



# RECODE KNOXVILLE



INVEST



PROTECT



CONNECT

## **DRAFT ZONING CODE** **PUBLIC DRAFT VERSION 2.0**

**JULY 2018**



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## ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

- 1.1 TITLE
- 1.2 PURPOSE
- 1.3 APPLICABILITY
- 1.4 TRANSITION RULES
- 1.5 SEVERABILITY

### 1.1 TITLE

This Zoning Code, which incorporates the Official Zoning Map, is known, cited, and referred to as the “City of Knoxville Zoning Code,” “Zoning Code,” or “Code.”

### 1.2 PURPOSE

The intent of this Code is to establish land use regulations to serve the City of Knoxville. The purpose of this Code is to:

- A. Promote the public health, safety, and welfare.
- B. Promote orderly development of the City
- C. Divide the City into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code and adopted policies.
- D. Maintain and stabilize the value of structures, communities, and neighborhoods that constitute the distinct places.
- E. Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- F. Create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities.
- G. Preserve open space and natural areas, reduce traffic congestion, utilize existing infrastructure and resources, and preserve quality of life.
- H. Provide for the gradual elimination of nonconformities.

### 1.3 APPLICABILITY

#### A. Territorial Application

This Code applies to all land, uses, and structures within the City of Knoxville, with the exclusion of County, State, and Federally owned property

#### B. General Application

In their interpretation and application, the provisions of this Code are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

#### C. Required Conformance

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, altered, or enlarged in conformance with the requirements of this Code. The division of land, the development of land, and all structures or land must be developed and used in conformance with the requirements of this Code.

#### D. Relation to Private Agreements

This Code does not nullify any private agreement or covenant. However, where this Code is more restrictive than a private agreement, covenant, or deed restriction, this Code controls. Those charged with administration and enforcement of this Code do not enforce any private agreement, covenant, or deed restriction.

#### **E. Relation to Other Laws and Regulations**

Unless otherwise specifically provided, this Code controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Code.

#### **F. Rules Regarding Illustrations and Graphics**

Any illustrations, graphics, and/or photos contained in this Code are to assist the reader in understanding and applying the Code. If there is any inconsistency between the text of the Code and any such illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

### **1.4 TRANSITION RULES**

#### **A. Existing Violations**

Any violations of the prior Zoning Code continue to be a violation of this Code and are subject to the enforcement provisions of Article ~~18~~17.

#### **B. Existing Uses**

1. Any use classified as a permitted use prior to the effective date of this Code and that use is now classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use remains a permitted use.
2. Any use classified as a permitted use prior to the effective date of this Code, and that use is now classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses.
3. Any use classified as a use on review prior to the effective date of this Code, and that use is now classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Code requirements for such permitted use and is no longer subject to any special approval conditions under which it was originally approved unless such conditions are required under this Code.
4. Any use classified as a use on review prior to the effective date of this Code, and that use is now classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses.
5. If a structure or land is used in a manner that was classified as either a permitted use or use on review prior to the effective date of this Code, but this Code no longer allows that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 16.

#### **C. Structures Rendered Nonconforming**

If a structure existing on the effective date of this Code was a conforming structure before the effective date of this Code, but such structure does not meet all standards set forth in this Code in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 16.

#### **D. Lots Rendered Nonconforming**

If a lot existing on the effective date of this Code was a conforming lot before the effective date of this Code, but such lot does not meet all standards set forth in this Code in the zoning district in which it is located, that lot is deemed a nonconforming lot and is controlled by the provisions of Article 16.

#### **E. Previously Issued Building Permits**

If a building permit for a structure was lawfully issued prior to the effective date of this Code, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.



#### **F. Previously Approved Variances**

All variance approvals granted prior to the effective date of this Code, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions. Variances that have been approved but not acted upon are subject to the expiration provisions of this Code for variances.

#### **G. Previously Approved Planned Unit Developments**

1. As of the effective date of this Code, all previously approved Planned Unit Developments (PUD) remain in effect and are subject to all plans, regulations, processes, and/or conditions of their approval.
2. Where such approvals include processes for amendment and/or development approval, such approvals control. When an approval does not contain any such processes, such developments are subject to the Planned Development (PD) amendment and/or development approval procedures, as applicable, of this Code.
3. For the purposes of the Zoning Map, existing planned unit developments are shown as planned developments.

#### **G.H. Pending Applications**

1. Any complete application that has been submitted or accepted for approval, but where no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, is reviewed in accordance with the provisions of the Code in effect on the date the application was deemed complete by the City.
2. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application automatically expires and all subsequent applications are subject to the requirements of this Code.
3. Any re-application for an expired project approval must meet the standards in effect at the time of re-application.
4. An applicant with a pending application may waive review available under the previous Code through a written letter to the Zoning Administrator and request review under this Code.

### **1.5 SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence, or provision of this Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Code. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered



## ARTICLE 2. GENERAL DEFINITIONS & MEASUREMENT METHODOLOGIES

- 2.1 RULES OF INTERPRETATION
- 2.2 GENERAL ABBREVIATIONS
- 2.3 DEFINITIONS
- 2.4 RULES OF MEASUREMENT

### 2.1 RULES OF INTERPRETATION

The terms in the text of this Code are interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. Any gender includes all genders.
- D. The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
- E. The terms “must not,” “will not,” “shall not,” and “may not” are prohibiting.
- F. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

### 2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Code:

- A. BTL is an abbreviation for “build-to line.”
- B. BTZ is an abbreviation for “build-to zone.”
- C. GFA is an abbreviation for “gross floor area.”
- D. ft is an abbreviation for “feet.”
- E. max. is an abbreviation for “maximum.”
- F. min. is an abbreviation for “minimum.”
- G. N/A is an abbreviation for “not applicable.”
- H. sf is an abbreviation for “square feet.”
- I. SF is an abbreviation for “single-family.”
- J. 2F is an abbreviation for “two-family.”
- K. TH is an abbreviation for “townhouse.”
- L. MF is an abbreviation for “multi-family.”

### 2.3 DEFINITIONS

**Abut.** To share a common wall or lot line without being separated by a street or alley.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair or similar access to a structure.

**Accessory Dwelling Unit (ADU).** An additional dwelling unit located on the same lot with and is incidental to, a principal single-family dwelling. An accessory dwelling unit may be attached or detached and must include separate cooking and sanitary facilities, with its own means of ingress and egress.

**Accessory Structure.** A detached structure located on the same lot as the principal building that is incidental to the use of the principal building.

**Accessory Use.** A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

**Addition.** Construction that increases the size of a structure in terms of building footprint, height, or floor area.

**Agriculture.** Land and associated structures used to grow crops and/or raise livestock for sale, personal food production, donation, and/or educational purposes. The agriculture use includes single-family dwellings and any accessory dwellings that are ancillary to the principal activity of agriculture. Agriculture also includes the use of farmstands for the sale of crops grown on the premises.

**Airport.** Land, water, and/or structures used for the landing and takeoff of aircraft, including airport buildings, airport structures, or airport rights-of-way. An airport includes passenger terminals for that airport and any ancillary uses within the passenger terminal, such as restaurants and retail goods establishments.

**Albedo (Solar Reflectance).** The ratio of the reflected solar energy to the incoming solar energy over wavelengths of approximately 0.3 to 2.5 micrometers. A reflectance of 100% means that all of the energy striking a reflecting surface is reflected back into the atmosphere and none of the energy is absorbed by the surface. See ASTM Standard E903.

**Alley.** A public right-of-way that normally affords a secondary means of access to abutting property.

**Alternative Correctional Facility.** A housing facility for adults or minors that is required by the courts as an alternative to incarceration. Also referred to as community correctional centers.

**Amateur (HAM) Radio Equipment.** An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

**Amusement Facility - Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

**Amusement Facility - Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

**Anchorage.** Areas in which vessels are held by means of anchors or similar devices which are removed from the bottom and carried aboard the vessels once they are underway. (from Delaware Rules & Regulations)

**Ancillary.** In regard to principal uses (Article 9), an additional structure or use that provides support and is typically integral to a principal structure or use.

**Animal Care Facility – Large Animal.** An establishment that provides care for large animals, such as horses and cattle, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence. Animal care facilities do not include animal breeders.

**Animal Care Facility – Small Animal.** An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. Animal care facilities do not include animal breeders.

**Animal Breeder.** An establishment where animals over six months of age are boarded, bred, raised, and trained for commercial gain. Animal breeder does not include animal care facilities or shelter and training facilities for canine or equine units of public safety agencies.

**Antenna.** 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.** 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.

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

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

**Arcade.** A frontage type where the building façade is close to the property line and the ground floor is recessed from the building façade to allow for a continuous, covered passageway.

**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Art Gallery.** An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

**Art and Fitness Studio.** An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An art and fitness studio also includes private exercise studios for private sessions with trainers and/or private classes.

**Awning.** A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

~~**Bar.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. A bar may include outdoor dining areas.~~

**Base Station.** 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.

**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

**Bed and Breakfast.** A single-family dwelling where an owner, who lives on the premises, provides lodging for a daily fee in guest rooms with no in-room cooking facilities, and prepares breakfast meals for guests.

**Berth.** A place where a vessel may be secured to a fixed or floating structure and left unattended.

**Bike Lane.** A dedicated bicycle lane running with moderate-speed vehicular thoroughfare demarcated by striping or other means.

**Bioengineering Slopes.** Preventative measures that are effective in stabilizing banks and reducing sedimentation of nearby water bodies. Structures made of natural and biodegradable materials, like fiber mats, coir fiber logs, wood logs, or synthetic geotextiles reduce the amount and speed of runoff from storm events and provide erosion & flood protection.

**Boat House.** A specific type of vessel designed to be moored to a main float system to enclose and protect another vessel or vessels from the elements.

**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Block.** Defined in Section 2.4.

**Blockface.** Defined in Section 2.4.

**Breakwater.** A structure, parallel to the shore, that protects a shore area, harbor, anchorage, or basin from waves.

**Broadcasting Facility.** Commercial and public communications facilities, including radio, internet, television broadcasting and receiving stations, and studios.

**Buffer Yard.** Land area with landscape plantings and other components used to separate one use from another and to shield or block noise, lights, or other nuisances.

**Build-To Line (BTL).** Defined in Section 2.4.

**Build-To Zone (BTZ).** Defined in Section 2.4.

**Build-To Percentage.** Defined in Section 2.4.

**Buildable Area.** The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

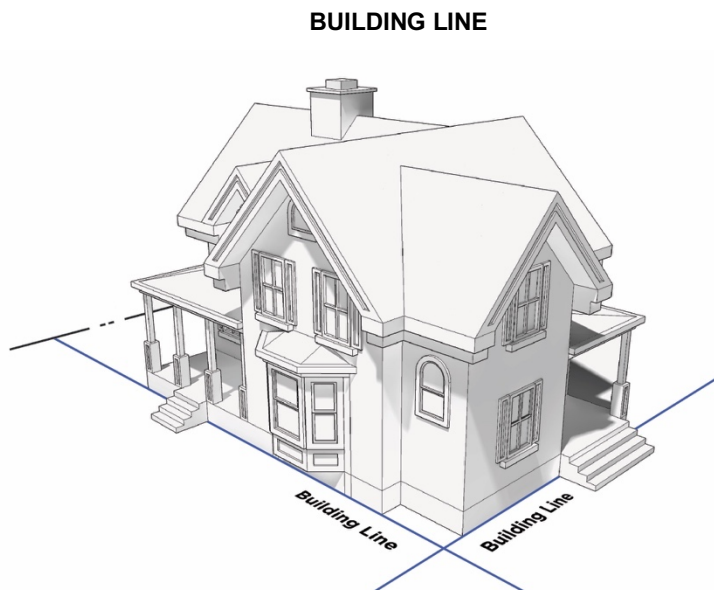
**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Envelope.** The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

**Building Coverage.** Defined in Section 2.4.

**Building Height.** Defined in Section 2.4.

**Building Line.** A line measured at the building wall of a structure between parallel lot lines, or opposing or opposite lot lines for odd shaped lots. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.



**Bulkhead.** A vertical walled structure or partition intended to retain or prevent sliding of the land, or to provide an interface between land activities and those which occur in the water, or intended to protect the upland against damage from wave action.

**Campground.** Land used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable temporary sleeping quarters.

**Car Wash.** An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

**Carport.** An open-sided roofed structure, either formed by extension of the roof from the side of a building or freestanding located above a driveway.

**Cemetery.** Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

**Channel Storage Capacity.** The volume of a stream network within its banks.

**Chimney.** A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

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

**Collocation.** 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.

**Common Yard.** A frontage where the building is setback substantially from the property line. The front yard is visually continuous with adjacent yards.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities. A community center may serve as a local “food hub” where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

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

**Conservation Area.** Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

**Contiguous.** See abut.

**Country Club.** An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which may have indoor and/or outdoor recreation facilities, restaurants and bars, meeting rooms, and similar uses.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties that connects the to sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.

**Day.** A calendar day.

**Day Care Center.** A facility where, for a portion of a 24 hour day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator.

**Day Care Home.** A residential dwelling where a permanent occupant of the dwelling provides care for children or adults from outside households in a protective setting for less than 24 hours per day. A day care home does not include facilities that only receive children from a single household.

**Deck.** A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

**Deck (Water-Related Use).** That element of a waterfront structure which provides the lowest floor level or platform for use, under which occur only the structural support system for the structure, and no usable space.

**Development.** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill or land disturbance, or any alteration of land.

**Distributed Antenna System (DAS).** A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

**Dock.** A fixed or floating decked structure where a vessel or vessels may be secured either temporarily or indefinitely.

**Domestic Violence Shelter.** A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety of services to help individuals and their children, including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

**Drive-Through Facility.** That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility must be approved separately as a principal use when in conjunction with another principal uses such as restaurants and financial institutions. A standalone drive-through ATM is considered a drive-through facility for the purposes of this Code.

**Driveway.** A pathway for motor vehicles from a street to a lot used only for service purposes or for access to the lot.

**Drug/Alcohol Treatment Facility, Residential.** A licensed care facility that provides 24-hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Drug Treatment Clinic.** A facility authorized by the state to administer drugs, such as methadone, in the treatment, maintenance, and/or detoxification of persons.

**Dry Boat Storage.** A building, which is either open or subdivided into stalls and is used primarily for the dry storage of vessels.

**Dwelling - Above the Ground Floor.** Dwelling units located within a single multi-story building located above nonresidential uses on the ground floor or to the rear nonresidential uses on the ground floor. In the case of dwelling units located behind non-residential uses on the ground floor, nonresidential uses must front on the primary street frontage.

**Dwelling - Manufactured Home.** A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. Manufactured homes include those transportable factory-built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. A manufactured home in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.



1. Multi-sectional manufactured home is defined as two or more manufactured home sections designed to be attached to each other on a site and used as a dwelling unit.
2. Single-wide manufactured home is defined as a one-section manufactured home designed to be occupied as a single living unit.
3. Modular homes are not considered manufactured homes, but rather dwellings, and refer to a method of construction.

**Dwelling - Multi-Family.** A structure containing three or more attached dwelling units used for residential occupancy. A multi-family dwelling does not include a townhouse dwelling.

**Dwelling - Single-Family.** A structure containing only one dwelling unit on a single lot.

**Dwelling - Townhouse.** A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall. A townhouse is typically designed so that each unit has a separate exterior entrance and yard area. A townhouse dwelling does not include a multi-family dwelling.

**Dwelling - Two-Family.** A structure containing two dwelling units on a single lot. Also called a “duplex.”

**Dwelling Unit.** A structure, or portion thereof, designed or used exclusively for human habitation, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement.** Land designated by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s).

[Eating and Drinking Establishment. An establishment where food and/or drinks are prepared and provided to the public for on-premises consumption by seated patrons or for carry-out service. Eating and drinking establishments may have outdoor dining/seating areas. Restaurants and bars are considered eating and drinking establishments.](#)

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**Educational Facility - Primary or Secondary.** A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

**Educational Facility - University or College/Vocational.** A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses. [Educational Facility - University or College/Vocational](#) ~~Educational Facility – Vocational. A facility includes facilities that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum.~~

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

**Equipment Shelter.** A building that contains ground related WCF equipment. The shelters are often located in base station areas.

**Erect.** To build, construct, attach, hang, place, suspend, or affix.

**Exterior Lighting.** The illumination of an outside area or object by any man-made device that produces light by any means.

**Exterior Stairwell.** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a building.

**Farmers Market.** Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to

consumers from farmers or from vendors that have taken such items on consignment for retail sale.

**Farmstand.** A temporary structure for the sale of food or non-food crops grown on the premises.

**Fence.** A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material.

**Fence - Open.** A fence that has, over its entirety, more than 50% of the superficial surface consisting of regularly distributed openings.

**Fence - Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office.

**Financial Institution, Alternative.** An alternative financial service (AFS) is a financial service provided outside a traditional banking institution. Alternative financial service includes payday loans, tax refund anticipation loans, car title loans, check cashing establishments, and currency exchanges.

**Finger Float.** A narrow float connected to a main float, which defines the length of a berth and separates that berth from adjacent berths.

**Flag.** Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags

**Float.** A floating structure normally used as a point of transfer for passengers and/or goods, and/or for berthing purposes.

**Float System.** A combination of a main float and finger floats, either open or covered, designed to be used to moor vessels.

**Floodlight.** A powerful light, typically in a grouping of several lights, used to illuminate the exterior of a building or sign.

**Food Bank.** A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

**Food Pantry.** A non-profit organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be an ancillary use of a place of worship, social service center, and/or homeless shelter.

**Food Truck Park.** The use of land designed to accommodate mobile food units (MFUs) and mobile food vendors offering food and/or beverages for sale to the public as the primary use of the property, which may include seating areas for customers.

**Foot-Candle.** A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

**Forecourt.** An open area at grade, or within an average 30 inches of grade, that serves as an open space or plaza.

**Fraternity/Sorority.** A structure used by a chartered fraternal or sororal membership organization or association, used as a residence and/or a dining and recreational facility for members of organizations or associations who are students at a university, which permits the organization or association to use its facilities because of the relationship of such organization or association to the body of students enrolled in such institution.

**Funeral Home/Crematory.** An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

**Gallery.** A covered passage extending along the outside wall of a building supported by arches or columns that is open on three sides.

**Gangway.** A bridge affording access from shore, or a waterfront structure to a main float.

**Garage.** A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure.

**Garden, Market.** An area of land managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both.

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

**Garden, Community.** An area of land managed and maintained by a nonprofit or group of individuals to grow and harvest food and non-food crops for personal or group use, consumption, or donation.

**Gas Station.** An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, an ancillary car wash bay, and solar and/or electric charging stations.

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

**Golf Course/Driving Range.** A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

**Government Office/Facility.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices do not include public safety or public works facilities.

**Grade.** Defined in Section 2.4.

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

**Greenhouse/Nursery - Retail.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.

**Gross Floor Area (GFA).** Defined in Section 2.4.

**Group Home.** A group care facility, operated on a for-profit basis, in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision, including drug and alcohol rehabilitation (excluding medical detoxification). Group home does not include persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.

**Halfway House.** A residential facility for persons who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to society or have been ordered to such facilities by the court as a condition of parole or probation.

**Healthcare Institution.** Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

**Heavy Retail, Rental, and Service.** Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage, display, and rental components, lumberyards, recreational vehicle dealerships, truck rental establishments, and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general

public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

**Hedge.** A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

**Heliport.** Land, water, and/or structures used for the landing and take-off of helicopters, and having service facilities for such aircraft or providing for permanent basing of such aircraft.

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

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

**Home Occupation.** Any commercial activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling unit.

**Homeless Shelter.** A facility that provides temporary shelter to the homeless in general. Homeless shelters may distinguish populations served by age and/or gender.

**Hotel.** A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

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

**Impervious Surface Coverage.** Defined in Section 2.4.

**Impound Lot.** A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. An impound lot is typically used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop. Impound lot does not include impound facilities owned and used by governmental authorities.

**Independent Living Facility.** A senior-living residential development which typically includes common areas for meals and socializing and may offer convenience services, but does not provide health care or assistance with activities of daily living. When a district permits dwellings about the ground floor, independent living facilities may also be developed and designed as such, subject to the design standards of the district for the structure.

**Industrial - Craft.** Artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, furniture making, and small-scale food production that includes preparation, processing, canning, or packaging of food products. Micro-breweries, micro-distilleries, and micro-wineries are regulated separately from craft industrial.

**Industrial - General.** Research and development activities, and the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, where such activities are conducted wholly within an enclosed building. A general industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

**Industrial - Heavy.** Manufacturing from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

**Industrial Design.** An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but cannot mass manufacture products on the premises.

**Infrastructure.** Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities, including, but not limited to, water lines, sewer lines, and rights-of-way.

**Light Pole.** Pole on which a luminaire is mounted.

**Light Pole Banner.** Banners mounted on and with arms installed perpendicular to light poles.

**Live Entertainment - Secondary Use.** A live performance, performed live by one or more persons including, but not limited to, musical acts, including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of a bar, restaurant, amusement facility, or similar use. As a secondary use, the other principal use operating on the site is open to public during hours when no performance is scheduled. Live entertainment - secondary use is approved separately as a principal use. Live entertainment - secondary use does not include:

1. Any adult use, as defined by the City Code.
2. Live performance venue.
3. Periodic performances or entertainment at educational facilities, places of worship, cultural facilities, reception facilities, and performances at weddings and similar events.
4. Incidental entertainment, which is defined as background music provided at a bar or restaurant.

**Live Performance Venue.** A facility for the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom and/or rehearsal space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult use as defined by the City Code.

**Live/Work.** A structure where residential and commercial uses are integrated, that permits businesses, professions, occupations, or trades within a residential dwelling that requires employees, customers, clients, and/or patrons to visit the unit.

**Loading Berth.** A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

**Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Lot.** Defined in Section 2.4.

**Lot Area.** Defined in Section 2.4.

**Lot, Corner.** Defined in Section 2.4.

**Lot Depth.** Defined in Section 2.4.

**Lot, Interior.** Defined in Section 2.4.

**Lot Line.** Defined in Section 2.4.

**Lot Line, Corner.** Defined in Section 2.4.

**Lot Line, Front.** Defined in Section 2.4.

**Lot Line, Interior.** Defined in Section 2.4.

**Lot Line, Rear.** Defined in Section 2.4.

**Lot Line, Street.** Defined in Section 2.4.

**Lot, Through.** Defined in Section 2.4.

**Lot Width.** Defined in Section 2.4.

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

**Main Float.** A float connected by a gangway to the shore or to a waterfront structure, being tied down laterally by an anchorage system, normally of piles, but free to move vertically, and which provides access to berths. Finger floats may be attached to one or both sides of main floats.

~~**Manufactured Home Park.** A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.~~

**Marina.** A facility with navigable water access for docking or storage of boats or providing services to boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, or provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club is considered a marina.

**Medical/Dental Office.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation. [Urgent care facilities and "minute clinics" are considered medical/dental offices.](#)

**Micro-Brewery.** A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Brewery facilities that exceed this capacity are considered light industrial uses.

**Micro-Distillery.** A facility for the production and packaging of alcoholic spirits in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Distillery facilities that exceed this capacity are considered light industrial uses.

**Micro-Winery.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Wineries that exceed this capacity are considered light industrial uses.

**Mobile Food Sales.** A vehicle or a food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

**Neighborhood Nonresidential Reuse.** A nonresidential use, subject to special approval, within a residential neighborhood that is nonresidential in its original construction and/or use.

**Off-Street Parking.** The storage space for an automobile on premises other than streets or rights-of-way.

**Office.** An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, alternative financial service, government office/facility, or industrial design.

**Open Space.** That portion of land, either landscaped or left unimproved, which is used to meet active or passive recreation or spatial needs, and/or to protect water, air, or plant resources.

**Outdoor Display and Sales Area (Accessory).** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Outdoor Storage (Accessory).** The keeping of property accessory to the principal use in an area outside of any principal or accessory structure.

**Outlot.** An area of land set aside within a larger development for a separate principal building that shares a circulation system and may share common parking with the larger development but is separated from the principal building or buildings, typically located along the property line.

**Owner.** Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records; a person shown as owner in the records of the tax assessor of the county in which the property is situated; or the agent of any such person and those in possession of a dwelling, dwelling unit, or premises.

**Parapet.** The extension of a false front or wall above a roof-line.

**Parcel.** A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder.

**Parking Lot (Principal Use).** An open, hard-surfaced area, excluding a street or public way, used only for the storage of operable vehicles, whether for compensation or at no charge.

**Parking Structure (Principal Use).** A structure used only for the parking or storage of operable vehicles, whether for compensation or at no charge. A roofed structure of one level of parking is also considered a parking structure.

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

**Percolate.** A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils. Also referred to as Infiltration.

**Performance Standards.** A set of criteria or limits relating to elements that a particular use or process must either meet or may not exceed.

**Permeable Pavement.** A pavement material for vehicle and pedestrian pathways that allows for infiltration of stormwater. Gravel and loose rock are not considered permeable pavement.

**Personal Service Establishment.** An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction. Places of worship may also have ancillary cemeteries on-site.

**Porch.** An architectural feature that projects from the exterior wall of a structure, and is covered by a roof or eaves.

**Porch – Unenclosed.** A porch that is open on all sides that do not abut a principal building wall.

**Porch – Enclosed.** A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch.

**Pre-School/Kindergarten.** An educational establishment that offers early childhood education prior to the start of required education at the primary school level.

**Property Line.** For the purposes of this Code, a property line is a lot line. (See lot line definition.)

**Principal Building.** A non-accessory structure in which a principal use of the lot on which it is located is conducted.

**Principal Use.** The main use of land or structures as distinguished from an accessory use.

**Public Park.** A facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor or outdoor facilities, including zoos and amphitheaters, ancillary uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

**Public Works Facility.** A facility operated by the municipal public works departments to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

**Real Estate Project Sales Office/Model Unit.** A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

**Reception Facility.** A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

**Recreational Vehicle.** Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

**Research and Development.** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

**Residential Care Facility.** A licensed group care facility that provides medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facilities must meet all district design and dimensional standards for multi-family dwellings unless specific standards are cited for such housing. When a district permits dwellings about the ground floor, residential care facilities may also be developed and designed as such, subject to the design standards of the district for the structure.

~~**Restaurant.** An establishment where food and drinks are provided to the public for on-premises consumption by seated patrons or for carry-out service. Restaurants may have outdoor dining areas.~~

**Retail Goods Establishment.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishment do not include specialty food service or retail liquor stores.

**Retail Liquor Stores.** An establishment, which requires a license under the provisions of Tennessee Code Annotated, Title 57, Chapter 3, Part 2, to sell liquor, as well as wine and beer.

**Right-of-Way.** A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, parkways, sidewalks, and shoulders.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Salvage Yard.** A facility where used vehicles, appliances, building fixtures, architectural features from structures, and similar commodities are sorted, dismantled, and/or offered for sale.



**Satellite Dish Antenna.** A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

**Searchlight.** An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

**Self-Storage Facility: Enclosed.** A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

**Self-Storage Facility: Outdoor.** A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

**Setback.** Defined in Section 2.4.

**Setback, Front.** Defined in Section 2.4.

**Setback, Interior Side.** Defined in Section 2.4.

**Setback, Corner Side.** Defined in Section 2.4.

**Setback, Rear.** Defined in Section 2.4.

**Setback, Reverse Corner Side.** Defined in Section 2.4.

**Shed.** An accessory structure intended for storage.

**Small Cells.** 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.

**Social Service Center.** A service establishment that provides assistance for those recovering from drug or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

**Solar Farm.** An energy system operated as a principal use by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

**Stoop.** An exterior floor typically constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

**Storefront.** A frontage type where the building meets the property line and a shopfront extends into the setback space, which may also include an awning.

