensity) lighting shall be encouraged. All FAA-required lighting shall use lights that are designed to minimize

downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is permitted as long as full cutoff fixtures are used.

- j. *Visual impact.* All WCFs in residential zones, within two thousand (2,000) feet of a scenic highway or Tennessee parkway, and historic districts shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF.
- k. *Stealth design/technology.* Stealth design is encouraged in zoning districts. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features (including, but not limited to clock towers, flag poles, or faux-tree). Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening wireless communications facilities in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to East Tennessee and out of scale with natural vegetation.

E. *Summary of development standards.* Table 1 summarizes the development standards found in subsection D, the following also apply to information found within this table:

1. Collocation is encouraged in all zoning districts;
2. Any tower within an industrial, office, or commercial district that is within two hundred fifty (250) feet of a residentially zoned property shall be a type 1 monopole and shall not exceed one hundred twenty-five (125) feet in height;
3. The criteria for new towers within two thousand (2,000) feet of a scenic highway or Tennessee parkway shall be the same as residential districts; and
4. Within overlay districts, the stated tower criteria shall take precedence over the base zoning district.

Table 1: New Wireless Communications Tower Criteria				
Zoning Districts	Permitted Tower Type/ Antenna Locations	Maximum Tower Height	Stealth Design	Type of Review (see Section F)
Industrial districts (I-1, I-2, I-3, I-4, BP-1)	<ul style="list-style-type: none"> <li>• Small cell</li> <li>• Monopole Type 1</li> <li>• Monopole Type 2</li> </ul>	200'	Encouraged	Level I
Office/commercial districts (O-1, O-2, O-3, C-1, C-2, C-3, C-4, C-5, C-6, C-7, SC-1, SC-2, SC-3, PC-1, PC-2)	<ul style="list-style-type: none"> <li>• Small cell</li> <li>• Monopole type 1</li> <li>• Monopole type 2</li> </ul>	150'	Encouraged	Level I
Form districts (South Waterfront District and Cumberland Avenue Corridor)	<ul style="list-style-type: none"> <li>• Small cell</li> <li>• Monopole type 1</li> </ul>	125'	Encouraged	Level I

District)				
Other districts (A-1, OS-1, OS-2)	<ul style="list-style-type: none"> <li>• Small cell</li> <li>• Monopole type 1</li> </ul>	125'	Encouraged	Level I
Residential districts (R-1, R-1A, R-1E, EN-1, EN-2, R-2, R-3, R-4, RP-1, RP-2, RP-3, TND-1, TC-1)	<ul style="list-style-type: none"> <li>• Small cell</li> <li>• Monopole Type 1</li> </ul>	125'	Encouraged	Level II
Overlays (H-1, NC-1, TO-1, D-1)	<ul style="list-style-type: none"> <li>• Small cell</li> <li>• Monopole type 1</li> </ul>	125'	Encouraged	Level II
F1	Not permitted			

F. *Types of review.*

1. *Chief building official review.* The chief building official or their designee shall review collocations on existing towers.
2. *Metropolitan planning commission review.* There are two levels of review that are made by the metropolitan planning commission.
  - a. *Level I.* This is an administrative review by the MPC executive director or their designee. Level 1 review is for collocations on existing structures or buildings and new towers, consistent with subsection E, table 1.
  - b. *Level II.* This review is the planning commission. Level II review is for new towers, consistent with subsection E, table 1 and for exceptions to height and spacing standards, consistent with J, exceptions to standards.

G. *Procedures for level I review.* MPC staff shall determine if the application complies with the ordinance by approving or denying an application. If an approval is granted a WCF certificate of appropriateness (COA) will be issued. The following procedures regulate the WCF COA procedures:

1. A determination shall be decided within forty-five (45) days of a complete application, and the applicant shall be provided with a written notice of approval or denial.
2. If approved, an applicant will be issued a WCF COA.
3. Anyone aggrieved by an approval or denial shall have fifteen (15) calendar days to appeal the decision to the planning commission.
4. No building permit shall be issued until after the appeal period has expired or if the decision is appealed, the appeal has been resolved.

H. *Procedures for level II review.*

1. *Approval or denial.* The planning commission shall determine if the application complies with the ordinance by approving or denying an application.

2. *Public hearing.* The planning commission shall hold a public hearing subsequent to notification consistent with its administrative rules and procedures.
  3. *Restrictions.* In the exercise of its approval, the planning commission may impose such conditions regarding the location, character or other features of the proposed WCF as it may deem advisable in the furtherance of the general purposes of this ordinance.
  4. *Time limit and notification.* An application shall be decided within forty-five (45) days of the date of the application being complete, unless the applicant agrees to a postponement. The applicant shall be provided with a written notice of approval or denial.
  5. *Effective date of approval; issuance of permit.*
    - a. Planning commission approval shall become effective sixteen (16) days from the date of the public hearing at which approval is granted.
    - b. No building permit shall be issued prior to the effective date of approval.
    - c. The building permit shall be issued subject to all conditions and requirements stipulated by the planning commission.
  6. *City council review of action of commission.* Any person, firm or corporation aggrieved by any decision of the planning commission may petition the city council to consider the same in accordance with the provisions set forth in article VII, section 6, subsection F of this ordinance.
  7. *Validity of plans.* All approved plans, conditions, restrictions, and rules made a part of the approval of the planning commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
  8. *Further information.* MPC may request feedback from TTCDA when a WCF is located within the technology overlay (TO) district or from the historic zoning commission when a WCF is located within historic (H-1) and neighborhood conservation (NC-1) districts.
- I. *Application submittal requirements.* In addition to the application information required by Knoxville's Municipal Code chapter 6, buildings and building regulations, applications under this ordinance shall include the following application materials. An application shall be filed with the planning commission on forms provided for that purpose.
1. *General requirements.*
    - a. For public hearing review, a pre-application meeting with MPC staff is required.
    - b. *Letter of commitment.* The applicant shall provide a written letter of commitment from at least one cellular provider to locate on an existing or proposed facility.
    - c. *Site plans.* Complete and accurate plans and drawings to scale, prepared, signed and sealed by a Tennessee-licensed engineer, land surveyor and/or architect, including:
      - 1) Plan views and elevations showing tower, base station, fencing, landscaping, associated ground equipment, driveway design, lease area, and access and utility easements. All items shall include required dimensions;
      - 2) Identification of distances to the lot lines for adjoining properties and right-of-way from proposed tower and base station.
    - d. *Statement of purpose.* A clear and complete written statement of purpose shall minimally include:
      - 1) A description of the technical objective to be achieved, whether it be to close a gap or address a deficiency in coverage, capacity, frequency and/or change in technology;
      - 2) A scaled map that identifies the proposed site location and the targeted service area. The map will be used to determine potential collocation and preferred siting opportunities.

- e. If existing vegetation is to remain to help screen the proposed facility, a written landscape preservation agreement between the landowner and lessee may be required.
  - f. All other information and/or materials that the MPC may require.
2. *Collocation consent.* A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed WCF whenever technically and economically feasible and aesthetically desirable.
  3. *Additional requirements for new small cell.* Each applicant shall submit a summary that explains how it arrived at the structure and design being proposed.
  4. *Additional requirements for new tower.*
    - a. Collocation and alternative sites analysis.
      - 1) *Collocation requirement for all new towers.* All applications for a new tower shall demonstrate that existing towers within one (1) mile and other structures and buildings within a half mile are not feasible for collocation, consistent with subsection D.1.
        - a) For all new towers the applicant shall provide a description of why each tower within one (1) mile of the proposed WCF is not feasible for collocation.
        - b) For existing structures and buildings the applicant shall provide a description of why they are not feasible for collocation.
      - 2) *Alternative site analysis.* All towers in a residential zone, within two thousand (2,000) feet of a scenic highway or Tennessee parkway, historic district or within 250 feet of a residential zone.
        - a) The tower location preferences located in subsection C.3 must be addressed in a clear and complete written alternative site analysis that shows at least five (5) higher ranked preferred locations, alternative sites considered to the extent that such higher ranked alternative sites are located within one (1) mile of the proposed site. A factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate. An applicant may reject an alternative tower site for one (1) or more of the following reasons:
          - (1) Inability to obtain authorization by the owner;
          - (2) Failure to meet the service coverage objectives of the applicant;
          - (3) Failure to meet other engineering requirements for such things as location, height and size;
          - (4) Zoning constraints, such as the inability to meet setbacks;
          - (5) Physical or environmental constraints, such as unstable soils or wetlands; and/or
          - (6) Being a more intrusive location despite the higher priority in this chapter.
- A complete alternative sites analysis provided under this subsection may include less than five (5) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five (5) potentially available, higher ranked, alternative sites.
- b. *Visual analysis.* For public hearing reviews, the applicant shall provide color photo simulations of the proposed tower. The photo simulations shall include before and after images of the site, taken from at least four (4) different perspectives and a map identifying the locations that the photos were taken.

- c. *Design justification.* A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- J. *Exceptions to standards.* A proposed WCF may exceed the maximum height and reduce the minimum spacing contained within subsection D, provided the applicant can demonstrate that technically neither coverage nor capacity can be achieved using these standards. The exception will be a level II review.
- K. *Final inspection.* Certificate of completion will only be granted upon satisfactory evidence that the WCF was installed in compliance with the approved plans.
- L. *Maintenance.*
  - 1. The WCF site, including all landscaping, fencing and related transmission equipment must be maintained in accordance with all approved plans.
  - 2. All graffiti on WCFs must be removed at the sole expense of the permittee after notification by the city to the owner/operator.
- M. *Tower replacement.* A legally existing WCF may be replaced on the same site provided they are in compliance with this section. The old tower shall be removed within 60 days of the new tower becoming operational.
- N. *Removal of abandoned towers.* The following regulations shall apply to ensure the removal of abandoned towers:
  - 1. The owner of any telecommunications tower shall provide written notification to the chief building official within thirty (30) days of the occurrence of either or both of the following:
    - a. The tower has changed ownership.
    - b. Use of all telecommunications antennas on the tower has ceased.
  - 2. All towers permitted under the requirements of these regulations that are not operated for telecommunications purposes for a continuous twelve (12) month period shall be considered abandoned, and the owner of such tower shall remove same within ninety (90) days of receiving notice from the chief building official. Failure to do so shall be deemed a violation of these regulations. The owner of the tower may appeal the decision of the chief building official to the city board of zoning appeals. At such hearing the owner shall be required to show just cause why the tower should not be considered abandoned and subject to removal.
  - 3. At the time a request for a building permit is made, the applicant shall provide proof of the establishment of a financially secured and legally enforceable method of removing a telecommunications tower when it ceases to be used for a period of twelve (12) months. This may be in the form of a bond, a letter of credit or some other financial arrangement approved by the city finance director for financial adequacy and the city law director for legal enforceability. Such bond or other approved financial surety shall be maintained by the owner of the tower so long as the tower exists.
- O. *Independent review.* MPC may retain the services of an independent, qualified radio frequency technical expert of its choice to provide technical evaluation of permit applications for WCFs, including administrative and public hearing review. The technical expert review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this chapter.
- P. *Exempt facilities.* The following facilities are exempt from article V, section 20:
  - 1. FCC licensed amateur (ham) radio facilities;

2. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding three (3) feet in diameter;
3. A government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the city; except that such facility must comply with all federal and state requirements;
4. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the city; and
5. A temporary tower may be used for a period of ninety (90) days to allow repair of a damaged permanent WCF, subject to approval by the city. Such temporary tower shall comply with applicable setbacks and height requirements.

(Ord. No. O-474-98, § 1, 9-8-98; Ord. No. O-629-98, § 1, 12-15-98; Ord. No. O-439-99, § 1, 10-19-99; Ord. No. O-89-00, § 1, 3-7-00; Ord. No. O-442-01, § 1, 12-11-01; Ord. O-227-2017, § 1, 10-24-17)

### **Sec. 21. - Residential occupancy standards.**

Residential dwelling units may be occupied by a family, a "functional family" consistent with the criteria established by this ordinance, or any one (1) of the following groups or persons, where one (1) or more of whom is not related by blood, marriage, adoption, or guardianship, including foster children:

- (1) A number of persons in accordance with the provisions of T.C.A. 13-24-102;
- (2) Two (2) persons and any of their children by blood, marriage, guardianship, including foster children, or adoption;
- (3) Up to three (3) persons in the A-1, R-1, R-1A, R-1E, R-1EN, TND-1 zone districts and in houses, attached houses, and duplexes within SW-1 and any RP zone district and any other zone district that allows residential uses;
- (4) Up to four persons in condominium multi-dwelling structures within any R-1EN, R-2, R-3, R-4, TC-1, SW-1 through SW-7 or RP zone districts and any other zone district that allows residential uses, according to the following schedule
  - a. Up to two (2) people in one- or two-bedroom dwelling units;
  - b. Up to three (3) people in a three-bedroom dwelling unit; and
  - c. Up to four (4) people in a four- or more bedroom dwelling unit; or
- (5) Up to five (5) persons in the R-2, R-3, or R-4 zone districts and in multi-dwelling structures or developments (except condominium multi-dwelling structures) within any SW-1 through SW-7, TC-1 or RP zone district and any other zone district that allows residential uses.

Any nonconforming use created by the adoption of these standards which was a legal use at the time of adoption shall be permitted to continue through July 31, 2007. After which date, the use of such dwelling shall be in compliance herewith. Any use established prior to or subsequent to the adoption of these standards, which use did violate and continues to violate the standards of this chapter, is illegal, not nonconforming, and shall be handled in accordance with Article VII (Administration and Enforcement).

(Ord. No. O-176-06, § 1, 8-29-06; Ord. No. O-214-07, § 1, 9-25-07)

### **Sec. 22. - Criteria for functional family determination.**

A functional family may be up to five persons, one or more of whom are unrelated by blood, marriage, adoption, or guardianship, including foster children, who are living as a household (and any

domestic employees thereof), in all zone districts allowing residential uses, and must meet the following criteria:

- (1) The occupants must share the entire dwelling unit. A dwelling unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family.
- (2) The household must have stability with respect to the purpose of this section. Evidence of stability includes the following:
  - a. Extended family or minor dependent children reside in the household, and school age children are enrolled in local schools.
  - b. Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.
  - c. Members of the household are not legally dependent on others not part of the household.
  - d. Members of the household have the same address for purposes of:
    1. Voter registration
    2. Drivers licenses
    3. Motor vehicular registration
    4. The filing of taxes
  - e. Common ownership of the dwelling unit or furnishings among members of the household.
  - f. Employment of householders in the local area.
  - g. Members of the household share a strong common bond or commitment (e.g. religious group or organization)
  - h. Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.
- (3) Adequate parking must be demonstrated. Additional parking spaces may be required if any of the following conditions are evident:
  - a. The property is located more than three hundred (300) feet from access to public transportation.
  - b. Street parking available for visitor parking is limited.
  - c. The petitioner intends to park more than two (2) vehicles regularly on the site and there is limited area available for tandem parking in a driveway. In order to determine if adequate parking will be provided, the petitioner must submit a plan indicating the location of proposed off-street parking and an analysis of public parking and transit facilities provided within a three-hundred-foot radius of the parcel.
- (4) Functional family does not include any society, club, fraternity, sorority, association, lodge, organization, groups of students, or other individuals where the common living arrangement or basis for the establishment of the household is temporary, or any group of individuals who are in a group living arrangement as a result of criminal offenses.
- (5) Determination of functional family status shall be made annually by the appropriate permitting official. The burden will rest upon the individuals claiming functional family status to submit information to the office to substantiate their claim. Any person aggrieved by any administrator's determination may appeal as provided in this Code.

(Ord. No. O-176-06, § 1, 8-29-06)

**Sec. 23. - Development standards for breweries, distilleries and wineries.**



- A. For craft breweries, distilleries and wineries allowed as permitted uses in the I-1, I-2 and I-3 zone districts the following development standards shall apply:
  - 1. No outdoor storage shall be permitted;
  - 2. All malt, vinous or distilled liquor production shall be within completely enclosed structures;
  - 3. Loading areas shall not be oriented toward a public street, nor shall loading docks be located on the side of any building facing an adjacent lot that is in a zone district primarily for residential or office uses. Where these districts or streets abut all sides of the property, the loading areas shall be screened by a solid wall or opaque fence with a minimum height of eight (8) feet, in addition to any required landscape buffer;
  - 4. Service doors facing a public street or an adjacent lot that is in a zone district primarily for residential uses shall be screened by a solid wall or opaque fence with a minimum height of six (6) feet, in addition to any required landscape buffer; and
  - 5. By-products or waste from the production of the malt, vinous or distilled liquor shall be properly disposed of off the property.
- B. For breweries, distilleries and wineries allowed as permitted uses in the I-4 (Heavy Industrial) zone district the following development standards shall apply:
  - 1. No facilities within four hundred (400) feet of a residential use or zone district primarily for residential uses;
  - 2. All malt, vinous or distilled liquor production shall be within completely enclosed structures;
  - 3. Loading areas shall not be oriented toward a public street, nor shall loading docks be located on the side of any building facing an adjacent lot that is in a zone district primarily for residential or office uses. Where these districts or streets abut all sides of the property, the loading areas shall be screened by a solid wall or opaque fence with a minimum height of eight (8) feet, in addition to any required landscape buffer;
  - 4. Service doors facing a public street or an adjacent lot that is in a zone district primarily for residential uses shall be screened by a solid wall or opaque fence with a minimum height of six (6) feet, in addition to any required landscape buffer; and
  - 5. By-products or waste from the production of the malt, vinous or distilled liquor shall be properly disposed of off the property.

(Ord. No. O-1-2014, § 1, 1-7-14; Ord. No. O-2-2014, § 1, 1-7-14)

**Sec. 24. - Demolition permits for residential structures originally constructed before 1865.**

- A. *Procedure for demolition review under T.C.A. 7-51-1201.* The following requirements shall be satisfied prior to the issuance of a demolition permit for a residential structure located in the city limits that was originally constructed before 1865:
  - 1. *Application for permit.* The property owner or the property owner's agent applying for a demolition permit for a residential structure that was originally constructed before 1865 shall, with the application for the permit, present to the building official and the historic preservation planner of the Knoxville-Knox County Metropolitan Planning Commission at least two (2) reports, each prepared by a qualified historic restoration consultant, stating the following:
    - a. The name and qualifications of the person making the report;
    - b. The condition of structural elements of the building proposed to be demolished. Such report should include an assessment of damage or decay, if any, to foundations, flooring, floor supports, walls and other vertical supports, ceilings, roofs and their support systems and other horizontal elements, fireplace, chimneys, exterior cladding and other exterior elements that may affect structural integrity, windows, window frames and doors and/or

- any fault, defect or condition that might affect the structural integrity or the water-tightness of the building;
- c. An estimated cost of repair for those item(s) identified in the structural report as damaged or decayed and which affect the structural integrity of the structure; and
  - d. A valuation from a qualified historic properties real estate appraiser of the building(s) proposed to be demolished.
2. *Applicable definitions.* For purposes of subsection 1 above, the following definitions shall apply:
    - a. *Qualified historic restoration consultant.* A professionally licensed architect or general contractor with a specialty in historic buildings, i.e., one who has worked directly on the rehabilitation or restoration of historic buildings for a minimum of ten (10) years and/or a minimum of fifteen (15) long-term (lasting six (6) months or more) historic building projects. The consultant shall provide a list of qualifying historic projects, detailing their scope, budget, the consultant's scope of involvement, specific historic issues/challenges, date of completion, and client contact information. The historic preservation planner will determine whether the consultant meets these criteria.
    - b. *Qualified historic properties real estate appraiser.* An individual who has a minimum of five (5) years of professional experience working as a real estate appraiser, specifically including the valuation of historic property, buildings, and their appurtenances. For these purposes, "historic" shall be defined as one hundred (100) years old and older. The appraiser shall provide a list of historic properties evaluated, with the accompanying date of service and client contact information. The historic preservation planner will determine whether the consultant meets these established criteria.
  3. *Hearing on demolition application.* Upon receipt of the demolition permit application for a residential structure that was originally constructed before 1865, the historic zoning commission shall, at a scheduled public hearing, make a recommendation to the city council as to whether the structure meets the criteria of T.C.A. § 7-51-1201. The historic zoning commission shall also initiate legislation for city council consideration to approve or disapprove the demolition in accordance with T.C.A. § 7-51-1201 et seq.
  4. *Appeal of historic zoning commission decisions.* Anyone who may be aggrieved by any final order or judgment of the historic zoning commission regarding T.C.A. § 7-51-1201 may have such order or judgment reviewed by the courts as provided by law.

