The Zoning Ordinance

of Knox County, Tennessee

As Amended Through

January 23, 2023

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JULY 3, 2023

JKNOXVILLE-KNOX COUNTY PLANNING

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APPENDIX A ZONING[1]

ARTICLE 1. TITLE, AUTHORITY AND PURPOSE

1.10. Title of resolution.

A resolution establishing zone districts within the unincorporated territory of Knox County, regulating the uses of property therein, adopting a map of said districts, requiring zoning permits for the construction and use of buildings and premises within said districts, establishing the office of building inspector, establishing a board of zoning appeals and fixing the powers and duties thereof, and providing for the adjustment, enforcement, and penalties for violation of this resolution.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

1.20. Authority for resolution.

Whereas, authority has been conferred by the state legislature in Chapter 33 of the Public Acts of the State of Tennessee for 1935 and Chapter 86 of the Public Acts of 1941, an amendment to the County Zoning Act, to provide for the establishment of districts or zones in portions of the county which lie outside the limits of the municipal corporations of Knoxville and Farragut, and for the location, height, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density and distribution of population, and the uses of lands, buildings, and structures, and

Whereas, the planning commission of Knoxville and Knox County, after a comprehensive study and mapping of present land uses, development, and development trends, has prepared, adopted, and recommended zones and appropriate regulations to be enforced therein, and public hearings have been held, at which all owners of property affected were given ample opportunity, after public notice as required by law, to file their protests or criticisms thereon, if any.

Now, therefore, be it resolved by the Knox County board of commissioners as follows:

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

1.30. General purpose.

In order to provide for the public health, safety, morals, and general welfare and to secure for the citizens of the county, outside the municipal corporations of Knoxville and Farragut, the social and economic advantages

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[1]Editor's note(s)—Printed herein is the zoning ordinance of the county, as set out in that certain pamphlet entitled "Zoning Ordinance for Knox County, Tennessee, as Amended through January 23, 1995," as originally adopted by the county board of commissioners by Ordinance No. O-90-9-130 on September 10, 1990. Amendments to the zoning ordinance subsequent to January 23, 1995, are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance as amended through January 23, 1995. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization and citation to state statutes as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference(s)—Buildings and building regulations, ch. 10; community development, ch. 14; environment, ch. 26; flood control regulations, ch. 34; manufactured homes and trailers, ch. 48; roads and bridges, ch. 54; taxation, ch. 58; utilities, ch. 66.

resulting from an orderly planned use of the land resources within the county; to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other purposes, the height, number of stories and size of buildings and other structures, and the size of yards, courts, and other open spaces on the lot or tract; to provide definite official land use plans for property publicly and privately owned in the county outside the municipal corporations of Knoxville and Farragut; to guide, control and regulate the future growth and development of said county in accordance with said plan; and to provide for the administration and otherwise carrying out of said plan, there is hereby adopted and established an official zoning plan for Knox County, Tennessee.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

ARTICLE 2. DEFINITIONS

2.10. General terms.

For the purpose of this article certain words and terms are defined as follows: Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory and not directory.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

2.20. Specific terms.

Accessory building: A subordinate building customarily incidental to and located on the same lot with the main building.

Accessory structure: A subordinate structure customarily incidental to and located on the same lot with the main building or structure.

Accessory use: A subordinate use customarily incidental to and located on the same lot with the main use.

Adult: Any person who is eighteen (18) years of age or older.

Adult book store: An establishment having more than fifty (50) percent of the face value of its stock in trade, books, magazines, motion pictures, periodicals, and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified anatomical areas" hereinbelow defined or an establishment with a segment or section devoted to the sale of display of such material.

Adult day care facility: A facility which provides non-medical care to three (3) or more persons eighteen (18) years of age and older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour a day basis. Any persons who are related to the provider by blood or marriage shall not be included in the total number of persons for which care is provided.

Adult motion picture theater: Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," hereinbelow defined, for observation by patrons therein.

Adult-oriented establishments: Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to: adult bookstores, adult motion picture theaters, cabarets and other enterprises which regularly feature materials, acts or displays involving complete nudity or exposure of the "specified anatomical areas" hereinbelow defined and/or sexual excitement or enticement.

Aged persons: Persons who are fifty-five (55) years of age or older.

Agritourism: A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of

entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner. This includes the sales of agricultural products produced on site.

Airsoft range: See "paintball/airsoft range" as hereinbelow defined.

Alteration, interior: Any change in the interior walls of a building.

Alteration, structural: Any change in the exterior walls, foundation or other supporting members of a building or structure.

Apartment: See "Multi-dwelling structure" as defined hereinbelow under "Residential structure types."

Assisted living facility: A building, establishment, complex, or distinct part thereof which accepts aged persons, whom constitute a substantial majority of 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 fifty-five (55), 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.

Auto wrecking yard: Any space or building used by the owner or operator for the dismantling of two (2) or more inoperable vehicles or vehicles not in running condition, or for storage of such vehicles or the dismantled parts thereof.

Boarding home for sheltered care: A profit or nonprofit boarding home, rest home or other home licensed by the appropriate governmental agency which in addition to providing food and shelter to three (3) but not more than twelve (12) persons unrelated to the proprietor, also provides, any personal care or service beyond food, shelter, and laundry. Such services may include: (1) supervision and assistance in dressing, bathing and maintenance of good personal hygiene; (2) care in emergencies or in temporary illness, usually for periods of one (1) week or less; (3) supervision in the taking of medications; and (4) other services conducive to the residents' welfare.

Boarding house: A dwelling or part thereof in which lodging is and meals from a common kitchen are provided by the owner or operator for not more than twelve (12) persons.

Boat livery: An establishment, which can include docking facilities, at which boats are rented for recreational purposes.

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.

Buffer strip: A greenbelt planting strip twenty (20) to sixty (60) feet in width extending along the entire length of one or more commercial or industrial property lines, planted with trees and shrubs of a given height and distance apart and in a given planting pattern.

Build-to line: A line running parallel to a street to which the front of buildings are sited.

Building: Any structure built for the support, shelter or enclosure of persons, animals, moveable possessions, 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.

Business park: A tract of land that is planned, developed, and operated as an integrated facility for a number of individual business, research, assembly, distribution, or light manufacturing uses with consideration to transportation facilities, circulation, parking, utilities, aesthetics, and compatibility.

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.

Cabaret: Any restaurant, bar, dance hall, nightclub or other such place which features dancers exhibiting "specified anatomical areas" (as defined below), strippers, male or female impersonators or similar entertainers.

Child day care facility: A facility which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis. Types of child day care facilities are defined in the following categories:

Child day care center: An agency or organization licensed by the state department of human services to provide care, protection and supervision for thirteen (13) or more children in a group center, preschool, or extended day care facility.

Day care home: A residence licensed by the state department of human services in which care, protection, and supervision are regularly provided for at least five (5) but not more than seven (7) children. The provider shall live in the residence. Any children who are related to the provider by blood, or marriage, or who are legal wards or foster children of the provider, and reside with the provider, shall not be included in this number; however, the total number of children receiving care shall not exceed twelve (12).

Group day care home: A residence licensed by the state department of human services in which care, protection, and supervision are regularly provided for at least eight (8) but not more than twelve (12) children, including any children related to the provider by blood, or marriage, or who are legal wards or foster children of the provider.

Club: An association or group of persons organized for some common purpose, but not including such associations or groups organized to render a service which is customarily carried on as a business.

Commercial mulching operation: A type of solid waste processing facility that processes woody waste consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood waste which has undergone size reduction by grinding, shredding, or chipping and is distributed to the general public for landscaping and horticultural purposes. Such woody waste is generally transported to the operation from off-site, and the mulch product is sold to the general public. (See "Solid waste processing facility".)

Commercial vehicles: Any vehicle designed, maintained or used primarily for hire, compensation or profit.

Composting facility: A type of solid waste processing facility for the purpose of processing waste that undergoes biological decomposition of organic matter. Such waste has been stabilized to a degree which is potentially beneficial to plant growth and which is suitable for use as a soil amendment, artificial top soil, growing medium amendment, or other similar uses. (See "Solid waste processing facility".)

Congregate housing: A dwelling licensed by the appropriate governmental agency providing shelter and services for the elderly which may include meals, housekeeping and personal care assistance. The residents may be functionally impaired or socially isolated, but otherwise in good health. The residents can maintain a semi-independent life style and do not require more intensive care as provided in a nursing home.

Contractor: Any person or firm engaged in construction, building trades, landscaping services or maintenance, on a contract basis, either licensed or unlicensed.

Contractor's storage yard: An outdoor area used for the storage of equipment and/or materials used for providing contracting services, including but not limited to building construction, heating, plumbing, roofing, landscaping and excavation.

Corner lot: A lot abutting upon two (2) or more roads at their intersection, provided the angle at which the roads intersect does not exceed one hundred thirty-five (135) degrees.

Demolition landfill: An engineered method of disposal of material that results from construction, land clearing, landscaping or demolition activity. Such materials would include concrete, steel, clean soil, rubble, rock, inert road spoils, gypsum board, brick, glass, lumber, vinyl siding, roofing, fiberglass insulation, asphalt-impregnated materials, tree stumps, brush, branches, leaves and clippings or any other material approved by the state department of health and environment; but not toxic materials such as paint thinners, caulking compounds, asbestos or material containing asbestos, paving and sealing components still in a liquid or semi-solid state, or agricultural wastes or any other material prohibited by the state department of health and environment.

Demolition landfill site: All or a portion of a parcel or contiguous parcels which is intended to be used as a demolition landfill. The site shall include all borrow areas and areas of ingress and egress, all structures and other improvements on the land for processing and disposal of solid waste material and all buffers, berms, fences and set backs. The development plan as approved will constitute the site.

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.

Dwelling, condominium: A multiple dwelling designed for individual ownership of dwelling units, but joint ownership and/or responsibility for maintenance and upkeep of building, grounds and recreational facilities.

Electronic message center sign: A sign which uses a bank of lights that can be individually lit to form copy such as words, letters, logos, figures, symbols, illustrations, or patterns to form a message without altering the sign face.

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.

Fill area: The area containing waste placed for final disposal, not including earthen berms or other appurtenances.

Five hundred (500) year flood: A flood having a two-tenths of one percent (0.2%) chance of occurring in any given year and which, over a long period of time, can be expected to be equaled or exceeded on the average of once every five hundred (500) years.

Flea market: The occasional or periodic sale 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 premise between sale dates.

Flood: An overflow of lands not normally covered by water that results in significant adverse effects.

Floodway: The natural channel and the portion of the flood plain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

Floodway fringe area: Areas adjacent to a F, Floodway Zone that are below the level of the five hundred (500) year flood.

Floor area ratio (FAR): The number of square feet of floor area in a building, divided by the square feet of lot area.

Garage apartment: A dwelling unit erected above a private garage.

Ground area coverage ratio (GAC): The number of square feet of ground area covered by the building, divided by the square feet of lot area.

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

Home occupation: See article 4, "Supplementary regulations," section 4.90, "Home occupations."

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

Inoperable vehicle: Any motor vehicle which does not have an engine in running condition, four (4) tires, a battery, and valid state license plate issued to the person owning the land on which it is parked, or which is in fact abandoned by its owner, or which for any reason is not operable and not repairable, shall be deemed an inoperative motor vehicle.

Knox County Board of Commissioners: The Knox County Commission also referred to as county commission and board of commissioners.

Knox County Codes Administration and Inspections Department: A department of Knox County government authorized to enforce this ordinance, also referred to as the office of building inspector, department of codes administration, codes enforcement, codes and Knox County codes administration and enforcement.

Knox County Highway Department: The department of engineering and public works also referred to as highways and public works, department of engineering and division of engineering and hydrology.

Liner building: A structure that covers one (1) or more sides of a "big box" commercial building, parking structure or similar structure. A liner building must have a ground level entrance to the sidewalk and have a minimum depth of thirty (30) feet.

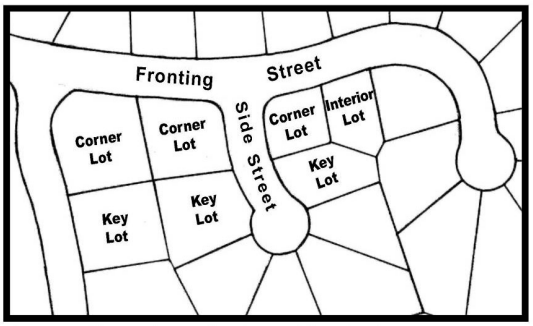
Live/work unit: A combination of a dwelling unit and business space, such as a shop or office that is open to the public for retail trade or personal or professional services.

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

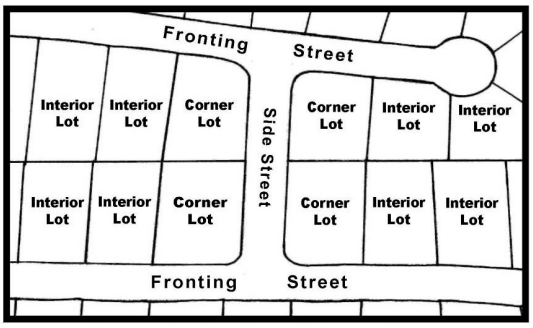
Lot coverage: The building coverage expressed as a percentage of the total lot or parcel area.

Lot, key: A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

KEY LOT CONCEPT DIAGRAMS



Example: Corner lots with adjacent "key" lots



Example: Corner lots with adjacent interior lots

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.

Medical, dental, or chiropractic office/clinic: A facility for the examination and treatment of ill or afflicted human outpatients, provided, however, that the patients are not kept overnight except under emergency conditions.

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

Mini-warehouse: See "Self-service storage facility" as hereinbelow defined.

Mobile home: A single dwelling designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

Mobile home park: Any area, tract, site or plot of land whereupon three (3) or more mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained for permanent residence, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Mobile home park, transient: Any area, tract, site or plot of land open to the traveling public where temporary accommodations are provided for parking travel trailers, camp trailers, house cars, mobile homes or tents.

Mobile home space: A plot of ground within a mobile home park which is designed for and designated as the location for only one (1) automobile and one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory use thereof.

Mobile home subdivisions: A subdivision of land designed for occupancy by mobile homes exclusively and where the individual lots are sold to the occupant.

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

Nonconforming use: A use of a building or land that does not agree with the provisions of this ordinance for the zone in which it is located.

Nursing home: An extended or intermediate care facility licensed by the appropriate governmental agency(ies) to provide care to those persons who by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. This includes intensive care, intermediate care and long-term care facilities for the elderly.

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 the fee is charged for a partial hour, hourly, daily, weekly, monthly, or other basis. Such facility shall be considered a commercial parking lot or facility.

Pain management clinic (as found in T.C.A. § 63-1-301): A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain management clinic does not include:

- A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
- A hospital as defined in T.C.A. § 68-11-201, including any outpatient facility or clinic of a hospital;
- Hospice services as defined in T.C.A. § 68-11-201;
- A nursing home as defined in T.C.A. § 68-11-201;
- A facility maintained or operated by the state government; or
- A hospital or clinic maintained or operated by the federal government.

Paintball/airsoft range: An indoor or outdoor facility used for the discharging of paintball and/or airsoft guns for the purpose of target practice, mock war games, or similar competitions. Excluded from these facilities shall be general hunting and the unrestricted and nonrecurring discharging of firearms.

Parking lot: An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than six (6) automobiles.

Parking space: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

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

Planning commission: The Planning Commission of Knoxville and Knox County also referred to as the planning commission.

Public garage: A building or portion thereof used for the purpose of housing, servicing, repair, or hiring of self-propelled vehicles for pay, or where such vehicles are sold.

Public place: Shall mean any place to which the public or a substantial group of persons has access and congregates, regardless of whether admission is charged thereto, and includes, but is not limited to: businesses open to the public; highways; transportation facilities; schools; places of amusement; parks, playgrounds, hotels, theaters; auditoriums, restaurants, nightclubs; cocktail lounges; and burlesque houses.

Public safety facility: A facility operated by and for the use of public safety agencies, such as the fire and emergency rescue services, including the dispatch, storage, and maintenance of police and fire vehicles.

Recovery Housing: Housing for six (6) persons or more, with no limit on length of stay, that is occupied by the target population as defined below, and that is linked to on- or off-site services that assist the recovery housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Recreation vehicle: A vehicular-type, portable structure without a permanent foundation that can be towed, hauled, or driven, and primarily designed as a 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.

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 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.

Retail sales: The process of selling goods or merchandise to customers for their own personal or household use, 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.

Road: A public thoroughfare forty (40) feet or more wide, provided however that any existing thoroughfare less than forty (40) feet wide generally known as a road shall be considered a road for the purpose of this ordinance.

Road line: Right-of-way line of a road.

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

Rummage sale: A temporary sale conducted by an organization not more than twice during any calendar year where members of the group donate articles or items to the organization for sale from the organization's location for the purpose of raising money for use by the organization.

Rural retreat: A facility owned and operated by an entity for the purpose of providing a rural setting in which lodging, conferences, banquet facilities/restaurants, day spas, recreational amenities and meeting/event facilities are provided with or without compensation. Rural retreat does not include a farm engaged in agriculture as defined by state law.

Sanitary landfill: An engineered method of solid waste disposal as defined by the state department of health and environment.

School: An academic learning center, whether public or private, from the level of nursery through twelfth grade.

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

Setback line: A line back of the road line, existing or proposed, between which and the road line no building or portion thereof, except as provided in this resolution, may be erected. "Within a setback line" means between the setback line and the road right-of-way.

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

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. Types of signs are defined in the following categories:

Abandoned sign: A sign which no longer identifies or advertises a bona fide business, lessor, owner, service, product, or activity and/or for which no legal owner can be found.

Advertising sign: A sign which 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.

Advertising sign, electronic: An advertising sign utilizing electronic means to form or alter the announcement, direction, or advertisement appearing on the sign.

Billboard: A type of advertising 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.

Business sign: A sign which directs attention to the business or profession conducted on the premises. A "for sale", "to let" or "information" sign shall be deemed a business sign.

Ground sign: A sign supported by a pole, uprights, or braces on the ground.

Marquee sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a 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.

Monument sign: A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports.

Portable sign: All movable or portable advertising or business signs mounted upon trailers or other structures or devices designed to be transported with only incidental parking and assembling for reuse.

Projecting sign: A sign which is attached to the face or outside wall of a building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

Roof sign: A sign that is mounted on the roof of a building or which is wholly dependent upon a building roof for support.

Temporary sign: Temporary signs shall include 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 only.

Unipole structure: A single large diameter pole used to support structures.

Wall or face sign: Any sign erected parallel to the face, or on the outside wall, of any building and supported throughout its entire length by such wall where the edges of the sign do not project more than twelve (12) inches therefrom.

Solid waste processing facility: A facility for the purpose of modifying the characteristics or properties of solid wastes to facilitate their transportation, disposal, or re-use, including, but not limited to incineration, composting, separation, grinding, shredding, and volume reduction.

Specified anatomical areas:

a. Less than completely and opaquely covered:

    1. Human genitals, pubic region;

    2. Buttock; and

    3. Female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

a. Human genitals in a state of actual or simulated sexual stimulation or arousal;

b. Acts of actual or simulated human masturbation, sexual intercourse or sodomy;

c. Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttock, or female breast.

Sports playing field: An open space set aside for the playing of field sports that may include benches or bleachers for observers. Sports playing fields include, but are not limited to, baseball, field hockey, football, lacrosse, soccer, softball, and volleyball.

Structure: A combination of materials to form a construction that is safe and stable for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, aboveground and on-ground pools, hot tubs and spas.

Target population: People experiencing substance abuse or other chronic health conditions.

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

Terminal, motor freight: The use of land, or buildings, for the temporary parking of motor freight vehicles or trucks of common carriers during loading and unloading and/or repair and between trips, either intrastate or interstate, including necessary warehouse space for storage of transitory freight.

Tourist court: See "Motel" (as defined above).

Tourist home: A residential building where lodging is furnished to transients for compensation, and containing not more than five (5) sleeping rooms for such transients.

Vehicle repair/service: A business that provides repair services to motor vehicles, motorcycles, and all-terrain vehicles (ATV).

Yard, front: The required open space between the road right-of-way line and the main building.

Yard, rear: A space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the main building to the rear lot line for the full width of the lot.

Yard sale: The sale of personal goods such as used clothing and/or household items to the general public by a resident from any portion of their residential property not more than three (3) times a year. For the purpose of this ordinance yard sale includes estate sales.

Yard, side: A space along the side line of a lot, unoccupied by buildings except as herein provided, extending from the setback line to the rear yard.

Zone: A part or parts of the county for which the regulations relating to the use of land and buildings are uniform.

(Ord. No. O-95-9-102, § 1, 10-23-95; Ord. No. O-95-10-101, § 1(Exh. A), 11-27-95; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-97-8-104, § 1, 9-22-97; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-103, § 1, 3-26-01; Ord. No. O-01-6-101, § 1(Exh. A), 7-23-01; Ord. No. O-03-2-102, § 1(Exh. A), 3-24-03; Ord. No. O-04-4-101, § 1(Exh. A), 5-24-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-09-10-101, § 1, 11-16-09; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-1-103, § 1(Exhs. A, B), 2-28-11; Ord. No. O-11-2-101, § 1(Exh. C), 3-28-11; Ord. No. O-11-11-102, § 1(Exh. A), 12-19-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-1-103, § 1(Exh. A), 2-25-13; Ord. No. O-13-4-102, § 1(Exh. A), 5-28-13; Ord. No. O-17-7-102, § 1(Exh. A), 8-28-17 ; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-8-102, § 1(Exh. A), 9-25-17 ; Ord. No. O-18-1-101, § 1(Exh. A), 2-26-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, 1(Exh. A), 2-24-20; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22)

ARTICLE 3. GENERAL PROVISIONS

3.10. Zones.

In order to designate zones for the purpose of this resolution the county, outside the limits of the municipal corporations of Knoxville and Farragut, is hereby divided into the following zones:

RAE	Exclusive Residential Zone
RA	Low Density Residential Zone
RB	General Residential Zone
PR	Planned Residential Zone
OS	Open Space Zone
E	Estate Zone

A	Agricultural Zone
CA	General Business Zone
CB	Business and Manufacturing Zone
PC	Planned Commercial Zone
SC	Shopping Center Zone
CH	Highway Commercial Zone
T	Transition Zone
CR	Rural Commercial Zone
CN	Neighborhood Commercial Zone
OA	Office Park Zone
OB	Office, Medical and Related Services Zone
OC	Civic and Institutional Zone
BP	Business and Technology Park Zone
EC	Employment Center Zone
LI	Light Industrial Zone
I	Industrial Zone
F	Floodway Zone
HZ	Historical Overlay Zone
TO	Technology Overlay Zone
TC	Town Center Zone

(Ord. No. O-01-6-101, 7-23-01; Ord. No. O-03-2-102, 3-24-03; Ord. No. O-03-2-103, 3-24-03; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

3.11. Boundaries.

3.11.01. The boundaries of the aforesaid zones are hereby established upon the map which is designated as the Zoning Map of Knox County, Tennessee, and is on file in the office of the planning commission. Said zoning map of the county, consisting of a chart explaining symbols and indications which appear on said map, is hereby made a part of this resolution. After February 1, 1999, changes to the map resulting from rezonings shall be recorded on maps maintained on the Knoxville-Knox County Geographic Information System or its successor.

3.11.02. The boundaries of the various zones, as shown on the map, shall be determined by use of the scale shown on said map, unless the actual dimensions are noted. Scale and field measurements and map dimensions shall be figured from the road right-of-way line. Where zone boundaries are approximately parallel to a road the distance of such boundaries from the road line shall be two hundred (200) feet unless otherwise shown by dimension.

3.11.03. All the unincorporated area of the county which is not designated on the zoning map of the county as being in any other zone is hereby declared and established as being in an unclassified zone.

3.11.04. In cases of final uncertainty the board of zoning appeals shall interpret the zoning map to fix the exact location of boundaries.

3.11.05. The board may allow the extension of a zone where the boundary line thereof divides a lot in one (1) ownership at the time of passage of this resolution, but such extension shall not exceed one hundred (100) feet.

(Ord. No. O-99-1-101, § 1, 1-25-99; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

3.12. Lots and buildings affected.

3.12.01. Except as hereinafter provided no building or structure shall be erected or altered, or shall any building or premises be used, for any purpose other than a use permitted or use permitted on review by this resolution in the zone in which such building or premises is located.

3.12.02. No lot may be so reduced in area that yards or other open spaces will be smaller than prescribed by this resolution, and no building shall be occupied by more households than hereinafter prescribed for the zone in which it is located 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 nonconformity and no other increase in the extent of any existing nonconformity.

B. When a legal, nonconforming 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 nonconformity and no increase in the extent of any existing nonconformity.

C. Subsections A. and B. above shall also apply to one (1) lot subdivisions, as defined in the Knoxville-Knox County Minimum Subdivision Regulations, which combine two (2) or more existing lots into one (1) lot or where an adjustment is made to one (1) lot line between two (2) existing recorded lots.

D. When a dedication of land for the purpose of establishing open space for greenways, trails, sidewalks, slope protection, or stream protection makes a lot, building or structure nonconforming with requirements for minimum yards, building setbacks, building coverage, lot area, lot width, lot depth, or required off-street parking, and this dedication results in no other new nonconformity and no other increase in the extent of an existing nonconformity, a use-on-review development plan, subdivision concept plan, subdivision plat or building permit may be approved.

(Ord. No. O-98-12-103, § 1(Exh. A), 1-25-99; Ord. No. O-00-4-103, § 1(Exh. A), 5-22-00; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

3.20. General exceptions.

3.20.01. *Lot of record.* Where the owner of a lot whose deed and map is of official record at the time of the adoption of this resolution does not own sufficient land to enable them to conform to the yard and other requirements of this resolution, such lot may be used as a building site by the same or subsequent owner provided that the yard space and other requirements shall conform as closely as possible, in the opinion of the building inspector, to the requirements for the zone in which it is located.

3.20.02. *Projections into yard areas.* Porches, porticos, porte-cocheres, and similar permanently unenclosed ground-story projections not more than twelve (12) feet in height above the first-floor level may extend into a required yard not more than ten (10) feet.

3.20.03. *Height.* The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific zone regulations set forth herein:

A. In measuring heights, a habitable basement or attic shall be counted as a story.

B. 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.

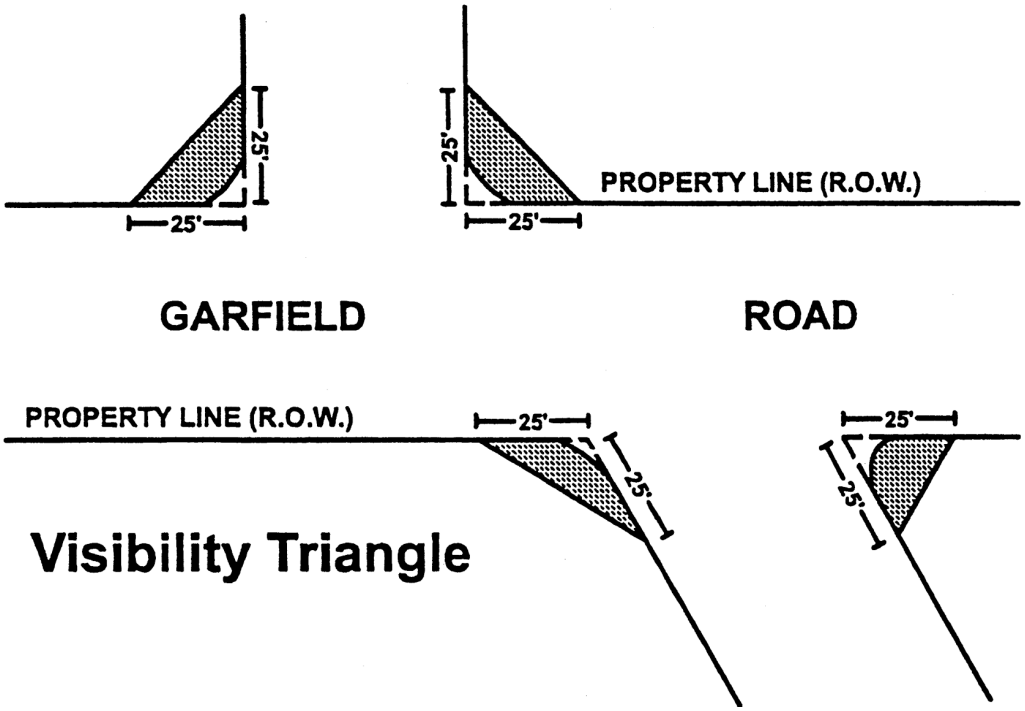
2. Chimneys, smokestacks, penthouse, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers.

3. Radio, television and telephone antennae, observation towers, and power transmission towers.

4. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

3.20.04. *Visibility triangle.* The following regulations provide for the maximum safety of persons using sidewalks and streets, and for the maximum enjoyment of the use of property.

A. 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

B. In any required front yard, except as provided in "A." 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.

(Ord. No. O-95-9-102, § 1, 10-23-95; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-02-1-101, § 1(Exh. A), 2-25-02; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17)

3.30. Setback lines.

3.30.01. For principal and accessory structures on corner lots adjacent to a key lot, the minimum width of the side yard next to the side road shall be the same as the minimum required front yard for the key lot.

3.30.02. For principal and accessory structures on corners lots not adjacent to a key lot, the minimum width of the side yard next to the side road shall be one-half (½) the minimum width of the front yard.

3.30.03. Where there is no established road line the setback line shall be twenty (20) feet from the centerline of the road plus the setback requirements of the zone in which it is located.

3.30.04. Where a road is in the process of being relocated or altered the setback line shall be from the proposed road line.

(Ord. No. O-11-1-103, § 1(Exh. A), 2-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

Editor's note(s)—Ord. No. O-11-1-103, § 1(Exh. A), adopted February 28, 2011, changed the title of section 3.30 from "Highway setback lines" to "Set back lines."

3.40. Number and location of buildings on lot.

3.40.01. On subdivided land where the map is of official record in the register's office of the county, only one (1) dwelling structure may be erected on a lot, unless more are permitted by the particular zoning district in which the lot is located.

3.40.02. No building shall be erected on a lot which does not have access to a public road, as prescribed in the Knoxville-Knox County Minimum Subdivision Regulations.

(Ord. No. O-01-2-102, § 1(Exh. A), 3-26-01; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

3.50. Off-street parking requirements.

In all zones there shall be provided at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

3.50.01. Off-street parking for other than residential use shall be either on the same lot or within two hundred (200) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, churches may establish joint parking facilities not to exceed fifty (50) percent of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located not to exceed four hundred (400) feet from the church sanctuary.

3.50.02. Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the same lot with the residence, or residences, it is intended to serve.

3.50.03. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the board of zoning appeals.

3.50.04. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

3.50.05. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

3.50.06. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.

3.50.07. All required off-street parking:

A. Shall be a Class "A" facility as defined in article 2, "Definitions," of these regulations except as hereinafter provided.

B. Shall be located on land owned by, or under long-term lease to, the owner or owners of the principal use it is intended to serve. Where a long-term lease is involved such lease shall be approved by the county law director prior to approval of parking plans and issuance of building or occupancy permit. The storage of merchandise, motor vehicles for sale, or the repair of vehicles on required off-street parking facilities is prohibited. No variance of the requirements of this section shall be granted.

3.50.08. Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for their use.

3.50.09. In cases of dual functioning of off-street parking where operating hours do not overlap, the board of zoning appeals may grant an exception.

3.50.10. The minimum number of off-street parking spaces shall be determined in accordance with the following, unless otherwise specified in the applicable zoning district or as permitted in 3.50.11:

Uses	Parking Spaces Required
Agricultural products retail sales	Four and one-half (4.5) spaces per one thousand (1,000) square feet of retail sales display area.
Assisted living facilities	One (1) space for every four (4) beds plus one (1) parking space for each employee of the largest shift.
Automobile wrecking, junk, or salvage yard which offers for sale to the public any new or used merchandise	One (1) space for each two (2) employees, plus one (1) space for each ten thousand (10,000) square feet of floor area, whichever is the greater.
Automobile repair shop and/or truck repair	Two (2) per service stall, or one (1) per two hundred fifty (250) square feet of service area, whichever is greater; plus two (2) per three (3) employees.
Automobile sales, new and/or used	Two (2) per service stall, or one (1) per two hundred fifty (250) square feet of service area, whichever is greater; plus one (1) customer and/or employee space per eight hundred (800) square feet of combined land and building floor area, exclusive of service area.
Banks, business offices	One (1) space per three hundred (300) square feet of usable floor area plus one (1) per each three (3) employees.
Barber shop or beauty parlor	Two (2) per barber or three (3) per beautician based on the design capacity of the structure.
Boarding or rooming house	One (1) space for each three (3) boarders not rooming on the premises. One (1) for each two (2) guests provided overnight accommodations.
Bowling alleys	Five (5) per alley.
Carpet, rug, linoleum and floor covering sales	One (1) per four hundred (400) square feet of retail floor area, plus two (2) per three (3) employees; or one (1) per eight hundred (800) square feet of gross floor area, whichever is greater.
Churches	One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater.
Coin operated laundry and/or dry cleaning establishments	One (1) per two (2) washing/drying and/or dry cleaning machines; or one (1) per two hundred (200) square feet of gross floor area, whichever is greater.
Coin operated automatic automobile washing establishments	Three (3) stack-up spaces per washer bay, plus one (1) per each employee.
Commercial recreation uses	One (1) per three (3) patrons, based on the design capacity of the facility.
Commercial trade schools	One (1) per three (3) students plus two (2) per three (3) employees.
Conveyor-type automatic automobile washing establishments	One (1) stack-up space per five (5) feet of conveyor tunnel, plus two (2) spaces per each three employees.
Country club and tennis club	One (1) per five (5) members.
Day care homes, Group day care homes, and Child day care centers.	Two (2) off-street parking spaces per three (3) employees, plus one (1) off-street loading space for every eight (8) children.

Dormitories, fraternity of sorority	One (1) per each three (3) permanent residents.
Dry cleaning and laundry collection stations	One (1) per four hundred (400) square feet of gross floor area, plus two (2) per each three (3) employees.
Establishments for sale and consumption, on the premises, of beverages, food or refreshments	One (1) per three (3) employees, plus one (1) per one hundred (100) square feet of usable floor space; or one (1) per three (3) fixed seats, whichever is the greater.
Furniture and major appliance establishments	One (1) per five hundred (500) square feet of retail floor area; or one (1) per one thousand (1,000) square feet of gross floor area, whichever is greater.
Gasoline service station	One (1) parking space for each employee, plus two (2) for each service bay.
Governmental office building	One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees. Every governmental vehicle shall be provided with a reserved off-street parking space.
Homes for the aged, sanatoriums, convalescent or nursing home	One (1) space for each four (4) patient beds; plus one (1) space for each staff doctor, plus one (1) space for each two (2) employees including nurses.
Hospitals	One (1) Class "B" space per three (3) patients beds, exclusive of bassinets, plus one (1) Class "B" space for each staff doctor, plus one (1) Class "B" space for each two (2) employees including nurses on the maximum working shift, plus adequate parking for emergency vehicles.
Hotel	One (1) per two (2) rooms or suite, plus two (2) per three (3) employees.
Hotel (apartment)	One (1) parking space for each two (2) individual rooms or apartments is required.
Industrial establishments	One (1) per two (2) employees on the combined two (2) largest successive shifts, plus adequate parking space for customer and visitor vehicles as determined by the planning commission.
Library	One (1) for each four hundred (400) square feet of floor area.
Marina and boat liveries	Two (2) for each three (3) boat mooring or storage space, boat for rent, house boats as based on the design capacity of the facility. If public boat launching facilities are provided the parking spaces shall be increased fifty (50) percent of that number as computed above.
Medical clinics	Three (3) patient's parking spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.
Mortuaries or funeral parlors	Five (5) spaces per parlor or chapel unit, or one (1) per four (4) seats, whichever is greater.
Motels and tourist courts	One (1) per guest bedroom.
Private clubs, lodge, or union headquarters	One (1) per three (3) members based on the design capacity of the facility.
Professional offices	One (1) space per two hundred fifty (250) square feet of usable or rentable office space.
Residential	Houses, attached houses and duplexes: Two (2) parking spaces for each dwelling unit.
	Multi-dwelling structures and developments: One and one-half (1½) parking spaces per dwelling unit for the first twenty (20) units, plus
	• One and one-half (1½) additional parking spaces for each two (2) (or more) bedroom dwelling units in excess of twenty (20).
	• One (1) additional parking space for each one-bedroom dwelling unit in excess of twenty (20).
Retail stores, supermarkets, department stores, and personal	One (1) per one hundred (100) square feet of retail floor space.

service establishments except as otherwise specified herein	
Schools shall be provided with parking spaces under the following schedules:	
Elementary, junior high, and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds. Plus one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium.
Senior high schools, and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space per five (5) students, or one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium, gymnasium or cafeteria intended to be used as an auditorium, whichever is greater.
Kindergartens, day schools, and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) off-street loading space per eight (8) pupils.
Shopping centers	There shall be five (5) parking spaces provided for each one thousand (1,000) square feet of gross leasable floor area within the shopping center principal building complex exclusive of areas devoted to theater and recreation function. Additional parking shall be provided for theater, recreation facilities, and detached auxiliary functions such as banks, auto stores and service stations. Such additional parking shall be in accordance with the regulations of parking required for such uses in this resolution.
Sports playing fields	To be determined by the planning commission through the use-on-review process.
Stadiums and sports	One (1) per eight (8) seats or twelve (12) feet of benches.
Swimming pools	One (1) per thirty (30) square feet of water area.
Theaters, auditoriums and places of assembly without fixed seats	One (1) per three (3) people based on the design capacity of the structure.
Wholesale establishments and business services	One (1) for every fifty (50) square feet of customer service area, plus two (2) per three (3) employees based on the design capacity of the largest shift.

3.50.11. Upon approval by the director of engineering and public works of a parking study for the proposed use(s), the minimum number of parking spaces set forth in section 3.50.10 may be reduced.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-01-8-101, § 1(Exh. A), 9-24-01; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-20-4-101 , § 1, 5-26-20)

3.51. Off-street parking lot layout, construction and maintenance.

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed, and maintained in accordance with the following regulations:

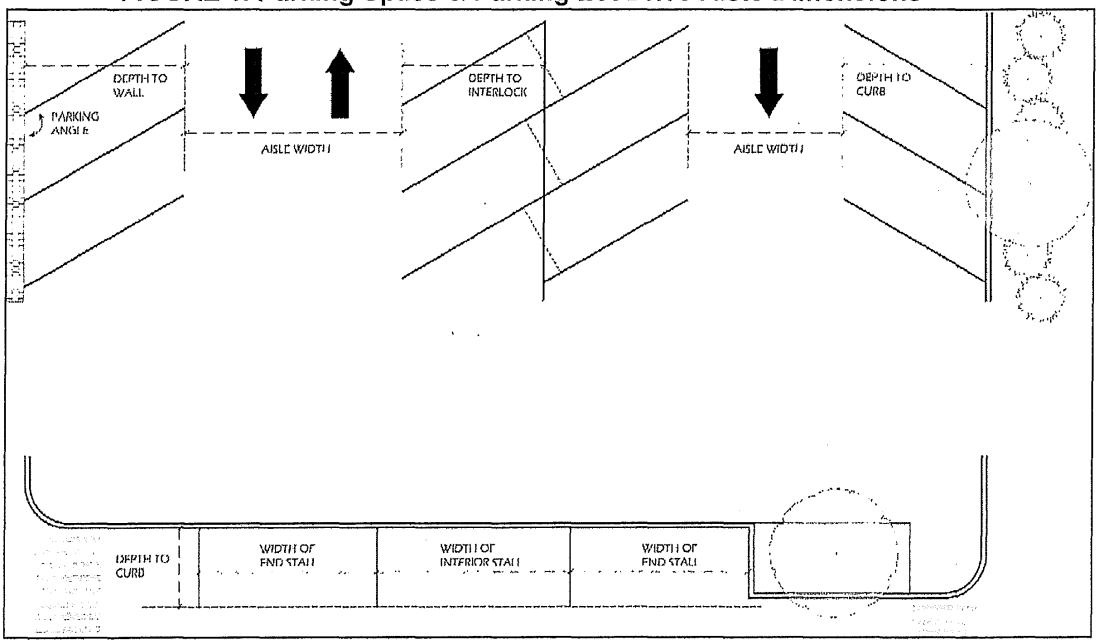
3.51.01. *Dimensions of parking spaces and parking lot drive aisles.*

A. The minimum number of off-street parking spaces that are required in section 3.50.10 shall have parking spaces and parking lot drive aisle dimensions designed in accordance with Table 1 (below). Such spaces shall be designated by painted lines or curb markers.

Table 1: Minimum Parking Space and Parking Lot Drive Aisle Dimensions

Parking Angle	Depth to Wall	Depth to Curb	Depth to Interlock	Stall Width	Aisle Width
45 degrees	16.5'	15.0'	14.5'	9.0'	15.0' One-way
60 degrees	18.0'	16.5'	16.5'	9.0'	18.0' One-way
75 degrees	18.5'	17.5'	17.5'	9.0'	22.0' One-way 26.0' Two-way
90 degrees	17.5'	15.5'	17.5'	9.0'	26.0 One-way 26.0 Two-way
Parallel	22.5'	20.5'	22.5'	9.0'	15.0' Min. one-way 20.0' Max. one-way 25.0' Min. two-way 30.0' Max. two-way
Notes:					
• Stall dimensions are shown in feet.					
• Stall depths are measured perpendicular to aisle.					
• Stall depths, stall widths, 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 and public works for the county.					
• See Figure 1 (below) for minimum parking dimensions and layout guidance.					

FIGURE 1. Parking Space & Parking Lot Drive Aisle Dimensions



B. Exception to minimize size: The county department of engineering and public works may approve sizes smaller than the parking stall dimensions listed in Table 1 based on review of individual site plans.

C. Turnaround requirement: Except for houses and duplexes on local roads, 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 to obtain egress.

3.51.02. *Driveway openings.* Clearly defined driveways shall be provided for ingress and egress to the parking lot which shall meet the following requirements:

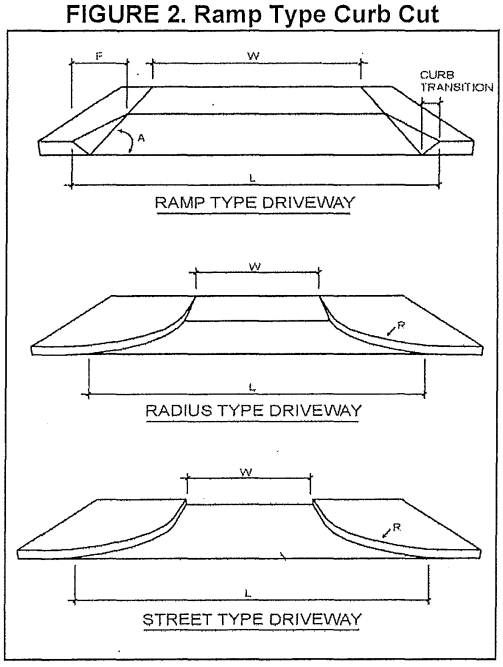
A. The width of all driveway openings shall be within the minimum and maximum limits as specified in Table 2 (below) or as required by the state department of transportation and/or the county department of engineering and public works.

Table 2. Width Design Controls

Land Use/Driveway Type	Width (W)		Radius (R) or Flare (F)	
	Minimum	Maximum	Minimum	Maximum
Residential (Single Family or Duplex)	10 ft.	20 ft.	3 ft.	5 ft.
All Other Uses				
• Ramp or Radius Type:				
º One-way	15 ft.[1]	20 ft.[1]	10 ft.[1]	25 ft.[1]
º Two-way	25 ft.[1]	30 ft.[1]	10 ft.[1]	25 ft.[1]
• Street Type (L)	40 ft.[2]	60 ft.[2]	25 ft.[2]	50 ft.[2]
[1] Where developments are expected to serve a substantial amount of truck traffic (5 or more per day or 25 or more per week) or large trucks (3 or more axles), these dimensions may be increased by up to 10 feet.				
[2] The number of lanes, lane widths, curb radii, and other design features to be determined as part of a traffic access and impact study prepared by a qualified transportation engineer.				

Figure 2 illustrates a typical ramp, radius, and street type driveway design.

FIGURE 2. Ramp Type Curb Cut



B. Minimum distance from an adjoining interior lot line and a driveway opening - at the street right-of-way line:

1. Residential uses: Five feet.

2. Non-residential uses: Equal to the radius or flare, or as recommended by the state department of transportation and/or the director of engineering and public works for the county.

C. Minimum distance from the intersection of street right-of-way lines on a corner lot and a driveway opening at the right-of-way line is described in Table 3, Corner Clearance Requirements (below). The county department of engineering and public works may require distances that exceed those provided in Table 3 if a traffic impact analysis or similar qualified study indicates such a need.

Table 3: Corner Clearance Requirements

For Lots of Record On or Before the Adopted Date of the Driveway Policy (09/23/1996)			
Classification of Intersecting Streets	Functional Classification of Street to be Accessed		
	Arterial	Collector	Local
Arterial	100 ft. or "a"	75 ft. or "b"	50 ft. or "c"
Collector	75 ft. or "a"	50 ft. or "b"	25 ft. or "c"
Local	50 ft. or "a"	25 ft. or "b"	25 ft. or "c"

For Lots Recorded After the Adopted Date of the Driveway Policy (09/23/1996)			
Classification of Intersecting Streets	Functional 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.
"a" - Lot frontage / 2 whichever is greater but not to exceed 200 feet "b" - Lot frontage / 3 whichever is greater but not to exceed 200 feet "c" - Lot frontage / 4 whichever is greater but not to exceed 200 feet			

3.51.03—3.51.05. *Reserved.*

3.51.06. *Paving.* All areas devoted to permanent off-street parking as required under this section shall be of a sealed-surface construction such as plant mix asphalt, penetrating asphalt or concrete paving, and maintained in such a manner that no dust will result from continuous use.

3.51.07. *Drainage.* The parking lot shall be drained to eliminate surface water.