**Street.** A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways.

**Structural Alteration.** Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

**Structure.** A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

**Temporary Contractor Office and Contractor Yard.** A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

**Temporary Outdoor Entertainment.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

**Temporary Outdoor Sales.** Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

**Temporary Outdoor Storage Container.** Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

**Temporary Recreational Vehicle (RV) Park.** An existing parking lot or structure used temporarily for the accommodation of recreational vehicles for short-term accommodations.

**Temporary Warehouse Sales (Indoor).** The temporary sales of the items manufactured on-site and only an ancillary activity to principal use of industry.

**Tent.** A structure, enclosure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

**Tower.** 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.** 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.** 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.

**Unified Control.** The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

**Use.** The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Vehicle Dealership.** An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

**Vehicle Operations Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

**Vehicle Rental.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

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

**Vessel.** An all-inclusive term to describe a craft which travels on the water, and includes but is not limited to pleasure boats, commercial shipping, fishing boats, house boats, boat houses and barges, but does not include floats or other water borne structures normally anchored in place and stationary.

**View Corridors.** An unobstructed picture of the landscape. Critical view corridors in the Knoxville South Waterfront Plan emanate from the public streets and primary civic spaces and parks towards the river.

**Warehouse and Distribution.** An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

**Wholesale Establishment.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

**Wind Energy System.** An energy system as a principal use operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

**Wireless Communication Facilities (WCF).** 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.

**Yard.** Defined in Section 2.4.

**Yard, Front.** Defined in Section 2.4.

**Yard, Interior Side.** Defined in Section 2.4.

**Yard, Corner Side.** Defined in Section 2.4.

**Yard, Rear.** Defined in Section 2.4.

**Yard, Reverse Corner Side.** Defined in Section 2.4.

**Editor's Note:**

**"Zoning Lot" has been deleted from the Code. The City is working to draft a new administrative process that would allow for what the zoning lot would accomplish, but would be better aligned with maintaining the integrity of the ward and parcel maps. This would be outside the Zoning Code.**

~~**Zoning Lot.** A lot or combination of lots or parcels within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may or may not coincide with a lot of record.~~

~~**Editor's Note:**~~

~~**We are continuing to work with the City regarding the permissions for zoning lots, which would be different than that of a lot of record or a parcel, and are intended to address frequent development issues seen in the City. This would also need to be resolved against any Building Code conflicts. (See prior discussion on this issue in the previously released Technical Report).**~~

**Zoning Map.** The map or maps that are a part of this Code and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City.

## 2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Code.

### A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines.

2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

### BLOCK AND BLOCKFACE



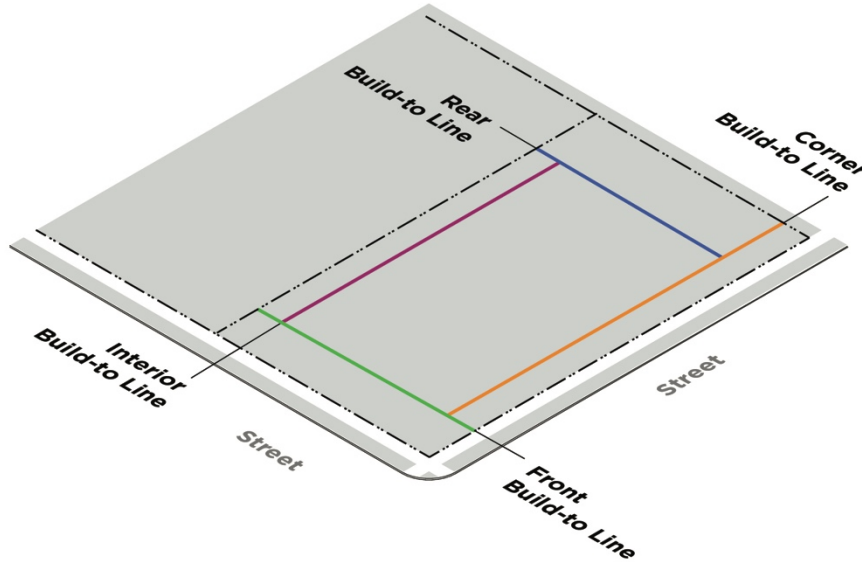
### B. Build-To Dimensions

Certain dimensional requirements with the district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Code includes three types of build-to dimensions:

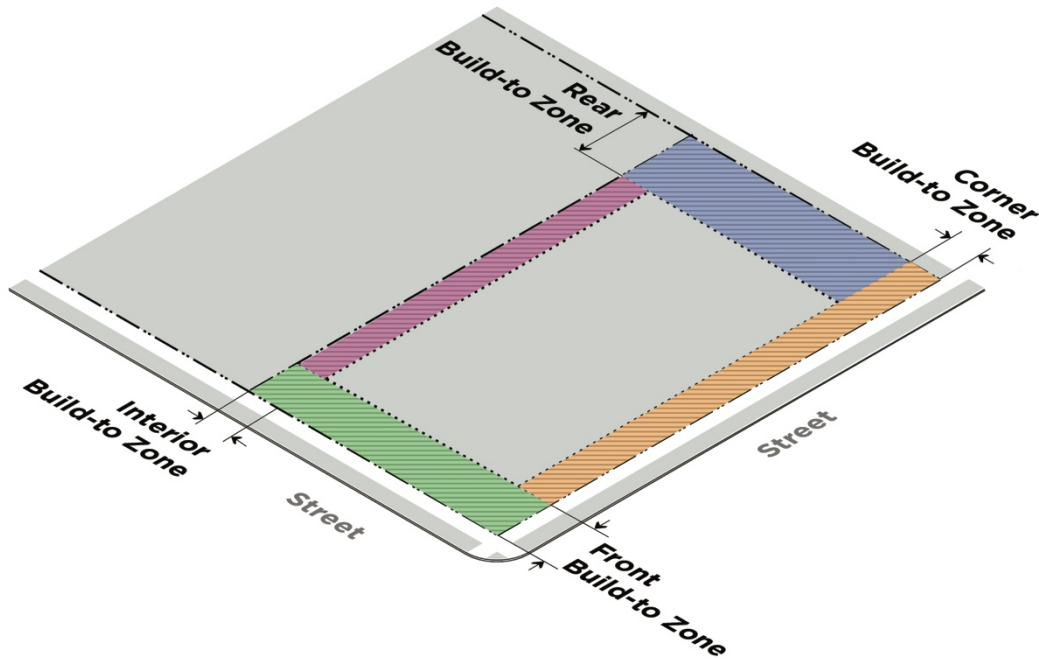
1. A build-to line (BTL) is a set building line on a lot, measured parallel from the front and/or corner side lot line, where the structure must be located. The building facade must be located on the build-to line. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.
2. A build-to zone (BTZ) is the area on a lot, measured parallel from the front and/or corner side lot line, where a structure must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.

3. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line or build-to zone. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.

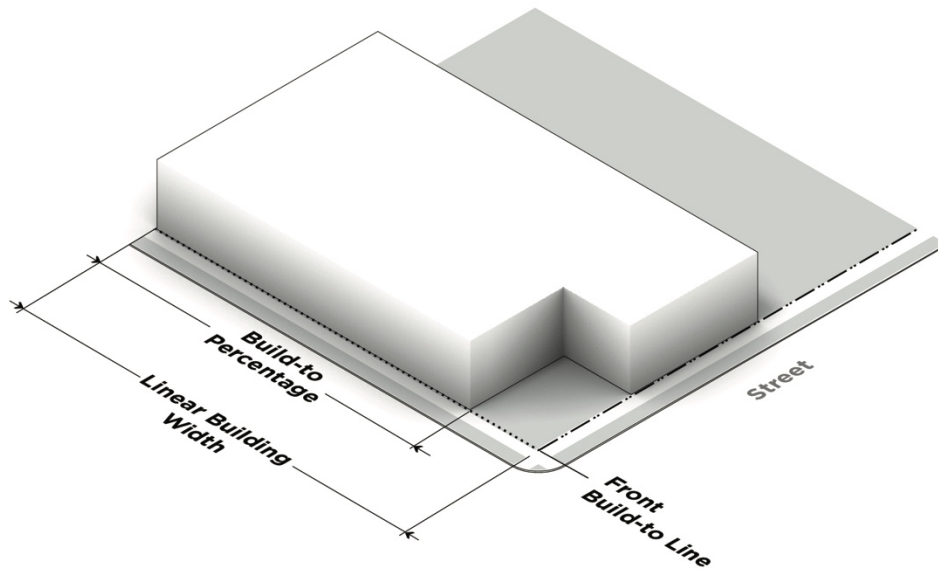
### BUILD-TO LINE



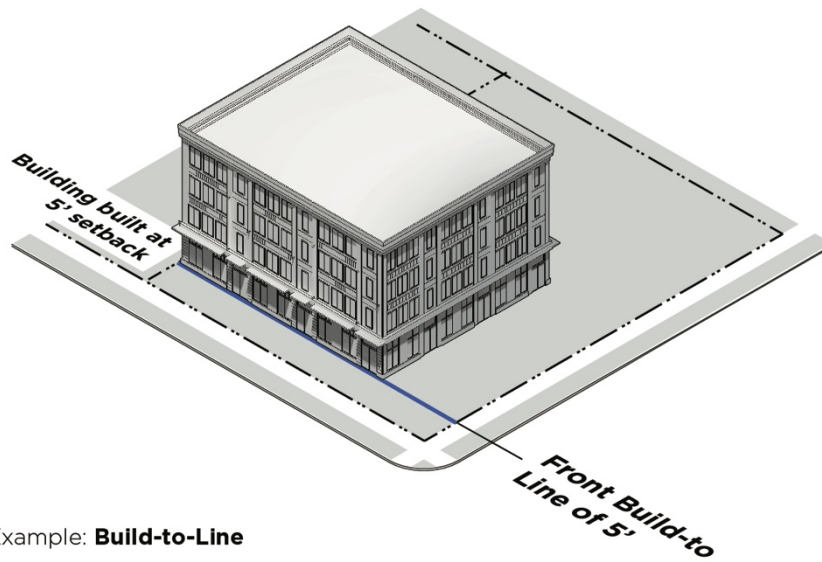
### BUILD-TO ZONE



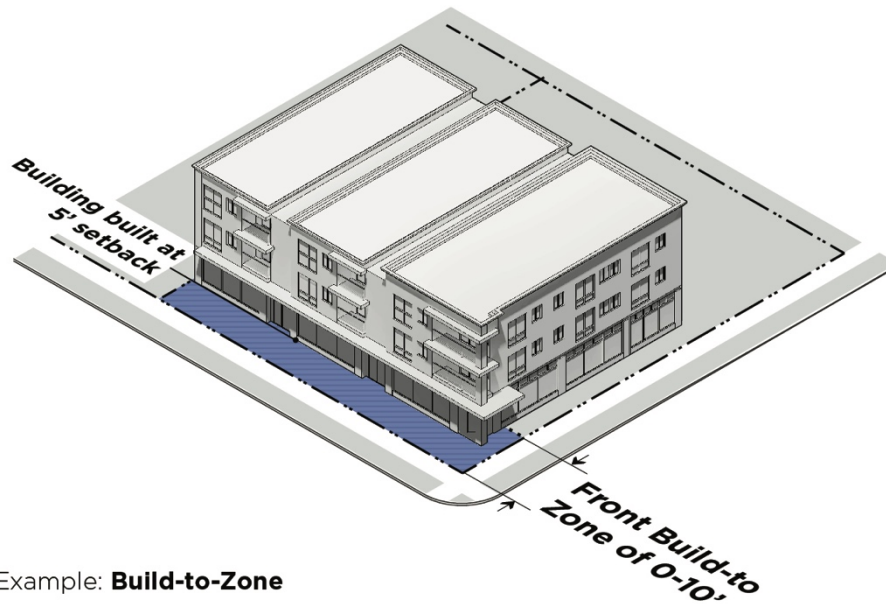
### BUILD-TO PERCENTAGE



*The following are examples of how build-to lines (BTL) and build-to zones (BTZ) are applied. When the front setback BTL is indicated as 5', the structure must be built at 5' from the front lot line. When the front setback BTZ is indicated as 0' to 10', the structure must be built within that range, shown in the example below as 5'; the property owner may choose any setback within that range.*



Example: **Build-to-Line**



Example: **Build-to-Zone**

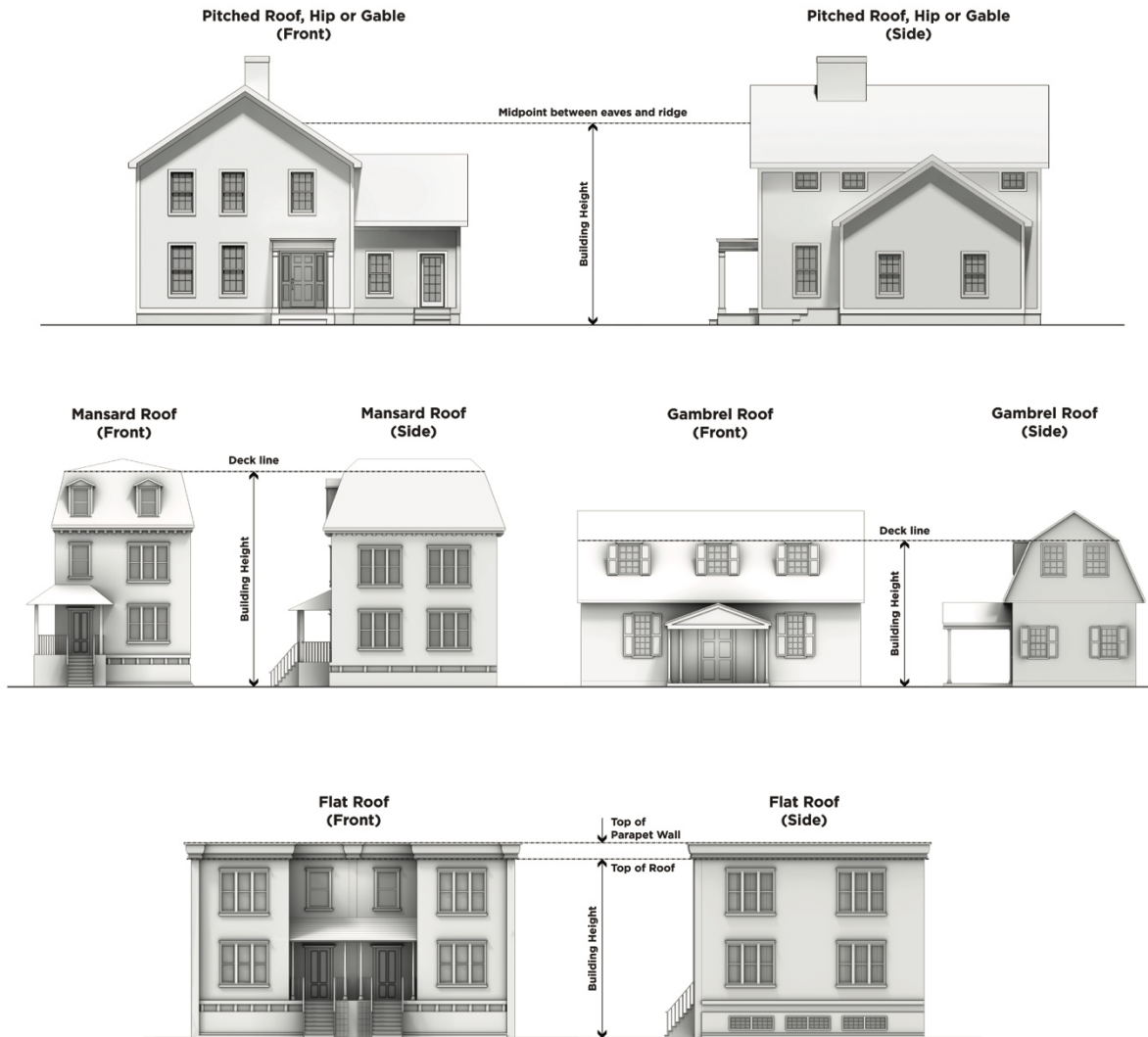
### C. Building Coverage

That portion of the lot determined by building footprint, exclusive of eaves and other overhangs, that is or may be covered by buildings and accessory structures.

### D. Building Height

1. Maximum building height is measured as the vertical distance from the adjacent average grade, or equivalent, opposite the center of the front of a building to:
  - a. The top of a flat roof, including structures designed with a decorative mansard roof concealing a flat roof.
  - b. The deck line of a mansard or gambrel roof.
  - c. The midpoint height between the eaves and the ridge in the case of a pitched roof.
  - d. Any dormers that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the top of the dormer.
2. For the purposes of building height measurement, roof types are defined as follows:
  - a. **Flat Roof:** A roof that is not pitched and where the surface of the roof is generally parallel to the ground. A mono-pitched roof, also called a shed roof, is a single-sloping roof surface, and is also considered a flat roof.
  - b. **Mansard or Gambrel Roof:** A two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep. A gambrel roof has vertical gable ends, while a mansard roof is hipped at the four corners of the building.
  - c. **Pitched Roof:** A gable or hip roof having a slope or pitch of at least one foot rise for each four feet of horizontal distance in the direction of the slope or pitch of the roof. A hipped roof is sloped in two pairs of directions compared to the one pair of direction for a gable roof.

## BUILDING HEIGHT



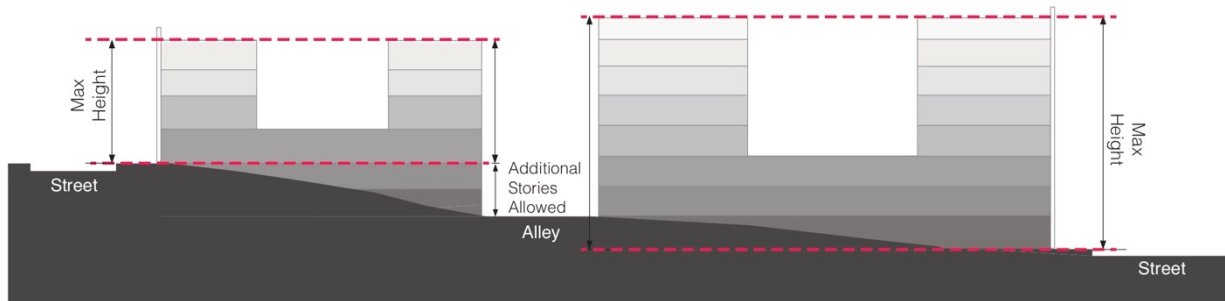
3. Height in the CU District is measured as follows:

- a. Height in the CU District is measured from the following streets using the designated street to determine average grade:
  - i. Lake Avenue
  - ii. Cumberland Avenue
  - iii. White Avenue
- b. Overall building height cannot exceed a height plane measured from the closest street designated above and extending to the mid-block.



~~c. In the CU District, more than one additional story is allowed on a downward sloping lot, provided that the measurement above is met.~~

### BUILDING HEIGHT IN THE CU DISTRICT



4. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.

- a. Public utility poles, towers, and wires. This does not include wireless telecommunication towers and wind turbines that are regulated separately by this Code.
- b. Water tanks and standpipes.
- c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

#### E. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

#### F. Impervious Surface Coverage

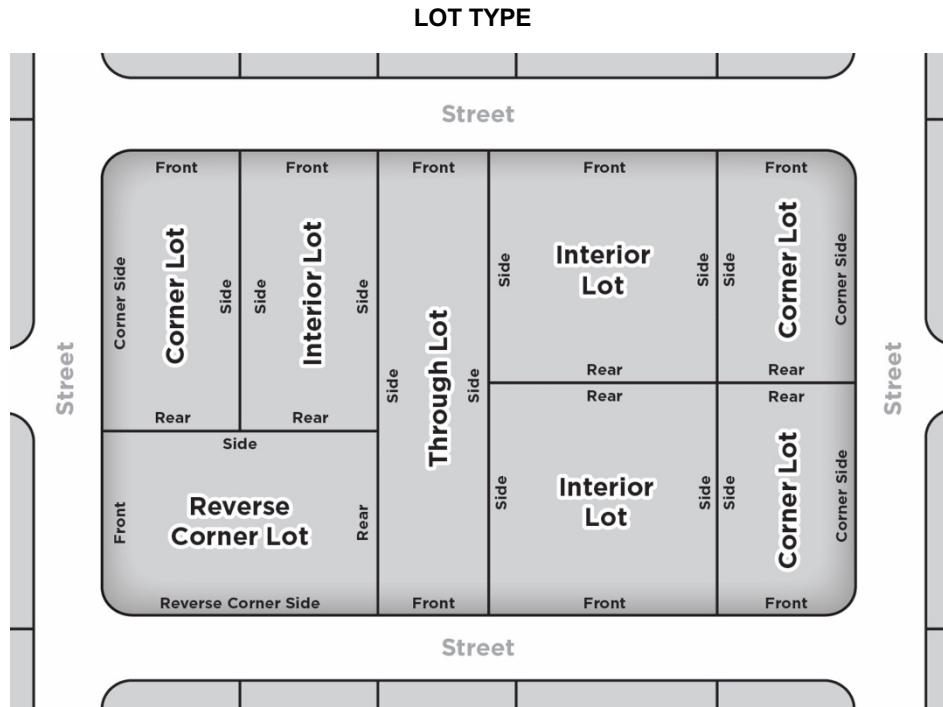
1. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.
2. When permeable paving is used, it is calculated at a reduced percentage of impervious coverage, as follows. All such paving must be installed per manufacturer's specifications ~~and verified that it is installed correctly by the City Engineer.~~
  - a. Pervious concrete and open grid paving systems are calculated as 50% impervious surface, provided that no barrier to infiltration is installed beneath the material. Open grid pavers must be installed on a sand base, without an impervious liner, to qualify.
  - b. Other types of pervious surfaces, such as porous asphalt or gravel-crete, are credited based upon field performance data and coefficients of permeability provided by the manufacturer.

#### G. Lot

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.

3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.
4. A reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.
5. A flag lot is plated so that the main building site area (the “flag”) is set back from the street on which it fronts and includes an access strip (the “pole”) connecting the main building site with the street.



**H. Lot Area**

The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet. When applicable, lot area must be calculated above the high water mark.

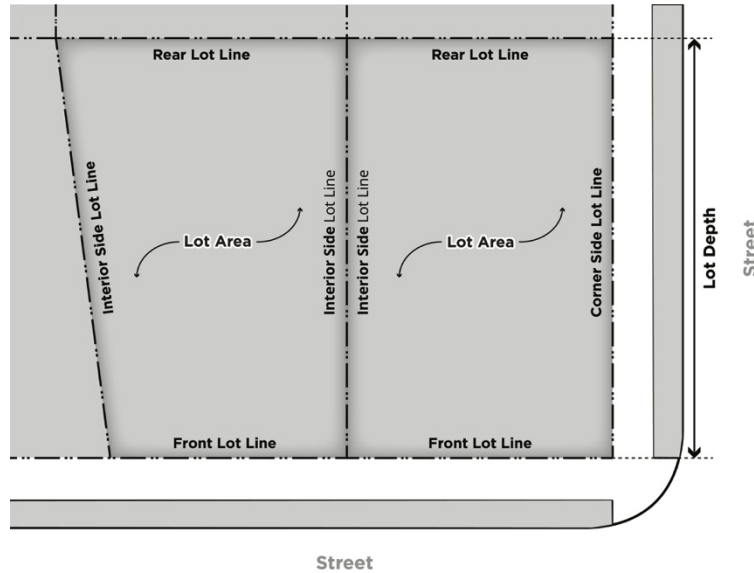
**I. Lot Depth**

The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is the depth calculated at the deepest part of the lot.

**J. Lot Line**

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space.

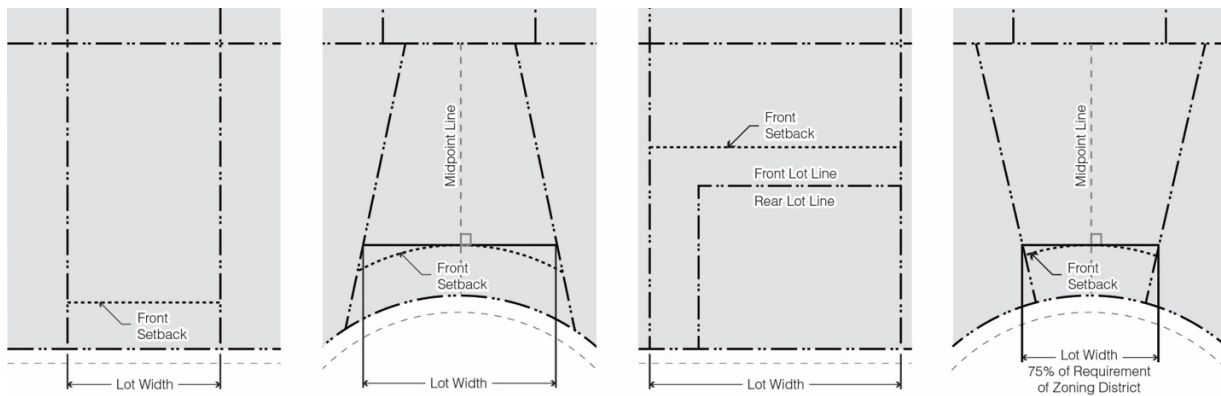
**LOT LINES, LOT AREA, & LOT DEPTH**



**K. Lot Width**

1. For regular lots, lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone.
2. On a lot with a radial (curved) front lot line, lot width is measured as follows:
  - a. A line is drawn at the midpoint of the lot between the side lot lines, extending from the front lot line to the rear lot line.
  - b. Where the required front setback intersects the midpoint line at a right angle, a line is drawn perpendicular to the midpoint line.
  - c. Lot width is determined as the length of the line between side lot lines.
  - d. Where the side lot lines angle to increase width towards the rear, the required lot width measured at the required setback is 75% of the lot width required by the zoning district.
3. For flag lots, lot width is measured at the required front setback as defined in this section.

**LOT WIDTH**



**L. Streets - Primary and Side Street Designation (CU District)**

1. Where only one street abuts a lot that street is considered a primary street.
2. Where more than one street abuts a lot, the following streets are considered primary streets; all remaining streets are side streets:
  - a. Lake Avenue
  - b. Cumberland Avenue
  - c. White Avenue
  - d. Seventeenth Street
  - e. Clinch Avenue
3. A corner lot may have more than one primary street.

**M. Yards and Setbacks**

**1. General Definitions**

- a. A yard is the open space area between the building line, of a principal building and the adjoining lot lines, exclusive of facade articulation, such as window or wall recesses and projections.
- b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Code.
  - i. A build-to zone or build-to line is considered a required setback.
  - ii. In the case of a build-to line it is where the principal building must be located.
  - iii. In the case of a build-to zone, it is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- c. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

**2. Front Yard and Front Setback**

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. A front setback is measured from the front lot line.
- d. Front setbacks on irregular lots are subject to the additional provisions:
  - i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line.
  - ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.

- e. Where front yard averaging is permitted, the average front setback of lots on the same side of the blockface are used to establish the required front setback.

### **3. Interior Side Yard and Interior Side Setback**

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. Interior Side Yard: An interior side yard is located between a principal building line and the interior side lot line.
- b. Interior Side Setback: An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.
- c. For townhouse developments, the interior side yard and interior side setback are applicable to end units only.