(Ord. No. O-76-2015, § 5, 5-26-15)

## **Sec. 25. - Performance standards for urban agriculture.**

Urban agriculture includes a variety of structures and uses. These structures must adhere to setbacks and building codes as specified in the base zoning district. This section is meant to clarify additional setback and standards for uses related to urban agriculture:

- A. General guidance on setbacks and accessory buildings related to urban agriculture:
  1. Accessory buildings and uses.
    - i. A shed or utility building that is incidental or necessary for the use's operation may be allowed for the storage of tools and gardening materials without a primary structure.
    - ii. All accessory buildings and uses are subject to compliance with all other applicable codes and regulations of the city.
    - iii. No accessory building shall be used, erected, or maintained as living quarters.
- B. Apiaries are permitted in all districts. Apiaries shall comply with the following regulations:
  1. New apiaries shall be registered with the Tennessee Department of Agriculture.

2. Hives shall be located only in side or rear yards.
3. Hives shall be set back at least fifteen (15) feet from lot lines and public sidewalks, unless the yard is screened by a solid wall or opaque fence.
4. Hive openings shall face away from the nearest abutting lot.
5. Hives shall have a fresh water supply located on property.
6. For any rooftop apiary within twenty (20) feet of doors and/or windows of the principal building on an abutting lot, one (1) of the following conditions must exist:
  - i. The hive opening shall face away from doors and/or windows of the principal building on the abutting lot; or
  - ii. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge, or similar barrier shall be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the hive opening and shall extend at least two (2) feet in width on either side of the hive opening. An example of a flyway is depicted in the image below.



- C. Backyard composting is allowed in all districts and shall comply with the following regulations:
  1. Bins or piles are allowed only in rear yards and shall be set back five (5) feet from lot lines.
  2. Bins or piles shall not exceed five (5) percent of the parcel area and six (6) feet in height.
  3. Bins or piles shall be located outside of the required riparian buffer zone.
  4. Compost shall be enclosed or contained.
  5. Compost shall only be used for the composting of materials generated on-site, and shall not contain any meat or dairy.
  6. Compost is subject to enforcement due to odor performance standards described in appendix B, article 5, section 1(B)(3).
- D. Hydroponics and aquaponics:
  1. All systems must comply with applicable federal, state, and local regulations for water use and discharge, and for the possession, propagation, culture, sale, and disposition of living marine organisms.

2. Where applicable, aquaponics and hydroponics structures or systems must be permitted by the plans review and inspections department.
- E. Low tunnels and cold frames:
1. Cold frames and low tunnels shall have a height that is less than seventy-two (72) inches above grade.
  2. All covers must be securely fastened.
  3. Once the growing season is complete, all hoops, covers, and materials must be removed.
- F. High tunnels and greenhouses:
1. High tunnels and greenhouses shall be at least seventy-two (72) inches in height, but equal to or less than the allowable height for an accessory building in the applicable zoning district.
  2. High tunnels must be placed over an area designated for crop cultivation where crops are grown in the natural soil profile or in raised beds.
  3. High tunnels and greenhouses must use greenhouse-grade, UV-resistant covers.
  4. The maximum high tunnel bow spacing is six (6) feet.
  5. Where applicable, a greenhouse or high tunnel structure must be permitted by the plans review and inspections department.
  6. All high tunnels and greenhouses must comply with all federal, state, and local regulations for runoff, erosion, and sediment control.

(Ord. No. O-126-2015, § 19, 7-21-15)

**Sec. 26. - Performance standards for alternative financial services.**

Alternative financial services includes a variety of uses that require minimum distance from like uses.

A. *Minimum distance from like uses.*

1. No facilities within one thousand (1,000) feet of an existing alternative financial service.
2. No facilities within one thousand (1,000) feet of a residential zone district.

(Ord. No. O-116-2016, § 1, 7-19-16)

**ARTICLE VI. - NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND**

Land uses which existed legally upon the effective date of a zoning change, but which are not in conformance with all the applicable provisions of the adopted or amended zoning regulation, shall be subject to the provisions of this section to the fullest extent permitted by state law.

A nonconforming building, structure or use of land lawfully existing at the time of the adoption or amendment of this ordinance may be continued and maintained as provided in this article; provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

A. *Alteration or enlargement of buildings and structures.*

1. The board of zoning appeals may, in appropriate cases and after public notice and hearing, permit the extension of an existing building and the existing use thereof upon the lot occupied by such building, or permit the erection of an additional building. The addition or extensions shall be subject to the following requirements:

- a. Yard requirements shall not be permitted which are less than those required for the district in which the nonconforming use is located.
  - b. Percentage of lot covered by building shall not be greater than the maximum stated for the district.
  - c. The architectural style of any new building or additions permitted under this section shall be similar to that which exists in the area.
  - d. Off-street parking shall be provided and shall be screened from adjacent property by landscaping or a solid screening fence or wall not less than five (5) nor more than six (6) feet in height.
  - e. Landscaping may be required where the board deems it necessary.
  - f. Signs used in conjunction with the nonconforming use shall be governed by the regulations of the district in which it is located.
  - g. These requirements shall be binding on the property regardless of succession of ownership, unless the use is changed to one generally permitted in the district, or the zoning is changed to make the use conforming. Performance bonds or other sureties acceptable to the city may be required where appropriate to the circumstances of the case.
  - h. Applications shall be accompanied by site and building plans, and photographs of present conditions of the property and surrounding property.
2. Where a building or structure is conforming as to use, but nonconforming as to yard, height, or off-street parking requirements, such building or structure may be enlarged or added to along existing building lines providing:
- a. Addition or enlargement does not extend into any other required yard or exceed the existing height of the building or structure.
  - b. Existing building together with addition or enlargement does not exceed the maximum lot coverage permitted in the district in which it is located.
  - c. All off-street parking requirements for both existing building and addition or enlargement are complied with.
- B. *Outdoor advertising signs and structures.* No outdoor advertising sign or outdoor advertising structure which, after the adoption of this ordinance, exists as a nonconforming use in any A-1 [R-1A], R-1, R-2 or R-3 zoning district, shall continue, as herein provided for nonconforming uses, but every such sign or structure shall be removed or changed to conform to the regulations of said district within a period of two (2) years.
- When the building inspector finds that a portable or movable business or advertising sign is not in conformance with these regulations, he shall notify the owner or lessee of the sign, whose business or service is benefitted by the sign. If the violation is not corrected within twenty-four (24) hours, the building inspector shall have the sign removed from the premises at the expense of the owner or lessee thereof.
- C. *Building vacancy, nonconforming.* With the exception of houses or duplexes, a nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months, shall not thereafter be occupied except by the uses which conform to the use regulations of the district in which it is located.
- D. *Change in use.* A nonconforming use of a conforming building or structure (example—commercial use in a dwelling) shall not be expanded or extended into any portion of such conforming building or a structure nor changed except to a conforming use. If such a nonconforming use or a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially

vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of six (6) months after the effective date of this ordinance.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification. However, where the use of a nonconforming building or structure is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification.

E. *Nonconforming uses of land.*

1. A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars (\$1,000.00), existing at the time of adoption of this ordinance, may be continued for a period of not more than three (3) years therefrom, provided:
  - a. Said nonconforming use may not be extended or expanded.
  - b. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land shall be in conformity with the provisions of the district in which said land is located.
2. The following regulations shall apply to any automobile wrecking, junk or salvage yard, building material storage yard, contractor's yard, or any similar, more or less temporary, use of land when located as a nonconforming use in any residential district.
  - a. Any such use is hereby declared to be a public nuisance in any residential district established by this ordinance and shall be abated, removed or changed to a conforming use within a period of one (1) year after the date of passage of this ordinance.
  - b. Whenever any district shall have been changed to a residential district from any other district, the date of abatement, removal or change of such nonconforming use shall be within a period of one (1) year after the date of change of such district.
3. Any nonconforming automobile wrecking, junk or salvage yard in any nonresidential district shall be, after the adoption of this ordinance, abated, removed or changed to a conforming use within three (3) years.
4. Notwithstanding other provisions of this ordinance any automobile wrecking, junk or salvage yard, lawfully existing in an I-2, or I-3 general industrial district on January 17, 1964, may be continued and maintained as a nonconforming use provided that:
  - a. Such nonconforming use shall be subject to all the requirements of this section relating to extension or expansion of use, and discontinuance of such use for a period of six (6) months.
  - b. Such nonconforming use shall be subject to all the requirements of sections A. through D. of this article VI.
  - c. Within ninety (90) days from the effective date of this amendment, all such nonconforming uses shall be brought into full compliance with all applicable requirements of this ordinance not herein excepted, including but not limited to the requirements set forth in article V, section 3.
5. Nonconforming parking areas may be continued and counted towards the total parking requirements for any new activity, addition or extension placed on the site; provided, however, that the existing parking design does not pose a threat to traffic safety. The department of engineering may require redesign of such areas if a traffic safety hazard can be eased or eliminated. Loss of parking spaces resulting from the required redesign will be considered by the building inspection department in determining the minimum parking requirements.

- F. *Damage.* With the exception of houses or duplexes, a building which by reason of the passage of this ordinance has become nonconforming, which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) percent of its value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located.

When damaged by less than fifty (50) percent of its value, a nonconforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.

- G. *Pending applications for building permits.* Nothing herein contained shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance, and completion thereof carried on in a normal manner within the subsequent six (6) months' completion except for reasons beyond the builder's control.

(Ord. No. 4765, 3-4-69; Ord. No. O-44-84, 4, 3-13-84; Ord. No. O-30-07, § 3, 2-27-07; Ord. No. O-141-07, § 1, 6-19-07)

## **ARTICLE VII. - ADMINISTRATION AND ENFORCEMENT**

### **Sec. 1. - Organization.**

- A. *Administration officer.* The provisions of this ordinance shall be administered by the city building inspector.

The building inspector shall administer and enforce this ordinance and, in addition, he shall:

1. Issue all building permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.
3. Issue and renew where applicable all temporary use permits and make and maintain records thereof.
4. Maintain and keep current zoning maps, and records of amendments thereto.
5. Conduct inspections as prescribed by this ordinance, and such other inspections as are necessary to insure compliance with the various provisions of this ordinance generally.

- B. *Metropolitan planning commission.* The Knoxville-Knox County Metropolitan Planning Commission, for the purpose of this ordinance, shall be referred to as the planning commission. The planning commission shall:

1. Establish such rules of procedure as are necessary to the performance of its functions hereunder.
2. Review and decide all applications for "uses permitted on review" in accordance with article V, section 3, and this article.
3. Study and report on all proposed amendments to this ordinance; further, review annually this ordinance and on the basis of such review, suggest amendments thereto.

- C. *City of Knoxville Board of Zoning Appeals.* A board of zoning appeals of five (5) members as defined in title 13, section 705 of the Tennessee Code Annotated shall be nominated by the mayor and confirmed by the council of the City of Knoxville. The term of each member of the board of zoning appeals shall be five (5) years except that on the initial board, one (1) member shall serve a term of one (1) year, one (1) member a term of two (2) years, one (1) member a term of three (3) years, one (1) member a term of four (4) years, and one (1) member a term of five (5) years so that the term of one (1) member shall expire each year. A member may serve consecutive terms upon renomination

by the mayor and confirmation by the council of the City of Knoxville. The City of Knoxville Board of Zoning Appeals shall have the following powers:

- (a) It shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in carrying out any provision of this or other zoning ordinances enacted by the council of the City of Knoxville.
- (b) To hear and decide, in accordance with the provisions of any such ordinance, request for interpretation of the zoning map.
- (c) Where there is practical difficulties or unnecessary hardship in carrying out the strict letter of this ordinance, the board of zoning appeals shall have the power, in passing upon appeals, to authorize such variance from the terms of this ordinance as will not be contrary to the public interest in conforming with the standards set forth in section 2 of this article.
- (d) To call on any department for assistance in its duties; and it shall be the duty of such departments to render all such assistance as may reasonably be required.
- (e) To compel attendance of witnesses at hearings and to administer oaths.
- (f) To hold at least one (1) scheduled meeting per month and give notice of such meeting as required by law.
- (g) All proposals brought before the board of zoning appeals shall be finally acted upon by the board within one hundred twenty (120) days following its first public hearing, and failure of the board finally to act upon any proposal within said one hundred twenty-day period shall be in all respects equivalent to a rejection thereof.

(Ord. No. 3804; Ord. No. O-15-78, § 1, 1-24-78; Ord. No. O-150-03, § 1, 4-29-03)

## **Sec. 2. - Variances.**

The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

- A. *Application.* After written denial of a building permit from the building inspector, a property owner may make application for variance, using forms obtainable [from the city].
- B. *Public hearing.* Upon receipt of an application and fee, the board shall hold a public hearing, having first given ten (10) days' notice. Such notice of the time and place of such hearing shall be published in a daily paper of general circulation.
- C. *Standards for variances.* In granting a variance, the board shall ascertain that the following criteria are met:
  1. Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the findings of the board, do not apply generally in the district.
  2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
  3. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would



deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
  5. The granting of any variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- D. *Requirements for the granting of a variance.* Before the board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:
1. That the granting of the permit will not be contrary to the public interest.
  2. That the literal enforcement of the ordinance will result in unnecessary hardship.
  3. That by granting the permit contrary to the provisions of the ordinance the spirit of the ordinance will be observed.
  4. That by granting the permit, substantial justice will be done.
- E. *City council review of action of board.*
1. Any person, firm or corporation aggrieved by any decision of the board may petition the city council to consider the same, in accordance with the provisions set forth in article VII, section 6, subsection F, of this ordinance.

(Ord. No. O-15-78, § 2, 1-24-78; Ord. No. O-78-78, § 1, 6-13-78; Ord. No. O-150-03, § 1, 4-29-03)

### **Sec. 3. - Building permit.**

An application for a building permit shall be obtained from the building inspector and shall be regulated by chapter I, Administration, of the building code of the City of Knoxville.

### **Sec. 4. - Certificate of occupancy.**

No new building shall be occupied or given a permanent utility connection and no change in occupancy or utility assignment of a building or part of a building shall be made until after the building inspector shall have issued a certificate of occupancy as related in chapter I, Administration, of the building code of the City of Knoxville and a copy of same has been placed on file with the appropriate utility agency.

(Ord. No. O-88-78, § 1, 6-27-78)

### **Sec. 5. - Procedure for considering subdivisions, development plans, and uses on review within south waterfront zoning districts, overlay districts and other districts requiring design related plan review.**

The following procedure is established to provide for metropolitan planning commission reviews and recommendations on matters termed "use on review." These matters include:

- A. *Development plans.*
1. In RP-1, RP-2, and RP-3 planned residential districts the planning commission shall review plans to determine the compatibility of the planned development with the surrounding area and to determine whether the objectives of the zone are met. The administrative procedure

for this review shall be as described in article IV, section 3.1.G, Administrative procedure for a planned residential development, of the zoning ordinance.

2. In SC-1, SC-2 and SC-3 shopping center districts the planning commission shall review plans to determine that the objectives of the zone are met. The administrative procedures for this review shall be as described in article IV, section 3.2.H of this ordinance.
  3. In the BP-1 business and technology park district and the TO-1 overlay zone, the planning commission shall review development plans to determine that the objectives of the zone are met and that plans comply with all standards of this section. The administrative procedures for this review shall be as described in article IV, sections 3.10 and 5.3 of this ordinance.
  4. In the TC-1 town center district the planning commission shall review plans to determine that the objectives of the zone are met. The administrative procedures for this review shall be as described in article IV, section 3.12.
- B. *Uses permitted on review.* In addition to uses permitted by right in various districts, specified uses may be established and maintained only with the approval of the metropolitan planning commission. This review and approval process is intended: (1) to provide for uses which are beneficial to the community but that may involve a potential hazard to the development of an area unless appropriate provisions are made for their impacts; and (2) to integrate properly the uses permitted on review with other uses located in the district.

These development plans and uses permitted on review shall be reviewed by the planning commission and approved, approved with conditions, or denied under the following procedure:

1. *Application.* An application shall be filed with the planning commission on forms provided for that purpose. Development plan submissions shall conform with the requirements of the zone in which their approval is sought. Applications for uses permitted on review shall show the location and intended use of the site and such other information as the planning commission deems necessary.
2. *Public hearing.* The planning commission shall hold a public hearing subsequent to notification consistent with its administrative rules and procedures.
3. *Restrictions.* In the exercise of its approval, the planning commission may impose such conditions regarding the location, character or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this ordinance.
4. *Approval or denial.* The planning commission may approve a development plan or use permitted on review where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the zoning ordinance and with the general plan and one-year plan and is reasonably necessary for the convenience and welfare of the community.

The planning commission may deny a development plan or use permitted on review where the above cannot be shown or where it can be shown that approval would have an adverse impact on the character of the neighborhood in which the site is located.

Whereas a use may be appropriate in one location and inappropriate in another location in the same zoning district, the planning commission shall be guided by the policies of the general plan and by the one-year plan in the exercise of its administrative judgment about the location and appropriateness of uses permitted on review.

The rationale for planning commission approval, conditions or denial including substantive, factual statements of necessity and appropriateness or of adverse impact shall be included in the minutes of the planning commission meeting where decisions are made.

5. *Effective date of approval; issuance of permit.*

- a. Planning commission approval shall become effective fifteen (15) days from the date of the public hearing at which approval is granted.
  - b. No building permit shall be issued prior to the effective date of approval.
  - c. The building permit shall be issued subject to all conditions and requirements stipulated by the planning commission.
6. *Validity of plans.* All approved plans, conditions, restrictions, and rules made a part of the approval of the planning commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
  7. *Time limit and notification.* All applications for "uses permitted on review" shall be decided within forty-five (45) days of the date of the applications, and the applicant shall be provided with a written notice of approval or denial.
  8. *City council review of action of commission.*
    - a. Any person, firm or corporation aggrieved by any decision of the planning commission may petition the city council to consider the same in accordance with the provisions set forth in article VII, section 6, subsection F of this ordinance.
    - b. The city council shall include in the deliberation of any appealed matter statements regarding the possible impact of the request on the community.
- C. *Development review process within overlay districts and other districts requiring design related plan review.* All subdivision and development within districts requiring review by the historic zoning commission, design review committees or design review boards served by MPC staff shall be in accordance with the review process described below:

District	Authorized Review Body	Review Process
H-1	Historic zoning commission	In accordance with article IV, section 5.1.H (review guidelines), I (certificates of appropriateness), J (guidelines for issuance or denial), and K (appeal)
NC-1	Historic zoning commission	In accordance with article IV, section 5.2.F (administrative procedures)
IH-1	Infill housing design review committee	In accordance with article IV, section 5.4.F (administrative procedures)
D-1	Downtown design review board	In accordance with article IV, section 5.5.E (design review board: creation, responsibilities, membership and administrative rules) and F (administrative procedures)
SW1-7	South waterfront	In accordance with article IV, section 4.1, review committee

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*Development review process within districts requiring design related plan review.* All subdivision and development within districts requiring review by staff shall be in accordance with the review process described below:

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District	Authorized Review Body	Review Process
R-1 EN	MPC staff	In accordance with article IV, section 2.1.4.H (administration)
C-6	MPC staff	In accordance with article IV, section 2.2.9.K (administration)
C-7	MPC staff	In accordance with article IV, section 2.2.10.I (administration)
SW 1-7	Administrator	In accordance with article IV, section 4.1.

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(Ord. No. 3805, 6-1-65; Ord. No. 4092, 3-28-66; Ord. No. 4438, 1-23-68; Ord. No. O-53-80, § 1, 4-29-80; Ord. No. O-168-80, § 1, 9-16-80; Ord. No. O-192-83, § 1(a), 11-8-83; Ord. No. O-68-84, § 1(a), 4-24-84; Ord. No. O-98-85, § 1, 6-18-85; Ord. No. O-156-93, § 1, 3-30-93; Ord. No. O-157-93, § 1, 3-30-93; Ord. No. O-122-01, § 1, 4-3-01; Ord. No. O-30-07, § 4, 2-27-07; Ord. No. O-75-08, § 1, 3-25-08; Ord. No. O-152-09, § 1, 11-17-09)

**Sec. 6. - Amendments.**

The regulations, restrictions, boundaries and options set forth in this ordinance may, upon proper application by the property owner or his designated representative or by an appropriate governmental agency, or the city council, be amended, supplemented, revised or repealed from time to time as conditions warrant, as hereinafter set forth.