3.51.08. *Parking lot setbacks.*

A. Where the parking lot abuts side lot lines of a residential zone, there shall be established a setback line ten (10) feet from such side lot lines.

B. Where the parking lot is located in a nonresidential zone but is contiguous to a residential zone which has common frontage in the same block with the parking lot, there shall be established a minimum setback from the street lot line for the parking lot which is the same as is required in the contiguous residential zone.

C. Where the parking lot abuts rear property lines of a residential zone, there shall be established a setback line five (5) feet from the rear lot line.

D. Where parking is to be provided in the front yard of a multi-dwelling structure or development, there shall be established a setback line ten (10) feet from the street lot line. The land between the setback line and the lot line in a parking lot is for the purpose of these regulations called a buffer strip. The ground in the front buffer strip shall be prepared and shall be planted with trees, shrubs and grass.

3.51.09. *Parking lot entrance on street.* Wherever a parking layout plan is required by this section no building permit shall be issued prior to approval of entrance to affected streets and/or state highways by the appropriate county and/or state official.

3.51.10. *Parking in a more restrictive zone.* The planning commission shall have the authority to approve off-street parking as a use-on-review in any zone which is more restrictive than that required for the major land use it is intended to serve subject to the preceding conditions. The following conditions shall also apply:

A. The parking lot shall not have access from the more restrictive zone.

B. All sides of the lot, except those openings for ingress and egress, shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) feet nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition. Bumper stops shall be provided so as to prevent any vehicle from projecting over the buffer strip.

(Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-15-5-101 , § 1(Exh. A), 6-22-15)

3.52. Storage and parking of recreational and commercial vehicles and trailers in residential zones.

3.52.01. *General description.* The provisions in this section apply to commercial and recreational vehicles and trailers of all types including travel, boat, camping, and hauling, that are parked or stored on any lot occupied by a dwelling in any residential zone. On lots not occupied by a dwelling within residential zones, such storage is not accessory to a residential use and shall not be permitted.

3.52.02. *Commercial vehicles.* One (1) commercial vehicle shall be permitted per household living on the premises which may be a school bus, or other vehicle not exceeding one and one-half (1½) tons rated capacity. Those vehicles used for hauling explosives, gasoline, liquefied petroleum products, or other hazardous material not ordinarily found in the home, shall not be permitted.

3.52.03. *Recreational vehicles and trailers.* One (1) camping or travel trailer, recreational vehicle, hauling trailer, and/or boat trailer not exceeding forty (40) feet in length or ten (10) feet in width shall be permitted per household living on the premises. These vehicles shall be stored behind the front building line and shall not be occupied on the site.

(Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

Editor's note(s)—Ord. No. O-12-9-102, § 1(Exh. A), adopted October 22, 2012, changed the title of section 3.52 from "Storage and parking of recreational and commercial vehicles and trailers in residential districts" to "Storage and parking of recreational and commercial vehicles and trailers in residential zones." The historical notation has been preserved for reference purposes.

3.53. Storage of inoperable vehicles.

3.53.01. *General provisions.* The provisions in this section apply to inoperable vehicles of all types. The outdoor storage of more than one (1) inoperable vehicle will not be permitted, unless the storage takes place on

land zoned I, Industrial, where such storage may be permitted as a use-on-review, or on the site of a properly zoned car repair or towing establishment.

(Ord. No. O-95-10-101, § 1(Exh. A), 11-27-95; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

3.54. Storage of school buses.

3.54.01. *General provisions.* The provisions in this section apply to storage of school buses under contract to a public or private school system. Any school bus storage facility that was established prior to November 25, 1991 is hereby exempt from meeting the following requirements:

A. For locations requiring use-on-review approval by the planning commission, the total number of buses permitted shall not exceed eight (8) per facility. Total buses at a facility include operable and inoperable buses.

B. The storage area shall have direct access from a collector or arterial street.

C. If there is a dwelling unit on the property, the bus storage area shall be located to the rear of the dwelling.

D. The bus storage area shall be screened from view from public streets and abutting residential properties by a dense evergreen screen or other screening material. Existing vegetation, earth berms, existing buildings or existing topographic features other than those described above may be used to meet the requirements of these regulations. Evergreens planted to meet this requirement shall include evergreens planted at intervals of not less than ten (10) feet for trees and five (5) feet for shrubs, which are capable of reaching a height of eight (8) feet within two (2) years after planting. Such screen shall be maintained in good condition at all times.

E. The bus storage area shall be set back from all adjacent property lines a minimum of twenty-five (25) feet. No buses or drivers' personal vehicles shall be parked within the setback area.

F. A site plan reflecting the requirements included in this section shall be approved by the planning commission through use-on-review procedures. Such a site plan shall show a design for the parking area that avoids traffic conflicts, including buses backing into streets, and minimizes the amount of dust, exhaust fumes, noise, and other pollutants that could adversely impact adjacent properties, as well as showing specifics that meet the screening requirements specified in subsection D. of this section. Any proposed school bus storage area or an expansion of any existing bus storage facility in the A, Agricultural Zone or on a property adjacent to a residential zone must obtain use-on-review approval.

G. The school bus storage area shall also comply with provisions contained in article 4, "Supplementary regulations," section 1, "Performance standards for commercial and industrial uses" and article 4, "Supplementary regulations," section 2, "Development standards for uses permitted on review" of the zoning ordinance for the county.

H. In an A, Agricultural Zone, or when the subject property is adjacent to a residential or agricultural zone, no repairs or maintenance shall be performed outside of a fully enclosed building, except for routine service functions, such as tire changing, changing fluids, or similar maintenance tasks.

I. Any lot in the A, Agricultural Zone, or on a property adjacent to a residential zone to be used for a bus storage facility shall be a minimum of one (1) acre. The lot must be at least one hundred twenty-five (125) feet wide at the property line fronting the access road and must also be two hundred (200) feet or more in depth.

J. Storage of tires, parts, or portions of any old school buses shall be placed out of the sight of adjacent properties. Unusable tires or parts must be removed from the premises so as not to create landfill or unsightly nuisance on the storage area.

K. The provisions of subsection 3.52.02, "Commercial vehicles," of the zoning ordinance for the county are not replaced by this section.

(Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 2, 3-28-22)

3.60. Nonconforming uses.

3.60.01. Any lawful use of buildings or land existing at the time of the passage of this resolution, or whenever a zone shall be changed by amendment to this resolution, may be continued, although such use does not conform to the regulations of the zone in which it is located, and such use may be extended throughout the building or land provided no structural alteration may be made except those required by law or those which are approved by the director of highways and public works for the county; if such nonconforming use is discontinued for a period of six (6) months, future use of said premises shall be in conformity with the regulations of the zone in which it is located.

3.60.02. If no structural alterations are made a nonconforming use of a building or land may be changed to another nonconforming use of the same or more restricted classification.

3.60.03. Nothing in this resolution shall be taken to prevent the restoration of a building destroyed to the extent of not more than fifty (50) percent of its reasonable value, by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

3.60.04. *Removal of nonconforming uses.* Regardless of any other provisions of this resolution, certain nonconforming uses of land shall be regulated as follows:

A. The following regulations shall apply to any automobile wrecking, junk, or salvage yard, building material storage yard, contractor's storage yard, or any similar use of land when located as a nonconforming use in any residential zone.

B. The following regulations shall apply to any nonconforming automobile wrecking, junk, or salvage yard or similar use of land in any nonresidential zone:

1. Any such use shall be abated, removed, or changed to a conforming use within three (3) years after the date of adoption of this resolution.

2. Whenever any zone is changed to a nonresidential zone, the date of abatement, removal, or change of any such nonconforming use existing therein shall be within three (3) years after the effective date of change of such zone.

C. Any other 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 resolution, may be continued for a period of not more than three (3) years therefrom, provided that:

1. Such nonconforming use may not be extended or expanded.

2. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed to a conforming use, any future use of such land shall be in conformity with the provisions of the zone in which said land is located.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

3.64. Reserved.

Editor's note(s)—Ord. No. O-12-9-102, § 1(Exh. A), adopted October 22, 2012, redesignated the former section 3.64 as subsection 3.60.04.

3.70. Flood fringe area requirements.

For the purpose of this ordinance land lying outside the F, Floodway Zones, and below the elevation of the following stream reaches as published in the 1983 Flood Insurance Study by the Federal Emergency Management Agency shall be considered subject to flood:

3.70.01. *Areas subject to flooding.*

Stream Name/Identification	Stream Reach Stream miles above mouth
Beaver Creek	0.00-43.41
Bull Run Creek	7.30-23.50
Fourth Creek	0.00-0.65
French Broad River	0.00-19.11
Grassy Creek	0.00-1.65
Hickory Creek	0.00-5.87
Holston River	0.00-23.10
Knob Fork	0.00-4.02
Love Creek	0.00-0.11
	1.42-2.10
	2.27-4.32
Mill Branch	0.00-2.74
Murphy Creek	0.00-1.13
North Fork Beaver Creek	0.23-2.00
Plumb Creek	0.00-1.40
Roseberry Creek	0.00-7.38
Sinking Creek	0.00-1.82
Stock Creek	2.47-6.17
Swanpond Creek	0.00-6.06
Ten Mile Creek	0.00-5.32
Tennessee River	610.00-646.60
	649.05-652.00
Tributary #1 to Ten Mile Creek	0.00-0.50
Tributary #2 to Ten Mile Creek	0.00-0.43
Tributary to Turkey Creek (@ mile 5.31)	0.00-0.30
Turkey Creek	2.84-5.57
White's Creek	1.84-3.24
Willow Creek	0.00-2.47

All the above mentioned stream reaches are made a part of this resolution by reference. The Flood Insurance Study shall be kept and maintained by the supervisor of code administration and inspection and shall be available for inspection and examination by members of the public at all reasonable times as any other record.

3.70.02. *Regulations for flood fringe areas.* Areas lying outside the F, Floodway Zones, as shown on the zoning map of the county, 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 a 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, Floodway Zone, but within one hundred (100) feet of any main drainage channel or stream, must be approved by the county engineer. The county engineer shall determine on the basis of the area of the watershed and the probable runoff the openings needed for 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-12-9-102, § 1(Exh. A), 10-22-12)

3.71, 3.72. Reserved.

Editor's note(s)—Ord. No. O-12-9-102, § 1(Exh. A), adopted October 22, 2012, redesignated the former sections 3.71 and 3.72 as subsections 3.70.01 and 3.70.02.

3.90. Signs, billboards, and other advertising structures.

3.90.01. *General description.* These conditions are established as a reasonable and impartial method of regulating advertising and business sign structures and display surface area permitted, in order to insure safe construction, to insure light, air, and open space, to reduce hazards, to prevent the accumulation of trash, and to protect property values of the entire community.

The regulations for signs, billboards, and other advertising structures are indicated below. The interpretation of nomenclature in this section shall be as defined in article 2, "Definitions."

3.90.02. *General regulations.* In any zone the following general regulations shall apply:

A. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, an authorized traffic control sign, signal, or device.

B. No sign shall contain or make use of any word, phrase, symbol, shape, form, or character in such manner as to interfere with, mislead, or confuse traffic.

C. No sign having flashing intermittent or animated illumination or moving parts shall be permitted except electronic message centers as regulated in subsection Q. below.

D. No illuminated sign shall be permitted within three hundred (300) feet of property zoned RA, Low Density Residential, RAE, Exclusive Residential, PR, Planned Residential, RB, General Residential, A, Agricultural, and E, Estates, unless such sign is so designed that it does not shine or reflect its own illumination rays onto such property.

E. No ground sign shall be erected to exceed a height of fifty (50) feet except where located within five hundred (500) feet of the right-of-way of an interstate or state primary highway in which case the height limit may be extended so the bottom of the sign face shall not be more than twenty (20) feet above the surface of the interstate or state primary highway.

F. No sign shall be placed in any public right-of-way except publicly owned signs and those signs approved by the county highway department.

G. No portable sign shall be permitted in the county.

H. The following signs may be erected without securing a building permit:

1. Signs not exceeding nine (9) square feet in area in a residential zone, and twenty-four (24) square feet in area in all other zones, pertaining only to the prospective sale or lease of the premises upon which displayed.

2. Signs not exceeding six (6) square feet in area displaying the name only of the property or premises upon which displayed or of the owner or lessee thereof.

3. Signs not over twenty-four (24) square feet in area advertising the sale of a subdivision and located therein or adjacent thereto.

4. Directional or informational signs, not over twenty-four (24) square feet in area, of a public nature, erected and maintained by an official or civic body.

5. Highway and traffic signs.

6. Temporary sign advertising a political candidate. Such sign shall not be over thirty-two (32) square feet in size, shall not be displayed for more than thirty (30) days and shall be removed within five (5) days of the election.

I. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within sixty (60) days of written notification by the building official.

J. The total area of a sign is the surface devoted to the conveying of the message exclusive of the structure to support it properly, trim and framing device and any appurtenances required by the building code. 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 if angular.

K. On site traffic directional signs three (3) square feet or less in size located on the property shall not be considered a ground sign under the terms of this resolution.

L. No signs shall have red, green, yellow, amber or blue incandescent lights.

M. No sign or billboard advertising an adult entertainment establishment as defined by the zoning ordinance for the county shall be larger than five (5) square feet in area.

N. On any sign over thirty-two (32) square feet in surface area, or over twenty (20) feet high measured from the upper edge of the sign, a structural diagram of the sign and its validation that is stamped by a licensed Tennessee architect or engineer must be submitted. Relevant information on the dimensions of the foundation and its reinforcement should be noted, as well as structural details of the steel work in the sign. Two (2) copies must be submitted, a file copy for the department of code administration and a contractor's copy, to be kept on site during all phases of construction.

O. If construction is begun on any sign before a valid permit has been secured the applicable permit fee shall be doubled.

P. Any park-type bench or other form of seating device displaying any form of advertising and located outside of the building shall be considered a portable sign and shall be illegal in the county.

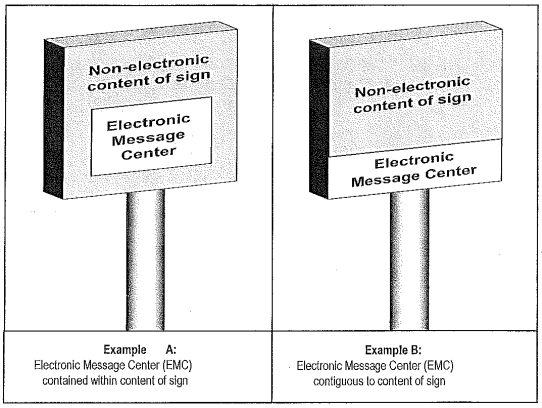
Q. Electronic message centers may be permitted as part of a wall or monument sign in CA, CB, CH, PC, SC, I, LI, BP and EC zone districts in accordance with the following regulations:

1. EMCs legally existing on April 10, 2009, shall be allowed to continue operation subject to meeting the operational standards as required by subsection (m) herein.

2. No EMC shall be erected or used by a business unless any changeable letter reader board is first removed from the parcel.

3. An EMC shall be included in the total signage permitted on the parcel.

4. An EMC shall be permitted as a wall sign, or an integrated part of the total sign surface of a free standing business sign. For purposes of this section, integrated into the total sign surface of a free standing business 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.



5. 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 (⅓>) of the total signage permitted or one hundred (100) square feet, whichever is less.

6. An EMC permitted as a wall sign shall not exceed one hundred (100) square feet maximum.

7. Each display on an EMC shall hold constant for a minimum of sixty (60) seconds.

8. 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

For purposes of EMC regulations, the following definitions shall apply:

- *Candela* means a unit which expresses the luminous intensity of a light source.
- *Dimmer* means 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.

- *Footcandle* means a unit of illuminance (light falling on a surface). One (1) lumen falling on one (1) square foot equals one (1) footcandle.
- *Light detector, light sensor* means an electronic component used to detect the amount or level of ambient light surrounding a display.
- *Nit* means one (1) candela per square meter.

9. 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.

10. The transition from one display to another must be instantaneous without any special effects.

11. Every line of text in an EMC shall exceed the following standards:

Designated Speed Limit On Frontage Road (in MPH)	Minimum Text Size (in Inches)
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 clause 5 above, then no text is allowed.

12. All EMCs legally existing on June 12, 2013 [the effective date of the ordinance from which this subsection derives], must comply with the operational standards listed in subsections 7., 8., 9., 10., and 11. above. A legally existing EMC that cannot meet the minimum text size requirement in subsection 11. above must use the largest size possible for one (1) line of text to fit in the available space.

13. An EMC used as a changeable price sign shall be integrated into a business ground sign or monument sign or be placed on a canopy or wall in accordance with these regulations. For the purposes of these regulations a changeable price sign is one that shows a product or service, such as fuel or hotel/motel room rates as an unchanging element of the sign and only the price is changeable.

3.90.03. *Advertising signs.*

A. Advertising signs shall be placed on a unipole structure and shall not be double decked either one face above the other or side by side on the same structure.

B. The total sign area per face shall not exceed seven hundred seventy-five (775) square feet on expressways, major arteries and minor arteries, or three hundred (300) square feet on major collectors and minor collectors as designated by the currently adopted Major Road Plan for Knoxville and Knox County, Tennessee.

C. No advertising sign shall be located within two thousand (2,000) feet of any road or highway in the county which is a designated part of the state scenic highway system or scenic parkway system.

D. Spacing requirements.

1. Major and minor arteries. No off-premise outdoor advertising sign structure shall be established within seven hundred fifty (750) feet of any other off-premise advertising sign structure. 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 sign structures. Official and on-premise business signs as well as any other sign which does not constitute an off-premise advertising 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. No advertising sign permit shall be issued closer than seven hundred fifty (750) feet from a valid outstanding advertising sign permit or structure.

2. Expressways. No off-premise outdoor advertising sign structure shall be established within one thousand (1,000) feet of any other off-premise advertising sign structure on the same side of the same expressway. The minimum distance between sign structures shall be measured along the nearest edge of the pavement at points directly opposite the center of the signs and located on the same side of the expressway. Official and on-premise business signs, as well as any other sign which does not constitute an off-premise advertising 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.

3. All advertising sign structures, including billboards, shall be erected to be placed in conformity with the front, side, and rear yard requirements of the zone in which located. This shall be interpreted to mean that the face of the sign as well as the structure base shall comply with the minimum setback.

4. No advertising sign structure shall be located closer than one hundred (100) feet to a residence as measured along the street right-of-way.

3.90.04. *Business signs.*

A. All business ground signs shall be set back ten (10) feet from a street right-of-way line or fifteen (15) feet from the edge of pavement, whichever is greater, unless such sign is at least ten (10) feet above the ground and vision under the sign is only incidentally obstructed by supporting members. However, in no case shall any business sign be permitted to extend over the right-of-way.

B. All business ground signs shall be spaced from each other a minimum of one hundred (100) feet except that each lot of record may have one (1) ground sign if permitted by zone.

C. All business ground signs shall be set back five (5) feet from all side and rear property lines.

D. Business signs for home occupations shall not exceed two (2) square feet nor be located closer than twenty (20) feet to the street right-of-way line.

E. Temporary business signs, if serviced by electrical power, shall conform to the latest adopted revision of the National Electric Code.

F. All business ground signs shall contain the street number of the business.

G. Business signs shall not project from a building a greater distance than ten (10) feet and shall maintain a clear height of ten (10) feet. Where such signs project over public property they shall not extend closer than twenty (20) inches to the curb line.

H. No business ground sign shall exceed a maximum of four hundred fifty (450) square feet in sign face area.

3.90.05. *Temporary signs.*

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 a temporary sign on two (2) occasions during each calendar year, provided that each such occurrence does not exceed thirty (30) days in duration. Any sign posted for a longer period must meet the requirements for a permanent sign.

D. No temporary sign shall exceed one hundred fifty (150) square feet in area.

E. A temporary sign shall not be suspended across public streets or public places without approval of county commission.

F. A portable sign shall not be considered or utilized as a temporary sign.

G. No person shall install or maintain, cause to be installed or maintained or permit to be installed or maintained any portable sign in violation of this resolution. Any person who shall violate the provisions of this section shall be issued a citation and upon conviction be guilty of a misdemeanor, and shall be fined not more than fifty dollars ($50.00) for each offense, with each day of violation constituting a separate offense.

H. Any portable sign that continues to be maintained in violation of the provisions of this resolution after having been previously cited for a violation, shall be subject to removal from the premises if not brought into compliance within twenty-four (24) hours of notification to the owner or lessee, of any such sign or their representative.

3.90.06. *A, Agricultural Zones.* In any A, Agricultural Zone, the following regulations shall apply:

A. There shall be permitted not more than two (2) nonilluminated signs with each sign not exceeding twelve (12) square feet or a total of twenty-four (24) square feet in area or eight (8) feet in height advertising the sale of farm products produced on the premises.

B. Announcement of church, school, public buildings where permitted. Bulletin boards or identification signs, not to exceed fifty (50) square feet in area, or eight (8) feet in height shall be permitted; such bulletin board or identification sign shall indicate nothing other than name and/or address of the premises, and schedule of services or other information relevant to the activities on the premises. Such sign shall not be located closer to any property line than one-half (½) the required setbacks and may only have indirect illumination.

C. For uses permitted on review as listed in subsection 5.22.03, one (1) business sign, not to exceed fifty (50) square feet in area or eight (8) feet in height shall be permitted as a use-on-review. Such sign shall be located not closer to any property line than one-half (½) the required setback and may only have indirect illumination. In approving such a sign as a use-on-review, the planning commission shall consider the placement of the sign in relation to surrounding properties and roadways and may impose further restrictions on size, height, appearance and setbacks as may be required to comply with the standards for approval for uses-on-review stated in subsection 6.50.06, "Approval or denial."

D. Billboards and other advertising signs are prohibited.

3.90.07. *Residential zones.* In RA, Low Density Residential, RB, General Residential, and PR, Planned Residential Zones, the following regulations shall apply:

A. For houses, attached houses, duplexes, multi-dwelling structures and developments: Nameplates, not to exceed two (2) square feet in area or six (6) feet in height shall be permitted for each dwelling unit; such nameplate shall indicate nothing other than name and/or address of the premises, and the name of occupants, premises announcements of boarders or roomers or customary home occupation.

B. For residential subdivisions, structures and developments: Signs not to exceed fifty (50) square feet in area or eight (8) feet in height, shall be permitted per entrance with an aggregate of two hundred (200) square feet; such sign shall indicate nothing other than name and/or address of the premises, and the name of the management. Such sign shall be set back ten (10) feet from all property lines and may have indirect illumination.

C. Announcement of church, school, or public buildings, bulletin boards or identification signs, not to exceed fifty (50) square feet in area, or eight (8) feet in height shall be permitted; such bulletin board or identification sign shall indicate nothing other than name and/or address of the premises, and

schedule of services or other information relevant to the operation of the premises. Such sign shall be located not closer than one-half (½) the required setbacks and may only have indirect illumination.

D. Only one (1) sign per street frontage shall be permitted.

E. Billboards and other advertising signs are prohibited.

3.90.08. *Office and transition zones.* In OA, Office Park Zone, OB, Office, Medical and Related Services Zone, OC, Civic and Institutional Zone, and T, Transition Zone the following regulations shall apply:

A. For permitted residential zone uses, the regulation of signs shall be the same as in the residential regulations above.

B. There shall be permitted for public recreation uses, community facilities, hospitals and clinics, bulletin boards or identification signs not exceeding fifty (50) square feet in area.

C. For OB, Office Park, OC, Civic and Institutional, and T, Transition Zones, business signs shall be permitted as follows:

1. One (1) sign not exceeding one (1) square foot of surface for each one (1) linear foot of lot adjoining a public street, but not exceeding one hundred (100) square feet. Such sign shall be set back from all property lines a minimum of ten (10) feet.

2. One (1) sign not exceeding one (1) square foot of surface per one (1) linear foot of face of building. Such sign shall be mounted on the building and may not project above the parapet wall.

D. Each OA, Office Park Zone development shall be limited to one (1) accessory business sign for each separate street frontage. Such sign shall not exceed fifty (50) square feet per sign face. The maximum height shall be six (6) feet. All signs shall set back from all property lines a minimum distance of ten (10) feet.

E. The maximum height for a business sign in the OC, Civic and Institutional Zone, shall be six (6) feet.

F. For other permitted principal uses in the OA, Office Park Zone, business signs shall be permitted as follows:

1. One (1) sign not exceeding one (1) square foot of surface per one (1) linear foot of face of building. Such sign shall be mounted on the building and may not project above the parapet wall.

G. Illuminated signs shall be permitted.

H. Billboards and other advertising signs are prohibited.

3.90.09. *Commercial zones.* In commercial and shopping center zones, the following regulations shall apply:

A. Within all commercial zones business signs shall be limited to:

1. Locations on buildings on the parcel;

2. Ground signs;

3. Any other specific zone requirements; and

4. For the purposes of this section, canopies, gasoline pumps, and drive through order boards are considered part of the building.

B. There shall be permitted for public recreation uses, community facilities, hospitals, and clinics, bulletin boards or identification signs not exceeding fifty (50) square feet in area.

C. Billboards and other outdoor advertising sign structures are permitted in CA, General Business, CB, Business and Manufacturing, and CH, Highway Commercial Zones.

D. Total business signage within any CA, General Business, CB, Business and Manufacturing, or CH, Highway Commercial Zones is not to exceed three (3) square feet of surface area for each one (1) linear

foot of lot fronting on a public street but in no case shall the surface area be limited to less than fifty (50) square feet.

E. PC, Planned Commercial Zone business ground signs shall be limited to one (1) per each separate street frontage in excess of one hundred twenty-five (125) feet.

F. Small accessory business signs are permitted for each business within the PC, Planned Commercial Zone. These shall be a face sign attached to the building and may not project above the parapet wall. The total maximum display surface area for small accessory business signs shall be one (1) square foot per one (1) linear foot of building frontage the business has, but in no case shall the sign surface be limited to less than fifty (50) square feet.

G. All illuminated signs within the PC, Planned Commercial Zone shall have no exposed bulbs. Luminous background signs shall not exceed two hundred (200) foot lamberts and indirect illuminated signs shall not exceed seventy-five (75) foot candles of surface illumination.

H. SC, Shopping Center Zone business signs shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center. The aggregate area of such signs shall not exceed one (1) square foot per ten (10) square feet of usable floor area. The signage shall be approved by planning commission staff as part of the development plan use-on-review approval process.

I. Signs in the CR, Rural Commercial Zone:

1. One (1) illuminated monument sign is permitted per site.

2. The total square footage of the monument sign face may not exceed sixty (60) square feet per sign face and the height may not exceed six (6) feet as measured from the natural or finished grade, whichever is lower.

3. Billboards and other advertising signs are prohibited.

4. Signs shall be set back a minimum of fifteen (15) feet from all property lines.

5. One (1) indirectly illuminated wall sign shall be permitted for each tenant of a building. Such sign may have one (1) square foot of area for each lineal foot of building frontage the tenant has, not to exceed forty (40) square feet in area. Such sign shall be attached to the front face of the building and may not project above the parapet wall.

J. Signs in the CN, Neighborhood Commercial Zone:

1. One (1) indirectly illuminated monument sign is permitted per site. The total square footage of the monument sign face may not exceed fifty (50) square feet and the height may not exceed five (5) feet as measured from the natural or finished grade, whichever is lower.

2. Billboards and other advertising signs are prohibited.

3. Signs shall be set back a minimum of ten (10) feet from all property lines.

4. One (1) nonilluminated wall sign shall be permitted for each tenant of a building. Such sign may have one (1) square foot of area for each linear foot of building frontage, not to exceed forty (40) square feet in area. Such sign shall be attached to the front face of the building and may not project above the parapet wall.

3.90.10. *BP, Business and Technology Park Zone.* In a BP Business and Technology Park Zone, the following regulations shall apply:

A. Each development shall be limited to one (1) free standing 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.

B. One (1) face sign will be permitted per building at one (1) square foot of sign area for each foot of building road frontage up to a maximum one hundred (100) square feet per building. Sign shall not project above parapet wall.

C. Additional signs may be permitted if approved by the planning commission through the use-on-review procedure 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 of developments with multiple structures, additional signs are essential to inform and direct the public.

D. No sign may have flashing, intermittent or animated illumination.

E. Billboards and other advertising signs are prohibited.

3.90.11. *Industrial zones.*

A. In I, Industrial Zones, the following regulations shall apply:

1. Within all I, Industrial Zones business signs shall be limited to one (1) ground sign per street frontage of the parcel and signs affixed to the building on the premises as well as any specific district requirements.

2. In I, Industrial Zones business signs shall be permitted not exceeding two (2) square feet per one (1) linear foot of street frontage.

3. Billboards and other outdoor advertising sign structures are permitted in I, Industrial Zones.

B. In LI, Light Industrial Zones, signs with the following characteristics shall be permitted:

1. Within all LI, Light Industrial Zones business signs shall be limited to one (1) ground sign per street frontage of the parcel and signs affixed to the building on the premises.

2. Ground signs not having over sixty (60) square feet in area for each sign face.

3. Each site shall be permitted one (1) square foot of sign per one (1) linear foot of street frontage, except that the total sign area shall not exceed two hundred (200) square feet for any sign face.

4. Wall signs projecting not more than twelve (12) inches from the surface to which it is attached and not projecting above the parapet wall of the building.

5. Ground signs shall not exceed thirty-five (35) feet in height.

6. Flashing or intermittent illumination is prohibited.

7. Ground signs not located closer than one-half (½) the required setback from any property line.

8. Billboards and other outdoor advertising sign structures are prohibited.

3.90.12. *EC, Employment Center Zones.*

A. In EC, Employment Center Zones, the following regulations shall apply:

1. Each development shall be limited to one (1) free-standing sign of not more than one hundred (100) square feet of sign area and not exceeding six (6) feet in height. For doubled-faced signs, a maximum of fifty (50) square feet will be permitted per side. Each sign must be ground mounted with a fully enclosed base.

2. One (1) face sign will be permitted at one (1) square foot of sign area for each foot of building frontage, up to maximum of one hundred (100) square feet per building. The sign shall not extend above the parapet wall. Multi-tenant buildings may be approved for more than one (1) sign, provided that all other requirements of this section are met.

3. Business park or subdivision signs may be permitted for the purpose of vehicle and pedestrian circulation or building identification. Each business park or subdivision shall be limited to one (1)

sign, not to exceed one (1) square foot of sign area for every linear foot of road frontage within the business park or subdivision, up to a maximum of two hundred (200) square feet.

4. Additional signs may be permitted if approved by the planning commission through the use-on-review procedure, provided that scaled drawings of the signs indicate they will not detract from the setting created by the EC, Employment Center Zone development. The development plan must clearly show that because of unusual topography, building locations and relationships of development with multiple structures, additional signs are essential to inform and direct the public.

5. Free-standing building and business park and subdivision signs shall be located no closer than ten (10) feet from the street right-of-way line, or fifteen (15) feet from the edge of pavement, whichever is greater.

6. No sign may have flashing, intermittent or animated illumination. All signs may be illuminated by indirect illumination.

7. Billboards and other advertising signs are prohibited.

3.90.13. *F, Floodway Zones.* In the F, Floodway Zone the following regulations shall apply:

A. There shall be permitted for public parks, playgrounds, and other outdoor recreational uses: Signs not exceeding nine (9) square feet in area.

B. Billboards and other advertising signs are prohibited.

3.90.14. *HZ, Historical Overlay Zones.* In an HZ, Historical Overlay Zone, the following regulations shall apply:

A. Information signs may be displayed in connection with such use, but the total area of each sign shall not exceed nine (9) square feet, and signs may have indirect lighting.

B. Business signs shall be governed by the base zoning placed on the site.

C. Billboards and other advertising signs are prohibited.

3.90.15. *TO, Technology Overlay Zones.* All signs within the technology corridor along the Pellissippi Parkway right-of-way shall adhere to the following standards:

A. Each development shall be limited to one (1) free standing 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.

B. One (1) face sign will be permitted per building at one (1) square foot of sign area 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.

C. Additional signs may be permitted if approved by the Tennessee Technology Corridor Development Authority through the procedure described in subsection 5.90.11, "Revisions of development plans," provided that scale drawings of the signs indicate that they will not detract from the attractive, park-like character of the corridor; and that the development plan clearly shows that because of unusual topography, building locations and relationships of developments with multiple structures, additional signs are essential to inform and direct the public.

D. No sign may have flashing, intermittent or animated illumination.

E. All the signing within the TO, Technology Overlay Zone shall be regulated by the sign design guidelines set forth in the Tennessee Technology Corridor Comprehensive Development Plan and Design Guidelines.

F. Billboards and other outdoor advertising sign structures are prohibited.

3.90.16. *Nonconforming outdoor advertising signs and structures.*

A. An owner of any advertising sign, business sign, or electronic advertising sign legally existing at the time of the adoption of this amendment shall have the right to continue such non-conforming use.

B. An owner of any electronic advertising sign legally existing at the time of the adoption of this amendment shall have until July 1, 2013, to register with the county codes administration for the purpose of ensuring to the owner the right to continue such non-conforming use.

C. After the effective date of the ordinance from which this subsection derives, no person shall construct any electronic advertising sign or convert any existing advertising sign to an electronic advertising sign.

D. After July 1, 2013, any non-conforming electronic advertising sign not registered shall be considered an illegal sign. The codes administrator shall notify or make reasonable effort to notify the owner of the sign of such condition. If after thirty (30) days of such notification the sign has not been removed by the owner, the county, its officials, or its employees shall have the authority to enter on the private property on which the sign is located to remove such sign and/or institute appropriate action to have the sign removed. The county is further authorized to place a lien, in the amount of the removal cost, against the property upon which the illegal non-conforming sign is located.

3.90.17. *Permits—General.*

A. The county building inspector shall supervise and have primary responsibility for the effective administration of these sign regulations, and relative to signs and outdoor advertising structures within the county, issue sign permit applications and sign permits for all signs located on private property within the county.

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 county building inspector. 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 advertising signs located within the minimum space requirements for distances between structures and any proposed advertising sign on this site.

4. The name and, where applicable, the consent statement of the property owner and/or lessee of the proposed site.

5. State department of transportation sign permit where applicable.

C. Whenever possible, applications are to be processed within ten (10) working days of receipt of all required documents in the county building inspector's office.

D. The county building inspector shall keep and maintain accurate records of all sign permits issued by the county, which records may serve as the basis for a comprehensive inventory of the signs within the county.

E. Permit shall become invalid six (6) months from date of issuance if sign structure is not completed unless otherwise extended by the board of zoning appeals; and such permit shall not be transferable.

3.90.18. *Permit fees.* Prior to issuing any permit for construction of signs, as provided herein, the applicant shall pay to the county a sign construction permit fee of fifty dollars ($50.00) for any permanent sign with a construction value of one thousand dollars ($1,000.00) or more, plus an additional sum of three dollars ($3.00) per each one thousand dollars ($1,000.00) of construction value or any fraction thereof. For a value of less than one thousand dollars ($1,000.00) the fee shall be twenty-five dollars ($25.00). All fees are assessed per structure and

not per parcel or lot. Sign construction permit fees shall be assessed and collected prior to the approval of any application for construction or major renovation. Any work permitted as major renovation can be conducted on an existing structure only. The original structure cannot be moved. Any work requiring substantial alterations to the original structure or movement of the original supporting member(s) must be permitted as new construction. Minor renovations, including changing of existing removable parts of signs that are designed to be changed, repainting of any existing display matter or replacing existing lettering or decoration are deemed to be maintenance work for which no fees are charged and no permit is required.

(Ord. No. O-99-8-101, § 1, 9-27-99; Ord. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-2-102, § 1(Exh. A), 3-27-00; Ord. No. O-00-4-102, § 1(Exh. A), 8-28-00; Ord. No. O-03-2-101, § 1(Exh. A), 3-24-03; Ord. No. O-03-2-102, § 1(Exh. A), 3-24-03; Ord. No. O-03-2-103, § 1(Exh. A), 3-24-03; Ord. No. O-03-4-103, § 1(Exh. A), 5-27-03; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-1-103, § 1(Exh. A), 2-25-13; Ord. No. O-13-4-102, § 1(Exh. A), 5-28-13; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22)

3.100. Temporary uses.

3.100.01 Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Code. These regulations are for temporary uses located on private property. All temporary uses require a temporary use permit (section 6.12) unless specifically cited as exempt or are required to obtain a license per the County Code. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

3.100.02 *Temporary occupations of a recreational vehicle, camper or other non-permanent habitation.*

A. Temporary occupancy of the recreational vehicle, camper or other non-permanent habitation is permitted in residential areas that are not part of a platted subdivision while a single-family dwelling is under construction on the property.

B. Use standards:

1. Parcel shall be at least one (1) acre in size.

2. Occupancy is restricted to owner and household members.

3. Temporary units must have adequate provisions for cooking, sleeping, and sanitation.

4. These temporary units shall be connected to adequate water, electricity and a sewage disposal system or sewer.

5. The temporary unit shall not be rented, let or leased.

6. A temporary use permit for residential use of a recreational vehicle, camper or other non-permanent habitation shall be obtained per the temporary use standard in article 6.12.

a. *Initial permit.* The initial permit will expire within one (1) year of issuance. Such permits shall expire six (6) months from the date of issuance unless work has commenced and is verified by Knox County codes administration and enforcement.

b. *Extensions.* Permits may be renewed every six (6) months after the first year. Renewal applications shall be submitted prior to permit expiration.

7. All occupancy shall cease and the unit shall be disconnected from all utilities and/or sewage disposal systems as a condition to receiving a certificate of occupancy on the building permit for the new construction.

3.100.03 *Additional temporary uses.* In addition to the temporary uses listed above, a temporary use permit may be issued by the director of the department of code administration and enforcement for other temporary uses that are substantially similar to a temporary use listed above and not intended to become permanent. A

permit may be issued if the director of the department of code administration and enforcement determines that such use is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. The timeframe of such temporary use will be determined and approved as part of the temporary use permit.

(Ord. No. O-22-12-101 , § 1, 1-23-23)

ARTICLE 4. SUPPLEMENTARY REGULATIONS

4.10. Supplementary regulations applying to a specific, to several, or to all zones.

These supplementary regulations are listed and described in this one article rather than repeated several times throughout the ordinance as they are applicable to specific, several, or to all zones. The regulations pertain to certain specific uses, or relate to unusual conditions, thus warranting a more convenient placement than that which would be possible by placing them in article 5, "Zone regulations."

Section 1
Performance Standards for Commercial
and Industrial Uses

The purpose of this subsection is to establish regulations and standards for the installation and operation of commercial and industrial uses based on consideration of the objectionable characteristics of such uses and the districts in which they are permitted. Further, this subsection prescribes the procedures and methods of measurement of industrial characteristics subject to the performance standards established hereunder:

4.10.01. *Noise.*

A. *Principle.* No person shall operate, cause to operate or allow to operate any source of sound in such a manner as to create a sound level at any point on or beyond the boundary of any lot or tract which exceeds the limits set forth in these standards. These standards shall not apply to noise not directly under control of the property user, noises resulting from the construction or maintenance of buildings or facilities including site preparation, the noise of safety signals, warning devices and railroads, noise lasting less than five (5) seconds provided that the noise is not repeated more than ten (10) times per hour, noise of mobile equipment operating near the boundary line provided the mobile equipment is not operated more than two (2) hours during any twenty-four (24) hour period and noise from vehicles entering and leaving the premises provided the sound level of these vehicles does not exceed the sound level of other vehicles using the public street or highway.

B. *Standards.* The sound pressure level resulting from any use or activity shall not exceed the maximum permitted decibel levels for the designated octave bands set forth in these standards.

Center Frequency in Hertz	Sound Pressure Level in Decibels (Re: 0.0002) *(microbar)
63	77
125	71
250	63
500	57
1,000	51
2,000	45
4,000	40
8,000	39**
Measurements must be made with a sound level meter which meets USASI Standards, S1.4-1961 set on slow meter response.	

* Rounded to the nearest whole dB.	
** Based upon the assumption that the level for the next highest octave band would also be thirty-nine (39) dB.	

4.10.02. *Radiation hazards.*

A. *Principle.* No activities shall be permitted which emit dangerous radioactive radiation at any point on or beyond the boundary of any lot or tract.

B. *Standards.* 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 set out in Chapter 1 of Title 10 of the Code of Federal Regulations which apply to byproduct material, source material and special nuclear material, as those terms are defined in sections 11e., z., and aa. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (z) and (aa)).

4.10.03. *Fire and explosive hazards.*

A. *Principle.* 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 fire fighting and suppression equipment and devices standard to the industry involved.

B. *Standards.* All explosive material shall be stored and used in accordance with the rules and regulations of the bureau of mines of the state fire marshal and chapter 30, "Fire Prevention and Protection" of the County Code of Ordinances.

4.10.04. *Glare and heat.*

A. *Principle.* 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.

B. *Standards.* Exposed sources of light shall be shielded so as not to be visible outside their premises.

4.10.05. *Electromagnetic radiation.*

A. *Principle.* No activity, operation or use shall cause electromagnetic radiation interference that adversely affects persons or the operation of any equipment at any point on or beyond the boundary of any lot or tract.

B. *Standards.* Activity, operations or uses causing electromagnetic radiation interference shall be in conformance with the regulations of the Federal Communications Commission.

4.10.06. *Industrial sewage and waste.*

A. *Principle.* No discharge shall be permitted at any point into the public sewers, private sewage disposal system, surface or subsurface waters so as to contaminate, pollute or harm such waters or cause floating or submerged debris, oil, scum, unsightliness or be harmful to human, animal, plant or aquatic life.

B. *Standards.* A developer or builder shall obtain the written approval of the appropriate official of the state water pollution control board, of the state health department, and of the county health department; and it shall be filed with the director of code administration and enforcement prior to issuance of building permit.

4.10.07. *Vibration.*

A. *Principle.* No use, operation or activity shall cause or create earthborn vibrations which is transmitted through the ground and is discernable in excess of the standards below.

B. *Standards.* At no point on or beyond the boundary of any lot or tract in a commercial or industrial zone shall the vibration produced by the activities conducted on such lot or tract be in excess of two (2) inches per second. Such vibration shall be measured in accordance with the provisions of U.S. Bureau of Mines Publication No. 5968.

4.10.08. *Fly ash, dust, fumes, vapors, gases, odors, smoke, and other forms of air pollution, open burning, toxic and noxious matter.*

A. *Principle.* No person, use, operation or activity shall emit any particulate matter, fly ash, dust, fumes, vapors, gases, smoke or other forms of air pollution in such quantities so as to substantially contribute to exceeding local, state or federal air pollution standards.

B. *Standards.* All persons, uses, operations and activities shall comply with the requirements and standards set forth in the county air quality management regulations.

4.10.09. *Odors.*

A. *Principle.* After the effective date of these regulations, no person shall cause, suffer, or allow any emissions of gases, vapors, or "objectionable" odors beyond the property line from which such emissions occur to be in sufficient quantities and of such characteristics and duration as to be injurious, or tend to be injurious, to human health and welfare, plant or animal life, or to property, or which unreasonably interferes with the enjoyment of life or property.

B. *Standards.* In accordance with county air quality management regulations, an odor shall be deemed "objectionable" when air occurring beyond the property line contains such odorous matter as may be detectable when diluted with seven (7) or more volumes of odor-free air.

4.10.10. *Outdoor lighting.*

A. *Principle.* Lighting used for parking lots, outdoor storage, product display or security shall reduce the impacts of glare, light trespass and overlighting, promote safety and security and encourage energy conservation and shall not interfere with the operation of motor vehicles in the public right-of-way or adjacent uses of land.

B. *Standards.* The light source shall be shielded and shall be arranged so that lighting is directed away from any boundary of the lot or tract adjacent to any property zoned to permit residential uses.

4.10.11. *Landscape screening.*

A. *Principle.* Landscape screening shall mitigate the impacts of development on the enjoyment and values of the surrounding property, on sensitive areas, and on the primary road network. Any business or industrial use that is adjacent to property developed for residential use within the A, Agricultural Zone district or zoned for residential use (E, Estates, RAE, Exclusive Residential, RA, Low Density Residential, RB, General Residential, and PR, Planned Residential) shall provide screening along the boundary of the residential property. Parking and loading areas shall be screened from adjacent property developed for residential use within the A, Agricultural Zone district or zoned for residential or office uses (E, Estates, RAE, Exclusive Residential, RA, Low Density Residential, RB, General Residential, PR, Planned Residential, OA, Office Park, OB, Office, Medical and Related Services, and OC, Civic and Institutional) and public streets.

B. *Standards.*

1. Any business or industrial use of property, except a parking or loading area, shall plant and maintain a Type "A" landscape screen, as provided by the planning commission, within a landscape buffer strip a minimum of fifteen (15) feet in width adjacent to property developed for residential use within the A, Agricultural Zone district or zoned for residential or office uses.

2. Any parking or loading area located on a lot or tract used for business or industrial purposes shall plant and maintain a Type "B" landscape screen, as provided by the planning commission, within a landscape buffer strip a minimum of twelve (12) feet is width between the parking or loading

area and any adjoining adjacent property developed for residential use within the Agricultural (A) Zone district or zoned for residential or office uses.

3. Any parking or loading area located on a lot or tract used for business or industrial purposes and adjoining a public right-of-way shall plant and maintain a Type "C" landscape screen, as provided by the planning commission, within a landscape buffer strip a minimum of eight (8) feet in width.

4.10.12. *Issuance of permit.* Before issuing a building permit for a commercial or industrial use, the director of code administration and enforcement shall be given information by the applicant sufficient to enable said director of code administration and enforcement to assure that all performance standards and site development standards set forth in these regulations and the county air quality management regulations can and will be complied with at all times.

4.10.13. *Enforcement.* Where in the opinion of the director of code administration and enforcement there is a probable violation of any provision of this subsection, the director 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 these regulations. Upon confirmation of a violation, the offending industry or activity shall bear the cost incurred by the county in retaining the qualified technician.

Section 2

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 zones 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 zone; 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 article and as set forth in article 6, "Administration, enforcement and interpretation," section 6.50, "Procedure for authorizing uses permitted on review":

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

4.10.14. The use is consistent with adopted plans and policies, including the general plan and the sector plans.

4.10.15. The use is in harmony with the general purpose and intent of these zoning regulations.

4.10.16. The use is compatible with the character of the neighborhood where it is proposed, and with the size and locations of buildings in the vicinity.