### **4. Corner Side Yard and Corner Side Setback**

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. Corner Side Yard: A corner side yard is located between a principal building line and the corner side lot line.
- b. Corner Side Setback: A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

### **5. Rear Yard and Rear Setback**

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

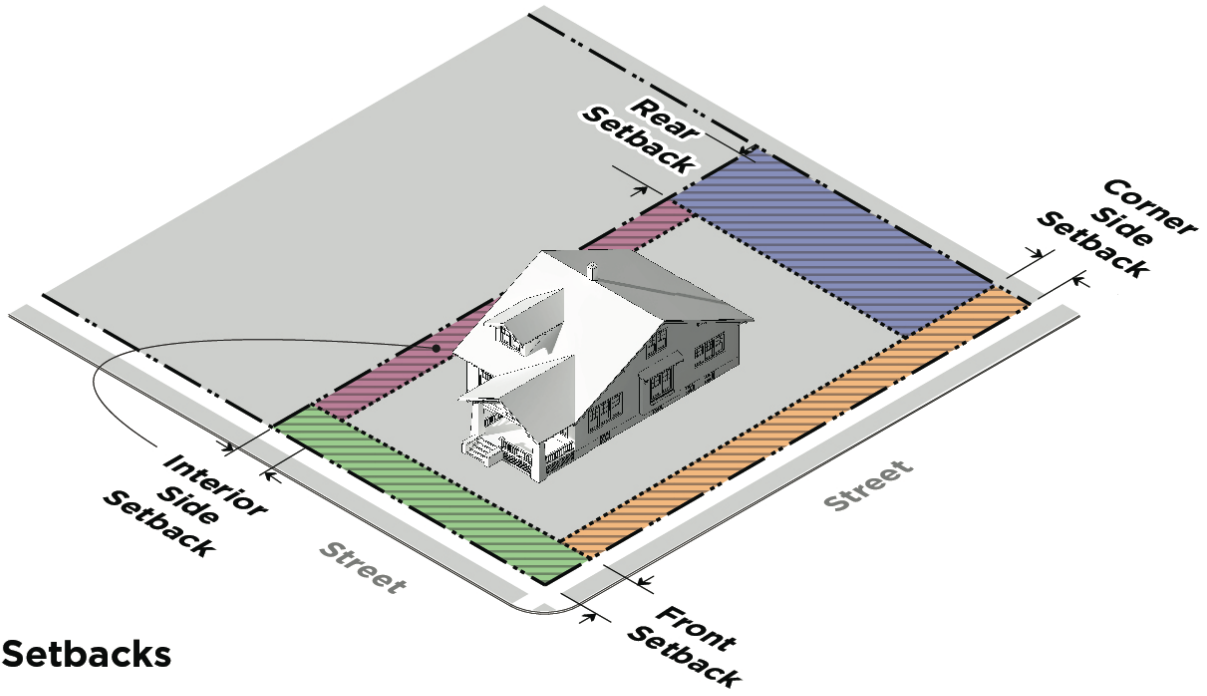
- a. Rear Yard: A rear yard is located between a principal building line and the rear lot line.
- b. Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.
- c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback for the, measured perpendicular to the rear lot line.

### **6. Reverse Corner Side Yard and Setback**

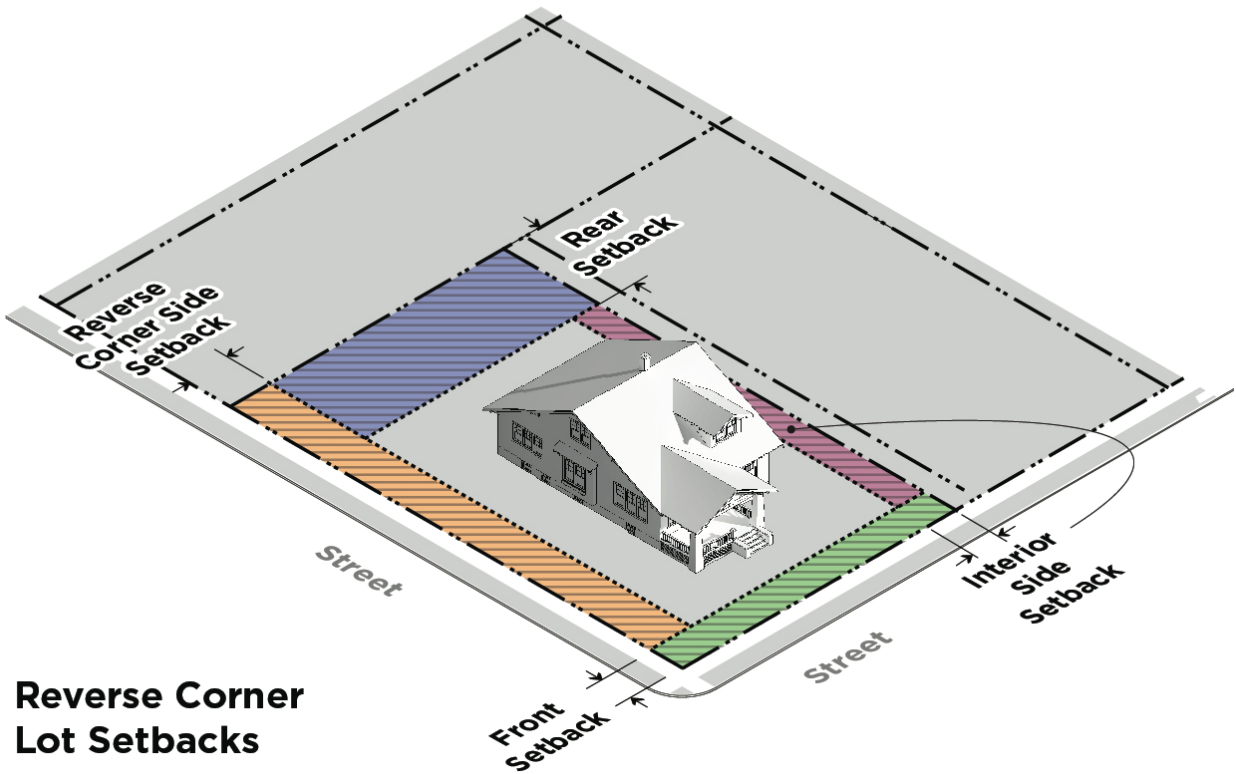
The reverse corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line. The corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

- a. Reverse Corner Side Yard: A reverse corner side yard is located between a principal building and the corner side lot line.
- b. Reverse Corner Side Setback: A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from corner side lot line.

### SETBACKS

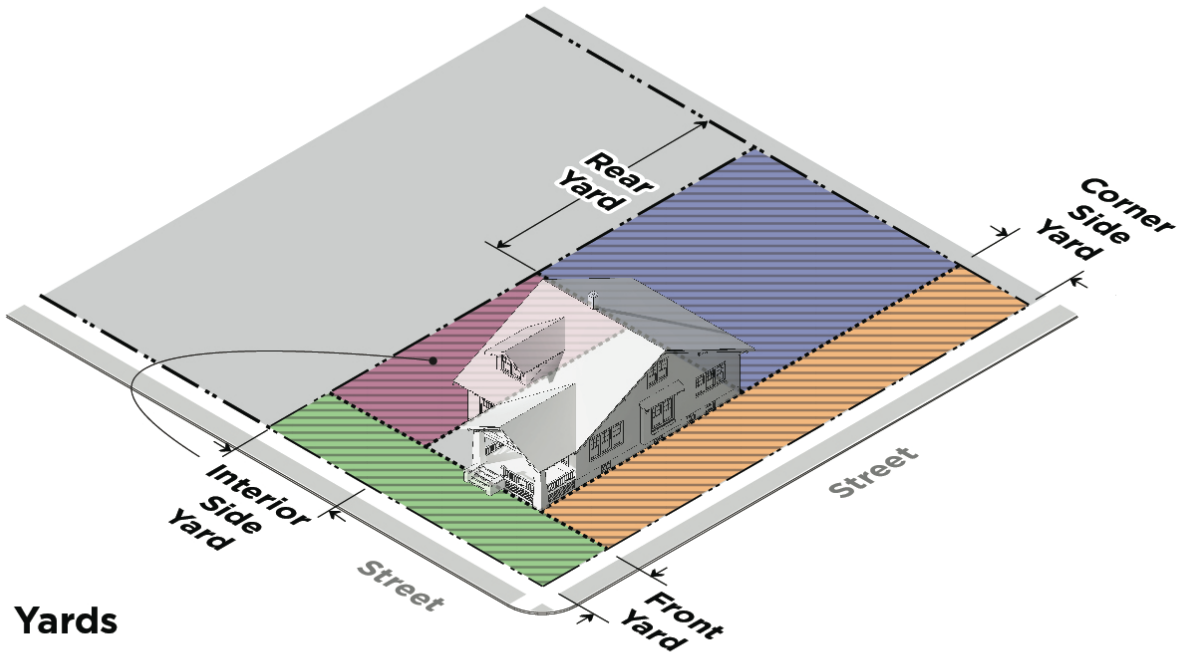


**Setbacks**

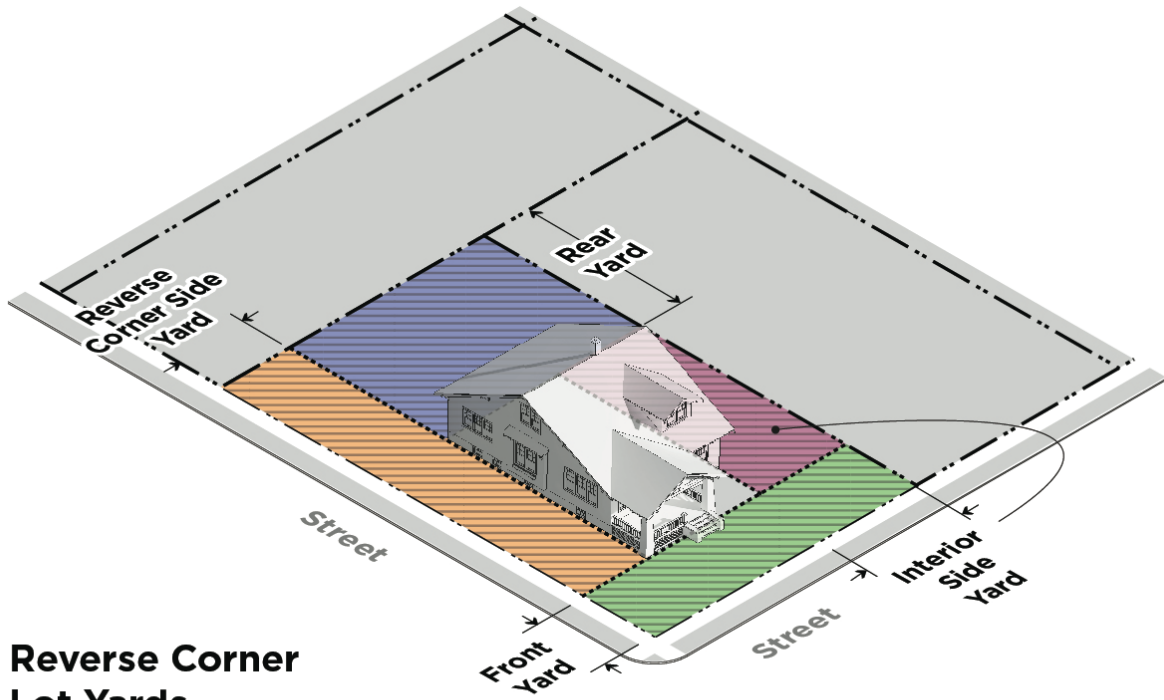


**Reverse Corner Lot Setbacks**

YARDS



Yards



Reverse Corner  
Lot Yards





## ARTICLE 3. ZONING DISTRICTS AND ZONING MAP

- 3.1 ZONING DISTRICTS
- 3.2 ZONING MAP

### 3.1 ZONING DISTRICTS

In order to carry out the purpose and intent of this Code, the City is divided into the following zoning districts:

#### A. Residential Districts

EN Established Neighborhood Zoning District  
RN-1 Single-Family Residential Neighborhood Zoning District  
RN-2 Single-Family Residential Neighborhood Zoning District  
RN-3 Single-Family and Two-Family Residential Neighborhood Zoning District  
RN-4 General Residential Neighborhood Zoning District  
RN-5 Multi-Family Residential Neighborhood Zoning District

#### B. Commercial Districts

O Office Zoning District  
C-N Neighborhood Commercial Zoning District  
C-G ~~General Commercial Zoning District~~  
C-H Highway Commercial Zoning District  
C-R Regional Commercial Zoning District  
DK Downtown Knoxville Zoning District

#### C. Industrial Districts

~~IOP Industrial Office Park Zoning District~~ [OP Office Park Zoning District](#)  
I-MU Industrial Mixed-Use Zoning District  
I-RD Research and Development Zoning District  
I-G General Industrial Zoning District  
I-H Heavy Industrial Zoning District

#### D. Special Purpose Districts

AG Agricultural Zoning District  
[INST Institutional Zoning District](#)  
OS Parks and Open Space Zoning District  
NA Natural Areas Zoning District

#### E. Overlay Districts

H Historic Overlay District  
NC Neighborhood Conservation Overlay District  
TO-1 Technology Park Overlay District  
[HP Hillside Protection Overlay District](#)  
F Floodway Overlay District

### 3.2 ZONING MAP

#### A. Establishment of the Official Zoning Map

The location and boundaries of the zoning districts established by this Code are shown and maintained as part of the Geographic Information System (GIS) of the of the Metropolitan Planning Commission under the direction of its Executive Director. The zoning GIS layer constitutes the City of Knoxville's Official Zoning Map and is incorporated into, and the same is made a part of this Code by reference, and upon its introduction and passage, is an effective and operative part thereof.

1. The zoning map is kept and maintained by the Metropolitan Planning Commission, and is available for inspection and examination by members of the public at all reasonable times as any other public record, with no commercial value.
2. At the direction of City Council, the Metropolitan Planning Commission is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.

## B. Interpretation of Boundary Lines

1. Where a district boundary line is shown as being within or along a public or private right-of-way, or an extension, or as being within or along a non-navigable stream, the boundary is the centerline of that right-of-way, or extension, or stream.
2. Where a district boundary line is shown as along a lot line, the boundary is that lot line.
3. Where the location of a district boundary line is indicated by a designated number of feet, that distance controls.
4. Where a district boundary line is shown as being along a railroad right-of-way, the boundary line of that railroad right-of-way controls.
5. Where a district boundary line is shown as along a navigable waterway and is not otherwise fixed, the boundary is the ~~line that coincides with the mean low water line~~centerline of the waterway.
6. Unless specified otherwise by the amending ordinance, overlay district boundaries on the Official Zoning Map that approximately follow zoning district lines are interpreted as being coincident with those zoning district lines.
7. Where the application of the interpretation rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district govern the entire parcel in question, unless otherwise determined by the Metropolitan Planning Commission.

## C. Administrative Mapping Errors

Where it is determined that due to an administrative error, the Official Zoning Map district boundary which encompasses property that was never intended to be included or fails to depict property which was intended to be included in the district boundary, and such determination is supported by official documentation, the Metropolitan Planning Commission may modify the Official Zoning Map to accurately reflect the proper district boundary.

## ARTICLE 4. RESIDENTIAL NEIGHBORHOOD DISTRICTS

- 4.1 PURPOSE STATEMENTS
- 4.2 USES
- 4.3 DIMENSIONAL STANDARDS
- 4.4 EN DISTRICT STANDARDS
- 4.5 GENERAL STANDARDS OF APPLICABILITY

### 4.1 PURPOSE STATEMENTS

#### A. EN Established Residential Neighborhood Zoning District

The EN Established Residential Neighborhood Zoning District is intended to accommodate Knoxville's older, ~~low density~~ neighborhoods, exhibiting a predominant development pattern of large lots with generous yards and complex, intricately designed homes on a highly connected street network. The EN District provides for the stability of these established neighborhoods, while allowing for continued development that is compatible with the existing development pattern. Limited nonresidential uses that are compatible with the character of the ~~surrounding neighborhood~~ district may also be permitted ~~in the EN District~~.

#### B. RN-1 Single-Family Residential Neighborhood Zoning District

The RN-1 Single-Family Residential Neighborhood Zoning District is intended to accommodate traditional ~~low density~~ residential neighborhoods in the City of Knoxville, exhibiting a predominant development pattern of single-family homes on relatively large lots and with generous setbacks. Two-family dwellings may also be allowed by special use approval. Limited nonresidential uses that are compatible with the character of the district ~~RN-1 District, such as recreational, religious and educational facilities~~ may also be permitted.

#### C. RN-2 Single-Family Residential Neighborhood Zoning District

The RN-2 Single-Family Residential Neighborhood Zoning District is intended to accommodate ~~low density to medium density single-family~~ residential development on relatively small lots with smaller setbacks within the City of Knoxville. Two-family dwellings may also be allowed by special use approval. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

#### D. RN-3 Single- & Two-Family Residential Neighborhood Zoning District

The RN-3 Single- and Two-Family Residential Neighborhood Zoning District is intended to accommodate residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Multi-family Townhouse dwellings may be allowed by special use approval to facilitate a moderately dense urban development pattern. Limited nonresidential uses that are compatible with the character ~~of the RN-4 District~~ of the district may also be permitted.

#### E. RN-4 General Residential Neighborhood Zoning District

The RN-4 General Residential Neighborhood Zoning District is intended to accommodate ~~medium-mixed~~ density residential development within the City of Knoxville. Single-family, ~~and~~ two-family, and townhouse dwelling residential development is permitted with multi-family dwellings of up to six units allowed in ~~certain specific~~ locations. The RN-4 District is intended to be applied to neighborhoods that are characterized by such mixed-density, or that have been identified as areas where such development would be suitable in the future. The RN-4 accommodates more variety of dwelling types, while ensuring the overall maintainence of a predominantly single- and two-family orientation within these areas. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

#### F. RN-5 General Residential Neighborhood Zoning District

The RN-5 General Residential Neighborhood Zoning District is intended to accommodate residential neighborhoods in the City of Knoxville comprising a heterogeneous mix of single-family, two-family, townhouse, and multi-family dwellings ~~in a dense urban development pattern~~. The RN-5 District may also serve as a functional transition between traditionally lower-density residential neighborhoods within the City, and more intensely developed ~~high density~~ residential or commercial areas. Limited nonresidential uses that are compatible with the character ~~of the RN-5 District~~ of the district may also be permitted.

#### G. RN-6 Multi-Family Residential Neighborhood Zoning District

The RN-6 Multi-Family Residential Neighborhood Zoning District is intended to accommodate high density neighborhoods in the City of Knoxville, characterized by a mixture of housing types including single-family, two-family, townhouse, and multi-family. Limited nonresidential uses that are compatible with the character of the ~~surrounding residential neighborhood~~ district may also be permitted.

**H. RN-7 Multi-Family Residential Neighborhood Zoning District**

The RN-7 Multi-Family Residential Neighborhood Zoning District is intended to accommodate high density residential development in the City of Knoxville of townhouse and multi-family developments. Limited nonresidential uses that are compatible with the character of the ~~surrounding residential neighborhood districts~~ may also be permitted.

**4.2 USES**

Article 9 lists permitted and special principal uses and temporary uses for the residential districts.

**4.3 DIMENSIONAL STANDARDS**

**A.** Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

**B.** All residential lots that are not served by a sanitary sewer system must be a minimum of 20,000 square feet in lot area. If the minimum lot area requirement is greater than 20,000 square feet, such requirement controls.

**C.** The following standards apply to multi-family dwellings in the RN-4 District:

1. Multi-family dwellings in the RN-4 District are limited to locations on corner lots only.
2. When a corner lot is developed as a multi-family dwelling, the adjacent lot may also develop as a multi-family dwelling or 35 feet, whichever is less. However, development on such second lot cannot exceed the height of the corner lot multi-family dwelling.
3. The corner lot and an adjacent lot may be developed as multi-family dwellings concurrently.
4. No surface parking is permitted in in the front or corner side yard of a multi-family structure in the RN-4 District.

**Table 4-1: Residential Districts Dimensional Standards**

	EN	RN-1	RN-2	RN-3	RN-4
<b>Bulk</b>					
<b>Minimum Lot Area</b>	<del>SF: 22,000sf</del>	SF: 10,000sf 2F: 15,000sf Nonresidential: 20,000sf	SF: <del>7,000sf</del> <u>5,000sf</u> 2F: 10,000sf Nonresidential: 10,000sf	SF: 5,000sf 2F: 7,000sf TH & MF: 12,000sf for 3 du, 3,000sf each additional du Nonresidential: 10,000sf	SF: 5,000sf 2F: 7,000sf TH: 3,000sf/du MF – Up to 6 du: 2,000sf/du Nonresidential: 10,000sf
<b>Maximum Lot Area</b>	N/A	N/A	N/A	N/A	MF: 15,000sf
<b>Minimum Lot Width</b>	SF: 100' Nonresidential: 100'	75'	<del>60'</del> <u>50'</u> Nonresidential: 75'	SF, 2F: 50' TH: 20'/du <del>MF: 80'</del> Nonresidential: 75'	SF, 2F: 50' TH: 20'/du MF: 70' Nonresidential: 75'
<b>Maximum Building Height</b>	35'	35'	35'	35'	SF, 2F, TH: 35' MF: 45'
<b>Maximum Building Coverage</b>	25%	30%	30%	35% TH, <del>MF</del> , & Nonresidential: 50%	35% TH, MF, Nonresidential: 50%
<b>Maximum Impervious Surface</b>	35%	40%	40% Nonresidential: 50%	45% TH, <del>MF</del> , & Nonresidential: 60%	45% TH, MF, Nonresidential: 60%
<b>Setbacks</b>					
<b>Minimum Front Setback</b>	+/- 10' of the average of blockface; in no case less than 40'	25', or the average of blockface	25', or the average of blockface; <u>in no case less than 15'</u>	25', or the average of blockface	25', or the average of blockface
<b>Minimum Interior Side Setback</b>	10% of lot width Nonresidential: 20% of lot width	8' or 15% of lot width, whichever is less; in no case less than 20' combined Nonresidential: 20% of lot width	8' or 15% of lot width, whichever is less; in no case less than 20' combined Nonresidential: 20% of lot width	8' or 15% of lot width, whichever is less; <del>in</del> <u>in no case less than 15' combined</u> Nonresidential: 20% of lot width	SF, 2F, TH: 8' or 15% of lot width, whichever is less; in no case less than 15' combined MF: 12' or 15% of lot width, whichever is greater Nonresidential: 20% of lot width

Table 4-1: Residential Districts Dimensional Standards					
	EN	RN-1	RN-2	RN-3	RN-4
<b>Minimum Corner Side Setback</b>	15% of lot width Nonresidential: 20% of lot width	15' Nonresidential: 25'	<del>45'</del> 12' Nonresidential: 20'	12' Nonresidential: 15'	12' Nonresidential: 15'
<b>Minimum Reverse Corner Side Setback</b> <i>(Applies only to SF &amp; 2F)</i>	+/- 10' of the abutting front yard, <u>but no more than 40' required</u>	+/- 10' of the abutting front yard, <u>but no more than 25' required</u>	+/- 10' of the abutting front yard, <u>but no more than 25' required</u>	+/- 10' of the abutting front yard, <u>but no more than 25' required</u>	+/- 10' of the abutting front yard, <u>but no more than 25' required</u>
<b>Minimum Rear Setback</b>	25'	25'	25'	25'	25'

Table 4-1: Residential Districts Dimensional Standards			
	RN-5	RN-6	RN-7
<b>Bulk</b>			
<b>Minimum Lot Area</b>	SF & 2F: 6,000sf TH: 3,000sf/du MF: 7,500 for 3 du + 1,500sf each additional du Nonresidential: 10,000sf	SF & 2F: 5,000sf TH: 2,000sf/du MF: 5,000sf for 2 du + 700sf each additional du Nonresidential: 10,000sf	TH: 2,000sf/du MF: 700sf/du Nonresidential: 10,000sf
<b>Minimum Lot Width</b>	SF & 2F: <del>60'</del> 50' TH: 20'/du MF: 80'	SF & 2F: <del>60'</del> 50' TH: 20'/du MF: 80'	TH: 15'/du MF: 80'
<b>Maximum Building Height</b>	35'	SF, 2F, & TH: 35' MF: 65'	TH: 35' MF: 65'
<b>Maximum Building Footprint</b>	N/A	N/A	MF: 30,000sf for individual structures Where multiple structures are built on a lot, there must be a 35' minimum separation between structures
<b>Maximum Building Length</b>	N/A	N/A	200'
<b>Maximum Building Coverage</b>	35% TH, MF, Nonresidential: 50%	40% TH, MF, Nonresidential: 50%	50%
<b>Maximum Impervious Surface</b>	45% TH, MF, Nonresidential: 60%	50% TH, MF, Nonresidential: 70%	70%
<b>Setbacks</b>			
<b>Minimum Front Setback</b>	25' or the average of blockface MF: 25'	Structures 35' or less in height: 25' or the average of blockface Structures over 35' in height: 35'	TH: 25' or the average of blockface MF: 35'; if no surface parking is located in the front setback, may be reduced to 25'
<b>Minimum Interior Side Setback</b>	8' or 15% of lot width, whichever is less; in no case less than 15' combined MF & Nonresidential: 10'	Structures 35' or less in height: 8' or 15% of lot width, whichever is less; in no case less than 15' combined Structures over 35' in height: 12', plus 1' additional setback for each 2 feet of building height over 35'	TH: 8' or 15% of lot width, whichever is less; in no case less than 15' combined MF: 12', plus 1' additional setback for each 2 feet of building height over 35'
<b>Minimum Corner Side Setback</b>	12' MF & Nonresidential: 15'	12' MF & Nonresidential: 15'	15'
<b>Minimum Reverse Corner Side Setback</b> <i>(Applies only to SF &amp; 2F)</i>	+/- 10' of the abutting front yard, <u>but no more than 25' required</u>	Structures 35' or less in height: 25' Structures over 35' in height: 35'	25'
<b>Minimum Rear Setback</b>	25'	Structures 35' or less in height: 25' Structures over 35' in height: 30'	30'

## 4.4 EN DISTRICT STANDARDS

### A. EN District Design Standards

The following design standards apply to the EN District, and are intended to promote the development of new primary structures that reflect the character of existing development within the district.

#### 1. Foundations

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

#### 2. Orientation of Structure to Street

- a. The front façade of any primary structure must be parallel to the street or tangent to the curve of the street.
- b. The primary entrance to a structure must face the street and provide a hard-surfaced pedestrian connection of driveway and/or sidewalk from the street to the entry. Alternatively, the primary entrance to a structure must open upon a covered porch or courtyard that faces the street and that is at least 60 square feet with a minimum depth of six feet and provides a hard surface pedestrian connection of driveway and/or sidewalk from the street to the porch or courtyard.

#### 3. Garages

- a. Front-loaded attached garages are limited to 40% of the width of the front building line. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measure between the edges of the outmost doors.
- b. Attached garages with front facing garage door openings must be set back from the front façade of the structure no less than four feet.
- c. Detached garages may not be located in front of the front building line.

#### 4. Building Mass and Shape

To increase architectural variation within neighborhoods and increase visual interest, yet allow for flexibility in design, primary structures must meet two of the following three requirements.

- a. Roofs must be either:
  - i. Flat, with roof pitch of less than 1/12 and a single plane
  - ii. Steep, with roof pitch of 6/12 or more
  - iii. Articulated, with multiple pitches, planes, ridge line directions or heights, or displaying hips and valleys
- b. Primary structures must contain more than one finished floor level.
- c. The shape of habitable and attached garage space must have no less than eight sides. For the purpose of this requirement, a side is an exterior wall segment, from change of direction to change of direction, no less than four feet in length.

#### 5. Elevations Facing a Street

To increase architectural variation within neighborhoods and increase visual interest, yet allow for flexibility in design, the following requirements apply to all elevations that face a street, except for a rear elevation if a property abuts a street to the rear of the lot.