- A. *Application.* Amendments initiated by the property owner or by his designated representative or by an appropriate governmental agency or council shall be initiated by the filing of an application with the planning commission.
- B. *Public hearing.* Upon receipt of such application, the planning commission shall schedule a public hearing.

The planning commission shall consider and make recommendations on all such proposed amendments, taking into account the testimony at the hearing, a site inspection of the property in question, recommendations from the health department, the planning commission staff or other official bodies, and the standards provided for amendments.

- 1. Prior to holding such public hearing, the planning commission shall have first given twelve (12) days' notice of such hearing by one (1) publication in a daily paper of general circulation.

2. The planning commission shall notify all property owners whose property would be rezoned and who were not a party to the application for rezoning. Notification by mail shall not be required for amendments to the text of the zoning ordinance.
- C. *Report to the city council.* The planning commission shall report to city council on all such applications approved by the commission. Amendments to zoning ordinances shall be scheduled for public hearing by city council at the first regular meeting after expiration of the fifteen-day appeal period. Notice of the time, date, and place of the public hearing shall be published in a daily newspaper of general circulation in the City of Knoxville at least fifteen (15) days prior to the hearing. No change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or if disapproved, receive the favorable vote of a majority of the entire membership of city council.
- D. *Time limit.* All amendments initiated by application filed with the metropolitan planning commission shall be finally acted upon by the council within one hundred twenty (120) days following the public hearing provided for in paragraph B of this section 6, and failure of the council finally to act upon any proposal within said one-hundred-twenty-day period shall be in all respects equivalent to rejection thereof.
- E. *Standards for amendments.* A proposed amendment shall be considered on its own merits using the following criteria as a guide:
1. Text or map amendments. The following conditions shall be met for all amendments:
    - a. The proposed amendment shall be necessary because of substantially changed or changing conditions in the area and districts affected, or in the city generally.
    - b. The proposed amendment shall be consistent with the intent and purposes of this ordinance.
    - c. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from such amendment.
    - d. The proposed amendment shall be consistent with and not in conflict with the general plan of Knoxville and Knox County, including any of its elements, major road plan, land use plan, community facilities plan, and others.
  2. Reserved.
  3. Errors or oversights as may be found in the ordinance as originally adopted shall be corrected under the normal amendment procedure.
- F. *City council review of action of metropolitan planning commission or board of zoning appeals.*
1. Any person, firm or corporation aggrieved by any decision of the metropolitan planning commission or the board of zoning appeals may petition the city council to consider the same. Such petition shall be in writing and shall state with particularity:
    - a. The name of the owner of the subject property.
    - b. A description of the subject property, including the city block and parcel or lot number.
    - c. A statement of the petitioner's interest in the matter, including a description of affected property owned by petitioner where petitioner is not the owner of the subject property.
    - d. A statement of the use, zone, or variance desired or opposed, including a map of the zoning of all property located within three hundred (300) feet of the subject property.
  2. The petition shall be filed with the metropolitan planning commission not more than fifteen (15) days from the date of the planning commission or board of zoning appeals decision to be considered and shall be scheduled for public hearing before city council at the earliest date possible consistent with these regulations.

- a. All such petitions shall be submitted on forms available in the planning commission office.
  - b. Metropolitan planning commission shall mail a copy of such petition by certified mail, return receipt requested, to any opposing, adverse party who registered as such at the time the matter was heard by the metropolitan planning commission or board of zoning appeals.
3. The city council shall consider de novo in public hearing and may affirm, modify, impose restrictions as provided in article VII, section 5 or overrule the action of the planning commission or board of zoning appeals.
- a. Prior to holding such public hearing, at least fifteen (15) days' notice of time and place of said hearing shall first have been published once in a daily newspaper of general circulation in the City of Knoxville and Knox County. Such notice shall meet the following requirements:
    - (1) It shall be placed in the "Want Ads" section of the newspaper before the "Legal Notices" classification.
    - (2) The caption shall be all capital letters no smaller than two-line type and shall contain the words "PUBLIC NOTICE—APPEAL OF (action to be appealed - such as Rezoning - Use Permitted on Review - Variance)."
- G. *Issuance of building permit.* No building permit shall be issued until the sixteenth days after action by the metropolitan planning commission or board of zoning appeals. If the action of the metropolitan planning commission or board of zoning appeals is appealed to city council, no building permit shall be issued until council has acted on the appeal.

(Ord. No. 3497, 5-19-64; Ord. No. 3805, 6-1-65; Ord. No. 4093, 6-28-66; Ord. No. 4437, 1-23-68; Ord. No. 5397, 8-15-72; Ord. No. O-78-78, § 2, 6-27-78; Ord. No. O-11-81, § 1, 1-20-81; Ord. No. O-192-83, § 1(b)—(f), 11-8-83; Ord. No. O-43-84, § 1, 3-13-84; Ord. No. O-537-98, § 1, 10-20-98; Ord. No. O-152-09, § 1, 11-17-09; Ord. No. O-14-2011, § 1, 2-22-11)

**Sec. 7. - Fees.**

City council has given the metropolitan planning commission the authority to establish fees.

(Ord. No. 4028, 3-1-66)

**Sec. 8. - Penalties.**

It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land in violation of any regulation in this ordinance. Any person violating any of the provisions of this zoning regulations article shall be guilty of a misdemeanor, and conviction shall result in the penalties of a monetary fine not to exceed fifty dollars (\$50.00) and the repayment of administrative costs incident to the correction of the municipal violation in the amount of two hundred fifty dollars (\$250.00) and/or imprisonment not to exceed thirty (30) days, or both, for each separate offense. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. Compliance therewith may also be enforced by injunctive process at the suit of the city or the owner or owners of real estate within the district affected by the regulation of this ordinance.

(Ord. No. O-216-92, § 1, 7-7-92)

**Sec. 9. - Validity.**

No invalidity of any part of this ordinance shall affect the validity of any remaining part, it being declared that all such remaining parts would have been passed, irrespective of the validity or invalidity of any part found to be invalid.

#### **Sec. 10. - [Repealer.]**

Ordinance No. 123, of the City of Knoxville, the caption of which is as follows: "An Ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, or other purpose, the height, number of stories and size of buildings and other structures, the size of yards and other open spaces, and the density of population, and for said purposes to divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out these regulations; to prescribe penalties for the violation of its provisions and to provide for its enforcement," and all amendments thereto, are herein repealed.

#### **Sec. 11. - [Effective date.]**

This ordinance shall take effect seventeen days from and after its passage, the welfare of the city requiring it.

### **ARTICLE VIII. - SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

#### **Section 1. - General provisions.**

- 1.1. *Purpose.* The purpose of this section is to create a legal framework for a comprehensive and balanced system of sign regulation that will:
  - a. Implement the plans, policies, goals and objectives of the City;
  - b. Protect the health, safety and welfare of the citizens and businesses of the city;
  - c. Preserve the right of free speech and expression;
  - d. Provide for effective communication between people within the context of their environment;
  - e. Avoid visual clutter that may be harmful to traffic and pedestrian safety, property values, business opportunities and community appearance;
  - f. Facilitate effective way-finding throughout the city;
  - g. Provide clear and objective sign standards;
  - h. Provide an efficient and effective review procedure for sign applications; and
  - i. Enable consistent and equitable enforcement of the regulations set forth in this article.
- 1.2. *Intent.* With these purposes in mind, it is the intent of this article to authorize the use of signs that are:
  - a. Effective in communicating with the public;
  - b. Compatible with their surroundings;
  - c. Legible in the circumstances in which they are seen.
  - d. Appropriate to the activity that displays them; and
  - e. Expressive of the identity of individual activities and the community as a whole.
- 1.3. *Applicability.* The regulations of this article are applicable in zone districts without sign and other sign structure requirements exclusive to a specific zone district. Where sign requirements are provided in a specific zone district, the requirements of the specific zone districts in article IV shall prevail.
- 1.4. *Scope.* Signs may be erected, mounted, displayed or maintained in the city in conformance with the provisions of these regulations. The scope of this article, as more specifically set forth below, is to:

- a. Allow a wide variety of sign types in commercial zone districts, and a more limited variety of signs in other zone districts, subject to the standards of this article;
  - b. Allow certain signs incidental to the principal use of a site in all zone districts subject to the standards of this article;
  - c. Provide for temporary signs in limited circumstances;
  - d. Prohibit signs where the location, size, type, illumination, or other physical characteristics are not compatible with the surroundings and may be injurious to the public health, safety and welfare; and
  - e. Provide for the enforcement of the provisions of this article.
- 1.5. *Severability.* If any part, sentence, phrase, clause, term, word, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of the ordinance as a whole, or part thereof other than the part so declared to be unconstitutional, illegal, or invalid.
- 1.6. *Substitution.* Signs containing noncommercial speech are permitted anywhere that advertising or business signs are lawfully permitted, and such signs containing noncommercial speech are subject to the same regulations applicable to advertising or business signs under this article.

(Ord. No. O-127-2015, § 2, 7-21-15)

## **Section 2. - Definitions.**

2.1. *Introduction.* The words, terms, and phrases set out below shall have the meanings ascribed to them in this section.

2.2. General definitions.

*Advertising:* Any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, which placed on the ground, rocks, trees, tree-stump, or other natural structures or on a building, structure, milestone, signboard, billboard, wallboard, roofboard, frame, support, fence or other manmade structure.

*Awning:* A structure, other than a canopy, made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building.

*Candela:* A unit which expresses the luminous intensity of a light source.

*Canopy:* A permanent structure, other than an awning, made of cloth, metal or other material for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure. A mansard roof shall not be considered a canopy.



*Example of a Canopy*



*Dimmer:* A device which changes the brightness of a display or which creates the capacity of increasing or decreasing the overall brightness/intensity of a display.

*Erect:* When used in connection with signs shall mean to build, construct, attach, hang, place, suspend, or affix and shall also include the painting of wall signs.

*Federally designated highway:* Those highways that are United States Numbered Highways, an integrated network of roads and highways in the United States with route numbers and locations coordinated by the American Association of State Highway and Transportation Officials (AASHTO).

*Footcandle:* A unit of illuminance (light falling on a surface). One (1) lumen falling on one (1) square foot equals one (1) footcandle.

*Interstate:* A divided highway, designated under the Interstate Highway System, designed for the safe, unimpeded movement of large volumes of through traffic with full access control and grade separation at intersections.

*Interstate interchange:* An interchange that connects an interstate to a lesser facility, such as a federally designated highway or an arterial or collector street.

*Light detector, light sensor:* An electronic component used to detect the amount or level of ambient light surrounding an EMC cabinet.

*Master sign plan:* A site plan and associated text and illustrations of a sign system for a proposed or existing development submitted to the metropolitan planning commission for consideration for approval.

*Nit:* One (1) candela per square meter.

*Sign, billboard, or other advertising device:* Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

*Sight triangle (or visibility triangle):* The area located at the intersection of two (2) streets, whether public or private, or a street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists.

*Sign illumination, internal:* Lighting of a sign from internal sources, such as in light source within the framework of a sign cabinet and behind the face of the sign so that light is transmitted through the face of the sign.

*Sign illumination, external:* Lighting of a sign from a light source external to the body of the sign, so that light is directed on to the face of the sign or directed in a manner so as to create silhouettes of letters or symbols that are placed in front of the light.

2.3. *Sign types.* Types of signs are defined in the following categories, and further illustrated in table 7.2, table of sign types.

*Abandoned sign:* Any sign, including its supporting structure, erected in conjunction with a particular use, for which the use has been discontinued for a period of sixty (60) days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

*Arcade and hanging sign:* A type of attached sign which hangs from a porch roof, awning, canopy, colonnade or similar feature, the surface area of which is not to exceed six (6) square feet.

*Attached sign:* A sign that is permanently affixed to or painted on a building, canopy, or wall, and has a permanent or changeable copy face.

*Awning sign:* A type of attached sign upon which words, pictures, symbols, graphics, or logos are painted, sewn, or otherwise adhered or affixed to the awning material as an integrated part of the awning.

*Billboard:* A type of off-premise sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

*Bulletin board:* A type of wall or ground sign used to identify the premises and announce meetings or programs to be held on the premises of a church, school, community recreation center, hospital, medical clinic or similar place.

*Canopy sign:* A type of attached sign placed on a canopy.

*Changeable letter reader board sign:* A sign on which message copy is displayed through the utilization of attachable or affixed letters, numbers, symbols and other similar character of changeable pictorial panes, which are changed manually or electronically.

*Changeable price sign:* A sign that shows a product or service, such as fuel or hotel/motel room rates as an unchanging element of the sign and includes an EMC component to the sign wherein the price is changeable.

*Column sign:* A type of detached sign which is supported by and integrated with columns or posts.

*Conforming sign:* Any permanent sign or sign structure which conforms to the provisions of this article.

*Detached sign:* Any sign that is not affixed or attached to a building and is securely and permanently mounted in or on the ground.

*Development directory sign:* A type of detached sign identifying a shopping center, office park, commercial subdivision, or similar mixed use or commercial development, and listing individual businesses or tenants within the unified development, including businesses not located on the lot on which the sign is located. A development directory sign is not classified as an off-premise sign.

*Directional sign:* A type of incidental sign located on a site designed to guide vehicular and/or pedestrian traffic on a lot or parcel by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar directives, but not including any advertising message. A name or logo of a business, use or place may also be included on the sign.

*Directory sign, on-site:* A type of incidental sign located on a site designed to identify specific businesses, offices, tenants or other uses of a lot or parcel, but not including any advertising message. A name or logo of a business, use or place may also be included on the sign.

*Electronic message center sign:* A sign which uses a bank of lights, light-emitting diodes, or other materials that can be lit or activated to form copy such as words, letters, logos, figures, symbols, illustrations, or patterns to form a message without altering the sign face.

*Flag or banner sign:* Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes and attached to any structure, staff, pole, line, framing, or vehicle.

*Ground sign:* A type of detached sign supported by a pole, uprights, or braces on the ground.

*Historic sign:* An existing, nonconforming, historically significant sign that contributes to the historical or cultural character of the community at large which has been removed from its original location within the city and is to be reused and relocated to a different location on its original site or relocated to another location within the community.

*Incidental sign:* A sign, generally directional or informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "office," "gymnasium," and other similar directives. No sign with an advertising message, other than a name or logo of a business, use or place, shall be considered incidental.

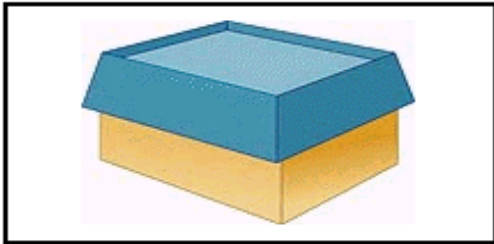
*Identification sign:* A sign displaying only the name, address, and/or crest, insignia, trademark, occupation, or profession of an occupant or the name of any building on the premises.

*Information sign:* A type of incidental sign located on a site designed to convey information or instructions, but not including any advertising message, for the safe and convenient use of a lot or parcel. A name or logo of a business, use or place may also be included on the sign.

*Landmark sign:* An existing, nonconforming, on-premise sign, which exhibits unique characteristics, enhances the streetscape or identity of a neighborhood and contributes to the historical or cultural character of the streetscape or the community at large.

*Logo sign:* A business, informational, or directional sign located on an interstate or off-ramp, which is regulated by the Tennessee Department of Transportation (TDOT).

*Mansard roof:* A roof or portion of a roof containing two (2) sloping planes of different pitch. The lower plane has a much steeper pitch, often approaching vertical, than the upper plane, which is usually not visible from the ground. It contains no gables.



*Example of a Mansard Roof*

*Marquee sign:* A type of attached sign integrated into or hung from a marquee. A marquee is a type of canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line for the purpose of providing shelter to pedestrians at an entrance to a building.

*Memorial sign:* A plate, plaque, or engraving cut into or attached to a building surface, which designates the name of a building, the date of erection, or individuals involved in the building's creation.

*Menu board:* A type of attached or detached sign primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

*Monument sign:* A type of detached sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports.

*Nameplate:* A plate, plaque, or engraved name attached to a door or wall, or integral to a wall of a building, bearing a name associated with an occupant or use in the building to which the plate is affixed.

*Nonconforming sign:* Any existing permanent sign or sign structure which does not conform to the provisions of this article, but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

*Off-premise sign:* A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

*On-premise sign:* A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises on which the sign is erected. A "for sale," "to let," or "information" sign shall be deemed an on-premise sign.

*Pole sign:* A type of ground sign at least ten (10) feet above the ground supported on a single post or pole.

*Portable sign:* All moveable or portable off-premise or on-premise signs mounted upon trailers or other structure(s) or device(s) designed to be transported by or on a motor-driven vehicle with only incidental parking and assembling for reuse, unless otherwise permitted by these regulations.

*Project directional sign :* A type of detached sign used to direct traffic from a collector or arterial street (as designated in the *Major Road Plan for Knoxville - Knox County, Tennessee* ) to businesses

located on the same or lower classification streets within the same unified development. A project directional sign is not classified as an off-premise sign.

*Projecting sign:* A type of attached sign that is wholly or partly dependent upon a building for support, that projects at an angle away from the building, and that extends more than one (1) foot from the building.

*Roof sign:* A type of attached sign that is mounted on the roof of a building or which is wholly dependent upon a building roof for support.

*Shingle sign:* A type of attached sign that hangs from a bracket or support and is located over or near a building entrance and that does not exceed nine (9) square feet in area, and that does not project more than three (3) feet over public property.

*Sidewalk sign:* A type of moveable, detached sign not secured or attached to the ground or surface upon which it is located.

*Temporary sign:* Any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time consistent with the terms of these regulations.

*Umbrella sign:* A sign integrated into the body of an umbrella, either on its protective covering or support structure.

*Wall sign:* A type of attached sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than one (1) foot from the building or structure. A wall sign may not project above the wall or parapet.

*Window sign:* A type of attached sign placed within a window facing the street or thoroughfare placed in a window for the purpose of advertising products, services or the business, and may be composed of applied letters, symbols, neon or similar lighting, but may not obscure the view of the interior of the building.

*Table 7.2. Table of Sign Types*

Arcade or Hanging Sign



Awning Sign



Canopy Sign 1



Canopy Sign 2



Changeable Reader Board



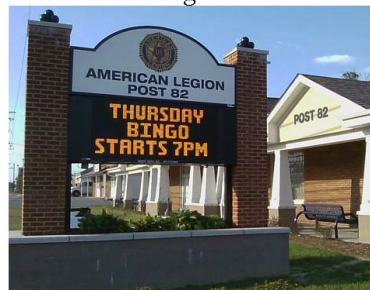
Changeable Price Sign



Column Sign



Electronic Message Center



Ground Sign



Marquee Sign



Menu Board (attached)



Menu Board (detached)



Monument Sign



Nameplate



Pole Sign



Portable Sign



Projecting Sign



Roof Sign



Shingle Sign



Sidewalk Sign



Umbrella Sign



Wall Sign (applied)



Wall Sign (cabinet)



Window Sign



(Ord. No. O-127-2015, § 2, 7-21-15)

**Section 3. - Prohibited signs.**

The following signs are prohibited in all zone districts:

1. Signs which by color, location, and/or design resemble or conflict with traffic control signs or signals.
2. Signs which contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead or confuse traffic.
3. Signs with moving parts and signs with red, green, yellow, amber or blue lights.
4. Signs with flashing, chasing, pulsating, twinkling, dancing, scintillating, and/or oscillating lights or light-emitting diodes, or with any other rotating, revolving or moving part; except for a documented historic or reproduction sign located in any H-1 (historic overlay) zone district and such sign has received a certificate of appropriateness from the historic zoning commission, or an approved sign within the D-1 (downtown design overlay) zone district and such sign has received a certificate of appropriateness from the downtown design review board.
5. Illuminated signs within one hundred (100) feet of property in any residential zone district, unless the illumination of such sign is so designed that it does not shine or reflect light onto such property within a residential zone district.
6. Signs within the public right-of-way, except publicly owned signs, such as wayfinding signs and regulatory signs, and those signs approved by the city engineer.
7. Signs placed on a parked vehicle or trailer visible from the public right-of-way where the primary purpose is to advertise a product or direct people to a business located on the same or another property. For the purposes of this regulation, logos, identification or advertising on vehicles being operated by being moved on and off the site in the normal course of business are not prohibited.
8. Billboards and other off-premise signs.
9. Portable signs.
10. Roof signs.