4.10.17. The use will not significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts which may detract from the immediate environment.

4.10.18. The use is not of a nature or so located as to draw substantial additional traffic through residential streets.

4.10.19. 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.

(Ord. No. O-08-7-103, §§ 1, 2, 8-25-08; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 2, 3-28-22)

4.20. Mobile home parks.

4.20.01. *Property development standards.* 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 this section 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 zone 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 for single-wide units and not less than five thousand (5,000) square feet for double-wide units.

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, except that on any public street, such wall, fence, or hedge shall be twenty-five (25) feet from the street right-of-way line.

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.

4.20.02. *Size of mobile home spaces.* Each mobile home space shall be sufficient size that, in addition to the trailer, the following areas shall be provided:

A. Each mobile home space for a single-wide unit shall be at least thirty-two (32) feet wide and such space shall be clearly defined by permanent markers. The minimum width of a space for a double-wide unit shall be fifty (50) feet.

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 20-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 fifteen (15) 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.

4.20.03. *General requirements.*

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 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. Size of pads shall be ten (10) feet by forty-five (45) 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 the 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 and maintenance materials.

I. Trailers, with or without toilet facilities, that cannot be connected to a sewer system approved by the Health Department shall not be permitted in a mobile home park.

J. Cabanas and other similar enclosed structures are prohibited.

K. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home parks.

4.20.04. *Plans and schedules required.*

A. The following information shall be shown on the mobile home park development plan:

1. The location and legal description of the proposed mobile home park.
2. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site.
4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
6. The location of all landscaping to be provided.
7. The location of all lighting standards to be provided.
8. The location of all walls and fences and the indication of their height and the materials of their construction.
9. The location of all off-street parking facilities.
10. The location and size of park and recreation areas.

11. The name and address of the applicant.

12. Such other engineering and topographic data as may be required to permit the planning commission to determine if the provisions of these regulations are being complied with.

4.20.05. *Approval of development plan.* The development plan of the mobile home park shall be submitted to the planning commission for approval as a use permitted on review.

4.20.06. *Changes to development plan.* 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 resolution.

4.20.07. *Issuance of building permits.* 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 has been affixed.

4.20.08. *Revocation of building permit.* The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.

(Ord. No. O-96-9-105, § 1, 10-28-96; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.30. Standards for marina and boat livery development.

4.30.01. *Purpose and uses.*

A. To encourage and insure the development of marinas and boat liveries and the safe operation of such development.

B. Coincident uses include assembly buildings, caretakers residence, docks, fueling and supply facilities, house boats, launching and storage facilities, parking areas, boat sales and servicing facilities, restaurants, signs, supplementary recreational facilities, boat lifts, water taxi services, hotels, motels, boatels, boat charter service and incidental retail sales associated with the principal uses. All the proposed uses shall be identified in the development plan.

4.30.02. *Access.*

A. The tract of marina or boat livery development must have adequate access to thoroughfares.

B. This adequacy is to be based on the relationship of the size of the facilities to the practical capacity of the thoroughfares.

4.30.03. *Area regulations.*

A. Lot size: There is no minimum lot size; 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.

B. Front yard: The minimum depth of the front yard shall be the same as required in the zones where marinas or boat liveries are permitted as a use-on-review.

C. Side yard: Minimum side yards of one hundred (100) feet shall be provided between marina or boat livery facilities and adjacent tracts of land. Side yards can contain outdoor recreational uses subject to development plan approval. Side yards can contain parking if the marina is not located next to a residential zone.

D. 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 strip of mass plantings, either natural or commercially introduced, attaining at least six (6) feet in height shall be located between the marina or boat livery and each adjacent residential area, except, that no planting shall be required

between marina or boat livery 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 line and no closer than fifty (50) feet to the normal summer pool elevation.

E. All docks, fuel and supply facilities, launching and lift facilities, boat sales and servicing areas, restaurants and hotels, motels, or boatels related to a marina must be a least three hundred (300) feet from any residence except that of the owner or operator. This provision does not apply to marinas which may be proposed as part of a development plan in a PR, Planned Residential Zone.

4.30.04. *Water area and control of opposite shoreline.*

A. If a cove or embayment contains less than five (5) acres of water surface at normal pool, the applicant must own or control the total shoreline.

B. For measuring purposes the embayment or cove begins where its outlet intersects the main river channel and all islands or floating structures are to be subtracted from the area of water as computed.

C. The applicant must own or control the land area within two hundred (200) feet of all docks or other floating structures.

D. The minimum water surface area required for each boat mooring, houseboat and boat for rent shall be five thousand (5,000) square feet.

E. When the proposed marina or boat livery 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 inland at least one hundred (100) feet from the shoreline. However, the planning commission may waive this requirement if they find that the property opposite the proposed development site, because of topography and/or existing land use, is not adversely affected by the proposed development.

4.30.05. *Off-street parking.* As regulated in section 3.50, "Off-street parking" of these regulations.

4.30.06. *Administrative procedures for marina or boat livery development.* A use-on-review application for a marina or boat livery permit shall be filed with the planning commission. Each application shall be accompanied by a site plan drawn to scale, and prepared by a licensed engineer, surveyor or architect. Such site plan shall be reviewed by the health department, the county engineer, and the department of codes administration; and the comments of these departments shall be reported to the planning commission. The application shall meet the provisions of section 6.50, "Procedure for authorizing uses permitted on review," and the following information shall be shown:

A. The location and legal description of the proposed marina or boat livery development property.

B. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the 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, pathways and, if applicable, greenway trails.

I. The name and address of the applicant.

J. The location of adjacent residential districts and existing houses.

K. In the case of boat liveries, the location of the storage area for the rental boats and a statement of the types of boats to be rented.

L. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.

M. Such other architectural and engineering data as may be required to permit the planning commission, health department, and department of codes administration, or other review agencies to determine if the provisions of this ordinance are being met.

N. 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, and the county.

(Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

4.40. Standards for automobile, wrecking, junk and salvage yards, and similar uses.

4.40.01. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards 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 zone.

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. Storage between the road or street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

C. *Off-street parking.* As regulated in section 3.50, "Off-street parking," of this resolution.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.50. Standards for mining and mineral extraction.

Purpose. It is recognized that the extraction of minerals is a basic industry within the area subject to these regulations. It is further recognized that the location of underground mineral deposits will not necessarily coincide with the zone boundaries established by this ordinance; therefore, the extraction of minerals is classified as a "use permitted on review." However, it is further recognized that mineral extraction may involve differing processes and may seriously affect mined parcels and surrounding properties. Therefore, these standards are established for mineral extraction in the county.

4.50.01. *Standards governing surface operations pertaining to underground mining and mineral extraction by drilling, deep shaft mining or processes which do not disturb the surface soil or ground.*

A. Prospecting by core drilling or similar methods may be permitted in any zone without approval as a use permitted on review.

B. Establishment of permanent accessories to the mining operations such as ventilating shafts or fans, hoisting shafts, elevators, substations or transformer banks or any building containing power driven or power producing equipment are permitted as indicated as uses on review subject to these regulations.

C. Area regulations.

1. Any front, side and rear yard for buildings subject to these regulations in any zone other than industrial or adjacent to property not zoned industrial shall be at least five hundred (500) feet.

2. Any front, side or rear yard for buildings within an I, Industrial Zone, shall comply with the regulations set forth in section 5.61, "Industrial Zone (I)," of these regulations except as indicated in subsection C.1 above.

D. Performance standards. All performance standards for industrial operations as set forth in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," of these regulations shall be observed.

E. Hours of operations. No surface power driven equipment except ventilating equipment required for the health and safety of employees shall be operated in a nonindustrial zone except during the hours between 7:00 a.m. and 9:00 p.m.

F. Plans shall be furnished for planning commission approval as follows:

1. *Screening.* A landscaped screen shall be provided to obscure the mining buildings and machinery from adjacent nonindustrial areas. For this purpose the operator will furnish the planning commission a landscape plan.

2. *Roadways.* All roadways on, and all vehicular entrances to and exits from the private properties on which such operations are conducted to any public roads shall be located to secure safety, to lessen congestion and to facilitate transportation and shall be so maintained as to eliminate any nuisance from dust to neighboring properties. A plan meeting these requirements shall be provided.

3. *Traffic control.* A satisfactory plan for the routing of trucks, materials and equipment along public streets and roads from point of extraction to permittee's processing operations shall be provided.

4. *Restoration.* A plan of removal of unsafe structures and equipment, sealing of shafts and other measures proposed for restoring land to a safe and usable condition upon abandonment of the project shall be provided.

4.50.02. *Standards governing surface mining and mineral extraction.*

A. The following regulations shall apply to the operations of sand and gravel pits, quarries, surface mines, and to the removal of topsoil, sand, clay, shale, gravel or other earth for purposes other than those customarily involved in the grading of streets, highways, rights-of-way or for agricultural purposes, and such excavation necessary in preparing land for the construction of foundations, footing, cellars, or other structures below the natural grade.

B. No premises or buildings shall be used for any purpose listed in the foregoing paragraph, until an application in writing is filed with and a conditional use permit has been approved by the planning commission and county board of commissioners and issued by the director of code administration and enforcement after a public hearing, and such operations shall be conducted in conformity with the following conditions:

1. All equipment, building and premises used for such purpose shall be constructed, maintained and operated in accordance with the performance standards of the county as set forth in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," of these regulations.

2. The excavations shall be confined to areas at least one hundred (100) feet from any property line within or adjacent to any residential, agricultural or commercial zone and shall be at least two hundred (200) feet from the property line of any dwelling or platted subdivisions, and further, no overburden, spoilbank or stockpile may be deposited within one hundred (100) feet of any such property lines except that such excavation may, with the written consent of the owners of the adjoining property, be conducted within such limits in order to reduce the elevation thereof to

conform with the existing contour or average grade of the adjoining property or in order to provide for adequate drainage.

3. In any nonindustrial zone the excavations shall be confined to areas at least one hundred (100) feet from the right-of-way line of any existing or platted street, road or highway; except that excavations may be conducted within such limits in order to reduce the elevation thereof to conform to the existing or established elevation of the adjoining or platted street, road, or highway, or in order to provide for adequate drainage.

4. Any building containing power driven or power producing machinery or equipment in a nonindustrial zone shall be at least five hundred (500) feet from all adjacent property zoned residential, commercial, or agricultural and when located in a non-industrial zone such building or equipment shall be at least two hundred (200) feet from the right-of-way lines of any existing or platted street, road, or highway.

5. All roadways on, and all vehicular entrances to and exits from the private properties on which such operations are conducted to any public roads shall be located to secure safety, to lessen congestion and to facilitate transportation and shall be so maintained as to eliminate any nuisance from dust to neighboring properties.

6. A plan of operations shall be submitted for approval by the planning commission and county board of commissioners which shall provide in all respects for the adequate safeguarding and protection of neighboring interests and the general public health and safety, and which shall include a satisfactory plan for the routing of trucks, materials and equipment from the points of excavation to the permittee's processing operations, a plan and program for the restoration of the land to minimize potential detrimental effects on the area by reducing, insofar as is reasonably possible, peaks and depressions and controlling erosion. Any such plan approved by the U.S. Federal Government or the state shall be sufficient to meet these requirements.

7. Whenever the permit issued by the director of code administration and enforcement has expired or whenever the operation of any gravel or sand pit quarry, or other excavation shall have been discontinued for any period exceeding twelve (12) consecutive months, then, except as may otherwise be permitted upon application to and after hearing by the planning commission, all plants, buildings, structures (except fences) and equipment shall be entirely removed from the property and the property shall be restored in accordance with the approved plan and program for restoring land.

8. If the property to be used for such excavation is within one hundred (100) feet of any residential zone or platted subdivision it shall be enclosed along the exterior boundaries thereof as excavation progresses by a fence or landscape screen as prescribed by the planning commission.

9. No excavation shall take place, or plant operated on any property in any nonindustrial zone, except between the hours of 7:00 a.m. and 9:00 p.m., except whenever any reasonable or necessary repairs to equipment are required to be made. The provisions of subsection 1. above shall also apply to this subsection.

C. Upon application in writing filed with the planning commission, the planning commission and the county board of commissioners may approve the issuance of an amended permit to alter the plan of operations theretofore approved by the planning commission and the county board of commissioners, or to extend the life of the permit when the duration of the mining operation was underestimated in the application for the original permit.

4.50.03. *Enforcement.*

A. Compliance with all of the applicable requirements set out in these regulations and approved plans shall be enforced under the provisions of section 6.20, "Enforcement," of these regulations.

B. A bond equal to one hundred dollars ($100.00) per acre of land to be excavated during the permit period shall be filed with the county mayor's office to guarantee the proper restoration and reclamation of the land in accordance with the approved plan. However, proof of bond posted with the state in meeting requirements of the Tennessee Strip Mine Law of 1967 shall be acceptable in lieu of this requirement.

4.50.04. *Permit.*

A. The permit issued by the director of code administration and enforcement shall be for the duration of the mining operations in the approved plan of operation.

B. Amended permits shall be issued by the director of code administration and enforcement when such permits have been approved as provided in subsection 4.50.02.C of these regulations.

4.50.05. *Nonconforming uses.* Notwithstanding any other requirements set forth in these regulations with respect to nonconforming uses:

A. Any mining or mineral extraction operations lawfully existing on December 1, 1969 may be continued provided that a plan of operations as required by the regulations be filed with the planning commission and the county board of commissioners within six (6) months of passage of these regulations and further provided that if such nonconforming use is discontinued for a period of twelve (12) months, future use of said premises for mining or mineral extraction operations (except as provided in subsection 4.50.05.C below) shall be in conformity with this section 4.50, "Standards for mining and mineral extraction."

B. Notwithstanding the provisions of the foregoing subsection, any mining or mineral extraction operation existing at the time of the passage of the resolution adopting this section 4.50, "Standards for mining and mineral extraction" shall within three (3) years from the date of such passage comply with all of the applicable performance standards set forth in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," of these regulations; provided, however, that upon application made to it in writing the planning commission and the county board of commissioners may waive any such standards which are deemed unreasonable or arbitrary after giving full consideration to existing conditions.

C. Any building or stationary equipment used in a mining or mineral extraction operation lawfully existing on December 1, 1969, but which is not in conformance with the set back requirements of this subsection, may be continued and maintained. Such building or equipment, may be enlarged or added to provided no additional set backs are violated. Furthermore, any mining or mineral extraction operation may enlarge or expand the area of extractive operations provided, however, that any such expansion shall comply, insofar as reasonably possible, with provisions of this section 4.50, "Standards for mining and mineral extraction." In reviewing plans for any such expanded extractive operation, the planning commission and county board of commissioners shall give full consideration to existing conditions and may waive any requirements of this section which are deemed unreasonable or arbitrary.

D. Upon application made in writing the planning commission and county board of commissioners may grant indefinite stand-by status for a marble or other dimension stone quarry where it can be shown that such indefinite stand-by periods are customary and necessary to the industry and suitable safeguards for public safety are provided.

E. Nothing herein shall be construed to authorize continuation of any nonconforming use which was illegal prior to adoption of this subsection, nor shall anything herein be construed so as to permit a violation of the county air pollution control regulations.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

4.60. Adult-oriented establishments.

4.60.01. Because adult-oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion, and depress nearby residential neighborhood conditions, these activities will only be permitted when minimum conditions can be met.

A. The following minimum conditions must be complied with for a site to be approved for adult entertainment activities:

1. The site shall be not less than one thousand (1,000) feet from any residentially zoned property at the time of approval for an adult entertainment activity.

2. The site shall be not less than one thousand (1,000) feet from the site of any public amusement or entertainment activity, including, but not limited to, the following: arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating or roller skating rinks or arenas, zoos, community centers and similar amusements offered to the general public. "Amusement or entertainment activities" in this section shall not include adult-oriented establishments, and shall not reduce the distance requirements otherwise dictated by this section.

3. The site shall be not less than one thousand (1,000) feet from any area devoted to public recreation activity.

4. The site shall be not less than one thousand (1,000) feet from any school, library, day care center, park, church, mortuary or hospital.

5. The site shall be not less than one-half (½) mile from any other adult entertainment business site.

6. Measurement shall be made from the nearest recorded property line of the lot on which the adult-oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the county zoning map.

7. The site shall be located on a designated arterial or collector street facility.

8. Off-street parking: As regulated in section 3.50, "Off-street parking," of this resolution.

B. Maps showing existing land use and zoning within one-half (½) mile of the proposed site should be submitted with an application for use-on-review approval along with site plans, surveys or other such special information as might reasonably be required by the planning commission for use in making a thorough evaluation of the proposal.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.70. Sanitary landfills.

4.70.01. Because the location and operation of a sanitary landfill have characteristics which may impinge on neighboring activities, land uses, property values, public health and safety, and the transportation network, this activity will only be permitted when minimum conditions can be met.

A. The following minimum conditions must be complied with for a site to be approved for a sanitary landfill:

1. Meet all requirements of a permitted solid waste disposal facility as defined and regulated under the provisions of the Solid Waste Disposal Act of Tennessee and the Rules of the Tennessee Department of Health and Environment.

2. The site shall be not less than five hundred (500) feet from all residences, unless the owner(s) of the residential property agrees in writing to a shorter distance.

3. The site shall be not less than one thousand (1,000) feet from a residentially zoned area (RAE, Exclusive Residential, RA, Low Density Residential, PR, Planned Residential, RB, General Residential) at the time the application for use-on-review is filed at the planning commission office.

4. The site shall be not less than two thousand five hundred (2,500) feet from existing public schools, public recreational areas, or public swimming pools. Public recreational areas shall include public parks, recreation centers, athletic fields, or similar areas available to the general public for recreational uses.

5. The site shall be not less than one thousand (1,000) feet upgradient from all wells or springs used as a source of drinking water by humans or livestock.

6. The site shall be not less than two hundred (200) feet from the normal boundaries of springs, streams, lakes or other bodies of water other than those associated with the facility.

7. The fill area shall be not less than one hundred (100) feet from all property lines, public roads, and the site boundary.

8. The fill area shall be entirely enclosed, exclusive of driveways, at its external boundaries by a wall or fence and an evergreen hedge not less than seven (7) feet in height. The wall or hedge shall not be constructed or planted within the required setback.

9. The use-on-review for landfills shall include a traffic impact statement concerning traffic flow and the structural reliability of the pavement of the existing transportation network most affected from the site to an arterial street along the primary access route to the site. The following additional requirements shall also be met:

    a. The traffic impact statement shall include a count of the existing traffic by vehicle type and size and a projection of traffic, for when the facility is in full operation, by vehicle type and size for that portion of transportation network most affected by this use.

    b. An assessment of the pavement's structural reliability must be made. This must be followed by an assessment of how the change in the vehicle mix will affect the pavement reliability including the collector street. The site shall have not less than an uninterrupted five hundred (500) feet access along a street constructed to the standards of a collector street as defined in the Knoxville-Knox County Minimum Subdivision Regulations.

    c. Access to and from the site shall be restricted to a driveway to the collector which shall be located at a point to provide adequate site distance, safe traffic flow and safe turning movements to and from the site considering the traffic impact from the site.

    d. Provision for traffic access to the site must be found to provide a safe access and without unreasonable adverse impact upon the transportation network based upon the information supplied and the requirements set forth herein.

10. The landfill shall meet all requirements of section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," of the zoning ordinance for the county.

11. The hours of operation of the landfill shall be limited. No landfilling shall be permitted before 6:00 a.m. or after 7:00 p.m., Monday—Saturday. *Sunday hours will be limited to 12:00 p.m. to 6:00 p.m. A convenience center shall be established for use while the landfill is closed.

12. The applicant shall obtain a grading permit from the county hydrologist.

B. The following materials and information shall be submitted with an application for use-on-review approval of a sanitary landfill:

1. A development plan of the site showing the use or uses, dimensions, locations of various uses including the proposed fill area, structures, roads, fencing, landscaping, and areas which will remain undisturbed.

2. A map showing existing zoning, residences, wells, streams, public schools and public recreational areas. This map shall be of sufficient size and scale to determine if the requirements of this section have been met.

3. Any other special information as might reasonably be required by the planning commission for use in making a thorough evaluation of the proposal.

C. "Site" as used herein shall mean the area approved for use as a sanitary landfill and may be all or a portion of a lot or parcel of property and the area approved may not be identical to the property boundary line or tax parcel boundary.

D. Measurements from the site to meet the required distances set forth shall be from the nearest point in a property line of a parcel containing a use, structure, or natural condition from which a minimum distance is required to the nearest point in the boundary of the site unless these regulations provide measurements to another point.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101, § 1, 3-28-22)

4.80. Demolition landfills.

4.80.01. Because demolition landfill activities may impinge on adjacent land use activities, property values, public health and safety and the transportation network, these activities are segregated into the following two (2) categories and required to comply with the following regulations.

A. On-site generated waste disposal of acceptable waste material in a demolition landfill, as defined in article 2, "Definitions," with a cumulative fill area of less than one (1) acre shall be permitted in any county zone other than F, Floodway, subject to the following requirements:

1. Fill areas shall be a minimum of fifty (50) feet from any development or subdivision boundary and ten (10) feet from any interior lot boundary.

2. Fill areas shall not occur in any natural drainage ways unless drainage pipe is installed which shall prevent drainage from passing into or through fill areas.

3. Fill areas shall not occur within one hundred (100) feet of the edge of any sinkhole, or cave system.

4. Fill areas shall not occur within the one hundred (100) year floodplain of any stream as determined by the flood hazard boundary maps for the county. The small streams provision of the flood damage prevention resolution shall be used on any perennial stream which is not identified by the flood hazard boundary map.

5. Statement of the type of demolition material to be landfilled shall be shown on site plan.

6. Evidence of review and approval of the proposal by the county health department shall be filed with the county code administration department prior to issuance of permit.

7. Plan for closing facility shall be included with the application.

8. Upon final closure of any demolition landfill, a subdivision plat must be recorded which accurately shows all fill locations.

9. Any commercial or industrial use not consistent with or related to a demolition landfill that is proposed to be operated simultaneously on the demolition landfill site shall be considered on use-on-review.

10. Meeting all requirements of the state department of health and environment for the appropriate class of solid waste landfill.

11. Final grades of borrow or fill areas shall not be greater than a three (3) to one (1) slope.

B. Demolition landfill operations which propose to accept off-site generated waste materials may petition the Knoxville/Knox County planning commission for use-on-review approval within the A, Agricultural, CB, Business and Manufacturing, LI, Light Industrial, and I, Industrial zones. Planning commission approval shall be based on compliance with the following standards:

1. The site shall have direct access to a collector or arterial street or shall be situated in such proximity to a collector or arterial street that no significant additional hazard to the public safety is created nor harm to any adjacent residential area. The following guidelines, though not all inclusive, shall be considered in making this determination:

    a. The amount and type of traffic and use of the street necessary for access to the collector or arterial street from the site.

    b. The difference in the effect which the use of the site would have on the property owners adjacent to the street used to gain access to the collector or arterial street as opposed to the effect that would normally be anticipated from the location of the site directly on the collector or arterial street.

    c. The sufficiency of the road physically to bear the normal carriers of demolition landfill material.

2. Submittal of a site plan prepared by a registered engineer showing:

    a. General location and zoning of site and surrounding property.

    b. Survey information of site showing property lines and street frontage prepared by a licensed land surveyor.

    c. Proposed fill area with internal access system capable of accommodating two-way traffic.

    d. Staging and discharge areas for inspection of loads, removal and storage of unacceptable items. This portion of the operation shall not occur within one hundred (100) feet of the property lines when adjoining an RA, Low Density Residential, RB, General Residential, or PR, Planned Residential, Zone. In no case shall this portion of the operation occur within fifty (50) feet of the property lines.

    e. Accessory structures located on site.

    f. Existing topography, vegetation and drainage network, including streams, sinkholes, and wetlands with plans for protection of streams, sinkholes and wetlands.

    g. Name, address and twenty-four (24) hour phone number of a responsible person and/or business to operate facility.

    h. Method of providing twenty-four (24) hour secured access control to site to prevent unauthorized dumping and access by unauthorized citizens.

3. A plan for removal of unacceptable material. These materials shall be stored in containers. Each full container shall be removed on a daily basis. All materials which are defined as hazardous waste shall be removed from the site daily and disposed of at a facility properly permitted to accept such material.

4. Statement of the type wastes to be landfilled and the hours of operation. Excessive hours and days of operation shall not be allowed.

5. Method of ground water monitoring shall be shown where wells are located within five hundred (500) feet of the site.

6. Fill areas shall be one hundred (100) feet from all property lines, edges of sinkholes or cave systems. Borrow areas, where fill material is obtained or cover material is stored, shall be fifty (50) feet from all property lines. This 50-foot yard and all other required yards along property lines shall be maintained with their natural, undisturbed vegetation. The planning commission may require the installation of additional vegetation depending on the proposed scope and projected longevity of the project to create a suitable visual screen.

7. Evidence of review and approval of proposal by the county health department and the state division of solid waste management.

8. Plan for cover and final closure of the facility. The site shall be covered at least once every fourteen (14) days.

9. Upon final closure of any demolition landfill, a subdivision plat must be recorded which accurately shows all fill locations.

10. Posting of a guarantee or bond with the state department of health and environment or with the county if not required by the state equal to five thousand dollars ($5,000.00) per acre involved in the demolition landfill site to ensure closure compliance.

11. Any commercial or industrial use not consistent with or related to a demolition landfill that is proposed to be operated simultaneously on site with a demolition landfill shall be considered on use-on-review.

12. A plan for buffering fill area from property lines by six (6) foot high evergreen vegetation placed ten (10) feet apart or seven (7) foot high opaque fencing or seven (7) foot high berm shall be provided if the existing vegetation is inadequate to provide a visual screen into the fill area.

13. Meeting all requirements of the state department of health and environment for the appropriate class of solid waste landfill.

14. Fill areas shall not occur within the one hundred (100) year floodplain of any stream as determined by the flood hazard boundary maps for the county. The small streams provision of the flood damage prevention resolution shall be used on any perennial stream which is not identified by the flood hazard boundary map.

15. Submission of an environmental assessment which will sample soils and ground water for contaminants and provide baseline information for future assessments by an independent and qualified firm. No approval can be given for a site that requires remediation or removal of wastes until such time as same has been completed.

16. Final grades of borrow or fill areas shall not be greater than a three (3) to one (1) slope.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22)

4.81. Requirements for the location and development of methadone treatment clinics or facilities as uses permitted on review in the OA, Office Park, and OB, Office, Medical and Related Services, Zones.

This section prescribes the conditions under which methadone treatment clinics or facilities may be permitted as uses permitted on review in the OA, Office Park, and OB, Office, Medical, and Related Services, Zones.

4.81.01. *Minimum requirements.*

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 county sheriff's department has been notified in writing regarding the facility's proposed location, hours of operation, programs and treatment 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 any 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-premise 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 Major Road Plan for Knoxville and Knox County, Tennessee.

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.

(Ord. No. O-04-4-101, § 1(Exh. A), 5-24-04; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.82. Requirements for the location and operation of pain management clinics as uses permitted on review.

This section prescribes the locations and conditions under which pain management clinics may be operated as uses permitted on review in specified zone districts.

4.82.01. *Minimum requirements.*

A. Definition. For the purposes of this ordinance, a pain management clinic means a privately-owned facility in compliance with the requirements of T.C.A. §§ 63-1-302—63-1-311 in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period.

B. This section does not apply to the following facilities as described at T.C.A. § 63-1-302:

1. A medical or dental school, an osteopathic medical school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;

2. A hospital as defined in T.C.A. § 68-11-201, including any outpatient facility or clinic of a hospital;

3. Hospice services as defined in T.C.A. § 68-11-201;

4. A nursing home as defined in T.C.A. § 68-11-201;

5. A facility maintained or operated by the state; or

6. A hospital or clinic maintained or operated by the federal government.

C. Certification. Said facility shall maintain in good standing a certificate in compliance with T.C.A. §§ 63-1-306—63-1-309.

D. Receipts. A pain management clinic, in conformity with T.C.A. § 63-1-310 may accept only a check, credit card or money order in payment for services provided at the clinic, except that a payment may be made in cash for a co-pay, coinsurance or deductible when the remainder of the charge for services is submitted to the patient's insurance plan for reimbursement.

E. Off-street parking and vehicular operation. Off-street parking shall be provided for the facility at a rate of five (5) spaces per one thousand (1,000) square feet of clinic floor area and the clinic shall assure that all cuing of vehicles takes place on site and not in the public right-of-way.

F. Location. The clinic shall not be located within one thousand (1,000) feet, as measured from property line to property line, of any school, day care facility, park, church, residential use, pharmacy or similar facility that sells or dispenses either prescription drugs or over the counter drugs; except that the planning commission may reduce this distance upon finding that such reduction of the distance is not detrimental to the health, safety and welfare of the citizens of the area.

G. Access. The clinic shall be located on property that is adjacent to and has access to an arterial street as shown on the Major Road Plan for Knoxville and Knox County, Tennessee.

H. In reviewing each application, the planning commission may establish additional requirements or conditions of approval to further reduce the impact such facility may have on surrounding properties.

(Ord. No. O-11-11-102, § 1(Exh. A), 12-19-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.90. Home occupations.

This section defines home occupations and prescribes the conditions under which such occupations may be permitted. The county department of code administration shall approve all home occupations prior to initiation of such activity.

4.90.01. *Minimum requirements.* Home occupation is a gainful occupation conducted in a dwelling unit and complying with the following:

A. No person other than household members residing on the premises shall be engaged in such occupation.

B. 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.

C. There shall be no change in the outside appearance of the building or premises, nor outdoor storage of anything other than vehicles, or other visible evidence of the conduct of such home occupation with the exception of signs as permitted in section 3.90, "Signs, billboards, and other advertising structures."

D. No home occupation shall be conducted in any accessory building.

E. There shall be no sales in connection with such home occupation other than sales of services or sales of products produced on the premises.

F. 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.

G. No equipment or process shall be used in such home occupation that 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 attached house, or outside the dwelling unit if conducted in other than a house or attached house.

H. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes electrical fluctuations in the line voltage off the premises.

4.90.02. *Permitted home occupations.* The following occupations, subject to the requirements of the above section, may be permitted as home occupations:

A. Artist, sculptor, author, craftsperson.

B. Barber shop and beauty shop, limited to one (1) barber's or beautician's station.

C. Dressmaker, milliner, seamstress, tailor, interior decorator.

D. Office of a lawyer, engineer, architect, accountant, broker or manufacturer's representative.

E. Teaching, including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time.

F. Computer programming and word processing.

G. Telephone answering service.

H. Cooking and preserving.

I. Contractor, subject to permitting by county codes administration and enforcement.

J. Any other similar use, which the planning commission deems to be a home occupation.

(Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.91. Requirements for child day care centers and group day care homes, when considered as uses permitted on review.

This section prescribes conditions under which child day care facilities and group day care homes, when considered as uses permitted on review, may be permitted.

4.91.01. *Minimum requirements.*

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. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.

D. Off-street parking, as regulated in section 3.50, "Off-Street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the property. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

E. When child day care centers are proposed in commercial or industrial areas, the planning commission shall consider the nature of the surrounding land use and zoning pattern with regard to traffic, noise, pollution, or other hazards that could endanger the health, safety, and welfare of the children.

F. The planning commission shall consider the above requirements and other information about the site including the functional street classification of the street accessing the site, and the character of surrounding development in determining whether to deny or approve a request. Any approval shall state the maximum number of children to be kept at the facility.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.92. Standards for 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 county 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 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 WCF's 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 planning commission, 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 County 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 by the Knox County Department of Engineering and Public Works. 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 (BP, EC, LI, I);

    b. Commercial or Office zones (CA, CB, PC, SC, CH, CR, CN, OA, OB);

    c. Other zones (OS, A, T, OC);

    d. Residential zones (RAE, RA, RB, PR, E); within two thousand feet (2,000') of a Scenic Highway or Tennessee Parkway; or Historic Districts (HZ).

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's height may be extended a maximum of ten percent (10%) 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 WCF's, provided antennas and supporting structures are not higher than thirty feet (30') above the highest point of the existing structure or building.

        1) New WCF's 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 feet (40') in height when existing or proposed buildings and structures on the lot are less than forty feet (40') 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 feet (60').

b. *Collocation.* Collocations for two 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 inches (30") high and twelve inches (12") wide. The maximum dimensions for canister style antennas shall be forty-eight inches (48") high and sixteen inches (16") 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 feet (8') above the ground.

e. *Stealth*. WCF's shall be designed to fit into the surrounding area by utilizing existing poles and structures. For example, locating antennas on a parking lot light poles, signs (subject to the restriction of Article 3. Section 3.90), 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 feet (1,500'). 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 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 feet (125') in height, and at least three (3) antenna arrays if the tower is one hundred twenty-five feet (125') 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 and meet the standards of the 2012 International Fire Code (IFC), section 503.1.4. 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 is 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 (12') wide planting area that contains six foot (6') 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 foot (12') 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 feet (12') 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 RAE, RA, RB, PR, E, (not including right-of-way), all properties with an HZ overlay, and any residentially zoned property within the Town of Farragut or City of Knoxville, a minimum distance equal to one hundred ten percent (110%) 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 feet (25').

2) *Base station.* Perimeter fencing shall meet the setback requirements of the base zoning district, but not less than twenty five (25').

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 feet (2,000') 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 all 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 feet (250') of a residentially zoned property shall be a Type 1 Monopole and shall not exceed one hundred twenty five feet (125') in height;

3. The criteria for new towers within two thousand feet (2,000') of a Scenic Highway or Tennessee Parkway shall be the same as Residential Districts; and

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 (BP, EC, LI, I)	• Small Cell • Monopole Type 1 • Monopole Type 2	200'	Encouraged	Level I
Office/Commercial Districts (CA, CB, PC, SC, SH, CR, CN, OA, OB)	• Small Cell • Monopole Type 1 • Monopole Type 2	150'	Encouraged	Level I
Other Districts (OS, A, T, OC)	• Small Cell • Monopole Type 1	125'	Encouraged	Level I
Residential Districts (RAE, RA, RB, PR, E)	• Small Cell • Monopole Type 1	125'	Encouraged	Level II
Overlays (TO and HZ)	• Small Cell • Monopole Type 1	125'	Encouraged	Level II
F	Not Permitted			

4. Within overlay districts, the stated tower criteria shall take precedence over the base zoning district.

F. *Types of review.*

1. *Chief building official review.* The chief building official or their designee shall review collocations on existing towers.

2. *Planning commission review.* There are two (2) levels of review that are made by the planning commission.

a. *Level I.* This is an administrative review by the Planning Commission 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.* Planning commission 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. *County commission review of action of commission.* Any person, firm or corporation aggrieved by any decision of the planning commission may petition the county commission 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.* The planning commission 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 (HZ) districts.

I. *Application submittal requirements.* In addition to the application information required by Knox County Code Chapter 10— 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 planning commission 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 planning commission 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 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 feet (2,000') of a Scenic Highway or Tennessee Parkway, historic district or within two hundred fifty (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 County 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 sixty (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 Knox County 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 County Finance Director for financial adequacy and the County 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.* The planning commission 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 4, section 4.92:

1. FCC licensed amateur (ham) radio facilities;

2. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding three feet (3') 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 County; 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 County; 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 County. Such temporary tower shall comply with applicable setbacks and height requirements.

(Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22)

Ord. No. O-17-10-101 , § 1(Exh. A), adopted Nov. 20, 2017, repealed and reenacted § 4.92 to read as herein set out. Formerly, § 4.92 pertained to the standards for commercial telecommunications facilities and derived from Ord. No. O-96-5-102, § 3, 6-21-96; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-00-4-101, § 1(Exh. A), 5-22-00; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-12-103, § 1(Exh. A), 2-25-02; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12.

4.93. Standards for self-service storage facilities.

In addition to the requirements set forth in article 5, "Zone regulations," of the zoning ordinance for the county, the following regulations shall apply to self-service storage facilities:

4.93.01. *Standards for use-on-review approval of outdoor self-service storage facilities.*

A. Access to the site shall be from a street identified as a major collector or arterial on the Major Road Plan for Knoxville and Knox County, Tennessee.

B. Off-street parking, access and driveways must be provided as regulated in article 3, "General provisions." In addition, a minimum twenty-six (26) foot parking/driveway lane shall be provided adjacent to all buildings when the buildings open only to one side of the lane and a minimum thirty (30) foot lane 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. Said 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 five (5) feet from any side or rear property line when the self-service storage facility site abuts a residential zone. 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. In addition, in all cases landscaping shall be placed in the required front yard of the self-service storage facility.

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 on a self-service storage facility site:

1. 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.

2. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.

3. The storage of hazardous materials.

4.93.02. *Standards for the use-on-review approval of self-service storage facilities in the CN zoning district.*

A. The total area developed for the self-service storage facility shall not exceed five (5) acres.

B. The footprint of any individual structure shall not exceed five thousand (5,000) SF.

C. No outdoor storage shall be permitted.

D. Narrow end of structures must be oriented to the adjacent public street/road. If topography or other site constraints prevent this orientation, the buildings not so oriented shall be screened from the public street/road with a vegetated buffer as described in H below.

E. Street facing facade must be masonry, wood, or other high-quality material (no vinyl or metal).

F. Storage buildings shall be located behind other structure(s) or setback a minimum of sixty (60) feet from the right-of-way of any public street or road.

G. All site lighting shall be full cut-off fixtures.

H. Structures shall be buffered from residentially zoned property with a vegetated buffer with a minimum width of fifteen (15) feet planted with a mix of deciduous and evergreen trees and shrubs (three (3) large maturing evergreen trees (minimum height at planting — 6 feet), two (2) large maturing deciduous trees (minimum 2 inch caliper at planting), two (2) small maturing trees (deciduous or evergreen, minimum 1 ½ inch caliper at planting), and ten (10) shrubs per 100 linear feet). Existing vegetation may be used to provide a portion or all of the required buffer planting.

I. Use of chain link and barbed/razor wire fencing adjacent to residentially zoned property shall be prohibited unless such fencing is screened by vegetation as described in subsection 4.93.02.H above.

J. No sales shall be permitted on site other than of incidental items, such as storage boxes and locks for storage units.

K. The portion(s) of the business open/accessible to the general public shall be closed between the hours of 7:00 p.m. and 7:00 a.m. Storage units may be accessible to their renters at any time.

4.93.03. *Standards for the use-on-review approval of indoor self-service storage facilities in the CA Commercial General, CB General Business, CR Rural Commercial, and LI Light Industrial zoning districts:*

A. Access to the site shall be from a street identified as a major collector or arterial on the Major Road Plan for Knoxville and Knox County, Tennessee.

B. Off-street parking, access, and driveways must be provided as regulated in Article 3. General provisions. In addition, a minimum twenty-six (26) foot parking/driveway lane shall be provided adjacent to all sides of buildings that have entrances for loading and unloading stored items. All parking/driveway lanes shall be paved.

C. Total lot area shall be not less than one (1) acre.

D. All outdoor lights shall be full cut-off and shall be shielded and located to direct light and glare only onto the storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

E. When the storage facility property abuts a residential zoning district, a landscaped buffer with a minimum width of twenty (20) feet shall be provided between the proposed development, including buildings, parking areas, and access drives, and the abutting residentially zoned property. This landscaped buffer shall be planted with a minimum of:

- One (1) shrub per three (3) linear feet,
- One (1) evergreen tree per twenty (20) linear feet, and
- One (1) shade tree per thirty (30) linear feet.

Sixty percent (60%) of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area. Where the buffer yard incorporates a wall, solid fence (minimum height 6'), or berm, or a combination of these, the buffer yard width may be reduced to twelve (12) feet.

F. The development, including buildings and parking areas, shall be separated from the street or road by a planting strip located adjacent to the street or road. The planting strip shall have a minimum width of six (6) feet, unless otherwise required by this ordinance, measured from the edge of the street/road right-of-way or, if there is no right-of-way, from the edge of the pavement. The planting strip shall be planted with one tree per thirty (30) feet of street frontage. Access drives and utility crossings may cross the planting strip, but should do so at a perpendicular. Trees may be clustered but a minimum separation of fifteen (15) feet should be maintained between trees.

G. All self-service storage activities must be contained within a building and must be conducted exclusively indoors. Individual storage units shall be accessed only from inside a building.

H. Use of chain link and barbed/razor wire fencing adjacent to residentially zoned property shall be prohibited unless such fencing is screened by vegetation as described in subsection 4.93.03.E above.

I. No sales shall be permitted on site other than of incidental items, such as storage boxes and locks for storage units.

J. Buildings shall incorporate architectural details to break up the massing and to avoid the appearance of a blank façade. The architectural details may include, among others, a distinctive change in colors and materials, offsets with a minimum depth of three (3) feet, and canopies/awnings. The first floor street facing façade of buildings shall have a minimum transparency of ten percent (10%).

K. Building materials and visual elements used on the primary building façade must continue on all building façades that are visible from the public right-of-way.

(Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18)

4.94. Requirements for sports playing fields.

The following property standards shall apply when considering a sports playing field as a use permitted on review.

4.94.01. *Minimum requirements.*

A. Multiple play fields shall be arranged in an orderly manner, where possible, and adequate spacing shall be provided between fields so as to avoid conflicts or dangerous conditions during simultaneous activities. Other arrangements may be approved where topographical constraints are evident.

B. Main buildings or accessory structures must be directly associated with the primary use and must conform to the criteria set forth in this resolution. Concessions may be permitted in a nonprofit status in zones where commercial uses are not permitted and may provide service only during scheduled events.

C. A peripheral boundary of not less than fifty (50) feet is required for sports playing fields, equipment, off street parking, and accessory structures when the site abuts a residential zone or a zone permitting residential uses. The periphery is to be left as a natural buffer or landscaping may be required to provide a buffer. The planning commission may reduce this setback but not to less than that required of the zoning district.

D. Off-street parking requirements shall be determined by the planning commission during the use-on-review process.

E. The total lot area of the development shall not be less than that required to conform to criteria as set forth in this resolution.

F. The site shall have suitable access to a street or roadway so that no significant hazard to the public safety is created nor harm to adjacent residential areas is a result.

G. Where sports playing fields are already established in the county, plans for expansion or improvements to any structures or open areas intended for use as, or associated with, a sports playing field shall be submitted to the planning commission for approval. Open areas where field sports may occur in an unorganized or impromptu manner, where no new improvements are necessary for these activities to occur, are exempt from these provisions.

(Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.95. Standards for the use-on-review approval of solid waste processing facilities.

Solid waste processing facilities are permitted as uses on review in the I (Industrial) Zone. These facilities are subject to the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," and section 6.50, "Procedure for authorizing uses permitted on review." These facilities are also subject to the following standards and requirements:

4.95.01. *Minimum requirements.*

A. The site for a solid waste processing facility shall be located on an arterial street, as defined by the Major Road Plan for Knoxville and Knox County, Tennessee, or on a major collector street, as defined by the Major Road Plan for Knoxville and Knox County, Tennessee, that has acceptable, direct access to an arterial street.

B. A use-on-review application for a solid waste processing facility shall include the following:

1. A scaled site plan, prepared by a registered engineer, that shows the following information:

a. Storage areas for materials before and after they are processed.

b. Location of all structures on the site.

c. Vehicular and pedestrian circulation, including points of access to the site, loading and unloading areas, and areas for employee and customer parking.

d. Proposed landscaping and buffer areas.

e. Existing topography, vegetation and drainage network, including streams, sinkholes and wetlands.

2. A plan of operations that includes the following information:

a. A detailed description of the types of materials that will be processed on the site and how these materials will be processed.

b. A description of the procedures needed to minimize any noise, litter, lighting, or odors created by the proposed facility that may have an adverse impact on nearby properties.

c. A description of the method for providing twenty-four (24) hour secured access control to the site and a statement of the hours of operation.

d. A description of the methods for the protection from adverse impact of any streams, sinkholes and wetlands, as identified on the site.

C. A solid waste processing facility shall also comply with the following requirements:

1. No structure or area where solid waste materials are to be processed or stored shall be located closer than one hundred (100) feet to the boundary of the proposed site. Within this setback, a landscape buffer shall be required where the proposed solid waste facility shares a common boundary with property zoned residential or agricultural. The landscape buffer shall be a minimum six (6) foot high, continuous evergreen screen. The landscape buffer may be waived or reduced by the planning commission if they find that the screening is not needed.

2. A fence shall enclose each site at its external boundaries. This fence shall be a minimum of six (6) feet in height. The fence may be located inside the property line to accommodate any required landscape screening.

3. All access roads and parking areas are to be constructed so as to be accessible in all weather conditions.

4. Except for composting facilities utilizing landscaping and land clearing wastes only, all waste handling, including loading and unloading, at the facility shall be conducted on paved surfaces.

5. No storage of solid waste materials will be permitted except in containers, bins, lined pits or on paved surfaces designated for such storage.

6. Prior to the issuance of building permits, the site plan and plan of operations for the proposed solid waste processing facility shall be reviewed and approved by the county health department, state department of environment and conservation, the county air quality management department, and the county solid waste division, consistent with their application and permitting procedures and regulations.

(Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.96. Standards for the use-on-review approval of commercial mulching operations.

Commercial mulching operations are permitted as uses on review in the A, Agricultural Zone and CA, General Business Zone. These operations are subject to the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," and section 6.50 "Procedures for authorizing uses permitted on review." These facilities are also subject to the following standards and requirements:

4.96.01. *Minimum requirements.*

A. The site for a commercial mulching operation shall be located on an arterial street, as defined by the Major Road Plan for Knoxville and Knox County, Tennessee, or on a major collector street, as defined by the Major Road Plan for Knoxville and Knox County, Tennessee, that has acceptable, direct access to an arterial street.

B. A use-on-review application, or building permit application, for a commercial mulching operation shall include the following:

1. A scaled site plan that shows the following information:

a. Storage areas for materials before and after they are processed.

b. Location of all permanent structures on the site.

c. Vehicular and pedestrian circulation, including points of access to the site, loading and unloading areas, and areas for employee and customer parking.

d. Proposed landscaping and buffer areas.

2. A description of the procedures needed to minimize any noise, litter, lighting, or odors created by the proposed operation that may have an adverse impact on nearby properties.