- a. Street-facing elevations must contain window and door systems for no less than 25% of the surface area of the façade.
- b. The front façade must contain wall articulation so that no more than 24 feet of wall is continuous without one of the following features:
  - i. A wall recess or projection of 18 inches or more
  - ii. A recessed or projected entry feature of 18 inches or more
  - iii. A covered porch with roof integrated into the primary structure
- c. The front façade must contain at least three of the following design elements:
  - i. Dormers
  - ii. Projected wall features that include gabled or hipped roof designs
  - iii. A recessed or projected entry feature of 18 inches or more in depth, and of at least eight feet in width
  - iv. A covered porch of at least six feet in depth, composing a minimum of 25% of the width of the street-facing elevation
  - v. Architectural columns supporting a porch roof
  - vi. A bay window projecting a minimum of 12 inches from the front façade
  - vii. Window and door trim a minimum of four inches in width
  - viii. A balcony, projecting a minimum of 12 inches from the front façade and enclosed by a railing or parapet.
  - ix. Masonry composing no less than 25% of the surface area of the front façade
  - x. Habitable space above the garage equal to no less than 50% of the garage space below

**6. Exceptions for Irregular Lots**

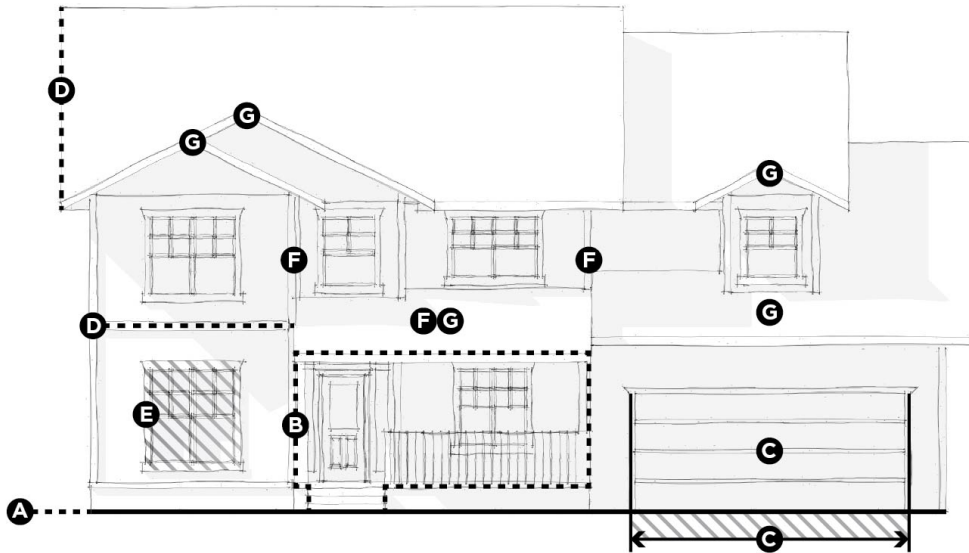
On irregular lots where it is determined by Metropolitan Planning Commission staff that a proposed building site is not visible from the street, the requirements of this section may be waived.

**B. EN District Off-Street Parking**

Off-street parking must be provided in accordance with the requirements of Article 11, with the following exceptions:

- 1. Required off-street parking spaces in the EN District must be located behind the front building line.
- 2. Paved vehicle parking and access facilities in the front yard and corner side yard must be limited to a maximum of the greater of the following:
  - a. 25% of total area of the front or corner side yard;
  - b. The hard surface area leading directly to a carport or enclosed garage; or
  - c. 400 square feet.

EN DISTRICT DESIGN STANDARDS



- A** All primary structures must be attached to a permanent foundation, such as a slab-on-grade, piles, piers, concrete footing or other form designed to give permanent and un-movable stability to a structure. The foundation system must be surrounded by a perimeter wall of solid masonry, concrete or other approved material.
- B** The primary entrance to a structure must face the street and provide a hard-surfaced pedestrian connection of driveway and/or sidewalk from the street to the entry. Alternatively, the primary entrance to a structure must open upon a covered porch or courtyard that faces the street and that is at least 60 square feet with a minimum depth of six feet and provides a hard surface pedestrian connection of driveway and/or sidewalk from the street to the porch or courtyard.
- C** Front-loaded attached garages are limited to 40% of the width of the front building line. Garage width is measured as the width of the garage door; in the case of garages designed with multiple garage doors the distance is measured between the edges of the outmost doors. Attached garages with front facing garage door openings must be set back from the front façade of the structure no less than four feet.
- D** Primary structures must meet two of the following three requirements: 1) Roofs must be either flat, with roof pitch of less than 1/12 and a single plane; steep, with roof pitch of 6/12 or more; or articulated, with multiple pitches, planes, ridge line directions or heights, or displaying hips and valleys. 2) Primary structures must contain more than one finished floor level. 3) The shape of habitable and attached garage space must have no less than eight sides. For the purpose of this requirement, a side is an exterior wall segment, from change of direction to change of direction, no less than four feet in length.
- E** Street-facing elevations must contain window and door systems for no less than 25% of the surface area of the façade.
- F** The front façade must contain wall articulation so that no more than 24 feet of wall is continuous without one of the following features: a wall recess or projection of 18 inches or more; a recessed or projected entry feature of 18 inches or more; a covered porch with roof integrated into the primary structure
- G** The front façade must contain at least three of the following design elements: , dormers, projected wall features that include gabled or hipped roof designs, recessed or projected entry features, a covered porch of at least six feet in depth, architectural columns supporting a porch roof, a bay window projecting a minimum of 12 inches from the front façade, window and door trim a minimum of four inches in width, a balcony, projecting a minimum of 12 inches from the front façade, masonry composing no less than 25% of the surface area of the front façade, habitable space above the garage equal to no less than 50% of the garage space below



#### 4.5 GENERAL STANDARDS OF APPLICABILITY

**A. Site Development Standards**

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

**B. Off-Street Parking and Loading**

See Article 11 for off-street parking and loading standards and requirements.

**C. Landscape**

See Article 12 for landscape, buffering, and screening standards and requirements.



## ARTICLE 5. COMMERCIAL DISTRICTS

- 5.1 PURPOSE STATEMENTS
- 5.2 USES
- 5.3 DIMENSIONAL STANDARDS
- 5.4 DESIGN STANDARDS
- 5.5 DK DISTRICT STANDARDS
- 5.6 CU DISTRICT STANDARDS
- 5.7 SW DISTRICT STANDARDS
- 5.8 GENERAL STANDARDS OF APPLICABILITY

### 5.1 PURPOSE STATEMENTS

#### A. O Office Zoning District

The O Office Zoning District is intended to provide for an environment of residential uses mixed with low intensity office, service, and retail uses. The O District may additionally serve as a transition between single-family residential areas and more intensely developed commercial or industrial areas within the City of Knoxville.

#### B. C-N Neighborhood Commercial Zoning District

The C-N Neighborhood Commercial Zoning District is intended to provide for an environment of integrated residential development and small-scale commercial and service uses, predominantly serving nearby residential neighborhoods. Low-intensity mixed-use is encouraged within the C-N District, with dwellings permitted above the ground floor, as well as multi-family and townhouse development located alongside select commercial uses.

#### C. C-G General Commercial Zoning District

The C-G General Commercial Zoning District is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The C-G District is intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces. The C-G District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels.

#### D. C-H Highway Commercial Zoning District

The C-H Highway Commercial Zoning District is intended to accommodate higher-intensity commercial uses of a predominantly auto-oriented character, including retail, rental, and service establishments of a more intense commercial character including those requiring permanent outdoor service or storage areas. The C-H District regulations are intended to ensure the mitigation of any potential impacts related to such establishments on neighboring uses. The C-H District is divided into two levels of intensity related to the overall form and design of the development; however, uses are the same across all levels.

#### E. C-R Regional Commercial Zoning District

The C-R Regional Commercial Zoning District is intended to accommodate medium- to large-scale commercial development within the City of Knoxville that serves both local and regional markets. Such development may generate a considerable amount of traffic, and typically requires significant area for off-street parking. High-density residential uses are also permitted within the C-R District, to facilitate mixed-use development where appropriate. The C-R District is divided into two levels of intensity related to the overall form and design of the development; however, uses are the same across all levels.

#### F. DK Downtown Knoxville Zoning District

The DK Downtown Knoxville Zoning District is intended to accommodate the unique conditions of downtown Knoxville. Multiple subdistricts are established within the DK District, each focused on a variation of the form and activity that occurs within the downtown area. Though the subdistricts contain controls tailored to specific areas of downtown, they are linked through a focus on encouraging the creation of mixed-use development, and enhancing the existing character of downtown as a vibrant, pedestrian-friendly, regionally significant commercial and cultural center.

#### G. CU Cumberland Avenue Zoning District

The CU Cumberland Avenue District is intended to implement the Cumberland Avenue Corridor Plan. Specifically, the Cumberland Avenue District provides the means to guide implementation of the citizen-endorsed vision for property within the Cumberland Avenue District. The Cumberland Avenue District fosters predictable results and a high-quality public realm by prescribing the physical form of buildings and other elements and addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

#### H. SW South Waterfront Zoning District

The SW South Waterfront District is intended to revitalize the South Waterfront to a level that it is recognized as a citywide asset, attraction, and destination, while preserving what makes the riverfront special to the neighborhoods.

### 5.2 USES

- A. Article 9 lists permitted and special principal uses and temporary uses for the commercial districts.
- B. The following use restrictions apply to the DK District subdistricts:
  - 1. Multi-family dwellings are allowed only in the DK-B Subdistrict.
  - 2. Craft industrial is allowed only in the DK-W Subdistrict.
- C. The following use restrictions apply to the CU-2 Subdistrict:
  - 1. Multi-family dwellings, residential care facilities, and independent living facilities are permitted lobby areas, recreation areas, workout facilities, meeting rooms, and/or eating and cooking areas on the ground story.
  - 2. The residential component of the live/work use is allowed only above the ground story.
  - 3. A hotel is only allowed lobby areas, recreation areas, workout facilities, meeting rooms, and eating and cooking areas are allowed on the ground story.
- D. The following use restrictions apply to the SW District:
  - 1. Single-family and two-family dwellings are permitted only in the SW-1 Subdistrict.
  - 2. Places of worship, day care centers, pre-school/kindergarten, and educational facilities in the SW-1 Subdistrict are allowed only as special uses.
  - 3. Private developments, such as gated communities, are prohibited.

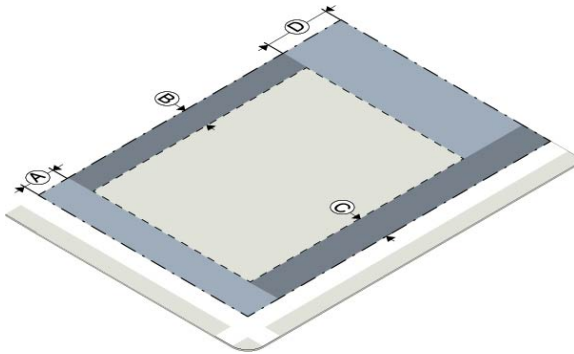
### 5.3 DIMENSIONAL STANDARDS

- A. Table 5-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts, with the exception of the DK, CU, and SW Districts. The dimensional standards for development for the DK, CU, and SW Districts are found in Sections 5.5, 5.6, and 5.7 below. These regulations apply to all uses within each district unless a different standard is listed for a specific use.
- B. In the O and C-N Districts, nonresidential development is limited to the maximum gross floor area indicated in Table 5-1. Additional gross floor area may be permitted if, during site plan review, it is found that the development meets the following standards. If the development is being approved in conjunction with a special use, then a request for increased floor area will be reviewed as part of the special use, rather than site plan review.
  - 1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
  - 2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.
  - 3. The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design must minimize potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

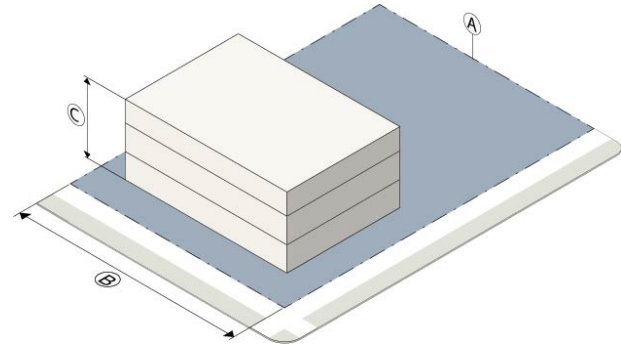
Table 5-1: Commercial Districts Dimensional Standards					
	O	C-N	C-G-1	C-G-2	C-G-3
<b>Bulk</b>					
Minimum Lot Area	10,000sf TH: 3,000sf/du MF – Up to 6 du: 2,000sf/du	None	None	None	None
Minimum Lot Width	60'	None	None	None	None
Maximum Gross Floor Area (Nonresidential Uses Only)	<del>5</del> 10,000sf unless meeting the standards of 5.3.B	5,000sf unless meeting the standards of 5.3.B	N/A	N/A	N/A
Maximum Building Height	35'	35'	40'	70'	Unlimited <del>85'</del>
<b>Setbacks</b>					
Minimum Front Setback	<del>25'</del> 15'	None, unless average of adjacent lots is 15' or greater, then 15'	None	Build-To Zone: 0' to 10'	Build-To Zone: 0' to 15'
Minimum Interior Side Setback	15', unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'
Minimum Corner Side Setback	15'	15'	None	Build-To Zone: 0' to 10'	Build-To Zone: 0' to 15'
Minimum Rear Setback	20', unless abutting a residential district, then 30' or 20% of lot depth, whichever is less	20', unless abutting a residential district, then 30' or 20% of lot depth, whichever is less	None, unless abutting a residential district, then <del>45'</del> 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 25'

Table 5-1: Commercial Districts Dimensional Standards				
	C-H-1	C-H-2	C-R-1	C-R-2
<b>Bulk</b>				
Minimum Lot Area	10,000sf	10,000sf	15,000sf	15,000sf
Minimum Lot Width	60'	60'	80'	80'
Maximum Gross Floor Area (Nonresidential Uses Only)	N/A	N/A	N/A	N/A
Maximum Building Height	40'	70'	50'	65'
<b>Setbacks</b>				
Minimum Front Setback	20'	20'	20'	20'
Minimum Interior Side Setback	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'
Minimum Corner Side Setback	20'	20'	20'	20'
Minimum Rear Setback	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'

COMMERCIAL DISTRICT DIMENSIONAL STANDARDS



A – Front Setback  
B – Interior Side Setback  
C – Corner Side Setback  
D – Rear Setback



A – Lot Area  
B – Lot Width  
C – Building Height

5.4 Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure in the [O, C-N, C-G-2, C-G-3, C-H-2, and C-R-2 Districts](#) commercial districts, with the exception of the [DK, CU, and SW Districts](#). ~~Design standards for development in the DK, CU, and SW Districts are found in Sections 5.5, 5.6, and 5.7, below.~~ Only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling. [\(Design standards for development in the DK, CU, and SW Districts are found in Sections 5.5, 5.6, and 5.7 below.\)](#)

A. Commercial Districts Design Standards

Table 5-2: Commercial Districts Design Standards establishes the design standards for the ~~commercial districts~~ [O, C-N, C-G-2, C-G-3, C-H-2, and C-R-2 Districts](#). In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

	O	C-N	C-G-2	C-G-3	C-H-2	C-R-2
<b>Façade Design</b>						
Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 30 linear feet, measured parallel to the street.		• -	•	•	•	•
Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 50 linear feet.		• -	•	•	•	•
All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.		• -	•	•	•	•
Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.	•	•	•	•	•	•
<b>Fenestration Design</b>						
The ground floor of the front façade must maintain a transparency of 35%, measured between two and ten feet in height.		• -			•	•

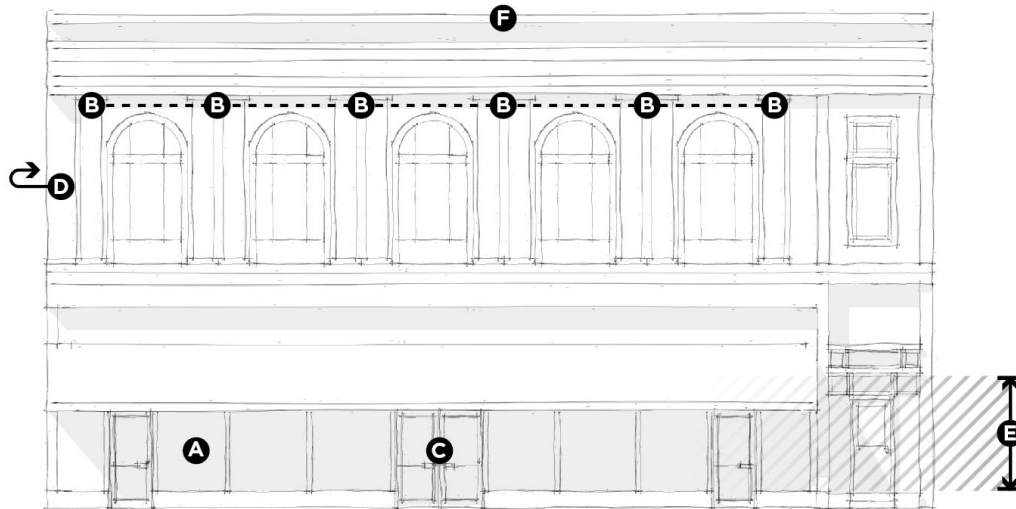
Table 5-2: Commercial Districts Design Standards						
	O	C-N	C-G-2	C-G-3	C-H-2	C-R-2
The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height from grade.	•	•	•	•		
Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story		•	•	•		
<b>Roof Design</b>						
<del>Parapet</del> If the structure includes a parapet walls, it must feature three-dimensional cornice treatments or other shadow-creating details along <del>their tops</del> the top to provide visual interest.		•	•	•		
Reflective roof surfaces that produce glare are prohibited. This does not include solar panels.	•	•	•	•	•	•
<b>Commercial Site Design</b>						
Sites must be designed to ensure safe pedestrian access from the public right-of-way, and safe pedestrian circulation within the development.	•	•	•	•	•	•
A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.			•	•	•	•
Surface parking may not be located between a principal building and the front lot line. Parking must be located to the side or rear of the principal building.	•	•	•	•		
Outlot buildings must meet the minimum transparency requirements of the district along facades facing the street.						•
Any outlot buildings must include prominent entrances oriented toward both the street and the interior parking lot.						•
Outlot buildings that are part of a multi-tenant retail center must provide definition along the street frontage of the center by placement of the front building line within 0' to 30' of the front lot line. Outlot buildings may be placed within a required setback to comply with this standard.						•

**B. Building Material Restrictions**

In the O, C-N, C-G-2, C-G-3, C-H-2, and C-R-2 Districts, ~~commercial districts (excluding the DK, CU, and SW Districts)~~, the following building materials are prohibited on any façade facing a public right-of-way, excluding alleys, or any façade that abuts a residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings (does not apply to O and C-N Districts)
4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

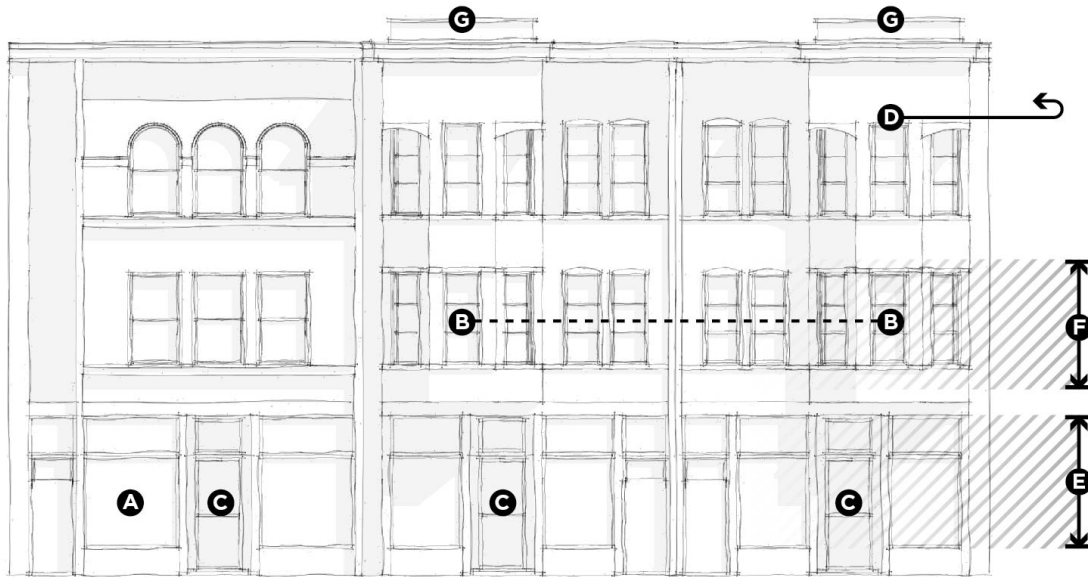
### C-N DISTRICT DESIGN STANDARDS



- A** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 30 linear feet, measured parallel to the street.
- B** Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 50 linear feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- D** Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.
- E** The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height from grade.
- F** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.

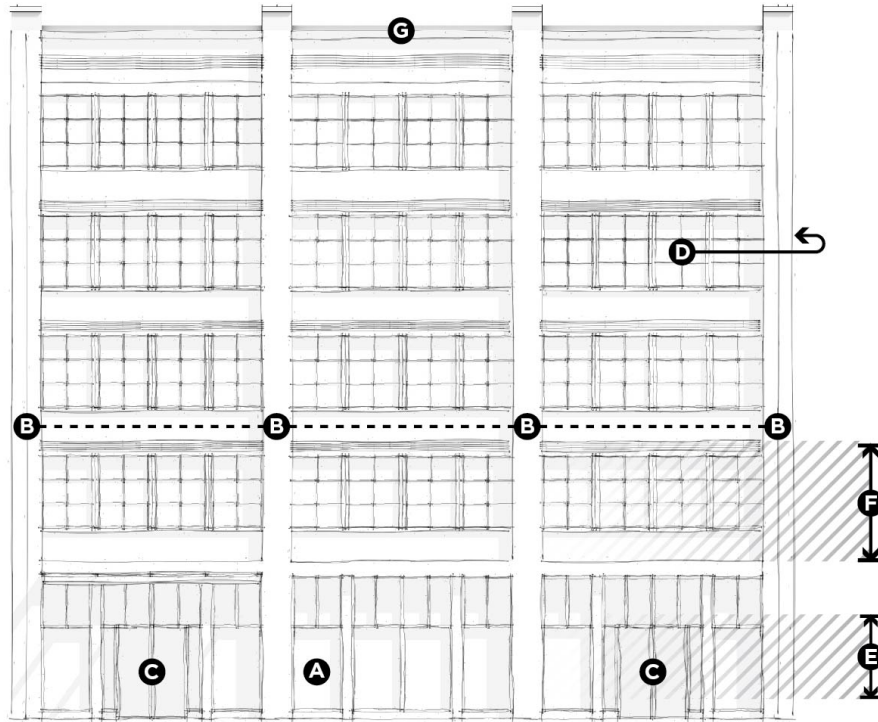


C-G-2 DISTRICT DESIGN STANDARDS



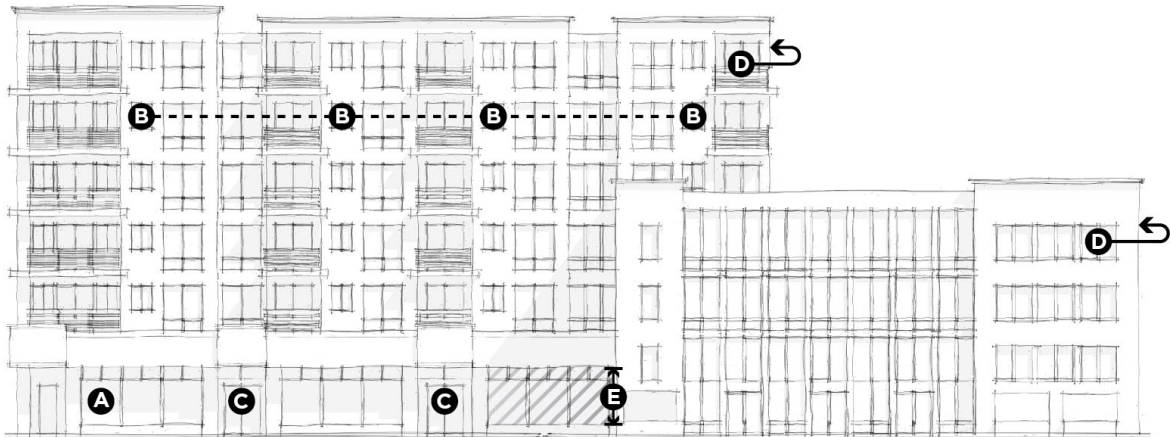
- A** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 30 linear feet, measured parallel to the street.
- B** Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 50 linear feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- D** Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.
- E** The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height from grade.
- F** Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story
- G** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.

C-G-3 DISTRICT DESIGN STANDARDS



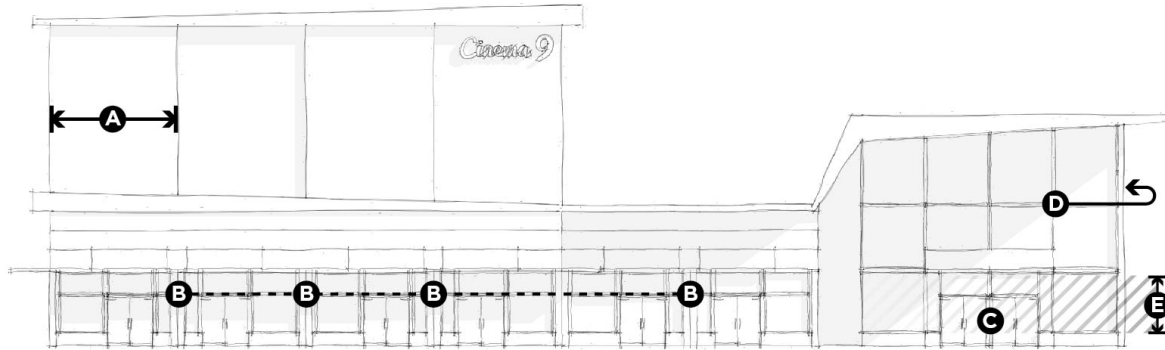
- A** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 30 linear feet, measured parallel to the street.
- B** Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 50 linear feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- D** Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.
- E** The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height from grade.
- F** Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story.
- G** Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.

### C-H-2 DISTRICT DESIGN STANDARDS



- A** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 30 linear feet, measured parallel to the street.
- B** Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 50 linear feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- D** Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.
- E** The ground floor of the front façade must maintain a transparency of 35%, measured between two and ten feet in height from grade.

## C-R-2 DISTRICT DESIGN STANDARDS



- A** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 30 linear feet, measured parallel to the street.
- B** Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 50 linear feet.
- C** All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.
- D** Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.
- E** The ground floor of the front façade must maintain a transparency of 35%, measured between two and ten feet in height from grade.

## 5.5 DK DISTRICT STANDARDS

### A. Subdistricts Established

The DK District is intended to accommodate the unique development environment within downtown. To facilitate development that reinforces and enhances the existing varied character areas of downtown Knoxville, the DK District is divided into four sub-districts that include tailored dimensional and design standards related to their specific contexts.

~~Map 5-1: Downtown Subdistricts shows the location of these sub-districts.~~ These sub-districts are:

#### 1. DK-B Downtown Knoxville Boulevards Subdistrict

The DK-B Downtown Knoxville Boulevards Subdistrict is intended to accommodate those areas of Downtown Knoxville that have developed in a manner characterized by wide, planted boulevards, and a green, open landscape consisting of lawns, plazas and structures at variable setbacks.

#### 2. DK-G Downtown Knoxville Grid Subdistrict

The DK-G Downtown Knoxville Grid Subdistrict is intended to accommodate those areas of Downtown predominantly characterized by the traditional 300 foot by 300 foot grid pattern established in the Plan of the City of Knoxville. It is recognized that this central area is likely to be the most intensely developed portion of the downtown, and the standards are therefore designed to ensure that future development maintains the pedestrian orientation and mixed-use environment characteristic of the traditional grid.