(Ord. No. O-127-2015, § 2, 7-21-15)

#### **Section 4. - Signs exempt from regulation.**

The following signs, unless prohibited elsewhere in these regulations, are exempt from the regulations of this article, but may be subject to other applicable laws and regulations:

1. Signs regulated by article IV of the city zoning ordinance.
2. Signs conforming to the "Manual of Uniform Traffic Control Devices" and bearing no commercial message.
3. Signs required by federal, state or local statute.
4. Signs installed by the city, Knox County, a state or federal agency, or employees and officials of these entities in the course of their governmental duties and bearing no commercial message.
5. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the city, Knox County, State of Tennessee, or the United States of America.
6. Signs required by an order of a court of competent jurisdiction.
7. Legal notices and official instruments.
8. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message as necessary to identify the public utility and the use.

9. Signs installed by a transit company with a franchise or other right to operate in the city, where such signs are installed along its routes and relate to schedules or other information about the transit route.
10. Signs approved as part of the city's adopted wayfinding program.
11. Signs carried by a person.
12. Signs incorporated into machinery or equipment by a manufacturer or distributor.
13. Signs located within a building or enclosed space that are not visible or legible from the public right-of-way or from private property or public property other than the property on which it is located.
14. Memorial signs with a maximum sign area of six (6) square feet.
15. Works of art bearing no advertising.
16. Holiday lights and decorations with no advertising.
17. Scoreboards and off-premise signs located on athletic fields if oriented toward the field of play.
18. Restaurant menu boards located on the premises of the restaurant when oriented toward a drive-through lane, with a maximum sign area of sixty (60) square feet and maximum height of ten (10) feet.
19. Restaurant menu displays located within ten (10) feet of a primary restaurant entrance provided the display area does not exceed four (4) square feet.
20. Official fraternal, religious or civic flags when mounted on permanent poles attached to the ground or building when located on the same site as the fraternal, religious or civic organization, institution or building.
21. Official governmental flags, of which the following governmental entities shall be the only official governmental flags recognized as such by the city:
  - a. The United States of America;
  - b. Any state, territory, or possession of the United States of America;
  - c. Any official flag adopted as such by the city and the county;
  - d. Any official flag adopted by a member state of the United Nations.
22. Decorative flags and bunting for a celebration, convention or commemoration, subject to installation no sooner than fourteen (14) days before the event and removal within seven (7) days following the event.
23. In residential districts, any sign of a type described below which does not exceed two (2) square feet in area:
  - a. A sign giving a property identification name or number or name(s) of occupant, one (1) sign per dwelling;
  - b. A mailbox sign (one (1) sign per dwelling unit), and
  - c. A sign(s) posted on property relating to private parking, trespassing or dangerous animals, which are limited to four (4) signs per lot if the lot is less than one (1) acre in size, and limited to two (2) additional signs per each additional acre for lots larger than one (1) acre in size.
24. Temporary signs for political purposes; provided that each sign shall not exceed thirty-two (32) square feet in area, shall not be displayed for more than thirty (30) days prior to the start of the earliest voting period for the candidate or issue, and shall be removed within five (5) days following the end of the final voting period for the candidate or issue.



25. Temporary merchandise displays and signs behind storefront windows which are not affixed permanently to the glass, nor intended for permanent display.
26. Temporary or permanent signs identifying traffic-control measures on private property, such as "stop," "yield," and similar signs, the face of which meet the standards of the "Manual for Uniform Traffic Control Devices" and which contain no logo or commercial message of any sort and which do not exceed six (6) square feet in area per sign.
27. Temporary signs for announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs are less than thirty-two (32) square feet in area, are limited to one (1) sign per site of such events, are erected no sooner than fourteen (14) days before the event, and are removed within three (3) days after the event.
28. Temporary signs on vehicles displaying terms of sale.
29. Umbrella signs.
30. Signs contained on or affixed to vendor push carts.
31. All window signs.

(Ord. No. O-127-2015, § 2, 7-21-15)

### **Section 5. - Signs exempt from permit requirements.**

The following signs are exempt from permit requirements, but subject to other regulations of this chapter:

1. Temporary signs announcing real estate availability in residential districts; provided that such signs do not exceed nine (9) square feet in area per sign, do not exceed six (6) feet in height for detached signs, and are limited to one ground sign per street frontage and one (1) wall sign per dwelling unit.
2. Temporary signs announcing real estate availability in nonresidential districts; provided that such signs are less than forty-eight (48) square feet in area per sign, do not exceed eight (8) feet in height for detached signs, and are limited to one (1) ground sign per street frontage and one (1) wall sign per building facade if the entire building is the unit for sale or lease, or one (1) wall sign per leasable area if subunits of the building are for lease or rent.
3. Temporary signs announcing construction in residential districts; provided that such signs do not exceed nine (9) square feet in area and six (6) feet in height for detached signs, are limited to one (1) per lot, and are installed after issuance of a building permit and removed prior to the issuance of a certificate of occupancy. If a sign is displayed pursuant to this paragraph, but construction is discontinued for a period of more than sixty (60) days, the sign shall be removed, pending continuation of construction activities.
4. Temporary signs announcing construction in nonresidential districts; provided that such signs are less than forty-eight (48) square feet in area and eight (8) feet in height for detached signs, which must be spaced at least one hundred (100) feet apart, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of occupancy. If a sign is displayed pursuant to this paragraph, but construction is discontinued for a period of more than sixty (60) days, the sign shall be removed, pending continuation of construction activities. Construction-related detached signs that are sixty-four (64) square feet or more in area and ten (10) feet or more in height must comply with the district requirements for a permanent detached sign.
5. Temporary signs announcing yard sales or real estate open houses; provided that such signs do not exceed six (6) square feet in area, are limited to one (1) per lot, are erected no sooner than four (4) days before the event, and are removed within one (1) day after the event. On the

day of these events, and while event staff are on the site, up to two (2) flag signs, not to exceed sixteen (16) square feet in area, may be used to announce the event.

6. Temporary auction signs; provided that such signs do not exceed thirty-two (32) square feet in area per sign, do not exceed eight (8) feet in height for detached signs, are limited to one (1) per lot, and are erected no more than thirty-one (31) days prior to the event and removed within twenty-four (24) hours after the auction event. On the day of these events, and while event staff are on the site, up to two (2) flag signs, not to exceed sixteen (16) square feet in size, may be used to announce the event.
7. Temporary farmer's market signs; provided that such signs do not exceed two (2) in number, are erected only on days of market operation, and do not exceed twenty-four (24) square feet in residential districts and thirty-two (32) square feet in all other districts.
8. Sidewalk signs; provided however that sidewalk signs in the Cumberland Avenue Form Based Code require a permit, and all sidewalk signs in all districts are subject to the provisions of section 8.1 of this article.
9. Signs showing historic or landmark status of a building, provided such signs do not exceed two (2) square feet.

(Ord. No. O-127-2015, § 2, 7-21-15)

## **Section 6. - Criteria for measurement.**

### **6.1. Sign area.**

- a. For detached signs, the total sign area shall be measured by calculating the entire area enclosed by the perimeter of the extreme limits of the sign cabinet or module, exclusive of embellishments such as pole coverings, framing, decorating roofing, and any appurtenances required by the building code.
- b. For attached signs, the total sign area shall be measured by calculating the entire area enclosed by the perimeter of the extreme limits of the sign cabinet, or, if the sign face is not a part of a sign cabinet, the sign copy, including vertical and horizontal spacing between letters and logos on the sign face.
- c. A sign designed to be viewed from two (2) different directions shall be considered as one (1) sign, provided that the two (2) sign faces shall not be more than forty-two (42) inches apart if parallel, nor form an angle of more than ninety (90) degrees.
- d. If the attached or detached sign or sign structure is internally illuminated or back lit by any means, the entire area shall be included within the allowable sign area calculation for the site.

### **6.2. Sign height.**

- a. Sign height shall be computed as the distance from the base of the sign structure to the top of the highest attached component of the sign, using as the base of the sign structure either of the following provisions:
  1. The finished grade of the property below the sign; or
  2. The roadway surface at the nearest edge of pavement of the street that provides primary access to the site.
- b. The finished grade of the property shall be construed for this purpose to be the final established grade after development, exclusive of any filling, berming, mounding or excavating primarily for the purpose of locating a sign.
- c. For detached signs subject to the provisions of section 11.6. on property that shares a common property line with an interstate highway or for detached signs on property that does not share a

common property line but such signs are located within one hundred (100) feet of the right-of-way of an interstate highway, the highest interstate roadway surface as measured from the sign to the crown of the roadway surface on a line perpendicular to the interstate right-of-way, or radial to the right-of-way when the subject sign is located in proximity to a curved interstate right-of-way may be used to determine the greatest allowable height.

- 6.3. *Sign spacing.* All distances related to spacing of signs shall be measured along a straight line between the two (2) closest points of the sign structures.
- 6.4. *Primary building elevation.* For the purposes of determining maximum allowed sign area for attached signs:
  - a. The primary building elevation shall be any elevation that faces onto a street right-of-way to which the parcel has street frontage and (1) has the principal entrance to the building, or (2) has an entry used primarily for customers or clients.
  - b. The wall area of the primary building elevation shall be determined as follows:
    1. When architectural elevations are provided that accurately and to scale depict the elevation of the structure, the wall area of the elevation shall be the area of the vertical wall surface of the building elevation exclusive of roofs, parapets and false facia; except that a parapet on the primary building elevation, if it is part of a parapet of a uniform height on three (3) sides of a structure and of a similar and uniform building material may be included in the elevation area, but decorative parapet extensions of irregular height on one (1) or two (2) sides of a structure are excluded from the calculation.
    2. When architectural plans are not provided, it shall be assumed that the height of the elevation of the first floor is twelve (12) feet and that the height of the elevation of all floors above the first floor is ten (10) feet per floor. The area of the elevation is then calculated based on the formula: [building length × 12 ft. (first floor)] + [building length × 10 ft. per each additional floor] = elevation area.
- 6.5. *Canopies over gasoline pumps.* For the purposes of determining maximum allowed sign area, the vertical surface of canopies over gasoline pumps shall be considered as part of the wall surface of an elevation.
- 6.6. *Setback for detached signs.* The setback shall be measured from the farthest most protrusion of the sign to the nearest point of a property line, street right-of-way or edge of pavement. The interstate highway right-of-way shall be considered a side or rear lot line for the purposes of determining the minimum setback required.

(Ord. No. O-127-2015, § 2, 7-21-15)

## **Section 7. - General sign standards and requirements.**

### *7.1. Minimum setbacks.*

- a. All detached on-premise signs shall be set back no less than ten (10) feet from a street right-of-way or fifteen (15) from the edge of pavement, whichever is greater.
- b. All detached on-premise signs shall be set back no less than five (5) feet from all side and rear property lines that are not also street right-of-way
- c. Directional or information signs may be allowed closer than the minimum setback from a right-of-way or pavement with the approval of the city engineer.

### *7.2. Minimum clearance for projecting signs.*

- a. Signs shall project from a building no more than ten (10) feet and shall maintain a minimum clear height of ten (10) feet, except in the following districts:

1. In the TND-1 (traditional neighborhood development) district, signs shall project no more than four (4) feet and shall maintain a minimum clear height of eight (8) feet in the commercial portion of the development.
  2. In the H-1 (historic overlay) district and D-1 (downtown design overlay) district signs shall:
    - i. Shall maintain a minimum clear height of seven (7) feet above sidewalks if non-electrified.
    - ii. Shall maintain a minimum clear height of eight (8) feet above sidewalks if electrified.
  - b. Where such signs project over public property, the sign shall not extend closer than twenty (20) inches to the back of the curb of the street.
- 7.3. *Illumination standards.* Sign illumination shall meet the following standards:
- a. General requirements.
    1. In residential zone districts internal sign illumination shall be prohibited. Signs may be externally illuminated, provided no light source exceeds seventy-five (75) footcandles of surface illumination nor is visible from streets or adjacent property;
    2. In nonresidential zone districts internally illuminated signs shall not exceed two hundred (200) foot-lamberts and externally illuminated signs shall not exceed seventy-five (75) footcandles of surface illumination;
    3. In all office districts, illuminated attached signs shall be limited to the building façade facing a street that is adjacent to the property and illuminated detached signs shall be limited to locations between the building and a street that is adjacent to the property.
  - b. External illumination. Externally illuminated signs shall be shielded from adjacent buildings and streets, and shall not cause glare or other nuisances to adjacent land uses or traffic. Projecting light fixtures used for externally illuminated signs must not obscure the sign.
  - c. Internal illumination. Internal illumination shall provide steady, stationary lighting through translucent materials.
  - d. All electrical wiring to detached signs shall be placed underground. Electrical wiring to attached signs shall be concealed from public view.
- 7.4. *Sight triangle requirements.* Detached signs shall be located so that no part of the sign, including the sign cabinet, sign structure, or sign face, shall encroach within a sight triangle with dimensions as determined by the department of engineering and set forth in article V, section 6.C of this Code.
- 7.5. *Landscape requirements for detached signs.* For all detached signs located within the front yard of a property, a landscape area of at least ½ the area of the sign shall be provided and maintained around the base or support structure of the detached sign. Plant material used in the landscape area shall not have a mature height of greater than forty-two (42) inches in height. For the purpose of these regulations a landscape area shall be an area reserved for the addition or augmentation of shrubs, plants, turf grasses and other natural and decorative features.
- 7.6. *Covering of posts, poles, uprights, and braces on detached signs.* All round posts, poles, uprights, braces, or other supporting structures that are a part of a detached sign shall be constructed, covered, or finished in a shape that is not round and that obscures the round posts from public view; provided however that this covering requirement shall not apply to billboards or signs in a floodway, as determined by the department of engineering.

(Ord. No. O-127-2015, § 2, 7-21-15)

## **Section 8. - Standards for specific sign types.**

- 8.1. *Sidewalk signs.* Sidewalk signs are allowed only in the C-2, TND-1, TC-1 and form based zone districts; provided that such signs are less than five (5) feet in height, two (2) feet in width, have a sign area less than six (6) square feet, and may be placed no closer than twenty-five (25) feet from any other sidewalk sign. A sidewalk sign shall be placed on the ground or paved surface and may be placed on a sidewalk within public right-of-way or public property within fifteen (15) feet of the entry to a business or outdoor space associated with the business. Such signs shall not be located within any designated fire lane or obstruct vehicular, bicycle, or pedestrian traffic, must comply with ADA clearance and accessibility standards, must be removed from the sidewalk at the close of business each day. A sidewalk sign shall not be illuminated, shall not contain an EMC, and shall not have moving parts.
- 8.2. *Temporary signs subject to permit requirements.*
- a. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure or any object within the right-of-way of any street.
  - b. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or be confused with any authorized traffic sign, signal, or device or located in any required parking space.
  - c. Each business may erect or post one (1) attached and one (1) detached temporary, on-premise sign no more than four (4) occasions during each calendar year, provided that the display of signs does not exceed fifteen (15) days in duration for each occasion. Any sign posted for a longer period must meet the requirements for a permanent detached sign.
  - d. No temporary sign shall exceed forty-eight (48) square feet in area, except where stated otherwise in this article.
  - e. Temporary signs shall comply with the applicable setback, parking, electrical code, and safety requirements.
  - f. No temporary sign shall be suspended across or above public streets or other public places.
- 8.3. *Awning and canopy signs.*
- a. The sign area for awning and canopy signs shall be subject to the maximum sign area calculated for all attached signs in accordance with section 11 of these regulations. The surface area of awnings and canopies, except for canopies over gasoline pumps as described in section 6.5. shall not be calculated in the total area of a primary building elevation for the purposes of determining maximum allowed sign area for attached signs.
  - b. The canopy sign shall not extend above the highest point of the canopy upon which it is attached or two (2) feet, whichever is greater.
- 8.4. *Incidental signs on large sites.*
- a. *Purpose.* Incidental signs on large sites are for the purpose of an occupant, or occupants, of a lot or parcel to convey on a permanent basis directions or information for the safety and convenience of visitors for the use, or restriction of use, of a lot or parcel.
  - b. *Administrative procedures.* Incidental signs on large sites may be allowed by permit upon receipt and approval by the building official or designee of a site plan showing all incidental signs for the site. Incidental signs on large sites are exempt from the maximum sign area requirements of this article.
  - c. *Application requirements.* Plans shall be submitted for review and consideration by city plans review and inspections office, and shall include the following information in the application package:
    1. An application and a consent form signed by the property owner(s) of the subject site.
    2. A scaled site plan showing the location and dimensions of all property lines, rights-of-way, easements, improvements (buildings, driveways, street access points, etc.) within the site,

the location of all existing and proposed signs, and if required pursuant to other provisions of this section, building elevations showing all building signs.

3. The site plan must show the location, dimensions, and construction details for all proposed incidental signs, and include sign illumination details and landscaping plans.
  4. A table identifying each sign, the overall dimensions of each sign, and the sign area of each sign must be a part of the site plan.
  5. The minimum size of a site eligible for consideration as a large site shall be a single lot or parcel, or several contiguous lots or parcels, of no less than two and one-half (2.5) acres.
- d. *Incidental sign standards.* Incidental signs on large sites are permitted subject to the following standards:
1. *Classification of signs permitted.* Directional signs, information signs, and/or on-site directory signs may be permitted as incidental signs on large sites.
  2. *Types of signs permitted.* Wall, window, monument or column signs may be permitted as incidental signs on large sites.
  3. *Exempt from other sign area requirements.* Signs approved as incidental signs on large sites are exempt from the maximum sign area allowed for a lot or building and shall not count as one of the wall, window, monument or column signs permitted by other provisions of this article.
  4. *Number of signs.* The number of incidental signs permitted per lot or parcel shall be in accordance with the site plan submitted and approved by the building official.
  5. *Maximum sign area.* The maximum sign area for any directional, information or on-site directory sign approved as part of a site plan of incidental signs on large sites shall be sixteen (16) square feet. An area not to exceed twenty (20) percent of the approved sign area may be devoted to a name or logo of a business, use or place.
  6. *Maximum sign height for monument and column signs.* The maximum height of monument or column signs used as incidental signs on large sites shall be six (6) feet.
  7. *Setbacks.* Incidental signs on large sites shall be located not closer than ten (10) feet to a street right-of-way line or fifteen (15) feet from the edge of street pavement, whichever is greater, not closer than two (2) feet from any internal driveway or parking lot, and not closer than five (5) feet from any side or rear property line.
  8. *Illumination.* Incidental signs on large sites shall be subject to the standards for illumination in accordance with the zone district of the lot or parcel.
  9. Once approved as part of a site plan of incidental signs on a large site, conversion of a directional, information or on-site directory sign to an off-premise sign without proper approvals is prohibited.

