

*(Note to be removed later – Council made no changes at 7/16/19 meeting)*

## ARTICLE 9. USES

- 9.1 GENERAL USE REGULATIONS
- 9.2 USE MATRIX
- 9.3 PRINCIPAL USE STANDARDS
- 9.4 TEMPORARY USE STANDARDS

### 9.1 GENERAL USE REGULATIONS

- A. No structure or land may be used or occupied unless allowed as a permitted or special use within the zoning district or as a legal nonconforming use.
- B. All uses must comply with any applicable federal and state requirements, and any additional federal, state, or city ordinances. For select uses, specific federal, state, or city ordinances may be cross-referenced but this is not intended to indicate that only those ordinances apply to such uses or that other uses within this Code are not subject to additional ordinances not referenced.
- C. Any use that is not included in the use matrix or is not interpreted as part of a listed use, per a zoning interpretation (Section 16.9), is prohibited in all districts.
- D. A lot may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include accessory uses that provide necessary support or are functionally integrated into the principal use. Multiple principal uses are not permitted in the EN, RN-1, and RN-2 Districts.
- E. All uses must comply with the use standards of Section 9.3, as applicable, as well as all other regulations of this Code and the City.

### 9.2 USE MATRIX

- A. Table 9-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district.
- B. P indicates that the use is permitted by-right in the district. S indicates that the use is a special use in the district and requires special use approval. If a cell is blank, the use is not allowed in the district.
- C. In the case of temporary uses, a T indicates the temporary use is allowed in the district and may require approval of a temporary use permit per the standards of Section 9.4.
- D. For accessory uses, see Article 10.
- E. Townhouse and multi-family dwellings are allowed in the RN-4 District as either permitted or special based upon the number of units, as described in Section 4.2.B. Therefore, the use matrix indicates both a P and a S within the cell.
- F. Additional use restrictions apply to certain DK District subdistricts per Section 5.2.B.
- G. Certain uses are prohibited as standalone structures in the OP District per Section 5.2.C.
- H. See Article 7 for use permissions within the CU and SW Districts.
- I. In the case of the C-G-1, C-G-2, and C-G-3 Districts, the uses allowed in the C-G District in Table 9-1 apply to all districts.
- J. In the case of the C-H-1 and C-H-2 Districts, the uses allowed in the C-H District in Table 9-1 apply to all districts.
- K. In the case of the C-R-1 and C-R-2 Districts, the uses allowed in the C-R District in Table 9-1 apply to all districts.

**(Note to be removed later – Council-approved items are highlighted in green below)**

TABLE 9-1: USE MATRIX																								
P = Permitted Use    S = Special Use    T = Temporary Use																								
PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Agriculture																				P	P			
Airport																			P					
Alternative Correctional Facility											S													
Amusement Facility - Indoor										P	P	P	P			P								
Amusement Facility - Outdoor											P	P				S								
Animal Care Facility – Large Animal																				P	P			
Animal Care Facility – Small Animal									P	P	P	P	S	S		P				P	P			9.3.A
Animal Breeder																				P				9.3.A
Art Gallery									P	P	P	P	P			P								
Arts and Fitness Studio									P	P	P	P	P	P	S	P	S							
Bed and Breakfast	P	P	P	P																P				9.3.B
Body Modification Establishment									S	P	P	P	P			P								
PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Broadcasting Facility - With Antennae															P		P	P	P		P			
Broadcasting Facility - No Antennae									P	P	P	P	P	P	P	P	P				P			
Campground																				S		P		9.3.C
Car Wash										S	P	P												9.3.D
Cemetery																						P		
Community Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P					P			
Conservation Area																				P		P	P	
Crematory										S	S	S												9.3.M
Country Club																						P		
Cultural Facility									P	P	P	P	P	P		P						P		
Day Care Center									P	P	P	P	P	P		P	P							9.3.E
Day Care Home	P	P	P	P	P	P	P	P																9.3.E

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Domestic Violence Shelter	P	P	P	P	P	P	P	P												P				
Drive-Through Facility										S	P	P												9.3.F
Drug/Alcohol Treatment Facility, Residential											S			S						P				
Drug Treatment Clinic											S									P				9.3.G
Dwelling – Above the Ground Floor									P	P	P	P	P	P		P								
Dwelling – Manufactured Home	P	P	P	P	P	P	P	P												S				9.3.H
Dwelling - Multi-Family					P,S	P	P	P	P	P	P	P	P	P		P								9.3.I
Dwelling - Townhouse				S	P,S	P	P	P	P	P	P	P	P	P										9.3.I
Dwelling - Single-Family	P	P	P	P	P	P	P	P	P	P				P		P				P				
Dwelling - Two-Family		S	S	P	P	P	P	P	P	P				P										9.3.J
Eating and Drinking Establishment									S	P	P	P	P			P	P	P						
Educational Facility - Primary or Secondary	P	P	P	P	P	P	P	P		P	P	P	P							P				
Educational Facility - University or College/Vocational										P	P	S	P		P	S	P	P		S	P			
PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Financial Institution									P	P	P	P	P	P	P		P							
Financial Service, Alternative										S	S	S												9.3.K
Food Bank																P		P	P					
Food Pantry										S	S									P				
Food Truck Park									S	P	P	P	P			P	P							9.3.L
Fraternity/Sorority				S	S	S	S													P				
Funeral Home										S	S	S												9.3.M
Garden, Community	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Garden, Market	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Garden, Personal	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Gas Station									S	S	P	P				S	S	P	P					9.3.O
Golf Course/Driving											P	P									P			

TABLE 9-1: USE MATRIX																								
PRINCIPAL USE	P = Permitted Use										S = Special Use					T = Temporary Use					INST	OS	NA	USE STANDARD (Section)
	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG				
Range																								
Government Office/Facility									P	P	P	P	P	P	P	P	P	P	P		P			
Greenhouse/Nursery - Retail		S	S	S	S	S	S	S	S	P	P	P		S						P				
Group Home	P	P	P	P	P	P	P																	
Halfway House						S	S	S		P	P	P	P	S	S	S					P			
Healthcare Facility												S			S		S				P			
Heavy Retail, Rental, and Service											P	P						P		S				
Heliport															S	S	S	S	S		S			
Homeless Shelter											S	S	S								P			
Hotel										P	P	P	P		P	P	P							
Impound Lot																			P					9.3.P
Independent Living Facility				S	S	P	P	P	P	P	P	P	P	S										
Industrial – Craft										P	P	P	P			P		P						9.3.Q
PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Industrial – General																P	P	P	P					
Industrial – Heavy																			P					
Industrial Design									P	P	P	P	P		P	P	P	P						
Kennel											S	S				S				P				9.3.A
Live Entertainment - Secondary Use										P	P	P	P			P								
Live Performance Venue										S	P	P	S			P								
Live/Work									P	P			P	P		P								9.3.R
Lodge/Meeting Hall									P	P	P	P	P	P		P	P	P	P	P				9.3.S
Marina										S						S		S				S		9.3.T
Medical/Dental Office/Clinic									S	P	P	P	P	P	P									
Micro-Brewery/Distillery/Winery									S	P	P	P	P			P		P						9.3.U
Neighborhood Nonresidential Reuse	S	S	S	S	S	S	S	S																9.3.V
Nightclub										S	S	S	S											