**3. DK-H Downtown Knoxville Historic Core Subdistrict**

The DK-H Downtown Knoxville Historic Core Subdistrict is intended to accommodate those areas of Downtown Knoxville characterized by a heterogeneous mix of uses organized within a highly-walkable environment with a continuous, consistent street-wall, and a preponderance of historic and cultural resources.

**4. DK-W Downtown Knoxville Warehouse Subdistrict**

The DK-W Downtown Knoxville Warehouse Subdistrict is intended to accommodate the area located primarily along Jackson Avenue and the rail yard on the north end of Downtown Knoxville, and characterized by a mix of retail and warehouse/industrial uses in historically significant structures. Subdistrict standards are designed to allow the continued mix of uses in this area, and to reinforce the existing built character of the Warehouse Subdistrict.

**B. DK Subdistricts Dimensional Standards**

1. Table 5-3: DK Subdistricts Dimensional Standards establishes the dimensional standards for the Downtown Subdistricts. These regulations apply to all uses within the district unless a different standard is listed for a specific use.
2. A minimum ground floor height of 14 feet measured from floor to floor is required in the DK-G and DK-H Subdistricts.
3. Buildings over six stories or 80 feet in height, whichever is less, are required to incorporate a recess a minimum of ten feet from the street-facing façade plane. Such recess must occur above the third story, and below the seventh story.

Table 5-3: DK Subdistricts Dimensional Standards				
	DK-B	DK-G	DK-H	DK-W
<b>Bulk</b>				
Maximum Building Height	Unlimited	Unlimited	85'	85'
Minimum Building Height	None	24'	24'	None
<b>Setbacks</b>				
Minimum Setback from Street Lot Line	25'	Build-to-Zone: 0'-5'	Build-to-Line: 0'-5' Build-to-Zone: 0'-5'	Build-to-Zone: 0'-15'
Required Build-To Percentage	N/A	80%	100%	80%
Interior Side Setback	None	None	None	None
Rear Setback	None, unless abutting a residential district, then 15'	None	None	None

**C. Design Standards**

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure in the DK District. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.

1. Table 5-4: DK Subdistricts Design Standards indicates the applicability of design standards for the DK Subdistricts. In the table, a “•” indicates that the standard is applicable in the subdistrict indicated. The absence of a “•” indicates that the standard does not apply to the subdistrict.

2. New construction and certain expansion and alteration within the the DK District is also subject to review and approval by the Downtown Design Review Board per Section 15.6. The Downtown Knoxville Design Guidelines contain additional standards that the Downtown Design Review Board will use to review such development per Section 15.6.

Table 5-4: DK Subdistricts Design Standards				
	DK-B	DK-G	DK-H	DK-W
<b>Façade Design</b>				
All buildings must be designed with a discernable base (ground floor), through the use of architectural features such as recesses and building material variations, belt courses, corbelling, window designs, structural awnings, arcades, and ground floor lobbies or plazas. Where architectural elements are used to denote transitions from floor to floor above ground level, such elements must relate to existing adjacent buildings.	•	•	•	•
Ground floor entrances must address adjacent streets, and must be visually distinctive or prominent on the building façade. This may be accomplished through the use of architectural features such as entranceway roofs, canopies or awnings, entranceway recesses, a chamfered corner, sidelight windows, transom windows, or other adjacent window designs.	•	•	•	•
Ground floor building entrances may be recessed no more than six feet from the required front build-to-zone, and must be no wider than ten feet. Such a recess is considered to meet any required minimum build-to-percentage.		•	•	•
Building façades that abut a public right-of-way, excluding alleys, must incorporate building entries no less than once every 40-50 feet.		•	•	•
Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 35 linear feet, measured parallel to the street.	•			•
Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 20 linear feet, measured parallel to the street.		•	•	
Building façades of 100 feet or longer that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 feet.	•	•	•	•
<b>Fenestration Design</b>				
The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height.	•			•
The ground floor of the front façade must maintain a transparency of 60%, measured between two and ten feet in height from grade.		•	•	
Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story.	•			•
Upper floors of the front façade must maintain a transparency of 25% of the wall area of the story.		•	•	
<b>Roof Design</b>				
Parapet walls must feature three dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.	•	•	•	•
Green roof, blue roof, and white roof designs are encouraged.	•	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•	•
The “tops” of new high-rise buildings in excess of 175’ must incorporate distinctive or unique elements in their design, to contribute to a visually interesting and sophisticated downtown	•	•		

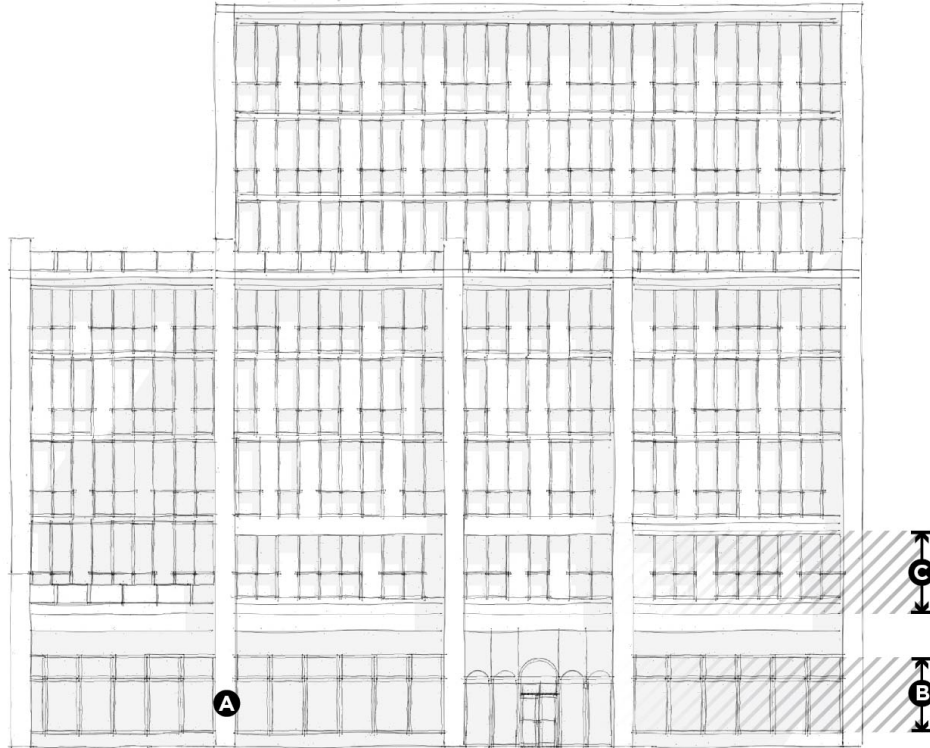
Table 5-4: DK Subdistricts Design Standards				
	DK-B	DK-G	DK-H	DK-W
<del>skyline. Examples of these types of distinctive elements include a taper, pinnacle, sculptural or vertically punctuated condition.</del>				
<b>Site Design</b>				
<del>Site design for new buildings must acknowledge the historic pattern of setbacks and open space through the provision of setbacks that maintain existing sight lines and incorporate open views to historic structures.</del>	■			

**D. DK District Building Material Restrictions**

The following building materials are prohibited on any façade facing a public right-of-way, excluding alleys, or any façade that abuts a residential district in the DK District. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material. [However, the Downtown Design Review Board, as part of Downtown Design Review, may approve the use of such restricted materials on a case by case basis.](#)

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings
4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

### DK-B SUBDISTRICT DESIGN STANDARDS



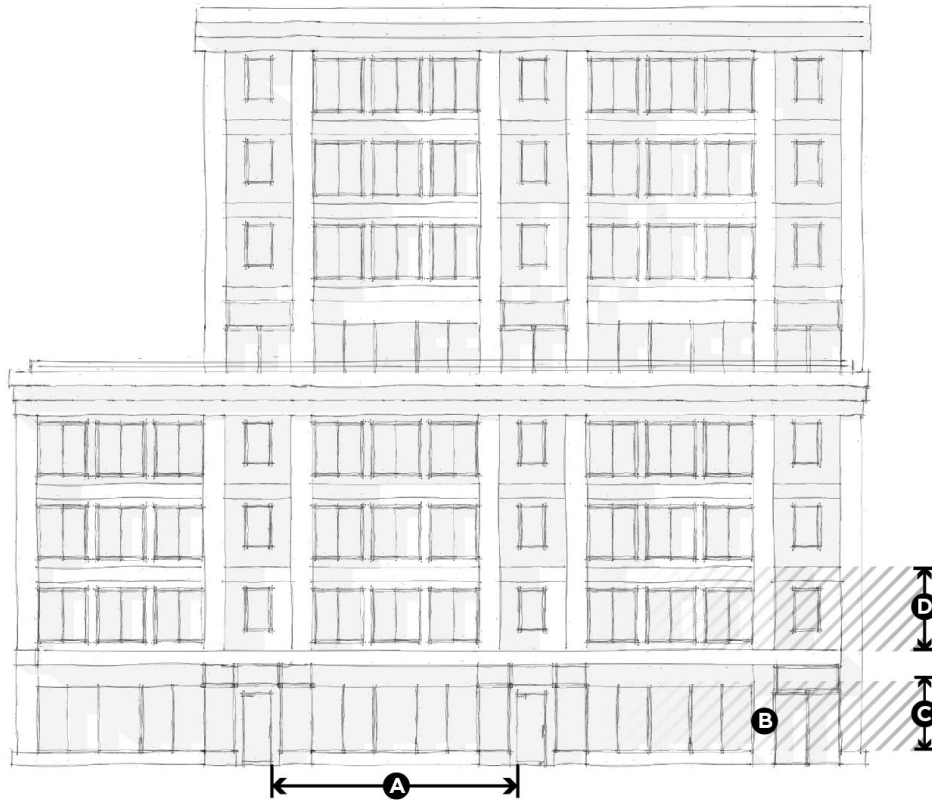
**A** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 35 linear feet, measured parallel to the street.

**B** The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height.

**C** Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story.

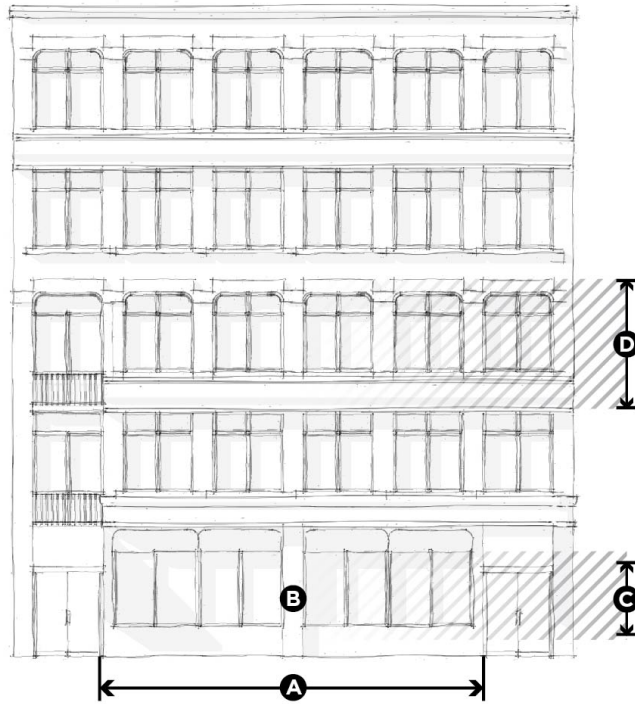


### DK-G SUBDISTRICT DESIGN STANDARDS



- A** Building façades that abut a public right-of-way, excluding alleys, must incorporate building entries no less than once every 40 feet.
- B** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 20 linear feet, measured parallel to the street.
- C** The ground floor of the front façade must maintain a transparency of 60%, measured between two and ten feet in height from grade.
- D** Upper floors of the front façade must maintain a transparency of 25% of the wall area of the story.

### DK-H SUBDISTRICT DESIGN STANDARDS



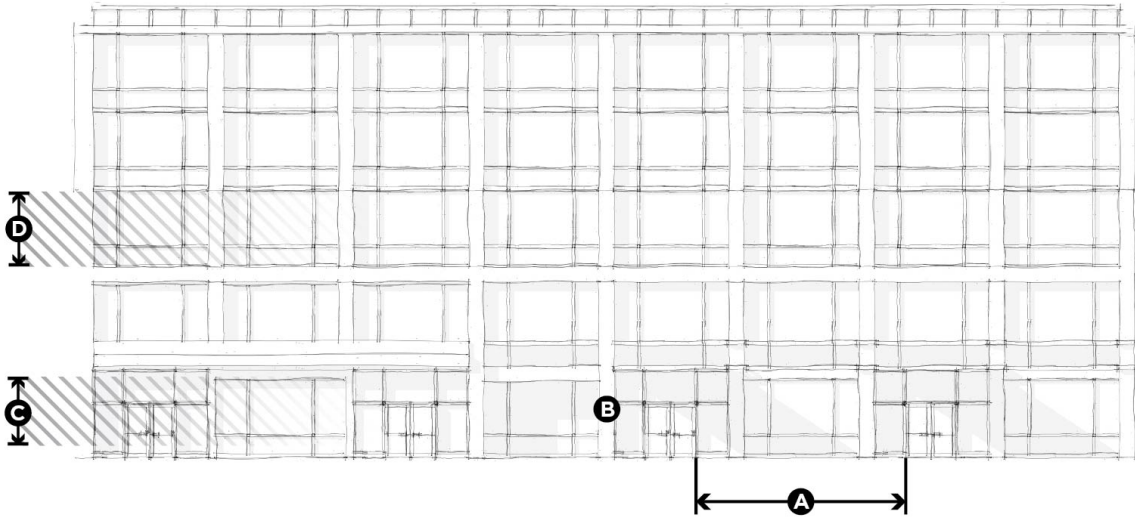
**A** Building façades that abut a public right-of-way, excluding alleys, must incorporate building entries no less than once every 40 feet.

**B** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 20 linear feet, measured parallel to the street.

**C** The ground floor of the front façade must maintain a transparency of 60%, measured between two and ten feet in height from grade.

**D** Upper floors of the front façade must maintain a transparency of 25% of the wall area of the story

### DK-W SUBDISTRICT DESIGN STANDARDS



- 
- A** Building façades that abut a public right-of-way, excluding alleys, must incorporate building entries no less than once every 40 feet.
  - B** Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 35 linear feet, measured parallel to the street.
  - C** The ground floor of the front façade must maintain a transparency of 50%, measured between two and ten feet in height from grade.
  - D** Upper floors of the front façade must maintain a transparency of 15% of the wall area of the story.

**5.6 CU DISTRICT STANDARDS**

**A. Subdistricts Established**

In order to implement the Cumberland Avenue Corridor Plan, the following subdistricts have been established. ~~Map 5-2: Cumberland Avenue Regulating Plan shows the location of these subdistricts.~~

**1. CU-1 Lake Avenue Subdistrict**

The CU-1 Subdistrict serves as a transition between Cumberland Avenue and the University of Tennessee and is intended to accommodate a variety of commercial, office and residential uses. This district is the tallest due to the naturally low elevation of the area in comparison to other portions of this district.

**2. CU-2 Cumberland Avenue Subdistrict**

The CU-2 Subdistrict is the key retail street within the area and is primarily intended to accommodate ground floor retail with upper story residential or office uses.

**3. CU-3 White Avenue/Hospital Subdistrict**

The CU-3 Subdistrict serves as a transition between Cumberland Avenue and the medical campus and is primarily intended to accommodate a mix of medical- or employment-related uses with a variety residential housing options.

**4. CU-4 White Avenue/Neighborhood Subdistrict**

The CU-4 Subdistrict serves as a transition between Cumberland Avenue and the White Avenue neighborhood to the north and is primarily intended to accommodate a variety of commercial, office and residential uses.

**5. CU-5 Seventeenth Street Subdistrict**

The CU-5 Subdistrict is a retail street within the area and is primarily intended to accommodate ground floor retail with upper story residential or office uses.

**B. CU Subdistricts Dimensional Standards**

1. Table 5-5: CU Subdistricts Dimensional Standards establishes the dimensional standards for the CU Subdistricts.
2. Places of worship, cultural facilities, educational facilities, pre-school/kindergartens, public safety facilities, and government offices/facilities are not subject to the following dimensional standards: build-to standards, story heights, transparency, and building entrance requirements.

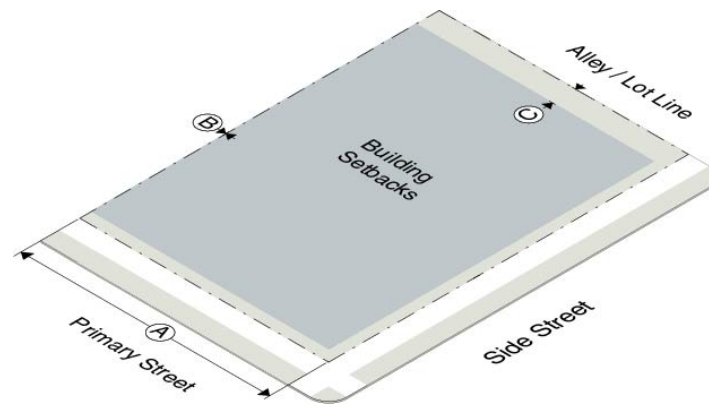
Table 5-5: CU Subdistricts Dimensional Standards					
Dimensional Standards	CU Subdistricts				
	CU-1	CU-2	CU-3	CU-4	CU-5
<b>Lot Standards</b>					
Lot Width	16'	25'	16'	16'	16'
<b>Minimum Building Setbacks</b>					
Primary Street	5'	0'	5'	5'	5'
Side Street	5'	0'	5'	5'	5'
Side Interior	0' or 5'	0' or 5'	0' or 5'	5' or 10'	0' or 5'
Rear	10'	10'	10'	10'	10'
Rear, Alley	5'	5'	5'	5'	5'
<b>Build-To Zones (BTZ)</b>					
Primary Street (min./max.)	5'/15'	0'/10'	5'/15'	5'/20'	5'/15'
Min. Build-To Percentage in Primary Street	70%	80%	70%	60%	70%
Side Street (min./max.)	5'/10'	0'/10'	5'/10'	5'/10'	5'/10'
Min. Build-To Percentage in Side Street	35%	40%	35%	30'	35%
<b>Minimum Parking Setbacks</b>					
Primary Street	10'	30'	10'	10'	10'
Side Street	10'	10'	10'	10'	10'
Side Interior	0' or 5'	0' or 5'	0' or 5'	5'	0' or 5'
Rear	10'	10'	10'	10'	10'
Rear, Alley	0' or 5'	0' or 5'	0' or 5'	5'	0' or 5'
<b>Minimum Outdoor Amenity Space</b>					
Percentage Outdoor Amenity Space	15%	10%	15%	20%	15%

Table 5-5: CU Subdistricts Dimensional Standards					
Dimensional Standards	CU Subdistricts				
	CU-1	CU-2	CU-3	CU-4	CU-5
<b>Building Height</b>					
Max. Building Height	120' <sup>1</sup> /10 stories	90'/8 stories	90'/8 stories	50'/4 stories	90'/8 stories
Min. Building Height	24'/2 stories	24'/2 stories	24'/2 stories	24'/2 stories	24'/2 stories
<b>Building Mass</b>					
1) Min. Stepback Above 2 <sup>nd</sup> or 3 <sup>rd</sup> Story OR 2) Max. Façade Length Without Offset	10'	10'	N/A	N/A	10'
Min. Wall Offset Depth	4'	N/A	N/A	10'	4'
Min. Wall Offset Length	8'	N/A	N/A	20'	8'
<b>Story Height</b>					
Min. Ground Story – Floor to Ceiling: Residential	9'	N/A	9'	9'	12'
Min. Ground Story – Floor to Ceiling: Nonresidential	10'	12'	10'	9'	12'
Min. Upper Story – Floor to Ceiling	9'	9'	9'	9'	9'
<b>Min. Ground Floor Elevation</b>					
Residential	2'	N/A	2'	2'	2'
Nonresidential	0'	0'	0'	0'	0'
<b>Transparency</b>					
Min. Ground Story	40%	75% <sup>1</sup>	40%	20%	75% <sup>1</sup>
Min. Upper Story	20%	20%	20%	20%	20%
Max. Blank Wall	30'	20'	30'	20'	20'
<b>Building Entrances</b>					
Primary Street Facing Entrance	Required	Required	Required	Required	Required
Max. Entrance Spacing	100'	50'	100'	100'	50'
<b>Allowed Building Elements</b>					
Porch	Yes	No	Yes	Yes	Yes
Stoop	Yes	No	Yes	Yes	Yes
Balcony	Yes	Yes	Yes	Yes	Yes
Gallery	Yes	Yes	Yes	Yes	Yes
Awning/Canopy	Yes	Yes	Yes	Yes	Yes
Forecourt	Yes	Yes	Yes	Yes	Yes

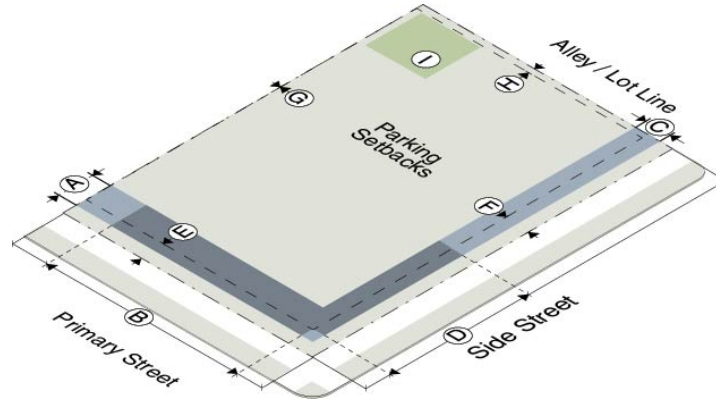
**TABLE 5-5 FOOTNOTES**

<sup>1</sup> A minimum of 60% of the ground floor windows must allow views into the ground story for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

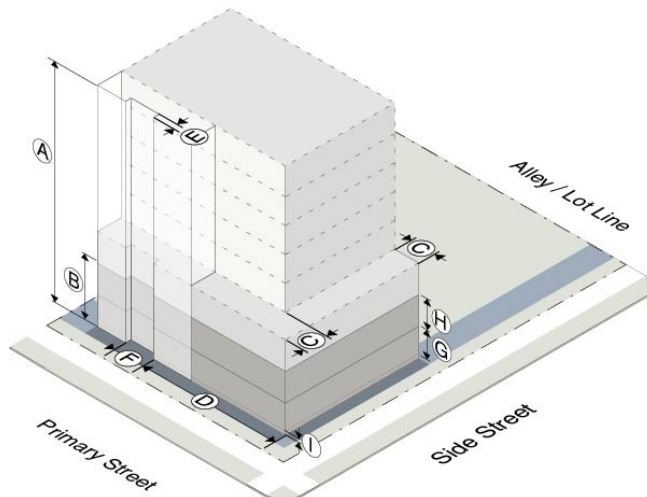
CU DISTRICT LOT STANDARDS & MINIMUM BUILDING SETBACKS
A Lot Width
B Side Interior
C Rear
D Rear, Alley



CU District Build-To Zones (BTZ), Minimum Parking Setbacks, & Minimum Outdoor Amenity Space
A Primary Street (min./max.)
B Min. Build-To Percentage in Primary Street
C Side Street (min./max.)
D Min. Build-To Percentage in Side Street
E Primary Street
F Side Street
G Side Interior
H Rear
H Rear, Alley
I Percentage Outdoor Amenity Space



CU District Building Height, Building Mass, Story Height, & Min. Ground Floor Elevation
A Max. Building Height
B Min. Building Height
C 1) Min. Stepback Above 2 <sup>nd</sup> or 3 <sup>rd</sup> Story OR D 2) Max. Façade Length Without Offset
E Min. Wall Offset Depth
F Min. Wall Offset Length
G Min. Ground Story – Floor to Ceiling: Residential
G Min. Ground Story – Floor to Ceiling: Nonresidential
H Min. Upper Story – Floor to Ceiling
I Min. Ground Floor Elevation Residential
I Min. Ground Floor Elevation Nonresidential



**CU District Transparency & Building Entrances**

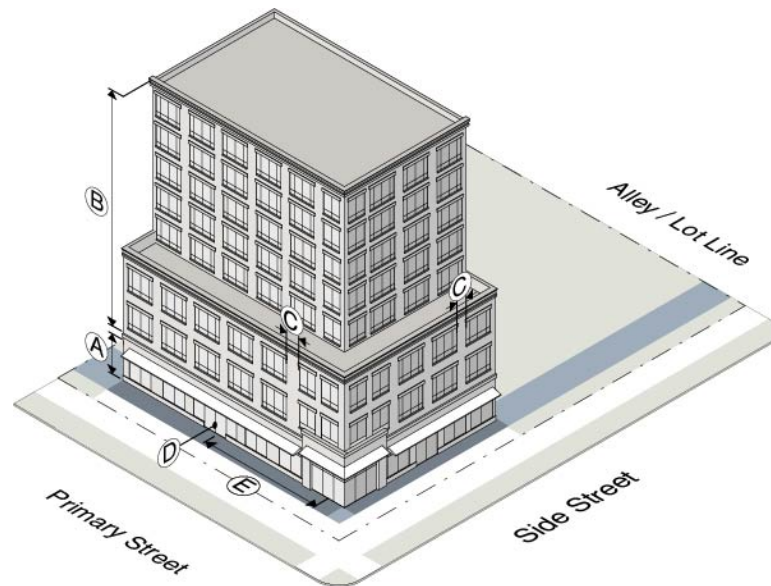
A Min. Ground Story

B Min. Upper Story

C Max. Blank Wall

D Primary Street Facing Entrance

E Max. Entrance Spacing



**C. Building Elements**

Building elements in the CU District are allowed by subdistrict as per Table 5-5. The following standards apply to the allowed building elements. These building element regulations control over any other provision in this Code, such as the accessory structure and/or permitted encroachment regulations of Article 10.

**1. Porch**

- a. A front porch must be at least six feet deep excluding the steps.
- b. A front porch must be contiguous, with a width not less than 33% of the building facade from which it projects.
- c. A front porch must be roofed but cannot be enclosed.
- d. A front porch may extend up to nine feet, including the steps, into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.
- e. A front porch may not encroach into the public right-of-way.

**2. Stoop**

- a. A stoop may be no more than six feet deep, excluding the steps, and six feet wide.
- b. A stoop may be covered but cannot be enclosed.
- c. A stoop may extend up to six feet into a required setback, provided that the landing is at least two feet from the vertical plane of any lot line.
- d. A stoop may not encroach into the public right-of-way.

**3. Balcony**

- a. A balcony must be at least four feet deep and may extend up to six feet into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line
- b. A balcony must have a clear height above the sidewalk of at least ten feet.
- c. A balcony may be covered but cannot be enclosed.
- d. A balcony may not encroach into the public right-of-way without a Use Agreement for the use of public right-of-way.
- e. No balcony encroachments are allowed on Cumberland Avenue.

**4. Gallery**

- a. A gallery must have a clear depth from the support columns to the building's facade of at least eight feet and a clear height above the sidewalk of at least ten feet.
- b. A gallery must be contiguous and extend over at least 50% of the width of the building facade from which it projects.
- c. A gallery may extend into a required setback.
- d. A gallery may not encroach into the public right-of-way without a license for the use of public right-of-way.

**5. Awning/Canopy**

- a. An awning/canopy must be a minimum of ten feet clear height above the sidewalk and must have a minimum depth of six feet.
- b. An awning/canopy may extend into a required setback.
- c. An awning/canopy may not encroach into the public right-of-way without a license for the use of public right-of-way.