#### 8.5. Landmark and historic signs.

- a. *Purpose.* The purpose of these regulations is to promote the protection of nonconforming signs that represent important aspects of the city's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.
- b. *Landmark signs.* The purpose of designating a sign as a landmark sign is to encourage the restoration and retention of on-premise, nonconforming signs that are historically significant. Once designated as a landmark sign, the sign shall be considered to be in compliance with any zoning regulations and will be exempt from regulations of this article, except as stated herein.
  1. *Designation criteria.* The building official, upon receiving a report of recommendation from the historic zoning commission, may designate an existing on-premises sign as a landmark sign if it meets the following criteria:

- i. The sign has been in continuous existence at the present location for at least fifty (50) years.
  - ii. The sign is an on-premise sign, which meets at least four (4) of the following criteria:
    - (a) It was expressly designed for the business, institution, or other establishments at that location; or
    - (b) A national or local emblem, logo, or other graphic that is unique to the property or the establishment is an integral part of the sign structure; or
    - (c) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or
    - (d) The sign is significant as evidence of the history of the product, business or service advertised; or
    - (e) The sign is characteristic of a specific historic period; or
    - (f) The sign is integral to the building's design or physical fabric; or
    - (g) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials or design.
  - iii. The sign complies with the appropriate provisions of the state and local building and electrical codes.
  - iv. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
- c. *Historic signs.* The restoration and retention of nonconforming, historically significant signs that have been removed from original locations and are to be reused is encouraged. Allowing these signs to move to other locations within the community may be necessary to ensure preservation. Once designated as a historic sign, certain nonconforming aspects of the sign shall be considered to be in compliance with the zoning regulations and will be exempt from regulations of this article, except as stated herein.
- 1. *Designation criteria.* The building official, upon receiving a report of recommendation from the historic zoning commission, may designate an existing sign as a historic sign if it meets the following criteria:
    - i. The sign must be at least fifty (50) years old.
    - ii. The sign must meet at least three (3) of the following criteria:
      - (a) A national or local emblem, logo, or other graphic that is unique to a property or establishment is an integral part of the design of the sign structure; or
      - (b) (The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or
      - (c) The sign is significant as evidence of the history of the product, business or service advertised; or
      - (d) The sign is characteristic of a specific historic period; or
      - (e) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials or design.
    - iii. The sign complies with the appropriate provisions of the state and local building and electrical codes.
    - iv. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
- d. *Landmark and historic sign administrative procedures.*

1. *Review and recommendation by historic zoning commission.*
  - i. *Authorized applicants.* Any member of city council, the mayor or his/her representative, the property owner of the parcel where a proposed landmark sign is located, or the owner of the site where a proposed historic sign is to be relocated, may apply for designation of an existing sign as a landmark or historic sign.
  - ii. *Applications and fees submitted to MPC.* Such application shall be submitted to and on a form determined by the MPC as support to the city historic zoning commission, accompanied by a fee as established by the MPC.
  - iii. *Required information on application.* At the time of the filing of an application for designation of a sign, the applicant must file all necessary information in order for the historic zoning commission to determine if the sign meets the criteria for the requested designation and make a recommendation. The staff of the MPC or the historic zoning commission has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant.
  - iv. *Public notice and hearing.* Prior to consideration of the application at a meeting of the historic zoning commission, MPC shall provide notice of the public hearing in accordance with the administrative rules of the historic zoning commission.
  - v. *Authority of the historic zoning commission.* After consideration of the application at a public hearing, the city historic zoning commission shall have the authority to make a recommendation to approve or disapprove the designation of an existing sign as a landmark or historic sign upon consideration of the criteria stated above.
  - vi. *Report on action.* In recommending approval or disapproval of a landmark or historic sign designation, the historic zoning commission shall state the reasons for the decision in a report to the building official. Such report shall include the application and any supporting material considered by the historic zoning commission and minutes of the meeting.
2. *Designation as a landmark or historic sign.*
  - i. *Consideration of recommendation of historic zoning commission.* The building official shall take into account the recommendation of the historic zoning commission in making a decision on the designation of an existing sign as a landmark or historic sign.
  - ii. *Approval authority.* The building official shall have the authority to approve or disapprove the designation of an existing sign as a landmark or historic sign based upon the criteria stated above.
  - iii. *Rationale for approval.* In approving or disapproving a landmark or historic sign application, the building official shall state the reasons in writing.
  - iv. *Appeals.* An appeal of the building official's decision must be properly filed in accordance with the administration and enforcement provisions of the zoning code.
  - v. *Maintenance of a landmark and historic sign inventory.* Once a sign has been designation as a landmark or historic sign, the building official shall add the sign to its records and send notice of the action taken to the historic zoning commission and to the applicant.
3. *Issuing of permits.*
  - i. *Authorized applicants.* The property owner of the parcel where a proposed landmark sign is located, or the owner of the site where a proposed historic sign is to be relocated, may apply for approval of a permit to restore; repair, move, and replace a landmark sign; or remove, repair, and move to another location a historic sign, provided said signs are designated as landmark or historic signs.



- ii. *Applications submitted to department of plans review and inspections.* Such application shall be submitted to and on a form determined by the department of plans review and inspections.
  - iii. *Required information on application.* At the time of the filing of an application for a permit for a sign designated as a landmark or historic sign, the applicant must file all necessary information in order for the building official to determine if the proposed work on the sign will meet the intent of this article. The building official has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant.
  - iv. *Approval authority.* The city building official shall have the authority, in accordance with this article, to approve or deny a permit to restore; repair, remove, and replace a landmark sign; or remove, repair, and move to another location a historic sign.
  - v. *Exempt work.* Owners may voluntarily remove a sign once designated as a landmark or historic sign, provided such sign is not within a designated historic overlay (H-1) zone district, and provided that the owner of the sign notifies the department of plans review and inspections of such action. After such notification, the sign will be removed from the landmark and historic sign inventory by the building official.
- e. *Landmark and historic sign regulations.*
- 1. *Landmark sign location.* If a landmark sign is moved on-premise, it shall be subject to the location regulations of this article.
  - 2. *Landmark sign use agreement required.* If any portion of a landmark sign is permitted to remain in or over a public right-of-way, a city or state use or encroachment agreement shall be executed.
  - 3. *Historic sign location.* An historic sign may be moved to another location on the site where it is currently located or to another property. It is encouraged that the sign be relocated to a site within the area from which it originated. The receiving site must be located within a nonresidential zone district or mixed-use form district which allows commercial signs.
  - 4. *Nonconforming aspects of historic signs.* Relocated historic signs that are nonconforming based on their size, height, animation, moving parts, or moving, flashing, color or type of lighting do not have to be brought into conformance. However, relocated signs may not move further out of conformance by any physical alterations to the sign. The lighting of such signs shall be located, screened, or shielded so that abutting lots located in any residential district are not directly illuminated and do not cause glare or impair the vision of motorists. All other regulations shall apply with the following exceptions:
    - i. Projecting signs may extend beyond the maximum projecting dimension based upon the existing dimension of the sign.
    - ii. Roof signs and flashing, fluttering, swinging, and rotating signs, which may be currently prohibited, may be relocated and maintain the prohibited characteristics provided such features contribute to the historic or cultural character of the sign and are in keeping with the surrounding area.
- 8.6. *Electronic message centers.* EMCs are permitted only in commercial and industrial districts, unless this article otherwise prohibits the use of EMCs in a specific commercial or industrial district. Within these zoning districts the following regulations shall apply to electronic message centers (EMC):
- a. EMCs legally existing on April 10, 2009, shall be allowed to continue operation subject to meeting the operational standards as required by this section. After April 10, 2009, no EMC shall be permitted in any location except in the following instances:
    - 1. An EMC may be permitted in those areas covered by an H-1 overlay district subject to approval as required within an H-1 district.

2. An EMC may be permitted in those areas covered by a D-1 overlay district subject to approval as required within a D-1 district.
3. An EMC may be permitted as a changeable price sign subject to the requirements of section 8.7 below.

All EMCs legally existing on April 10, 2009, must comply with the operational standards listed in sections 8.6.g., h., j., k., and l. A legally existing EMC that cannot meet the minimum text size requirement in section 8.6.k must use the largest size possible for one (1) line of text to fit in the available space.

- b. No EMC shall be erected or used by a business unless any existing changeable letter reader board is first removed from the parcel.
- c. An EMC shall be included in the total signage permitted on the parcel.
- d. An EMC shall be permitted as a wall sign, or an integrated part of the total sign surface of a detached on-premise sign. For purposes of this section, integrated into the total sign surface of a detached on-premise sign shall mean an EMC cabinet contained within or contiguous to the smallest, simple polygon enclosing all of the non-electronic advertising content of a sign.
- e. An EMC permitted as part of a ground or monument sign shall have a minimum matrix area of twenty (20) square feet and a maximum size of one third ( 1/3 ) of the total signage permitted or one hundred (100) square feet, whichever is less.
- f. An EMC permitted as a wall sign shall not exceed one hundred (100) square feet.
- g. Each display on an EMC shall hold constant for a minimum of sixty (60) seconds.
- h. An EMC shall not display light of such intensity or brightness to cause glare. An EMC must be equipped with an automatic dimmer device and controlled by a light detector. It is the responsibility of the sign owner to demonstrate compliance with brightness/intensity and dimming settings. Brightness, also known as intensity, shall be measured in candelas per square meter, which is also referred to as nits, and shall not exceed the following standards:

Daytime maximum brightness .....	3,000 nits
Nighttime maximum brightness .....	750 nits
Maximum brightness at the property line .....	0.2 footcandles
Maximum bulb wattage for incandescent light .....	40 watts

- i. No electronic message center (EMC) shall be permitted in any location which is zoned C-1.
- j. The images and messages displayed must be static. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- k. Every line of text in an EMC shall meet or exceed the following standards:

Designated Speed Limit on Frontage Road (in MPH)	Minimum Text Size (in Inches)
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25 to 34	7
35 to 44	9
45 to 54	12
55 and above	15

If there is insufficient room for text of this size in the area allowed under this Section, then no text is allowed.

- I. The transition from one (1) display to another must be instantaneous without any special effects.

8.7. *Changeable price signs.*

- a. Changeable price signs shall be limited to parcels with a minimum of two hundred fifty (250) feet of frontage on the street where the property is addressed.
- b. Each changeable price sign on a parcel shall be counted toward the total allowable signage allowed per parcel.
- c. Changeable price signs shall be integrated into a detached on-premise sign or be placed on a canopy or wall in accordance with these regulations.
- d. Changeable price signs shall be limited to three (3) per detached sign structure or three (3) per building or canopy face.
- e. An EMC may be integrated into a changeable price sign subject to the following and subject to the requirements of section 8.6 of this article:
  - 1. The EMC component shall be used only as a changeable price component; and
  - 2. The minimum matrix area of each EMC component of a changeable price sign shall be six (6) square feet and the maximum shall be twenty-five (25) square feet per changeable price sign.

(Ord. No. O-127-2015, § 2, 7-21-15)

**Section 9. - Master sign plans for unified developments.**

- 9.1. *Purpose.* For the purpose of providing flexibility and incentives for coordinated, well designed sign systems for shopping centers, commercial subdivisions, office parks and other large scale commercial and mixed use developments, a master signage plan is required for certain signs identified within this section, and sign systems within the TC-1 (town center) district. A master sign plan will promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development consistent with the property's land use designation.
- 9.2. *Application requirements.* Master sign plans required pursuant to other provisions of this ordinance shall be submitted for review and consideration by the metropolitan planning commission as a use permitted on review, and shall include the following information in the application package:

- a. Master sign plan application and a consent form signed by all the property owner(s), or owners' representatives, for the unified development under consideration.
  - b. A site plan showing the location and dimensions of all property lines, rights-of-way, easements, improvements (buildings, driveways, street access points, etc.) within the unified development, the location of all existing and proposed signs, and if required pursuant to other provisions of this ordinance, building elevations showing all building signs.
  - c. Scale drawings showing the dimensions and construction details for all proposed signs including sign illumination and landscaping plans.
  - d. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lots included in the unified development under consideration.
  - e. A copy of any sign restrictions proposed or implemented for the unified development.
  - f. Documentation including an accurate site plan for the development shall be provided showing that the development was approved as a shopping center, commercial subdivision, office park, or, mixed use development within the TC-1 (town center) district. The development may be located on both sides of a street or streets if it is determined by the metropolitan planning commission that it functions as a unified development.
  - g. The minimum size of a development eligible for consideration as a unified development shall be twenty-five thousand (25,000) square feet of gross floor area and must contain three (3) or more businesses or tenants.
  - h. For the purposes of approving a master sign plan, the metropolitan planning commission shall determine the boundaries of the unified development based on the application and evidence submitted in support of the application.
  - i. The approved signs shall be located on property within the area defined by the metropolitan planning commission as the unified development.
- 9.3. *Administrative procedures.* Master sign plans shall be reviewed by the metropolitan planning commission as a use permitted on review. A master sign plan may also be included as part of a development plan or use permitted on review application for a shopping center, commercial subdivision, office park or similar development. The metropolitan planning commission may approve, modify or deny the request. All applications for sign permits in an area with an approved master sign plan shall be in conformance with the plan. Since approval of master sign plan is a privilege and not a right, variances from the sign standards of this article shall not be granted for development directory signs or project directional signs. When a master sign plan has been approved, variances shall not be granted for any signs on a lot covered by the master sign plan. The action of the planning commission may be appealed as provided in this article.
- 9.4. *Development directory sign.* To encourage coordinated, well designed sign systems that allow sufficient identification of businesses within unified developments in a manner which promotes traffic safety and avoids visual blight, development directory signs may be approved by the metropolitan planning commission as a part of a master sign plan subject to meeting the following:
- a. The development directory sign shall meet the requirements of section 11 of these regulations for a detached sign in a commercial or industrial zone district.
  - b. The development directory sign shall count as one of the detached signs permitted pursuant to these regulations for the lot on which the sign will be located. If the maximum number of business ground or monument signs and/or the maximum surface area is already met or exceeded on a lot proposed for a development directory sign, the number of signs and/or surface area must be reduced so that the addition of the development directory sign would put the signs on the lot in conformance with the maximum limitations.
  - c. Only the name and/or logo for the unified development and the names and/or logos of individual establishments within the unified development shall be permitted on the sign face(s). The name

of the unified development shall be located at the top of the sign and shall be designed to stand out from the listing of tenants within the unified development.

- d. Only one development directory sign shall be allowed per street frontage (per side of the street) for the unified development. Interstate frontage is considered a street frontage.
  - e. Approved development directory signs shall not be converted to any other type of off-premise sign.
- 9.5. *Project directional sign.* To promote the safe and efficient flow of traffic, project directional signs may be approved by the metropolitan planning commission as a part of a master sign plan to direct traffic from a collector or arterial street (as designated in the "Major Road Plan for Knoxville - Knox County, Tennessee") to businesses located on the same or lower classification streets within the same unified development, subject to meeting the following:
- a. The project directional sign shall be located at the intersection of the lower classification street with the collector or arterial street and shall be oriented toward the traffic flow on the collector or arterial street.
  - b. The project directional sign shall be located out of the right-of-way and shall comply with setback, sight distance and sight triangle requirements for the lot on which it is located.
  - c. A project directional sign shall not be located closer than five hundred (500) linear feet to any other project directional sign on the same side of the collector or arterial street. Only one (1) project directional sign may be permitted per intersection on the same side of the collector or arterial street.
  - d. The project directional sign may be approved in addition to any ground or monument signs that are allowed on a specific lot.
  - e. Only the name and/or logo for the unified development, name and or logo of individual establishments within the unified development and a directional arrow shall be permitted on the sign face(s).
  - f. The project directional sign shall not exceed six (6) feet in height and a maximum surface area of thirty-six (36) square feet.
  - g. Approved project directional signs shall not be converted to any other type of sign.
- 9.6. *Administrative changes.* After approval of a master sign plan by the planning commission, the MPC executive director, or designee, may approve a change to the signage plan administratively in instances of an increase in the size of any sign by up to ten (10) percent; provided this does not exceed the maximum sizes permitted by these regulations.

(Ord. No. O-127-2015, § 2, 7-21-15)

## **Section 10. - Signs permitted in all districts.**

The following signs are allowable in all zone districts:

- a. One (1) nameplate per building with a maximum sign area of two (2) square feet for any residential building and six (6) square feet for any nonresidential building.
- b. One (1) bulletin board or identification sign for public recreation uses, community facilities, hospitals, and clinics with a maximum sign area of thirty-two (32) square feet and a maximum height of eight (8) feet. These signs may be allowed in addition to the maximum sign area as calculated by the controlling zone district.
- c. Directional signs within a parking lot to designate entrances and exits with a maximum sign area of nine (9) square feet and a maximum sign height of forty-two (42) inches. One (1) sign may be located at each entrance and exit.

- d. One (1) informational sign within a parking lot identifying or designating the conditions of uses of such parking area with a maximum sign area of twelve (12) square feet and a maximum height of eight (8) feet.

(Ord. No. O-127-2015, § 2, 7-21-15)

### **Section 11. - Signs permitted in specific districts.**

In addition to signs that may be allowable pursuant to other sections of this article and article IV of the city zoning code, this section 11 delineates the signs allowable in specific districts and the standards for such signs.

#### *11.1. Agricultural and open space zone districts (A-1, OS-1, and OS-2).*

- a. In A-1, non-illuminated nameplates and wall signs for home occupations with proper approval of the home occupation use are allowed as attached signs, with a maximum sign area of two (2) square feet.
- b. In A-1, OS-1, and OS-2 districts, detached signs are allowed, and may include ground signs, monument signs, column signs and temporary signs as permitted within this section; provided that the signs shall be for the purpose of advertising the sale of farm products produced on the premises. Such signs are limited to two (2) non-illuminated signs on the parcel or lot, and each individual sign cannot exceed twelve (12) square feet in sign area and eight (8) feet in height.
- c. In A-1, OS-1, and OS-2 districts, identification signs, detached or attached to a building, shall be permitted for public parks, playgrounds and other outdoor recreation uses with a maximum sign area of nine (9) square feet and a maximum height of eight (8) feet. Such signs may be externally illuminated, but shall not be internally illuminated.

#### *11.2. Floodway zone districts (F-1).*

- a. In F-1 districts, identification signs, detached or attached to a building, shall be permitted for public parks, playgrounds and other outdoor recreation uses with a maximum sign area of nine (9) square feet and a maximum height of eight (8) feet.
- b. Detached identification signs may be externally illumination, but shall not be internally illuminated.
- c. All signs in this district are subject to review and approval by the city stormwater engineering department.

#### *11.3. Historic overlay zone districts (H-1).*

- a. In H-1 districts, one (1) information sign, detached or attached to the building, shall be permitted in connection with the use of the lot with a maximum sign area of nine (9) square feet and a maximum height of eight (8) feet.
- b. An information sign is allowed in addition to any other signs allowed in accordance with the underlying base zone district.
- c. All signs in this district are subject to review and approval by the city historic zoning commission.

#### *11.4. Residential zone districts (R-1, R-1A, R-1E, EN-1, EN-2, R-2, R-3, R-4, RP-1, RP-2, RP-3).*

- a. *Type of signs and dimensions allowed for residential uses.* In residential zone districts, the following signs on a residential parcel or lot shall be allowed, subject to the following dimensional requirements:
  - 1. For properly approved home occupations, one (1) wall sign with a maximum sign area of two (2) square feet, or one (1) ground or column signs with a maximum sign area of two (2) square feet and a maximum height of forty-two (42) inches. Such signs shall not be illuminated.

2. Wall signs for multi-dwelling structures or developments, rooming and boarding houses, and fraternity and sorority houses with a maximum total sign area of nine (9) square feet per structure; such sign shall indicate nothing other than the name and/or address of the premises, and the name of the management. Such signs may be externally illuminated, but shall not be internally illuminated.
  3. Monument or column signs for multi-dwelling structures or developments on sites greater than two (2) acres, mobile home parks, and subdivisions with more than twenty-five (25) lots for residential purposes; provided that such signs are limited to one (1) sign per each separate street frontage that exceeds one hundred fifty (150) lineal feet; cannot exceed a maximum sign area of thirty-six (36) square feet and a maximum height of six (6) feet; and may be externally illuminated, but shall not be internally illuminated.
- b. *Type of signs and dimensions allowed for nonresidential uses.* In residential zone districts, the following signs on a nonresidential parcel or lot shall be allowed, subject to the following dimensional requirements:
1. For medical facilities with less than one hundred fifty (150) linear feet of street frontage, clubhouses for civic or nonprofit organizations, lodge halls, studios and day care centers for more than twelve (12) children:
    - i. Non-illuminated attached signs, excluding window signs, up to a maximum total sign area of sixteen (16) square feet; and
    - ii. One monument or column sign with a maximum sign area of twenty (20) square feet, and a maximum height of five (5) feet. Such sign may be externally illuminated, but shall not be internally illuminated.
  2. For medical facilities with one hundred fifty (150) linear feet or more of street frontage, churches, schools, public buildings, cemeteries and country clubs:
    - i. Non-illuminated attached signs, excluding window signs, with a maximum total sign area of thirty-two (32) square feet; and
    - ii. One monument or column sign with a maximum total sign area of thirty-six (36) square feet, and a maximum height of six (6) feet. Such sign may be externally illuminated, but shall not be internally illuminated.
  3. In the RP-1, RP-2 and RP-3 zone districts, where there are less than five (5) tenants in a common structure, only wall signs are permitted for each tenant; the sign area of such sign(s) shall not exceed a ten (10) square feet and the top of such sign(s) shall be no more than twelve (12) feet above ground level. Such signs shall not be illuminated.
  4. In the RP-3 zone district, where there are five (5) or more tenants in a common structure, only one (1) detached identification sign is permitted for each structure; the sign area shall not exceed one hundred (100) square feet, and the maximum sign height is twelve (12) feet. Such sign may be externally illuminated, but shall not be internally illuminated.
- 11.5. *Office zone districts (O-1, O-2, and O-3).*
- a. *Regulations for residential uses.* In office districts, regulation of signs for permitted residential uses shall be the same as for residential zone districts.
  - b. *Types of signs and dimensions allowed for nonresidential uses.* In office districts, the following signs on a nonresidential parcel or lot shall be allowed, subject to the following dimensional requirements:
    1. Attached signs with a total allowed sign area not to exceed five (5) percent of the wall area of the primary building elevation(s), provided that the sign area may be used on any elevation of the building that does not face an adjacent residential zone district and that no individual sign may exceed twenty-four (24) square feet in area. Such signs shall not be illuminated.