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Office									P	P	P	P	P	P	P	P	P	P	P		P			
Parking Lot										S	S	P									P			Art. 11
Parking Structure										P	P	P	P		P	P	P				P			Art. 11
Personal Service Establishment									P	P	P	P	P	P		P	P	P						
Place of Worship	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P					P	P			
Pre-School/Kindergarten	S	S	S	S	S	S	S	S	P	P	P	P	P	P										9.3.W
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Public Safety Facility	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P			
Public Works Facility											P	P				P		P	P	P				
Reception Facility										P	P	P	P			S				S				9.3.X
Research and Development															P	P	P	P	P					
Residential Care Facility						S	P	P	S	S	S	S	S								P			9.3.Y
Retail Goods Establishment									P	P	P	P	P			P	P	P						
Retail Liquor Stores										P	P	P	P			P								
Salvage Yard																			S					9.3.Z
PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Self-Storage Facility: Enclosed										S	P	P				P		P	P					9.3.AA
Self-Storage Facility: Outdoor											S	P						P	P					9.3.AA
Social Service Center											S										P			
Solar Farm					S	S	S	S			S	S			P		P	P	P	S	S			9.3.BB
Storage Yard, Outdoor											P							P	P					9.3.CC
Storage Yard, Outdoor – Secondary Use										S	P	P				S		P	P					9.3.CC
Vehicle Dealership											P	P												
Vehicle Operation Facility																		P	P					
Vehicle Rental – Indoor										S	P	P	S											
Vehicle Rental – With Outdoor Storage/Display											P	P												
Vehicle Repair/Service										S	P	P				S								9.3.DD

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Warehouse and Distribution																P	P	P	P					
Waste Transfer Station																			P					
Wholesale Establishment											S					S	P	P	P					
Wind Energy System																	S	S	S	S	S			9.3.EE
Wireless Telecommunications	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.FF
TEMPORARY USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Animals for Control of Invasive Species	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	9.4.A
Farmers' Market							T	T	T	T	T	T	T	T	T	T	T			T	T	T		9.4.B
Farmstand	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				T	T		9.4.C
Mobile Food Units (MFUs)/Mobile Food Vendors									T	T	T	T	T	T	T	T	T	T			T			9.4.D
Real Estate Project Sales Office/Model Unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T			Sec. 9.4.E
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T			9.4.F
Temporary Outdoor Entertainment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T		9.4.G
Temporary Outdoor Sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T			9.4.H
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		9.4.I
Temporary Recreational Vehicle Park										T	T	T				T					T			9.4.J
Temporary Warehouse Sales (Indoor)																T		T	T					9.4.K
Tent	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	9.4.L

### 9.3 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Code.

#### A. Animal Care Facility – Small Animal, Animal Breeder, and Kennel

Animal shelters operated by a public agency are exempt from these standards.

1. Such facilities may only board five or more dogs and/or cats over the age of six months if the Animal Control Board approves a kennel, boarding facility, pet shop, or pet dealer permit.
2. Exterior exercise areas are prohibited in the O District. Animal care facilities must locate exterior exercise areas to the side or rear of the building. In the C-N Districts, any exterior exercise area that abuts a residential district requires a Class A buffer yard per Section 12.8.
3. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet and a maximum of eight feet in height is required for all exterior exercise areas.
4. Animal care facilities must locate all overnight boarding facilities indoors. Outdoor boarding facilities for kennels and animal breeders are permitted but must be designed to provide shelter against sun/heat and weather.
5. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

#### B. Bed and Breakfast

1. A bed and breakfast must be operated in the principal building on the lot and not in accessory structures.
2. A bed and breakfast must be operated by an owner who also resides on the property.
3. The number of guest rooms allowed is based on the following square footage requirements:

GFA of Principal Building	Number of Guest Rooms Permitted
Less than 1,200sf	1
1,201sf to 1,800sf	2
1,801sf to 2,400sf	3
2,401sf to 3,000sf	4
3,001sf to 3,600sf	5
Over 3,600sf	6

4. The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling.
5. No required off-street parking is allowed in front of the front building facade. All required off-street parking spaces must be screened by landscaping or other suitable opaque barrier from adjacent residences. All off-street parking areas require a Class A buffer yard per Section 12.8.
6. The maximum length of stay for a transient paying guest is limited to 30 days in any 12 month period. The owner must maintain a current guest register.
7. Cooking equipment is prohibited in individual guest rooms. This does not include a mini-refrigerator and/or a microwave.
8. At least one bathroom for use exclusively by guests is required on each floor of the building.
9. No receptions, meetings, or other functions are allowed on the premises.
10. No retail sales are permitted with the exception of accessory retail of related items such as souvenirs, postcards, and snack items.

11. Meals may only be served to registered guests and are limited to breakfast.

12. One wall sign is permitted. Such sign may not exceed two square feet in sign area and cannot be illuminated. In the historic districts, the Knoxville Historic Zoning Commission must approve signs under this provision.

### **C. Campground**

1. The minimum area for a campground is three acres.

2. Campgrounds must comply with all applicable state and city regulations including those governing the installation, construction, and/or operation of swimming pools, water supply, sewage disposal, food storage and services, plumbing, structures, electrical wiring, and fire prevention.

3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for counselors, overnight accommodations, living space, and other uses and structures customarily associated with the operation of a campground are permitted.

4. Storage of equipment must be within enclosed structures.

5. Year-round residency is prohibited at any campground. Use of camping units or sites as a principal residence is prohibited. This excludes any structures erected specifically for a caretaker or campground ranger, which may be a year-round residency.

6. A 25 foot perimeter setback from the lot line of the campground is required. No structures or campsites are allowed within this setback. The perimeter setback must be landscaped per the standards of a Class B buffer yard per Section 12.8.

### **D. Car Wash**

When a car wash facility abuts a residential district, or any open space or institutional use, a Class B buffer yard per Section 12.8. and a solid wall or fence, a minimum of six feet and a maximum of eight feet in height, is required.

### **E. Day Care Center and Day Care Home**

1. Each day care center or day care home must comply with all applicable Tennessee Department of Human Services (TDHS) regulations, including required indoor and outdoor space.

2. The day care center's or day care home's operator's license must be displayed publicly.

3. A day care center must provide a pickup/drop off area. The pickup/drop off area must not interfere with vehicle circulation in the right-of-way or a parking lot, and cannot block any drive aisle.

4. A day care home is limited to the care of seven unrelated individuals who do not reside in the home.

### **F. Drive-Through Facility**

1. All drive-through facilities must provide a minimum of three stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Code. Restaurants must provide a minimum of four stacking spaces per lane or bay. Further, the City of Knoxville Department of Engineering may require additional internal queuing and stacking spaces and other access points to prevent disruption of traffic flow on adjacent streets.

2. Stacking spaces provided for drive-through uses must be:

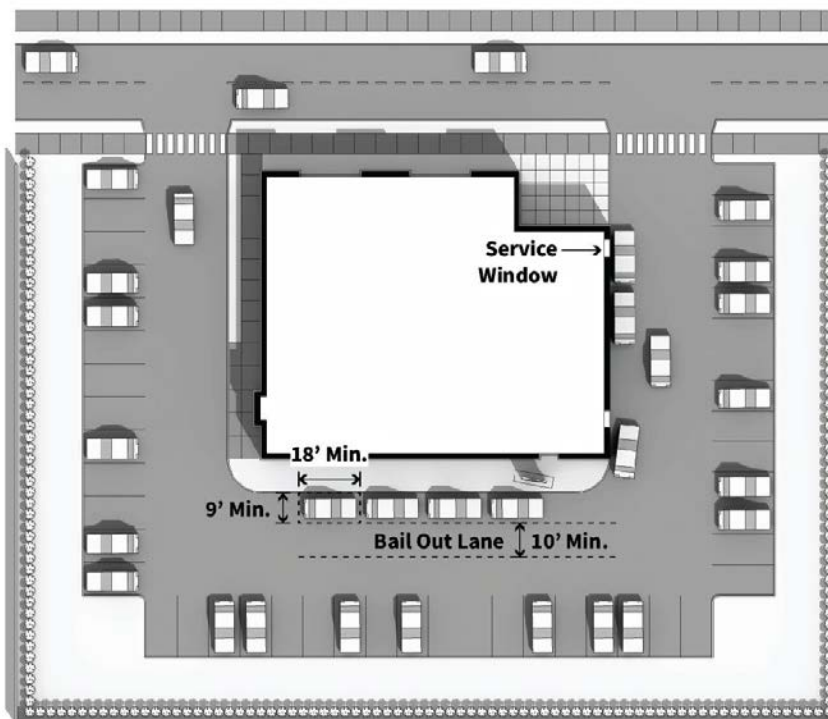
a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway/drive aisle, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.

b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.



3. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.
4. The minimum width for a drive through lane is ten feet.
5. When a drive-through facility abuts a residential district, a public park, a community or market garden, a place of worship, a primary or secondary educational facility, or day care center, a Class B buffer yard per Section 12.8 and a solid wall or fence, a minimum of six feet and a maximum of eight feet in height, is required.
6. All drive-through facilities, including but not limited to menuboards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through facility, must be located to the side or rear of the building. Drive-through windows and lanes may not be placed between the street and the associated building.
7. If a bail out lane is provided, it must be a minimum width of ten feet in width and run parallel to the drive through lane. If such bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

#### DRIVE-THROUGH FACILITY



#### G. Drug Treatment Clinic

- a. The approval by the Knoxville-Knox County Planning Commission of a drug treatment clinic is contingent upon the receipt of the appropriate license and certificate of need by the Tennessee Health Services and Development Agency.
- b. Applicants seeking approval of a drug treatment clinic must provide written documentation that the County Mayor, State Representative, State Senator, and City of Knoxville Mayor have been notified in writing regarding the facility's proposed location, hours of operation, programs and treatments methods offered, and staffing levels and qualifications. This same information must be made available to the Knoxville-Knox County Planning Commission as part of the special use application.
- c. The clinic cannot be located within 1,000 feet of an educational facility – primary/secondary, day care facility, pre-school/kindergarten, park, place of worship, residential dwelling, or pharmacy or similar facility that sells or

dispenses either prescription drugs or over the counter drugs, as measured from lot line to lot line.

- d. The clinic cannot be located within 1,000 feet of any establishment that sells alcoholic beverages for either on- or off-premises consumption, measured from lot line to lot line.
- e. The facility must be located on and have access to an arterial street as shown on the City Major Road Plan.
- f. In reviewing each application, the Knoxville-Knox County Planning Commission may establish additional requirements or conditions of approval to further reduce the impact such a facility may have on surrounding properties.

#### **H. Dwelling – Manufactured Home**

Multi-sectional manufactured homes may be used as single-family detached dwellings provided the following development criteria are met:

##### **1. General Standards**

- a. Such dwellings meet all applicable building, safety and fire codes.
- b. Such dwellings have the same general appearance as required for site built homes.

##### **2. Specific Standards**

- a. All wheels, axles, hitches, and other parts used for transport of the dwelling must be removed prior to issuance of a certificate of occupancy.
- b. A perimeter wall of solid masonry, concrete, or other material approved by the Building Official must be installed around the base of the dwelling.
- c. All roofing, siding, veneers, and other exterior materials are limited to materials permitted for site built housing.
- d. Roof pitch must be the same as required for site built housing.

##### **3. Nonconforming Manufactured Homes**

See Article 16 for regulations regarding nonconforming manufactured homes, including single-wide manufactured homes.

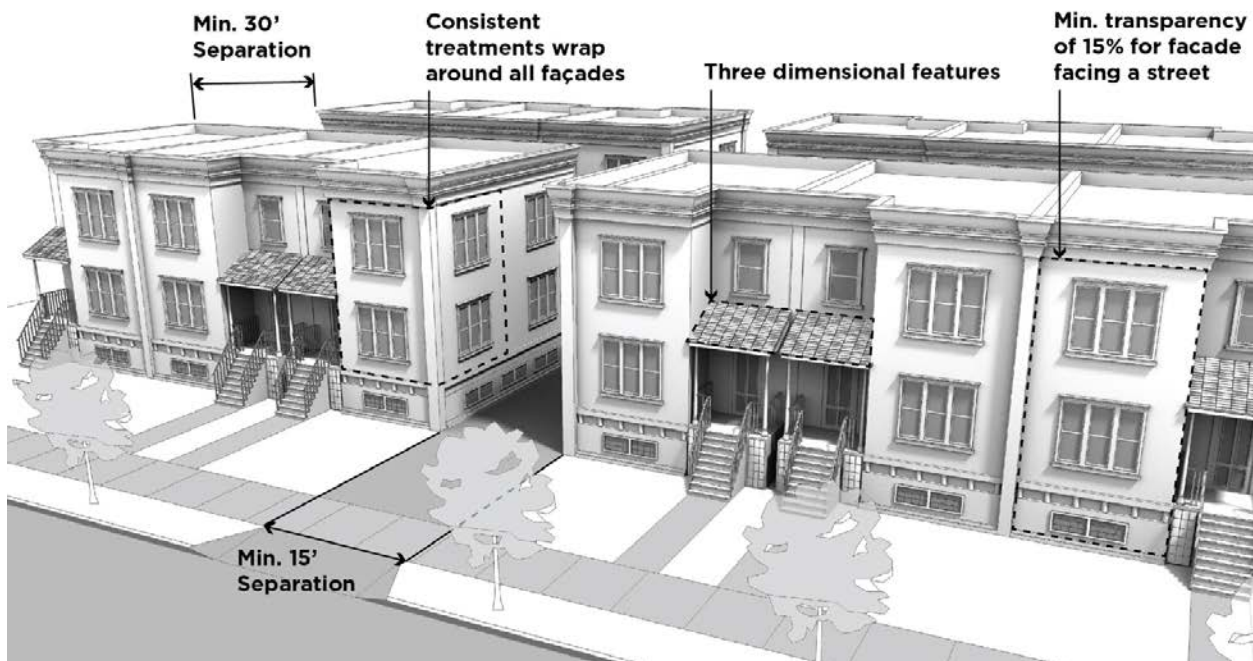
#### **I. Dwelling - Multi-Family or Townhouse**

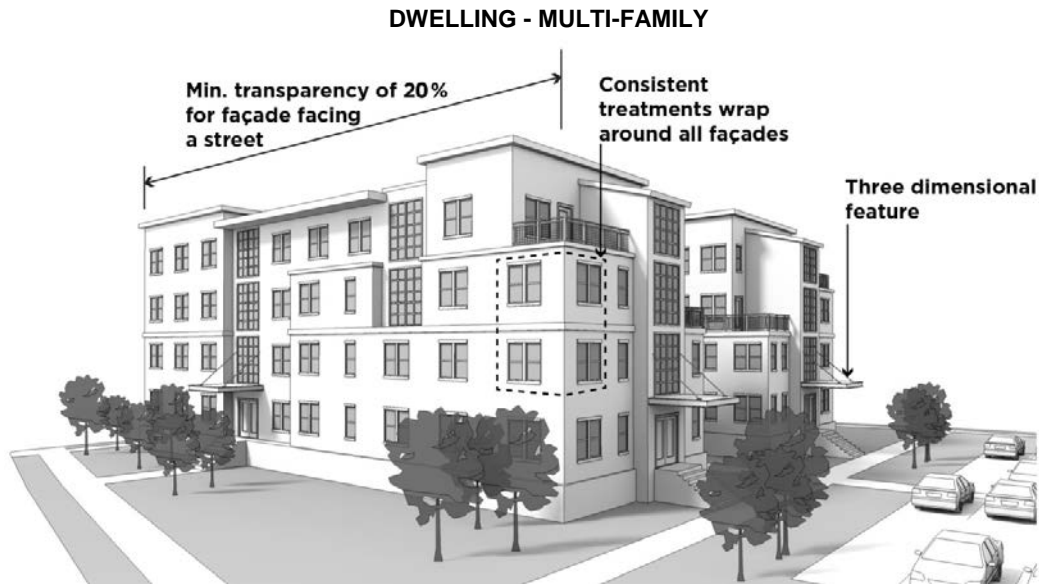
The following standards apply only to new construction.

- 1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
- 2. Street-facing building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
- 3. The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:
  - a. Townhouse: 15%
  - b. Multi-Family Dwelling: 20%
- 4. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.