C. A commercial mulching operation shall also comply with the following requirements:

1. No structure or area where mulch materials are to be processed or stored shall be located closer than fifty (50) feet to the boundary of the proposed site. Within this setback, a landscape buffer shall be required where the proposed commercial mulching operation shares a common boundary with property zoned residential or agricultural. The landscape buffer shall be a minimum six (6) foot high, continuous evergreen screen. The landscape buffer may be waived or reduced by the planning commission, or by the director of code administration and enforcement, if they find that the screening is not needed.

2. All access roads and parking areas are to be constructed so as to be accessible in all weather conditions.

3. Prior to the issuance of building permits, the plan for the proposed commercial mulching operation shall be reviewed and approved by the county health department and the county solid waste division, consistent with their application and permitting procedures.

(Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.97. Standards for the approval of indoor and outdoor paintball/airsoft ranges.

Indoor paintball and airsoft ranges are permitted uses in the CA, General Business, CB, Business and Manufacturing, and I, Industrial Zones, and subject to the requirements of subsection 4.97.01.C. below. Indoor paintball and airsoft ranges are allowed as a use permitted on review in the A, Agricultural, Zone as permitted in subsection 4.97.01.C.2. below. Outdoor paintball and airsoft ranges are permitted as uses on review in the A, Agricultural, CB, Business and Manufacturing, and I, Industrial Zones, and subject to the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," and section 6.50, "Procedures for authorizing uses permitted on review." Outdoor paintball and airsoft ranges are also subject to the standards and requirements of subsections 4.97.01.A and B. below.

4.97.01. *Minimum requirements.*

A. A use-on-review application for an outdoor paintball or airsoft range shall include the following:

1. A site plan drawn to scale that shows the following information:

a. Location of any permanent structures on the site and designation of areas for playing, staging, tune-up, and spectators.

b. Vehicular and pedestrian circulation, including points of access to the site, loading and unloading areas, and areas for employee and customer parking.

c. Proposed landscaping and buffer areas.

d. Location and description of signs used for directing participants, employees and spectators for the protection of their safety and welfare.

2. A plan of operations which shall specify the following:

a. Days and hours of operation.

b. Procedures needed for the safety and protection of participants, employees and spectators, including a description of any safety equipment that will be required to be worn by participants, employees and spectators.

c. Procedures needed to minimize any noise, litter, lighting, traffic, or other forms of pollution created by the proposed operation that may have an adverse impact on the proposed paintball or airsoft range, as well as surrounding properties. This shall include the proper storage, maintenance and use of CO2 and other compressed air fuel stations based on standards adopted by the state department of transportation.

d. Number of employees per workday shift which shall be a minimum of one (1) employee for every fifteen (15) participants.

e. Description of the type of paintball and airsoft guns that will be allowed to be used on the paintball or airsoft range.

3. Prior to the issuance of any building permits, the site plan and plan of operations shall be reviewed and approved by the county sheriffs department, the county health department, and the state department of transportation.

B. An outdoor paintball or airsoft range shall also comply with the following requirements:

1. No outdoor paintball or airsoft range shall be located within five hundred (500) feet of an existing residential district, place of worship, school or day care facility. This distance shall be measured from the property line of the outdoor paintball or airsoft range to the affected building or structure.

2. No outdoor storage shall be allowed.

3. Any outdoor public address system shall be limited to announcements regarding the beginning and ending of each paintball or airsoft competition, as well as announcements related to the maintenance of on-site safety procedures and regulations.

4. No outdoor lighting shall be allowed other than for building access, parking area and signs. Nighttime use of a paintball or airsoft range may be permitted if in the opinion of the planning commission such use will not be disruptive to the surrounding area. In these cases, playing, staging, tune-up and spectator areas will be required to be lighted.

5. A minimum two hundred (200) foot buffer zone between the property line of the outdoor paintball or airsoft range and the playing, staging, tune-up, and spectator areas shall be maintained. This buffer width may be reduced when a fence, wall, or nylon mesh screen, or combination thereof, is installed and in the opinion of the planning commission, the proposed buffer and screening will protect adjacent properties and public right-of-way from fired projectiles.

6. A twenty (20) foot high, nylon mesh screen shall be installed to separate the playing, staging, tune-up and spectator areas from the two hundred (200) foot buffer zone, or as otherwise approved by the planning commission in accordance with subsection B.5 above. This screen shall be anchored at the bottom and secured by a non-stretchable cable at the top and bottom. Two (2) such screens shall be installed a minimum of five (5) feet apart to separate the spectator area from the playing area.

7. The minimum lot size for each outdoor paintball or airsoft range shall be ten (10) acres. The minimum lot size may be reduced by the planning commission when the buffer area is reduced and an alternative screening plan is approved in accordance with subsection B.5. above.

C. An indoor paintball or airsoft range shall comply with the following requirements:

1. The minimum size for an indoor paintball or airsoft range shall be twenty-five thousand (25,000) square feet. The minimum size of an indoor paintball or airsoft range may be reduced by the planning commission when associated with an outdoor paintball or airsoft range under the same management.

2. An indoor paintball or airsoft range may be located in the A, Agricultural, Zone only when associated with an approved outdoor paintball or airsoft range and shall not be located within five hundred (500) feet of an existing residential district, place of worship, school or day care facility. This distance shall be measured from the property line of the indoor range to the affected building or structure.

3. Prior to the issuance of any building permits, a plan of operations shall be submitted for review and approval to the director of codes enforcement and administration. The plan of operations shall also be submitted for review and approval to the county sheriff's department, the county health department, and the state department of transportation. The plan shall include the following information:

    a. An interior floor plan designating areas for playing, staging, tune-up, and spectators.

    b. A description of signs used for directing participants, employees and spectators for the protection of their safety and welfare. The location of these signs shall be shown on the interior floor plan.

c. Days and hours of operations.

d. Procedures needed for the safety and protection of participants, employees and spectators, including a description of any safety equipment that will be required to be worn by participants, employees and spectators.

e. Procedures for the proper storage, maintenance and use of CO2 and other compressed air fuel stations based on standards adopted by the state department of transportation.

f. Number of employees per workday shift which shall be a minimum of one (1) employee for every fifteen (15) participants.

g. Description of the type of paintball and airsoft guns that will be allowed to be used on the paintball or airsoft range.

(Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-7-102, § 1(Exh. A), 8-28-17)

4.98. Requirements for adult day care centers, when considered as uses permitted on review.

This section prescribes conditions under which adult day care facilities, when considered as uses permitted on review, may be permitted.

4.98.01. *Minimum requirements.*

A. The total lot area shall not be less than ten thousand (10,000) square feet.

B. The building must provide forty (40) square feet per client of indoor activity space, not including bathrooms, storage areas, or office space.

C. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of clients, as well as safe and convenient ingress and egress to and from the property. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

D. When an adult day care facility is proposed in commercial or industrial areas, the planning commission shall consider the nature of the surrounding land use and zoning pattern with regard to traffic, noise, pollution, or other hazards that could endanger the health, safety, and welfare of the clientele.

E. The planning commission shall consider the above requirements and other information about the site including the functional street classification of the street accessing the site, and the character of surrounding development in determining whether to deny or approve a request. Any approval shall state the maximum number of clients to be kept at the facility.

F. If applicable, the adult day care facility must be licensed by the state department of human services.

(Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.99. Requirements for certain agricultural uses, when considered as uses permitted on review in CA, General Business, and CB, Business and Manufacturing, Zones.

This section prescribes conditions under which certain agricultural uses may be permitted as uses on review in the CA, General Business, and CB, Business and Manufacturing, Zones.

4.99.01. *Minimum requirements.*

A. There shall be a minimum lot size of twenty (20) acres.

B. There shall be a minimum setback of one hundred (100) feet when the use adjoins a residential, office or commercial zone.

C. A landscape screen, or similar opaque screen, as may be approved by the planning commission, shall be provided along all side and rear property lines.

D. Uses shall comply with the commercial performance standards of article 4, section 1, "Performance standards for commercial and industrial uses," of the zoning ordinance.

E. Uses shall comply with all applicable requirements of the county health department.

(Ord. No. O-02-11-101, § 1(Exh. A), 12-16-02; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.100. Residential occupancy standards.

4.100.01. *General standards.*

A. Residential dwelling units may be occupied by a family, a "functional family" consistent with the criteria established by this ordinance, or any one of the following groups or persons, where one or more of whom is not related by blood, marriage, adoption, or guardianship, including foster children:

1. Two (2) unrelated persons and any of their children by blood, marriage, guardianship, including foster children, or adoption;

2. Up to three (3) persons in the A, Agricultural, E, Estates, RA, Low Density Residential, RAE, Exclusive Residential Zone districts and in houses, attached houses, and duplexes within any RB, General Residential, TC, Town Center, or PR, Planned Residential Zone districts;

3. Up to four (4) persons in condominium multi-dwelling structures within any RB, General Residential, TC, Town Center, or PR, Planned Residential Zone districts and any other zone district that allows residential uses, according to the following schedule:

   a. Up to two (2) people in one (1) or two (2) bedroom dwelling units;

   b. Up to three (3) people in a three (3) bedroom dwelling unit; and

   c. Up to four (4) people in a four (4) or more bedroom dwelling unit; or

4. Up to five (5) persons in multi-dwelling structures or developments except condominium multi-dwelling structures within the RB, TC or PR Zone districts and any other zone district that allows residential uses.

B. 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, 6.20, "Enforcement."

(Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.101. Criteria for functional family determination.

4.101.01

A. A functional family may be up to five (5) 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 and/or in compliance with compulsory education laws.
    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 voter registration, drivers licenses, motor vehicular registration, or 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 of persons is the functional equivalent of a family.
3. Two (2) off-street parking spaces must be provided. 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 300-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 ordinance.

(Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.102. Standards for the use-on-review approval of contractor's storage yards.

Contractor's storage yards are allowed as a use-on-review in the CR, Rural Commercial, and CA, General Business, Zones. Contractor's storage yards are subject to the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," and section 6.50, "Procedures for authorizing

uses permitted on review." Contractor's storage yards are also subject to the following standards and requirements:

4.102.01. *Minimum required information.* A use-on-review application, or a building permit application for an approved use-on-review, for a contractor's storage yard in the Rural Commercial (CR) or General Business (CA) Zone shall include the following:

A. A scaled site plan that shows the following information:

1. Storage areas for materials and equipment.
2. Parking and maintenance areas for business vehicles.
3. Location of all buildings and structures on the site.
4. Vehicular and pedestrian circulation on the site, including points of access to the site from a public road, loading and unloading areas, and areas for employee and customer parking.
5. Required or proposed landscaping and buffer areas.
6. Required or proposed screening and fencing of storage yards.
7. Proposed lighting plan, including location and specifications of light standards, lighting fixtures and lighting directions.
8. Any other information as might reasonably be required by the planning commission for use in making a thorough evaluation of the proposal.

B. A description of all vehicles, trailers, and equipment stored, maintained or used by the business on the property.

C. A description of all fuel, chemicals or commodities and the amount of each that will be stored on site.

D. The range of number of employees throughout the year and the average number of employees at any time.

4.102.02. *Minimum development requirements.*

A. *Road access.* The site shall be located on an arterial or collector road, as defined by the Major Road Plan for Knoxville and Knox County, Tennessee, provided that the county department of engineering may certify alternative access.

B. *Minimum parcel size.* The minimum area of the parcel must be one (1) acre.

C. *Maximum storage area size.* The maximum size of the contractor's storage yard, as shown on the site plan, is forty (40) percent of the parcel area.

D. *Relationship to floodplain.* The storage yard shall be located completely outside the one hundred (100) year floodplain, as described by the KGIS FIRM map.

E. *Setback of storage areas.* All storage areas associated with the contractor storage yard shall be no less than twenty-five (25) feet from any property line.

F. *Storage yard screening and fencing.* Equipment, parking facilities and material storage areas must be screened from adjoining properties as established on the site plan.

G. *Lighting, noise and other impacts.* The site shall meet the performance standards described at subsections 4.10.01 through 4.10.11, "Supplemental regulations applying to a specific, to several or to all zones," of this ordinance. For purposes of these standards, a contractor's storage yard is not the same as a parking or loading area.

H. *Other approvals.* Prior to issuance of building permits, the approved use-on-review site plan and conditions for the proposed contractor's storage yard shall be reviewed and approved by the county

codes administration and inspections department, the county health department and the county solid waste division, consistent with their application and permitting procedures.

4.102.03. *Other review criteria.*

A. *Scale of operation.* The planning commission may limit the scale of proposed operations so as to prevent adverse impacts on adjoining parcels. A contractor's storage yard in the CR, Rural Commercial, Zone should be of a scale so that the proposed storage yard is compatible with existing or proposed uses on adjacent parcels or in the immediate vicinity. Adequate setbacks and buffers must be provided so as to prevent adverse impacts on adjoining parcels.

B. *Number of employees.* The planning commission may limit the number of employees so as to prevent adverse impacts on adjoining parcels. Adequate parking must be provided on site so as to prevent adverse impacts on adjoining parcels.

C. *Hours of operation.* The planning commission may limit hours of operation and other on-site activities so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering may allow greater activity.

D. *Size of vehicles and equipment.* The planning commission may limit the number and size of vehicles and equipment so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering may allow greater activity.

E. *Traffic on- and off-site.* The planning commission may limit the traffic generated by the operation so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering and a site that is in close proximity to adequate roads may allow greater activity. The planning commission may stipulate the driveway surface or buffering area so as to prevent adverse impacts on adjoining parcels.

F. *Materials stored on site.* The planning commission may limit the type and quantity of materials stored on site so as to prevent adverse impacts on adjoining parcels and surrounding environs.

G. *Superseding article 3, "General provisions."* In approving a use-on-review under these standards the planning commission may supersede the provisions of article 3, "General provisions."

(Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 2, 3-28-22)

4.103. Location regulations for private swimming pools as an accessory structure.

4.103.01. *Purpose.* The purpose of these regulations is to provide adequate space for the installation of private swimming pools as an accessory structure on a lot and to provide adequate space and separation from other features of the property.

4.103.02. *Accessory structure.* A private swimming pool shall be considered an accessory structure if it is in connection with, incidental to, and located on the some lot with a principal use or structure that is permitted within a zone district.

4.103.03. *Location in yards.*

A. As an accessory structure to a residential building, a swimming pool is permitted in the side or rear yards of the principal building; except on lots greater than one (1) acre, where pools may be located in the front, side or rear yards of the principal building, but not within the minimum required front yard.

B. As an accessory structure to a nonresidential principal building, a swimming pool is permitted in the front, side or rear yards of the principal building, but not within the minimum required front yard.

C. As an accessory structure, the edge of a private swimming pool shall be located so as to maintain the minimum required side and rear yards for an accessory building or structure, as determined by the zone district within which the lot is located. The edge of the water of an in-ground swimming pool and the outside edge of the vertical wall of an aboveground or on-ground swimming pool will be considered the edge of the structure.

4.103.04. *Location with respect to easements.* As an accessory structure, a swimming pool and any impervious apron around the swimming pool shall not be located within any utility or storm water drainage easements.

4.103.05. *Location with respect to other regulations.* The location of a swimming pool shall meet the requirements of all other appropriate regulations, including but not limited to, the regulations of the county codes administration and inspections department, the county health department, and the state.

(Ord. No. O-11-2-101, § 1(Exh. A), 3-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

4.104. Standards for the use on review approval of rural retreats.

Rural retreats, as defined in Article 2: Definitions are allowed to be considered as a use on review in the A (Agricultural), RP (Rural Preservation), RA (Low Density Residential), RB (General Residential), E (Estates), T (Transition) and PR (Planned Residential) zoning districts. Rural retreats are subject to the requirements of subsections 4.10.14 through 4.10.19, "Development Standards for Uses Permitted on Review", and 6.50, "Procedures for Authorizing Uses Permitted on Review".

This section shall not be construed as authorizing the requirement of building permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state federal-aid highways, public airports or public parks; provided, that such building or structure is incidental to the agricultural enterprise. Nor shall this article be construed as limiting or affecting in any way or controlling farming or the agricultural uses of land as defined by state law.

Rural retreats are subject to the following standards and requirements:

4.104.01. *Minimum required information.* A use on review application, or a building permit application for an approved use on review, for a rural retreat in the A, RP, RA, RB, E, T or PR zoning districts shall include complete description of all activities proposed to occur on the subject property and a scaled site plan. At a minimum, the following items must be addressed on the submitted materials at the time of application:

A. The description of proposed activities shall include the following:

1. The number of employees;
2. The hours of operation;
3. Provision of overnight accommodations, duration, etc.;
4. Provision of restroom facilities;
5. Proposed lighting;
6. Sound amplification to be used;
7. Temporary structures, including tents, to be used in association with planned events;
8. Security to be provided (alarm, fence, cameras, lighting, personnel);
9. Location of trash receptacles and method of trash removal;
10. Traffic management and parking plans;
11. The expected number of events per year;

12. The expected number of attendees per event;

13. Other documentation as deemed necessary by planning commission staff.

4.104.02 *Development requirements and restrictions (must be addressed in plans and submitted materials).*

A. *Road access.* The site shall have direct access to an arterial or collector street, as classified by the Major Road Plan for Knoxville & Knox County, Tennessee. Access drives to local streets or private easements will not be permitted. Exceptions to this requirement may be considered by the planning commission, if a traffic analysis is provided with the use on review application. This traffic analysis must be reviewed and approved by the planning commission and Knox County Engineering staff. Any recommendations for road improvements must be incorporated into the overall development plan.

B. *Minimum parcel size.* The minimum area of the subject parcel should be ten (10) acres.

C. The maximum floor area for all permanent structures associated with the Rural Retreat shall be no more than ten percent (10%) of the total lot area.

D. All buildings, parking, loading, campsites, recreation areas and other indoor or outdoor use areas shall be setback a minimum of two hundred (200) feet from property lines and three hundred (300) feet from existing residential dwellings on adjacent parcels, and shall be buffered as deemed appropriate by the planning commission. With a written agreement from the adjacent parcel owner(s) affected, the planning commission may consider reduction of these setbacks as part of the plan review process.

E. Rural retreats are subject to the parking requirements for "Theaters, Auditoriums and places of assembly without fixed seats", contained in article 3, subsection 3.50.10 of the Knox County Zoning Ordinance. All required parking areas must be provided on an all-weather driving surface. Gravel and other types of driving surfaces may be permitted on a case-by-case basis per request, but must be reviewed and approved by the planning commission and Knox County Engineering staff.

F. Recreational uses incidental and subordinate to the primary Rural Retreat use are permitted and may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, ziplines, corn mazes, picnic areas, golf courses and related facilities, athletic fields, children's play equipment, and passive recreational facilities. Campfires or bonfires may also be permitted, subject to compliance with Knox County open burn regulations, as well as the establishment of a designated area of the site for this use. All recreational uses are subject to the setback requirements of section E above. The use of the recreational facilities is limited to event guests and property owners/guests.

G. Signage must comply with article 3, section 3.90 of this ordinance.

H. Overnight accommodations, if approved as part of the development plan, shall be accessory to the primary use of the property as a retreat and shall not be open to the general public as a stand-alone use. The maximum length of stay for any guest(s) shall be seven (7) consecutive days per singular event.

I. Noise generated by the use, as measured at any property line, shall not exceed forty (40) decibels (dB) between the hours of 9:00 p.m. and 9:00 a.m., and shall not exceed fifty (50) decibels (dB) at any other time.

J. Proof of the availability of potable water and proper treatment and disposal of wastewater shall be provided, based on the occupancy of the buildings(s), subject to approval by the Knox County Health Department.

K. Restroom facilities shall be required commensurate with the capacity of the building(s), subject to approval by the Knox County Health Department.

L. All outdoor lighting shall adhere to the requirements of article 4, subsection 4.10.10. All exterior lighting shall be full cut-off and light levels at the property line shall not exceed 0.05 footcandles.

M. Any building(s) in which events are held shall meet applicable building and fire code requirements for assembly uses.

N. The planning commission shall have the authority to limit hours of operation, number of events, expected attendees, etc. on a case-by-case basis. Other conditions of approval may be recommended by staff, if deemed necessary. The planning commission may limit the scope of proposed operations so as to prevent adverse impacts on adjoining parcels. A proposed rural retreat shall be of a scale and intensity so that the use is compatible with existing or proposed uses on adjacent parcels or in the immediate vicinity. Adequate setbacks and buffers must be provided so as to prevent adverse impacts on adjoining parcels.

4.104.03. *Criteria for larger scale retreats.*

A. If the rural retreat includes overnight camping/lodging accommodations, the following criteria shall apply:

1. The minimum parcel size shall be twenty (20) acres.

2. A maximum of ten (10) guest accommodations shall be permitted for the first twenty (20) acres of site area, and additional guest accommodations shall be permitted at a ratio of one (1) for every five (5) acres of site area, up to a maximum of fifty (50) guest accommodations. Only event guests are permitted to stay overnight at the facility.

B. If the rural retreat includes one or more of the following: a facility for conferences/banquets, a restaurant, or a day spa, the following criteria shall apply:

1. The minimum parcel size shall be fifty (50) acres.

2. A Traffic Impact Study (TIS) will be required to be submitted along with the use on review application and site plans. The TIS shall be reviewed by Knox County Engineering and planning commission staff and any recommendations regarding ingress/egress or road improvements deemed necessary shall be incorporated into the stipulations of the approved development plan.

3. The total maximum floor area utilized for conference, restaurant, spa, event and/or banquet facilities shall not exceed 1,000 square feet for every five (5) acres of site area, up to a maximum of 20,000 square feet.

4. All events that include sound amplification of any kind or that include 50 or more attendees between the hours of 9:00 p.m. and 9:00 a.m. must take place entirely within a fully enclosed building(s).

5. A minimum of thirty (30) guest rooms must be provided on the property.

6. Any restaurant must be located within a facility that also contains at least fifteen (15) guest rooms.

7. Any day spa facility shall not exceed 2,000 square feet of gross floor area.

Note: Certain agricultural uses are permissible by Tennessee state law under the Right to Farm Act and other regulations. These uses, if permissible and deemed in compliance with state regulations, are exempt from planning commission review.

(Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-18-1-101, § 1(Exh. A), 2-26-18 ; Ord. No. O-22-2-101 , § 2, 3-28-22)

4.105. Standards for use-on-review approval of recovery housing.

4.105.01. *Minimum requirements.*

A. The facility shall be located, so that they are not within one thousand three hundred twenty (1,320) feet of another "recovery housing" facility;

B. The facility shall be within one thousand three hundred twenty (1,320) feet of a bus transit route or as an alternative, the applicant shall submit a transit plan describing how the target population will be transported to and from the site;

C. The applicant shall provide a description of the target population to be served;

D. The applicant shall provide a description of the on-site or off-site treatment and any special care needed;

E. The applicant shall provide description of the facilities operation, including security measures, number of residents, size and type of sleeping arrangements, and a daily work schedule showing the number of employees at the facility;

F. The facility and use shall comply with all applicable county, state, and federal codes and regulations. The applicant shall provide a letter of certification of final approval from the state or a letter from the state stating how the proposed use is such that the state does not require a license;

G. Alcohol and illegal drugs shall not be permitted on the premises of any recovery housing facility whose target population includes people who are recovering from or experiencing substance abuse problems;

H. A neighborhood communications plan a statement of how the applicant will communicate to adjacent property owners about significant changes in operation and will make available their emergency contact information; and

I. A scaled site plan of the property, showing:

1. Parking area, including bus or shuttle service circulation.

2. Landscaping and open space — a minimum of ten percent (10%) area to remain as open space for outdoor exercise area.

3. Perimeter fencing or screening.

(Ord. No. O-17-8-102, § 1(Exh. A), 9-25-17)

Sec. 4.106. Standards for the use-on-review approval of vehicle repair/service in the CN Neighborhood Commercial District.

In addition to the requirements set forth in Article 5, "Zone regulations," of the zoning ordinance for the county, the following regulations shall apply to vehicle repair/service in the CN Neighborhood Commercial Zone.

4.106.01. *Minimum requirements*

A. Vehicle repair/service establishments shall not store the same vehicle outdoors on the lot for a total of 30 days or more, including storage that occurs while the vehicle is under repair and once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.

B. Vehicles awaiting repair or on which repair is complete shall not be stored overnight in front of the structure housing the vehicle repair/service business.

C. Repair of vehicles and storage of all merchandise, auto parts, equipment, and supplies must be within a structure.

D. The structure housing the vehicle repair/service shall be setback a minimum of fifty (50) feet from the residential property line when the use abuts a residential zone.

E. Vehicle repair/service establishments that abut a residential zoning district shall provide a minimum Type A landscape buffer along the property line abutting the residential district.

F. No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outdoors on the premises.

G. The sale of new or used vehicles is prohibited.

H. No motor vehicles, motorcycles, or all-terrain vehicles (ATV) may be stored and no repair work may be conducted in the public right-of-way.

I. Structures shall be limited to three (3) service bays per individual structure.

J. Vehicle body repair shall not be permitted.

(Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)

4.107. Standards for use-on-review approval of public safety facilities.

4.107.1. *Minimum requirements.*

A. The road that provides access to the public safety facility shall be deemed by the staff to be capable of accommodating traffic generated by the facility.

B. The public safety facility site shall be buffered from residential and agricultural zones by a Type A landscape screen as identified in the landscape screening design standards.

(Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

ARTICLE 5. ZONE REGULATIONS

5.10. RAE Exclusive Residential Zone.

5.10.01. *General description.* This zone provides only for residential areas with low population densities. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low density residential environment.

5.10.02. *Uses permitted.*

A. Houses.

B. Accessory uses and buildings.

C. Gardening and horticulture, but not on a commercial basis.

D. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performance of services in which they are authorized to engage.

E. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

F. Yard sales and rummage sales.

G. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.10.03. *Uses permitted on review.*

A. Public Safety Facilities, subject to the standards of section 4.107.

5.10.04. *Area regulations.* All buildings shall be set back from street or road right-of-way lines and lot lines to comply with the following yard requirements.

5.10.05. *Front yard.* For dwellings the minimum depth of the front yard shall be thirty-five (35) feet and in no case shall an accessory building be located to extend into the front yard.

5.10.06. *Side yard.*

A. For single-story dwellings, located on interior lots, side yards shall be not less than eight (8) feet in width.

B. For dwellings of more than one (1) story there shall be side yards of not less than twelve (12) feet each.

C. 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 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.

5.10.07. *Reserved.*

5.10.08. *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.

5.10.09. *Lot width.*

A. Where dwellings are served by a sanitary sewer system there shall be a minimum lot width of seventy-five (75) feet at the front building line.

B. Where dwellings are not served by a sanitary sewer system there shall be a minimum lot width of one hundred (100) feet at the front building line.

5.10.10. *Intensity of use.*

A. Not more than one (1) house shall be permitted on any lot.

B. For each dwelling, and buildings 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 each dwelling 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 lot area may be required based on recommendations by the county health department.

D. For those dwellings and buildings accessory thereto not served by a public water supply a minimum lot area as prescribed in the Knoxville-Knox County Minimum Subdivision Regulations, shall be provided.

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

5.10.12. *Height regulations.* No main building shall exceed three (3) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.10.13. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

(Ord. No. O-96-5-102, § 1, 6-21-96; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.11. RA Low Density Residential Zone.

5.11.01. *General description.* This residential zone provides for residential areas with low population densities. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.

5.11.02. *Uses permitted.*

A. Houses.

B. Accessory buildings.

C. Churches, schools, libraries, and museums.

D. (Deleted August 17, 1971.)

E. Gardening and horticulture.

F. Mobile homes.

G. Public golf courses, public parks and playgrounds; swimming pools, and other associated recreational facilities, none of which shall be used for commercial purposes.

H. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performance of services in which they are authorized to engage.

I. Uses customarily incidental to any of the above uses, including home occupation, as regulated by section 4.90, "Home occupations."

J. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

K. Yard sales and rummage sales.

L. Day care homes and group day care homes, if the provider lives in the home, subject to the following conditions:

1. The total lot area shall not be less than ten thousand (10,000) square feet.

2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.

3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.

4. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

M. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.11.03. *Uses permitted on review.*

A. Garage apartments.

B. Duplexes.

C. Group day care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

D. Private golf courses, swimming clubs, country clubs, and tennis clubs.

E. Nonprofit public and private sports playing fields, none of which shall be used for commercial purposes.

F. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

G. Rural retreats, subject to standards of section 4.104.

H. Public Safety Facilities, subject to the standards of section 4.107.

5.11.04. *Area regulations.* All buildings shall be set back from street or road right-of-way lines and lot lines to comply with the following yard requirements.

5.11.05. *Front yard.*

A. For dwellings the minimum depth of the front yard shall be thirty-five (35) 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 yard set back of thirty-five (35) feet.

5.11.06. *Side yard.*

A. For single-story dwellings, located on interior lots, side yards shall be not less than eight (8) feet in width.

B. For dwellings of more than one (1) story there shall be side yards of not less than twelve (12) feet each.

C. 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 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.

D. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

5.11.07. *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. A garage apartment may be located in the rear yard of houses, but shall not be 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.

5.11.08. *Lot width.*

A. Where dwellings are served by a sanitary sewer system there shall be a minimum lot width of seventy-five (75) feet at the front building line.

B. Where dwellings are not served by a sanitary sewer system there shall be a minimum lot width of one hundred (100) feet at the front building line.

5.11.09. *Intensity of use.*

A. Not more than one (1) dwelling unit shall be permitted on any lot except as provided in subsection 5.11.03, "Uses permitted on review," of these regulations and not more than two (2) dwelling units shall be permitted on any lot under the provisions of this subsection.

B. For each house 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. Where two (2) dwelling units and buildings accessory thereto are located on the same lot served by a sanitary sewer system, there shall be a lot area of not less than twelve thousand (12,000) square feet.

D. There shall be a lot area of not less than twelve thousand (12,000) square feet where a garage apartment is located on the same lot with a house served by a sanitary sewer.

E. For each house 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.

F. There shall be a lot area of not less than twenty thousand (20,000) square feet where a garage apartment is located on the same lot with a house not served by a sanitary sewer system. However, a greater area may be required based on recommendations of the health department.

G. Where two (2) dwelling units and buildings accessory thereto are located on the same lot 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 recommendation by the health department.

H. For those dwellings and buildings accessory thereto not served by a public water supply, there shall be a minimum lot area as prescribed in the Minimum Subdivision Regulations for Knoxville and Knox County, Tennessee.

I. 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 section 3.50, "Off-street parking requirements," of these regulations; provided, however, that the lot area for a church shall not be less than thirty thousand (30,000) square feet.

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

5.11.11. *Height regulations.* No main building shall exceed three (3) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.11.12. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

5.11.13. *Signs.* As permitted by section 3.90.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.12. RB General Residential Zone.

5.12.01. *General description.* This residential zone provides for medium population density. The principal uses of land may range from houses to multi-dwelling structures or developments. Certain uses which are more

compatible functionally with intensive residential uses than with commercial uses are permitted. Other related uses in keeping with the residential character of the zone may be permitted on review by the planning commission.

5.12.02. *Uses permitted.*

A. Accessory buildings.

B. Churches, schools, libraries, and museums.

C. Garage apartments.

D. Gardening and horticulture, but not on a commercial basis.

E. Nonprofit public golf courses, public parks and playgrounds; swimming pools, and other associated recreational facilities, none of which shall be used for commercial purposes.

F. Mobile homes.

G. Multi-dwelling structures or developments, provided that the development density shall be less than twelve (12) dwelling units per acre.

H. Nurseries and greenhouses for the propagating and cultivating of plants, but not on a commercial basis.

I. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, fire stations, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performing of the services in which they are authorized to engage.

J. Houses and duplexes.

K. Uses customarily incidental to any of the above uses including home occupation subject to section 4.90, "Home occupations."

L. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

M. Yard sales and rummage sales.

N. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:

1. The total lot area shall not be less than ten thousand (10,000) square feet.

2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.

3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.

4. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

O. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.12.03. *Uses permitted on review.*

A. Multi-dwelling structures and developments at a density of twelve (12) to twenty-four (24) dwelling units per acre, provided they meet the administrative requirements of subsection 5.13.15,

"Administrative procedure for a planned residential development," and the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," and section 6.50, "Procedures for authorizing uses permitted on review."

B. Mobile home parks and mobile home subdivisions subject to all requirements set forth in sections 4.20, "Mobile home parks," and 6.50, "Procedures for authorizing uses permitted on review," of these regulations.

C. Retail business or service establishments may be permitted within multi-dwelling structures and developments only as a use-on-review in accordance with the provisions of section 6.50, "Procedures for authorizing uses permitted on review," of these regulations, and subject to the following requirements:

1. There shall be no entrance to such place of business except from inside the building.

2. There shall be no show window, sign, or other advertising matter visible from outside the building.

3. Such uses shall be conducted for the convenience of the occupants of the building only and shall not cater to outside trade.

4. The planning commission shall determine the compatibility of such establishments based on the nature, size and number proposed with respect to the number of dwelling units to be served and the availability of similar services in the vicinity.

5. Detailed plans shall be submitted with the application for use-on-review giving the nature, exact size and location of each such use within the building, the location of all entrances to such use and the exact location of all building ground floor entrances and exits.

D. Group day care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes when considered as uses permitted on review."

E. Private golf courses, swimming clubs, country clubs, and tennis clubs.

F. Assisted living facilities.

G. Hospitals and sanitariums.

H. Private or nonprofit sports playing fields, none of which shall be used for commercial purposes.

I. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

J. Rural retreats, subject to standards of section 4.104.

K. Public Safety Facilities, subject to the standards of section 4.107.

5.12.04. *Area regulations.* All buildings shall be set back from street or road right-of-way and lot lines to comply with the following yard requirements.

5.12.05. *Front yard.*

A. For houses, duplexes and multi-dwelling structures and developments the minimum depth of the front yard shall be thirty-five (35) feet and in no case shall an accessory building be located to extend into the front yard. The planning commission may approve a reduction of the front yard if it finds such reduction consistent with section 6.50, "Procedures for authorizing uses permitted on review," and the administrative standards for approval.

B. Churches and other main and accessory buildings, other than dwellings, shall have a front yard set back of thirty-five (35) feet.

5.12.06. *Side yard.*

A. For single-story dwellings, located on interior lots, side yards shall be not less than eight (8) feet in width.

B. For two- and three-story dwellings there shall be side yards of not less than twelve (12) feet each.

C. For buildings more than three (3) stories in height, one (1) foot additional side yard on each side of the main building shall be added for each additional two (2) feet in excess of thirty-six (36) feet in height.

D. 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 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.

E. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

5.12.07. *Rear yard.*

A. For main buildings of three (3) stories in height and less, other than garage apartments, there shall be a rear yard of not less than twenty-five (25) feet.

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.

C. A garage apartment 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.

5.12.08. *Lot width.*

A. For houses and duplexes served by a sanitary sewer system there shall be a minimum lot width of seventy-five (75) feet at the front building line. For houses and duplexes not served by a sanitary sewer system there shall be a minimum lot width of one hundred (100) 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.

5.12.09. *Intensity of use.*

A. The appropriate development density of each multi-dwelling structure or development project having a density of twelve (12) dwelling units or more per acre shall be determined by the planning commission, but shall not exceed twenty-four (24) dwelling units per acre.

B. For each house, and buildings 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 each duplex served by a sanitary sewer system there shall be a lot area of not less than twelve thousand (12,000) square feet.

D. For multi-dwelling structures and developments of one (1) and two (2) stories served by a sanitary sewer system, the lot area requirements shall be not less than nine thousand (9,000) square feet plus an additional one thousand five hundred (1,500) square feet for each dwelling unit.

E. For those residential structures exceeding two (2) stories served by a sanitary sewer system, the minimum lot area requirements shall be as follows:

Multi-Dwelling Structures	Lot Area Requirement
3—5 story	12,000 square feet plus 1,200 square feet per dwelling unit.
6—8 story	12,000 square feet plus 1,050 square feet per dwelling unit.
9—12 story	12,000 square feet plus 1,000 square feet per dwelling unit.
13 story and over	12,000 square feet plus 900 square feet per dwelling unit.

For those structures which provide off-street parking within the main building, the lot area requirement may be reduced two hundred (200) square feet per such parking space.

F. Usable open space areas and recreation uses for multi-dwelling developments and structures may include a community center, a golf course, a swimming pool, or parks, playgrounds or other public recreational uses. Any structures involved in such uses, including lighted tennis courts and swimming pools, shall have a 35-foot setback from all periphery boundary lines. For developments with a density of twelve (12) dwelling units per acre or more, the amount of land set aside for usable open space and recreational uses shall not be less than fifteen (15) percent of the gross development area for a multi-dwelling structure or development occupying twenty (20) or more acres, or ten (10) percent for a multi-dwelling structure or development occupying more than eight (8) but less than twenty (20) acres.

G. There shall be a lot area of not less than twelve thousand (12,000) square feet where a garage apartment is located on the same lot with a house served by a sanitary sewer. Where a garage apartment is located in the rear yard of a duplex or multi-dwelling structure or development served by a sanitary sewer, the lot area shall not be less than one thousand five hundred (1,500) square feet more than is required for the duplex or multi-dwelling structure or development.

H. There shall be a lot area of not less than twenty thousand (20,000) square feet where a garage apartment is located on the same lot with a house not served by a sanitary sewer system. When a garage apartment is located in the rear yard of a duplex or multi-dwelling structure or development, not served by a sanitary sewer system, the lot area shall not be less than five thousand (5,000) square feet more than is required for the duplex or multi-dwelling structure or development.

I. For those houses 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.

J. For duplexes 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.

K. For multi-dwelling structures and developments not served by a sanitary sewer system, there shall be a lot area of not less than twenty thousand (20,000) square feet for the first two (2) units, plus two thousand five hundred (2,500) square feet for each additional dwelling unit. Where off-street parking is provided within the main structure the lot area requirement may be reduced one hundred fifty (150) square feet per such parking space. However, in any case a greater lot area than herein specified may be required based on recommendations by the health department.

L. For those dwellings and buildings accessory thereto not served by a public water supply there shall be a minimum lot area as prescribed in the minimum subdivision regulations for Knoxville and Knox County, Tennessee.

M. 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 section 3.50, "Off-street parking requirements," of these regulations; provided, however, that the lot area for a church shall not be less than thirty thousand (30,000) square feet.

5.12.10. *Maximum lot coverage.* The maximum lot area which may be covered by main buildings shall be as follows:

Multi-Dwelling Structures	Maximum Net Building Coverage
2 story or less	30%
3—5 story	30%
6—8 story	25%
9—12 story	20%
13 story and over	17%

5.12.11. *Height regulations.* Houses and duplexes shall not exceed thirty-six (36) feet in height. The height of multi-dwelling structures approved as a use-on-review by the planning commission shall be determined by the planning commission. The height of other main buildings shall be unlimited. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.12.12. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations, except as provided for in subsection 5.12.09, "Intensity of use," above.

5.12.13. *Signs.* As permitted by section 3.90.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-96-11-104, § 1, 3-23-98; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , § 1, 3-28-22)

5.13. PR Planned Residential Zone.

5.13.01. *General description.* The regulations established in this zone 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, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

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

A planned unit development occupying not less than twenty (20) acres may contain commercial uses as hereinafter provided.

5.13.02. *Permitted uses.*

A. The following dwelling units are permitted:

1. Houses and attached houses, not including mobile homes.

2. Duplexes.

3. Multi-dwelling structures and developments.

B. Accessory uses, buildings and structures.

C. Commercial uses in a planned unit development occupying not less than twenty (20) acres only. Commercial uses shall include marinas and boat liveries, provided they meet the requirements of section 4.30, "Standards for marina and boat livery development," of these regulations. One (1) acre of commercial uses may be permitted for each one hundred (100) units in the project provided that twenty-five (25) percent of the total units proposed shall be ready for occupancy prior to any commercial building permit being issued. Such commercial uses shall conform with the use and parking requirements of the Shopping Center Zone as regulated in section 5.34, "Shopping Center Zone (SC)," of these regulations.

D. Recreation uses. Recreation uses may include a community center, a golf course, a swimming pool, or parks, playground or other public recreational uses. Any structures involved in such uses, including lighted tennis courts, and swimming pools, shall have a 35-foot set back from all periphery boundary lines. The amount of land set aside for usable open space and recreational use shall be not less than fifteen (15) percent of the gross development area for a planned unit development occupying twenty (20) or more acres or ten (10) percent for a planned unit development occupying more than eight (8) but less than twenty (20) acres.

E. Education uses.

F. Community facilities uses such as churches and other religious institutions and nonprofit clubs such as country clubs, swimming and/or tennis clubs.

G. Other uses, deemed compatible with the proposed development by the planning commission, including home occupations subject to section 4.90, "Home occupations."

H. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

I. Yard sales and rummage sales.

J. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:

1. The total lot area shall not be less than ten thousand (10,000) square feet.

2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.

3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.

4. Off-street parking, as regulated in section 3.50, "Off-street parking." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

K. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.13.03. *Uses permitted on review.*

A. Group day care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section

4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

B. Assisted living facilities.

C. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

D. Rural retreats, subject to standards of section 4.104.

E. Public Safety Facilities, subject to the standards of section 4.107.

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

5.13.05. *Front yard.*

A. Houses, twenty (20) feet.

B. All other as determined by the planning commission with the setback being increased in proportion to structure height, but not less than fifteen (15) feet from a street or road right-of-way.

5.13.06. *Periphery boundary.* All buildings shall be set back from the periphery boundary not less than thirty-five (35) feet unless adjacent to A, Agricultural, RA, Low Density Residential, RB, General Residential, RAE, Exclusive Residential, PR, Planned Residential, OS, Open Space, E, Estates, or TC, Town Center zone districts, where the planning commission may reduce this set back to not less than fifteen (15) feet.

5.13.07. *Side yard.*

A. As determined by the planning commission but not greater than fifteen (15) feet unless this setback is also the periphery boundary.

B. Where side yards are reduced to zero (0) the development site plans and restrictive covenants which provide for the privacy of such units and the right of maintenance of exterior walls facing adjacent properties shall be submitted to the planning commission.

5.13.08. *Rear yard.*

A. As determined by the planning commission but the planning commission may not require a setback greater than thirty-five (35) feet.

5.13.09. *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 (20) 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 RA, Low Density Residential zoning district.

5.13.10. *Lot area and size.*

A. Developments which subdivide and transfer property with the sale of individual units but which do not provide common open space controlled and maintained by a public body or a duly established homeowners association shall provide lot areas which are not less than three thousand (3,000) square feet in size and which shall average four thousand (4,000) square feet per lot for the entire development.

B. Developments which subdivide and transfer property with the sale of individual units and which provide common open space controlled and maintained by a duly established home owners

association in accordance with state law shall be permitted to create lots less than three thousand (3,000) square feet in size subject to planning commission approval of a site plan, consistent with the intent as stated in the general description of this section.

5.13.11. *Maximum site coverage.*

A. The maximum area which may be covered by buildings shall be fifty (50) percent of the gross acreage of the site.

5.13.12. *Height regulations.*

A. Houses and duplexes shall not exceed three (3) stories.

B. Height of all others shall be as determined by the planning commission.

5.13.13. *Population density.*

A. The appropriate development density of each project shall be determined by the planning commission but shall not exceed twenty-four (24) dwelling units per acre excluding areas set aside for churches, schools, or commercial uses.

5.13.14. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

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

A. The planning commission may recommend establishment of a PR, Planned Residential Zone or an application may be made to the planning commission for rezoning to PR, Planned Residential in accordance with the regulations set forth in section 6.30, "Amendments," of this resolution.

B. No building permit shall be issued for development of any property within a PR, Planned Residential Zone until a written application for review and approval of the development plan has been filed with the planning commission. This same requirement shall apply to multi-dwelling structures and developments as required under the RB, General Residential Zone, when the density of the development is twelve (12) dwelling units per acre or greater. Said application shall be made in conformity with section 6.50, "Procedure for authorizing uses permitted on review," of these regulations and shall be accompanied by the following information:

1. 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 these regulations.

2. The proposed development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the state.

3. The planning commission shall review the conformity of the proposed development and shall recognize principles of good civic design, land use planning and landscape architecture. The planning commission and county board of commissioners may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.

4. Applications considered under the planned residential zoning must be filed by the property owner or their designated representative, by an appropriate governmental agency, or the county board of commissioners.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. O-97-10-101B, § 1, 11-17-97; Ord. No. O-96-11-104, § 1, 3-23-98; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-05-6-103, § 1(Exh. A), 7-25-05; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-2-101, § 1(Exh. B), 3-28-

11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22)

5.20. OS Open Space Zone.

5.20.01. *General description.* This open space preservation zone is established to provide areas in which the principal use of land is devoted to open space and/or the preservation and protection of park and recreation lands, wilderness areas, beach and shoreline areas, scenic routes, wild and scenic rivers, historical and archeological sites, watersheds and water supply areas, hiking, cycling and equestrian trails and fish and wildlife and their habitats. Property classified under this zone shall meet the criteria set forth in the open space plan approved by the county, and only property so zoned shall be considered as open space for the purposes of property assessment under the Agricultural, Forest and Open Space Land Act of 1976, provided the other conditions for inclusion under the act are satisfied.

5.20.02. *Uses permitted.*

A. The following agricultural uses: horticulture, floriculture, forests and woods and home gardens, but not dairying, the commercial raising and maintaining of poultry and other livestock, feed lots, the raising of fur bearing animals, fish or minnow hatcheries, riding academies, livery or boarding stables or dog kennels.

B. Houses.

C. Park and recreation uses including: parks, playgrounds, golf courses, cycling, hiking and equestrian trails, parkways, country clubs (excluding primary and accessory structures) hunting preserves, camps and resorts, fishing lakes, scenic routes and wild or scenic river or streams.

D. Conservation areas including: watershed protection areas, public water supply points, lakes and reservoirs, wildlife management areas and significant natural areas.

E. Historic and archeological areas.

F. Home occupation subject to section 4.90, "Home occupations."

G. Accessory uses incidental to the primary use of the property when located on the same lot including parking of not more than two (2) commercial vehicles and/or trailers used by the residents in their home occupation.

H. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

I. Yard sales and rummage sales.

J. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.20.03. *Uses permitted on review.*

A. Duplexes and multi-dwelling structures or developments at a gross density of not more than twelve (12) units per acre.

B. Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

5.20.04. *Area regulations.* All buildings shall be set back from the street right-of-way lines and property lines to comply with the following yard requirements.