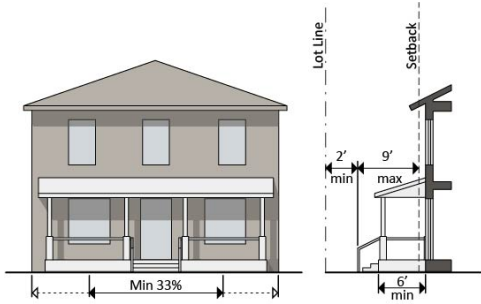
**6. Forecourt**

- a. A forecourt must be no more than one-third of the length of the building face, and in no case longer than 35 feet in width.
- b. A forecourt is limited to no more than 35 feet in depth.
- c. A maximum of one forecourt is permitted per site.
- d. A forecourt is considered as part of the building for the purpose of measuring the build-to zone.

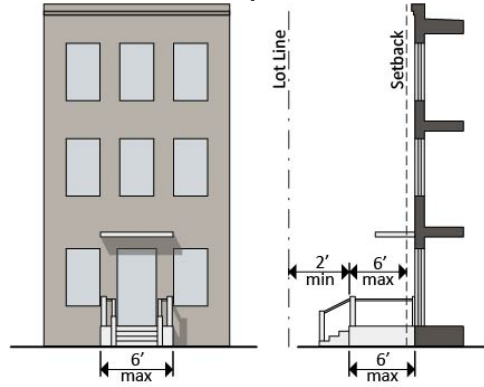


**BUILDING ELEMENTS**

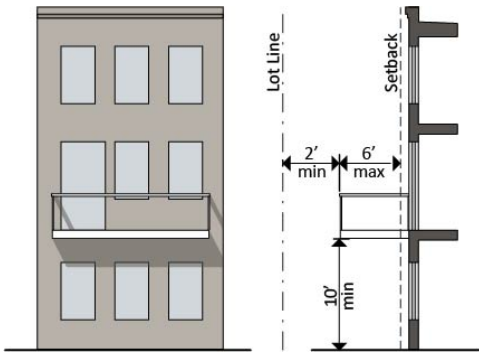
**Porch**



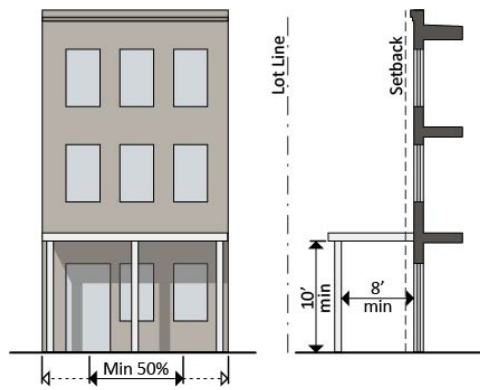
**Stoop**



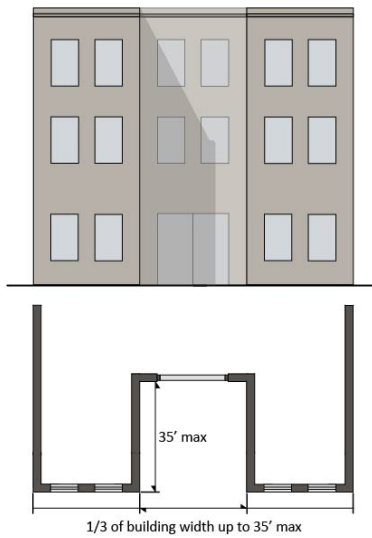
**Balcony**



**Gallery**



**Forecourt**



## D. Streetscape

### 1. General Applicability

No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until the streetscape has been provided in accordance with the requirements of this section. Additions are subject to the following thresholds:

- a. A building or site may be renovated or repaired without meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.
- b. When a building or site increased in gross floor area or improved site area by more than 50%, the streetscape provisions must be met.

### 2. Required Elements

All required streetscapes must be constructed with sidewalks and street trees as shown in Table 5-6: Required Streetscape, unless an alternative is approved by the Engineering Department.

### 3. Tree Planting

- a. All trees must be shade trees, planted every 30 feet on center, on average.
- b. Where overhead utilities exist, one understory tree must be planted every 20 feet on center, on average, for every required shade tree.
- c. All required street trees must meet the requirements of Article 12.

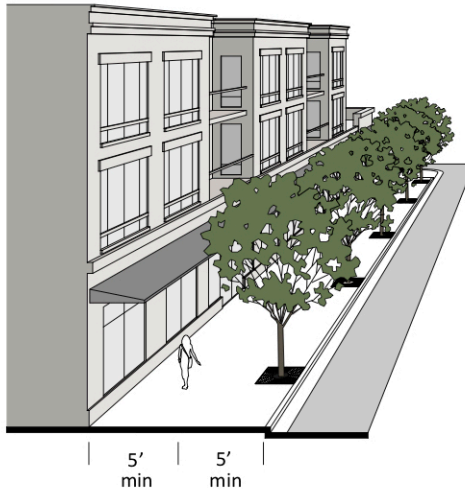
### 4. Fee-in-Lieu

If determined by the Zoning Administrator that construction of improvements would result in the improvement of less than one-half of a linear block face, an equivalent payment in lieu of construction may be required.

### 5. Certificate of Occupancy

- a. Sidewalks, streets, street trees, and street lights must be installed prior to the issuance of a certificate of occupancy.
- b. A certificate of occupancy may be issued when the Zoning Administrator determines that due to the unavailability of plant material or weather concerns that immediate completion of the street trees would jeopardize the health of plant materials for a period of up to one year following the date of application for a certificate of occupancy.

Table 5-6: Required Streetscape



<b>Streetscape</b>	
Min. Sidewalk	5'
Min. Planting Zone	5'
<b>Details</b>	
Planting Zone Type	Tree lawn/tree grate
Tree Spacing	Every 30' on center, on average

## 5.7 SW DISTRICT STANDARDS

### Editor's Note:

We have made edits to the purpose statements of the SW District subdistricts. This is intended to align the SW District purpose statements with the style and regulatory focus of the other districts within the Code.

### A. Subdistricts Established

The following subdistricts have been established for the SW District:

#### 1. SW-1 Subdistrict

The Old Sevier and Scottish Pike areas are envisioned to conserve the small town, neighborhood atmosphere. New developments in these areas are encouraged to preserve and extend the existing neighborhood character and to maintain a complementary scale and density. Large-scale assemblage of residential properties or any commercial uses are prohibited. Suggested building types include detached houses, cottages, duplex houses, attached townhouses and rowhouses.

~~New street alignments in combination with the existing roads define important access and view corridors to the river and the bluffs. The completed road network establishes a "figure-eight" loop by adding a new rail underpass to connect to August Avenue en route to Vestal. The road network links Blount Avenue to the new River Road (east of the Gay Street Bridge) then to Sevier Avenue and Augusta Avenue. In order to alleviate Blount Avenue from congestion associated with new development, improvements to Augusta Avenue change the character of this street from a tertiary street to a significant boulevard with a bus route and close relationship to the rail line. Scottish Pike will enjoy new access to Fort Dickerson Park and a newly landscaped green corridor of Goose Creek. Proposed street right-of-ways improve pedestrian circulation as well as integrate street trees.~~

## 2. SW-2 Subdistrict

The neighborhoods of Goose Creek, River Road, and Island Home Avenue are envisioned to have new, predominantly residential developments along the waterfront that will create a contemporary identity for the Knoxville South Waterfront. Suggested building types include duplex houses, townhouses, rowhouses and multiple unit housing. With a newly landscaped shoreline experience and a continuous riverfront setback along the river's edge, these developments provide residents spectacular vistas of the river but minimize obstructed views perpendicular to the river. The proposed River Street will be layered with modes of two-direction travel - bike lanes, on-street parking, a wide sidewalk and a well-landscaped river walk. River Street will be an important part of the "figure eight" road network making a loop from Gay Street to Sevier and Phillips Avenues.

~~A continuous promenade forms the northern edge of the river arboratum—the major open space of the area located in the flood plain. Residents enjoy access to a wealth of waterfront and water-based recreational activities. While these neighborhoods are primarily residential, they are located adjacent to highly accessed public parks that boast many visitors on a daily basis and during city-wide events. Residents have access to the newly landscaped Goose Creek Green Corridor with a direct link to Fort Dickerson Quarry. Public access to the river is created along axes following the north-south streets, while on-street parking accommodates visitors to the parks and various recreational facilities. A bridge connection to the University may link the two sides of the river.~~

## 3. SW-3 Subdistrict

Sevier Avenue is the historic commercial heart of the Old Sevier neighborhood. It has the potential to fulfill the role of Main Street in the future and become a viable commercial center for the local neighborhoods. New development in this area has a mix of commercial and retail uses on ground floors that promote both daytime and nighttime activities. Developments in this area could also house multiple residential units on the upper floors. The new mixed-use infill development will complement the existing buildings and preserve the historic character that exists. New buildings ~~shall~~ will be built up to the street (rather than being setback from the street) to reinforce the continuity of the street wall.

~~Parking for new developments will be to the rear of the site as well as on-street. Existing historic buildings will be encouraged to be restored for reuse. Suggested building types that may exist in this vibrant district include mixed-use shopfront buildings and loft developments. A potential conversion of the freight rail line to light rail may provide public transportation to the area in the future.~~

## 4. SW-4 Subdistrict

These three new development districts are clustered around privately-owned but publicly-accessed marinas, lending these areas a distinctively urban character that will enliven the new Knoxville South Waterfront. Higher density and larger in scale, these buildings have a mix of uses, including office, residential, commercial and hospitality. All new developments shall integrate publicly accessible landscapes and plazas that unify the buildings with a setback from the river to accommodate a continuous promenade and marinas. View corridors and public open spaces will connect these areas to the neighborhoods, civic spaces and natural drainage ways to the river. Parking is incorporated into the structures or housed beneath the buildings when possible. Large surface parking lots are discouraged. ~~A possible pedestrian connection to the University of Tennessee will facilitate a continuation of the student population into the Campus Cove. The Sevier Avenue extension from the James White Parkway will be realigned with a traffic circle to improve traffic flow and create a sense of entry into the downtown. A second traffic circle will be introduced along Island Home Avenue.~~

## 5. SW-5 Subdistrict

This bustling area caters to multiple functions, including retail, entertainment, civic, cultural, and residential uses. New buildings are organized along the civic plaza called "Bell Tower Walk" and are oriented perpendicular to the river so as not to inhibit views to the river from the bluff. The Bell Tower Walk is the center of a lively area on the Knoxville South Waterfront where outdoor restaurants, fairs and musical events attract local Knoxvilleans and regional visitors both day and night and year round. Bell Tower Walk creates a "window-to-the-water" from the Baptist Church on Sevier Avenue leading down to the riverfront. It will serve as the central celebratory space for the community and could be used in conjunction with marketplace piers for small-scale festivals and urban markets throughout the year. Low to mid-rise, mixed-use or multiple unit housing developments face this linear open space and are encouraged to have commercial development on the first floor. To the west of this civic plaza, a cultural center and museum overlooks an outdoor amphitheater and marina that connect to the river walk. Parking structures are housed beneath the buildings or behind them to accommodate the area's many visitors and employees.

**6. SW-6 Subdistrict**

The Henley Gateway establishes a new entrance into downtown Knoxville, as well as a Chapman Highway gateway leading south to the Smoky Mountains. Capitalizing on the presence and economic opportunities of the Baptist Hospital, this area shall host multi-story office buildings, attracting new businesses to South Knoxville. A high-rise hotel with sweeping river views could accommodate business professionals as well as a multitude of city visitors.

The dominant open green space in the shape of a triangular wedge is organized according to the proposed development as well as towards Chapman Highway. The park space provides views to the river and downtown and contains a parking garage underneath. New mid-rise towers facing the park are envisioned as a compliment to the surrounding institutional uses and to the scale of the Baptist Hospital. Landscaped plazas not only provide professionals with pleasant lunchtime spaces, but also establish a pedestrian-friendly connection from City View to Bell Tower Walk and Waterfront Marketplace. A setback from the river allows for existing and new development to access a continuous Shoals Promenade Riverwalk. A potential conversion of the freight rail line to future light rail may provide public transportation to this district.

**7. SW-7 Subdistrict**

This area is an extension of the Bell Tower Walk. It is envisioned as a highly active commercial, entertainment, and residential environment. Bound between a newly established River Road and the riverfront setback, the new Waterfront Piers provide an elegant setting for restaurants and various retail and entertainment enterprises. These uses define associated civic plazas that unite the buildings with the Riverwalk and the Gay Street Amphitheater.

Developments on this site maximize view corridors to the river by orienting long, horizontal buildings perpendicular to the riverfront. Developments that create a continuous visual barrier to the Tennessee River are not permitted. Surface parking in this district shall be kept to a minimum. A new marina and boat ramp at the base of the Gay Street Bridge invite users to spend time on the water adjacent to the park space.

**B. SW Subdistricts Dimensional Standards**

Table 5-7: SW Subdistricts Dimensional Standards establishes the dimensional standards for the SW Subdistricts.

**Editor’s Note:**

The front build-to line requirement in the SW-5 and SW-6 Subdistricts was deleted in favor of a build-to zone, which is more flexible and eliminates a common variance.

Within the building height standards, the requirements eliminated the use of “stories” in favor of a set number of feet in order to be easier to interpret and administer. (Measurement by stories is not used in other districts.)

Table 5-7: SW Subdistricts Dimensional Standards							
	SW Subdistrict						
	SW-1	SW-2	SW-3	SW-4	SW-5	SW-6	SW-7
<b>Siting</b>							
<b>Max. Lot Area</b>	15,000sf	3 Acres	3 Acres	3 Acres	3 Acres	3 Acres	1 Acre
<b>Orientation</b>	N/A	N/A	N/A	N/A	N/A	N/A	Perpendicular to River
<b>Front Build-To Zone (min./max.)</b>	10'/25'	0'/10'	0'/10'	0'/10'	<del>N/A</del> 0'/10'	<del>N/A</del> 0'/10'	N/A
<b>Front Build-To Line</b>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	0'	0'	<del>N/A</del>
<b>Min. Front Build-To Percentage <sup>1</sup></b>	40%	75%	40%, except 75% on Sevier Ave.	50%	75% on River Road and Sevier Ave.	50%	N/A
<b>Side Setback</b>	5' Min.	25' Max.	25' Max.	25' Max.	25' Max.	25' Max.	25' Min.
<b>Rear Setback</b>	10' Min.	3' Min.	3' Min.	3' Min.	3' Min.	3' Min.	N/A
<b>Max. Building Coverage</b>	30%	70%	80%	80%	90%	90%	N/A
<b>Min. Open Space Coverage</b>	70%	30%	20%	20%	10%	10%	20%
<b>Usable Private Open Space</b>	400sf	400sf	N/A	N/A	N/A	N/A	N/A

Table 5-7: SW Subdistricts Dimensional Standards							
	SW Subdistrict						
	SW-1	SW-2	SW-3	SW-4	SW-5	SW-6	SW-7
<b>Building Configuration</b>							
<b>Building Width</b>	20' Min.	N/A	N/A	N/A	N/A	N/A	70' Max.
<b>Min. Building Height</b>	N/A	25' <sup>1</sup> / <sub>2</sub> stories	25' <sup>1</sup> / <sub>2</sub> stories	25' <sup>1</sup> / <sub>2</sub> stories	40' <sup>1</sup> / <sub>3</sub> story	40' <sup>1</sup> / <sub>3</sub> story	25' <sup>1</sup> / <sub>2</sub> stories
<b>Max. Building Height</b>	35' <sup>1</sup> / <sub>2</sub> .5 stories	40' <sup>1</sup> / <sub>3</sub> story plus 10' <sup>1</sup> / <sub>4</sub> story max. at setback + 10'	50' <sup>1</sup> / <sub>4</sub> story plus 10' <sup>1</sup> / <sub>4</sub> story max. at setback + 10'	50' <sup>1</sup> / <sub>4</sub> story plus 10' <sup>1</sup> / <sub>4</sub> story max. at setback + 10'	80' <sup>1</sup> / <sub>7</sub> story plus 20' <sup>1</sup> / <sub>2</sub> story max. at setback + 10'	150' <sup>1</sup> / <sub>12</sub> story plus 20' <sup>1</sup> / <sub>2</sub> story max. at setback + 10'	50' <sup>1</sup> / <sub>4</sub> story plus 10' <sup>1</sup> / <sub>4</sub> story max. at setback + 10'
<b>Floor Plate <sup>2</sup></b>	N/A	N/A	30,000sf Max.	30,000sf Max.	30,000sf Max.	50,000sf Max.	30,000sf Max.
<b>Building Articulation</b>							
<b>Building Entry</b>	Primary entry on principal frontage	Primary entry on principal frontage	Primary entry on principal frontage	Primary entry on principal frontage	Primary entry on principal frontage	Primary entry on principal frontage	Primary entry on principal frontage
<b>Façade Length</b>	N/A	Longer than 30' must be divided vertically	N/A	N/A	N/A	N/A	N/A
<b>Min. Transparency</b>	Principal Frontage: 25%	Principal Frontage: 25%	Principal Frontage: Ground Floor: 70% Upper Stories: 25% of total wall area	Principal Frontage: Ground Floor: 70% Upper Stories: 25% of total wall area	Principal Frontage: Ground Floor: 70% Upper Stories: 25% of total wall area	Principal Frontage: Ground Floor: 70% Upper Stories: 25% of total wall area	Principal Frontage: Ground Floor: 70% Upper Stories: 25% of total wall area
<b>Roof Type</b>	Flat or Sloped	Flat or Sloped	Flat or Sloped	Flat or Sloped	Flat or Sloped	Flat or Sloped	Flat or Sloped
<b>Frontages Permitted</b>							
<b>Common Yard</b>	Yes	No	No	No	No	No	No
<b>Porch</b>	Yes	Yes	No	No	No	No	No
<b>Stoop</b>	Yes	Yes	Yes	Yes	No	No	No
<b>Storefront</b>	No	Yes	Yes	Yes	Yes	Yes	Yes
<b>Awning</b>	No	No	No	No	No	No	No
<b>Gallery</b>	No	No	No	No	Yes	Yes	Yes
<b>Arcade</b>	No	No	No	No	Yes <sup>3</sup>	Yes	Yes

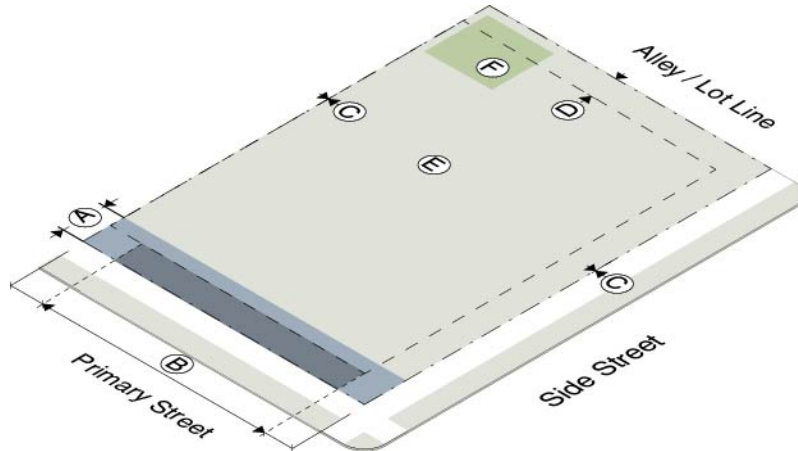
**TABLE 5-7 FOOTNOTES**

<sup>1</sup> Does not apply to single-family or two-family dwellings.

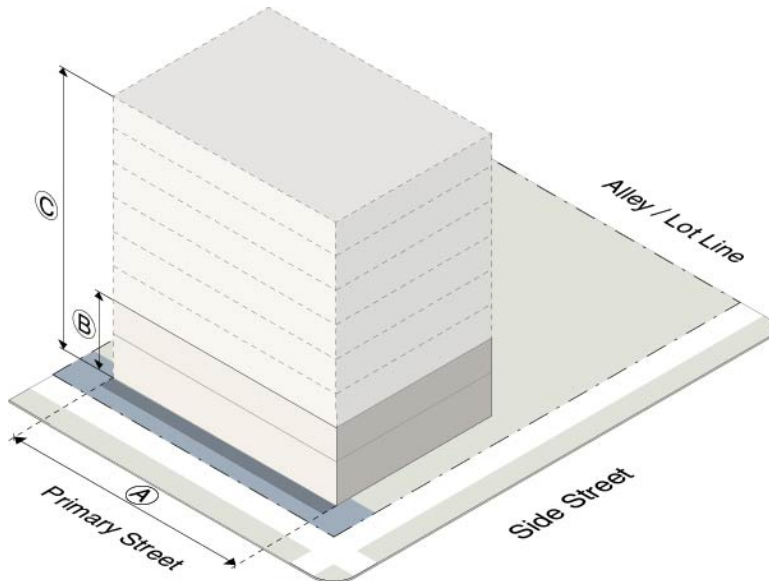
<sup>2</sup> Excludes parking structures.

<sup>3</sup> A building that includes an arcade facing a civic open space may build this arcade within the public right-of-way.

Siting
A Front Build-To Zone (min./max.)
B Min. Front Build-To Percentage
C Side Setback
D Rear Setback
E Max. Building Coverage
F Min. Open Space Coverage



Building Configuration
A Building Width
B Min. Building Height
C Max. Building Height



### C. Design Standards

These design standards apply only where the subject is clearly visible from the street. The definition of the street in this case includes parks, riverwalks, civic greens, squares, and all proposed public areas, except alleys. The intention of these parameters are to restrict control to the public realm where it has special significance and limit public preference in the private realm.

1. Building walls should reflect and complement the traditional materials and techniques of the Tennessee Valley's regional architecture. They should express the construction techniques and structural constraints of traditional, long-lasting building materials.
2. Acceptable building façade materials include:
  - a. Brick and block masonry
  - b. Glass
  - c. Wood
  - d. Stucco
  - e. Metal panel and native stone
  - f. Use of composite or synthetic materials not mentioned above must have equivalent or superior visual and performance properties to those mentioned.
3. Windows must use clear glass with at least 90% light transmission.
4. Specialty windows may use stained or opaque glass.
5. Detail facades on retail frontages such as storefronts must have at least 70% glass at the ground level.
6. Window openings above the first story must be at least 25% of the building wall area, with each façade calculated independently.
7. Buildings may have flat roofs enclosed by parapets or sloped roofs.
8. Flat roofs must be enclosed with parapets a minimum of 42 inches high.
9. Balconies, porches, bay windows and other projections are encouraged and may be incorporated into the building setback.

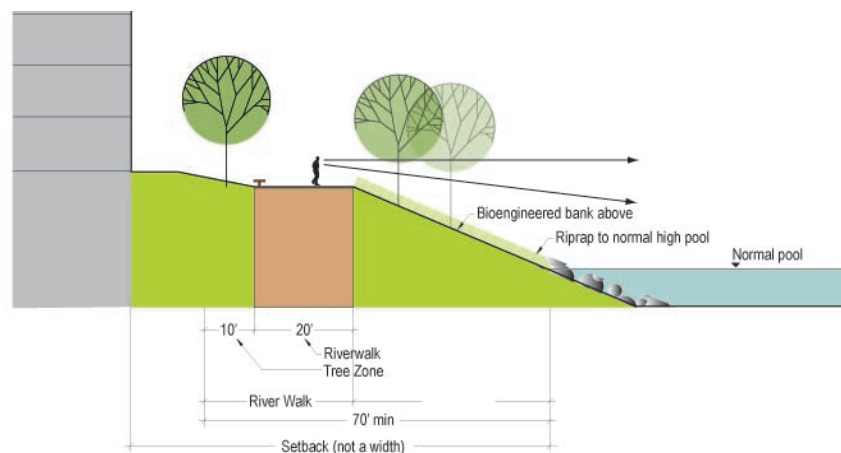
### D. Riverscape

1. The riverscape standards ensure access to the waterfront with pedestrian, bike and vehicular access, and improves river frontage to private properties. The following standards apply to the design and construction of riverbanks in conjunction with best management practices as they apply to erosion control, flood protection, and habitat protection and/or improvement. The intent of the riverfront setback is to ensure:
2. The provision of an adequate amount of landscape coverage for habitat, water quality, erosion control and scenic quality expressed by the community:
  - a. Proper riverbank stabilization to prevent property erosion and loss.
  - b. Proper space for potential storm water drainage and utility corridors.
  - c. Continuous ADA pedestrian and bicycle access along the riverfront with regular connections to lanes, streets or roads perpendicular to the river edge expressed by the community.
  - d. A continuous green riparian corridor proportional in scale to adjacent buildings.



- e. Maintenance vehicle access.
  - f. Prevention of non-river-related or non-river-dependent structures.
3. Riverbank standards:
- a. Riverwalk Path: 20-foot wide shared use pavement
  - b. Riverwalk Trees: Trees limbed up to allow views under at 30 foot to 50 foot spacing
  - c. Riverwalk Lighting: Continuous lighting to allow pedestrian use at night
  - d. Riverwalk Furniture: Benches and trash receptacles at regular intervals
  - e. River Bank Lower: Rip-Rap and/or rock-filled wire mattresses from river bottom to normal high
  - f. River Bank Upper: Bioengineered slopes above normal high
  - g. River Bank Slopes: No steeper than 1 in 2.5 unless in rock or mechanically stabilized
  - h. River Bank Storm Drain Outlet: Headwall angle to match bank slope, include scour protection
  - i. River Bank Vegetation: Clusters of trees, 90%-100% coverage of grass, groundcover or shrub species adapted to riparian conditions
  - j. River Bank Clear View: With the exception of tree trunks, allow for unobstructed views from riverwalk over river bank vegetation to river surface
  - k. Permitted Uses: Decks, boat ramps, vessel mooring structures, docks, piers, gangways to marinas, walkways, boardwalks, landscape, lighting and furniture elements, utility and stormwater facilities, non-habitable shelter structures as accessories to marinas
  - l. Non-Permitted Uses: Parking, filling, waste storage

### RIVERSCAPE



### E. Stream Buffers

By creating a stream buffer and restricting impervious surfaces, the streams are allowed to maintain a natural flow and storm water drainage. Restricting polluting uses will maintain water quality, while protected and/or improved riparian vegetation will ensure bank stabilization, sediment control, and pollution filtration. Improved water quality in streams will also allow for a safe recreational use of the Tennessee River and its waterfront.

1. Buffer Width: 50 foot<sup>2</sup> from center line of stream channel
2. Prohibited in Buffer: Buildings, filling, parking, waste storage
3. Permitted in Buffer: Trails and paths less than 15 foot<sup>2</sup> wide
4. Buffer Vegetation: Residential use docks and/or decks less than 100 square feet; utility maintenance, re-vegetation work; minimum eight 8 healthy large canopy trees per acre; groundcover 80% to 100% coverage of species adapted to riparian conditions -use native vegetation where possible
5. Storm Drain Outlets: Diffuse flow and/or flow spreaders; headwall angle to match channel slope with scour protection included
6. Permitted Uses in Buffer: Yards, picnic areas, walking trails, greenways, landscaped areas, wildlife habitat, non-polluting uses
7. Non-Permitted Uses in Buffer: Parking lots, dumpster storage, grease bin storage, vehicle storage, vehicle maintenance, concentrated animal lots or kennels, water polluting uses

**F. Stormwater Systems**

The following stormwater management standards apply in the SW District.

1. Piped Roof Water: If a closed drainage system, then no treatment necessary.
2. Ground Surface Runoff in Areas with Subsoil: Detain first 0.5 inch rain and percolate into ground, or release within 24 hour minimum and 72 hour maximum.
3. Ground Surface Runoff in Areas of Rock and/or Contamination: Detain first 0.5 inch rain and treat in a stormwater quality structure before discharging to a closed drainage system.

**G. Sustainability**

The following sustainability standards apply in the SW District.

1. Green Building and Landscape: Capable of attaining the Leadership in Energy & Environmental Design (LEED) minimal Performance Level of “Certified.” Submit completed worksheet of appropriate LEED standard to demonstrate pre-certification estimate.
2. Reflectivity, Heat Island Reduction, Roof & Surface Lots: Provide shade and/or use light-colored/high albedo materials with a reflectance of at least 0.3. Roofs must use an Energy Star Compliant (highly reflective) and high emissivity roofing (emissivity of at least 0.9) for a minimum of 75% of the roof surface.