5. The following building material restrictions apply:
- a. The following building materials are prohibited on any part of any façade:
    - i. Plain concrete block
    - ii. Plastic
    - iii. Exterior insulating finish systems (EIFS) on the ground floor
  - b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:
    - i. Corrugated metal
    - ii. Aluminum, steel or other metal sidings
    - iii. Exposed aggregate (rough finish) concrete wall panels
    - iv. T-111 composite plywood siding
    - v. Vinyl (does not apply to RN-4 and RN-5 Districts, where vinyl is permitted)

#### DWELLING - TOWNHOUSE



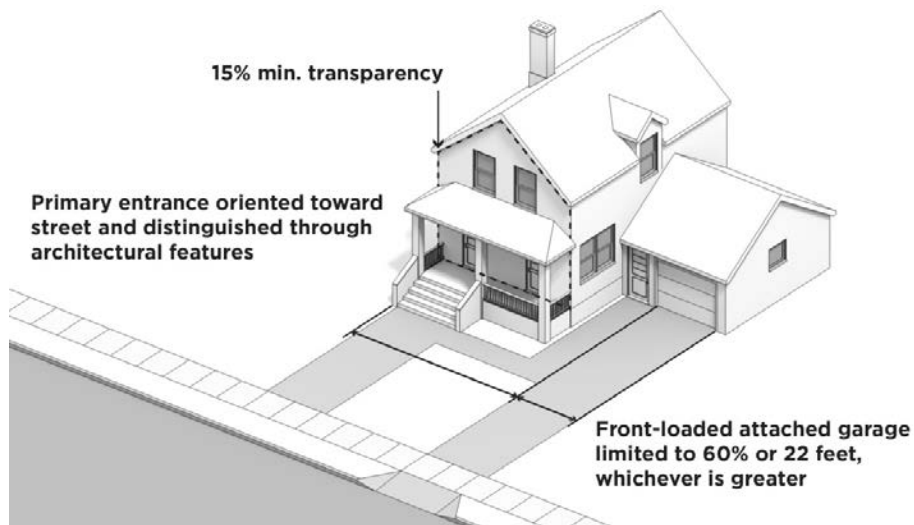


#### **J. Dwelling - Two-Family**

The following standards apply only to new construction. If a two-family structure is located within a NC or IH Overlay District, the following standards do not apply.

1. On lots less than one acre in lot area, a dwelling must have a primary entrance from a façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops, and/or roof overhangs.
2. Windows, entrances, porches, or other architectural features are required on all street-facing façades to avoid the appearance of blank walls.
3. A 15% minimum transparency requirement applies to all street-facing façades and is calculated on the basis of the entire area of the façade.
4. Front-loaded attached garages are limited to 60% of the width of the front building line or 24 feet, whichever is greater. Garage width is measured as the width of a garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edge of the outmost doors.
5. Front-loaded attached garages must be set back a minimum of five feet from the front building façade line. This façade building line does not include architectural features, such as bay windows or porches.

**DWELLING - TWO-FAMILY**



**K. Financial Services, Alternative (AFS)**

1. No alternative financial service may be located within 1,000 feet of an existing alternative financial service, measured from lot line to lot line.
2. No alternative financial service may be located within 1,000 feet of a residential district, measured from lot line to lot line.

**L. Food Truck Park**

In addition to any requirements of the City of Knoxville's Mobile Food Unit Ordinance (except Section 16-571(10)), all food truck parks must comply with the following:

1. All vendors must leave the food truck park upon closing of the park each day, except as provided for in item 2 below.
2. If a commissary is located on-site, then the owner of the commissary will not have to move a mobile food unit that they own from the lot each day. The commissary owner may park only one mobile food unit that they own overnight at a food truck park, regardless of the number of mobile food units owned by the commissary owner.
3. There must be a designated manager of the lot that is responsible for the orderly organization of food truck vendors, the cleanliness of the site, and the compliance with all rules and regulations during business hours. Such information must be clearly posted on the lot.
4. The area must be kept clear of litter and debris at all times. Waste receptacles and/or recycling bins must be provided.
5. A minimum of 20% of the food truck park lot area must be shared common area, not including MFU parking spaces and required vehicle parking spaces. The common area should be designed for customer use, which includes elements such as seating areas, restroom facilities, and lawn and landscaped areas.
6. One on-premise sign is permitted at each entrance identifying the food truck park subject to the sign regulations for the C-N District
7. Food truck parks may be standalone uses or may be located on a property with another principal use. These properties must be designed to be able to accommodate all required development standards for all principal uses.
8. No temporary use permits for individual food truck vendors are required within food truck parks.
9. All mobile food units must utilize shore power when operating in a food truck park.

10. Restroom facilities must be provided and available for both customers and employees.

11. Required parking for food truck parks may be located on-street within one-quarter mile of the food truck park, provided there is a continuous pedestrian pathway between the on-street parking space and the food truck park, as measured from the space to the closest lot line of the food truck park. These are calculated as follows:

a. Where on-street parking spaces are unmarked, the number of parking spaces is calculated by dividing the length of the on-street parking area by 22, where a fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one space.

b. Where on-street parking spaces are marked, each marked space counts as one required parking space, including any space where at least 80% of the width is located within one-quarter mile.

#### **M. Funeral Home and Crematory**

A funeral home and a crematory must both be allowed within the district in order to locate a crematory within a funeral home.

1. A smokestack of a facility for cremation must be located a minimum of 500 feet from an existing educational facility – primary/secondary, park, day care center, pre-school/kindergarten, or residential dwelling, measured from lot line to lot line. This also applies to crematories located within funeral homes.

2. When a crematory is included as part of a funeral home, no more than 33% of the floor area of a funeral home may be devoted to the crematory, including area for the cremator, cremation observation, crematory access and maintenance areas, and any additional areas used primarily for services related to cremation.

#### **N. Garden: Community, Market, Personal**

1. Community gardens, market gardens, and personal gardens may include the following structures: high tunnels, greenhouses, cold frames, low tunnels, storage shed or utility building, and compost containers. Such structures are subject to the following:

a. A shed or utility building that is incidental or necessary for the use's operation may be allowed for the storage of tools and gardening materials without a primary structure.

b. All accessory buildings and uses are subject to compliance with all other applicable codes and regulations of the City.

c. No accessory building may be used, erected, or maintained as living quarters.

2. All structures must adhere to district setbacks and building codes as specified in the zoning district.

3. All gardens are subject to the environmental performance standards of Section 10.5.

#### **O. Gas Station**

1. The principal building must meet the setback requirements of the district in which it is located.

2. Gasoline pump islands must:

a. Be located no closer than 15 feet to any street lot line when constructed parallel to the pavement edge.

b. Be located no closer than 30 feet to any street lot line when constructed perpendicular to the pavement edge.

c. Be set back 15 feet from all lot lines other than a street lot line.

3. Gas station canopies cannot be constructed closer than 15 feet from any street lot line.

4. Motor vehicle repair is permitted as part of a gas station when vehicle repair/service is also permitted in the district, and is subject to separate approval. If allowed, repair of vehicles must not take place within a front or side yard. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.



5. The accessory uses of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use.

**P. Impound Lot**

A Class B buffer yard per Section 12.8 and a solid wall or fence, a minimum of six feet and a maximum of eight feet in height, is required along all lot lines of an impound lot.

**Q. Industrial – Craft**

1. Craft industrial uses are limited to a maximum gross square footage of 8,000 square feet.
2. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
3. All craft industrial facilities are subject to the environmental performance standards of Section 10.5.

**R. Live/Work**

1. Live/work is permitted in units with street level access only.
2. A minimum of one person must occupy the live/work unit as their primary residence.
3. No business storage or warehousing of material, supplies, or equipment is permitted outside of the live/work unit.
4. The nonresidential use of the unit is limited to nonresidential uses allowed in the district.
5. No equipment or process may be used in connection with the live/work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the premises.