5.20.05. *Front yard.* The minimum depth of the front yard shall be fifty (50) feet.

5.20.06. *Side yard.* For single-story main and accessory structures side yards shall be not less than 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.

5.20.07. *Rear yard.*

A. There shall be a rear yard for main buildings of not less than fifty (50) feet.

B. Unattached buildings of accessory use shall not be located closer to any rear lot line than twenty (20) feet.

5.20.08. *Lot width.* No lot shall be less than two hundred (200) feet wide at the front building line.

5.20.09. *Intensity of use.* No parcel of land shall be reduced in area to provide separate lots or building sites containing less than three (3) acres.

5.20.10. *Maximum lot coverage.* All manmade structures or features, excluding earthwork which has been seeded or otherwise returned to its natural condition, shall cover not more than five (5) percent of the lot area.

5.20.11. *Height regulations.* No manmade structure or feature shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in subsection 3.20.03, "Height" (exceptions).

5.20.12. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

5.20.13. *Administration.* Any request for development for other than one (1) house on the site shall require site plan approval by the planning commission through the use-on-review process.

(Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-22-2-101 , § 2, 3-28-22)

5.21. E Estates Zone.

5.21.01. *General description.* This zone is for residential areas at very low population densities and for other uses compatible with the residential environment. These areas are intended to be defined and protected from encroachment of uses not compatible with residences.

5.21.02. *Uses permitted.*

A. Houses and duplexes.

B. Accessory buildings.

C. Churches, schools, libraries, and museums.

D. Garage apartments.

E. Gardening and horticulture.

F. Public golf courses, public parks and playgrounds; swimming pools, and other associated recreational facilities, none of which shall be used for commercial purposes.

G. Mobile homes.

H. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performance of services in which they are authorized to engage.

I. Home occupation subject to section 4.90, "Home occupations."

J. Uses customarily incidental to any of the above uses, including parking of not more than two (2) commercial vehicles and/or trailers used by the residents in their home occupation.

K. Farming, including all types of agriculture and horticulture, but not on commercial basis.

L. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

M. Yard sales and rummage sales.

N. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.21.03. *Uses permitted on review.*

A. Private golf courses, swimming clubs, country clubs, and tennis clubs.

B. Rural retreats, subject to standards of section 4.104.

C. Public Safety Facilities, subject to the standards of section 4.107.

5.21.04. *Height.* No main building shall exceed three (3) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.21.05. *Lot area.* The minimum requirements shall be two (2) acres for either a house or a duplex and no building or buildings shall occupy more than thirty (30) percent of its lot area.

5.21.06. *Lot width.* No lot shall be less than two hundred (200) feet wide at the front building line.

5.21.07. *Setback.* No building shall be located closer than fifty (50) feet to the road line.

5.21.08. *Side yards.* There shall be side yard on each side of every building, the minimum width of which shall be ten (10) feet and the least sum of the widths of both side yards shall be twenty-five (25) feet; and no accessory building shall be located within or so as to project into either side yard.

5.21.09. *Rear yard.* There shall be a rear yard on every lot, which rear yard shall have a minimum depth of fifty (50) feet; and no accessory building shall be located closer to any rear lot line than five (5) feet.

5.21.10. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements" of these regulations.

(Ord. No. O-96-5-102, § 1, 6-21-96; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.22. A Agricultural Zone.

5.22.01. *General description.* This zone provides for a wide range of agricultural and related uses as well as residential uses with low population densities and other compatible uses which generally require large areas or open spaces.

5.22.02. *Uses permitted.*

A. Houses and duplexes.

B. Churches, schools, libraries and museums.

C. Farming, including all types of agriculture and horticulture; commercial dairies; rabbit, goat and other animal or fish and minnow raising farms; egg-producing ranches and farms devoted to the hatching, raising, fattening and butchering of chickens, pigeons, turkeys and other poultry; and hog and other feeding for commercial purposes.

D. Garage apartments.

E. Mobile homes, but not mobile home parks.

F. Portable sawmills.

G. Roadside stands.

H. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

I. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performance of services in which they are authorized to engage.

J. Home occupation subject to section 4.90, "Home occupations."

K. Uses customarily incidental to any of the above uses, including parking of not more than two (2) commercial vehicles and/or trailers used by the residents in their home occupation.

L. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

M. Yard sales and rummage sales.

N. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:

1. The total lot area shall not be less than ten thousand (10,000) square feet.

2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.

3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.

4. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

O. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.22.03. *Uses permitted on review.*

A. Aircraft landing fields, hangars and equipment.

1. The general intent of this subsection is to insure the development of aircraft landing fields, hangars, equipment and local traffic patterns in agricultural zones, which will also afford some protection to residences in the area and which will hereby promote the public health, safety, morals and general welfare of the citizens of the county.

a. Before a landing field can be located in an agricultural zone, plans for the run-ways, local traffic pattern, hangars and other incidental uses of the airport shall be submitted to the planning commission for approval.

b. Where airport landing fields and hangars are already established in the county, plans for the expansion of additional buildings, run-ways, hangars, or where local traffic pattern has been changed because of expansion, or where additional uses are added such as the sale of planes, flight schools, or eating establishments (except vending machines) shall be submitted to the planning commission for approval.

2. The planning commission shall have the power to authorize the issuance of a permit after the plans have been approved and certified by the county board of commissioners, and before a permit can be issued by the director of the code administration and enforcement department for an addition to an existing operation or the location of a new airport, if the planning commission finds that the conditions are such that the location or expansion will not:

    a. Increase the hazard from planes flying over houses.

    b. Diminish value of land and buildings throughout the surrounding area within one thousand (1,000) feet of the airport.

    c. Increase the congestion or traffic hazards in the public streets and highways adjacent to the airport.

    d. Otherwise impair the public health, safety, comfort, morals and general welfare of the inhabitants of the county.

3. Then the planning commission may impose such conditions as will lessen any injury to the character of the area and shall submit their recommendations to the county board of commissioners.

4. Administration. The planning commission shall approve or disapprove the plans, and if approved, shall submit the plans to the county board of commissioners who shall hold a public hearing thereon, the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the county (T.C.A. §§ 13-404 and 13-405). Such notice shall state the place at which the text and maps as certified by the planning commission may be examined.

B. Sanitary landfill subject to meeting all requirements set forth in section 4.70, "Sanitary landfills," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

C. Boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

D. Cemeteries.

E. Dog kennels.

F. Golf courses and public, private, and commercial golf driving ranges.

G. Indoor storage.

H. Livery stables.

I. Lodging and boarding houses.

J. Rifle ranges.

K. The following uses may be permitted provided that, no such use shall be located nearer than three hundred (300) feet to a public park, school, church, hospital, sanitarium, residential zone or land subdivided and restricted to residential uses, except as otherwise provided in section 4.50, "Standards for mining and mineral extraction," of these regulations.

1. Mining and mineral extraction subject to all requirements set forth in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and section 4.50, "Standards for mining and mineral extraction," of these regulations.

L. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).

M. Veterinary clinics and animal hospitals meeting the following standards:

1. No animals shall be kept outdoors within one hundred (100) feet of any residence other than that of the owner or user of the property.

2. The applicant shall demonstrate that the use of the property will not create nuisance conditions for adjoining properties due to noise, odor, or lack of adequate sanitation.

N. Group day care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

O. Public parks and playgrounds and public, private and commercial sports playing fields.

P. Commercial mulching operation, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.96, "Standards for the use-on-review approval of commercial mulching operations," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

Q. Composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

R. Marinas, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

S. Indoor and outdoor paintball airsoft ranges, subject to the requirements of article 4, "Supplementary Regulations," section 4.97, "Standards for the approval of indoor and outdoor paintball/airsoft ranges."

T. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

U. Storage of school buses under contract to a public or private school system. See article 3, "General provisions," section 3.54, "Storage of school buses" for facility development criteria.

V. Retail sales of agricultural products grown on site, or acquired elsewhere and then maintained on the site, subject to the following restrictions:

1. There shall be a minimum lot area of ten (10) acres.

2. Sales area and related facilities, including parking area, shall not occupy more than four (4) acres of the property. The sales area shall be subordinate and incidental in scope and size to the principal agricultural use of the property.

    a. "Sales area" is defined as the area where the purchase of agricultural products takes place and where certain fertilizer, herbicides, fungicides, irrigation equipment and landscape supplies are stored or displayed.

    b. "Related facilities" is defined as non-connected buildings, sheds, coverings or awnings used for storage of equipment or material that is used in the business. Greenhouses are not considered related facilities.

3. The majority of retail inventory must be grown on site. Items for sale must be limited to those produced through farming as described under subsection 5.22.02 C. above; nursery products such as trees, shrubs, flowers, bedding plants, and other plant stock; and mulch, compost, fertilizer, irrigation equipment, herbicides, fungicides and other landscape materials, not produced on site.

4. The retail sales area shall be open to the public only between 7:00 a.m. and 9:00 p.m.

5. Any proposed signage shall comply with section 3.90.06, "Agricultural Zones", of these regulations and shall be approved with the site plan.

6. The retail operation shall be screened from adjoining property by a landscaping screen, provided that the planning commission finds that the screening is necessary to protect adjoining properties from visual and noise impacts of the sales area.

7. The retail sales area, including the building layout, parking area, and signage, shall be designed to minimize its impact on the character of the surrounding area.

W. Rural retreats, subject to standards of section 4.104.

X. Public Safety Facilities, subject to the standards of section 4.107.

5.22.04. *Area regulations.* All buildings shall be set back from street or road right-of-way lines and lot lines to comply with the following yard requirements.

A. *Front yard.*

1. For dwellings the minimum depth of the front yard shall be forty (40) feet and in no case shall an accessory building, other than accessory farm buildings, be located between the principal structure and the street.

2. Churches and other main and accessory buildings, other than dwellings, shall have a front yard setback of fifty (50) feet.

B. *Side yard.*

1. For single-story dwellings, located on interior lots, side yards shall be not less than ten (10) feet in width.

2. For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than eight (8) 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.

3. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than thirty-five (35) feet.

C. *Rear yard.*

1. For main buildings, other than garage apartments, there shall be a rear yard of not less than thirty-five (35) feet.

2. A garage apartment may be located in the rear yard of another dwelling, but shall not be located closer than fifteen (15) feet to the rear lot line. Unattached buildings of accessory use shall not be located closer to any rear lot line than eight (8) feet.

D. *Lot width.* No lot shall be less than one hundred (100) feet wide at the building line.

E. *Intensity of use.*

1. For residential development, there shall be a lot area of not less than one (1) acre per dwelling, as follows:

a. For each house or mobile home, and buildings accessory thereto, there shall be a minimum lot area of not less than one (1) acre.

b. For each duplex, and buildings accessory thereto, there shall be a minimum lot area of not less than two (2) acres.

c. For each multi-dwelling development, and buildings accessory thereto, up to two (2) dwelling units (two (2) houses or a house with a garage apartment) may be located on a recorded lot that is two (2) acres or more.

2. For uses other than residential development, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in section 3.50, "Off-street parking requirements," of these regulations; provided, however, that the lot area for a church shall not be less than one (1) acre.

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

5.22.05. *Height regulations.* No main building shall exceed three (3) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.22.06. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-102, § 1(Exh. A), 3-26-01; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-01-8-101, § 1(Exh. A), 9-24-01; Ord. No. O-07-4-102, § 1(Exh. A), 5-29-07; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-11-101, § 1(Exh. A), 1-27-14; Ord. No. O-17-7-102, § 1(Exh. A), 8-28-17 ; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.23. RP Rural Preservation Zone.

5.23.01. *General description.* The rural preservation zone is provided to help insure the continued production of agricultural commodities by encouraging preservation of productive agricultural lands and the open space, wildlife habitat, and scenic corridor value that productive agricultural lands provide. Uses allowed within the district are intended to be limited to uses which are compatible with the long-term agricultural productivity of lands. The general intent of the district is to encourage farming without undue burden on the landowner. Applications for Rural Preservation zoning shall be reviewed for:

A. Preservation of agricultural and forest lands and activities;

B. Water supply protection; and/or

C. Conservation of natural, scenic or historic resources.

Note: Certain agricultural uses are permissible by Tennessee state law under the Right to Farm Act and other regulations. These uses, if permissible and deemed in compliance with state regulations, are exempt from planning commission review.

5.23.02. *Uses permitted.*

A. Agricultural production.

B. One office incidental to the primary agricultural use.

C. Detached dwellings.

D. Roadside stands for sale of agricultural products grown on the same site.

E. Operation, at any time, of machinery used in farm production or the primary processing of agricultural products.

F. Home occupations, as regulated by section 4.90.

G. Employee housing necessary to maintain an active agricultural operation.

H. Natural conservation areas.

I. Agritourism.

J. Animal feed and sales yards, agricultural processing plants, agricultural products storage plants and yards.

K. Recreational uses, such as horseback riding, bike and walking trails and other uses which do not require new construction of a structure.

5.23.03. *Uses permitted on review.*

A. Rural retreat, as regulated by section 4.104.

B. Facilities for electric, gas, telecommunication or water transmission, other than connections to existing facilities and agricultural irrigation, which are permitted uses.

C. Churches.

D. Dog kennels.

E. Bed and breakfast style lodging facilities.

F. Public Safety Facilities, subject to the standards of section 4.107.

5.23.04. *Area regulations.*

A. Front yard setback: Fifty (50) feet for all permanent structures.

B. Side yard setback: Fifty (50) feet for all permanent structures.

C. Rear yard setback: Fifty (50) feet for all permanent structures.

D. Lot Width: Minimum lot frontage is two hundred and fifty (250) feet at the front building line.

E. Intensity of Use: For residential development, there shall be a lot area of not less than fifteen (15) acres per dwelling.

F. Maximum Lot Coverage: Main and accessory buildings shall cover not more than ten (10) percent of the total lot area.

5.23.05. *Height regulations.* No structure may exceed thirty-five (35) feet in height, with the exception of silos and other structures necessary for production and storage of agricultural products.

5.23.06. *Off-street parking.* As regulated in section 3.50, "Off-Street Parking Requirements," of this zoning ordinance.

5.23.07. *Signs.* As regulated by section 3.90, "Signs, Billboards and Other Advertising Structures," of this zoning ordinance.

(Ord. No. O-18-1-101, § 1(Exh. A), 2-26-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , § 2, 3-28-22)

5.31. CA General Business Zone.

5.31.01. *General description.* This zone is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.

5.31.02. *Uses permitted.*

A. Houses and duplexes.

B. Aircraft landing fields, hangars, and equipment.

C. Armories, undertaking establishments, and assembly halls.

D. Signs as permitted by section 3.90, "Signs, billboards and other advertising structures," of this resolution.

E. Canneries.

F. Churches, schools, libraries and museums.

G. Dry cleaning shops, except that such use shall not include fabric dyeing.

H. Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.31.03, "Uses permitted on review," subsection I.

I. Garage apartments.

J. Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.

K. Lodging and boarding houses.

L. Mobile homes, but not mobile home parks.

M. Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.

N. Offices, banks, theaters, indoor and outdoor, except that in any outdoor theater the screen of such shall be so erected or located that its face, or that side upon which the motion picture image is projected, shall not be visible from any state highway, studios, photograph galleries, barber shops, police and fire stations, service stations, restaurants, cafes and lunch rooms, grocery, clothing or shoe stores, and other retail business or commercial enterprise which is similar in character and not injurious to adjacent premises or occupants thereof by the emission of dust, fumes, smoke, odor, noise, or vibration.

O. Portable sawmills.

P. Retail poultry business, provided that the enterprise is conducted in strict compliance with the regulations of the health department, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odors, or noise.

Q. Roadside stands.

R. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

S. Yard sales, rummage sales and flea markets.

T. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

U. Indoor paintball ranges.

V. Storage of school buses under contract to a public or private school system. (See article 3, "Supplementary regulations," section 3.54, "Storage of school buses," for development criteria for school bus storage facilities.)

W. Public Safety Facilities.

X. Vehicle Repair/Service.

5.31.03. *Uses permitted on review.*

A. Veterinary clinics and animal hospitals.

B. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

C. Self-service storage facilities.

D. Commercial mulching operation, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.96, "Standards for the use-on-review approval of commercial mulching operations," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

E. Composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

F. Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

G. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

H. Commercial dairies; commercial kennels, rabbit, goat, and other animal or fish and minnow raising farms; egg producing ranches and farms devoted to the hatching, raising, fattening, and butchering of chickens, pigeons, turkeys and other poultry; and hog and other livestock feeding for commercial purposes, subject to the requirements of article 4, "Supplementary regulations", section 4.99, "Requirements for certain agricultural uses, when considered as uses permitted on review in CA, General Business and CB, Business and Manufacturing Zones."

I. Contractor's storage yard.

J. Indoor self-service storage facilities.

5.31.04. *Storage.* Outdoor storage of material and equipment is prohibited unless it is fully screened on all sides by an opaque screen and is located in the rear of the principal permitted use or structure. This shall not apply to the display for sale of new or used vehicles in working condition, unless otherwise provided for in these regulations. These requirements also shall 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.

5.31.05. *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height.

5.31.06. *Lot area.* The minimum requirements for every building or portion of a building used as a dwelling shall be seven thousand five hundred (7,500) square feet for the first household, and five thousand (5,000) square feet of lot area for each additional household: except that for hotels, motels, and transient mobile home parks, the minimum lot area shall be one (1) acre and in addition to the seven thousand five hundred (7,500) square feet of lot area required for the owner or operator there shall be at least one thousand eight hundred (1,800) square feet of lot area for each sleeping accommodation provided for transient guests of the hotel, motel or transient mobile home park, and the building area of such hotel, motel or transient mobile home park shall be not greater than fifty (50) percent of the lot area.

5.31.07. *Setback.* No building shall be located closer than twenty (20) feet to the road line; no building or portion of a building used as a dwelling shall be located closer than twenty-five (25) feet to the road line; and no hotel or tourist court shall be located closer than fifty (50) feet to the road line.

5.31.08. *Side yards.* There shall be a side yard on each side of every building or portion of a building used as a dwelling, which side yard shall have a minimum width of five (5) feet, increased by two (2) feet for each story above the first story.

5.31.09. *Rear yard.* There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen (16) feet for a one-story building, twenty (20) feet for a two-story building, and twenty-four (24) feet for a three-story building. If the building is designed for residential purposes only, the provisions of the RA, Low Density Residential Zone shall apply.

5.31.10. *Off-street parking.* As regulated in section 3.50.

(Ord. No. O-95-3-102, § 1, 4-24-95; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-02-11-101, § 1(Exh. A), 12-16-02; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)

5.32. CB Business and Manufacturing Zone.

5.32.01. *General description.* This zone provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses or with other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB, Business and Manufacturing Zone are intensive users of roads, sewers and other public facilities.

5.32.02. *Uses permitted.*

A. Aircraft landing fields, hangars, and equipment.

B. Amusement resorts.

C. Armories, undertaking establishments, and assembly halls.

D. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

E. Book bindery.

F. Bottling or packaging works.

G. Building contractors', building, electrical, and plumbing supply establishments.

H. Canneries.

I. Churches, schools, libraries, and museums.

J. Creamery.

K. Dry cleaning shops, except that such use shall not include fabric dyeing.

L. Electrical appliances and equipment assembly.

M. Electronic equipment assembly and manufacturing.

N. Engraving and/or printing plant.

O. Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.32.03, "Uses permitted on review," subsection L.

P. Furniture manufacturing.

Q. Garage apartments.

R. Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.

S. Ice manufacture or storage of not more than twenty (20) tons of ice.

T. Instrument and meter manufacturing.

U. Laundry and dry cleaning establishments.

V. Leather goods fabrication.

W. Lodging and boarding houses.

X. Lumber yards for sale, storage or distribution, but not manufacturing.

Y. (Deleted May 5, 1970.)

Z. Monument engraving and sales, but no stone cutting, grinding or polishing.

AA. Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.

BB. Offices, banks, theaters, indoor and outdoor except that in any outdoor theater the screen of such shall be so erected or located that its face, or that side upon which the motion picture image is projected, shall not be visible from any state highway, studios, photograph galleries, barber shops, police and fire stations, service stations, restaurants, cafes and lunch rooms, grocery, clothing or shoe stores, and other retail business or commercial enterprise which is similar in character and not injurious to adjacent premises or occupants thereof by the emission of dust, fumes, smoke, odor, noise, or vibration.

CC. Optical goods manufacturing.

DD. Paper products fabrication.

EE. Produce markets.

FF. Portable sawmills.

GG. Public utility service yard or electrical receiving or transforming station.

HH. Retail poultry business, provided that the enterprise is conducted in strict compliance with the regulations of the Health Department, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odors, or noise.

II. Roadside stands.

JJ. Sporting goods manufacturing.

KK. The manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.

LL. Wholesale, warehousing, or distribution enterprise.

MM. Any other retail, wholesale, or light industrial use similar in nature to those described.

NN. Truck, tractor, and heavy equipment sales, but not motor freight terminals.

OO. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

PP. Yard sales, rummage sales and flea market.

QQ. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

RR. Commercial mulching operation, subject to the requirements of article 4, "Supplementary regulations," section 4.96, "Standards for the use on review approval of commercial mulching operations."

SS. Indoor paintball ranges.

TT. Storage of school buses under contract to a public or private school system. See article 3, "Supplementary regulations," section 3.54, "Storage of school buses," for development criteria for school bus storage facilities.

UU. Contractor's storage yard.

VV. Public Safety Facilities.

WW. Vehicle Repair/Service.

5.32.03. *Uses permitted on review.*

A. Sanitary landfill subject to meeting all requirements set forth in sections 4.70, "Sanitary landfills," and 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

B. The following uses may be permitted, provided that, no such use shall be located nearer than three hundred (300) feet to a public park, school, church, hospital, sanitarium, residential zone or land subdivided and restricted to residential uses, except as otherwise provided in sections 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and 4.50, "Standards for mining and mineral extraction," of these regulations.

1. Mining and mineral extraction subject to all requirements set forth in sections 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and 4.50, "Standards for mining and mineral extraction," of these regulations.

C. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).

D. Veterinary clinics and animal hospitals.

E. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes when considered as uses permitted on review."

F. Self-service storage facilities.

G. Composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review", section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

H. Marinas and boat liveries subject to the requirements set forth in section 4.30, "Standards for marina and boat livery development," of these regulations.

I. Outdoor paintball ranges, subject to the requirements of article 4, "Supplementary regulations," section 4.97, "Standards for the approval of indoor and outdoor paintball ranges."

J. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

K. Commercial dairies; commercial kennels, rabbit, goat, and other animal or fish and minnow raising farms; egg producing ranches and farms devoted to the hatching, raising, fattening, and butchering of chickens, pigeons, turkeys and other poultry; and hog and other livestock feeding for commercial purposes, subject to the requirements of article 4, "Supplementary regulations," section 4.99, "Requirements for certain agricultural uses, when considered as uses permitted on review in CA, General Business Zones, and CB, Business and Manufacturing Zones."

L. Indoor self-service storage facilities.

5.32.04. *Height.* No building may be built to a height exceeding twice the width of the road upon which the building abuts; buildings may exceed this height limit providing the portion of the building higher than twice the width of the road is set back from every road and lot line one (1) foot for each three (3) feet of height in excess of twice the road width.

5.32.05. *Lot area.* Requirements for hotels, motels, and transient mobile home parks: The minimum lot area shall be one (1) acre.

5.32.06. *Setback.* No building shall be located closer than twenty (20) feet to the road line; no building or portion of a building used as a dwelling shall be located closer than twenty-five (25) feet to the road line; and no hotel or tourist court shall be located closer than fifty (50) feet to the road line.

5.32.07. *Side yards.* There shall be a side yard on each side of every building or portion of a building used as a dwelling, which side yard shall have a minimum width of five (5) feet, increased by two (2) feet for each story above the first story.

5.32.08. *Rear yard.* There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen (16) feet for a one-story building, twenty (20) feet for a two-story building, and twenty-four (24) feet for a three-story building.

5.32.09. *Off-street parking.* As regulated by section 3.50.

(Ord. No. O-96-1-102, § 1, 2-26-96; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-02-11-101, § 1(Exh. A), 12-16-02; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-1-102, § 1(Exh. A), 2-25-19 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)

5.33. PC Planned Commercial Zone.

5.33.01. *General description.* The PC, Planned Commercial Zone, is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.

5.33.02. *Uses permitted.* It is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers. Child day care centers shall also be permitted, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review." Marinas and boat liveries shall also be permitted, provided they meet the requirements of section 4.30, "Standards for marina and boat livery development," of these regulations. As per the requirements of 4.107, "Standards for use-on-review approval of public safety facilities." Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the planning commission with a list of uses permitted in the development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste), shall also be permitted. Wireless communications facilities shall be a permitted use, subject to the provisions of article 4, section 4.92.

5.33.03. *Uses permitted on review.* (None)

5.33.04. *Appropriate size.* The intent of the PC, Planned Commercial Zone is to provide the best design and coordinated arrangement of commercial buildings. It is not likely therefore, that a planned commercial development would contain less than twenty (20) acres. However, if in the opinion of the planning commission the functional design of a building grouping meets the intent of these regulations the commission may approve a planned commercial development of less than twenty (20) acres.

5.33.05. *Periphery boundary.* All buildings shall be set back at least fifty (50) feet from any peripheral boundary of the project, or any public street or road existing prior to the PC, Planned Commercial Zone.

5.33.06. *Lot coverage.* Any project divided into individual lots or building sites shall specify yard and lot coverage requirements in its protective covenants provided however, that no buildings shall cover more than fifty (50) percent of its lot at its ultimate expansion potential.

5.33.07. *Height.* In general, height shall be limited to forty-five (45) feet. However, to permit the greatest flexibility of design the planning commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.

5.33.08. *Parking and loading.*

A. Parking and loading requirements shall be specified in the restrictive covenants governing the development but in no case may they be less than the requirements specified in section 3.50, "Off-street parking requirements," of these regulations.

B. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of an open parking lot.

5.33.09. *Storage.* Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.

5.33.10. *Landscaping.*

A. A landscape plan for the entire development shall be prepared and presented to the planning commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment of the landscape plan.

B. The landscaping plan shall include but not be limited to approaches to building entrances, appropriate visual screens and any parking areas.

5.33.11. *Access.* Access to the planned commercial complex shall be designed to minimize conflicts in traffic. Insofar as possible all lots shall be designed to front on streets within the commercial development. Lots should not have direct access to existing streets, roads, or highways, except as may otherwise be approved by the planning commission.

5.33.12. *Signs.* As permitted by section 3.90, "Signs, billboards and other advertising structures," of this resolution.

5.33.13. *Administration.*

A. A development plan for the planned commercial complex shall be submitted to the planning commission for approval as a use permitted on review.

B. 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:

1. A statement of the purpose and function of the planned complex.

2. 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.

3. 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.

4. Site requirements, including minimum lot size, maximum site coverage and any front, side and rear yard requirements for the development.

5. Parking and loading requirements of the development insuring a standard at least equal to the minimum specified in section 3.50, "Off-street parking requirements," of these regulations.

6. Restrictions on outdoor storage.

7. Landscaping requirements.

8. Building construction and design standards which establish specific building standards, either by construction material or performance standards, and establish criteria as well as a means of enforcing the requirements. An architect or engineer for the development or an architectural review board should approve such designs and construction plans.

9. 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.

C. The development plan shall show all streets and suggested lots. The plan shall meet all the requirements of the minimum regulations for the subdivision and development of land in the county. All streets in any planned commercial development shall have as a minimum standard, the standards for minor collectors.

D. 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 resolution.

E. No building permit shall be issued for construction of any building on the land until the planning commission has approved the development plan and a statement of approval has been affixed.

F. The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.

(Ord. No. O-96-1-102, § 1, 1-22-96; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , § 1, 3-28-22)

5.34. SC Shopping Center Zone.

5.34.01. *General description.* The general intent of this section is to encourage and insure the development of unified retail shopping centers which will promote the public health, safety, morals, and general welfare for the citizens of the county. The purposes of these subsections are:

A. To promote safe and efficient movement of traffic within the site of the shopping center and in connection with adjacent access streets.

B. To lessen the adverse effects which such shopping centers might have on the uses of adjacent land.

C. To prohibit the development of uses of a heavy repair, wholesaling, industrial, and residential character in SC, Shopping Center Zones.

5.34.02. *Uses permitted.* The list below specifies the uses which shall be permitted in SC, Shopping Center Zones. In addition to these uses, the planning commission may recommend the inclusion of other uses of a related nature, provided that the intent of this resolution is maintained. Uses permitted:

A. Appliance, radio and television store.

B. Art supply store.

C. Bakery (retail).

D. Bank.

E. Barber shop.

F. Camera store.

G. Candy store.

H. Clinic (not veterinary).

I. Clothing and clothing accessory store.

J. Delicatessen.

K. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

L. Restaurants.

M. Department store.

N. Drug store.

O. Film exchange.

P. Five and ten cent store.

Q. Radio or television repair shop.

R. Shoe repair shop.

S. Flower shop.

T. Furniture store.

U. Gift shop.

V. Grocery store.

W. Hardware store.

X. Hobby store.

Y. Ice cream parlor.

Z. Jewelry store.

AA. Laundry and dry cleaning establishments.

BB. Meat market.

CC. Music store.

DD. Notion or variety store.

EE. Photographic studio.

FF. Business and professional offices.

GG. Shoe store.

HH. Sporting goods store.

II. Stationery store.

JJ. Toy store.

KK. Gasoline service station provided that such gasoline service station is designed as an integral part of the shopping center building group.

LL. Yard sales and rummage sales.

MM. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

NN. Public Safety Facilities.

5.34.03. *Uses permitted on review.*

A. Adult-oriented establishments subject to meeting all requirements of section 4.60, "Adult-oriented establishments," of this resolution.

B. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

C. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

5.34.04. *Height.* No building shall exceed three (3) stories or forty (40) feet in height.

5.34.05. *Yards.*

A. Where the SC, Shopping Center Zone abuts a lot which is residential in zoning classification no building shall be constructed less than fifty (50) feet from any lot line.

Where the SC, Shopping Center Zone abuts any street right-of-way buildings shall be constructed not less than sixty (60) feet from such right-of-way.

B. Buildings may be constructed less than fifty (50) feet from any lot line:

1. Where the SC, Shopping Center Zone abuts a lot which is nonresidential in zoning classification.

2. Where the SC, Shopping Center Zone abuts any street right-of-way when parking is not to be provided between the right-of-way of such street and buildings, in which case there shall be a minimum setback requirement of twenty (20) feet.

C. On the sides of a SC, Shopping Center Zone facing streets the development plan shall include planted parkways of not less than ten (10) feet in width. The presence of these parkways will aid in the integration of shopping centers into adjacent areas, and they will aid in keeping vehicular entrance and exit points to a minimum.

D. On the sides of SC, Shopping Center Zones facing residential properties adequate screening shall be provided whereby the noise, light, and possible unsightliness of the developed center will be held to a minimum. A plan for screening shall be included as a part of the development plan for the shopping center.

5.34.06. *Divided zones.* For the purpose of calculating the zone width, lot dimensions, floor area ratios, percentage of lot covered by building, yard requirements and parking ratios, a single shopping center cannot lie on two (2) sides of a major public street. Any area designated as being zoned a SC, Shopping Center Zone and lying on both sides of a public street shall be deemed to be two (2) SC, Shopping Center Zones, and all minimum requirements shall be met by buildings on each side of said public street as separate zones. This requirement is included to prevent large movement of shoppers across a major street from parking areas to shopping areas.

5.34.07. *Health department approval.* The development plan shall not be approved until the planning commission has a statement from the health department that the disposal system for sewage abides by standards of the health department.

5.34.08. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.34.09. *Off-street parking.* As regulated by section 3.50, "Off-street parking requirements."

5.34.10. *Administration.*

A. A development plan of the shopping center shall be submitted to the planning commission for approval as a use permitted on review.

B. 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 resolution.

C. No building permit shall be issued for construction of any building on the land until the planning commission has approved the development plan and a statement of approval has been affixed.

D. 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. Application for review and approval of WCF shall be subject to the provisions of article 4, section 4.92.

(Ord. No. O-96-1-102, § 1, 1-26-96; Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , § 1, 3-28-22)

5.35. CH Highway Commercial Zone.

5.35.01. *General description.* The CH, Highway Commercial Zone, is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of the highway user or tourist. The intent here is to reserve lands which because of particular location and natural features are adapted for such 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.

5.35.02. *Uses permitted.* The following uses shall be permitted in the CH, Highway Commercial Zone:

A. Hotels, motels and restaurants including lounge, but excluding all types of drive-in establishments serving food or drink outside the building or catering to take-out trade.

B. Gasoline service stations and transient mobile home parks, provided that a solid wall, fence, or evergreen hedge, is erected and maintained between such use and any adjoining residential zone.

C. Souvenir, curio, novelty and candy shops only when operated in conjunction within a motel, restaurant, or service station.

D. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

E. Buildings, structures, and uses accessory and customarily incidental to any of the above uses when located on the same lot with the principal building.

F. Clinics, professional buildings, and general business offices.

G. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

H. Yards sales, rummage sales and flea markets.

I. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

J. Public Safety Facilities.

5.35.03. *Uses permitted on review.*

A. Sanitary landfill subject to meeting all requirements set forth in sections 4.70, "Sanitary landfills," and 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

B. Adult-oriented establishments subject to meeting all requirements of section 4.60, "Adult-oriented establishments," of this resolution.

5.35.04. *Area regulations.* The following requirements shall apply to all uses permitted in this zone.

5.35.05. *Lot area.* Lot area shall be sufficient to meet both minimum setback and yard requirements contained herein and county health department requirements for the proposed use.

5.35.06. *Set back.* All buildings shall be set back from all road right-of-way lines not less than thirty-five (35) feet.

5.35.07. *Side yard.* The width of any side yard which abuts a residential zone shall be not less than fifty (50) feet. In all other cases each side yard shall be not less than twelve (12) feet.

5.35.08. *Rear yard.* The depth of any rear yard which abuts a residential zone shall be not less than fifty (50) feet. In all other cases the rear yard shall be not less than ten (10) feet.

5.35.09. *Height restrictions.* No building or structure shall exceed forty-five (45) feet in height except as provided in section 3.20, "General exceptions," of these regulations.

5.35.10. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

(Ord. No. O-96-1-102, § 1, 1-26-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.36. T Transition Zone.

5.36.01. *Intent.* The general intent of this section is to insure the development of land adjacent to residential areas into a T, Transition Zone, between other types of commercial and residential classifications and which will promote the public health, safety, morals, and general welfare of the citizens of the county. The purpose of this section is:

A. To allow types of commercial use which are not major traffic generators, and would not open the area to objectionable types of commercial uses.

B. To have a T, Transition Zone, that will be compatible with adjacent residential areas.

5.36.02. *Uses permitted.* The list below specifies the uses which shall be permitted in a T, Transition Zone. In addition to these uses the planning commission may recommend the inclusion of other uses of a related nature, provided the intent of this resolution is maintained. Uses permitted:

A. Apartments.

B. Accessory buildings.

C. Churches, schools, libraries, and museums.

D. Garage apartments.

E. Gardening and horticulture, but not on a commercial basis.

F. Public golf courses, public parks and playgrounds; swimming pools, and other associated recreational facilities, none of which shall be used for commercial purposes.

G. Hospitals and sanitariums, but not for contagious diseases, nor for the care of epileptics or drug or alcoholic patients, nor for the care of the insane or feeble minded.

H. Nurseries and greenhouses for the propagating and cultivating of plants, but not on a commercial basis.

I. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performing of the services in which they are authorized to engage.

J. Houses and duplexes.

K. Tourist homes (as defined in article 2).

L. Clinics, professional buildings, general business offices, institutions of an educational or a philanthropic nature. Private clubs, fraternities, sororities, excepting those the chief activity of which is a service customarily carried on as a business. Accessory uses customarily incidental to any of the above uses when located in the same building.

M. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

N. Yard sales and rummage sales.

O. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

P. Public Safety Facilities.

5.36.03. *Uses permitted on review.*

A. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

B. Private golf courses, swimming clubs, country clubs, and tennis clubs.

C. Assisted living facilities.

D. Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

E. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

F. Rural retreats, subject to standards of section 4.104.

G. Recovery housing.

5.36.04. *Height.* No building or structure shall exceed forty-five (45) feet, except that the planning commission may approve a greater height during plan review where the following conditions are met:

A. The petitioner can show that such increase in height is compatible with surrounding development and is clearly within the intent of this section.

B. Required depth of all yards is increased one (1) foot for each foot of building height permitted in excess of forty-five (45) feet. No variance to this requirement shall be permitted.

5.36.05. *Lot area.* Main and accessory buildings shall not occupy more than thirty (30) percent of the lot area.

5.36.06. *Front yards.* No building shall be located closer than thirty-five (35) feet to the front property line and no tourist court shall be located closer than fifty (50) feet to the front property line except the office of the tourist court may be located within thirty-five (35) feet, and no accessory buildings shall be located within or so as to project into the front yard. Planted parkways, with curbs, shall be provided between driveways in front of buildings and the street so that they will aid in keeping vehicular entrance and exit points to a minimum.

5.36.07. *Side and rear yards.* The side and rear yards of every main building shall have a minimum width of thirty (30) feet when adjoining a residentially zoned district, and fifteen (15) feet when adjoining a commercial zone. On corner lots the building shall be located in accordance with article 3, "General provisions," subsection 3.30.01.

5.36.08. *Health department approval.* The development shall not be approved until the planning commission has a statement from the health department that the disposal system for sewage abides by standards of the health department.

5.36.09. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.36.10. *Parking.* As regulated by section 3.50.

5.36.11. *Administration.*

A. The developer of any property in a T, Transition Zone shall submit a development plan to the planning commission for approval as a use permitted on review.

B. A revised development plan shall be submitted to the planning commission for approval of any changes, alterations, amendments or extension of 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 resolution.

C. No building permit shall be issued for construction of any building on the land until the planning commission has approved the development plan and a statement of approval has been affixed.

D. The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.

(Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-1-103, § 1(Exh. A), 2-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-8-102, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , § 1, 3-28-22)

5.37. CR Rural Commercial Zone.

5.37.01. *General description.* This commercial zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. This zoning should be placed on properties that are located at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Development performance standards are included to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.

5.37.02. *Uses permitted.* Only the following uses shall be permitted by right in the CR, Rural Commercial, zoning district. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget North American Industry Classification Manual, 1997 edition, shall be permitted providing all other requirements of this ordinance are fulfilled. All uses permitted are subject to article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review":

A. Retail sales limited to:

1. Farm equipment and supplies.
2. Plant nurseries (NAICS 444220).
3. Soils and mulch.
4. Grocery stores (NAICS 4451).
5. Household supplies.
6. Clothing/shoes/jewelry (NAICS 448).
7. Garden and lawn supplies (NAICS 4442).
8. Fueling service stations with or without convenience stores (NAICS 447110).

9. Drugs and medicine (NAICS 446110).
10. Small appliance sales (NAICS 44311) and repair (NAICS 811412).
11. Baked goods (NAICS 445291).
12. Specialty foods (NAICS 4452).
13. Newsstands/bookstores (NAICS 45121).
14. Produce (NAICS 445230) (including roadside produce stands).
15. Florists (NAICS 453110).
16. Gift shops (NAICS 453220).
17. Arts/crafts (NAICS 453920).
18. Antiques.
19. Sporting goods (NAICS 451110).
20. Hardware (NAICS 44413).
21. Fabric/upholstery shops.
22. Video sales and rentals (NAICS 532230).

B. Business and personal services limited to:

1. Barber and beauty shops (NAICS 8121).
2. Tailor/shoe repair (NAICS 811430).
3. Laundry and dry cleaning (drop-off/pick-up stations only).
4. Banks and similar institutions (NAICS 522).
5. Laundromats limited to self-service facilities (NAICS 812310).
6. Copying services (NAICS 56143).
7. Restaurants (NAICS 722).
8. Service and repair of farm equipment.
9. Equipment rental (excluding vehicles intended for highway use) (NAICS 532).
10. Instructional schools (limited to dancing, music, arts, crafts, or sports) (NAICS 611610, 611620).
11. Exercise/fitness centers (NAICS 713940).

C. Business and professional offices, which provide direct services to customers limited to:

1. Travel agencies (NAICS 561510).
2. Outpatient medical (NAICS 621).
3. Dental (NAICS 6212).
4. Real estate (NAICS 531).
5. Finance and accounting (NAICS 523, 5412).
6. Architect/engineering (NAICS 5413).
7. Insurance (NAICS 524).
8. Legal services (NAICS 5411).

9. Local, state and federal government offices and programs.

D. Veterinary clinics and animal hospitals (NAICS 541940).

E. Accessory buildings and uses customarily incidental to the above uses such as: parking facilities subject to section 3.50, "Off-street parking requirements," and signs subject to section 3.90, "Signs, billboards, and other advertising structures."

F. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

G. Residential uses may be located on the second floor and above of a business. Dwellings may also be located on the same site only if an accessory use to the primary use for a business.

H. Uses similar to the uses listed as "uses permitted" may be considered for appropriateness by the planning commission under the use determination public hearing process. If the requested use is approved, it may be located in this zoning district.

I. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

J. Public Safety Facilities.

5.37.03. *Uses permitted on review.*

A. Child day care centers, provided they meet the requirements of section 4.91, "Standards for child day care centers and group day care homes, when considered as uses permitted on review."

B. Adult day care facilities, provided they meet the requirements of section 4.98, "Standards for adult day care centers, when considered as uses permitted on review."

C. Any use listed under permitted uses above, which includes drive-through or drive-in facilities.

D. Outdoor storage of materials, product, equipment, etc.

E. Self-service storage facilities, provided they meet the requirements of section 4.93, "Standards for self-service storage facilities."

F. Self-service car wash facilities (non-automated) (NAICS 811192).

G. Dog kennels/animal boarding facilities.

H. Contractor's storage yard.

I. Indoor self-service storage facilities.

5.37.04. *Building size regulations.*

A. No building shall exceed thirty-five (35) feet in height.

B. No individual building or commercial establishment shall have a floor area exceeding twenty thousand (20,000) square feet.

5.37.05. *Lot area.* The building lot must be a minimum of one (1) acre and a maximum of four (4) acres in size.

5.37.06. *Front yard setbacks and landscaping requirements.* All buildings shall be set back from the street right-of-way lines not less than thirty-five (35) feet. Parking may not be located within the front setback area. The required front yard must contain a minimum of one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity, per every fifty (50) feet or portion thereof of linear street frontage. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of linear street frontage, to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.37.07. *Side yard setbacks and landscaping requirements.*

A. Where the side yard is adjacent to a residential or agricultural zone, the building setback shall be not less than twenty-five (25) feet. The side yard must be landscaped with a minimum of one (1) evergreen tree per every twenty-five (25) feet or portion thereof of side yard property depth outside of required front and rear yards. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the side yard, except for the space within ten (10) feet from the base of the evergreen trees.

B. Where the side yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The side yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of side yard property depth outside of required front and rear yards. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of side yard property depth (portion outside of required front and rear yards), to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

C. Parking may not be located in the required side yard.

5.37.08. *Rear yard setbacks and landscaping requirements.*

A. Where the rear yard is adjacent to a residential or agricultural zone, the building setback shall be not less than thirty-five (35) feet. The required rear yard must be landscaped with a minimum of one (1) evergreen tree per every twenty-five (25) linear feet or portion thereof of rear yard property length. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the rear yard, except for within ten (10) feet from the base of the evergreen trees.

B. Where the rear yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The rear yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of rear yard property length. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of rear yard property length, to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

C. Parking may not be located in the required rear yard.

5.37.09. *Additional landscaping and site development standards.*

A. Parking areas:

1. All parking lots of twenty (20) or more spaces shall contain within the interior of the parking lot not less than one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity for every ten (10) spaces or fraction thereof. In no case shall more than ten (10) parking spaces be located in a row without a planting island a minimum of nine (9) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.

2. Where parking abuts the building, there must be a sidewalk of at least five (5) feet in width between the parking spaces and the building.

3. At the end of any parking row, there must be a terminal planting island a minimum of five (5) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.

4. At least fifty (50) percent of the length of the exterior walls of the building must have a landscaping strip of at least four (4) feet in width.

B. Any pre-existing, healthy, applicable landscaping on a proposed site may be counted toward meeting any of the landscaping requirements of this zoning district.

5.37.10. *Off-street parking.* As regulated in article 3, "General provisions," section 3.50, "Off-street parking requirements," of this resolution.

5.37.11. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.37.12. *Health department approval.* The development shall not be approved until the county department of code administration has been notified in writing by the county health department that the disposal system for sewage abides by all applicable standards.

5.37.13. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

5.37.14. *Site lighting.* Lighting of all types shall be directed away from all residential or agricultural zones and any public rights-of-way.

5.37.15. *Administration.* For uses listed as permitted uses within the CR, Rural Commercial zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the county department of code administration. The plan shall be filed in accordance with the requirements of article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review," of this zoning ordinance.

(Ord. No. O-03-2-103, § 1(Exh. A), 3-24-03; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.38. CN Neighborhood Commercial Zone.

5.38.01. *General description.* This commercial zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

5.38.02. *Uses permitted.* Only the following uses shall be permitted by right in the CN, Neighborhood Commercial, zoning district. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget North American Industry Classification Manual, 1997 edition, shall be permitted providing all other requirements of this ordinance are fulfilled. All uses permitted are subject to article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review."

A. Retail sales limited to:

1. Grocery stores (NAICS 4451).
2. Household supplies.
3. Clothing, shoes and jewelry (NAICS 448).
4. Garden and lawn supplies (NAICS 4442).
5. Drugs and medicine (NAICS 446110).
6. Small appliance sales (NAICS 44311) and repair (NAICS 811412).
7. Baked goods (NAICS 445291).
8. Delicatessen goods.
9. Newsstands/bookstores (NAICS 45121).
10. Florists (NAICS 453110).

11. Gift shops (NAICS 453220).
12. Arts/crafts (NAICS 453920).
13. Antiques.
14. Hardware (NAICS 44413).
15. Fabric/upholstery shops.
16. Video sales and rentals (NAICS 532230).