**Editor’s Note:**

The following standards have been deleted and should be moved to the subdivision right-of-way standards, which is the appropriate location for such.

**H.—Streetscape Standards**

~~The following standards of Table 5-8: Streetscape Standards apply to the design and construction of public rights-of-way and right of way improvements in conjunction with proposed subdivisions, individual lot development where proposed projects are required to provide right-of-way dedications or improvements designed and constructed by the City of Knoxville. Location and Provision of some or all of the streetscape elements is subject to detailed design~~

Table 5-8: Streetscape Standards					
	Path	Rear Alley	Street A	Street B	Street C
<b>ROW Width</b>	20'	20'	42'	50'	50'
<b>Pavement Width</b>	12'	12'	24'	30'	30'
<b>Movement Type</b>	One-Way	One-Way	Yield Movement	Yield Movement	Slow Movement
<b>Design Speed</b>	10 mph	10 mph	25 mph	25 mph	25 mph
<b>Pedestrian Crossing Time</b>	3.5 seconds	3.5 seconds	6.9 seconds	8.6 seconds	8.6 seconds
<b>Traffic Lanes</b>	N/A	1-lane	2-lanes, 1 shared-lane at parked-vehicles	2-lanes, 1 shared-lane at parked-vehicles	2-Lanes

	Path	Rear Alley	Street A	Street B	Street C
Parking Lanes	N/A	N/A	1-side, unmarked	Both sides, unmarked	One Side at 8' Marked
Bike Lanes	N/A	N/A	Bike Share Road	Bike Share Road	Bike Share Road
Curb Radius	15'	25'	15'	15'	15'
Walkway Type	Path	None	5' Sidewalk	5' Sidewalk	5' Sidewalk
Planter Type	None	None	5' Continuous Planter	5' Continuous Planter	5' Continuous Planter
Curb Type	Inverted-Curb	Inverted-Crown	Curb	Curb	Curb or Swale
Landscape Type	N/A	N/A	Trees at 30' On Center	Trees at 30' On Center	Trees at 30' On Center
Transportation Provision	N/A	N/A	N/A	N/A	N/A
Utilities	All Underground	All Underground	Overhead Power, Cable, Phone	Overhead Power, Cable, Phone	Overhead Power, Cable, Phone

	Side Road	Street D	Commercial Street	Street E	Boulevard
ROW Width	56'	70'	58'	52'	70'
Pavement Width	36'	40'	38'	22'	50'
Movement Type	Slow Movement	Free Movement	Slow Movement	Slow Movement	Slow Movement
Design Speed	20 mph	30-35 mph	25 mph	25 mph	25 mph
Pedestrian Crossing Time	10.3 seconds	11.4 seconds	10.3 seconds	6.9 seconds	10.3 seconds
Traffic Lanes	2-lanes	2-lanes	2-lanes	2-lanes	2-lanes
Parking Lanes	Both Sides at 8' Marked	One Side at 8' Marked	Both Sides at 8' Marked	N/A	One Side at 8' Marked
Bike Lanes	N/A	Both Sides at 5' Marked	N/A	N/A	Both Sides at 5' Marked
Curb Radius	15'	15'	15'	15'	15'
Walkway Type	5' Sidewalk	5' Sidewalk	10' Sidewalk	5' Sidewalk	10' Sidewalk
Planter Type	5' Continuous Planter	5' Continuous Planter	5' Continuous Trench	5' Continuous Planter	5' Continuous Trench
Curb Type	Curb or Swale	Curb or Swale	Curb	Curb or Swale	Curb
Landscape Type	Trees at 30' On Center	Trees at 30' On Center	Trees at 30' On Center	Trees at 30' On Center	Trees at 30' On Center
Transportation Provision	N/A	N/A	Bus Route	Bus Route	Bus Route
Utilities	All Underground	All Underground	All Underground	Overhead Power, Cable, Phone	All Underground

**I. Block Standards**

1. ~~Maximum Block Size: 1,400-foot perimeter~~
2. ~~River Buffer Setback: 70-foot minimum from normal pool EL 813.0 and compliance with the riverscape standards of item D of this section.~~
3. ~~Stream Buffer Setback: 50-foot minimum from stream centerline.~~

**5.8 GENERAL STANDARDS OF APPLICABILITY**

**A. Site Development Standards**

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

**B. Off-Street Parking and Loading**

See Article 11 for off-street parking and loading standards and requirements.

**C. Landscape**

See Article 12 for landscape, buffering, and screening standards and requirements.

## ARTICLE 6. INDUSTRIAL DISTRICTS

- 6.1 PURPOSE STATEMENTS
- 6.2 USES
- 6.3 DIMENSIONAL STANDARDS
- 6.4 GENERAL STANDARDS OF APPLICABILITY

### 6.1 PURPOSE STATEMENTS

#### A. ~~IOP Industrial Office Park~~ OP Office Park Zoning District

The ~~IOP Industrial Office Park~~ OP Office Park Zoning District is intended to accommodate large office developments, and office parks/campuses, and light manufacturing uses with no outside impacts. The district is oriented toward larger-scale complexes that may include ancillary services for employees such as personal services, restaurants, and retail establishments. District standards are intended to guide the development of office and light manufacturing as a more campus environments.

#### B. I-MU Industrial Mixed-Use Zoning District

The I-MU Industrial Mixed-Use Zoning District is intended to provide for a mix of light industrial uses and a variety of compatible commercial uses such as entertainment, amusement and retail establishments. This mix is designed to promote the reuse of older, character giving structures that may no longer be suitable for their original industrial purposes, but that can accommodate a variety of alternative types of uses. Residential uses are also permitted in the I-MU District, both above the ground floor in mixed-use development, and in multi-family dwellings.

#### C. I-RD Research and Development Zoning District

The I-RD District is intended to provide for large-scale office and research and development facilities, which may include pilot plants, prototype manufacturing or other light industrial activities conducted indoors and resulting in little or no outside impacts. The I-RD District also accommodates a variety of compatible or ancillary uses to serve employees, such as retail and personal service establishments.

#### D. I-G General Industrial Zoning District

The I-G General Industrial Zoning District provides for a range of general industrial uses that may produce limited outside impacts, rendering them incompatible with retail, service, or residential uses. Such uses include limited manufacturing, fabricating, processing, wholesale distributing, and warehousing facilities that do not require frequent visits from customers or clients.

#### E. I-H Heavy Industrial Zoning District

The I-H Heavy Industrial Zoning District is intended to provide for a wide variety of general manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in the I-H District may result in some moderate external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

### 6.2 USES

Article 9 lists permitted and special principal uses and temporary uses for the industrial districts.

### 6.3 DIMENSIONAL STANDARDS

Table 6-1: Industrial Districts Dimensional Standards establishes the dimensional standards for the industrial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 6-1: Industrial Districts Dimensional Standards					
	IOP	I-MU	I-RD	I-G	I-H
<b>Bulk</b>					
Minimum Lot Area	20,000sf	None	2 acres	10,000sf	10,000sf
Minimum Lot Width	80'	None	200'	60'	100'
Maximum Building Height	50'	50'	90'	50'	50'
<b>Setbacks</b>					
Minimum Front Setback	25'	None <del>Build-to Zone: 0' to 25'</del>	50'	25'	25'
Minimum Interior Side Setback	20', unless abutting a residential district, then 35'	None, unless abutting a residential district, then 15'	40'	10', unless abutting a residential district, then 50'	15', unless abutting a residential district, then 50'
Minimum Corner Side Setback	25'	<del>Build-to Zone: 0' to 25'</del> None	50'	25'	25'
Minimum Rear Setback	25', unless abutting a residential district, then 35'	15'	30'	15', unless abutting a residential district, then 25'	15', unless abutting a residential district, then 35'

#### 6.4 GENERAL STANDARDS OF APPLICABILITY

##### A. Site Development Standards

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

##### B. Off-Street Parking and Loading

See Article 11 for off-street parking and loading standards and requirements.

##### C. Landscape

See Article 12 for landscape, buffering, and screening standards and requirements.

## ARTICLE 7. SPECIAL PURPOSE DISTRICTS

- 7.1 AG GENERAL AGRICULTURAL ZONING DISTRICT
- 7.2 INST INSTITUTIONAL ZONING DISTRICT
- 7.32 OS PARKS AND OPEN SPACE ZONING DISTRICT
- 7.43 NA NATURAL AREAS ZONING DISTRICT

### 7.1 AG GENERAL AGRICULTURAL ZONING DISTRICT

#### A. Purpose

The AG General Agricultural Zoning District is intended to provide for agricultural uses that comprise an important part of the economy of Knoxville. The intent is to permit lands best suited for agriculture to be used for agriculture purposes, and prevent the encroachment of incompatible land uses on farm lands and protect the physical and economic well-being of agricultural operations.

#### B. Uses

Article 9 lists permitted and special principal uses and temporary uses for the AG District.

#### C. Dimensional Standards

Table 7-1: AG District Dimensional Standards establishes the dimensional standards for the AG District.

7-1: AG District Dimensional Standards	
<b>Bulk</b>	
Minimum Lot Area	5 acres
Minimum Lot Width	200'
Maximum Building Height	35'
<b>Setbacks</b>	
Minimum Front Setback	35'
Minimum Interior Side Setback	35'
Minimum Corner Side Setback	35'
Minimum Rear Setback	35'

#### D. General Standards of Applicability

##### 1. Site Development Standards

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

##### 2. Off-Street Parking and Loading

See Article 11 for off-street parking and loading standards and requirements.

### 7.2 INST INSTITUTIONAL DISTRICT

#### COMPLETELY REVISED

#### A. Purpose Statement

The INST Institutional District is intended to accommodate federal, state, county, and municipal governmental operations, and campus institutional uses such as healthcare institutions and educational facilities, to allow for their expansion in a manner that protects surrounding neighborhoods. Additional uses may also be permitted, such as residential, and professional office or business uses that are compatible with the character of the district.

#### B. Uses

Article 9 lists permitted and special principal uses and temporary uses for the INST District.

#### C. Dimensional Standards

Table 7-2: INST District Dimensional Standards establishes the dimensional standards for the INST District. These standards apply to all uses within the district, unless a different standard is listed for a specific use.

Table 7-2: INST District Dimensional Standards	
	INST District
<b>Bulk</b>	
Minimum Lot Area	1 acre
Maximum Building Height	120'
<b>Setbacks</b>	
Minimum Front Setback	20'
Minimum Interior Side Setback	None, unless abutting a residential district, then 20' plus 1' additional setback for each 2' of building height over 45'
Minimum Corner Side Setback	20'
Minimum Rear Setback	None, unless abutting a residential district, then 20' plus 1' additional setback for each 2' of building height over 45'

**D. General Standards of Applicability**

**1. Site Development Standards**

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

**2. Off-Street Parking and Loading**

See Article 11 for off-street parking and loading standards and requirements.

**3. Landscape**

See Article 12 for landscape, buffering, and screening standards and requirements.

**7.3 OS PARKS AND OPEN SPACE ZONING DISTRICT**

**A. Purpose**

The OS Parks and Open Space Zoning District is intended to create, preserve, and enhance public open space to meet the passive and active park and recreational needs of the City. The OS District provides for both improved and unimproved park and recreation lands. Facilities may include, but are not limited to, structures or other active, play-oriented facilities such as playgrounds, recreational fields, ball-fields, sport courts, and dog parks, cultural facilities such as museums and libraries, and associated accessory facilities such as recreation and community centers, park administrative offices, and restroom facilities.

**B. Uses**

Article 9 lists permitted and special principal uses and temporary uses for the OS District.

**C. Dimensional Standards**

Table 7-32: OS District Dimensional Standards establishes the dimensional standards for the OS District.

7-32: OS District Dimensional Standards	
<b>Bulk</b>	
Minimum Lot Area	None
Maximum Building Coverage	30%
Maximum Building Height	35'
<b>Setbacks</b>	
Minimum Front Setback	20'
Minimum Interior Side Setback	Principal buildings: 20', unless abutting a residential district, then 40' Accessory structures: 20'
Minimum Corner Side Setback	20'
Minimum Rear Setback	Principal buildings: 20', unless abutting a residential district, then 40' Accessory structures: 20'

**D. General Standards of Applicability**

**1. Site Development Standards**

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.



**2. Off-Street Parking and Loading**

See Article 11 for off-street parking and loading standards and requirements.

**7.4.3 NA NATURAL AREAS ZONING DISTRICT**

**A. Purpose**

The NA Natural Areas Zoning District is intended to preserve and protect recreational and conservation open space. The NA District is intended to preserve and enhance areas as permanent open space that contributes to the creation of a network of lands that provide safe and enjoyable areas and routes for non-intensive recreational opportunities and is protective of natural resources.

**B. Uses**

Article 9 lists permitted and special principal uses and temporary uses for the NA District.

**C. Dimensional Standards**

Table 7-4.3: NA District Dimensional Standards establishes the dimensional standards for the NA District.

7-4.3: NA District Dimensional Standards	
<b>Bulk</b>	
<b>Minimum Lot Area</b>	1 acre
<b>Maximum Impervious Surface</b>	5%, excluding paved pathways less than 12' in width
<b>Maximum Building Height</b>	35'
<b>Setbacks</b>	
<b>Minimum Front Setback</b>	50'
<b>Minimum Interior Side Setback</b>	25'
<b>Minimum Corner Side Setback</b>	50'
<b>Minimum Rear Setback</b>	Principal buildings: 50' Accessory structures: 20'

**D. General Standards of Applicability**

**1. Site Development Standards**

See Article 10 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

**2. Off-Street Parking and Loading**

See Article 11 for off-street parking and loading standards and requirements.



## ARTICLE 8. OVERLAY DISTRICTS

- 8.1 H HISTORIC OVERLAY ZONING DISTRICT
- 8.2 NC NEIGHBORHOOD CONSERVATION OVERLAY ZONING DISTRICT
- 8.3 TO-1 TECHNOLOGY PARK OVERLAY ZONING DISTRICT
- 8.4 HP HILLSIDE PROTECTION OVERLAY ZONING DISTRICT
- 8.54 F FLOODWAY OVERLAY ZONING DISTRICT

### 8.1 H HISTORIC OVERLAY ZONING DISTRICT

#### A. Purpose

The H Historic Overlay Zoning District is intended, as provided in T.C.A. 13-7-401 et seq., to preserve and protect historic structures and areas which serve as visible reminders of the history and cultural heritage of the City of Knoxville, State of Tennessee, and the United States of America. The H Overlay District is also intended to assist in stabilizing and improving property values in historic areas by encouraging rehabilitation or new construction harmonious with the historic area. Through this district, historic structures and areas of sufficient historical or architectural significance are designated for public protection. It is the intent of this district to regulate the construction, repair, alteration, rehabilitation, relocation or demolition of any building or other structure that is located or proposed to be located in an H Overlay District. This district is not intended, however, to regulate the use of land, buildings or structures.

#### B. Uses

The uses allowed in the underlying zoning district apply.

#### C. Dimensional Standards and Required Off-Street Parking

1. Dimensional standards and required off-street parking are to be in accordance with design guidelines adopted at the time an H Overlay District is created.
2. In the case of an H Overlay District that is not a single structure, minimum lot sizes specified by the design guidelines may be smaller than those required by the underlying zoning district.
3. If the guidelines do not specify any particular requirement, the requirements of the underlying zoning district apply.
4. Density of multi-family dwellings and/or intensity of development is determined by the underlying zoning district.

#### D. Nonconforming Structures

The Historic Zoning Commission may permit the remodeling or rebuilding of any nonconforming structure for the purpose of continuing a use which was lawfully existing at the time the H Overlay District is created; provided, however, 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 architectural character of the H Overlay District.

#### E. Criteria for Selection as H Overlay District

The definition of historic districts subject to regulations to be applied under the H Overlay District are based on the standard of a geographically definable area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united by past events or aesthetically by plan or physical development, and meet one or more of the following criteria:

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

**F. Creation of H Overlay District**

1. The City Council, the Mayor, or the owner of the subject property has the authority to initiate applications for H Overlay District designation or the removal of properties from an H Overlay District designation. The Historic Zoning Commission must review requests for designation or removal of designation and advise the City Council of their recommendations concerning designation or removal of designation for H Overlay District.
2. The Historic Zoning Commission must submit recommendations to the City Council regarding the creation of H Overlay District in accordance with the criteria for selection of item E above and must also review requests for designation made by individuals, organizations, or other governmental bodies. The Historic Zoning Commission must submit their written recommendations regarding such designations to the City Council.
  - a. In the case of a request for designation, the Historic Zoning Commission must review the request based on the criteria for selection of item E above. In making recommendations for removal of designation, the Historic Zoning Commission must likewise base its recommendations on the criteria of item E above, and the impact of removal on the remainder of the district.
  - b. An applicant for removal of a property from an H Overlay District must provide evidence of consultation with the historic district liaison prior to consideration of the request for removal by the Historic Zoning Commission.
3. The Historic Zoning Commission and the Metropolitan Planning Commission must each submit written recommendations to the City Council regarding the creation or the removal of properties from H Overlay District.
4. The City Council has the authority to make final determination of designation or removal of designation after reviewing both the recommendations of the Historic Zoning Commission and the Metropolitan Planning Commission. The City Council will notify the Historic Zoning Commission, the Metropolitan Planning Commission and the Building Official of their approval or rejection of each proposed H Overlay District designation or the removal of designation within 30 days following the decision. All H Overlay Districts created or modified by the action of the City Council must be listed on the Knoxville Historic Register.

**G. Historic Review Guidelines**

1. Prior to any recommendation on a pending application made to establish an H Overlay District, the Historic Zoning Commission must adopt a set of review guidelines for each proposed H Overlay District that will guide any granting or denial of certificates of appropriateness within the purposes enumerated in this Ordinance and with the regulations and standards adopted by the U. S. Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction alteration, rehabilitation, relocation, or demolition of any building, structure, or other improvement situated within an H Overlay District. The review guidelines will be made a part of the recommendations forwarded by the Historic Zoning Commission to the City Council for adoption.
2. A public hearing must be held by the Historic Zoning Commission before the recommendations are made to the City Council. Recommendations made by the Historic Zoning Commission must be forwarded to the City Council within 45 days of the public hearing.

**H. Certificates of Appropriateness**

All applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any structure, object, or other improvement to real estate located or to be located within an H Overlay District require issuance of a certificate of appropriateness by the Historic Zoning Commission per Section 15.7.

**I. Moratorium on Demolition Permits**

No application for a demolition permit will be accepted and no demolition permit will be issued for any building or structure located on property for which an application has been filed for rezoning to and designation as an H Overlay District for a period not to exceed 180 days after the rezoning and designation application process has been initiated per Section 15.7.

## 8.2 NC NEIGHBORHOOD CONSERVATION OVERLAY ZONING DISTRICT

### A. Purpose

The NC Neighborhood Conservation Overlay Zoning District recognizes that older Knoxville neighborhoods need to be conserved for their cultural, historic, and housing values, as provided in T.C.A. Subsection 13-7-401 et seq. The purposes of the district are to:

1. Permit development which conforms to the size, orientation, and setting of the buildings of the neighborhood.
2. Avoid the need for variances to building setbacks, lot dimensions, and related physical characteristics.
3. Regulate demolition.

The NC Overlay District is intended to foster new construction that is in harmony with the scale and physical character of the original buildings of the neighborhood through the use of design guidelines.

### B. Uses

The uses allowed in the underlying zoning district apply.

### C. Dimensional Standards and Required Off-Street Parking

1. Dimensional standards and required off-street parking are to be in accordance with design guidelines adopted at the time an NC Overlay District is created.
2. Minimum lot sizes specified by the design guidelines may be smaller than those required by the underlying zoning district.
3. If the guidelines do not specify any particular requirement, the requirements of the underlying zoning district apply.
4. Density of multi-family dwellings and/or intensity of development is determined by the underlying zoning district.

### D. Criteria for Selection as NC Overlay District

An NC Overlay District must be a geographically definable area that has a significant concentration, linkage, or continuity of sites that are united by physical development or history, and possesses the following general characteristics:

1. The district is located in an area where the general pattern of development, including streets, lots, and buildings, was established prior to 1950.
2. The area possesses unifying, built environmental characteristics that create an identifiable setting, character, and association.
3. The designated area must be 10 or more acres in size. Areas of less than 10 acres may be designated if they abut an existing NC Overlay District.

### E. Creation of NC Neighborhood Conservation Overlay Districts

1. The City Council, the Mayor, an owner, or appropriate governmental authority may initiate an application for NC Overlay District or an application for removal of property from an existing NC Overlay District designation. The City Council must make final determination of designation after reviewing the recommendations of the Historic Zoning Commission and the Metropolitan Planning Commission. Applications may also be initiated by petition when signed either by the owners of 51% of the property or by at least 51% of the property owners within the proposed district.

2. An application for an NC Overlay District must include:
  - a. A map designating the boundaries of the proposed district, depicting both the developed and undeveloped parcels.
  - b. A description of the historical and physical development of the proposed district, including black and white photographs of architecture representative of the neighborhood; and
  - c. Development guidelines for improvements to the neighborhood buildings and physical setting. The guidelines may address the appearance of new construction, including primary and accessory buildings and the addition of habitable living space to existing buildings, with provisions for setback, rhythm, and orientation of new structures, their height, scale, and massing, the proportion of doors and windows, roof shapes and the height of foundation. The appearance of exterior wall coverings may also be addressed.
3. The Historic Zoning Commission and the Metropolitan Planning Commission must each submit written recommendations to the City Council regarding the creation or the removal of properties from neighborhood conservation overlay districts.
  - a. The Historic Zoning Commission will review the application for the NC Overlay District for conformance to the selection criteria in item D above. In the case of an application for removal of properties from an NC Overlay District, the Historic Zoning Commission must also take into account the selection criteria in item D above, and the impact of removal on the remainder of the district.
  - b. The Metropolitan Planning Commission must review the application for its planning and zoning implications.
  - c. An applicant for removal of a property from an NC Overlay District must provide evidence of consultation with the neighborhood conservation district liaison prior to consideration of the request for removal by the Historic Zoning Commission. The recommendation of the Historic Zoning Commission to create an NC Overlay District must include a set of design guidelines.
4. Following the Historic Zoning Commission's approval of the design guidelines and the creation of a NC Overlay District by the City Council, the design guidelines will guide the issuance of certificates of appropriateness. The Historic Zoning Commission may delegate the authority to approve certificates of appropriateness to MPC staff.

#### **F. Certificates of Appropriateness**

All applications for certificates of appropriateness within an NC Overlay District must be reviewed by the Historic Zoning Commission, which has the power to issue or deny certificates of appropriateness per Section 15.7. No permit will be issued for the following activities within an NC Overlay District without issuance of a certificate of appropriateness by the Historic Zoning Commission: demolition; construction of a primary or accessory building, structure or other additions to real estate; and the addition of space to an existing primary or accessory building.

#### **G. Moratorium on Demolition Permits**

No application for a demolition permit will be accepted and no demolition permit will be issued for any building or structure located on property for which an application has been filed for rezoning to and designation as an NC Overlay District for a period not to exceed 180 days after the rezoning and designation application process has been initiated per Section 15.7.

### **8.3 TO-1 TECHNOLOGY PARK OVERLAY ZONING DISTRICT**

#### **A. Purpose**

The TO-1 Technology Park Overlay Zoning District is intended to provide for physical development review in the Tennessee Technology Corridor area of the City of Knoxville by the Tennessee Technology Corridor Development Authority (TTCDA). Within the TO-1 Overlay District, no underlying zoning district may be changed, no variance from the provisions of this Code may be granted, and no building or grading permit may be issued prior to the issuance of a certificate of appropriateness by the TTCDA, with the exception of a residential or agricultural use.

#### **B. Uses**

The uses allowed in the underlying zoning district apply, except as prohibited by item D below.

**C. Dimensional and Development Standards and Required Off-Street Parking**

1. All dimensional standards, and signs, landscaping, parking and other requirements must be in accordance with any recommendations of the TTCDA pursuant to its adopted design guidelines and with the underlying zoning district requirements in effect at the time the TO-1 Overlay District is created.
2. All signs within the TO-1 Overlay District are regulated by the sign design guidelines set forth in the Tennessee Technology Corridor Comprehensive Development Plan and Design Guidelines.

**D. Prohibited Uses and Structures**

Junkyards, billboards, and moveable or portable advertising or business signs, including signs mounted upon trailers, not securely affixed to the ground or to any building, are prohibited in the TO-1 Overlay District.

**E. Pellissippi Parkway Access**

Access to properties fronting on Pellissippi Parkway must 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 will be provided.

**G. Boundaries**

Any modifications of the boundaries of the TO-1 Overlay District (except for residential or agricultural use, or any use within the Town of Farragut) or City of Knoxville defined by the jurisdictional boundaries at the time of enactment of Private Chapter No. 148, Senate Bill No. 1230 of the Private Acts of 1983, hereafter referred to as the act unless otherwise set forth below) must be made by amendment of the act upon concurrence of the governing body and the approval of the TTCDA.

**H. Certificate of Appropriateness**

1. No zoning map amendment or variance to zoning provisions will be granted, and no construction, alteration, repair, rehabilitation, or relocation of any building, structure, or other improvement to real property situated within the TO-1 Overlay District is allowed without the issuance of a certificate of appropriateness by the TTCDA. No building permit issuing authority in Knoxville may issue any such permit for new structures or improvements within the TO-1 Overlay District without issuance of a certificate of appropriateness by the TTCDA.
2. The following structures, facilities, and land uses below are not required to apply for a certificate of appropriateness from the TTCDA:
  - a. Agricultural uses and structures or appurtenances located in an agricultural zoning district 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-1 Overlay District.
  - b. Residential structures, when the structures are located within subdivisions approved by the Metropolitan Planning Commission 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, are not exempt.
  - c. All uses within incorporated areas of the Town of Farragut defined by the jurisdictional boundaries at the time of enactment of the act. Areas annexed by any municipality subsequent to enactment of the act are not exempt.

**I. Zoning Application Procedures**

1. All applications for a zoning map amendment, variance, and/or building or grading permit must be reviewed by the TTCDA or TTCDA staff for compliance with the adopted Technology Corridor Comprehensive Development Plan and Design Guidelines.
2. The TTCDA will, within no more than 60 days following initial consideration of an application by the TTCDA meeting in regular session, grant a certificate of appropriateness with or without attached conditions, or deny the certificate, and state in writing its reason for approval or denial.

3. Failure by the TTCDA to act upon an application within the required time period constitutes approval of the certificate, unless an extension is granted by request of the applicant. Approval of a certificate of appropriateness for a zoning map amendment does not constitute approval of the map amendment. 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.
4. Minimum application requirements are as follows:
  - a. Rezoning: The minimum submission for a certificate of appropriateness for zoning is a copy of the application for submitted to the Metropolitan Planning Commission.
  - b. Variance: The minimum submission for a certificate of appropriateness for a variance is all the information needed to show that the variance is necessary, due to unique circumstances not created by the applicant, to relieve the applicant of undue hardship created by the requirements of the TO-1 Overlay District or the underlying 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 district; and that the relief sought may be granted without substantially impairing the intent of the TO-1 Overlay District, the underlying district, or the Technology Corridor Comprehensive Development Plan.
  - c. Building permit or grading permit: A site 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 plan must meet all the requirements of the minimum regulations for the subdivision of land in the City and must be accompanied with information required by the adopted procedures of TTCDA.
5. Based on the nature of the development proposal, supplemental data, as described below, may be required by the TTCDA. For all planned developments (Section 15.6), the same data and the same guidelines used by the TTCDA will be applied by the Metropolitan Planning Commission in addition to the Metropolitan Planning Commission's data and guidelines, which also apply. All plans must be prepared by a registered engineer or architect.
  - a. A description of all proposed operations in sufficient detail to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, smoke, air pollution, water pollution, fire and safety hazards, or other factors detrimental to the health, safety and welfare of the area.
  - b. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping, signs, other necessary uses, and any development phasing.
  - c. Preliminary architectural plans showing elevations, areas, height, materials, and other information necessary to evaluate proposed building(s).
  - d. An estimate of the maximum number of employees contemplated for the proposed development and the number of employees per shift.
  - e. A storm drainage plan which includes accurate existing and proposed watercourses; the system of open channels, pipes, culverts, drains, inlets, catchbasins, and similar facilities designed to handle stormwater in times of rainstorms, the calculations used in the design of such systems and the easements required in the construction and maintenance of the drainage system. Erosion and sediment control measures suggested in the Knox County Erosion and Sediment Control Handbook, 1981, or subsequent editions, must be utilized.
  - f. Other engineering and architectural plans, including a designation of sewers to be used and plans for abating any effects described in item a above, or any other nuisances. All sewage disposal systems and land requirements for such systems must be approved by the Knox County Health Department before a certificate of appropriateness can be issued.
  - g. Any other information the TTCDA may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing public services to the area.