**S. Lodge/Meeting Hall**

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only or for lessees when leased or used as reception facilities.
3. Sleeping facilities are prohibited.
4. Lodges/meeting halls leased or used as reception facilities cannot charge a general admission fee or any other monetary donations (payment at the door to the general public) for entrance, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.

**T. Marina**

**1. Purpose and Uses**

- a. The purpose of this regulation is to insure the proper development of marinas and the safe operation of marine equipment.
- b. Marinas may include assembly buildings, caretaker's residences, docks, fueling and supply facilities, house boats, launching and storage facilities, boat sales and servicing facilities, parking areas, repair and maintenance areas, restaurants, signs, supplementary recreational facilities, hotels, motels, boatels, boat lifts, launching ramps, water taxi services, boat charter services, and incidental retail sales associated with the principal use. All the proposed uses must be identified in the site plan.

## 2. Area Regulations

- a. There is no minimum lot size required; however, the lot size must be sufficient to assure space for the facilities proposed in the special use application and must meet all local, state, and federal regulations.
- b. The minimum depth of the front yard is the same as required in the districts where marinas are allowed.
- c. Minimum side yards of 50 feet must be provided between adjacent tracts of land and marina facilities, including all floating structures. Side yards can contain outdoor recreational uses and parking subject to site plan approval.
- d. The lot must be developed in such a way as to preserve its natural character, particularly in preserving natural vegetation adjacent to the normal summer pool elevation. A mass planting strip at least six feet in height must be located between the marina and adjacent residential areas, except that no planting is required between marina facilities and a public road. Yards may be used for parking but in no case may parking be located closer than 15 feet to any property and cannot enter a riparian buffer zone without approval of the City of Knoxville Department of Engineering.

## 3. Control of Opposite Shoreline

When the proposed marina development is situated on a cove or embayment which is less than 300 feet in width (at normal pool as defined by the Tennessee Valley Authority) the applicant must own or control the shoreline opposite such development to a minimum depth of 100 feet from the shoreline. However, the Knoxville-Knox County Planning Commission may waive this requirement if the property opposite the proposed development lot, because of topography and/or existing land use, is not adversely affected by the proposed development.

## U. Micro-Brewery/Distillery/Winery

- a. Where production facilities of craft breweries, distilleries, and wineries of 8,000sf or less in gross floor area abut a residential district, a Class B buffer yard per Section 12.8 is required. Production facilities of craft breweries, distilleries, and wineries that are greater than 8,000 square feet in gross floor area must be separated from residential districts by 200 feet, as measured on a straight line from lot line to lot line.
- b. All malt, vinous or distilled liquor production must be within completely enclosed structures.
- c. Loading areas in a newly constructed facility cannot be oriented toward a public street, nor can loading docks be located on the side of any building facing a residential district. Where such district abuts on all sides of the lot, these loading areas must be screened by a solid wall or opaque fence with a minimum height of six feet to a maximum of eight feet, in addition to any required landscape buffer.
- d. Service doors in a newly constructed facility facing a public street or an adjacent residential district must be screened by a solid wall or opaque fence with a minimum height of six feet to a maximum of eight feet, in addition to any required landscape buffer.
- e. For adaptive reuse of existing buildings, newly constructed loading areas and service doors should be located to minimize any impact on surrounding public streets. Existing loading areas and services doors should be screened to the extent feasible from view from public streets or any adjacent residential district.

## V. Neighborhood Nonresidential Reuse

Once approval of a neighborhood non-residential reuse is granted, the structure may be reused for any of the uses in item 2 below. Any change of an approved use to another use allowed within item 2 requires a new special use approval.

- 1. Neighborhood nonresidential reuse establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Code.
- 2. The following nonresidential uses are permitted within a neighborhood commercial establishment:
  - a. Art gallery
  - b. Art and fitness studio
  - c. Office



- d. Personal service establishment
  - e. Eating and drinking establishment; live entertainment - secondary use prohibited
  - f. Retail goods establishment
  - g. Social service center
- 3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
  - 4. Drive-through facilities are prohibited.
  - 5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
  - 6. Signs must comply with the following:
    - a. One monument sign and one attached sign (wall or projecting) on each street facing façade are permitted.
    - b. Monument signs are limited to a maximum sign area of 12 square feet and a maximum height of three feet. Monument signs must be setback a minimum of two feet from property lines and from rights-of-way.
    - c. Wall signs are limited to a maximum sign area of 12 square feet.
    - d. Projecting signs are limited to a maximum sign area of four square feet and must have a minimum vertical clearance of seven feet above the ground.
    - e. Window signs must not cover more than 20% of the window area.
    - f. Pole signs are prohibited.

**W. Pre-School/Kindergarten**

- 1. Each facility must comply with all applicable federal and state regulations.
- 2. The operator's license must be displayed publicly.
- 3. A pre-school/kindergarten must provide a pickup/drop off area. The pickup/drop off area must not interfere with vehicle circulation in the right-of-way or a parking lot, and cannot block any drive aisle.

**X. Reception Facility**

A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.

**Y. Residential Care Facility**

- 1. Residential care facilities are subject to all federal, state, and city regulations, and must be licensed.
- 2. Residential care facilities must comply with all standards for multi-family dwellings in the district in which they are located, including the standards for design of multi-family dwellings in this Article. This does not apply to mixed-use developments where the ground floor and any upper floors are designed for nonresidential uses with residential above.

**Z. Salvage Yard**

- 1. No such operation is allowed within 300 feet of any residential district.
- 2. All outdoor storage of salvage and wrecking operations must be conducted entirely within an area enclosed opaque fence or wall, excepting driveway areas, from eight to 12 feet in height. The fence or wall must be

constructed on or inside the front, side, and rear yards required by the district in which located and constructed in such a manner that no outdoor storage or salvage operations are visible from an adjacent lot, street, or highway. Storage, either temporary or permanent, between such fence or wall and any lot line is expressly prohibited.

**AA. Self-Storage Facility: Indoor and Outdoor**

1. Access to the lot must be from a street identified as a collector or arterial on the Knoxville/Knox County Major Road Plan.
2. If a self-service storage facility is developed on a street identified as a future collector or arterial on the Knoxville/Knox County Major Road Plan or a street that provides a connection from the proposed development to a major collector or arterial road as identified on the Knoxville/Knox County Major Road Plan without passing adjacent to or through any residentially zoned land, then adequate right-of-way and road improvements must be provided as determined by the City of Knoxville Department of Engineering.
3. A minimum 26 foot parking/driveway lane must be provided adjacent to all buildings when the buildings open only to one side of the lane and a minimum 30 foot when the buildings open to both sides of the lane. All parking/driveway lanes must be paved.
4. Maximum size for each individual storage unit is 600 square feet.
5. The minimum lot area for an outdoor facility is two acres.
6. For outdoor facilities, a solid fence or wall a minimum of six feet to a maximum of eight feet in height must be provided and set back a minimum of five feet from any side or rear lot line when the self-service storage facility abuts a residential district and a Class B buffer yard per Section 12.8 is required.
7. Any proposed outdoor storage areas must be shown on a site plan for the facility. Outside storage of any materials will be governed by the specific requirements of the district in which the facility is located. In no case may parking areas or driveways be used for storage.
8. The following uses are prohibited as part of a self-service storage facility operation:
  - a. Auctions, wholesale and retail sales, miscellaneous or garage sales. However, this does not apply to auctions or sales conducted by the property manager of the contents of abandoned storage units.
  - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - c. 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.
  - d. Transfer and storage business.
  - e. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.
  - f. The storage of hazardous materials.
9. Storage units cannot be used for residential occupancy or to conduct business.
10. No plumbing connections are permitted in self-storage units.
11. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be allowed in the district.
12. The following additional standards apply to indoor self-storage facilities:
  - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
  - b. All facilities must meet the design standards of the district.