B. Business and personal services limited to:
1. Barber and beauty shops (NAICS 8121).
2. Tailor/shoe repair (NAICS 811430).
3. Laundry and dry cleaning drop-off/pick-up stations only.
4. Banks and similar institutions (NAICS 522).
5. Laundromats limited to self-service facilities (NAICS 812310).
6. Copying services (NAICS 56143).
7. Equipment rental (excluding vehicles for highway use) (NAICS 532).

C. Business and professional offices, which provide direct services to customers limited to:
1. Travel agencies (NAICS 561510).
2. Outpatient medical (NAICS 621).
3. Dental (NAICS 6212).
4. Real estate (NAICS 531).
5. Finance and accounting (NAICS 523, 5412).
6. Architect/engineering (NAICS 5413).
7. Insurance (NAICS 524).
8. Legal services (NAICS 5411).
9. Local, state and federal government offices and programs.

D. Veterinary clinics and animal hospitals, with no boarding of animals (NAICS 541940).

E. Accessory uses to the principal use such as: parking facilities subject to section 3.50, "Off-street parking requirements," indoor storage areas, signs subject to section 3.90, "Signs, billboards, and other advertising structures."

F. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

G. Residential uses may be located on the second floor and above of a business. Dwellings may also be located on the same site only if an accessory use to the primary use for a business.

H. Uses similar to the uses listed as "uses permitted" may be considered for appropriateness by the planning commission under the use determination public hearing process. If the requested use is approved, it may be located in this zoning district.

I. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

J. Public Safety Facilities.

5.38.03. *Uses permitted on review.*

A. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

B. Adult day care facilities, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

C. Restaurants (NAICS 722).

D. Fueling service stations with or without convenience stores (NAICS 447110).

E. Any permitted use listed above, which includes drive-through or drive-in facilities.

F. Outdoor storage of materials, products, or equipment.

G. Self-service storage facilities, provided they meet the requirements of section 4.106, standards for the use-on-review approval of self-service storage facilities in the CN zoning district.

H. Vehicle Repair/Service, provided the use meets the requirements of section 4.106, standards for the use-on-review approval of vehicle repair/service in the CN Neighborhood Commercial Zone.

5.38.04. *Building size regulations.*

A. No building shall exceed thirty-five (35) feet in height.

B. No individual building or commercial establishment shall have a floor area exceeding five thousand (5,000) square feet.

5.38.05. *Lot area.* The building lot must be a minimum of ten thousand (10,000) square feet in size.

5.38.06. *Front yard setbacks and landscaping requirements.* All buildings shall be setback from the street right-of-way lines not less than thirty-five (35) feet. Parking must be setback a minimum of ten (10) feet. The parking setback area must contain a minimum of one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity, per every sixty (60) feet or portion thereof of linear street frontage. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of linear street frontage, to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.07. *Side yard setbacks and landscaping requirements.*

A. Where the side yard is adjacent to a residential zone, the building setback shall be not less than twenty (20) feet. The required side yard must be landscaped with a minimum of one (1) evergreen tree per every thirty (30) feet or portion thereof of side yard property depth outside of required front and rear yards. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the side yard, except for the space within ten (10) feet from the base of the evergreen trees.

B. Where the side yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The side yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of side yard property depth outside of required front and rear yards. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of side yard property depth (portion outside of required front and rear yards), to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.08. *Rear yard setbacks and landscaping requirements.*

A. Where the rear yard is adjacent to a residential or agricultural zone, the building setback shall be not less than twenty-five (25) feet. The required rear yard must be landscaped with a minimum of one (1) evergreen tree per every twenty-five (25) linear feet or portion thereof of rear yard property length. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs

and/or ground cover plantings must cover the remainder of the rear yard, except for within ten (10) feet from the base of the evergreen trees.

B. Where the rear yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The rear yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of rear yard property length. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of rear yard property depth to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.09. *Additional landscaping and site development standards.*

A. Parking areas:

1. All parking lots of twenty (20) or more spaces shall contain within the interior of the parking lot not less than one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity for every ten (10) spaces or fraction thereof. In no case shall more than ten (10) parking spaces be located in a row without a planting island a minimum of nine (9) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.

2. Where parking abuts the building, there must be a sidewalk of at least five (5) feet in width between the parking spaces and the building.

3. At the end of any parking row, there must be a terminal planting island a minimum of five (5) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.

4. At least fifty (50) percent of the length of the exterior walls of the building must have a landscaping strip of at least four (4) feet in width.

B. Any pre-existing, healthy, applicable landscaping on a proposed site may be counted toward any of the landscaping requirements of this zoning district.

5.38.10. *Off-street parking.* As regulated in article 3, "General provisions," section 3.50, "Off-street parking requirements," of this resolution.

5.38.11. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.38.12. *Health department approval.* The development shall not be approved until the county department of code administration has been notified in writing by the county health department that the disposal system for sewage abides by all applicable standards.

5.38.13. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

5.38.14. *Site lighting.* Lighting of all types shall be directed away from all residential or agricultural zones and any public rights-of-way.

5.38.15. *Administration.* For uses listed as permitted uses within the CN, Neighborhood Commercial zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the county department of code administration. The plan shall be filed in accordance with the requirements of article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review," of this zoning ordinance.

5.38.16. *Sidewalks.* Pedestrian sidewalks must be provided on each site to allow access to the adjacent neighborhood. If adjacent properties have a sidewalk, the sidewalk must connect with it. If adjacent properties are vacant, then the developer must post a bond with the county department of engineering and public works to guarantee installation of a sidewalk at the time of development of adjacent properties. Sidewalks must be paved with a minimum width of four (4) feet.

(Ord. No. O-03-2-102, § 1(Exh. A), 3-24-03; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-103, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)

5.40. OA Office Park Zone.

5.40.01. *General description.* This zone 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. To create a zone which is compatible with surrounding residential areas and serves as a transitional area from residential to other less compatible land uses.

5.40.02. *Uses permitted.*

A. 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, insurance and real estate agents.

B. Clinics, medical, and dental offices.

C. Radio, TV, and recording studios.

D. Art gallery and museums.

E. Public and private schools, excluding residences.

F. Telegraph message center.

G. Barber and beauty shops.

H. Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.

I. Recreational uses associated with and maintained primarily for the uses permitted above.

J. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

K. Yard sales and rummage sales.

L. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

M. Public Safety Facilities.

5.40.03. *Uses permitted on review.*

A. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

B. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

C. Methadone treatment clinic or facility.

D. Pain management clinic.

5.40.04. *Area regulations.* The following requirements shall apply to all uses permitted in this zone.

5.40.05. *Front yard.* Twenty-five (25) feet.

5.40.06. *Side yard.* Twenty (20) feet where adjacent to a RAE, Exclusive Residential, or RA, Low Density Residential Zone. In all other cases the same as required in the zone it adjoins, or twenty (20) feet, whichever is less.

5.40.07. *Rear yard.* Twenty (20) feet (where adjacent to a RAE, Exclusive Residential or RA, Low Density Residential Zone. In all other cases the same as required in the zone it adjoins, or twenty (20) feet, whichever is less.

5.40.08. *Maximum lot coverage.* Main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area.

5.40.09. *Height regulations.* No building or structure shall exceed thirty-five (35) feet, except as provided in section 3.20, "General exceptions."

5.40.10. *Landscaping regulations.*

A. Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas.

B. Parking areas.

1. 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.

2. Parking areas located closer than fifty (50) feet to public right-of-way or adjacent property lines shall be screened by evergreen planting that will obtain a minimum height of five (5) feet at maturity.

3. 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.

C. Open spaces.

1. 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.

2. 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.

5.40.11. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

5.40.12. *Signs.* Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.40.13. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," except that parking shall not be permitted in the required front yard, or, the required side yards adjacent to any RAE, Exclusive Residential, or RA, Low Density Residential Zone.

(Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-04-4-101, § 1(Exh. A), 5-24-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-11-102, § 1(Exh. A), 12-19-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.41. OB Office, Medical, and Related Services Zone.

5.41.01. *General description.* This zone 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 near residential neighborhoods.

5.41.02. *Uses permitted.*

A. Any use permitted and as regulated in the RB, General Residential Zone, except that height shall be as regulated in subsection 5.41.09, "Height regulations."

B. Professional and business 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, insurance, real estate agents and beauty shops.

C. Hospital, clinics, and medical and dental offices.

D. Undertaking establishments and funeral homes.

E. Hotels, motels, (including dining room facilities) excepting those containing retail sales for other than the convenience of guests in the building.

F. Private clubs and lodges.

G. Art gallery and museums.

H. Business colleges.

I. Public and private schools and colleges with student residence and dormitories associated therewith.

J. Commercial parking lot or garage.

K. Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.

L. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants and their guests.

M. Establishments rendering business service associated with the uses listed above including but not limited to the sale of office supplies and business forms and machines.

N. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

O. Other uses similar in character to those enumerated above, and which in the opinion of the planning commission will not be injurious to the zone.

P. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

Q. Yard sales and rummage sales.

R. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

S. Public Safety Facilities.

5.41.03. *Uses permitted on review.*

A. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

B. Assisted living facilities.

C. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

D. Methadone treatment clinic or facility.

E. Pain management clinic.

F. Recovery housing.

5.41.04. *Area regulations.* The area requirements for dwellings, and buildings accessory thereto, shall be the same as the area requirements for the RB, General Residential Zone. The following requirements shall apply to all other uses permitted in this zone.

5.41.05. *Front yard.* All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

5.41.06. *Side yard.* Side yard requirements for residential uses shall be the same as in the RB, General Residential Zone. Where a side yard is adjacent to a residential zone, 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) feet to the side lot line.

5.41.07. *Rear yard.* No building shall be located closer than twenty (20) feet to the rear lot line.

5.41.08. *Maximum lot coverage.*

A. The maximum lot area which may be covered by residential structures shall be the same as required in the RB, General Residential Zone.

B. Other main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area.

5.41.09. *Height regulations.* No building or structure shall exceed four (4) stories or forty-five (45) feet in height, except:

A. As provided in section 3.20 "General exceptions."

B. The planning commission may approve, as a use permitted on review, an increase in height above forty-five (45) feet and may, as a condition of such approval, require an increase in set back and/or yard requirements where appropriate.

5.41.10. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," except that parking shall not be located in the required front yard.

(Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-04-4-101, § 1(Exh. A), 5-24-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-11-102, § 1(Exh. A), 12-19-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-102, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.42. OC Civic and Institutional Zone.

5.42.01. *General description.* The OC, Civic and Institutional, zoning district and regulations are intended to provide a zoning classification for specified religious, governmental, recreational, and institutional uses where a separate zoning district is appropriate. These regulations are intended to minimize any conflicts or adverse impacts on other properties, public roads or facilities. Locations for civic and institutional uses should be on arterial or major collector streets.

5.42.02. *Uses permitted.*

A. Churches, synagogues, mosques, temples, and other similar places of worship, except as permitted under subsection 5.42.03, "Uses permitted on review."

B. The following uses when they are accessory to the main uses listed above, subject to the conditions and requirements listed below: religious book stores and gift shops; health and fitness clubs, including those offering memberships to persons outside the congregation; denominational offices; food pantries; parish housing; and thrift shops and stores selling second-hand or used merchandise.

1. Accessory uses shall occupy no more that forty (40) percent of the total developed floor space of the main use.

2. Accessory structures and buildings shall be designed and constructed according to the regulations and requirements for area, landscaping, lighting, signage, and off-street parking described for civic and institutional uses.

C. Public and private elementary and secondary schools, excluding residences.

D. Private clubs, lodges, and fraternal organizations.

E. Libraries, museums and art galleries.

F. Local, state and federal government facilities, excluding correctional facilities.

G. Public utilities.

H. Philanthropic, charitable and service organizations.

I. Public parks, playgrounds and recreation facilities.

J. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

K. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

L. Public Safety Facilities.

5.42.03. *Uses permitted on review.*

A. Public and private elementary and secondary schools, with residences.

B. Junior colleges, colleges, universities, and business and trade schools, including residences.

C. Hospitals, sanitariums and nursing homes.

D. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

E. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

F. Assisted living facilities.

G. Developments requiring waivers as allowed under the following site development standards:

1. Landscaping, subsection 5.42.06, "Landscaping requirements."

5.42.04. *Area regulations.*

A. *Height regulations.*

1. No building shall be built to a height exceeding forty-five (45) feet at the minimum required setback line.

2. No building shall exceed a height of thirty-five (35) feet, if located within one hundred (100) feet of a residential zone. However, for each additional foot of setback from the minimum setback line, the building height may be increased by one (1) foot to a maximum of forty-five (45) feet.

B. *Setback requirements.*

1. Front yard setback: A minimum of thirty-five (35) feet.

2. Side yard setback: A minimum of twenty-five (25) feet.

3. Rear yard setback: A minimum of twenty-five (25) feet.

4. Front, side or rear yard setback, when abutting a residential or agricultural zone: A minimum of fifty (50) feet.

5.42.05. *Maximum lot coverage.* Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

5.42.06. *Landscaping requirements.*

A. A landscaping plan shall be submitted as a part of any application for administrative site plan approval. The following minimum standards shall apply:

1. Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas.

B. Parking areas.

1. Parking areas shall contain one thousand (1,000) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area.

2. For every 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.

C. Buffer yards.

1. Within the required building setback, a buffer yard shall be established along any property line that abuts a residential or agricultural zoning district. The planning commission may waive or reduce this requirement when there is no principal residential structure within two hundred (200) feet of said property line.

2. The following standards shall apply in buffer yards:

Minimum width: Fifteen (15) feet.

Landscaping and screening: A screen, opaque to a height of six (6) feet and consisting of any combination of a fence, wall, evergreen plants, or earth berms shall be provided in the buffer yard.

D. The planning commission may approve a landscaping plan that differs from the minimum standards if the commission finds that such plan meets the intent of this section.

E. The department of code administration shall verify the installation of landscaping as shown on the approved landscaping plan prior to the issuance of a certificate of occupancy. Installation of planting materials may be delayed until the next planting season, in the event that literal compliance with the above standard would require plants to be installed at a time when they would not survive. In such cases, a certificate of occupancy can be issued prior to the installation of landscaping with the posting of a bond with the county department of engineering and public works to guarantee such installation.

5.42.07. *Lighting.* Lighting of all types shall be directed away from all residential or agricultural zoning districts, or any public rights-of-way.

5.42.08. *Sign regulations.* Signage shall comply with the requirements of section 3.90, "Signs, billboards, and other advertising structures," including subsection 3.90.08, "Office and Transition Zones."

5.42.09. *Off-street parking regulations.* Off-street parking shall comply with the requirements of section 3.50, "Off-street parking requirements."

5.42.10. *Administration.*

A. For uses listed as permitted uses in the OC, Civic and Institutional zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the county department of code administration. The plan shall be filed in accordance with the requirements of article 6, "Administration, enforcement and interpretation", section 6.70, "Administrative site plan review," of this zoning ordinance.

B. In administratively reviewing plans for specific sites, the department of code administration shall approve any site plan that complies with the above referenced design standards and the requirements of the county zoning and subdivision regulations. Anyone aggrieved by a decision of the department of code administration may appeal such decision to the board of zoning appeals, pursuant to article 6, "Administration, enforcement and interpretation," section 6.60, "Board of zoning appeals," of these regulations.

C. The planning commission shall approve, approve with conditions, or deny applications for uses on review, as described in section 4.42.03, "Uses permitted on review," and in compliance with relevant county zoning and subdivision regulations.

(Ord. No. O-03-4-103, § 1(Exh. A), 5-27-03; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , § 1, 3-28-22)

5.50. BP Business and Technology Park Zone.

5.50.01. *General description.* This zoning district is intended to provide for a wide range of land uses which are generally categorized in business, industrial and/or office classifications of use, whether in the public or private sectors. The permitted land uses are intended to include those businesses which require building spaces characterized by offices, research and development, manufacturing, and/or combinations of such uses. The permitted uses include, but are not limited to, those which reflect particular emphasis on scientific and engineering applications in product and/or process. The on-site and off-site impacts of such uses are typically similar in kind and degree to such uses located within other zoning districts which allow such uses. Potential impacts are addressed within this district through site-specific planning and design, consistent with the regulations contained herein specific to, but not limited to: area requirements, maximum lot coverage and building height limits, landscaping, utilities, signs, and off-street parking regulations.

The intended and desired effect of the site regulations is to create an attractive park-like setting for the businesses which locate within the park. The planning and design for the park is intended to accomplish an aesthetic environment which is complementary to site features and the surrounding environment. Site features and infrastructure are to be consistent with the park-like design theme.

The BP, Business and Technology Park, zoning district shall be located only within the designated TO, Technology Overlay Zone, subject to the jurisdiction and development review of the Tennessee Technology Corridor Development Authority or its successor, and the planning commission.

5.50.02. *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 Business and Technology Park Zone may be created which has an area of less than five (5) acres.

5.50.03. *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 subsection 5.50.01, "General description," above, that they comply with the development plan standards of subsection 5.50.13, and that they will meet the performance standards of section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones." 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. Where SIC codes are indicated after permitted uses, the businesses listed under that classification in the U.S. Department of Commerce Standard Industrial Classification Manual, 1987 Edition, shall be permitted, providing all other requirements of this ordinance are fulfilled.

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.

A. 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.

B. Hospitals, clinics, medical and dental offices, medical and dental laboratories, and veterinary clinics.

C. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

D. Research, development, experimental, or testing laboratories.

E. The manufacturing, compounding, processing, packaging, treatment, or fabrication of ceramics, instruments, optical goods and pharmaceuticals.

F. The manufacturing, compounding, assembling, or treatment of articles of merchandise from prepared materials.

G. Manufacture of electronic components and accessories (SIC 367).

H. Manufacture or assembly of measuring, analyzing, controlling, photographic, and optical instruments (SIC 38).

I. Motion picture production and allied services (SIC 781).

J. Manufacture of miscellaneous electrical parts, including automotive (SIC 369).

K. Manufacture of motor vehicle parts and accessories including mechanical, electrical and electronic parts, components and subassemblies, such as braking systems, safety devices, pollution control mechanisms, and electronically controlled fuel systems.

L. Manufacture of musical instruments (SIC 393).

M. Manufacture of computer and office equipment (SIC 357).

N. Manufacturing electrical switchgear and switchboard apparatus (SIC 3613).

O. Manufacturing relays and industrial controls (SIC 3625).

P. Manufacture of household audio and video equipment and audio recordings (SIC 365).

Q. Manufacture of communications equipment (SIC 366).

R. 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.

S. Retail commercial uses may be approved as part of the overall development proposal, subject to the following conditions:

    1. Minimum parcel size for the total development plan shall be twenty (20) acres.

    2. Retail uses shall not exceed ten (10) percent of the total floor areas of the approved development plan.

    3. 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:

        a. Banks and credit unions.

        b. Barber shops and beauty salons.

        c. Book stores.

        d. Camera and photography supply stores, including film processing.

        e. Clothing stores.

        f. Drug stores.

        g. Dry cleaners.

        h. Employment services.

        i. Florists.

        j. Food stores, including convenience stores without gasoline pumps.

k. Gift stores.

l. Toy stores.

m. Jewelers.

n. Restaurants, without drive-through facilities.

o. Sales of office supplies, office equipment, and computers.

p. Sporting goods stores.

q. Accessory uses customarily incidental to any of the above uses, including recreational uses associated with and maintained primarily for the uses permitted above.

4. Retail commercial locations within the development shall be approved as part of the overall development proposal.

5. Building permits for retail commercial development may not be issued until certificates of occupancy have been granted for non retail uses equal to ten (10) percent of the total floor area of the approved development.

T. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

U. Yard sales and rummage sales.

V. Churches.

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

X. Order processing centers for goods and 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:

1. 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.

2. On premises sales may be permitted at special events no more than five (5) times during any calendar year.

Y. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

Z. Public Safety Facilities.

5.50.04. *Uses permitted on review.*

A. Houses may be permitted by the planning commission as a use-on-review in accordance with the provisions of section 6.50, "Procedure for authorizing uses permitted on review," of this resolution.

B. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

C. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

5.50.05. *Nonconforming uses (exception to section 3.60, "Nonconforming uses," of the county zoning ordinance).* Nonconforming churches, houses, agricultural lots and structures existing immediately preceding a change of zoning to the BP, Business and Technology Park Zone shall be allowed to continue, expand, construct or replace structures and other improvements to the property provided that the proposed improvement complies with the requirements of the A, Agricultural Zone.

5.50.06. *Area requirements.* The following requirements shall apply to all parcels within a BP, Business and Technology Park Zone, and to all uses permitted in this zone:

A. *Peripheral boundary.* All buildings or structures shall be set back from the peripheral boundary of a BP, Business and Technology Park Zone, not less than fifty (50) feet. Where the peripheral boundary abuts a residential zone, all buildings and structures shall be set back from that residential zoning line not less than seventy-five (75) feet.

B. *Front yard.* All buildings shall set back from all street right-of-way lines not less than fifty (50) feet.

C. *Side yard.* No building shall be located closer than forty (40) feet to a side yard lot line.

D. *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.

E. *Minimum parcel size.* The minimum parcel size shall be one (1) acre and shall conform to the Tennessee Technology Corridor Design Guidelines as adopted by the Tennessee Technology Corridor Development Authority.

5.50.07. *Maximum lot coverage and height of building.* The maximum area of site permitted to be covered by structures shall be governed by a ground area coverage (GAC) ratio, and the height of structures shall be governed by a floor area ratio (FAR). The GAC is defined as the number of square feet of ground area covered by the building, divided by the square feet of lot area. The FAR is defined as the number of square feet of floor area in a building, divided by the square feet of lot area. The GAC and FAR for any area zoned BP, Business and Technology Zone shall be established at the time of zoning or site plan review upon a recommendation of the planning commission that takes into account the topography, size, accessibility and surroundings of the site and planning policy for the area. In no case shall the GAC exceed twenty-five (25) percent nor shall the FAR exceed thirty (30) percent.

5.50.08. *Landscaping regulations.* The following requirements shall apply in this zone:

A. *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.

B. *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.

5.50.09. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

5.50.10. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.50.11. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," except that parking shall not be permitted in the required front yard, or the required side yards.

5.50.12. *Application procedures for business and technology park developments.* Within the BP, Business and Technology Park 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 zone. The application shall be accompanied with the following information:

A. A description of all operations proposed in sufficient detail to show that the proposed uses are within the intent of the BP, Business and Technology Park Zone, as described in subsection 5.50.01, "General description," 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. See section 1, "Performance standards for commercial and industrial uses," in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones."

B. 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.

C. Preliminary architectural plans for the proposed building or buildings.

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 water courses; the system of open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle storm water 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 section 6.11, "Grading permit."

F. Other engineering and architectural plans for the handling of any problems of the type outlined in subsection 5.50.12.A above, including a designation of sewers to be used and necessary plans for controlling smoke or other nuisances.

G. 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.

5.50.13. The 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 planning commission staff.

A. In lieu of site specific plans as referenced in subsections 5.50.12.B and 5.50.12.C, 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 Business and Technology Park Zone.

B. 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 county zoning and subdivision regulations. Planning commission staff decisions may be appealed to the planning commission. Anyone aggrieved by a decision of the planning commission may appeal such decision to the board of zoning appeals, pursuant to article 6, "Administration, enforcement and interpretation," section 6.60, "Board of zoning appeals," of these regulations.

5.50.14. The planning commission shall approve, approve with conditions, or deny the development plan based on the following standards:

A. Roads, driveways, parking lots and curb cuts are designed so as to promote safe and efficient movement of vehicular traffic.

B. The development will comply with all applicable requirements of section 1, "Performance standards for commercial and industrial uses," in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones."

C. The development will comply with all dimensional and area requirements and requirements for landscaping, parking, signs and utilities contained in this section.

5.50.15. Application for review and approval of WCF shall be subject to the provisions of article 4, section 4.92.

(Ord. No. O-96-1-102, § 1, 1-26-96; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-97-8-104, § 1, 9-22-97; Ord. No. O-98-3-102, § 1(Exh. A), 4-27-98; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-05-3-101, § 1(Exh. A), 4-25-05; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22)

5.51. EC Employment Center Zone.

5.51.01. *General description.* This zoning district is intended to encourage development of business parks and other employment centers that will contribute to the future economic well being of the county; to provide standards and procedures that will minimize any conflicts or adverse impacts of these developments with other properties, public roads or facilities; to provide a zoning district for use in areas meeting the locational standards for industrial parks and technology based development contained in the Knoxville-Knox County General Plan; and to provide a zoning district for business and technology park development that requires site plan review and complies with the requirements of the Farragut-Knoxville-Knox County Growth Policy Plan.

5.51.02. *Uses permitted.* Only the following uses may be permitted in this zone. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget North American Industry Classification System Manual, 1997 edition, and any subsequent edition, may be permitted providing all other requirements of this ordinance are fulfilled. The permitted uses in any proposal for development shall be identified through the process outlined in subsection 5.51.05, "Administration":

A. Construction and contracting, including:

1. Building, developing and general contracting (NAICS 233).
2. Heavy construction (NAICS 234).
3. Special trades contractors (NAICS 235).

B. Manufacturing, including:

1. Food manufacturing (NAICS 311), excluding slaughter of animals and fat rendering.
2. Beverage and tobacco product manufacturing (NAICS 312).
3. Textile mills (NAICS 313).
4. Textile product mills (NAICS 314).
5. Apparel manufacturing (NAICS 315).
6. Leather and allied product manufacturing (NAICS 316).
7. Wood product manufacturing (NAICS 321).
8. Printing and related support activities (NAICS 323).
9. Pharmaceutical and medicine manufacturing (NAICS 3254).
10. Plastics and rubber products manufacturing (NAICS 326).
11. Fabricated metal product manufacturing (NAICS 332).

12. Machinery manufacturing (NAICS 333).
13. Computer and electronic product manufacturing (NAICS 334).
14. Electrical equipment, appliance and component manufacturing (NAICS 335).
15. Transportation equipment manufacturing (NAICS 336).
16. Furniture and related product manufacturing (NAICS 337).
17. Miscellaneous manufacturing (NAICS 339).

C. Wholesale trade, including:
1. Wholesale trade, durable goods (NAICS 421).
2. Wholesale trade, non-durable goods (NAICS 422).

D. Transportation and warehousing, including:
1. Air transportation (NAICS 481).
2. Rail transportation (NAICS 482).
3. Water transportation (NAICS 483).
4. Truck transportation (NAICS 484).
5. Transit and ground passenger transportation (NAICS 485).
6. Pipeline transportation (NAICS 486).
7. Scenic and sightseeing transportation (NAICS 487).
8. Support activities for transportation (NAICS 488).
9. Postal service (NAICS 491).
10. Couriers and messengers (NAICS 492).
11. Warehousing and storage (NAICS 493).

E. Information, including:
1. Publishing industries (NAICS 511).
2. Motion picture and sound recording industries (NAICS 512).
3. Broadcasting and telecommunications (NAICS 513).
4. Information services and data processing services (NAICS 514).

F. Finance and insurance, including:
1. Monetary authorities and banks (NAICS 521).
2. Credit intermediation and related activities (NAICS 522).
3. Securities, commodity contracts and other financial investments (NAICS 523).
4. Insurance carriers and related activities (NAICS 524).
5. Funds, trusts and other financial vehicles (NAICS 525).

G. Real estate and rental and leasing, including:
1. Real estate (NAICS 531).
2. Rental and leasing services (NAICS 532).

3. Lessors of other nonfinancial intangible assets, except copyrighted works (NAICS 533).

H. Professional, scientific and technical services (NAICS 541).

I. Management of companies and enterprises, including:

1. Management of companies and enterprises (NAICS 551).

2. Administrative and support services (NAICS 561).

J. Educational services, excluding elementary and secondary schools (NAICS 611).

K. Health care and social assistance, including hospitals (NAICS 622).

L. Other services, except public administration, including:

1. Support activities for agriculture and forestry (NAICS 115).

2. Support activities for mining (NAICS 213).

3. Repair and maintenance (NAICS 811).

M. Public administration, including:

1. Local, state and federal government offices and programs.

2. Space research and technology (NAICS 927).

3. National security and international affairs (NAICS 928).

N. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

O. In an EC Employment Center Zone development, twenty (20) percent of the land area may be set aside for retail commercial development, subject to the following conditions and requirements:

1. The overall EC Employment Center Zone development must include a minimum of twenty (20) acres.

2. Only the following retail commercial uses shall be permitted, provided that there shall be no sales, display or storage of merchandise outside of a fully enclosed building.

a. Drug stores.

b. Convenience stores, without gasoline pumps.

c. Restaurants, without drive-through facilities.

d. Sales of office supplies, office equipment and computers.

e. Employment services.

f. Hotels and motels.

g. Accessory uses customarily incidental to any of the commercial uses listed in this section.

3. The locations of commercial uses shall be integrated by means of access within the EC Employment Center Zone development.

P. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.

Q. Child day care centers, consistent with the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," of these regulations.

R. Adult day care centers, consistent with the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review," of these regulations.

S. Outdoor storage, subject to the following requirements:

1. Outdoor storage shall be fully screened on all sides by an opaque, ornamental or vegetative screen.

2. Outdoor storage must be an accessory use to a principal use on the same site.

T. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

U. Public Safety Facilities.

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

A. *Minimum size requirements.*

1. Minimum size of an EC Employment Center Zone: Five (5) acres, providing that smaller areas may be rezoned when they directly abut EC Employment Center zoning, regardless of ownership.

2. Minimum lot size: One (1) acre.

B. *Height regulations.*

1. No building shall be built to a height exceeding forty-five (45) feet, at the minimum required setback line.

2. No building shall exceed a height of thirty-five (35) feet, if located within one hundred (100) feet of a residential zone. However, for each additional foot of setback from the minimum setback line, the building height may be increased by one (1) foot to a maximum of forty-five (45) feet.

C. *Setback requirements.*

1. Front yard setback: A minimum of fifty (50) feet.

2. Side yard setback: A minimum of fifty (50) feet.

3. Rear yard setback: A minimum of fifty (50) feet.

D. *Maximum lot coverage.* Main and accessory building footprints and loading platforms shall not cover more than fifty (50) percent of the lot area.

5.51.04. *Site development standards.* The following standards will guide development in the EC Employment Center Zone:

A. *Off-street vehicle parking, bicycle parking and sidewalks.*

1. As a supplement to the off-street parking requirements of section 3.50, "Off-street parking requirements," the following shall apply:

a. No parking shall be located closer than fifty (50) feet from any public right-of-way, twenty-five (25) feet from any side property line, or twenty-five (25) feet from any rear property line. Parking for commercial uses as described in subsection 5.51.02.O may be located no closer than twenty-five (25) feet from any public right-of-way. The areas between roads and parking lots shall be landscaped with ground cover and one (1) medium or large maturing tree for every fifty (50) feet of the length of the road or lot line. Tree species lists are available through the planning commission.

b. The dimensions for required off-street parking spaces may be less than that required under section 3.50, "Off-street parking requirements," provided that those dimensions are approved in the development plan and established through the variance process.

c. Where the business is located within a one-quarter (¼) mile walk via sidewalks of a Knoxville Area Transit (KAT) stop, the number of required parking spaces may be reduced by fifteen (15) percent.

d. All other provisions of section 3.50, "Off-street parking requirements," shall apply.

2. Bicycle parking spaces on bicycle racks or in bicycle lockers, as defined by the Knoxville Regional Bicycle Plan, shall be located near the entrances to all buildings within the park or development.

3. Any EC Employment Center Zone development that is accessed by interior streets or easements shall include at a minimum sidewalks along one (1) side of all streets or easements within the development.

B. *Loading and unloading areas.*

1. All loading docks shall be located at the rear or side of buildings. Truck and trailer parking shall also be located at the rear or side of buildings. Where the size and/or shape of the building and property, or some physical characteristic of the property (i.e., topography, wetlands, sinkholes, etc.), make it infeasible to locate a loading dock at the rear of a building, the loading dock may be located at the side of a building providing that landscaping is used to screen the loading dock from neighboring properties and public rights-of-way.

2. All loading docks shall be set back and permanently screened, either by landscaping, berming or architectural screens, from neighboring properties and public view to minimize the effect of their appearance from neighboring building sites.

3. Vehicle maneuvering for loading and unloading shall not be permitted on abutting rights-of-way.

C. *Landscaping.*

1. A landscaping plan shall be submitted as a part of any application for use-on-review/development plan approval. The species lists for recommended trees are available at the planning commission, or on its website (www.knoxplanning.org). The following minimum standards shall apply:

a. Any required yard shall be landscaped with various sizes of native trees. One (1) large maturing tree and one (1) medium or small maturing tree shall be provided per acre of required yard spaces.

b. Grass or other natural ground cover shall be used in the required yard spaces. The majority of the area around buildings shall be landscaped with shrubs, and yards shall be maintained in such a manner as to provide a park-like setting for the district.

2. Parking areas.

a. Parking areas shall contain one thousand (1,000) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area.

b. For each five thousand (5,000) square feet of parking area, or fraction thereof, a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

3. Buffer yards and other screening.

a. Within the required building setback, a buffer yard shall be established along any property line that abuts a residential or agricultural zoning district. The planning commission may consider buffer yards in relation to other zones as the site plan is considered.

b. The following standards shall apply in buffer yards:

Minimum width: One hundred (100) feet adjacent to residential zones and fifty (50) feet adjacent to agricultural and open space zones.

Landscaping and screening: A combination of medium and large evergreen trees and evergreen shrubs, which will provide an eighty (80) percent screen at maturity from adjoining properties to a height of forty-five (45) feet, shall be planted in the buffer yard.

c. Other sight obscuring screens shall be provided with the following minimum heights:

Refuse collection: One (1) foot height higher the refuse container.

Loading areas: Eight (8) feet.

Outdoor storage (where permitted): Six (6) feet.

For these operations, adequate screening can be either natural or architectural material which obscures the line of sight from vehicles, pedestrians, and first story windows. Storage, loading and refuse container screening shall be of a material and design compatible with the overall architecture of the associated structure. The trees and shrubs shall cover a minimum of fifty (50) percent of the fence or architectural material in order to soften the screen.

d. Berms, which have a minimum height of three (3) feet at any point, are strongly encouraged as a technique to screen on-site activities and to provide a buffer between those activities and adjacent properties. Berms should vary in height to provide interest. The plan materials previously identified should be used in landscaping berms.

e. Existing trees that shall be conserved to create the buffer and other screening shall be identified on the landscaping plan.

4. The planning commission may approve a landscaping plan that differs from the minimum standards if the commission finds that such plan meets the intent of this section.

5. The department of code administration shall verify the installation of landscaping as shown on the approved landscaping plan prior to the issuance of a certificate of occupancy. Installation of planting materials may be delayed until the next planting season, in the event that literal compliance with the above standard would require plants to be installed at a time when they would not survive. In such cases, a certificate of occupancy can be issued prior to the installation of landscaping with the posting of a bond with the county department of engineering and public works to guarantee such installation.

D. *Lighting.* Lighting of all types shall be directed away from all residential or agricultural zoning districts, or any public rights-of-way. Locate lights to avoid glare or excessive light spillover on adjacent sites and direct exterior lighting away from adjacent properties. Cut-off luminaries shall be used for all parking, road and security lights to reduce the amount of glare and light spillover.

E. *Signage.* Signs shall comply with the requirements of subsection 3.90.12, "Employment center zones."

5.51.05. *Administration.* Within the EC Employment Center Zone, no building or structure shall be erected or altered until and unless a written application and development plan for the contemplated development within said district has been filed with and approved by the planning commission. The plan and application shall include the following:

A. In consideration of the difference in the scale of potential uses and their impact on the environment and the surrounding area, a list of the permitted uses shall be approved by the planning commission and recorded with the county register of deeds prior to the issuance of any permits for the approved EC Employment Center Zone development.

B. Architectural, landscaping, lighting and signage plans for the proposed development. These plans may be in the form of a design guideline document that is approved with the development plan and is used, via covenants, in developing individual sites or parcels.

C. 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, building and free-standing signs, and trash disposal areas.

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 water courses; the system of open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle storm water 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, consistent with the requirements of section 6.11, "Grading permit."

F. Any other information the planning commission may need to adequately consider the effect that the proposed uses may have upon the environment and on the cost of providing services to the area.

5.51.06. Following the approval of a development plan by the planning commission, the planning commission staff may approve plans for individual sites or parcels. In administratively reviewing plans for specific sites or parcels, the staff shall approve any site plan that complies with the above referenced design guidelines document, the overall development plan approved by the planning commission, and the requirements of the county zoning and subdivision regulations. Planning commission staff decisions may be appealed to the planning commission. Anyone aggrieved by a decision of the planning commission may appeal such decision to the board of zoning appeals, pursuant to article 6, "Administration, enforcement and interpretation," section 6.60, "Board of zoning appeals," of these regulations.

5.51.07. The planning commission shall approve, approve with conditions, or deny applications for uses on review, as described in this section and in compliance with relevant county zoning and subdivision regulations.

5.51.08. Application for review and approval of WCF shall be subject to the provisions of article 4, section 4.92.

(Ord. No. O-03-2-101, § 1(Exh. A), 3-24-03; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-07-4-101, § 1(Exh. A), 5-29-07; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22)

5.60. LI Light Industrial Zone.

5.60.01. *General description.* The intent of this zone is to provide areas in which the principal use of land is for processing, storage, packaging, wholesaling, distribution, light manufacturing, and restricted retailing. In order to achieve compatibility in transition of property in the same or neighboring zones, performance standards are applied at lot lines. Landscaping and buffering requirements are intended to augment the transition of this zone with neighboring residential areas.

5.60.02. *Uses permitted.* The following uses may be permitted in the LI, Light Industrial Zone, providing they can meet the performance standards set forth in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones."

The primary operation of all uses permitted in this zone, except nurseries, shall be conducted within a completely enclosed building.

Any article or material used in the primary operation, or the finished product of any operation permitted in this zone may be stored outside provided such outside storage is screened from view from any public right-of-way. Such screening shall be located at or inside any required setbacks.

A. Warehousing, provided all materials are stored indoors.

B. Manufacturing of products from previously prepared paper, metal, plastic, leather, wood, cloth, grains, food products, glass and similar products.

C. Retail sales, provided that sales of products not produced on the site shall be indoors.

D. Processing of food products from previously slaughtered and dressed animals, fowl, and fish; or dairy products.

E. Assembling or packaging of any products which can be manufactured on the site.

F. Repair of any product which can be manufactured under the provisions of this zone.

G. Wholesaling, provided all materials are stored indoors.

H. Accessory buildings incidental to permitted uses and including residences for security personnel.

I. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

J. Yard sales and rummage sales.

K. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

L. Self-service storage facilities.

M. Commercial mulching operation, subject to the requirements of article 4, "Supplementary regulations," section 4.96, "Standards for the use-on-review approval of commercial mulching operations."

N. Storage of school buses under contract to a public or private school system. See article 3, "General provisions," section 3.54, "Storage of school buses," for development criteria for school bus storage facilities.

O. Contractor's storage yard.

P. Public Safety Facilities.

5.60.03. *Uses permitted on review.*

A. Sanitary landfill subject to meeting all requirements set forth in sections 4.70, "Sanitary landfills," and 6.50, "Procedure for authorizing uses permitted on review" of these regulations.

B. Demolition landfills, off-site, subject to article 4, "Supplementary regulations", subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).

C. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

D. Composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

E. Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

F. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

G. Indoor self-service storage facilities.

5.60.04. *Height.* No building shall be built to a height exceeding thirty-five (35) feet at the required setback line, however, for each additional foot of setback from the required distance the building height for that portion of the building may be increased by one (1) foot to a maximum of seventy-five (75) feet.

5.60.05. *Lot area.* No minimum lot area shall be required except as required in referenced sections.

5.60.06. *Setbacks.* No building shall be located closer than fifty (50) feet to any street right-of-way line or lot line which abuts a residential or agricultural zone. Setbacks of buildings adjoining any other zoning district shall be equal to the adjoining district.

5.60.07. *Maximum lot coverage.* Main and accessory buildings and loading platforms shall not cover more than fifty (50) percent of the lot area.

5.60.08. *Off-street parking.* Off-street parking shall comply with the following requirements:

A. All requirements set forth in section 3.50, "Off-street parking requirements," of this resolution.

B. No parking areas shall be located within any required set back.

C. 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.

D. 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.

5.60.09. *Landscaping.* Ornamental vegetation shall be continually maintained in the required setbacks. In addition along all property lines adjacent to residential districts ornamental vegetation shall be provided which will reach a minimum height of fifteen (15) feet at maturity and provide cover to within one (1) foot of the ground.

5.60.10. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.60.11. *Exterior lighting.* Exterior lighting of any site shall be oriented in such a manner as not to cause direct lighting to be cast onto any residentially zoned property.

5.60.12. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.61. I Industrial Zone.

5.61.01. *General description.* This zone provides areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing and other uses which have heavy impacts and adverse effects on surrounding property. 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 are not properly associated with, nor compatible with residential, institutional and retail commercial uses.

5.61.02. *Uses permitted.* The following uses are permitted provided that they meet the performance standards of section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones." These performance standards, like all other provisions of this ordinance are obligations and all uses must operate in compliance with the standards. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget North American Industry Classification System Manual, 1997 edition, and any subsequent edition, may be permitted providing all other requirements of this ordinance are fulfilled.

A. Construction related uses, including:

1. Contractor's storage yard.

2. Building, developing and general contracting (NAICS 233).

3. Construction and contracting.

4. Heavy construction (NAICS 234).

5. Special trades contractors (NAICS 235).

B. Finance related uses, including:

1. Administrative and support services (NAICS 561).
2. Credit intermediation and related activities (NAICS 522).
3. Educational services, excluding elementary and secondary schools (NAICS 611).
4. Finance and insurance, including funds, trusts and other financial vehicles, monetary authorities and banks (NAICS 521) (NAICS 525).
5. Health care and social assistance, including hospitals, clinics, medical and dental offices, medical and dental laboratories, and veterinary clinics (NAICS 622).
6. Insurance carriers and related activities (NAICS 524).
7. Lessors of other nonfinancial intangible assets, except copyrighted works (NAICS 533).
8. Local, state and federal government offices and programs.
9. Management of companies and enterprises (NAICS 551).
10. Real estate and rental and leasing, including rental and leasing services (NAICS 531,532).
11. Repair and maintenance (NAICS 811).
12. Securities, commodity contracts and other financial investments (NAICS 523).
13. Space research and technology (NAICS 927).

C. Manufacturing and assembly uses, including:

1. Apparel manufacturing (NAICS 315).
2. Beverage and tobacco product manufacturing (NAICS 312).
3. Communications equipment manufacture (NAICS 334).
4. Computer, office equipment and electronic product manufacturing (NAICS 357).
5. Electrical equipment, appliance and component manufacturing (NAICS 335).
6. Fabricated metal product manufacturing (NAICS 332).
7. Furniture and related product manufacturing (NAICS 337).
8. Food manufacturing (NAICS 311), excluding slaughter of animals and fat rendering.
9. Leather and allied product manufacturing (NAICS 316).
10. Machinery manufacturing (NAICS 333).
11. Motor vehicle parts and accessories including mechanical, electrical and electronic parts, components and subassemblies, such as braking systems, safety devices, pollution control mechanisms, and electronically controlled fuel systems manufacture (NAICS 336).
12. Musical instruments manufacture (NAICS 339).
13. Measuring, analyzing, controlling, photographic, and optical instruments manufacture or assembly (NAICS 334).
14. Manufacturing electrical switchgear and switchboard apparatus (NAICS 335).
15. Manufacturing relays and industrial controls (NAICS 335314).
16. Manufacturing, compounding, assembling, or treatment of articles of merchandise from prepared materials.

17. Manufacturing, compounding, processing, packaging, treatment, or fabrication of ceramics, instruments, optical goods and pharmaceuticals.
18. Manufacturing, including miscellaneous manufacturing (NAICS 339).
19. Pharmaceutical and medicine manufacturing (NAICS 3254).
20. Plastics and rubber products manufacturing (NAICS 326).
21. Wood product manufacturing (NAICS 321).

D. Mining related uses, including:

1. Mining and mineral extraction subject to all requirements set forth in sections 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and 4.50, "Standards for mining and mineral extraction," of these regulations.
2. Support activities for mining (NAICS 213).
3. Support activities for agriculture and forestry (NAICS 115).

E. Warehouse and distribution uses, including:

1. Air transportation, including landing fields, hangars, and equipment (NAICS 481).
2. Broadcasting and telecommunications (NAICS 513).
3. Couriers and messengers (NAICS 492).
4. Information services and data processing services (NAICS 514).
5. Motion picture production and allied services and sound recording industries (NAICS 512).
6. National security and international affairs (NAICS 928).
7. Order processing centers for goods and 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.
8. Pipeline transportation (NAICS 486).
9. Postal service (NAICS 491).
10. Printing and related support activities (NAICS 323).
11. Professional, scientific and technical services (NAICS 541).
12. Publishing industries (NAICS 511).
13. Research, development, experimental, or testing laboratories.
14. Retail commercial uses.
15. Rail transportation (NAICS 482).
16. Scenic and sightseeing transportation (NAICS 487).
17. Support activities for transportation (NAICS 488).
18. Transit and ground passenger transportation (NAICS 485).
19. Transportation and warehousing, including transportation equipment manufacturing (NAICS 336).
20. Truck transportation (NAICS 484).
21. Utility substations, easements, transportation rights-of-way, and alleys.

22. Water transportation, including marinas, subject to section 4.30, "Standards for marina and boat livery development" (NAICS 483).

F. Waste handling uses, including:

1. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B.

2. Solid or liquid waste transfer station.

3. Commercial mulching operation, subject to the requirements of article 4, "Supplementary regulations", subsection 4.96.01, "Minimum requirements."

G. Wholesale trade uses, including:

1. Warehousing and storage (NAICS 493).

2. Wholesale trade, including durable goods (NAICS 421) and non-durable goods (NAICS 422).

3. Textile mills (NAICS 313).

4. Textile product mills (NAICS 314).

5. Self-service storage facilities.

6. Indoor self-service storage facilities subject to the provisions of section 4.93.03.

H. Indoor paintball ranges.

I. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.

J. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).

K. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

L. Public Safety Facilities.

5.61.03. *Uses permitted on review.* The following uses may be permitted, provided, that no such use shall be located nearer than three hundred (300) feet to a public park, school, church, hospital, sanitarium, residential zone, or subdivided land restricted to residential uses, except as otherwise provided in section 4.50, "Standards for mining and mineral extraction," of these regulations.

A. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."

B. Asphalt manufacture, refining or mixing plants.

C. Automobile race tracks.

D. Automobile wrecking, junk and salvage yards, as regulated above and in section 4.40, "Standards for automobile, wrecking, junk and salvage yards, and similar uses," of this resolution.

E. Cement, lime, plaster of paris, and gypsum manufacture.

F. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."

G. Manufacture or storage of explosives.

H. Oil refining.

I. Outdoor paintball ranges, subject to the requirements of article 4, section 4.97, "Standards for the approval of indoor and outdoor paintball ranges."

J. Sanitary landfill, subject to meeting all requirements set forth in sections 4.70, "Sanitary landfills," and 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

K. Slaughter houses or slaughtering of animals other than poultry.

L. Solid waste processing facility and composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

M. Stock yards.

N. Sulfurous, sulfuric, nitric, or hydrochloric acid manufacture.

O. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).

5.61.04. *Height.* No building may be built to a height exceeding twice the width of the road upon which the building abuts. Buildings may exceed this height limit providing the portion of the building higher than twice the width of the road is set back from every road and lot line one (1) foot for each three (3) feet of height in excess of twice the road width.

5.61.05. *Lot area.* No minimum lot area shall be required except as required in referenced sections.

5.61.06. *Set back.* No building shall be located closer than twenty (20) feet to the road line.

5.61.07. *Side yards.* There shall be a side yard on each side of every building or portion of a building which side yard shall have a minimum width of five (5) feet, increased by two (2) feet for each story above the first story.

5.61.08. *Rear yard.* There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen (16) feet for a one-story building, twenty (20) feet for a two-story building, and twenty-four (24) feet for a three-story building.

5.61.09. *Off-street parking.* As regulated in section 3.50 of these regulations.

5.61.10. *Signs.* Signs as permitted by section 3.90 of this resolution.

(Ord. No. O-96-1-102, § 1, 1-26-96; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-08-8-102, §§ 1, 2, 9-22-08; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.70. F Floodway Zone.

5.70.01. *General description.* The F, Floodway Zones, are established for the purpose of meeting the needs of the streams to carry floodwaters of a five hundred (500) 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.

5.70.02. *Uses permitted.* The following open-type uses are permitted in the F, Floodway Zones, subject to approval of the county engineer and to such conditions the county engineer may specify to protect the public interest.

A. *Adjacent to agricultural, residential, and estate zones.*

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing 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 camp, 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. Yard sales and rummage sales.

B. *Adjacent to commercial and shopping center zones.*

1. Any of the above permitted uses.

2. Archery range, drive-in theaters, miniature golf courses, and golf driving ranges.

3. Loading and unloading areas, parking lots, used car lots.

C. *Adjacent to an industrial zone.*

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. Yard sales and rummage sales.

5.70.03. *Uses permitted on review.*

A. Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

B. Accessory uses similar to those permitted in the adjoining zones.

5.70.04. *County engineer approval.*

A. 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 a F, Floodway Zone, until the plans for such construction or use have been submitted to the county engineer and approval is given in writing for such construction or use.

B. In the review of plans submitted, the county engineer shall be guided by the following standards, keeping in mind that the purpose of this zone is to prevent encroachment into the floodway which will increase flood heights and endanger life and property.

1. Any structures 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 zone.

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 county engineer topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or fill on the flow of water, the county engineer 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 county or by any officer or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.

5.70.05. *Limited rezoning.* Property in an F, Floodway Zone, 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 preparations established by and placed on said property by the planning commission, the county engineer or the county commission. The resolution 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 planning commission to the supervisor of the county department of code administration and inspection. No building 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 planning commission has been received by the supervisor of the county department of code administration and inspection.

5.70.06. *Off-street parking.* As regulated in section 3.50 of these regulations.

5.70.07. *Signs.* Signs as permitted by section 3.90 of this resolution.

(Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

5.80. HZ Historical Overlay Zone.

5.80.01. *General description.*

The HZ, Historical Overlay Zone, designates areas and structures of sufficient historical and cultural significance to warrant public protection. It is the intent to preserve and protect such structures in their present location or to provide for their moving to a special HZ, Historical Overlay Zone, location, and to require that new construction, alteration or use shall be appropriate to their character. It is not intended that the use of these structures shall be regulated by this zone.

5.80.02. *Uses permitted.* Property and buildings in an HZ, Historical Overlay Zone shall be used for purposes permitted in the zone in effect at the time of historic zoning or subsequent general zone regulations legislatively approved for the property.

5.80.03. *Nonconforming uses and structures.* The historical zoning commission may permit the remodeling or rebuilding of a nonconforming structure for the purpose of continuing a use which was lawfully existing at the time any HZ, Historical Overlay Zone, was created; provided, however, that any such remodeling or rebuilding shall be done in a manner so that the design and appearance of the remodeled or rebuilt structure is, in the opinion of the historic zoning commission, in keeping with the historical and cultural character of the district.

5.80.04. *Area regulations, height regulations and off-street parking.* To be in accordance with the zone requirements in effect at the time of historic classification, or subsequent amendments, and any recommendations of the historic zoning commission, as set forth by general findings in the particular case.

5.80.05. *Area boundary.* The historic zoning commission may recommend establishing a zone boundary around structures warranting public protection which includes adjoining property having a conspicuous visual relationship to the historic structure and which boundary may extend up to one-quarter (¼) mile from the property line of the land pertaining to any such historic structure.

5.80.06. *Historic zoning commission: creation; appointment of members; term of office; jurisdiction and powers.* For the purpose of enforcing the historic zoning regulations, a historic zoning commission is hereby established, and said commission shall consist of five (5) members, to be appointed by the county mayor, subject to confirmation by the county board of commissioners.

The membership of the commission shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder shall come from the community in general. Each member shall serve for a term of five (5) years, except, in constituting this body, four (4) members will serve terms from one (1) to four (4) years so that the term of one (1) member will expire each year, with their successors to serve a full term. All members shall serve without compensation. The commission may adopt rules and regulations not inconsistent with T.C.A. Title 13 concerning public planning and housing.

5.80.07. *Permits: Procedure; criteria.* All applications for permits for construction, alterations, repair, moving or demolition to be carried on within the HZ, Historical Overlay Zones shall be referred by the building inspector to the historic zoning commission who shall have broad powers to request detailed construction plans and related data pertinent to thorough review of the proposal. The historic zoning commission shall within sixty (60) days following the availability of permit application, direct the granting of the permit with or without attached conditions, or direct the refusal of the permit, and shall state the grounds for refusal in writing. Upon review of the application for the permit, the historic zoning commission shall give prime consideration to:

A. Historical and/or architectural value of the present structure.

B. The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.

C. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used.

D. And to any other factor, including aesthetic, which it deems to be pertinent.

Exclusive jurisdiction relating to historical matters is placed in the five (5) member historic zoning commission. Anyone who may be aggrieved by any final order or judgment of the commission may have said order or judgment reviewed by courts by the procedure of statutory certiorari as is provided for in T.C.A. 27-902 and 27-903 [now T.C.A. §§ 27-9-102 and 27-9-103].

(Ord. No. O-96-2-101, § 1, 3-25-96; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-12-9-103, § 1(Exh. A), 10-22-12)

5.90. TO Technology Overlay Zone.

5.90.01. *General description.* The TO, Technology Overlay Zone, is established to provide for physical development review in the Tennessee Technology Corridor area of the county by the Tennessee Technology Corridor Development Authority (TTCDA). Within the TO, 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 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.

5.90.02. *Permitted uses.* Property and buildings in the TO, Technology Overlay Zone, shall be used for purposes permitted by the base zoning in effect at the time of TO, Technology Overlay zoning, or as permitted by subsequent base zones approved by the county commission.

5.90.03. *Area regulations, height regulations, signs, landscaping, parking and other requirements.* Unless set forth below, requirements for yards, set backs, 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 recommendation of the TTCDA pursuant to its adopted design guidelines and with base zoning district requirements in effect at the time of TO, Technology Overlay zoning or as subsequently amended.

5.90.04. *Prohibited uses and structures.* Junk yards, billboards and movable 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 TO, Technology Overlay Zone.

5.90.05. *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.

5.90.06. *Minimum parcel size.*

A. Minimum parcel size for areas within nonresidential zones shall be one (1) acre, except as permitted by an approved development plan. Floor area ratios (FAR) shall not exceed thirty (30) percent and ground area coverage (GAC) shall not exceed twenty-five (25) percent. Parcels zoned BP, Business and Technology Park that are smaller than five (5) acres shall be treated as substandard parcels by the Tennessee Technology Corridor Design Guidelines Technology Corridor Design Guidelines.

B. Minimum parcel size for residential zones shall be regulated by the regulations of each base zone.

5.90.07. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this ordinance.

5.90.08. *Certificate of appropriateness.*

A. *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 TO, Technology Overlay Zone, be performed without the issuance of a certificate of appropriateness by the TTCDA. No building permit issuing authority in the county shall issue any such permit for a new structure or improvements within the TO, Technology Overlay Zone, without issuance of a certificate of appropriateness by the TTCDA or by the county commission on appeal.

B. *Excluded areas.* The structures, facilities and land uses identified herein shall not be required to apply for a certificate of appropriateness from the TTCDA.

1. Agricultural uses and structures or appurtenances located in an A, 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 TO, Technology Overlay Zone.

2. 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.

3. All uses within incorporated areas of Farragut and Knoxville 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.

5.90.09. *Application procedures.* All applications for rezoning, variance, and building or grading permit shall be reviewed by the TTCDA or TTCDA staff for compliance with the adopted Tennessee Technology Corridor Comprehensive Development Plan and Tennessee Technology Corridor 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 authority 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.

A. *Minimum data requirements.*

1. *Rezoning.* The minimum submission for a certificate of appropriateness for zoning shall be a copy of the application for rezoning submitted to the planning commission.

2. *Variance.* The minimum submission for a certificate of appropriateness for a variance is all 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 TO, 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 TO, Technology Overlay Zone, the base zone or the Tennessee Technology Corridor Comprehensive Development Plan.

3. *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 county and shall be accompanied with information required by the adopted procedures of TTCDA.

B. *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, including PR, Planned Residential, PC, Planned Commercial, BP, Business and Technology Park, SC, Shopping Center, T, Transition, and OS, Open Space, the same data and the same guidelines used by the TTCDA will be applied by the planning commission in addition to the planning commission's data and guidelines, which shall also be applied. All plans must be prepared by a registered engineer or architect.

1. 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 or safety hazards, or other factors detrimental to the health, safety, and welfare of the area. See section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," section 1, "Performance standards for commercial and industrial uses."

2. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping and signs, other necessary uses, and any development phasing.

3. Preliminary architectural plans showing elevations, areas, height, materials and other information necessary to evaluate proposed building(s).

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 water courses; the system of open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle storm water 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.

6. Other engineering and architectural plans including a designation of sewers to be used and plans for abating any effects described in subsection 1., above, or any other nuisances. All sewage disposal systems and land requirements for such systems must be approved by the county health department before a certificate of appropriateness can be issued.

7. 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.

5.90.10. *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.

5.90.11. *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 resolution and with Tennessee Technology Corridor Design Guidelines. Minor revisions to development plans may be approved by the TTCDA executive director, or designee, provided such changes:

A. Do not alter the basic relationship of the proposed development to adjacent property or streets and roads.

B. Do not alter the uses permitted.

C. Do not increase the area of development by more than five (5) percent of the previously approved square footage.

D. Do not require the approval of a waiver to the Tennessee Technology Corridor Design Guidelines, or a variance to the zoning ordinance for the county.

5.90.12. *Appeal of authority 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 county board of commission 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 county board of commission. All appeals shall be heard within sixty (60) days of filing of application for appeal. Appeal from the action of the county board of commission 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-06-1-101, § 1(Exh. A), 2-27-06; Ord. No. O-11-7-104, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 2, 3-28-22)

5.91. TC Town Center Zone.

5.91.01. *General description.* The purpose of the TC, Town Center Zone, is to encourage the creation of pedestrian-oriented, mixed-use 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; and to preserve historic structures and allow developers considerable flexibility in land use and site design. As an incentive, this zone 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 and office uses than conventional commercial development.

These regulations are intended to prohibit excessive impacts of large-scale development on the district, which depends upon walkability and viable mixed-use development to enhance air and water quality, reduce traffic congestion, promote safety from traffic accidents, and enhance a pedestrian oriented land use plan. The regulations regarding height and front entrance orientation to a sidewalk and street necessitate that large retail enterprises be creatively designed. Considerations for such design include a height of two (2) or more stories,

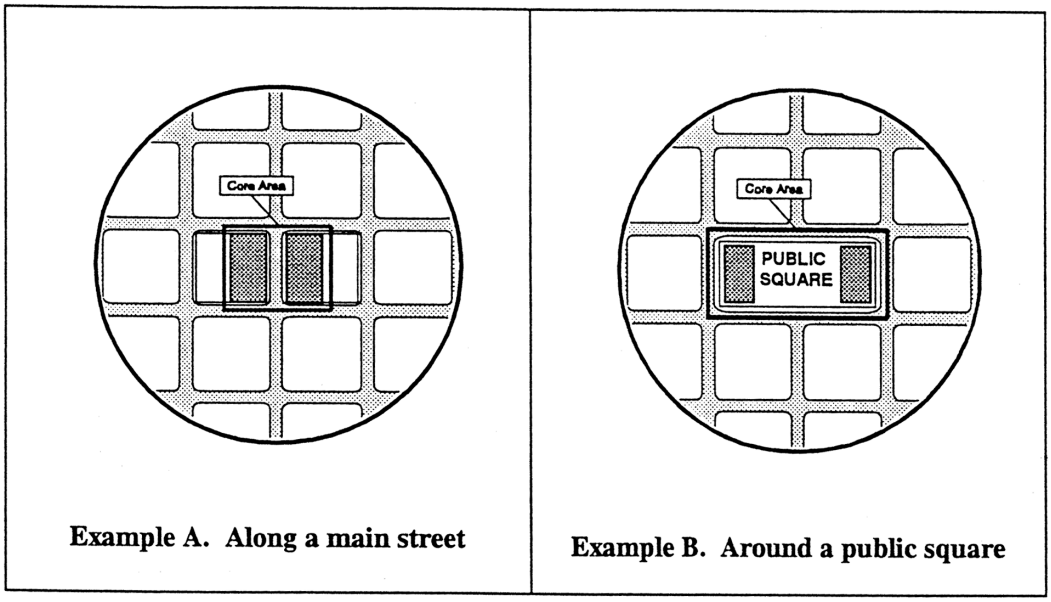
breaking up the facades of large retail space with other uses that are predominantly two (2) or more stories and maintaining larger retail space within the confines of the block dimensions that are required in this zone.

5.91.02. *General requirements.* It is necessary that a development plan be approved by the planning commission in order to pursue the development of a TC, Town Center Zone. The zone shall be established adjacent to an arterial or collector street. The zone shall contain a core area and a peripheral area. 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 5.91.03, "Uses permitted." The minimum area shall be two (2) acres. The core area should be created along a main street or public square as shown in the following examples.

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 attached houses, apartments and office buildings. Subsection 5.91.03, "Uses permitted," provides a list of permitted uses. The maximum extension from the core area shall be one thousand two hundred (1,200) feet.

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 be relevant.



Example A. Along a main street

Example B. Around a public square

5.91.03. *Uses permitted.* Only the following uses shall be permitted in the TC, Town Center Zone:

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
3. Hotels and motels.	X	X	X
4. Banks, savings and loans, mortgage companies and stockbrokers.	X	X	X
5. Eating and drinking establishments.	X	X	X
6. Personal service establishments.		X	X
7. Business service establishments.		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.	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	X	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 substations, easements, and transportation easements.			X
19. Other uses and structures which are customarily accessory and clearly subordinate and incidental to permitted uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."	X	X	X
20. Any other store or shop for retail trade or for rendering personal, professional, or business services, 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. Call centers, not exceeding twenty thousand (20,000) square feet at the ground floor.		X	X
25. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).	X		X
26. Public Safety Facilities			

* To be considered as part of development plan review.

5.91.04. *Uses permitted on review and regulations regarding those uses.*

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

1. 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.

2. 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 with the 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.

3. As an alternative to subsections 1. and 2. 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.

4. The outdoor play area shall be fenced to a minimum height of four (4) feet.

5. The fenced play area shall be thirty-five (35) feet from any public street. Where the 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 and public works.

6. 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:

a. At least two (2) feet around any climbing apparatus.

b. At least four (4) feet beyond the end of any slide.

c. At least two (2) feet beyond the end of the arc of any swing.

B. Marinas, subject to the standards in section 4.30, "Standards for marina and boat livery development."

C. Parking structures, provided that retail, office or other nonresidential uses are established at ground level along seventy (70) percent of street-oriented facades.

D. Drive-through facilities:

1. Banks, each of which may have two (2) drive-through lanes

2. Pharmacies, each of which may have one (1) drive-through lane.

3. All drive-through facilities must be designed in similar architectural style to the main building and be located to the rear of the bank or pharmacy. 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. Landscaping should not block sight distance to driveways, alley or streets.

5.91.05. *Prohibited uses and structures.* All uses and structures not of a nature specifically permitted herein are prohibited in the TC, Town Center Zone.

5.91.06. *Area regulations.*

A. Minimum size of a TC, Town Center Zone:

1. Four (4) acres when adjacent to an existing, medium density residential development of four (4) or more acres, which includes pedestrian connections to the town center;

2. Otherwise, eight (8) acres with a minimum core area of two (2) acres.

The zone shall include the area of streets, alleys, squares and other public places.

B. Maximum size of a TC, Town Center Zone: the edge of the peripheral area shall not exceed a distance of one thousand two hundred (1,200) feet from the core area.

C. Area regulations for houses, attached houses, and duplexes are as follows:

REGULATION	HOUSE	DUPLEX	ATTACHED HOUSE
Minimum Lot Size	5,000 square feet 5,500 square feet on corner lot	7,000	2,000 square feet 2,500 square feet on corner lot
Maximum Lot Size	None	None	4,000 square feet
Minimum Lot Width	40', 45' on corner lot, 50' if a driveway is provided from the front of the property	50'	20', 25' on corner lot
Maximum Height (a)	2½ stories/35'	2½ stories/35'	2½ stories/35'
Maximum Front Yard Setback (b)	25' to habitable portion of the house	25' to habitable portion of the units	10'
Minimum Front Yard Setback (c)	20' to habitable portion of the house	20' to habitable portion of the units	5'
Minimum Street Side Yard Setback	10'	10'	5'
Minimum Interior Side Yard Setback	5'	5'	0'
Minimum Rear Yard Setbacks: Main Building/ Accessory Buildings (d)	25'/5'	25'/5'	25'/5'
Maximum Building Coverage	55%	55%	70%
Maximum Impervious Cover	65%	65%	90%

(a) The minimum number of stories in an attached house shall be two (2).

(b) The maximum front yard setback may be extended to forty (40) feet for all houses on a block to address such constraints as topography, utility easements and tree conservation, provided that the concepts and the need for the greater setbacks are set forth in the development plan.

(c) Outdoor porches may extend ten (10) feet into the front yard space. Porch steps may extend up to an additional eight (8) feet into the front yard setback. For privacy, the ground level of attached houses should be at least eighteen (18) inches above sidewalks.

(d) Garages shall be located behind houses, attached houses, and duplexes. When access is provided from alleys, there shall be at least ten (10) feet of separation between the alley pavement and the garage. The garage shall be separated from the residence with a yard or patio area that has a minimum length of eighteen (18) feet.

D. Area regulations for other uses are as follows:

1. Front yard: To be determined by the planning commission through approval of a master development plan.

2. Minimum side yard:

a. Exterior lots: Same as abutting zoning district.

b. Corner lots: Same as article 3, "General provisions," subsection 3.30.01.

c. Interior lots: None.

3. Minimum rear yard: To be determined by the planning commission through approval of a master development plan.

4. The maximum site coverage is:

a. With all parking under the building, ninety (90) percent.

b. With a parking structure of two (2) or more levels on the same lot, seventy-five (75) percent.

c. With surface parking on the same lot, fifty (50) percent.

5. The maximum length of a block is three hundred (300) feet unless buildings on the block are separated by a pedestrian plaza or similar outdoor space that has a minimum of width of thirty (30) feet in which case the length of the block shall not exceed six hundred (600) feet. A minor portion of the pedestrian space can be covered as in the case of such features as an entrance gate or clock tower.

E. Build-to lines: To be determined by the planning commission through approval of a master development plan.

5.91.07. *Building height and number of stories in the core area.*

A. Minimum. Two (2) stories, with the following exceptions and limitations:

1. One (1) story and one and one-half (1½) story construction is acceptable for new buildings with a ground floor of seven thousand (7,000) square feet or less.

2. One (1) story grocery stores, not to exceed thirty thousand (30,000) square feet. One (1) story grocery stores that exceed thirty thousand (30,000) square feet must have two (2) story liner buildings, with a use on each floor, that face the most prominent adjacent street(s) as determined in the development plan approval process.

3. 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.

4. Other one (1) story retail uses provided that each block face that contains those buildings has a majority of multi-story buildings. Two (2) or greater story liner buildings, as defined in article 2, "Definitions," may be used to meet this requirement.

5. The ground floor area of all one (1) story buildings and one and one-half (1½) story buildings shall not exceed twenty-five (25) percent of the total ground floor area of all buildings in the development plan or in any phase of the development plan.

B. Maximum to be determined by the planning commission through approval of a development plan as required in subsection 5.91.12, "Development plan and standards," with the following exceptions:

1. Buildings at the edge of a TC Town Center Zone shall not exceed two and one-half (2½) stories and thirty-five (35) feet when abutting a low density residential area as identified in the applicable sector plan.

2. The overall density of residential development in the peripheral area shall not exceed twelve (12) dwelling units per acre.

5.91.08. *Parking.* Off-street, surface parking in the core area shall be located behind buildings, with the exception of one (1) aisle as outlined in subsection 5.91.13, "Standards for specific improvements." 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 prohibit on-street parking on arterial or collector streets or on existing streets that cannot, as determined by the director of the department of engineering and public works, be reasonably reconstructed to include on-street parking.

Off-street surface parking for retail uses shall be based on a minimum of seventy (70) percent and a maximum of ninety (90) percent of the required spaces in subsection 3.50.10. There is no maximum for parking spaces when the off-street parking is contained in a parking structure.

Off-street surface parking for other uses shall be based on providing a maximum of ninety (90) percent of the required spaces in subsection 3.50.10, with the following exceptions:

A. When the core area of the TC Town Center Zone is within a one-quarter (¼) mile walk via sidewalks of a Knoxville Area Transit stop, an additional reduction may be requested of or may be required by the planning commission.

B. Residential off-street parking shall be provided as follows:

1. One (1) space for each house or attached house; two (2) spaces for each duplex.

2. One (1) space for each efficiency or one-bedroom unit in an apartment.

3. One and one-half (1½) 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.

C. 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.

D. Parking structures that are constructed within the zone 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.

5.91.09. *Loading and storage of refuse.*

A. *Loading.* Loading space shall be accommodated to the rear of buildings and shall not include alley or driveway areas.

B. *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 shall be of the same finishing material used on the principal building.

5.91.10. *Landscaping.*

A. 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. For the purposes of this requirement, alleys and unimproved rights-of-way are not to be considered streets.

B. Parking lots containing more than five thousand (5,000) square feet shall be designed and landscaped as follows:

1. To foster attractive community appearance and to provide for orderly, safe, and systematic circulation within parking areas, off-street parking areas constructed on grade shall meet the following site improvement standards:

a. Perimeter landscaped buffers shall be provided between the parking lot and alleys, buildings, sidewalks, and other edges of the parking area.

b. Interior landscaped areas and parking aisles shall be arranged so as to channel traffic and minimize vehicular and pedestrian conflicts within parking areas. The maximum distance between perimeter landscaped buffers and interior landscaped aisles shall be one hundred twenty (120) feet.

c. Terminal islands shall be provided at the end of all parking aisles and an interior landscaped island shall be provided for every ten (10) parking spaces.

d. The width of landscaped buffers, aisles and islands shall be a minimum of seven (7) feet. A combination of native shade, evergreen and under-story trees and shrubbery shall be planted in the landscaped areas.

C. For monument or ground-mounted shingle signs: Appropriately sized shrubbery or flowers shall be planted around the base of the sign.

D. 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.

5.91.11. *Signs.*

A. A master signage plan shall be part of the development plan. After approval of a master signage plan by the planning commission, the planning commission staff may approve minor changes to the signage plan administratively. For the purpose of these regulations, minor changes include:

1. An increase in the size of any sign by up to ten (10) percent provided this does not exceed the maximum sizes permitted below.

2. Changing the text, message, design or material of any sign shall not require approval by the planning commission or planning commission staff, providing that the sign is consistent with the standards contained in the master signage plan.

B. Types of signs permitted, subject to approval of master signage plan.

1. 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 zone. Monument signs that are used at entrances to identify the overall zone may be up to one hundred (100) square feet. Monument signs may have two (2) sides.

2. 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 zone. Height shall not exceed six (6) feet.

3. Directional signs.

4. Wall signs including projected and face mounted signs.

5. Window signs, not exceeding ten (10) percent of that window space.

C. Advertising signs, billboards, and ground signs, with the exception of monument signs, are prohibited.

5.91.12. *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 features that are outlined below. Design guidelines already approved for a HZ, Historical Overlay Zone may be accepted in fulfillment of this requirement to the extent that the features listed below are addressed.

If the development plan does not include the entire area of the conceptual site plan that was approved at the time of rezoning, then a phasing plan must be submitted for planning commission approval. A phasing plan must include the minimum and maximum square feet and minimum and maximum height of the proposed uses, as well as the projected open space, pedestrian and road systems.

A. *Architectural features.*

1. Building type (for example, slot commercial buildings constructed to sidewalk, attached houses).

2. Building facade.

3. Exterior features.

4. Building height, set backs and build-to line standards.

5. Roofs and rooftops.

6. Exterior materials.

7. Exterior colors.

8. Permitted signs.

9. Prohibited signs.

10. Sign design standards.

B. *On-site and off-site improvements.*

1. Fences and walls.

2. Main street, square or plaza.

3. Landscaping.

4. Special pavement and sidewalk treatments.

   (a) Sidewalks.

   (b) Accent patterns at street intersections.

5. Setbacks and sidewalk easements.

6. Street lighting.

7. Street furniture.

8. Parking standards.

9. Refuse storage.

10. 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.

5.91.13. *Standards for specific improvements.*

A. Where public transit is available: loading/unloading space and appropriate shelter shall be provided when the planning commission finds that the zone is large enough to warrant such a facility.

B. Sidewalks are to be established throughout the zone as follows:

1. *Core area minimum standards.*

a. 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.

b. Twelve-foot-wide sidewalks for two-story buildings, constructed to the edge of the sidewalk with street trees to be established in tree wells.

c. Fourteen-foot-wide sidewalks for buildings higher than two (2) stories, constructed to the edge of the sidewalk with street trees to be established in tree wells.

2. *Peripheral area minimum standards.*

a. 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.

b. Twelve-foot-wide sidewalks when buildings are established to the edge of the sidewalk with 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 which is safe, comfortable pedestrian circulation can be realized through another design. The commission may waive the preceding dimensional requirements in areas with preexisting sidewalks.

C. 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 the area within the zone. Yards, planting strips and landscaped road medians are not to be considered in fulfilling this requirement.

D. Provisions for block size, building orientation and functional entrances:

1. Each side of a block shall be no longer than three hundred (300) feet in the core area, unless broken by a pedestrian corridor.

2. All buildings and liner buildings must front on and have front entrances that are oriented to a street with the exception in subsection 5.91.13.D.3 below.

3. One (1) aisle of off-street parking with two (2) rows of parking may be considered in front of buildings that are not in the mixed use, "main street" portion of the core area which is the retail mixed use "main street core"; this would allow, for instance, a location for parking that would not compete with a natural feature that is on the site such as parking between a water body and a building.

4. Functioning entry door(s) shall be provided along ground story facades at intervals not greater than fifty (50) linear feet for retail uses.

5.91.14. *Administrative procedures.* A TC, Town Center Zone shall be established through a two-step procedure:

A. 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.

B. Approval of a development plan, subject to the requirements of section 6.50, "Procedures for authorizing uses permitted on review;" section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," section 2, "Development standards for uses permitted on review," and the additional requirements of this section. The development plan shall include:

1. A site plan showing compliance with the requirements of the zoning ordinance and other applicable county ordinances.

2. A landscaping plan.

3. A master signage plan.

4. 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.

5. A schedule of permitted uses, including the proposed residential densities. The applicant may ask for approval for all uses listed in subsection 5.91.03, "Uses permitted," above, or the schedule of permitted uses may exclude some of the uses listed in subsection 5.91.03, "Uses permitted." The schedule may also limit the size of individual buildings.

6. 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.

7. 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.

8. As part of the development plan, the owner or owners of property within the zone 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.

C. 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 zone that would not otherwise be allowed by a strict interpretation of the zone regulations.

D. After consideration of the development plan, the planning commission may approve, deny, or approve the plan subject to conditions or modifications.

E. It is the intention of these TC, Town Center Zone 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 planning commission 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-01-6-101, § 1(Exh. A), 7-23-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-09-10-101, § 2(Exh. A), 11-16-09; Ord. No. O-11-1-103, § 1(Exh. A), 2-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101 , § 2, 3-28-22)

ARTICLE 6. ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

6.10. Permits.

6.10.01. Except as hereinbefore provided, a written building permit shall be obtained from the department of code administration and inspections before starting or proceeding with the erection, structural alteration, or moving of any building or structure, or changing the use of any building or land, except that no permit shall be required for maintenance or installation of interior finishes in houses, attached houses or duplexes, agricultural uses and accessory farm buildings, or for home gardening or similar uses in any zone.

6.10.02. Each permit issued for a main building shall cover all accessory buildings constructed at the same time; otherwise, each accessory or other building or structure, including billboards and signs, shall require a separate permit.

6.10.03. A fee shall be set by the board of commissioners and shall be charged for issuance of each permit, which fee shall be collected by the department of code administration and inspection. Fees shall be doubled if construction of a building is started prior to obtainment of the necessary building permit. A record shall be kept of all fees collected and these fees shall be placed in the county treasury.

6.10.04. Whenever the use of a building or land is changed to a use of the same or more restricted classification a "use and occupancy" permit shall be obtained from the department of code administration and inspection.

6.10.05. Whenever application for a building permit is made, the provisions of the Knox County Access Control and Driveway Design Policy shall be followed.

6.10.06. A permit shall become invalid six (6) months from date of issuance if the work authorized by the permit has not been started, unless otherwise extended by the board of zoning appeals; and such permit shall not be transferable.

6.10.07. It shall be the duty of the director of the department of code administration and inspection, among other things, to administer the provisions of this resolution pertaining to the issuance or withholding of permits for the erection, alteration, and use of buildings, signboards, structures, and land as described in the foregoing sections. The director of the department of code administration and inspection shall issue or withhold any permit, in any form as directed by the board of zoning appeals; failure to do so shall be a misdemeanor with penalties as provided by this resolution. The department of code administration and Inspection shall not be liable for legal action for the issuance of any such permit by direction of the board.

(Ord. No. O-96-9-101, § 1, 10-28-96; Ord. No. O-96-6-103, 7-22-96; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

Editor's note(s)—The Knox County Access Control and Driveway Design Policy referenced in subsection 6.10.05 is not included in this Code, but is attached to Ordinance Number O-96-9-101 as Exhibit A and is incorporated herein by reference.

6.11. Grading permit.

6.11.01. *Purpose.* Within the county, soil erosion and stormwater from construction sites contribute to the impairment of the floodplain, increased road maintenance costs, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. A grading permit procedure is hereby established to reduce both erosion and sediment problems resulting from the development process and the increase of urban runoff from developed land.

6.11.02. *Application.* An application for a grading permit shall be submitted to the supervisor of county codes administration and enforcement prior to the beginning of any grading, clearing, excavating, filling or other disturbance of natural terrain. The application shall contain the applicant's name and address and other relevant

information requested on the application forms. It shall also contain proposed grading plans including the information and calculations required as published standard policy of the county. The application shall be signed by the owner of the property or their representative. Except for construction of houses and attached houses, bond will be required based on a review of the proposed improvement.

6.11.03. *Bonds.* No clearing, grading, excavating, filling or other disturbance of natural terrain shall be permitted until a bond, letter of credit, or cash deposit is posted adequate to complete the drainage facilities and erosion control measures for stabilizing the site. The division of engineering and hydrology shall set the amount and time of the bond, based on the estimated construction costs of drainage facilities. Construction of houses and attached houses within an approved subdivision and in conformance with an approved grading plan, or other construction activities determined by the county engineer to have no significant potential of erosion or drainage problems, shall not require the posting of bond.

6.11.04. *Restoration of graded areas.*

A. On any land which has been graded pursuant to a grading permit granted under this section, where vegetation and soil have been disturbed or removed and not replaced by any permanent structure, a permanent ground-cover sufficient to restrain erosion shall be planted or otherwise provided within one hundred twenty (120) working days on that portion of the tract upon which further active construction is not being undertaken, including the watershed and drainage basin of a functioning sediment control basin. During winter and summer seasons, temporary cover shall be provided within one hundred twenty (120) working days and properly maintained until the beginning of the next spring or fall seeding season, when permanent cover shall be planted. Such restoration shall be done in accordance with the Knox County Policy for Control of Erosion and Stormwater and the guidelines outlined in the Knox County Erosion and Sediment Control Handbook. (1981).

B. The division of engineering and hydrology shall not release the bond required by subsection 6.11.03, "Bonds," of this section until it certifies that the requirements of this subsection have been met.

6.11.05. *Appeals.*

A. Any person aggrieved by requirements of the grading permit may appeal from any order, requirement, decision or determination to the board of zoning appeals.

B. The board is authorized, by the provisions of section 6.60, "Board of zoning appeals," of this resolution, to grant a variance and exception to the requirements of a grading permit where documentation is presented which indicates no significant potential of erosion or drainage problems. The documentation presented shall be made part of the board record.

6.11.06. *Enforcement.* Compliance with the requirements set forth in this resolution, and the accompanying Policy for Control of Erosion and Stormwater and its subsequent revisions, shall be enforced under the provisions of section 6.20, "Enforcement," of this resolution.

(Ord. No. O-95-3-101, § 1, 4-24-95; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

6.12. Temporary use permit.

6.12.01. *Purpose.* A temporary use permit allows for the short-term use of a lot, including the placement of temporary structures. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the County Code.

6.12.02. *Initiation.* A property owner in the county, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

6.12.03. *Authorization.* The director of the department of code administration and enforcement will review and make final decisions on temporary use permit applications.

6.12.04. *Procedure.*

A. All applications for temporary use permit must be filed with the director of the department of code administration and enforcement.

B. The director of the department of code administration and enforcement must render a decision on the temporary use permit within thirty (30) days of the date of receipt of a complete application. The director of the department of code administration and enforcement must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

6.12.05. *Standards.* All temporary uses must comply with the requirements of this Code, including the temporary use standards of Article 3.100, and the following standards:

A. Unless otherwise allowed by this Code, the temporary use or structure complies with the dimensional requirements of the district in which it is located.

B. The temporary use does not adversely impact the public health, safety, and welfare.

C. The temporary use is operated in accordance with any restrictions and conditions as the sheriff's department, fire bureau, or director of code administration and enforcement, may require.

D. The temporary use does not conflict with another previously authorized temporary use.

E. The temporary use may decrease parking by up to fifty (50) percent so long as traffic patterns and circulation are approved beforehand by the department of engineering.

F. Occupied structures shall comply with applicable building and fire codes.

6.12.06. *Expiration.* The temporary use permit is valid for the time period granted as part of the approval or as set forth in the temporary use standards in section 3.100. Unless stated otherwise in section 3.100, the validity of a temporary use permit may be extended for one (1) time period upon approval of a written request.

6.12.07. *Appeals.* Anyone aggrieved by a final determination of the director of the department of code administration and enforcement may file an appeal in accordance with section 6.60.

(Ord. No. O-22-12-101 , § 1, 1-23-23)

6.20. Enforcement.

6.20.01. It shall be the duty of the sheriff of the county, and of all officers of said county otherwise charged with the enforcement of the law, to enforce this resolution and all the provisions of the same.

6.20.02.

A. The provisions of this resolution shall be administered and enforced by the director of the department of code administration and enforcement. Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this resolution shall be subject to a civil penalty of not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00), to be assessed by the department of code administration and enforcement. Each and every day of violation shall constitute a separate offense. Any person, firm, association or corporation aggrieved by a determination of violation or the assessment of a civil penalty may appeal such determination or assessment to the board of zoning appeals as provided in subsection 6.60.05, "Cases before the board."

B. Compliance with this resolution may also be enforced by injunction at the suit of the county or the owner or owners of real estate within the zone affected by the regulations of this resolution.

6.20.03. Any building or structure erected, altered, or used, and any use of property, contrary to the provisions of this resolution shall be and the same are hereby declared unlawful and a public nuisance; and the

district attorney of the county shall, upon order of the board of zoning appeals, immediately commence action for the abatement, removal, and enjoinment thereof in the manner provided by law, and shall apply to such courts as have jurisdiction to grant such relief as will remove such building, structure, or use, and restrain and enjoin any such building or structure, or using any property contrary to the provisions of this resolution.

(Ord. No. O-99-10-101, § 2, 11-15-99; Ord. No. O-99-12-101, § 1, 1-24-00; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-09-3-105, § 1, 4-27-09; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

6.30. Amendments.

The regulations, restrictions, boundaries and options set forth in this resolution may, upon proper application by the property owner or their designated representative, by an appropriate governmental agency, or the county board of commissioners, be amended, supplemented, revised or repealed from time to time as conditions warrant, as hereinafter set forth.

6.30.01. *Standards for amendments.* The following conditions shall be met for all text and map amendments:

A. The proposed amendment shall be necessary because of substantially changed or changing conditions in the area and zones affected, or in the county generally.

B. The proposed amendment shall be consistent with the intent and purposes of this resolution.

C. The proposed amendment shall not adversely affect any other part of the county nor shall any direct or indirect adverse effects result from such an 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 for Knoxville and Knox County, Tennessee, Land Use Plan, Community Facilities Plan, and others.

6.30.02. *Application.* Amendments shall be initiated by filing an application with the planning commission on forms available in the planning commission office.

6.30.03. *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.

A. Prior to holding such public hearing, the planning commission shall have first given not less than twelve (12) days notice of such hearing by one (1) publication in a daily paper of general circulation.

B. The planning commission shall notify all property owners whose property would be rezoned and who were not a party to the petition for rezoning. Such notification shall be by certified mail to the last known address of the property owner not less than twelve (12) days prior to the public hearing. Notification by mail shall not be required in cases of general amendments to the zoning map or amendments to the text of the zoning resolution.

6.30.04. *Errors or oversights.* Errors or oversights as may be found in the resolution as originally adopted shall be corrected under the normal amendment procedure.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

6.40. County commission review.

The planning commission shall make a report to the county commission upon all such applications approved by it, but before the enactment of any amendment to the zoning resolution the county commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published once in a daily newspaper of general circulation in the county.

6.40.01. Any person, firm or corporation aggrieved by any decision of the planning commission relative to rezonings, sector plan amendments, or amendments to this code may petition the County Commission to consider the same. Such petition shall be in writing and shall state with particularity:

A. The planning commission file number and the name of the owner of the subject property, if applicable.

B. A description of the matter being appealed, including the county property map number and parcel or lot number, if applicable.

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, if applicable.

D. A statement of zone or amendment desired or opposed, including a summary of the zoning of all property located within three hundred (300) feet of the subject property, if applicable.

6.40.02. The petition shall be filed with the planning commission not more than thirty (30) days from the date of the planning commission decision to be considered and shall be scheduled for public hearing before county commission at the earliest date possible consistent with these regulations. All such petitions shall be submitted on forms available in the planning commission office.

6.40.03. County commission shall consider such petition in public hearing and may either affirm or overrule the action of the planning commission. Prior to holding such public hearing:

A. At least fifteen (15) days notice of time and place of said hearing shall first have been published once in a daily newspaper or general circulation in the 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)".

3. The body copy shall be no smaller than the standard one-line type used generally throughout the "Want Ads" section.

(Ord. No. O-03-10-101, § 1(Exh. A), 11-17-03; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , §§ 1, 2, 3-28-22; Ord. No. O-22-6-104 , §§ 1, 2, 8-22-22)

Editor's note(s)—Ord. No. O-03-10-101, § 1, (Exh. A), adopted November 17, 2003, amended § 6.40 in its entirety to read as herein set out. Formerly, § 6.40 pertained to board of commissioners review and derived from Ord. No. O-97-7-102, § 1, adopted August 25, 1997.

6.50. Procedure for authorizing uses permitted on review.

In addition to uses permitted by right in various zones, specified uses may be established and maintained only with the approval of the 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:

6.50.01. *Application.* An application shall be filed with the planning commission for review. Said application shall show the location and intended uses of the site, and shall be accompanied by five (5) copies of a plot plan of proposed development which has been approved by the county health department, together with any other material pertinent to the request which the planning commission may require.

6.50.02. *Public hearing.* Upon application, the planning commission shall give a 12-day notification of a public hearing. Such notice of time and place of such hearing shall be published in a daily paper of general circulation.

6.50.03. *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 of land or buildings as it may deem advisable in the furtherance of the general purpose of these regulations.

6.50.04. *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 uses shall conform to such regulations at all times.

6.50.05. *Effective date of approval—Issuance of permit.*

A. Planning commission approval shall become effective thirty (30) 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.

6.50.06. *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 sector 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, the sector plans and the general and specific standards contained in article 4, "Supplementary regulations," of this ordinance 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 shall be included in the minutes of the planning commission meeting where decisions are made.

6.50.07. *Board of zoning appeals review of action of commission.* Any person, firm or corporation aggrieved by any decision of the planning commission relative to uses permitted on review as referenced in Article 4, 4.10, Section 2 "Development Standards for Uses Permitted on Review" may petition the board of zoning appeals to consider the same.

A. The petition shall be filed with the office of code administration not more than thirty (30) days from the date of the planning commission decision, and shall be scheduled for public hearing before the board of zoning appeals at the earliest date possible consistent with these regulations.

B. The board of zoning appeals shall consider de novo in public hearing and may affirm, modify, impose restrictions as provided by article 6, "Administration, enforcement and interpretation," subsection 6.50.03, "Restrictions," or overrule the action of the planning commission.

C. No building permit shall be issued until thirty-one (31) days after action by the planning commission. If the action of the planning commission is appealed to the board of zoning appeals no building permit shall be issued until the board has acted on appeal.

6.50.08 *Appeal of development plans.* In any Zone in which a "development plan" or "plan for development" must be approved by the planning commission prior to the construction or alteration of any building or development, any person, firm or corporation aggrieved by the decision of the planning commission regarding such development shall follow the following procedure for appeals:

(a) The aggrieved person or entity may file an appeal either to the Board of Zoning Appeals or to a court of competent jurisdiction within thirty (30) days of the decision being appealed.

(b) The Applicant for the development plan being challenged may opt out of the BZA appeal by sending, by certified mail, a notice of demand to have the matter heard by a court of competent jurisdiction to the Knox County Law Director's Office, with a copy of said notice sent by certified mail to the address of the aggrieved appellant(s), within fifteen (15) days of the filing of the BZA appeal.

(c) In the event that such notice is filed with the Law Director's Office, the appellant shall file the appeal with a court of competent jurisdiction within thirty (30) days of the notice having been mailed.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22; Ord. No. O-22-6-104 , §§ 3, 4, 8-22-22)

6.60. Board of zoning appeals.

6.60.01. *Establishment; membership; terms of office.* The establishment of a board of zoning appeals to be known as the Knox County Board of Zoning Appeals and hereafter referred to by the word, "board," is hereby authorized. Such board shall consist of nine (9) members appointed by the county commission. The members of the board of zoning appeals shall occupy seats hereinafter denominated as one (1) through nine (9), with each member residing in one (1) of the nine (9) county commission districts that they represent, such that no district will have more than one (1) board member. The term of office shall be for two (2) years. The terms of those members representing the first, third, fifth, seventh and ninth districts shall expire on September 30, 2010, and shall be refilled by act of the county commission during its regular September meeting. Thereafter, the terms of the members representing the second, fourth, sixth and eighth districts shall expire on the following September 30 and shall be refilled by the county commission during the regular September meeting. All new terms of office shall begin on October 1. Members of the board serving as of the effective date of this ordinance shall continue to serve until their terms are affected by these requirements. Members of the board of zoning appeals shall hold no other appointed or elected public office in the county. The county commission may remove any member for cause upon written charges and after a public hearing.

6.60.02. *Meetings; minutes; records.* The board shall meet at the call of the chairman, and at such other times as the board may determine, at a fixed time and place. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. It shall have power to call on any other county department for assistance as may be reasonably required. In the case of all appeals, the board shall call upon the planning commission for all information pertinent to the decision appealed from.

6.60.03. *Powers of the board of zoning appeals.*

A. The board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official.

B. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the board 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 subsection 6.60.04, "Variances," of this article.

C. To hear and decide in accordance with the provisions of article 4, "Supplementary regulations," section 2, "Development standards for uses permitted on review," and article 6, "Administration, enforcement and interpretation," section 6.50, "Procedure for authorizing uses permitted on review," of this ordinance, appeals from the planning commission of decisions regarding use-on-reviews.

D. To hear and decide, in accordance with the provisions of article 3, "General provisions," subsection 3.11.04 of this ordinance, requests for interpretation of the zoning map.

E. To call on any department for assistance in its duties; and it shall be the duty of such department to render all such assistance as may reasonably be required.

F. To compel attendance of witnesses at hearings and to administer oaths.

G. To hold at least one (1) scheduled meeting per month and give notice of such meeting as required by law.

6.60.04. *Variances.* 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 their land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using their property as the zoning ordinance intended.

A. *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 zone 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 their 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.

B. *Requirements for granting 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 variance 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 variance contrary to the provisions of the ordinance the spirit of the ordinance will be observed.