2. One (1) detached sign is allowed per parcel or lot, but are limited only to monument or column signs; provided that the maximum sign area shall be thirty-six (36) square feet and the maximum height shall be six (6) feet. Such detached signs shall not be internally illuminated, but may be externally illuminated provided that no light source is visible from the public right-of-way or adjacent properties.
- 11.6. *Commercial and industrial zone districts (C-1, C-2, C-3, C-4, C-5, C-6, C-7, PC-1, PC-2, SC-1, SC-2, SC-3, BP-1, I-1, I-2, I-3 and I-4).*
- a. *Types of signs and dimensions allowed.* In commercial and industrial districts, the following signs on a nonresidential parcel or lot shall be allowed, subject to the following dimensional requirements:
    1. Development directory and project directional signs may be approved as part of a master sign plan in accordance with the regulations at section 9.4.
    2. Attached signs with a total allowed sign area equal to ten (10) percent of the wall area of the primary building elevation(s), and such sign area may be used on any elevation of the building.
    3. Detached signs in accordance with the standards described herein, except that standards specified for individual zone districts in article IV shall prevail.
  - b. *Number and type of detached signs and dimensions allowed for secondary detached signs.* In commercial and industrial districts, the number of detached signs on a nonresidential parcel or lot shall be allowed in accordance with the following requirements:
    1. One (1) detached sign is allowed per street frontage, up to a maximum of two (2) per parcel or lot. For these purposes, an adjacent interstate highway shall be considered a street frontage, even if there is no access to it.
    2. The detached sign that is oriented to the street frontage on which the parcel is addressed shall be deemed primary and subject to the requirements of this subsection; and
    3. Any secondary detached sign on each lot shall be limited to a monument or column sign with a maximum sign area of thirty-two (32) square feet and a maximum sign height of eight (8) feet.
  - c. *Maximum sign heights for primary detached signs.* In commercial and industrial zone districts, the maximum sign height for primary detached signs shall be based upon the classification of the road or road adjacent to the property upon which the primary detached sign is located, as follows:

Roadway Type	Maximum Allowable Sign Height
Property within 500 feet of interstate interchange area	35 feet
Property adjacent to interstate right-of-way	30 feet
Property fronting on federally designated highways	20 feet
All other roadway classifications	10 feet



;adv=6;d. *Maximum sign area for primary detached signs.* In commercial and industrial zone districts, the maximum sign area for primary detached signs shall be based upon the classification of the road or road adjacent to the property upon which the primary detached sign is located, as follows:

Roadway Type	Maximum Allowable Sign Area
Property within 500 feet of interstate interchange area	200
Property adjacent to interstate right-of-way	200
Property fronting on federally designated highways	165
All other roadway classifications	100

e. *Exceptions to the standards described above.*

1. On parcels and lots adjacent to the interstate, a secondary detached sign, if located within one hundred (100) feet of the interstate right-of-way and if its sign faces are oriented perpendicular or radial to the interstate right-of-way is subject to the maximum height and sign area requirements for a primary detached sign.
2. On parcels and lots adjacent to any streets or roads that are part of the state scenic highway system, only a monument or column sign shall be allowed, provided that the maximum sign height for such sign shall be six (6) feet and the maximum sign area shall be thirty-six (36) square feet.
3. In the neighborhood commercial (C-1) and pedestrian commercial (C-7) zone districts, the maximum sign area for detached signs is fifty (50) square feet.
4. In the BP-1 zone districts, the maximum sign area for detached signs is one hundred (100) square feet and the maximum height is six (6) feet.
5. In a planned commercial, shopping, business or industrial zone district (PC-1, PC-2, SC-1, SC-2, SC-3, BP-1, and I-1), additional signs may be approved by the planning commission as part of the development plan provided that (1) scale drawings indicate the signs will not detract from the character of the development or surrounding development; and (2) that the development plan clearly shows that because of unusual topography, building locations and relationships or developments with multiple structures, additional signs are essential to inform and direct the public.

11.7. *Mixed Use zone districts (TC-1 and TND-1).*

- a. In TC-1 and TND-1 zone districts, approval of a master sign plan in accordance with section 9 is required at the time of development plan approval. Development directory and directional signs may be approved as part of the master sign plan.
  1. Sign types shall be shown in the master sign plan for nonresidential and multi-dwelling structures within a TND. These shall be outlined in relation to the proposed uses. In order to reduce visual clutter, no more than two (2) types of signs, other than window signs, are allowed on the front face of a building.

2. The locations of the types of signs and the landscaping around any detached signs shall be shown in the master sign plan and the development plan.
  3. Increases in dimensions of a sign of up to ten (10) percent may be approved administratively by MPC staff. Changing the text, message, design or material of sign shall not require the approval of MPC or its staff.
- b. In TC-1 and TND-1 zone districts, regulations for signs for permitted residential uses shall be the same as for residential zone districts.
  - c. In TC-1 and TND-1 zone districts, the following signs on a nonresidential parcel or lot shall be allowed, subject to the following specified dimensional requirements:
    1. Attached signs, including arcade and hanging signs, awning and canopy signs, historic and landmark signs marquee signs, projecting signs, shingle signs, temporary signs, and wall signs with a total allowable sign area of five (5) percent of the wall area of the primary building elevations, provided that the sign area may be used on any elevation of the building. The maximum sign area for individual projecting signs shall be twelve (12) square feet and six (6) square feet for hanging, arcade or shingle signs.
    2. A maximum of one (1) detached sign is allowed per street frontage, up to a maximum of two (2) per parcel or lot.
    3. Detached signs, including historic and landmark signs, incidental signs (including on-site directional, directory and informational signs), monument signs, column signs, and temporary signs with a maximum sign area and height according to table 7.3, dimensional standards for detached signs:

*Table 7.3. Dimensional Standards for Detached Signs*

Number of Stories in Building	Maximum Height (feet)	Maximum Width (feet)	Maximum Sign Area (square feet)
1 to 1½ stories	4 feet	4 feet	16 sq. ft.
2 stories	5 feet	5 feet	24 sq. ft.
3 stories	6 feet	6 feet	32 sq. ft.
The height of the base of a monument sign shall not exceed 18 inches.			
The column of a column sign shall not exceed 24 inches in width nor extend more than 6 inches above the sign area.			

(Ord. No. O-127-2015, § 2, 7-21-15)

**Section 12. - Sign construction and maintenance.**

12.1. *Sign construction.*

- a. *Conformity with adopted building codes.* Any permanent sign erected, constructed, or placed on any property in the city shall conform to the building code, as most recently revised and adopted by the city.
- b. *Conformity with adopted electric codes.* If serviced by electric power, any permanent sign shall conform to the latest adopted revision of the National Electrical Code. Electrical materials and devices incorporated into such signs shall be certified by the Underwriters' Laboratories, Inc. (ULI), and shall bear the ULI label, or the label of another approved testing laboratory. Temporary signs, if serviced by electrical power, shall conform to the latest adopted revision of the National Electrical Code.
- c. *Address required.* On a parcel or lot, at least one (1) permanent, on-premise signs shall contain the street number of the business.

12.2. *Sign maintenance.*

- a. *Premises maintenance.* All signs and surrounding premises shall be maintained by the owner thereof in a clean and sanitary condition, and free and clear of all debris, trash, litter, garbage, refuse, and weeds and in full compliance with the city's ordinances concerning lot cleanliness set forth in the City Code of Ordinances, chapter 13.
- b. *Structure maintenance.* All signs, including supporting structures, shall be maintained in good and safe repair and condition, including the periodic application of paint and/or other weatherproofing material in order to prevent rust or other decay.
- c. *Display surface or other advertising surface maintenance.* The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety (90) days of receipt of notice mailed to the owner by certified mail, return receipt requested. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, the chief building official, or designee, may cite the owner for a violation of this section.
- d. *Extension of time.* The owner may request an extension of the ninety (90) days by submitting a written request to the office of the chief building official. Upon some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign within ninety (90) days, the chief building official, or designee, may grant the requested extension; any grants of extensions shall be documented in writing.

(Ord. No. O-127-2015, § 2, 7-21-15)

**Section 13. - Abandoned signs.**

- 13.1. *Abandoned sign determination for conforming signs.* Any legal conforming sign, as defined by this article, including its supporting structure, erected in conjunction with a particular use, that use having been subsequently discontinued for a period of one hundred twenty (120) days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. Abandonment shall be presumed if, for a period of one hundred twenty (120) days or longer, the sign has not 1) advertised goods, services, facilities, events or attractions available on the premises where located, 2) identified the owner or occupant, 3) directed traffic on the premises, or 4) displayed a noncommercial message which may or may not related to an activity located on the premises. Any sign which otherwise conforms to the provisions of this article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained for a period of fourteen (14) months by one (1) of the following methods:
- a. *Painted sign:* The sign shall be covered by painting over the sign area.
  - b. *Removable sign face:* The sign face shall be removed and replaced with a blank insert or the sign face may be reversed.

- c. *Temporary covering*: The sign face may be temporarily covered by the installation of a sock or boot.

If activity on the property has not resumed within a period of fourteen (14) months from abandonment, then the sign shall be presumed abandoned and shall be taken down and removed as provided herein.

13.2. *Abandoned sign determination for nonconforming signs*. Any nonconforming sign, as defined by this article, including its supporting structure, erected in conjunction with a particular use, that use having been subsequently discontinued for a period of sixty (60) days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. Abandonment shall be presumed if, for a period of sixty (60) days or longer, the sign has not 1) advertised goods, services, facilities, events or attractions available on the premises where located, 2) identified the owner or occupant, 3) directed traffic on the premises, or 4) displayed a noncommercial message which may or may not related to an activity located on the premises. Any sign which otherwise conforms to the provisions of this article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained for a period of nine (9) months by one (1) of the following methods:

- a. *Painted sign*: The sign shall be covered by painting over the sign area.
- b. *Removable sign face*: The sign face shall be removed and replaced with a blank insert or the sign face may be reversed.
- c. *Temporary covering*: The sign face may be temporarily covered by the installation of a sock or boot.

If activity on the property has not resumed within a period of nine (9) months from abandonment, then the sign shall be presumed abandoned and shall be taken down and removed as provided herein.

13.3. *Removal of abandoned signs*. Any abandoned sign, now or hereafter existing, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which such sign may be found, within thirty (30) days after the written notification from the chief building official, or designee. In making a determination that a sign is abandoned the building official shall consider among other factors, the existence or absence of a current occupational license for the premises, whether there are active utilities or a utilities service deposit at that location, and use of the premises. If such abandoned sign is not removed at the conclusion of such thirty-day period, the chief building official or designee is hereby authorized to cause the sign to be removed at the expense of the owner. For purposes of this section, removal of the sign shall include:

- a. The sign face, along with posts, columns or supports of "detached" signs, shall be taken down and removed from the property.
- b. The sign face and supporting structures of "projecting," "roof," or "attached" signs shall be taken down and removed from the property.
- c. The sign face of "painted attached signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

(Ord. No. O-127-2015, § 2, 7-21-15)

#### **Section 14. - Legal nonconforming signs.**

14.1. *Effect of change in use for on-premise signs*. The utilization of a nonconforming on- premise sign and/or sign structure may continue subject to the conditions and requirements noted in Section 14. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business), the signs on that property must be brought into compliance with the provisions of this Article; provided, however, that this change in use provision shall not be construed to require conformity of a legally existing, nonconforming development directory sign or

on-site directory sign upon changes in the use of individual businesses or tenants advertised on the directory sign.

- a. *Change defined.* A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. For the purposes of this article, a change in use occurs under the following circumstances:
  1. When the principal use occupying the property changes from a use permitted or permitted on review, as designated or enumerated for the zoning district, to another use permitted or permitted on review designated or enumerated for the zoning district.
  2. When there is an expansion, an increase in the gross square footage or number of dwelling units of an existing use, or in its operating characteristics (such as an expansion of operations, previously conducted within a fully enclosed building to operations conducted outside an enclosed building) such that the resulting use is a designated or enumerated use separate from the designated or enumerated previous use, then this constitutes a change in use.
  3. A change in the ownership or management of a use or establishment, without the type of changes noted above, is not considered a change in use.
- b. *Determination of change by building official.* If a use is not designated or enumerated in the zoning code, the building official or designee shall have the discretion to determine whether there is a change in use.
- c. *Illegal use excluded.* A use prohibited by the zoning district or an otherwise illegal use shall not be allowed to continue use of a nonconforming sign.

14.2. *Regulations for off-premise signs approved prior to 1984.*

- a. *Size, location and structure restrictions.* Off-premise signs shall be placed on a unipole structure and shall not be double-decked (either one above the other, or side by side on the same structure). The total sign area per face shall not exceed forty-eight (48) feet by fourteen (14) feet (six hundred seventy-two (672) square feet) with a twenty (20) percent nonpermanent extension, except within five hundred (500) feet of interstate arteries where the total sign area per face may be seven hundred seventy-five (775) square feet.
- b. *Spacing requirements on primary and secondary arteries.* No off-premise sign structure shall be established within seven hundred fifty (750) feet of any other off-premise sign structure on either side of the same street. The minimum distance between sign structures shall be measured along a straight line and shall be made between the two (2) nearest points of the structures. The minimum spacing shall apply to off-premise sign structures located on either side of the same street or highway. Official and on-premise signs as well as any other sign which does not constitute an off-premise sign structure as defined herein, shall not be counted nor shall measurements be made from them for the purpose of determining compliance with these spacing requirements.
- c. *Spacing requirements on interstate arteries.* No off-premise sign structure shall be established within one thousand (1,000) feet of any other off-premise sign structure on the same side of the same interstate artery. The minimum distance between sign structures shall be measured along a straight line and shall be made between the two (2) nearest points of the structures.
- d. *Setback requirements.* All off-premise sign structures, including billboards, shall be erected in conformity with the front, side and rear yard requirements of the district in which located.

(Ord. No. O-127-2015, § 2, 7-21-15; Ord. No. O-200-2015, § 1, 10-27-15)

**Section 15. - Administration.**

15.1. *Permit requirements.*

- a. No sign, portable sign, outdoor display, or billboard other than signs listed in section 4, Signs exempt from these regulations, and section 5, Signs exempt from permit requirement, shall be placed, operated, maintained, erected or attached to, suspended from, or supported on a building, structure or ground until a permit in writing, authorizing the same has been issued by the office of the chief building official.
  - b. Before a permit may be issued, complete plans and specifications showing the construction, methods of support and the materials used shall be submitted for approval to the chief building official, or designee. In addition to any other required information, such plans and specifications shall include the following:
    - 1. A detailed site plan of the property drawn to scale, showing all existing and proposed freestanding signs, buildings, parking areas, and driveway entrances to the site, together with all roadways and informational signs located on the right-of-way of said roadways which are located immediately adjacent to the proposed site.
    - 2. The total number of square feet of existing and proposed signage on the parcel where the proposed sign is to be erected.
    - 3. The location of all existing ground signs located within the area of the proposed site which signs are within the minimum space requirements for distances between structures as set forth in this article.
    - 4. For off-premise signs and portable signs, the name and a notarized consent affidavit of the property owner and/or lessee of the proposed site.
  - c. Applications shall be processed within ten (10) working days of receipt of all required documents in the plans review and inspections department.
  - d. The chief building official, or designee, shall keep and maintain accurate records of all sign permits issued by the city, which records may serve as the basis for a comprehensive inventory of the signs within the city.
  - e. As of June 1, 2001, there shall be a ban on the issuance of permits for new construction of off-premise signs, including billboards, at new locations within the city; provided however that lawfully existing off-premise signs, including billboards, shall be nonconforming uses, as regulated by article VI of the zoning code.
- 15.2. *Authority for approval and enforcement.* The office of the chief building official shall have primary responsibility for the administration and enforcement of these sign regulations, and shall issue sign applications and permits for all signs located within the city.
- 15.3. *Penalties for violation.* Penalties for violation of these regulations shall be in accordance with the administration and enforcement section of the zoning code.
- 15.4. Sign permit fees.
- a. Prior to issuing any permit for construction of signs, as provided herein, the applicant shall pay to the city a sign construction permit fee of seventy-five dollars (\$75.00) plus an additional sum of five dollars (\$5.00) per one thousand dollars (\$1,000.00) of sign construction value. Sign construction permit fees shall be assessed and collected prior to the approval of any application for construction or major renovation. Minor renovation shall include changing of removable parts of signs that are designed to be changed, repainting of display matter, or replacing lettering or decoration. Minor renovations are deemed to be maintenance work for which no fees are charged and no permit is required; however such maintenance work shall be done only by parties complying with the permit requirements in section 15.

(Ord. No. O-127-2015, § 2, 7-21-15)

Sec. 1. - Title.

Ordinance No. 3369 (as amended)

An ordinance to regulate the location, height, bulk, and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; and for such purposes to divide the municipality into districts or zones of such number, shape and areas as it may determine, and regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the use of land; to prescribe penalty for the violation of its provisions and to provide for its enforcement; to repeal Ordinance No. 123, and all amendments thereto, the caption of which Ordinance No. 123 is as follows: "An Ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence or other purposes, the height, and size of buildings and other structures, the size of yards and other open spaces, and the density of population and for said purposes to divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out these regulations; to prescribe penalties for the violation of its provisions and to provide for its enforcement."

(Ord. No. O-111-08, § 1, 5-20-08)

Sec. 2. - Short title.

These regulations shall be known and may be cited as "The Zoning Ordinance of the City of Knoxville, Tennessee."

Sec. 3. - Purpose.

Whereas, the council of the City of Knoxville is empowered to regulate the use of land and buildings, the height of buildings, the size of open spaces, surrounding buildings and the density of population; and

Whereas, the council of the City of Knoxville deems it necessary to exercise the power so granted in order to encourage the most appropriate use of land; to maintain and stabilize the value of property; to secure safety from fire, flood, panic, and other hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities; to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants.

Sec. 4. - Enactment.

Now, therefore, be it ordained by the council of the City of Knoxville: Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be used for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per dwelling unit be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

(Ord. No. O-176-06, § 1, 8-29-06)

## **APPENDIX A: SUMMARY OF AMENDMENTS TO THE KNOXVILLE ZONING ORDINANCE (MAY 1986 TO PRESENT)**

May 6, 1986

O-67-86 Article 5, Section 10: Signs, Billboards, and Other Advertising Structures. The amendment provides for a sign enforcement inspector, establishes permit requirements, and establishes sign permit and inspection fees.

January 28, 1987

O-3-87 Article 4, Section 11b: C-7 Pedestrian Commercial District. An amendment to Subsection I, Occupancy Permit Regulations, expands the requirement for a certificate of occupancy to include a change of name, change of tenant, and change of ownership of a business in the C-7 district.

July 14, 1987

O-113-87 Article 5, Section 2: Floodway Fringe Area Requirements. The amendment corrects minor errors in the title and first paragraph of this section of the ordinance.

May 2, 1989

O-78-89 Article 4, Section 20: SP-1 Scientific Production District. The amendment creates a new zoning district under Article 4, intended to provide for a wide range of uses that rely on advanced scientific and engineering capability. It is also intended to provide sites for the location of such enterprises in an attractive, park-like setting.

May 2, 1989

O-79-89 Article 4, Section 21: TO-1 Technology Overlay District. The amendment creates a new district under Article 4, to provide for review of physical development plans in the Tennessee Technology Corridor area of the City of Knoxville by the Tennessee Technology Corridor Development Authority.