- c. No storage units located on the first floor may be located within the first 20 feet of the front facade. No storage units located on the first floor may be visible from any public right-of-way.
- d. Access to loading areas must be located to the interior side or rear of the building.

**13. The following additional permissions apply to outdoor self-storage facilities:**

- a. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.
- b. Outdoor self-storage facilities only are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
- c. No storage of recreational vehicles is allowed within 25 feet of any rear lot line or interior side lot line when such lot line abuts a residential district. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.

**BB. Solar Farm**

- 1. Systems, equipment, and structures are limited to the maximum height of the district.
- 2. All solar farm structures must meet the district setbacks.

**CC. Storage Yard**

In the commercial districts, a Class B buffer yard per Section 12.8 and a solid wall or fence, a minimum of six feet and a maximum of eight feet in height, is required along all lot lines of a storage yard, including any storage yards as an accessory use.

**DD. Vehicle Repair/Service**

- 1. Vehicle repair/service establishments may not store the same vehicles outdoors on the lot for a total of 30 days, 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.
- 2. Repair of vehicles and storage of all merchandise, auto parts, and supplies must be within a structure.
- 3. Vehicle repair/service establishments that abut a residential district require a solid fence or wall a minimum of six feet to a maximum of eight feet in height and a Class A buffer yard per Section 12.8 is required.
- 4. 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.
- 5. The sale of new or used vehicles is prohibited.
- 6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

**EE. Wind Energy System**

- 1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
- 2. Wind turbines must comply with the following design standards:
  - a. Wind turbines must be a non-obtrusive and non-reflective color.
  - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
  - c. Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.

- d. On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
  - e. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
3. The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds.
4. Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
5. Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
6. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
7. All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
8. The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the City Code, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.
9. A shadow flicker study is required, and must be submitted with the application. Projects must mitigate shadow flicker on existing structures and shadow flicker must not fall within the buildable area of an adjacent lot, as defined by current setback requirements.
10. The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, once the use of the wind energy system or any individual wind turbines are discontinued. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines and related aboveground equipment.

## **FF. Wireless Telecommunications**

### **1. Purpose**

The purpose of this section is to create a legal framework for the siting and appearance of wireless communication facilities (WCF) through regulations that will:

- a. Promote and protect the public health, safety and welfare, preserve the aesthetic character of the community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted pursuant to state and federal law.
- b. Encourage the collocation of antennas on existing towers and structures.
- c. Protect residential districts, 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.
- d. Accommodate the growing demand for wireless communication services.

- e. Enable WCF providers to furnish comprehensive and efficient wireless communications service to the community minimizing the adverse impacts of their facilities.
- f. Encourage the use of the latest technology through advances in siting and design.
- g. Establish clear standards for an orderly process for permit application review.

## **2. Statement of Preferred Locations**

There are preferred locations for WCF's. 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 items c.i through c.iii below. New towers sited in the least preferred location require review by the Knoxville-Knox County Planning Commission, see item c.iv.

- a. Collocation of WCF on an existing tower and attachment to a building or structure should first be sought.
- b. The City regulates the siting and design of small cell and Distributed Antenna Systems (DAS) within its right-of-way through a separate permit process and design guidelines set forth by the City of Knoxville Department of Engineering. These zoning regulations address location and design of small cell and DAS towers on lots, see subsection D.2.
- c. New towers are an option of last resort. Where new tower construction is absolutely necessary, the following list provides preferred locations, ranked from most preferred (item i) to least (item iv).
  - i. Industrial districts
  - ii. Commercial districts
  - iii. Other nonresidential districts
  - iv. Residential districts; within 2,000 feet of a Scenic Highway or Tennessee Parkway; or Historic Districts

## **3. Development Standards**

### **a. 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.

- i. Existing towers:
  - (1) An existing tower's height may be extended a maximum of 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 items c.vi(2) and c.viii(2) below.

ii. Existing structures (excluding existing towers) or buildings may accommodate new WCF's, provided antennas and supporting structures are not higher than 30 feet 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.

**b. New Small Cell and DAS Tower Development Standards.**

For the purposes of this Code, references to small cell must also include DAS. All development standards for small cell towers are contained within this subsection and are not subject to item c below.

**i. Tower Height**

Towers must not exceed 40 feet in height when existing or proposed buildings and structures on the lot are less than 40 feet high. In cases where there are taller buildings and structures on the lot, new small cell towers may match the existing, height, up to 60 feet.

**ii. Collocation**

Collocations for two separate wireless service providers on the same support structure is encouraged whenever feasible and safe.

**iii. Antennas**

The maximum dimensions for panel style antennas is 30 inches high and 12 inches wide. The maximum dimensions for canister style antennas must be 48 inches high and 16 inches in diameter.

**iv. Accessory Equipment**

Equipment must be contained within a landscaped median, located in a ground vault, or mounted on the pole at least 8 feet above the ground.

**v. Stealth**

WCF's must 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, banner poles, or flagpoles.

**vi. Setback**

Antennas that are located on parking lot light poles or other existing structures are not subject to a minimum setback.

**c. New Tower Development Standards**

**i. Tower Type**

All new towers must 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.

**ii. Height**

The maximum height of new towers is regulated by the zoning districts in Table 9-2: New Wireless Communications Tower Criteria.

**iii. Separation**

All towers must have a minimum separation of 1,500 feet. This separation standard does not apply to sites where applicants are proposing a new tower to replace an existing tower. The old tower must be removed within 60 days of the new tower becoming operational.

**iv. Collocation**

A new WCF tower proposed for construction must accommodate a minimum of two antenna arrays if the tower is less than 125 feet in height, and at least three antenna arrays if the tower is 125 feet in height or greater. The base station area must contain adequate space for ground equipment associated with the proposed number of antenna arrays.

**v. Driveway Access**

Driveways must be paved and meet the City engineering standards. The driveway must follow the existing topography as much as possible and limit views of the base station from the public street.

**vi. 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 must be installed and maintained in accordance with this subsection.

(i) The outside perimeter of the base station must be planted with at least a 12 foot wide planting area that contains six foot high (at the time of planting) columnar or pyramidal evergreens that will form a solid screen at maturity. A break in the planting area not to exceed 12 feet in width is allowed for access.

(ii) Existing vegetation must be used when feasible to camouflage the base station.

**(B) Screening**

(i) All base stations must be fenced.

(ii) In residential zones, scenic highway, and historic areas, base stations may include wood or masonry fencing. Fencing must be designed to blend in with existing surroundings, using architecturally compatible construction and colors.

**vii. Equipment Shelter**

(1) An equipment shelter used in connection with a WCF must be limited to 400 square feet of gross floor area per provider and 12 feet in height.

(2) In residential districts, all equipment shelters should be designed to blend in with existing surroundings, using architecturally compatible construction and colors.

**viii. Setbacks**

**(1) Towers**

(A) All towers must be set back from the lot line of all properties with an H Overlay District and any residential district a minimum distance equal to 110% of the height of the tower.

(B) In all other cases, towers must meet the building setback requirements of the base zoning district, but not less than 25 feet.

**(2) Base Station**

Perimeter fencing must meet the setback requirements of the base zoning district, but not less than 25 feet.

**ix. Lighting**

For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. Dual (low intensity) lighting is encouraged. All FAA-required lighting must 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.

**x. Visual Impact**

All WCFs in residential districts, within 2,000 feet of a Scenic Highway or Tennessee Parkway, and Historic Districts must 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.

**xi. 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 must 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.

**4. Summary of Development Standards**

Table 9-2 summarizes the development standards found in item 3 above. The following also apply to information found within this Table:

- a. Collocation is encouraged in all zoning districts.
- b. Any tower within an industrial or commercial district that is within 250 feet of a residentially zoned property must be a Type 1 Monopole and cannot exceed 125 feet in height.
- c. The criteria for new towers within 2,000 feet of a Scenic Highway or Tennessee Parkway must be the same as residential districts.
- d. Within overlay districts, the stated tower criteria take precedence over the base zoning district.