4. That by granting the variance, substantial justice will be done.

6.60.05. *Cases before the board.*

A. Every appeal or application shall be made to the board on a form which may be secured at the office of code administration. The procedure for appeals shall be as follows:

1. A written appeal shall be filed with the board through the office of code administration by the party aggrieved by any order or decision of the building inspector or planning commission. Said appeal shall be accompanied by accurate plans and specifications of the proposed work showing also the plot of land to be built upon, together with the placement of proposed building(s) and all other existing or proposed structures.

2. Every appeal shall be taken within thirty (30) days from the date of the action causing such appeal.

3. A fee, to be established by the board, due and payable at the time of appeal, shall be paid to the office of code administration, as agent for the board, to cover the cost of notices and other expenses incidental to the hearing.

4. At the public hearing of the case before the board, the appellant shall appear in their own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in opposition shall follow.

B. Upon receipt in proper form of any such appeal or application, the board shall post such appeal or application, together with maps and the accompanying data in its office for public inspection, for a period of not less than one (1) week, and shall hold a public hearing thereon. The board may also adopt regulations requiring notice by personal service or registered mail by the building inspector to property owners within any reasonable radius of the proposed development that the board may determine.

6.60.06. *Court review of the board.*

A. Any person, firm or corporation aggrieved by any decision of the board may present to a court of competent jurisdiction a petition fully verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality.

B. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. Such petition shall not be filed with respect to the decision of the office of code administration or any administrative officer without recourse to the board of zoning appeals.

(Ord. No. O-10-5-102, § 1, 6-28-10; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

6.70. Administrative site plan review.

6.70.01. *Intent.* The purpose of the administrative site plan review is to ensure that the requirements and intent of this zoning ordinance and other applicable county ordinances are met prior to the issuance of building permits.

6.70.02. *Applicability.* This review will apply for uses listed under "Uses Permitted" in the EC, Employment Center, CN, Neighborhood Commercial and CR, Rural Commercial zoning districts. Uses requiring use-on-review approval will be considered by the planning commission prior to administrative site plan review. No review shall be required for houses, attached houses or duplexes, or buildings or structures accessory to houses, attached houses or duplexes.

6.70.03. *Submittal.* Three (3) copies of a one (1) inch equals forty (40) feet or less scaled site plan shall be submitted to the county department of code administration, or its successor, for review. It must include the following information:

A. Proposed use;

B. Location information including parcel ID, address, owner, locator map, zoning, north arrow and total site acreage;

C. Survey of property, clearly showing property boundaries in relation to other features;

D. Building location and square footage of floor area;

E. Proposed signage size, height and location;

F. Proposed landscaping and screening areas including location, species type, mature heights, and existing vegetation to be preserved if required;

G. Parking spaces and dimensions.

6.70.04. *Plan review.*

A. The department of code administration will review the plan within ten (10) business days of its receipt, excluding holidays, and issue an approval, provisional approval or denial of the plan.

B. Approval shall be granted to a plan which meets the requirements of the county zoning ordinance, Knoxville-Knox County Minimum Subdivision Regulations, county flood hazard ordinance, county stormwater ordinance and the requirements of any use-on-review or subdivision concept plan of the planning commission.

C. A plan may be granted provisional approval. Provisional approvals may stipulate that certain site development requirements, such as landscaping, may be met by posting a bond or other security acceptable to the county. The provisional approval shall include a schedule for completion of such improvements.

D. If the plan is denied, a form will be attached listing the deficiencies and citing the specific requirement that has not been met. The applicant must then address the deficiencies and resubmit three (3) copies of the plan along with the deficiency form.

6.70.05. *Plan certification.* Upon approval, the plans will be certified. The department of code administration will retain one (1) copy of the plan, one (1) copy will be sent to the planning commission, and one (1) copy will be returned to the applicant.

(Ord. No. O-03-2-104, § 1(Exh. A), 3-24-03; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101 , § 1, 3-28-22)

6.80. Planned development approval.

6.80.01. *Authority Delegated to County Commission.* The County Commission of Knox County is hereby delegated the authority to grant exceptions to the use and dimensional standards of the zoning district in which a proposed plan development is to be located, in accordance with the procedures set forth below.

6.80.02. *Purpose* The planned development approval process provides an optional process for approval of projects that may not fit within the bounds of the standard zoning districts established by this Code. Planned developments (PD) are intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should be applied to further those applications that provide compensating amenities to Knox County. In return, the planned development 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. Plans submitted for approval as provided for by this process must demonstrate a creative approach to the design of the project and the development of the property. The design team shall be capable of presenting a creative project that will deliver significant community benefits. The underlying zoning district dimensional, design, and use regulations apply to a PD unless specifically modified through the approval process. Through the flexibility of the planned development technique, a PD is intended to:

A. Encourage flexibility in the development of land and in the design of structures.

B. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Code.

C. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.

D. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.

E. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.

F. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.

G. Facilitate the implementation of the adopted Knoxville-Knox County General Plan and its component parts, including adopted sector plans, corridor plans, and related documents.

H. Encourage land use that benefits the surrounding community and is compatible with existing and planned uses of the surrounding area.

6.80.03. *Initiation*. The entire property proposed for the planned development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals shall bind all owners.

The planning commission or the Knox County Commission may also initiate a planned development proposal.

6.80.04. *Authorization*.

A. A planned development is authorized in all zoning districts and parcels located in the planning area of Knox County except the Rural Area of the Growth Policy Plan.

B. A planned development shall be a minimum of ten (10) acres. The calculation of acreage shall exclude area(s) covered with permanent bodies of water (lakes, rivers, streams), excluding farm ponds.

C. A planned development approval must be granted in accordance with the procedures and standards of this section. Unless waivers of underlying regulations are specifically approved as part of the planned development approval, the requirements of the underlying district apply.

D. Planned development approval is separate from subdivision approval. PD approval may be granted first, whereby subdivision approval would be granted subsequently in compliance with the approved lot layout design.

6.80.05. *Exceptions From District Regulations.*

A. A planned development is subject to the underlying district dimensional, design, and use regulations unless an exception is specifically granted. The Knoxville-Knox County Planning Commission may recommend and the Knox County Commission may grant exceptions to the zoning district dimensional, design, and use regulations where a planned development is located.

B. Exceptions from district regulations may be granted for planned developments if the exceptions provide all of the following benefits:

1. Enhance the overall merit of the planned development;

2. Promote the objectives of both Knox County and the development;

3. Enhance the quality of the design of the structures and the site plan;

4. Will not cause excessive adverse impact on neighboring properties;

5. Further the goals of the adopted Knoxville-Knox County General Plan and its component parts, including adopted sector plans, corridor plans, and related documents; and

6. Provide a public benefit to Knox County, as described below.

C. The underlying zoning district dimensional, design, and use regulations apply, unless an exception is granted as part of the planned development approval. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the Knox County community. Planned developments shall demonstrate significant benefits to the community, as identified and validated during the review of the project. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:

1. Community gathering spaces and amenities including plazas, public art, formal gardens, places to congregate, and pedestrian facilities.

2. Improvement of existing on-site and off-site infrastructure.

3. Use of sustainable design and architecture, such as green roofs, white roofs and other energy efficient design concepts, new building technologies, and approval of buildings and developments that meet established standards such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, etc.

4. Preservation of existing environmental features, including protections for steep slopes (15% or more slope).

5. Preservation of historic features and adaptive reuse of existing buildings.

6. New open space and recreational amenities such as useable recreational open space, including parks and playgrounds, natural water features and conservation areas, walking trails, dog parks, and similar recreational features, which may be open to the public.

7. Affordable housing set-asides provided that the affordable housing meets the standards for affordability such that the cost of the housing does not exceed 30% of the Knox County median income.

8. Senior housing set-asides.

9. Land set-aside for public facilities such as schools, libraries, emergency services, etc.

D. Exceptions to the underlying dimensional and design standards of this ordinance must equal or exceed the standard objectives of this ordinance, and not impair the reasonable long-term use of other properties in fulfillment of the land use goals and policies of the Knox County General Plan. Alternate dimensional and design standards may be approved for a planned development in lieu of the following standards as set forth in this ordinance:

1. Setback and building height standards.

2. Street setback standards.

3. Lot size standards.

4. Landscape buffer standards.

Approval of alternate dimensional and design standards for portions of a planned development located along the perimeter (periphery) of a planned development shall assure compatibility with the abutting land use and provide for a reasonable transition between intensity of development and types of land use.

E. Exceptions to underlying zoning use regulations may be approved provided the approval of the preliminary plan is based upon a finding that the proposed land uses are arranged and designed in a manner that does not unreasonably impair the long term use, as established by the Knox County General Plan, of properties adjoining the planned development. In making a request for an exception to the underlying zoning use regulations, the applicant(s) for a planned development approval shall identify the exceptions requested and provide a justification for each exception. In approving an exception to the underlying zoning use regulations, the county commission shall identify the justification for such approval. The approval by the county commission of an exception to the underlying zoning use regulations may constitute an amendment to the Sector Plan for the area in which the planned development is proposed.

6.80.06. *Procedure*. The following procedures, requirements, restrictions, and conditions are required. The approval of a planned development includes a pre-application consultation, mandatory concept plan review, preliminary plan approval, and final plan approval.

A. *Pre-application consultation*.

1. Prior to formal submittal of an application, a pre-application meeting with the Knoxville-Knox County Planning and Knox County Engineering and Public Works staff is required.

2. At a pre-application meeting, the applicant shall provide information as to the location of the proposed planned development, the proposed uses, proposed improvements, including the public benefits and amenities, anticipated exceptions to this Code, and any other information necessary to explain the planned development.

3. The purpose of such pre-application meeting is to make advice and assistance available to the applicant before preparation of the concept plan, so that the applicant may determine whether the proposed planned development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed planned development aligns with the adopted land use policies of Knox County.

4. The pre-application meeting does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the planning staff are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

B. *Concept plan.* Before submitting a formal application for a planned development, the applicant shall present a concept plan before the planning commission for the purpose of obtaining information and guidance prior to formal application.

1. The concept plan will be presented at a regular meeting of the planning commission. At minimum, the concept plan must consist of the following:

   a. A plan (or plans) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site, landscape and buffer area, and approaches to be employed for stormwater management.

   b. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.

2. The planning commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the planning commission is in no way binding with respect to any official action the planning commission or county commission may take on the subsequent formal application. No decision will be made on the application.

3. Mailed and posted notice is required for the meeting at which the concept plan is to be presented.

C. *Preliminary plan.*

1. *Action by planning staff.* An application for a preliminary plan for a planned development must be filed with the planning staff. Once it is determined that the application is complete, the planning staff will schedule the application for consideration by the planning commission.

2. *Action by planning commission.*

   a. Upon receipt of a complete application, the planning commission will consider the preliminary plan at its regular monthly meeting and shall hold a public hearing to receive comment on the plan.

   b. The planning commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The planning

commission must recommend either approval, approval with conditions and/or modifications, or denial of the preliminary plan.

c. Following the close of the public hearing, the planning commission will forward its recommendation to the county commission.

3. *Action by Knox County Commission.*

a. The county commission will hold a public hearing on the preliminary plan upon receipt of the planning commission recommendation, and must approve, approve with conditions and/or modifications, or deny the preliminary plan.

b. The county commission must finally act upon the application within 120 days of the final decision of the planning commission public hearing. Failure to act within 120 days means the application is denied.

c. If exceptions to the dimensional, design, or use standards of the underlying zone are granted by the county commission, the justification for the exceptions shall be stated.

4. *Conditions*. The planning commission may recommend, and the county commission may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

5. *Approval standards*. The recommendation of the planning commission and decision of the county commission must make a finding that the following standards for a planned development have been met.

a. The proposed planned development meets the purpose of a planned development.

b. The proposed planned development will not be injurious to the use and enjoyment of other property in the vicinity.

c. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property.

d. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. In this case, adequate shall mean capable of meeting the identified needs of the proposed development.

e. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. The planning commission and/or county commission may require a traffic study to provide evidence that the circulation system is adequate. There is provision of utilities and drainage of adequate capacity to serve the proposed development based upon the preliminary plan. The plan shall provide a preliminary identification of any proposed improvements to existing streets, off-site utility systems or the drainage network considered necessary to support the proposed scope of development, with intended assignments of responsibility for providing those improvements.

f. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, and the uses are compatible with the surrounding neighborhood and adjacent land uses.

g. One or more of the following design professionals shall certify direct involvement in the preparation of the preliminary plan: architect, civil engineer, landscape architect, urban planner.

h. Full identification, description and supporting rationale for any proposed exception from the underlying zoning district design, dimensional, and/or use standards.

i. The proposed planned development is designed in a manner that affords an opportunity for eventual implementation of the Knoxville-Knox County Park, Recreation and Greenways Plan. The preliminary plan shall take all reasonable measures to protect the visual and operational integrity of an existing or proposed greenway corridor by means of sensitive orientation and placement of improvements to the land, and the protection of mature vegetation and natural land forms.

j. All reasonable measures shall be taken to incorporate known features of historical and/or archaeological significance into the design and development of a planned development in a manner that contributes to the protection and preservation of those features. Historical shall mean the property is located within a locally designated historic district, is identified as an individually designated local historic property, is listed on the National Register of Historic Properties, or is listed on the Knox County Survey of Historic Properties.

6. *Expiration*.

a. The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within three years after the date the Knox County Commission grants preliminary plan approval. As part of the county commission approval of the preliminary plan, the county commission may extend this period of time by granting an extension of up to an additional two years. The county commission also may extend this period of validity through approval of a phasing plan where the validity period is longer than three years for the planned development.

b. An extension of this three-year period may also be granted by the Knox County Commission if the applicant requests an extension in writing prior to the expiration date of the approval.

D. *Final plan.* Following the approval of the preliminary plan, an application for a final plan for a planned development must be filed with the planning staff.

1. *Action by planning staff*. The planning staff and Knox County Engineering and Public Works staff will review the final plan upon receipt of the complete final plan application and take the following action:

a. If the final plan is in substantial compliance with the approved preliminary plan, the planning staff will approve the final plan. The planning staff shall certify that the final plan is in substantial conformance with the previously filed preliminary plan.

b. If the final plan is not in substantial conformance with the approved preliminary plan, the planning staff must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the planning staff with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the planning staff render a decision to be forwarded to the planning commission. In such case, the planning staff will recommend to the planning commission that the final plan be denied. If denied by the planning commission, the applicant may reapply by submitting a new preliminary plan.

2. *Effect of approval*. After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Code and constitutes grounds for revocation of all approvals granted for the planned development.

3. *Expiration*.

a. The final plan approval expires if a building permit has not been issued within three years after the date of final plan approval. As part of the planning staff approval of the final plan, the planning commission may approve a phasing plan where the validity period is longer than three years for the planned development. The phasing plan must be presented as part of the preliminary plan submittal and approved as part of the preliminary plan approval.

b. An extension of this three-year validity period may be granted by the planning commission prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval. The validity period for the final plan cannot be extended for a period greater than three years. Consideration of a request for extension of the validity period will be at a public hearing.

6.80.07. *Modifications to Approved Final Plans.* No adjustments may be made to the approved final plan, except upon application to the planning commission in accordance with the following.

A. *Minor modifications*. The Planning and Knox County Engineering & Public Works staff may approve the following minor modifications to an approved final plan when it is determined by the Planning and Knox County Engineering & Public Works staff that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Planning and Knox County Engineering & Public Works staff may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the planning commission. When calculating percentages, all fractions are rounded up to the nearest whole number.

1. An increase or decrease in building height of up to 10%.

2. An increase or decrease in building coverage up to 10%.

3. A change in the internal location of walkways, vehicle circulation ways, and parking areas provided the locations of access point connections to public roads and rights-of-way are not changed.

4. An increase or decrease in the number of parking spaces of up to ten (10) percent of the parking spaces.

5. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Code and any conditions of the final plan approval.

6. Altering any final grade by no more than 20% of the originally planned grade.

B. *Major modifications.*

1. The planning commission may approve any other changes to an approved final plan that do not qualify as a minor modification. In addition, any of the following are considered major modifications:

a. Any request for an extension of time of the approved final plan.

b. Changes to any conditions imposed as part of the approved final plan.

c. Reductions or alterations in the approved public benefit and amenities to be provided.

d. Any development action that does not comply with zoning district regulations.

2. All major modifications to the final plan must be approved by the planning commission. Public notice of the planning commission meeting at which a request for a major modification is to be considered is required. The planning commission may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted county land use policies.

3. Upon review of the proposed major modifications, the planning commission may determine that the proposed modifications constitute a new planned development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this section.

6.80.08. *Appeal*.

A. *Preliminary plan*. Anyone aggrieved by a final order or judgement of the Knox County Commission on a preliminary plan may have such order or judgement reviewed by the courts as provided by law.

B. *Final plan*. Planning staff decisions on final plans may be appealed to the planning commission.

(Ord. No. O-19-12-102 , § 1(Exh. A), 1-27-20)

APPENDIX A SUMMARY OF AMENDMENTS

NOVEMBER 8, 1991 TO JANUARY 23, 2023

November 8, 1991

Amendments were made to Article 2, "Definitions", Article 4, "Supplementary Regulations", and Article 5, "Zone Regulations", for the purpose of permitting and regulating demolition landfills.

November 8, 1991

Amendments were made to Article 4, "Supplementary Regulations", for the purpose of creating a set of general standards which apply to all Uses-on-Review listed in the ordinance, approving uses only when they are compatible with the surrounding area.

Amendments were made to Article 6, "Administration, Enforcement and Interpretation", for the purpose of reestablishing the Board of Zoning Appeals, establishing the powers of the Board, setting standards for granting variances, and setting procedures for appeals.

November 25, 1991

Amendments were made to Article 2, "Definitions", and Article 3, "General Provisions", for the purpose of creating general provisions for storage and parking of recreational and commercial vehicles and trailers in residential zones.

Amendments were made to Article 2, "Definitions", Article 4, "Supplementary Regulations", and Article 5, "Zone Regulations", for the purpose of permitting and regulating home occupations.

January 25, 1993

Ordinance 0-92-11-103 was approved defining and regulating yard sales, rummage sales and flea markets and establishing zones where such uses would be permitted.

Ordinance 0-90-9-101 was approved amending the boundary description of the TO, Technology Overlay Zone.

February 22, 1993

Ordinance 0-92-10-102 was approved amending SP, Scientific Production, and TO, Technology Overlay zones by changing the name to BP, Business and Technology Park Zone and amending the zone's permitted uses and regulations of both zones.

March 22, 1993

Ordinance 0-93-1-101 was approved amending the terms of the Board of Zoning Appeals to bring them in line with the mandates of state law.

Ordinance 0-93-1-103 was approved amending Article 3, "General Provisions", regulating signs, billboards and other advertising structures.

June 28, 1993

Ordinance O-93-4-101 was approved amending Article 5, "Zone Regulations", adding veterinary clinics and animal hospitals as a use permitted on review in A, Agricultural Zones, added item M. in Section 5.22.03, "Uses Permitted on Review", on page 5-5.22-5.

January 3, 1995

Ordinance O-94-11-102 was approved permitting commercial golf ranges as a use permitted on review in the A, Agricultural Zone.

Ordinance O-94-9-103 was approved to increase separation between beer sales for on premise consumption and residential and agricultural zones from one hundred (100) feet to five hundred (500) feet.

April 24, 1995

Ordinance 0-95-3-101 was approved amending Article 6, "Administration, Enforcement and Interpretation", requiring the issuance of a grading permit prior to the beginning of any grading, clearing, excavation, filling or other disturbances of natural terrain.

Ordinance 0-95-3-102 was approved amending Article 5, "Zone Regulations", regulating outdoor storage for uses permitted in the CA, General Business Zone.

October 23, 1995

Ordinance 0-95-9-102 was approved amending Article 3, "General Provisions", Section 3.20, "General Exceptions" regulating telecommunication towers.
November 27, 1995

Ordinance O-95-10-101 was approved amending Article 2, "Definitions", Section 2.20, "Specific Terms", and Article 3, "General Provisions", Section 3.53, "Storage of Inoperable Vehicles", regulating the storage of inoperable vehicles.

February 26, 1996

Ordinance O-96-1-102 was approved amending Article 5, "Zone Regulations", Sections 5.32.02, "Uses Permitted", 5.33.02, "Uses Permitted", 5.34.02, "Uses Permitted", 5.35.02, "Uses Permitted", 5.50.03, "Uses Permitted on Review", and 5.61.02 "Uses Permitted", regulating the sale of beer for on-premise consumption near residential and agricultural zones. (12-A-95-OA)

March 25, 1996

Ordinance O-96-2-101 was approved amending Article 5, "Zone Regulations", Section 5.80.06 removing requirement that one member of the Historic Zoning Commission be a member of the Metropolitan Planning Commission at the time of appointment. (1-C-96-OA)

April 22, 1996

Ordinance O-96-3-101 was approved defining the regulating of child day care facilities and establishing zones where such uses would be permitted. (1-A-96-OA)

June 24, 1996

Ordinance O-96-5-102 was approved employing the Use-on-Review process to require site plan review of new commercial telecommunications towers in residential zoning districts.

July 31, 1996

Ordinance O-96-6-103 was approved amending Article 6, "Administration, Enforcement and Interpretation", Sections 6.10.01 and 6.10.04 regarding building Permits.

September 5, 1996

Ordinance O-96-7-101 was approved amending Sections 5.34, "SC, Shopping Center Zone", 5.36, "T, Transition Zone", 5.40, "OA, Office Park Zone", and 5.41, "OB, Office, Medical and Related Services Zone", to allow child day care facilities as a Use-on-Review.

October 28, 1996

Ordinance O-96-9-105 was approved amending Article 4, "Supplementary Regulations", Sections 4.20.01 and 4.20.02 dealing with minimum space, size, and width requirements for mobile homes in mobile home parks.

Ordinance O-96-9-101 was approved amending Article 6, "Administration, Enforcement and Interpretation", Section 6.10.05 to include the *Access Control and Driveway Design Policy*. (3-B-96-OA)

August 25, 1997

Ordinance O-97-7-101 was approved amending Sections 3.50, "Off-Street Parking Requirements", 5.11, "RA, Low Density Residential Zone", 5.12, "RB, General Residential Zone", 5.21, "E, Estates Zone", and 5.36 "T, Transition Zone", establishing tennis clubs and other recreational facilities as Uses-on-Review and establishing appropriate parking requirements for such uses.

Ordinance O-97-7-102 was approved amending Article 6, "Administration, Enforcement and Interpretation", Section 6.40, "County Commission Review", regarding the required public notice period for items to be considered by the Knox County Board of Commissioners consistent with State law.

September 22, 1997

Ordinance O-97-8-104 was approved amending the BP, Business and Technology Park Zone District, Article 5, "Zone Regulations", Section 5.50, "BP, Business and Technology Park Zone", regarding the definition of Business Park, development plan approval process, clarify and broaden the list of permitted uses, and revise the general description of the district. (4-A-97-OA)

November 17, 1997

Ordinance O-97-10-101B was approved amending Sections 2.20, "Specific Terms", 3.50, "Off-Street Parking Requirements", 5.12, "RB, General Residential Zone", 5.13, "PR, Planned Residential Zone", 5.36, "T, Transition Zone", and 5.41, "OB, Office, Medical and Related Services Zone", establishing assisted living facilities as a Use-on-Review, including related definitions and parking requirements.

March 23, 1998

Ordinance O-96-11-104 was approved amending Article 5, "Zone Regulations", Sections 5.12, "RB, General Residential Zone", and 5.13, "PR, Planned Residential Zone", requiring Use-On-Review approval for development at twelve (12) dwelling units per acre in the RB, General Residential Zone.

April 27, 1998

Ordinance O-98-3-102 was approved amending Article 5, "Zone Regulations", Section 5.50, "BP, Business and Technology Park Zone", the "General Description" and "Permitted Uses" sections of the BP, Business and Technology Park zoning district and related sections. (2-A-98-OA)

November 16, 1998

Ordinance O-98-10-102 was approved amending Articles 2, "Definitions", and Sections 4.93, "Standards for Self-Service Storage Facilities", 5.31, "CA, General Business Zone", 5.32, "CB, Business and Manufacturing Zone", 5.60, "LI, Light Industrial Zone", and 5.61, "I, Industrial Zone", regarding mini-warehouse and storage facilities.

January 25, 1999

Ordinance O-98-12-101 was approved amending Sections 3.20, "General Exceptions", 4.92, "Standards for Commercial Telecommunications Facilities", 5.10, "RAE, Exclusive Residential", 5.11, "RA, Low Density Residential", 5.12, "RB, General Residential Zone", 5.21, "E, Estates Zone", and 5.50, "BP, Business and Technology Park Zone", regarding the location, siting, and height of commercial telecommunications facilities. (11-B-98-OA)

Ordinance O-98-12-102 was approved amending Sections 2.10, "General Terms", 3.50, "Off-Street Parking Requirements", 4.94, "Requirements for Sports Playing Fields", (new section), 5.11, "RA, Low Density Residential Zone", 5.12, "RB, General Residential Zone", and 5.22, "A, Agricultural Zone", allowing sports playing fields and

similar athletic facilities as a Use-on-Review, including locational and development requirements. (11-C-98-OA)

Ordinance O-98-12-103 was approved amending Section 3.12, "Lots and Buildings Affected", regarding minimum dimensional standards for one lot subdivisions. (10-B-98-OA)

February 22, 1999

Ordinance O-99-1-101 was approved amending Article 3, "General Provisions", Section 3.11, "Boundaries", allowing zoning maps to be maintained in computerized format.

September 27, 1999

Ordinance O-99-8-101 was approved amending Article~~s~~ 2, "Definitions", and Sections 4.95, "Standards for the Use-on-Review Approval of Solid Waste Processing Facilities" (new section), 4.96, "Standards for the Use-on-Review Approval of Commercial Mulching Operations" (new section), 5.22, "A, Agricultural Zone", 5.31, "CA, General Business Zone", 5.32, "CB, Business and Manufacturing Zone", 5.60, "LI, Light Industrial Zone", and 5.61, "I, Industrial Zone", regarding solid waste processing facilities, composting facilities and commercial mulching operations. (12-C-98-OA)

October 25, 1999

Ordinance O-99-9-101 was approved amending Article~~s~~ 2, "Definitions", and Sections 3.50, "Off-Street Parking Requirements", 4.30, "Standards for Marina and Boat Livery Development", 5.13, "PR, Planned Residential Zone", 5.20, "OS, Open Space Zone", 5.22, "A, Agricultural Zone", 5.31, "CA, General Business Zone", 5.32, "CB, Business and Manufacturing Zone", 5.33, "PC, Planned Commercial Zone", 5.36, "T, Transition Zone", 5.60, "LI, Light Industrial Zone", 5.61, "I, Industrial Zone", and 5.70, "F, Floodway Zone", regarding development standards for marinas, boat liveries, and related uses.

January 24, 2000

Ordinance O-99-12-101 was approved amending Section 6.20, "Enforcement", related to fines for noncompliance with ordinance provisions.

March 27, 2000

Ordinance O-00-2-102 was approved amending Article 3, "General Provisions", Section 3.90.03, "Advertising Signs", regarding sign regulations along designated scenic highways and parkways. (1-A-00-OA)

May 22, 2000

Ordinance O-00-4-101 was approved amending Article 4, "Supplementary Regulations", Section 4.92, "Standards for Commercial Telecommunications Facilities", regarding security fencing around commercial telecommunications towers.

Ordinance O-00-4-103 was approved amending Article 3, "General Provisions", Section 3.12, "Lots and Buildings Affected", regarding lot dimensional requirements and public easements.

August 28, 2000

Ordinance O-00-4-102 was approved amending Article 3, "General Provisions", Section 3.90, "Signs, Billboards, and Other Advertising Structures", regarding flashing intermittent, animated illumination or moving parts for signs and electronically operated message boards.

September 25, 2000

Ordinance O-00-8-101 was approved amending Article 4, "Supplementary Regulations", Section 4.92, "Standards for Commercial Telecommunications Facilities"; Article 5, "Zone Regulations", Section 5.10, "RAE, Exclusive Residential Zone" Section 5.11, "RA, Low Density Residential Zone", Section 5.12, "RB, General Residential Zone", Section 5.21, "E, Estates Zone", Section 5.22, "A, Agricultural Zone", Section 5.31, "CA, General Business Zone", Section 5.32, "CB, Business and Manufacturing Zone", Section 5.35, "CH, Highway Commercial Zone", Section 5.40, "OA, Office Park Zone", Section 5.41, "OB, Office, Medical, and Related Services Zone", Section 5.50, "BP, Business and Technology Park Zone", Section 5.60, "LI, Light Industrial Zone", and Section 5.61, "I, Industrial Zone", regarding commercial telecommunications towers. (3-B-00-OA)

January 4, 2001

Ordinance O-00-11-106 was approved amending Table of Contents, Article 2, "Definitions", Section 4.97, "Standards for the Approval of Indoor and Outdoor Paintball Ranges" (new section), Section 5.22, "A, Agricultural Zone", Section 5.31,

"CA, General Business Zone", Section 5.32, "CB, Business and Manufacturing Zone", and Section 5.61, "I, Industrial Zone", allowing paintball ranges as permitted uses/Use-on-Review in certain zones and including criteria for development.

March 26, 2001

Ordinance O-01-2-102 was approved amending Section 3.40, "Number and Location of Buildings on Lot" and Section 5.22, "A, Agricultural Zone" dealing with dwelling structures and principal and accessory structures.

March 26, 2001

Ordinance O-01-2-103 was approved amending Table of Contents, Article 2, "Definitions", Section 4.98, "Requirements for Adult Day Care Centers, When Considered As Uses Permitted On Review" (New Section), Section 5.11, "RA, Low Density Residential Zone", Section 5.12, "RB, General Residential Zone", Section 5.13, "PR, Planned Residential Zone", Section 5.22, "A, Agricultural Zone", Section 5.31, "CA, General Business Zone", Section 5.32, "CB, Business and Manufacturing Zone", Section 5.34, "SC, Shopping Center Zone", Section 5.36, "T, Transition Zone", Section 5.40, "OA, Office Park Zone", Section 5.41, "OB, Office, Medical, and Related Services Zone", Section 5.50, "BP, Business and Technology Park Zone", Section 5.60, "LI, Light Industrial Zone" and Section 5.61, "I, Industrial Zone", establishing adult day care centers as uses permitted on review in certain zones. (1-B-01-OA)

April 23, 2001

Ordinance O-01-1-101 was approved amending Article 3, "General Provisions", Section 3.50, "Off-Street Parking Requirements", Article 5, "Zone Regulations", Section 5.22, "A, Agricultural Zone", Section 5.31, "CA, General Business Zone", Section 5.32, "CB, Business and Manufacturing Zone", and Section 5.60, "LI, Light Industrial Zone" allowing storage and/or maintenance of school buses as permitted uses/Uses-on-Review in certain zones and including criteria for development. (11-B-00-OA)

July 23, 2001

Ordinance O-01-6-101 was approved amending Article 2, "Definitions" and Section 5.91, "TC, Town Center Zone" (new section) creating a TC, Town Center zoning district that allows mixed use development.

September 24, 2001

Ordinance O-01-8-101 was approved amending Article 3, "General Provisions", Section 3.50, "Off-Street Parking Requirements" and Article 5, "Zone Regulations", Section 5.22, "A, Agricultural Zone" to permit Use-on-Review consideration of incidental retail sale of agricultural products.

February 25, 2002

Ordinance O-01-12-103 was approved amending Article 4, "Supplementary Regulations", Section 4.92, "Standards for Commercial Telecommunications Facilities", dealing with minimum setback and height requirements for commercial telecommunications towers.

Ordinance O-02-1-101 was approved amending Article 3, "General Provisions", Section 3.20, "General Exceptions", requiring a sight triangle and establishing minimum standards.

December 16, 2002

Ordinance O-02-11-101 was approved adding a new Article 4, "Supplementary Regulations" Section 4.99, "Requirements for Certain Agricultural Uses, When Considered As Uses Permitted on Review in CA and CB Zones" and amending Article 5, "Zone Regulations", Section 5.31, "CA, General Business Zone", and Article 5, "Zone Regulations", Section 5.32, "CB, Business and Manufacturing Zone", regulating hog and livestock storage and other agricultural uses in the commercial zones. (3-A-02-OA)

March 24, 2003

Ordinance O-03-2-103 was approved adding a new Article 5, "Zone Regulations", Section 5.37, "CR, Rural Commercial Zone" and amending Article 3, "General Provisions", Section 3.90, "Signs, Billboards, and other Advertising Structures", regarding the CR, Rural Commercial Zone. (1-B-03-OA)

Ordinance O-03-2-102 was approved adding a new Article 5, "Zone Regulations", Section 5.38, "CN, Neighborhood Commercial Zone", and amending Article 2, "Definitions", and Article 3, "General Provisions". Section 3.90, "Signs, Billboards, and other Advertising Structures", regarding the CN, Neighborhood Commercial Zone. (1-A-03-OA)

Ordinance O-03-2-101 was approved adding a new Article 5, "Zone Regulations", Section 5.51, "Employment Center Zone", and amending Section 3.90, "Signs,

Billboards and Other Advertising Structures", to add EC, Employment Center Zone criteria. (1-C-03-OA)

Ordinance O-03-2-104 was approved adding a new Article 6, "Administration, Enforcement and Interpretation", Section 6.70, "Administrative Site Plan Review", for the EC, Employment Center Zone, CN, Neighborhood Commercial Zone, and CR, Rural Commercial Zone. (9-A-02-OA)

May 27, 2003

Ordinance O-03-4-103 was approved adding a new Article 5, "Zone Regulations", Section 5.42, "Civic and Institutional Zone", and amending Section 3.90, "Signs, Billboards and Other Advertising Structures", regarding the OC, Civic and Institutional Zone. (3-A-03-OA)

November 17, 2003

Ordinance O-03-10-101 was approved amending Article 6, "Administration, Enforcement and Interpretation", Section 6.40, "County Commission Review", regarding the appeal of MPC items to County Commission. (9-A-03-OA)

February 23, 2004

Ordinance O-04-1-102 was approved amending Article 3, "General Provisions", Sections 3.11, "Boundaries", 3.50, "Off-Street Parking", and 3.90, "Signs, Billboards and Other Advertising Structures"; Article 5, "Zone Regulations", Sections 5.42, "OC, Civic and Institutional Zone", 5.50, "BP, Business and Technology Park Zone", and 5.51, "EC, Employment Center Zone"; and Article 6, "Administration, Enforcement and Interpretation", Sections 6.10, "Permits", 6.11, "Grading Permit", and 6.20, "Enforcement", creating standard terminology for the Knox County Board of Zoning Appeals. (12-B-03-OA)

May 24, 2004

Ordinance O-04-04-101 was approved amending Article 2, "Definitions", Section 2.10, "General Terms",, Article 5, "Zone Regulations", Section 5.40, "OA, Office Park Zone", and Article 5, "Zone Regulations", Section 5.41, "Office, Medical, and Related Services Zone", and adding a new Section 4.81, "Requirements for the Location and Development of Methadone Treatment Clinics or Facilities as Uses Permitted on Review in the OA, Office Park, and OB, Office, Medical and Related Services, Zones", under Article 4, "Supplementary Regulations", regulating Methadone Treatment Clinics or Facilities. (10-C-03-OA)

April 25, 2005

Ordinance O-05-3-101 was approved amending Article 5, "Zone Regulations", Section 5.50, "BP, Business and Technology Park Zone", to add certain uses, such as banks, credit unions and order processing services for goods and services, to the BP, Business and Technology Park Zone. (2-D-05-OA)

July 25, 2005

Ordinance O-05-6-103 was approved amending Article 5, "Zone Regulations", Section 5.13, "PR, Planned Residential Zone", to add default, minimum building setbacks to the PR, Planned Residential Zone, in cases where approved development plans do not specify the setbacks. (5-A-05-OA)

February 27, 2006

Ordinance O-06-1-101 was approved amending Article 5, "Zone Regulations", Section 5.90, "TO, Technology Overlay Zone", allowing TTCDA staff to approve and certify minor revisions to previously approved development plans. (12-C-05-OA)

August 28, 2006

Ordinance O-06-7-101 was approved amending and adding residential occupancy standards, residential housing types and associated new and revised definitions regarding the term "Family". (11-A-05-OA)

May 29, 2007

Ordinance O-07-4-101 was approved amending Article 5, "Zone Regulations", Section 5.51, "EC, Employment Center Zone", regarding uses permitted, site development standards and administration. (7-C-06-0A)

Ordinance O-07-4-102 was approved amending Article 5, Section 5.22, "A, Agricultural Zone", regarding the use and development standards for duplexes and garage apartments. (3-A-07-OA)

August 25, 2008

Ordinance O-08-7-103 was approved amending Article 4, "Supplementary Regulations", Section 1, "Performance Standards for Commercial and Industrial Uses", regarding commercial and industrial uses in Knox County. (6-A-08-OA)

September 23, 2008

Ordinance O-08-8-102 was approved amending Article 5, "Zone Regulations", Section 5.61, "I, Industrial Zone", to reorganize Industrial permitted uses. (7-A-08-OA)

April 27, 2009

Ordinance O-09-3-105 was approved amending Article 6, "Administration, Enforcement and Interpretation", Section 6.20, "Enforcement", pertaining to the fines that may be required for violations to this ordinance. (2-B-09-OA)

November 16, 2009

Ordinance O-09-10-101 was approved amending Article 2, "Definitions", and Article 5, Section 5.91 TC, Town Center Zone changing provisions related to permitted and prohibited uses, height, parking, development plan requirements, administration and related ordinance provisions. (5-B-09-OA)

January 25, 2010

Ordinance O-09-12-101 was approved amending Article 2, "Definitions", Article 4, "Supplementary Regulations", Section 4.90, "Home Occupations", Section 4.102, "Standards for the Use-on-Review Approval of Contractor's Storage Yards", and Article 5, "Zone Regulations", Sections 5.31, "CA, General Business Zone", 5.32, "CB, Business and Manufacturing Zone", 5.37, "CR, Rural Commercial Zone", 5.60, "LI, Light Industrial Zone", and 5.61, "I, Industrial Zone", to define the terms "Contractor" and "Contractor Storage Yards", create standards for Use-on-Review, and assign as permitted uses and Uses-on-Review in various zone districts. (11-B-09-OA)

June 28, 2010

Ordinance O-10-5-102 was approved amending Section 6.60, "Board of Zoning Appeals" related to the composition and term of the Knox County Board of Zoning Appeals. (3-A-10-OA)

February 28, 2011

Ordinance O-11-1-103 was approved amending Article 2, "Definitions", Section 3.30, "Set Back Lines", Section 5.36, "T, Transition Zone", and Section 5.91, TC, Town Center District Zone", regarding setbacks for side yards adjacent to a street on corner lots. (12-F-10-OA)

March 28, 2011

Ordinance O-11-2-101 was approved amending Article 2, “Definitions”, adding a new Section 4.103, “Location Regulations for Private Swimming Pools as an Accessory Structure”, and Section 5.13, “PR, Planned Residential Zone”, regarding regulations for private swimming pools. (11-A-10-OA)

May 23, 2011

Ordinance O-11-4-101 was approved correcting errors in various sections of the ordinance (3.10, “General Provisions”, 5.22, “A, Agricultural Zone”, 5.37, “CR, Rural Commercial Zone”, 5.38, “CN, Neighborhood Commercial Zone”, 5.50, “BP, Business and Technology Park Zone”, 5.61, “I, Industrial Zone”, and Appendix A, “Summary of Amendments to the Knox County Zoning Resolution”). (3-A-11-OA)

August 22, 2011

Ordinance O-11-7-103 was approved amending Article 5, “Zone Regulations”, Sections 5.31, “CA, General Business Zone”, 5.32, “CB, Business and Manufacturing Zone”, 5.33, “PC, Planned Commercial Zone”, 5.34, “SC, Shopping Center Zone”, 5.35, “CH, Highway Commercial Zone”, 5.50, “BP, Business and Technology Park Zone”, and 5.51, “EC, Employment Center Zone”, regarding establishments selling beer for consumption on premises. (6-A-11-OA)

August 22, 2011

Ordinance O-11-7-104 was approved amending Article 5, “Zone Regulations”, Sections 5.90, “TO, Technology Overlay Zone”, reflecting changes to the Tennessee Technology Corridor Development Authority enabling act. (6-B-11-OA)

December 19, 2011

Ordinance O-11-11-102 was approved adding a new Section 4.82, “Requirements for the Location and Operation of Pain Management Clinics as Uses Permitted on Review”, amending Table of Contents, Section 2, “Definitions”, Sections 5.40, “OA, Office Park Zone”, and Section 5.41, “OB, Office, Medical and Related Services Zone” regarding requirements for the location and operation of pain management clinics (10-B-11-OA)

October 22, 2012

Ordinance O-12-9-102 was approved regarding editing, clarification, corrections and other minor changes to the ordinance as requested by the Knox County Code Administration. (8-A-12-OA)

October 22, 2012

Ordinance O-12-9-103 was approved amending Section 5.80, “HZ, Historical Overlay Zone”, to conform to state law the composition of and who is responsible for appointments to the Knox County Historic Zoning Commission. (8-C-12-OA)

February 25, 2013

Ordinance O-13-1-103 was approved amending Section 2.20, Definitions, and Section 3.90, Signs, Billboards and Other Advertising Structures, prohibiting conversion of billboards and other advertising signs to electronic advertising signs or electronic message center signs in all zone districts. (10-A-12-OA)

May 28, 2013

Ordinance O-13-4-102 was approved amending Section 2.20, Definitions, and Section 3.90.02, Signs, Billboards and Other Advertising Structures, regulating electronic message center signs in all zone districts. (12-A-11-OA – Exhibit D)

September 23, 2013

Ordinance O-13-8-103 was approved amending Sections 5.31, 5.32, 5.33, 5.34, 5.35, 5.50, and 5.51, removing distance regulations regarding location of establishments selling beer. (7-A-13-OA)

January 27, 2014

Ordinance O-13-11-101 was approved amending Section 5.22.03 regarding retail sales of agricultural products in the A (Agricultural) zoning district. (10-A-13-OA)

June 22, 2015

Ordinance O-15-5-101 was approved amending Section 3.51 regarding off-street parking lot layout, construction and maintenance. (4-A-15-OA)

August 28, 2017

Ordinance O-17-7-102 was approved amending Sections 4.97- Standards for the approval of indoor and outdoor paintball ranges, and 5.22 regarding indoor facilities (air soft) as a use on review in the agricultural district. (4-A-17-OA)

September 25, 2017

Ordinance O-17-8-101 was approved amending Sections 2.20, 5.11, 5.12, 5.13, 5.21, 5.22, 5.36, and adding a new Article 4, Section 4.104 – Standards for the use-on-review approval of rural retreats establishing regulations for rural retreat facilities in the

Agricultural, Low Density Residential, General Residential, Estates, Transition, and Planned Residential districts. (8-A-16-OA)

September 25, 2017

Ordinance O-17-8-102 was approved amending Sections 2.20, 5.36, 5.41 and adding a new Article 4, Section 4.105 – Standards for use-on-review approval of recovery housing, related to recovery housing. (7-A-17-OA)

September 25, 2017

Ordinance O-17-8-103 was approved amending Section 5.38 and adding a new Article 4, Section 4.106 – Standards for the use-on-review approval of self-service storage facilities in the CN Neighborhood Commercial zone. (7-B-17-OA)

November 20, 2017

Ordinance O-17-10-101 was approved amending Article 3, Section 3.20; Article 4, Section 4.92; twenty-two zoning districts within Article 5, and rescinding the adoption of the Wireless Communications Facilities Plan. (8-B-17-OA)

February 26, 2018

Ordinance O-18-1-101 was approved amending Section 2.20 and adding a new Article 4, Section 4.104 – Standards for the use-on-review approval of rural retreats and a new Article 5, Section 5.23 RP Rural Preservation zone creating the Rural Preservation district. (5-B-17-OA)

November 19, 2018

Ordinance O-18-10-102 was approved amending Article 4, Sections 4.93 and 4.106 and Article 5, Sections 5.31 - CA General Business Zone, 5.32 - CB Business and Manufacturing Zone, 5.60 - LI Light Industrial Zone, and 5.61- I Industrial Zone, regarding standards for indoor self-service storage facilities. (9-A-18-OA)

February 25, 2019

Ordinance O-19-1-102 was approved amending Article 5, Section 5.32 – CB Business and Manufacturing Zone, regarding lot area requirements for Hotels, Motels and Transient Mobile Home Parks. (12-A-18-OA)

June 24, 2019

Ordinance O-19-5-101 was approved amending Article 2, Section 2.20 - Specific terms, twenty-three (23) zoning districts within Article 5, and adding a new Article 4, Section

4.107 – Standards for use-on-review approval of public safety facilities, to define public safety facilities and permit them in certain zones. (4-A-19-OA)

January 27, 2020

Ordinance O-19-12-102 was approved amending Article 6 by adding a new Section 6.80 to create a Planned Development approval process. (3-A-19-OA)

May 26, 2020

Ordinance O-20-4-101 was approved amending Article 3, Section 3.5 – Off Street Parking Requirements to allow a parking study to be submitted and approved as a basis for reducing the minimum number of off-street parking spaces. (2-B-20-OA)

March 28, 2022

Ordinance O-22-2-101 was approved amending the Code of Knox County, Tennessee, Appendix A, entitled “Zoning”, by deleting the word “Metropolitan” from the name of Knoxville-Knox County Metropolitan Planning Commission throughout Appendix A to reflect the name change to the Knoxville-Knox County Planning Commission. (1-A-22-OA)

August 22, 2022

Ordinance O-22-6-104 was approved amending the Knox County Code, Appendix A - Zoning, Article 6 entitled "Administration, Enforcement and Interpretation", by amending Subsections 6.40,01 and 6.50.07 and adding a new Subsection 6.50.08 to provide for Development Plan Appeals to a Court of competent jurisdiction. (6-K-22-OA)

January 23, 2023

Ordinance O-22-12-101 was approved amending Knox County Code, Appendix A -Zoning, Article 3, adding Section 3.100, Temporary Uses, which includes use standards for Temporary Occupations of the recreational vehicle, camper or other non-permanent habitation, and to Article 6, adding Section 6.12, pertaining to Temporary Use Permit. (11-A-22-OA)