May 30, 1989

O-96-89 Article 5, Section 4: Accessory Uses. An amendment to Subsection B, 2.b., Permitted Accessory Structures, for Church, Chapel, Temple, or Synagogue, permits the incidental sale of religious materials as an accessory use to a religious education building.

June 13, 1989

O-125-89 Article 5, Section 7: Minimum Off-street Parking Requirements. An amendment to Subsection B, Access and Driveway Requirements, specifies that public safety is a basic purpose of this section and states that conformance with adopted plans is necessary for approval of parking plans.

September 19, 1989

O-198-89 Article 4, Section 11b: C-7 Pedestrian Commercial District. The amendment to Subsection B, Uses Permitted, permits outdoor display and sale of merchandise normally sold by the businesses in the C-7 district on certain occasions.

May 15, 1990

O-116-90 Article 4, Section 8: C-2 Central Business District. The amendment changes the C-2 zoning requirements for parking facilities from a "use by right" to a "use on review."

May 15, 1990

O-119-90 Article 4, Section 13a: PC-1 Retail and Office Park District. The amendment creates a new district under article IV to provide for unified commercial development within the Development Corridor as described in the General Plan 2000. Uses range from retail stores and services such as are found in neighborhood shopping centers and community shopping centers to businesses and professional offices.

May 15, 1990

O-120-90 Article 4, Section 13b: PC-2 Retail and Distribution Park District The amendment creates a new district under Article 4 to provide for unified commercial/distribution development within the



Development Corridor as described in the General Plan 2000. Uses range from those found in regional shopping centers to those found in distribution/light warehousing parks.

November 27, 1990

O-351-90 Article 4, Section 11b: C-7 Pedestrian Commercial District. The Amendment to Subsection G, Off-street Parking Regulations, expands the area where required off-street parking for new C-7 businesses may be located.

October 29, 1991

O-445-91 Article 4, Section 8: C-2 Central Business District. The amendment to Subsection B, Uses Permitted, is an addition to include private day nurseries and kindergartens as permitted uses in the C-2 district.

November 10, 1992

O-469-92 Article 5, Section 13: Temporary Uses. The amendment to subsection B, to add limited retail sales as a permitted temporary use within I-2 Restricted Manufacturing and Warehouse District.

November 24, 1992

O-482-92 Amended the TO-1 Technology Overlay District.

November 24, 1992

O-483-92 An amendment to add Recycling Facility to definitions, standards and zoning districts permitting such facilities.

March 30, 1993

O-156-93 An amendment to TO-1 Technology Overlay District.

March 30, 1993

O-157-93 An amendment to SP-1 Scientific Production District changing the name to BP-1 Business and Technology Park District and amending other sections of this district.

December 21, 1993

O-750-93 An amendment relating to locational and dimensional standards for parking lots.

February 28, 1995

O-89-95 An amendment regarding permitted sign types and sizes for office, church, multi-dwelling structures or development, and medical uses in the R-1A, R-2, R-3, R-4, RP-1, RP-2, RP-3, O-1, O-2, and O-3 zoning districts.

February 28, 1995

O-90-95 An amendment to Article 4, Section 10.C., uses permitted on review, Article 4, Section 16.B., permitted uses, and Article 5, Section 3, Development Standards for Uses Permitted on Review.

June 20, 1995

O-338-95 An amendment to Article 4, Section 9.C., to permit private day nurseries and kindergartens (including day care centers) in the C-3 General Commercial District.

September 28, 1995

O-490-95 An amendment to Article 5, Section 10 regarding business signs in commercial districts.

September 28, 1995

O-492-95 An amendment to Article 5, Section 5 regulating telecommunication towers and antennas.

October 24, 1995

O-538-95 An amendment to Article 4, Section 11b.C., and Section 11b.G., including commercial parking lots and garages as a use permitted on review in the C-7 Pedestrian Commercial District.

February 27, 1996

O-53-96 An amendment to Article 4, Section 14,E., deleting the requirement that one member of the Historic Zoning Commission be a member of the Metropolitan Planning Commission at time of appointment.

June 25, 1996

O-197-96 An amendment employing the Use on Review process to require site plan review of new commercial telecommunications towers in residential zoning districts.

April 9, 1996

O-109-96 An amendment to Article 4, Section 3, regarding permitted development intensity for duplexes in the R-2 General Residential District.

January 28, 1997

O-49-97 An amendment to Article 4, Section 11a,J, deleting the requirement that all utility transformers be located within buildings.

February 25, 1997

O-70-97 An amendment to Article 2, Definitions, Article 5, Section 3(F), and Article 5, Section 4(B), regarding development standards for marinas and related uses, including provisions requiring use on review approval for marinas.

December 5, 1995

O-587-95 An amendment to Article 5, Section 5, Height, standardizes and clarifies the height limitation used to determine a setback for telecommunication towers adjacent to residential zones.

May 20, 1997

O-206-97 An amendment to Article 4, Section 11b, C-7 Pedestrian Commercial District, eliminates parking requirements for all uses except residential.

May 20, 1997

O-207-97 An amendment to Article 4, Section 17, I-3 General Industrial District and related sections to delete "sale barn" as a permitted use.

June 17, 1997

O-251-97 An amendment to Article 4, Sections 12 and 13, regarding the SC-1, SC-2, and SC-3 Districts and related sections.

July 29, 1997

O-322-97 An amendment to Article 4, Section 11a, regarding C-6 General Commercial Park District and related sections (Article 5, Sec. 17).

October 7, 1997

O-431-97 An amendment to Article 2, Definitions; Article 4, Section 2a, R-1A Low Density Residential District; Article 4, Section 3, R-2 General Residential District; Article 4, Section 4, R-3 High Density Residential District; Article 4, Section 4a, RP-1, RP-2, RP-3 Planned Residential Districts; Article 4, Section 4b, R-4 Residential District; Article 4, Section 5, O-1 Office, Medical and Related Services District; Article 4, Section 6, O-2 Civic and Institutional District; Article 4, Section 6a, O-3 Office Park District; and Article 5, Section 7, Minimum Off-street Parking, Access and Driveway Requirements establishing assisted living facilities as a Use on Review including related definitions and parking requirements.

December 16, 1997

O-650-97 An amendment to Article 4, Section 7, Neighborhood Commercial District permitting Use On Review for churches.

January 27, 1998

O-41-98 An amendment to Article 5, Section 7A.3, Minimum Off-street Parking, Access and Driveway Requirements, changing the parking requirements for new and used automobile sales.

March 24, 1998

O-189-98 An amendment to Article 4, Section 19, F-1 Floodway District, eliminating used car lots as a permitted use in the F-1 Floodway District.

April 7, 1998

O-211-98 An amendment to Article 5, Section 16, Swimming Pools regarding regulations for swimming pools.

April 21, 1998

O-236-98 An amendment to Article 5, Section 8, Storage and Parking of Trailers, Recreational Vehicles, Commercial Vehicles, and School Buses, regarding the storage and parking of trailer, motor homes, recreational vehicles and commercial vehicles in residential zoning districts and related sections.

June 30, 1998

O-354-98 An amendment to Article 5, Section 4, Accessory Uses, Buildings, and Structures, deleting housing for domestic servants as a permitted accessory use.

September 8, 1998

O-474-98 An amendment to Article 5, Section 5, Height, regarding the regulation of commercial telecommunications towers.

September 8, 1998

O-476-98 An amendment to Article 4, Section 11a, C-6 General Commercial Park District; Article 4, Section 15, I-1 Planned Industrial Park District; Article 4, Section 16, I-2 Restricted Manufacturing and Warehousing District; and Article 4, Section 17, I-3 General Industrial District, allowing public, private and commercial athletic facilities in these districts.

September 22, 1998

O-483-98 An amendment to Article 2, Definitions, Article 4, Section 1, A-1 General Agricultural District, Article 4, Section 2a, R-1A Low Density Residential District, Article 4, Section 3, R-2 General Residential District, Article 4, Section 4, R-3 High Density Residential District, Article 5, Section 3, Development Standards for Uses Permitted On Review, and Article 5, Section 7, Minimum Off-street Parking, Access and Driveway Requirements allowing bed and breakfast inns as uses on review in these districts and establishing locational, operational and design requirements for such uses and related sections.

October 20, 1998

O-537-98 An amendment to Article 7, Section 6, Amendments, dealing with City Council review of MPC and BZA actions and related sections.

November 17, 1998

O-579-98 An amendment to Article 5, Section 6.D.5, Yard, Building Setback and Open Space Exceptions regarding minimum dimensional standards for one lot subdivisions.

December 15, 1998

O-629-98 An amendment to Article 4, Section 2, R-1 Low Density Residential District; Article 4, Section 2b, R-1E Low Density Exclusive Residential District; Article 4, Section 4b, R-4 Residential District; Article 4, Section 20, BP-1 Business & Technology Park District; Article 5, Supplementary Regulations, and Article 5, Section 20, Commercial Telecommunications Facilities (new section) dealing with the location, siting, and height of commercial telecommunications facilities.

January 12, 1999

O-2-99 An amendment to Article 2, Definitions, Article 5, Supplementary Regulations, and Article 5, Section 19, Multi-Sectional Manufactured Homes (new section) dealing with manufactured homes, multi-sectional manufactured homes and single-wide manufactured homes.

January 26, 1999

O-32-99 An amendment to Article 3, Section 2, Zoning Map allowing zoning maps to be maintained in computerized format.

January 26, 1999

O-33-99 An amendment to Article 4, Section 22, NC-1 Neighborhood Conservation Overlay District (new section) allowing the creation of Neighborhood Conservation Districts.

January 26, 1999

O-34-99 An amendment to Article 4, Section 23, TND-1 Traditional Neighborhood Development District (new section) allowing the creation of Traditional Neighborhood Development Districts.

August 24, 1999

O-320-99 An amendment to Article 4, Section 9, C-3 General Commercial District clarifying restrictions on outdoor display of merchandise in the C-3 district.

September 21, 1999

O-371-99 An amendment to Article 2, Definitions; Article 4, Section 5, O-1 Office, Medical and Related Services District; Article 4, Section 6a, O-3 Office Park District, Article 4, Section 8, C-2 Central Business District; Article 4, Section 9, C-3 General Commercial District; Article 4, Section 12, SC-1 Neighborhood Shopping Center District; Article 4, Section 13a, PC-1 Retail and Office Park District; Article 4, Section 15, I-1 Planned Industrial Park District; Article 4, Section 20, BP-1 Business and Technology Park District; and Article 5, Section 7, Minimum Off-street Parking, Access and Driveway Requirements allowing call centers as permitted uses or uses on review in these zones, including definitions and standards for development and review.

October 19, 1999

O-439-99 An amendment to Article 4, Section 1, A-1 General Agricultural District; Article 4, Section 1a, OS-1 Open Space Preservation District; Article 4, Section 2, R-1 Low Density Residential; Article 4, Section 2b, R-1E Low Density Exclusive Residential District; Article 4, Section 4b, R-4 Residential District; Article 4, Section 5, O-1 Office, Medical & Related Services; Article 4, Section 6, O-2 Civic & Institutional District; Article 4, Section 7, C-1 Neighborhood Commercial District; Article 4, Section 8, C-2 Central Business District; Article 4, Section 9, C-3 General Commercial District; Article 4, Section 10, C-4 Highway & Arterial Commercial District; Article 4, Section 11, C-5 Tourist Commercial District; Article 4, Section 11a, C-6 General Commercial Park District; Article 4, Section 11b, C-7 Pedestrian Commercial District; Article 4, Section 15, I-1 Planned Industrial Park District; Article 4, Section 16, I-1 Restricted Manufacturing & Warehousing District; Article 4, Section 17, I-3 General Industrial District; Article 4, Section 18, I-4 Heavy Industrial District; Article 4, Section 20, BP-1 Business & Technology Park District; and Article 5, Section 20, Commercial Telecommunications Facilities regarding commercial telecommunications facilities.

October 19, 1999

O-440-99 An amendment to Article 2, Definitions, clarifying the term "building."

March 7, 2000

O-89-00 An amendment to Article 5, Section 20, Commercial Telecommunications Facilities regarding security fencing for commercial telecommunications towers.

June 27, 2000

O-245-00 An amendment to Article 5, Section 7, Minimum Off-street Parking, Access and Driveway Requirements regarding off-street parking requirements for handicapped and disabled persons.

July 25, 2000

O-335-00 An amendment to Article 5, Section 7 Minimum Off-street Parking, Access and Driveway Requirements, regarding minimum driveway widths.

July 25, 2000

O-336-00 An amendment to Article 4, Section 13a, PC-1 Retail and Office Park District and Article 4, Section 13b, PC-2 Retail and Distribution Park District to eliminate tie to General Plan 2000 development corridor.

July 25, 2000

O-337-00 An amendment to Article 4, Section 6, O-2 Civic and Institutional District, to provide for a use on review for certain types of college and university housing.

July 25, 2000

O-338-00 An amendment to Article 2, Definitions, Article 4, Section 9, C-3 General Commercial District, and Article 5, Section 7, Minimum Off-street Parking, Access and Driveway Requirements, regarding establishments, definitions and requirements for tattoo and body piercing.

August 22, 2000

O-407-00 An amendment to Article 5, Section 10, Signs, Billboards and Other Advertising Structures, to delete color restrictions for electronically operated message boards.

September 19, 2000

O-440-00 An amendment to Article 5, Section 14, H-1 Historic Overlay District, dealing with area regulations, notice provisions and applications for the Historic Overlay District designation.

September 19, 2000

O-441-00 An amendment to Article 4, Section 17, I-3 General Industrial District, allowing truck sales and service in industrial zones.

November 14, 2000

O-495-00 An amendment to Article 5, Section 6, Yard, Building Setback and Open Space Exceptions, allowing alleys as sole means of access to properties zoned H-1, NC-1 and TND-1 under certain conditions.

November 14, 2000

O-496-00 An amendment to Article 5, Section 6, Yard, Building Setback and Open Space Exceptions, dealing with the extension of steps and porches into required front yards.

November 14, 2000

O-497-00 An amendment to Article 4, Section 23, Traditional Neighborhood Development, dealing with front yard setbacks, porch steps and design guidelines for the TND-1 District.

February 20, 2001

O-73-01 An amendment to Article 4, Section 14, H-1 Historic Overlay District and Article 4, Section 22, NC-1 Neighborhood Conservation Overlay District, to allow larger lot sizes in the NC-1 and H-1 Districts.

April 3, 2001

O-122-01 An amendment to Article 2, Definitions, Article 4, Section 24, TC-1 Town Center District (New section) and Article 7, Section 5, Procedures for Authorizing Uses Permitted on Review, creating a TC-1 Town Center zoning district that allows mixed use development.

May 1, 2001

O-146-01 An amendment to Article 4, Section 10, C-4 Highway & Arterial Commercial District, Section 11, C-5 Tourist Commercial District, Section 16, I-2 Restricted Manufacturing & Warehousing District, and Section 17, I-3 General Industrial District regarding land use determinations by the Planning Commission.

May 15, 2001

O-150-01 An amendment to Article 5, Section 10, Signs, Billboards, and Other Advertising Structures, placing a permanent ban on billboard permits at any new locations.

May 15, 2001

O-158-01 An amendment to Article 5, Section 6, Yard, Building Setback and Open space Exceptions, establishing mechanical equipment setback requirements.

July 24, 2001

O-251-01 An amendment to Article 4, Section 5, O-1 Office, Medical, and Related Services District; Section 6, O-2 Civic and Institutional District; and Section 6a, O-3 Office Park District, allowing churches as a use permitted on review in the office zones.

December 11, 2001

O-442-01 An amendment to Article 5, Section 20, Commercial Telecommunications Facilities, dealing with setback and height requirements for commercial telecommunications towers.

January 22, 2002

O-27-02 An amendment to Article 2, Definitions, Article 5, Section 10, Signs, Billboards, and Other Advertising Structures, regarding multiple tenant directory signs, directional signs, and master signage plans.

May 28, 2002

O-210-02 An amendment to Article 4, Section 5, O-1 Office, Medical, and Related Services District, to clarify the R-2 uses permitted as uses on review in the O-1 zone.

October 29, 2002

O-425-02 An amendment to Article 4, Section 11a, C-6 General Commercial Park District, and Article 5, Section 3, Development Standards for Uses Permitted on Review, clarifying that self-service storage facilities are a permitted use in the C-6 District.

October 29, 2002

O-426-02 An amendment to Article 2, Definitions, Article 4, Section 2A, R-1A Low Density Residential, Article 4, Section 3, R-2 General Residential District, Article 4, Section 4b, R-4 Residential District, and Article 5, Section 3, Development Standards for Uses Permitted on Review, regulating rooming and boarding houses in the City and establishing standards for their development.

November 26, 2002

O-476-02 An amendment to Article 4, Section 16, I-2 Restricted Manufacturing & Warehousing District and Article 5, Section 6, Yard, Building Setback and Open Space Exceptions, to permit outdoor display of manufactured goods in the I-2, I-3 and I-4 Industrial Districts, subject to development standards.

January 21, 2003

O-29-03 An amendment to Article 2, Definitions, adding a definition for attached building.

April 29, 2003

O-150-03 An amendment to Article 7, Administration and Enforcement, regarding time limit for consideration of proposals by the Board of Zoning Appeals.

November 25, 2003

O-410-03 An amendment to Article 4, Section 3, R-2 General Residential District, and Section 3.4, Summary of Area Requirements, regarding area regulations.

January 20, 2004

O-5-04 An amendment to Article 4, Section 14, H-1 Historic Overlay District, allowing for staff approval of some provisions of Certificates of Appropriateness.

May 25, 2004

O-66-04 An amendment to Article 2, Definitions, Article 4, Section 5, O-1 Office, Medical, and Related Services District, Article 4, Section 6a, O-3 Office Park District, and adding to Article 5, Section 3.G a new subsection 11 regulating methadone treatment facilities.

August 17, 2004

O-140-04 An amendment to Article 4, Section 10, C-4 Highway and Arterial Commercial District allowing private day nurseries and kindergartens, including day care centers, in the C-4 zone as a use on review.

November 23, 2004

O-221-04 An amendment to Article 2, Definitions, Article 5, Section 13, Temporary Uses, regulating portable storage containers in residential zones.

December 7, 2004

O-241-04 An amendment to Article 2, Definitions, and Article 5, Section 10, Signs, Billboards, and Other Advertising Structures, providing standards for electronically operated message boards.

January 18, 2005

O-17-05 An amendment to Article 4, Section 23, TND-1 Traditional Neighborhood Development District, regarding dimensional requirements for residential uses and review procedures for civic and institutional uses.

January 18, 2005

O-18-05 An amendment to Article 4, Section 24, TC-1 Town Center District, regarding drive-thru facilities for banks.

March 29, 2005

O-77-05 An amendment to Article 4, Section 14, to prohibit application for and issuance of a demolition permit for structures and buildings located within a proposed H-1 Historic Overlay District for a period not to exceed 180 days after the rezoning and designation application process has been initiated, excluding appeals.

March 29, 2005

O-78-05 An amendment to Article 4, Section 22, to prohibit application for and issuance of a demolition permit for structures and buildings located within a proposed NC-1 Neighborhood Conservation Overlay District for a period not to exceed 180 days after the rezoning and designation application process has been initiated, excluding appeals.

March 29, 2005

O-80-05 An amendment to Article 4, Section 20, to add certain uses to the BP-1 Business and Technology Park District, and related sections.

June 21, 2005

O-144-05 An amendment to Article 4, Section 4a, RP-1, RP-2, & RP-3 Planning Residential Districts, to add default minimum building setbacks in cases where approved development plans do not specify the setbacks.

September 13, 2005

O-216-05 An amendment to Article 4, Section 14G, H-1 Historic Overlay District, and Section 22E, NC-1 Neighborhood Conservation Overlay District, to provide for Historic Zoning Commission review for removal of H-1 and NC-1 overlays.

October 25, 2005

O-238-05 An amendment to Article 2, Definitions, Article 4, Section 23 TND-1 Traditional Neighborhood Development District, and Article 5, Section 10, Signs, Billboards and Other Advertising Structures to provide standards for sign regulations in this pedestrian-oriented mixed use TND-1 district.

December 20, 2005

O-284-05 An amendment to Article 4, Section 4A, RP-1, RP-2, and RP-3 Planned Residential Districts to clarify procedures to change or amend approved development plans.