Table 9-2: New Wireless Communications Tower Criteria				
Zoning Districts	Permitted Tower Type/ Antenna Locations	Maximum Tower Height	Stealth Design	Type of Review
Industrial Districts	Small Cell Monopole Type 1 Monopole Type 2	200'	Encouraged	Level I
Commercial Districts	Small Cell Monopole Type 1 Monopole Type 2	150'	Encouraged	Level I
Other Districts	Small Cell Monopole Type 1	125'	Encouraged	Level I
Residential Districts	Small Cell	125'	Encouraged	Level II
Overlays	Monopole Type 1	125'	Encouraged	Level II
F	Not Permitted			

**5. Types of Review**

**a. Director of Plans Review and Building Inspections Review**

The Director of Plans Review and Building Inspections or his/her designee will review collocations on existing towers.

**b. Knoxville-Knox County Planning Commission Review**

There are two levels of review that are made by the Knoxville-Knox County Planning Commission.



**i. Level I**

This is an administrative review by the Knoxville-Knox County Planning Commission Executive Director or his/her designee. Level 1 review is for collocations on existing structures or buildings and new towers, consistent with Table 9-2.

**ii. Level II**

This review is the Knoxville-Knox County Planning Commission. Level II review is for new towers, consistent with Table 9-2 and for exceptions to height and spacing standards, consistent with item 9 below.

**6. Procedures for Level I Review**

Knoxville-Knox County Planning Commission staff will determine if the application complies with the Code 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:

- a. A determination must be decided within 45 days of a complete application, and the applicant must be provided with a written notice of approval or denial.
- b. If approved, an applicant will be issued a WCF COA.
- c. Anyone aggrieved by an approval or denial must have 15 calendar days to appeal the decision to the Planning Commission.
- d. No building permit will be issued until after the appeal period has expired or if the decision is appealed, the appeal has been resolved.

**7. Procedures for Level II Review**

**a. Approval or Denial**

The Knoxville-Knox County Planning Commission will determine if the application complies with the Code by approving or denying an application.

**b. Public Hearing**

The Knoxville-Knox County Planning Commission will hold a public hearing subsequent to notification consistent with its administrative rules and procedures.

**c. Restrictions**

In the exercise of its approval, the Knoxville-Knox County 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 Code.

**d. Time Limit and Notification**

An application must be decided within 45 days of the date of the application being complete, unless the applicant agrees to a postponement. The applicant must be provided with a written notice of approval or denial.

**e. Effective Date of Approval; Issuance of Permit**

- i. Knoxville-Knox County Planning Commission approval becomes effective 16 days from the date of the public hearing at which approval is granted.
- ii. No building permit will be issued prior to the effective date of approval.
- iii. The building permit will be issued subject to all conditions and requirements stipulated by the Knoxville-Knox County Planning Commission.

**f. City Council Review of Action of Commission**

Any person, firm or corporation aggrieved by any decision of the Knoxville-Knox County Planning Commission may petition the City Council to consider the same in accordance with the provisions set forth in Section 16.12.

**g. Validity of plans**

All approved plans, conditions, restrictions, and rules made a part of the approval of the Knoxville-Knox County Planning Commission constitute certification on the part of the applicant that the proposed use will conform to such regulations at all times.

**h. Further Information**

The Knoxville-Knox County Planning Commission may request feedback from TTCDa when a WCF is located within the TO-1 Overlay District or from the Historic Zoning Commission when a WCF is located within Historic District.

**8. Application Submittal Requirements**

An application must be filed with the Knoxville-Knox County Planning Commission on forms provided for that purpose. In addition to the required application information, the application must include the following:

**a. General Requirements**

- i. For public hearing review, a pre-application meeting with Knoxville-Knox County Planning Commission staff is required.
- ii. The applicant must provide a written letter of commitment from at least one cellular provider to locate on an existing or proposed facility.
- iii. 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 must include required dimensions.
  - (2) Identification of distances to the lot lines for adjoining properties and right-of-way from proposed tower and base station.
- iv. A clear and complete written statement of purpose must 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 location and the targeted service area. The map will be used to determine potential collocation and preferred siting opportunities.
- v. 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.
- vi. All other information and/or materials that the Knoxville-Knox County Planning Commission may require.

**b. 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.

**c. Additional Requirements for New Small Cell**

Each applicant must submit a summary that explains how it arrived at the structure and design being proposed.

**d. Additional Requirements for New Tower**

**i. Collocation and Alternative Sites Analysis**

**(1) Collocation Requirement for all New Towers**

All applications for a new tower must demonstrate that existing towers within one mile and other structures and buildings within a half mile are not feasible for collocation, consistent with item 3.a above.

**(A)** For all new towers the applicant must provide a description of why each tower within one mile of the proposed WCF is not feasible for collocation.

**(B)** For existing structures and buildings the applicant must provide a description of why they are not feasible for collocation.

**(2) Alternative Site Analysis**

All towers in a residential district, within 2,000 feet of a Scenic Highway or Tennessee Parkway, historic district or within 250 feet of a residential district.

**(A)** The tower location preferences located in item 2.c above must be addressed in a clear and complete written alternative site analysis that shows at least five higher ranked preferred locations, alternative sites considered to the extent that such higher ranked alternative sites are located within one 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 or more of the following reasons:

**(i)** Inability to obtain authorization by the owner.

**(ii)** Failure to meet the service coverage objectives of the applicant.

**(iii)** Failure to meet other engineering requirements for such things as location, height, and size.

**(iv)** Zoning constraints, such as the inability to meet setbacks.

**(v)** Physical or environmental constraints, such as unstable soils or wetlands.

**(vi)** Being a more intrusive location despite the higher priority in this section.

**(B)** A complete alternative sites analysis provided under this subsection may include less than five alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five potentially available, higher ranked, alternative sites.

**ii. Visual Analysis**

For public hearing reviews, the applicant must provide color photo simulations of the proposed tower. The photo simulations must include before and after images of the site, taken from at least four different perspectives and a map identifying the locations that the photos were taken.

**iii. Design Justification**

A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this section to the maximum extent feasible. A complete design justification must identify all applicable design standards under this section and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

**9. Exceptions to Standards**

A proposed WCF may exceed the maximum height and reduce the minimum spacing contained within this section, provided the applicant can demonstrate that technically neither coverage nor capacity can be achieved using these standards. The exception will be a Type II review.

#### **10. Final Inspection**

Certificate of completion will only be granted upon satisfactory evidence that the WCF was installed in compliance with the approved plans.

#### **11. Maintenance**

- a. The WCF site, including all landscaping, fencing, and related transmission equipment must be maintained in accordance with all approved plans.
- b. All graffiti on WCFs must be removed at the sole expense of the permittee after notification by the City to the owner/operator.

#### **12. Tower Replacement**

A legally existing WCF may be replaced on the same site provided they are in compliance with this section. The old tower must be removed within 60 days of the new tower becoming operational.

#### **13. Removal of Abandoned Towers**

The following regulations apply to ensure the removal of abandoned towers:

- a. The owner of any telecommunications tower must provide written notification to the Director of Plans Review and Building Inspections within 30 days of the occurrence of either or both of the following:
  - i. The tower has changed ownership.
  - ii. Use of all telecommunications antennas on the tower has ceased.
- b. All towers permitted under the requirements of these regulations that are not operated for telecommunications purposes for a continuous 12 month period are considered abandoned, and the owner of such tower must remove same within 90 days of receiving notice from the Director of Plans Review and Building Inspections. Failure to do so is deemed a violation of these regulations. The owner of the tower may appeal the decision of the Director of Plans Review and Building Inspections to the Board of Zoning Appeals. At such hearing the owner will be required to show just cause why the tower should not be considered abandoned and subject to removal.
- c. At the time a request for a building permit is made, the applicant must 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 12 months. This may be in the form of a bond, a letter of credit or some other financial arrangement approved by the City of Knoxville Finance Director for financial adequacy and the City of Knoxville Law Department for legal enforceability. Such bond or other approved financial surety must be maintained by the owner of the tower so long as the tower exists.

#### **14. Independent Review**

The Knoxville-Knox County 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: the accuracy and completeness of the items submitted with the application; the applicability of analysis and techniques and methodologies proposed by the applicant; the validity of conclusions reached by the applicant; and whether the proposed WCF complies with the applicable approval criteria set forth in this section.

#### **15. Exempt Facilities**

The following facilities are exempt:

- a. FCC licensed amateur (ham) radio facilities.
- b. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding three feet in diameter.
- c. A government-owned WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and state requirements.

- d. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City.
- e. A temporary tower may be used for a period of 90 days to allow repair of a damaged permanent WCF, subject to approval by the City. Such temporary tower must comply with applicable setbacks and height requirements.

#### 9.4 TEMPORARY USE STANDARDS

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 16.10) unless specifically cited as exempt or are required to obtain a license per the City Code. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

##### A. Animals for Control of Invasive Species

A temporary use permit may be issued for the use of goats or other animals for the purpose of controlling kudzu or other invasive plants, subject to regulations established by the City of Knoxville Animal Control department.

##### B. Farmers' Market

1. The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmers' market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.
2. A management plan is required as part of the temporary use permit application that demonstrates the following:
  - a. The on-site presence of a representative of the farmers' market during hours of operation who directs the operations of vendors participating in the market.
  - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
  - c. A general site plan including vendor stalls, parking areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the lot.
  - d. Provision for waste removal.
  - e. The days and hours of internal operation, including vendor set-up and take-down times.

##### C. Farmstand

1. A temporary use permit may be issued for a farmstand for the sale of food or non-food crops grown only on the premises.
2. Acceptable seasonal produce stands are a portable table or cart, and cannot exceed an area of 100 square feet.
3. Such stands must be removed when not in use.
4. The timeframe of a farmstand, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
5. Applicants may submit for a subsequent temporary use permit one calendar year from the issuance of their last permit for this purpose.
6. Seasonal produce stands must be set back from all public rights-of-way a distance of no less than 15 feet.

##### D. Mobile Food Units (MFUs) and Mobile Food Vendors

Mobile food units (MFUs) and mobile food vendors are subject to the City of Knoxville's Mobile Food Unit Ordinance.

**E. Real Estate Project Sales Office/Model Unit**

1. A real estate sales office/model unit(s) is allowed for a residential development. Temporary real estate project sales office/model unit in a new subdivision must meet the requirements of Chapter 37 of the City Code.
2. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.
3. The temporary use permit is valid for the life of the project, to be verified by open permits.
4. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.
5. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

**F. Temporary Contractor's Office and Contractor's Yard**

1. A temporary contractor's office is allowed incidental to a construction project.
2. The temporary use permit is valid for the life of the project, to be verified by open permits.
3. The temporary contractor's office must be removed within 30 days of completion of the construction project.
4. A contractor's yard is permitted on-site and can only be used during the life of the construction project. No sleeping or cooking accommodations are allowed.

**G. Temporary Outdoor Entertainment**

1. Temporary outdoor entertainment in the residential districts is restricted to those events conducted by and located on the site of a place of worship, educational facility, or a registered neighborhood association's facilities.
2. A management plan is required as part of the temporary use permit application that demonstrates the following:
  - a. The on-site presence of a manager during the event.
  - b. General layout of performance areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the lot.
  - c. Provision for waste removal and for recycling, if available.
  - d. The days and hours of operation, including set-up and take-down times.
  - e. A description of crowd control and security measures.
  - f. A lighting plan describing all temporary lighting to be installed.
3. Any temporary structures must be removed within three days of conclusion of the event. Any tents require approval of a separate temporary use permit per item L below.
4. Time limits are as follows:
  - a. Time limitations apply to the lot, not the operator of the use.
  - b. Events in residential districts are limited to four events per calendar year and a maximum duration of five days per event, with a minimum of 30 days between events.
  - c. Events in non-residential districts are limited to four events per calendar year and a maximum duration of 15 days per event, with a minimum of 30 days between events.

- d. The Zoning Administrator, upon review of the temporary use permit, may increase these timeframes.

#### **H. Temporary Outdoor Sales**

1. Temporary outdoor sales in the residential districts are restricted to those events conducted by and located on the site of a place of worship, educational facility, or a registered neighborhood association's facilities.
2. A management plan is required as part of the temporary use permit application that demonstrates the following:
  - a. An established set of operating rules addressing the governance structure of the sales event, hours of operation, maintenance, and security requirements.
  - b. General layout of vendor stalls, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the lot.
  - c. Provision for waste removal and for recycling, if available.
  - d. The days and hours of operation, including vendor set-up and take-down times.
  - e. A lighting plan describing all temporary lighting to be installed.
3. Any temporary structures must be removed within three days of conclusion of the event. Any tents require approval of a separate temporary use permit per item L below.
4. Time limits are as follows:
  - a. Time limitations apply to the lot, not the operator of the use.
  - b. Events in residential districts are limited to three events per calendar year and a maximum of either three consecutive days or two consecutive weekends.
  - c. Events in non-residential districts are limited to four events per calendar year and a maximum duration of five days per event.
  - d. However, a temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to four events per calendar year and a maximum duration of 30 days per event.
  - e. The Zoning Administrator, upon review of the temporary use permit, may increase these timeframes.
5. A portion of a parking area may be used for temporary outdoor sales. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for temporary outdoor sales and display.
6. No sales and display area is permitted in any public right-of-way.

#### **I. Temporary Outdoor Storage Container**

1. The use of an outdoor storage container is limited to no more than 60 consecutive days in any year. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the temporary use permit may be extended for additional two week periods upon a showing of need. There will be no more than three extensions of any temporary use permit. An exception will be made if the outdoor storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container cannot exceed the period for which the building or demolition permit has been issued.
2. Outdoor storage containers cannot be placed in a public right-of-way, or located so as to interfere with traffic visibility.
3. Outdoor storage containers cannot be placed in the front yard, unless there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location, which must be

approved as part of the temporary use permit.

**J. Temporary Recreational Vehicle Park**

1. A temporary recreational vehicle park is permitted in principal and ancillary parking lots in the INST, C-H, and C-R Districts.
2. Up to 25% of a parking area may be used for a temporary recreational vehicle park.
3. Temporary recreational vehicle parks may be established for no more than four consecutive days. There must be two weeks between each period. No more four periods total are allowed per calendar year.
4. A temporary recreational vehicle park must not include electric, water, or dump stations ("dry camping" only).

**K. Temporary Warehouse Sales (Indoor)**

1. Parking must be provided equal to that required for retail sales.
2. The lot has direct access to an arterial or collector street as defined in the Knoxville/Knox County Major Thoroughfare Plan.
3. Other uses in the area do not pose a health or safety risk as determined by the Fire Chief and the Chief of Police or their designees.
4. No permit will be issued under this section for any lot for a period in excess of 110 days within any calendar year.

**L. Tents**

Tents for events incidental to the principal permitted use of the lot are a temporary use and require a temporary use permit.

1. Tents must be set back the required dimension of the front setback or 15 feet, whichever is less.
2. The erection of the tent cannot reduce the required parking for the principal use by more than 50%. A parking plan must be submitted for approval.
3. On a corner lot, a tent cannot be located within the visibility triangle.
4. Each temporary use permit cannot exceed 15 consecutive days, and no permit will be issued for more than 45 days per year except as stated herein. The Administrative Review Committee, upon review of the temporary use permit, may increase these timeframes.
5. Use, erection, and maintenance of tents are subject to compliance with all other applicable codes and regulations of the City.
6. No tent may be used, erected, or maintained as living quarters.

**M. Additional Temporary Uses**

In addition to the temporary uses listed above, a temporary use permit may be issued by the Zoning Administrator 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 Zoning Administrator 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.