January 17, 2006

O-7-06 An amendment to Article 4, Section 11b, C-7 Pedestrian Commercial District requiring use on review approval of garage parking on the ground floor.

January 17, 2006

O-8-06 An amendment to Article 5, Section 10, Signs, Billboards, and Other Advertising Structures, reducing the maximum permitted height of signs in a C-7 Pedestrian Commercial District.

January 17, 2006

O-9-06 An amendment to Article 4, Section 21, TO-1 Technology Overlay District, allowing staff review and approval of minor changes to previously approved development plans in the TO-1 Technology Overlay Zone.

June 20, 2006

O-129-06 An amendment to Article 5, Section 7, Minimum Off-street Parking, Access and Driveway Requirements, dealing with parking requirements for retail establishments, beauty and barber shops.

August 29, 2006

O-176-06 An amendment establishing new residential occupancy standards, residential housing types and associated new and revised definitions.

September 26, 2006

O-201-06 An amendment creating a new Section 4.25, IH-1 Infill Housing Overlay.

September 26, 2006

O-202-06 An amendment to Article 5, Section 12 Home Occupation, clarifying home occupation requirements regarding residence of those engaged in the home occupation.

October 24, 2006

O-214-06 An amendment to Article 5, Section 6, Yard, Building Setback and Open Space Exceptions, to allow the subdivision of substandard lots in H-1 and NC-1 Overlay Districts in certain circumstances and to provide a method to record certain substandard lots that existed at the time of annexation.

October 24, 2006

O-215-06 An amendment to Article 2.1 Definitions, Section 4.3, R-2 General Residential, Section 4.5 O-1 Office, Medical and Related Services, Section 4.6 O-2 Civic and Institutional, Section 4.8 C-2 Central Business, Section 4.9 C-3 General Commercial, Section 4.10 C-4 Highway & Arterial Commercial, and Section 4.11a C-6 General Commercial Park to provide for the regulation of Halfway Houses.

January 30, 2007

O-8-07 An amendment to establish a new Article 4, Section 4.26, D-1 Downtown Design Overlay District.

February 27, 2007

O-29-07 & O-30-07 Amendments to Articles 2, 3, 4, 5, 6, and 7 establishing a new Article 4, Section 27, South Waterfront Zoning Districts SW-1 through SW-7, adding the "South Waterfront Form Based Development Code", creating a map inset for the "South Waterfront Regulating Plan", and adding administration, enforcement, and use requirements related to development review within the South Waterfront Zoning Districts.



March 27, 2007

O-58-07 Amendments to Article 5, Section 6, Yard, Building Setback and Open Space Exceptions, clarifying that within an Infill Housing Overlay (IH-1) district access of the alley is permissible.

March 27, 2007

O-59-07 Amendments to Article 5, Section 7, Minimum Off-street Parking, Access and Driveway Requirements, clarifying that driveways may be approved across from T-intersections within all residential zones.

May 22, 2007

O-108-07 Amendment to create a new Article 4, Section 4.2c, R-1EN Established Neighborhood District to create a new residential district with a minimum lot size of 22,500 square feet.

June 19, 2007

O-139-07 Amendment to Article 4, Section 2, R-1 Low Density Residential, Article 4, Section 2a, R-1A Low Density Residential, and Article 4, Section 2b, R-1E Low Density Exclusive Residential Districts to provide requirements for paving, parking and driveways in front and street side yards.

June 19, 2007

O-140-07 Amendment to Article 5, Section 13, Temporary Uses, to expand the allowance of temporary uses.

June 19, 2007

O-141-07 Amendment to Article 6, Non-Conforming Buildings, Structures and Uses of Land, to provide continued use of low density residential properties in identified commercial and industrial districts when damaged or destroyed by fire or other disaster.

August 28, 2007

O-187-07 Amendment to Article 4, Section 11a, C-6 General Commercial Park District, to change the body that hears appeals to MPC.

August 28, 2007

O-188-07 Amendment to Article 4, Section 11b, C-7 Pedestrian Commercial District, to create design guidelines for the Cumberland Avenue C-7 area.

September 25, 2007

O-214-07 Amendment to Article 5, Section 21, Residential Occupancy Standards adding newly created districts to these standards.

October 23, 2007

O-236-07 Amendment to Article 4.26, D-1 Downtown Design Overlay District and Article 5.10 Signs, Billboards and other Advertising Structures to allow consideration of chasing lights on signs within the D-1 District, subject to the Design Review Board's approval.

January 29, 2008

O-14-08 Amendment to Article 4.26, D-1 Downtown Design Overlay District, changing the Downtown Design Review Board's appeal process and the status of the MPC representative on the Board.

February 26, 2008

O-39-08 Amendment to Article 4.7 C-1 Neighborhood Commercial District, to remove "dwelling units" as a permitted use and add "dwelling units" as a use permitted on review in conjunction with another permitted use. (1-A-08-OA)

February 26, 2008

O-40-08 Amendment to Article 2 Definitions, Article 4.1 A-1 General Agricultural, Article 4.1a OS-1 Open Space Preservation, Article 4.2 R-1 Low Density Residential, Article 4.2a R-1A Low Density Residential, Article 4.2b R-1E Low Density Exclusive Residential, Article 4.3 R-2 General Residential, Article 4.4b R-4 Residential, Article 4.5 O-1 Office, Medical, and Related Services, Article 4.7 C-1 Neighborhood Commercial, Article 4.9 C-3 General Commercial, Article 4.12 SC-1 Neighborhood Shopping Center, Article 4.15 I-1 Planned Industrial Park, Article 4.16 I-2 Restricted Manufacturing and Warehousing, Article 4.17 I-3 General Industrial, and Article 4.18 I-4 Heavy Industrial establishing maximum building height measurements in feet rather than building stories. (1-B-08-OA)

March 25, 2008

O-75-08 Amendment to Article 4.25 IH-1 Infill Housing Overlay District and Article 7.5 Procedure for Considering Subdivisions, Development Plans, and Uses on Review Within South Waterfront Zoning Districts, Overlay Districts and Other Districts Requiring Design Related Plan Review clarifying that the Infill Housing Design Review Committee has the authority to approve lot sizes. (12-C-07-OA)

March 25, 2008

O-76-08 Amendment to Article 5.6 Yard, Building Setback and Open Space Exceptions dealing with substandard parcels and lots of record. (2-B-08-OA)

March 25, 2008

O-77-08 Amendment to Article 4.26 D-1 Downtown Design Overlay District affirming the action of City Council on March 27, 2007, defining the Design Review Board. (2-D-08-OA)

March 25, 2008

O-78-08 Amendment to Article 5.13 Temporary Uses adding additional temporary uses. (2-E-08-OA)

May 20, 2008

O-111-08 Amendment to Article 1.1 Title, Article 3.4 Summary of Area Requirements, Article 4.9 C-3 General Commercial District, and Article 5.5 Height removing stories as criteria for determining building height and utilizing feet instead. (4-A-08-OA)

June 17, 2008

O-129-08 Amendment to Article 2 Definitions, Article 4.2 R-1 Low Density Residential District, Article 4.2a R-1A Low Density Residential, Article 4.2b R-1E Low Density Exclusive Residential District, Article 4.2c R-1EN Established Neighborhood District, Article 4.3 R-2 General Residential District, Article 4.4a RP-1, RP-2, RP-3 Planned Residential Districts, 4.4b R-4 Residential District, Article 4.23 TND-1 Traditional Neighborhood Development District, and Article 5.4 Accessory Uses, Buildings, and Structures regulating the size of residential accessory buildings. (7-B-07-OA)

August 26, 2008

O-165-08 Amendment to Article 4, Section 26, D-1 Downtown Design Overlay District, to require a Certificate of Appropriateness for demolitions and to add demolitions to the list of items that may be approved by the MPC staff. (7-B-08-OA)

December 16, 2008

O-233-08 Amendment to Article V, Section 3.F.7, Self-service Storage Facilities, regarding the location of and access to self-service storage units. (11-A-08-OA)

December 30, 2008

O-243-08 Amendment to Article 2, Definitions, Article 4.2, R-1 Low Density Residential District, Article 4.2a R-1A Low Density Residential District, Article 4.2b R-1E Low Density Exclusive Residential District, and Article 5.7 Minimum Off-street Parking, Access and Driveway Requirements, regarding parking in front yards, including driveway requirements. (2-C-08-OA)

March 24, 2009

O-37-09 Amendment to Article 5, Section 10, Signs, Billboards and Other Advertising Structures regarding the operating regulations of electronic message centers. (5-A-08-OA)

March 24, 2009

O-39-09 Amendment to Article 4, Section 24.C., Town Center District to allow business and professional services and recreational facilities. (2-A-09-OA)

April 21, 2009

O-57-09 Amendment to Article 5, Section 10, Signs, Billboards and Other Advertising Structures regarding electronic message centers on a development directory sign approved as part of a master sign plan. (5-A-08-OA2)

May 5, 2009

O-70-09 Amendment to Article 4, Specific District Regulations, in order to accomplish reorganization of Article 4. (6-B-08-OA)

November 17, 2009

O-152-09 Amendment to Article 4, Section 2.3.3 I-4 Heavy Industrial District, Article 5, Section 10, Signs, Billboards, and Other Advertising Structures and Article 7, Section 5.B.5, Effective Date of Approval to correct discrepancies in the Knoxville City Code. (10-A-09-OA)

December 29, 2009

O-176-09 Amendment to Article 5, Section 6.D.5, Division of a Lot, by rescinding Ordinance No. O-76-08. (11-A-09-OA)

April 20, 2010

O-43-2010 Amendment to Article 5, Section 10, Signs, Billboards and Other Advertising Structures, to allow signs that project from a building to have a minimum clearance with a sidewalk of seven feet if non-electrified and eight feet if electrified within the H-1, Historic Overlay, and D-1, Downtown Design Overlay, districts. (3-B-10-OA)

May 18, 2010

O-64-2010 Amendment to Article 5, Section 6, Yard, building setback and open space exceptions, allowing awnings above public property in all zoning districts. (3-C-10-OA)

June 29, 2010

O-99-2010 Amendment to Article 5, Section 13, Temporary Uses, adding a provision for the use of goats for control of kudzu or other invasive plants. (5-A-10-OA)

September 21, 2010

O-132-2010 Amendment to Article 4, Section 2.1.4 R-1EN Established Neighborhood District renaming the R-1EN District to EN-1, providing minor amendments, and creating new EN-2 District regulations. (8-A-10-OA)

November 30, 2010

O-165-2010 Amendment to Article 2, Definitions, Article 4, Section 2.1.1 R-1 Low Density Residential, Article 4, Section 2.1.3 R-1E Low Density Exclusive Residential, and Article 5, Section 4, Accessory Uses, Buildings, and Structures, to accommodate the keeping of domesticated chickens on a noncommercial basis in these districts according to the provisions of City of Knoxville Ordinance O-116-2010. (10-A-10-OA)

December 28, 2010

O-189-2010 Amendment to Article 4, Section 2.2.5, C-2 Central Business District, regarding the prohibition of public schools in the C-2 district. (11-B-10-OA)

December 28, 2010

O-190-2010 Amendment to Article 5, Section 6 Yard, Building Setback and Open Space Exceptions, regarding division of a lot. (12-A-10-OA)

January 25, 2011

O-2-2011 Amendment to Article 2, Definitions, Article 4, Section 2.4.2 OS-1 Open Space Preservation District, regarding changes to regulations in the OS-1 district. (12-B-10-OA)

January 25, 2011

O-3-2011 Amendment to Article 2, Definitions, Article 4, adding a new Section 2.4.3 OS-2 Park and Open Space District and renumbering F-1 Floodway District to 2.4.4. (12-C-10-OA)

January 25, 2011

O-4-2011 Amendment to Article 5, Section 7 Minimum Off-Street Parking, Access and Driveway Requirements, regarding parking and driveways in the front yard, and the provision of accessible parking spaces and driveway curb cut dimensions. (12-E-10-OA)

February 22, 2011

O-14-2011 Amendment to Article 7, Section 6, Amendments, regarding the requirement of public notice to property owners in cases of general amendments to the zoning map. (12-D-10-OA)

April 19, 2011

O-28-2011 Amendment to Article 2, Definitions, Article 4, Section 4.5.1 Historic Overlay District and Article 5, Section 10 Signs, Billboards and Other Advertising Structures, regarding the designation and permitting of landmark and historic signs. (3-B-11-OA)

May 3, 2011

O-38-2011 Amendment to Article 2, Definitions, and Article 5, Section 10 Signs, Billboards and Other Advertising Structures, regarding regulations and definitions for on-premise incidental signs. (1-A-11-OA)

August 23, 2011

O-120-2011 Amendment to Article 4, Section 5.3 TO-1 Technology Park District reflecting changes to the Tennessee Technology Corridor Development Authority enabling act. (7-A-11-OA)

May 29, 2012

O-80-2012 Amendment to Article 4, Section 3.12 TC-1 Town Center District regarding permitted uses. (4-A-12-OA)

July 24, 2012

O-118-2012 Amendment to Article 4, Section 2.3.2 I-3 General Industrial District regarding retail, service and restaurant uses in the I-3 District. (6-A-12-OA)

July 24, 2012

O-119-2012 Amendment to Article 4, Section 3.1 RP-1, RP-2 and RP-3 Planned Residential Districts regarding development standards for subdivisions within the Hillside and Ridgetop Protection Areas. (4-C-12-OA)

September 18, 2012

O-176-2012 Amendment to Article 4, Section 5.1 H-1 Historic Overlay District regarding bringing the membership composition of the Knoxville Historic Zoning Commission into compliance with State enabling legislation. (8-B-12-OA)

January 8, 2013

O-2-2013 Amendment to Article 2, Definitions and Article 5, Section 7 related to design and construction standards for parking areas and driveways, including a revised definition for parking space. (11-A-12-OA). Update section 3.2 Zoning Map and section 4.2.1.2 R-1A Low Density Residential District to conform to Municode version of Knoxville Code or Ordinances.

February 19, 2013

O-30-2013 Amendment to Article 4, Section 4.0 and table of contents and administrative procedures at Section 4.1 regarding administrative procedures for Form Districts. (1-A-13-OA)

April 2, 2013

O-50-2013 Amendment to Article 4, Section 4.3.10 BP-1 Business and Technology Park District and Article 5, Section 5.1 Performance Standards allowing consideration of the BP-1 Business and Technology Park zone outside the TO-1 Technology Overlay zone and revising the list of permitted uses/uses on review. (2-A-13-OA)

May 28, 2013

O-83-2013 Amendment to Article 2, Article 4, Sections 2.2.1, 2.2.6, 2.2.7, 2.2.9, and 2.3.3 and Article 5, Sections 3, 4, 7 and 12, regarding funeral establishments, crematories, cemeteries and associated facilities. (4-A-13-OA & obsolete 1-A-12-OA)

October 29, 2013

O-205-2013 Amendment to Article 4, Section 4.0 General Provisions and adding Section 4.2 Cumberland Avenue District to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. (9-B-13-OA)

January 7, 2014

O-1-2014 & O-2-2014 Amendment to Article 2 Definitions, Article 4, Sections 2.2.4, 2.2.5, 2.2.6, 2.2.7, 2.2.8, 2.2.9, 2.2.10, 2.3.1, 2.3.2, 2.3.3, 3.2, 3.3, 3.4, 3.5, 3.9, 3.12; Article 5, Section 3; and adding a new Article 5, Section 23 Development Standards for Breweries, Distilleries and Wineries regarding definitions and development standards for small breweries, wineries and distilleries in certain commercial and industrial zone districts. (9-A-13-OA & 11-A-13-OA)

January 21, 2014

O-16-2014 Amendment to Article 5, Section 13 Temporary Uses, and Article 5, Section 15 Tents, simplifying and clarifying the tent permitting process and offering an annual permit. (12-A-13-OA)

January 21, 2014

O-19-2014 Amendment to Article 5, Section 12 Home Occupations and Home Offices, and Article 4 Section 2.1.3 R-1E Low Density Exclusive Residential district, adding "home office" to the zoning regulation definitions and allowing home offices in R-1E Low Density Exclusive Residential districts. (12-C-13-OA)

March 18, 2014

O-50-2014 Amendment to Article 4, Section 5.5 D-1 Downtown Design Overlay District, removing guidelines related to the demolition and removal of buildings, building features and non-contributing buildings. (2-B-14-OA)

January 20, 2015

O-9-2015 Amendment to Article 2, Definitions, Article 4, Sections 2.2.7, 2.2.8, 2.2.9, and 2.5 regarding Floor Area Ratio (FAR) for certain commercial zones. (12-A-14-OA)

May 26, 2015

O-76-2015 Amendment to Article 2, Definitions, Article 4, Sections 5.1 H-1 Historic Overlay District and 5.2 NC-1 Neighborhood Conservation Overlay District regarding demolition of residential structures built before 1865 and a demolition delay. (4-C-15-OA)

June 23, 2015

O-108-2015 Amendment to Article 4, Form Districts, Section 4.0, General Provisions, to add definitions related to existing structures. (5-A-15-OA)

July 21, 2015

O-126-2015 Amendment to Article 2, Definitions, Article 4, Sections 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.6, 2.1.7, 2.1.8, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.7, 2.2.8, 2.2.9, 2.2.10, 2.3.1, 2.3.2, 2.3.3, 2.4.2, 2.4.4, 3.1, 3.2, 3.4, 3.5, 3.9, 3.10, 3.11, 3.12, and 4.2; and Article V, Sections 4.B, 13.B and adding a new Section 25 Performance Standards for Urban Agriculture, to define urban agriculture uses and supplementary regulations. (5-B-15-OA)

July 21, 2015

O-127-2015 Amendment to Article 2, Definitions, Article 5, Section 10, and new Article 8 regarding sign regulations. (10-B-13-OA)

October 27, 2015

O-200-2015 Amendment to Article 8, Signs, Billboards and Other Advertising Structures, Section 14, Legal Nonconforming Signs, regarding directory signs. (9-A-15-OA)

November 24, 2015

O-219-2015 Amendment to Article 2, Definitions, Article 4, Sections 4.2.2.5, 4.2.2.6, 4.3.2, 4.3.4, 4.3.9, 4.3.10, and adding Article 5, Section 3.F.14, Pet Services, indoor/outdoor regarding pet services. (11-A-14-OA)

January 5, 2016

O-7-2016 Amendment to Article 2, Definitions and Article 4, Sections 2.2.6, 2.2.7, 2.2.8, 2.2.9, 2.2.10, 3.4, and 3.5 defining Craft Bakery and permitting their use in certain commercial and industrial districts.

July 19, 2016

O-116-2016 Amendment to Article 2, Definitions, Article 4, Sections 2.2.6, 2.2.7, 2.2.9, 3.3, 3.4, and Article 5, Section 26 to define Alternative Financial Services, identify zoning districts in which they are permitted, and establish standards for their location. (4-A-16-OA)

February 28, 2017

O-16-2017 Amendment to Article 4, Section 4 to clarify certain provisions of the South Waterfront District. (1-A-17-OA)

March 28, 2017

O-43-2017 Amendment to Article 2, Definitions, Article 4, Sections 2.2.6, 2.2.7, 2.2.5, 2.3.1, 2.3.2, 2.3.3, 3.2, 3.4, 3.3, 3.5, and Article 6, Section 7 A.3 regarding auction houses. (12-A-16-OA)

May 23, 2017

O-102-2017 Amendment to Article 4, Sections 2.2.1, 2.2.5, and 2.2.6 allowing indoor, climate-controlled, self-storage facilities as a use permitted on review in the O-1 (Office, Medical, and Related Services), C-2 (Central Business), and C-3 (General Commercial) Districts. (3-A-17-OA)

September 26, 2017

O-205-2017 Amendment to Article 4, Sections 2.2.6 and Section 2.2.9, and Article V, Section 3, to allow multi-dwelling structures as a use permitted on review in the C-3 and C-6 districts. (3-B-17-OA)

October 10, 2017

O-219-2017 Amendment to update the City of Knoxville Parking Ordinance. (5-A-16-OA)

October 24, 2017

O-227-2017 Amendment to Article 5, Section 20; Article 5, Section 5; thirty-two zoning districts within Article 4; and rescinding the adoption of the Wireless Communication Facilities Plan. (8-A-17-OA)

**Updated 7/23/2018**

**TJG**