**J. Stop Order**

A stop order will be issued if construction of any part, or phase, of the development is not in compliance with the approved plans.

**K. Revisions of Site Plans**

A revised site plan must be submitted to the TTCDA for approval of any changes, or extensions to the development plan. This includes previously approved certificates of appropriateness for building, grading, or sign permits. TTCDA may approve revised plans that are consistent with this Code and with TTCDA adopted design guidelines. Minor revisions to plans may be approved by the TTCDA executive director, or his/her designee, provided such changes:

1. Do not alter the basic relationship of the proposed development to adjacent property or streets and roads.
2. Do not alter the uses permitted.
3. Do not increase the area of development by more than 5% of the previously approved square footage.
4. Do not require the approval of a waiver of the TTCDA Design Guidelines, or a variance to the zoning ordinance.

**L. Appeal of TTCDA Actions**

Any interested party who is aggrieved by any action of the TTCDA, including the approval or denial of a certificate of appropriateness, may appeal its decision to the City Council by filing an appeal on the designated form and paying such filing fees as may be required within 30 days of the action of the TTCDA. The action that is appealed may be overruled by an affirmative majority vote of the City Council. All appeals must be heard within 60 days of filing of application for appeal. Appeal from the action of the City Council must be by writ of certiorari as provided in the general law and filed within 30 days of such action.

**8.4 HP HILLSIDE PROTECTION OVERLAY ZONING DISTRICT**

**A. Purpose**

Hillsides constitute significant natural topographic features of the City. In addition, when development occurs on hillsides, there are potential serious consequences, such as increased erosion, fire, or flood hazards, and property damage from extensive soils slippage and subsidence. In order to protect hillsides and hillside development, the HP Hillside Protection Overlay District is established.

**B. Applicability**

These regulations apply to lots that are zoned residential within the HP Overlay District.

**C. Density and Land Disturbance Limitations**

Table 8-1: Density and Land Disturbance Limitations establishes the maximum residential density and maximum land disturbance of the site for residential districts that are within the HP Overlay District. All other dimensional regulations apply unless specifically modified by the HP Overlay District.

Percent of Slope	Maximum Density	Maximum Land Disturbance
Less than 15%	6 du/a	100%
15% up to 25%	2 du/a	50%
More than 25% up to 40%	0.5 du/a	20%
More than 40%	0.2 du/a	10%

**D. Site Plan Review**

All development of lots that are zoned residential within the HP Overlay District are subject to site plan review per Section 15.5.

## 8.4.5 F FLOODWAY OVERLAY ZONING DISTRICT

### A. Purpose

The F Floodway Overlay Zoning District is established to meet the needs of the streams to carry floodwaters of a 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.

### B. ~~Regulations~~ Applicability

The F Overlay District is applied as indicated in the five-hundred-year boundary floodway zones mapping data for the City of Knoxville prepared by the Federal Emergency Management Administration and any letters of map amendment.

#### **Editor's Note:**

~~This district has been converted to an overlay district and it is proposed that it will reference the appropriate FEMA flood mapping data and Letter of Map Amendments (LOMA), as well as any additional regulations outside the Zoning Code. Subsequent drafts will include the proper reference here.~~

### C. Review

No permit will be issued for the construction of any building or structure including railroads, streets, bridges and utility lines, or for any use within the F Overlay District until the plans for such construction or use have been submitted to the City Engineering Department certifying that no increase in the 500-year flood levels will occur as a result of this construction and approval is given in writing for such construction or use.

## 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.
- 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 15.8), is prohibited in all districts.
- D. A site 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 ancillary uses that provide necessary support or are functionally integrated into the principal use.
- 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. Additional use restrictions apply to the DK District per Section 5.2.B.
- F. Additional use restrictions apply to the CU District per Section 5.2.C.
- G. Additional use restrictions apply to the SW District per Section 5.2.D [and 5.2.E](#).
- H. 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.
- I. 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.
- J. 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.



TABLE 9-1: USE MATRIX																										
PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	O	C-N	C-G	C-H	C-R	DK	CU	SW	OH OP	I- MU	I- RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD
Agriculture																						P	<u>P</u>			
Airport																						P				
Alternative Correctional Facility												S														
Amusement Facility - Indoor											P	P	P	P	P	P										
Amusement Facility - Outdoor												S														
Animal Care Facility – Large Animal																						P	<u>P</u>			
Animal Care Facility – Small Animal									P	P	P	P	P	S	P	P						P	<u>P</u>			Sec. 9.3.A
Animal Breeder																						P				Sec. 9.3.A
Art Gallery										P	P	P	P	P	P	P										
Arts and Fitness Studio									P	P	P	P	P	P	P	P	S									
<del>Bar</del>										S	P	P	P	P	P	P										
Bed and Breakfast	P	P	P																			P				Sec. 9.3.B
Body Modification Establishment										S	P	P	P	S	S	S										
Broadcasting Facility - With Antennae																							<u>P</u>			
Broadcasting Facility - No Antennae									P	P	P	P	P	P	P	P							<u>P</u>			
PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	O	C-N	C-G	C-H	C-R	DK	CU	SW	OP	I- MU	I- RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD
Campground																						S		P		Sec. 9.3.C
Car Wash																										Sec. 9.3.D
Cemetery											S	P	P											P		
Community Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							<u>P</u>			
Conservation Area																						P		P	P	
Country Club																								P		
Cultural Facility									P	P	P	P	P	P	P	P								P		
Day Care Center									P	P	P	P	P	P	P	P										Sec. 9.3.E
Day Care Home	P	P	P	P	P	P	P	P																		
Domestic Violence Shelter	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>																<u>P</u>		
Drive-Through Facility																										Sec. 9.3.F
Drug/Alcohol Treatment Facility, Residential												S	P	P	P								<u>P</u>			

















TABLE 9-1: USE MATRIX

PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	O	C-N	C-G	C-H	C-R	DK	CU	SW	OP	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T													T	I			Sec. 9.4.H
Temporary Recreational Vehicle Park											T	T	T						T					I			Sec. 9.4.J
Temporary Warehouse Sales (Indoor)																			T		T	T					Sec. 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	I	T	T	Sec. 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 and Animal Breeder**

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

1. [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 ~~O~~ and C-N Districts, any exterior exercise area that abuts a residential district requires a Class A buffer yard per Section 12.9.
2. 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.
3. Animal care facilities must located all overnight boarding facilities indoors. Outdoor boarding facilities for animal kennel/breeders are permitted but must be designed to provide shelter against sun/heat and weather.
4. 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 site and not in accessory structures.
2. A bed and breakfast may only be operated by an owner who also resides in the building.
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 requires a Class A buffer yard per Section 12.9.
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 ancillary 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 12.9.

### D. Car Wash

1. When a car wash facility abuts a residential district, or any open space or institutional use, a Class A buffer yard per Section 12.9 and a solid wall or fence, a minimum of six feet and a maximum of eight feet in height, is required.
2. The site must be graded to drain away from adjoining properties.

### E. Day Care Center

1. Each facility must comply with all applicable Tennessee Department of Human Services (TDHS) regulations, including required indoor and outdoor space.
2. The 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.

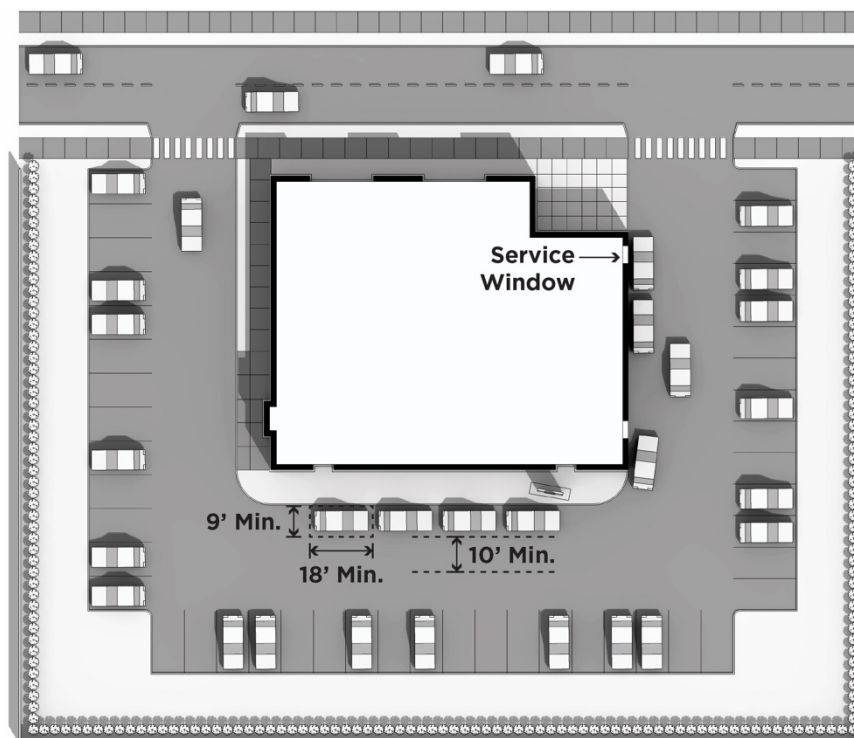
### F. Drive-Through Facility

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 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, 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, or any open space or institutional use, a Class A buffer yard per Section 12.9 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 Metropolitan Planning Commission of a drug treatment clinic is contingent upon the receipt of the appropriate license and certificate of need by the State Department of Health.
- b. Applicants seeking approval of a drug treatment clinic must provide written documentation that the City Police Department has been notified in writing regarding the facility's proposed location, hours of operation, programs and treatments methods offered, and staffing levels and qualifications. This same information must be made available to the Metropolitan 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 Metropolitan 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**

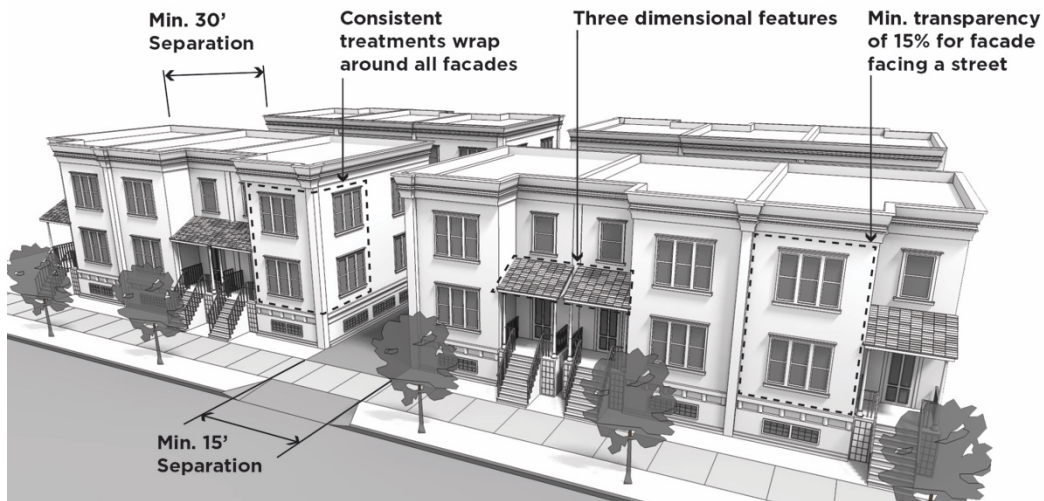
- 1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
- 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

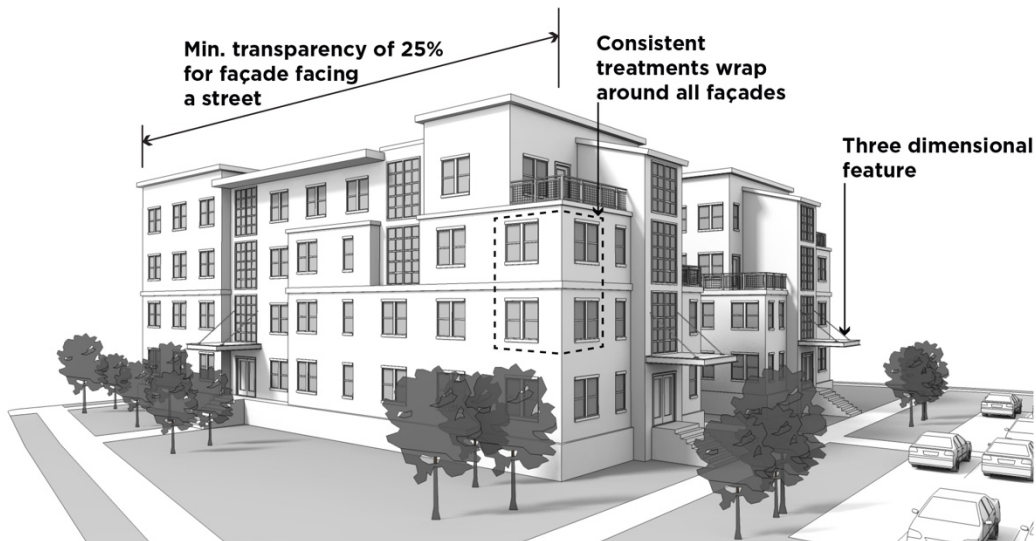
b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:

- 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

### DWELLING - TOWNHOUSE

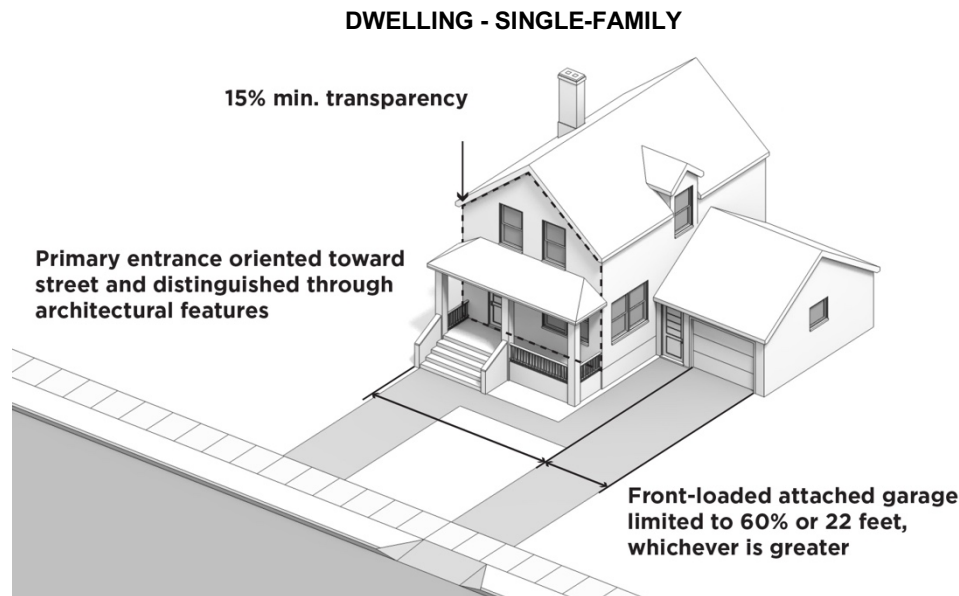


### DWELLING - MULTI-FAMILY



**J. Dwelling - Single-Family and Two-Family**

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 facades 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.



**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, all food truck parks must comply with the following:

1. All vendors must leave the food truck park upon closing of the park. If a commissary is provided on-site and the food truck vendor is approved to use the site's commissary, then the vendor will not have to move from the site each day.
2. There must be a designated manager of the site that is responsible for the orderly organization of food truck vendors, the cleanliness of the site, and the site's compliance with all rules and regulations during business hours. Such information must be clearly posted at the site.

3. The area must be kept clear of litter and debris at all times. Waste receptacles and/or recycling bins must be provided.
4. Park owners are encouraged to provide for an aesthetically pleasing environment, which includes shade and seating elements.
5. One on-premise sign is permitted at each entrance identifying the food truck park subject to the sign regulations for the C-N District. Each food truck vendor may have their own attached signs and one A-frame sign.
6. 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.
7. No temporary use permits for individual food truck vendors are required within food truck parks.

**M. Funeral Home/Crematory**

1. A smokestack of a facility for cremation within a funeral home 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.
2. 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 they are 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 ancillary 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 12.9 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.

**Editor's Note:**

Manufactured home parks have been deleted as a policy decision was made to not allow new manufactured home parks within the City. Existing manufactured home parks would be grandfathered. (Please note this applies to parks only)

~~**T. Manufactured Home Park**~~

~~1. Manufactured home parks must be a minimum of 2.5 acres in area and accommodate at build out 15 manufactured home spaces. All plans submitted for approval, per this section, are required to be designed to accommodate a minimum of 25 manufactured home spaces even if not initially built for 25 spaces.~~

~~2. There must be no less than 3,000 square feet of lot area for each space provided on the site. This ratio includes access roads, automobile parking, accessory building space, and recreational area.~~

~~3. The park must be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.~~

~~4. Yards are required as follows:~~

- ~~a. Each manufactured home park must have a front yard of 25 feet extending for the full width of the lot.~~
  - ~~b. Each manufactured home park must have a rear yard and a side yard 10 feet.~~
  - ~~c. Where a side or rear yard abuts a street, the yard must be 25 feet.~~
  - ~~d. All yards must be landscaped and maintained.~~
- ~~5. No building or structure erected or stationed in the park can exceed one story and 15 feet in height.~~
- ~~6. A manufactured home park must be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven feet in height. Such wall, fence, or hedge cannot be constructed or planted within the required front yard.~~
- ~~7. Each mobile home park is allowed to display on each street frontage one identifying sign of a maximum size of nine square feet. The sign may be lighted by indirect lighting only.~~
- ~~8. Each mobile home space must be of sufficient size that, in addition to the trailer, the following areas are provided:
  - ~~a. Each mobile home space must be at least 30 feet wide, and the space clearly defined by permanent markers.~~
  - ~~b. There must be a front yard of ten feet from all access roads within the park.~~
  - ~~c. Manufactured homes must be so harbored on each space so that there is at least a 20 foot clearance between homes; provided, however, with respect to homes parked end-to-end, the end-to-end clearance cannot be less than ten feet. No manufactured home may be located closer than 20 feet from any building within the manufactured home park.~~
  - ~~d. There must be at least one paved, off-street parking space for each space, which must be on the same site as the trailer served, and may be located in the rear or side yard of said space.~~
  - ~~e. Each mobile home space must be provided with a paved patio of at least 200 square feet and having a storage locker of at least 100 cubic feet. Storage lockers may be located in locker compounds.~~~~
- ~~9. Parking facilities must be provided for the use of guests. One space for every four manufactured home spaces is required.~~
- ~~10. Access roads within a manufactured home park must be paved to a width of not less than 24 feet. Where access roads are paved to a width of 32 feet or more, the required guest parking area is waived. All roads require a five foot sidewalk on both sides.~~
- ~~11. Manufactured home spaces may abut upon a driveway of no less than 20 feet in width, which must have unobstructed access to the access road within the park. The sole vehicular access cannot be by alley, and all dead-end driveways must include an adequate vehicular turning space or cul-de-sac.~~
- ~~12. A minimum of six inches of compacted gravel, or other suitable pavement material, must be installed for each manufactured home space. The minimum sizes of pads required is as follows:
  - ~~a. 5% of manufactured home spaces: Ten feet by 40 feet or larger~~
  - ~~b. 90% of manufactured home spaces: Ten feet by 45 feet or larger~~
  - ~~c. 5% of manufactured home spaces: Ten feet by 50 feet or larger~~~~
- ~~13. Walkways not less than two feet wide must be provided from the manufactured home spaces to service buildings.~~
- ~~14. Each manufactured home space must be provided with a connection to a sanitary sewer line or to a sewer system approved by the health department.~~

~~15. There must be a park and recreation area having a minimum of 150 square feet for each manufactured home space. Areas must be consolidated into usable areas with minimum dimensions of not less than 30 feet.~~

~~16. Each manufactured home park must be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment, and laundry facilities equipped with washing machines and dryers. Outside drying yards must be enclosed with a six-foot high solid fence.~~

~~17. Manufactured homes, with or without toilet facilities that cannot be connected to a sanitary sewer line are not permitted in the park.~~

~~18. Cabanas and other similar enclosed structures are prohibited.~~

~~19. Manufactured homes cannot be used for commercial, industrial, or other nonresidential uses within the park.~~

~~20. A site plan is required for every manufactured home park as follows:~~

~~a. The following information must be shown on the manufactured home park site plan:~~

~~i. The location and legal description of the proposed manufactured home park.~~

~~ii. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the manufactured home park.~~

~~iii. The proposed use of buildings shown on the site.~~

~~iv. The location and size of all manufactured home spaces.~~

~~v. The location of all points of entry and exit for motor vehicles and internal circulation pattern.~~

~~vi. The location of all landscaping to be provided.~~

~~vii. The location of all lighting standards to be provided.~~

~~viii. The location of all walls and fences and the indication of their height and the materials of their construction.~~

~~ix. The location of all off-street parking facilities.~~

~~x. The name and address of the applicant.~~

~~xi. Such other engineering and topographic data as may be required to permit the Metropolitan Planning Commission to determine if the provisions of this Code are being complied with.~~

~~b. A revised site plan must be submitted to the Metropolitan Planning Commission for approval of any changes, alterations, amendments, or extensions to the site plan. Approval of such changes may be granted if, in the opinion of the Metropolitan Planning Commission, the requested changes would be in keeping with the intent and provisions of this Code.~~

~~c. No building permit will be issued for construction of any building or location of any manufactured home on the land until the Metropolitan Planning Commission has approved the site plan and a statement of approval has been affixed.~~

~~d. The building permit will be revoked if construction of any part or phase of the development is not in compliance with the approved plans.~~

## **U.I. 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 site 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 site 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 no closer than 25 feet to the normal summer pool elevation.

## 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 Metropolitan Planning Commission may waive this requirement if the property opposite the proposed development site, because of topography and/or existing land use, is not adversely affected by the proposed development.

## 4. Marinas in the SW District

Marinas in the SW District are subject to the following standards.

a. Marina Types: Permitted uses include marinas as accessories to mixed use development, for mooring boats and/or for fueling boats.

b. Marina Siting: Satisfy TVA, USACE, and State of Tennessee requirements; the marina must minimize adverse effects on flow of water, commercial boat traffic and recreational rowing, minimize dredging and minimize accumulation of sediments

c. Marina Size: As a guide, the riverside width of marina cannot project past the TVA and USACE assessment line as shown on the regulating plan; minimum clear distance of fairway aisle between finger float ends shall be minimum 1.5 times the length of the longest finger float but not less than 40 feet; the marina length may be no longer than the property it serves

d. Marina Depth: Minimum six feet of water at normal low pool, max no deeper than river channel. If excavation is required to accomplish the minimum depth, TVA, USACE, or the State of Tennessee may require sediment testing to determine environmental impact of any potential dredging

e. Permitted Uses: Marinas as accessories to mixed use development, for mooring boats, and/or for fueling boats

f. Non-Permitted Uses: Dry boat maintenance, dry lifts, dry boat storage, residential boat houses, motorized boat storage, covered moorings, in-water maintenance such as pressure washing or hull scraping

g. Gangway: Gangways must have a minimum clear width of three feet and at least one gangway slope must meet ADA requirements; gangways must be aluminum with guardrails, handrails and kick plate; gangways must be hinged at one end and sliding at the other; gangways must be capable of disconnecting and stowing during flood events

- h.** Top Landing: Top landing shall have a minimum five foot x five foot platform with guardrail & lockable gate
- i.** Utilities: All utilities servicing floats shall have a shut off and/ or emergency disconnect adjacent to the top of the gangway; potable water and fire suppression lines shall not be combined
- j.** Main Floats: Main floats cannot less than five feet in unobstructed width
- k.** Finger Floats: Finger floats cannot less than three feet unobstructed in width
- l.** Structural Loads:
  - i.** Debris Deflection: Locate float systems and/or breakwater to deflect floating debris around marina
  - ii.** Flotation Materials: Timber logs and wood flotation are prohibited; concrete, steel, polyethylene, encapsulated foam, pontoon systems may be used and all floats used for fuel docks must be concrete impervious to fuel spillage
  - iii.** Impact Loads: Waterfront structures shall be designed for impact loads from vessels and floating debris up to a one in 100 year flood
  - iv.** Flotation & Anchoring: Steel guide piles or hinged steel arms must enable marina to float up to 1:100 year flood elevations plus freeboard; fixed marinas are not permitted
- m.** Environmental Considerations:
  - i.** Sewage Management: No sewer discharge to any waters; one fixed-point collection system at centrally located pumpout station to discharge to city sewer
  - ii.** Fuel Management: If fuel facilities are proposed, only land based underground storage tank out of floodway is permitted
- n.** On-Shore Components:
  - i.** Off Street Parking: Not required for marinas as an accessory to residential buildings
  - ii.** Loading Area: Allow service vehicle access to top of gangway landing
  - iii.** Signs: Signs other than for navigation and regulation are not permitted

#### **V.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 A buffer yard per Section 12.9 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.

**WV. 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. A use may be changed to any use allowed within item 2 without requiring 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. ~~Restaurant~~[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 are limited to those allowed in the C-N District.

**XW. 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.

**YX. 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.

**ZY. 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.

**AAZ. 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.
3. The number of vehicular access driveways permitted on any single street frontage is limited to:
  - a. One driveway where there is a street frontage of 100 feet or less.
  - b. Two driveways where there is a street frontage that exceeds 100 feet.
4. Driveways used for ingress and egress are limited to 25 feet in width, exclusive of curb returns.

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

1. Access to the site 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.
7. 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 site abuts a residential district and a Class A buffer yard per Section 12.9 is required.
8. 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.
9. 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.
10. Storage units cannot be used for residential occupancy or to conduct business.
  11. No plumbing connections are permitted in self-storage units.
  12. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be allowed in the district.
  13. 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.
  14. 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.

#### **CCBB. 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.
3. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the use has been discontinued. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment. ~~Decommissioning includes removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.~~

#### **DDCC. Vehicle Repair/Service**

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days 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 12.9 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. This standard does not apply to vehicles under repair.

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.

#### **EEDD. 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.—All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.~~

~~3.—All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.~~

~~4.—All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.~~

~~5.—An engineer's certificate must be completed by a structural engineer, licensed in the State of Tennessee, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.~~

**62.** Wind turbines must comply with the following design standards:

**a.** Wind turbines must be a non-obtrusive and non-reflective color. ~~The facility owner or operator must maintain the paint on wind turbines at all times in good repair.~~

**b.** Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.

~~**c.** Within the wind energy system, wind turbines must be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.~~

**dc.** Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.

**ed.** 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.

**fe.** Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.

~~**g.** A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad mounted transformers and substations.~~

**73.** 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. ~~Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.~~

**94.** 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.

**95.** 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.

~~**106.** All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower.~~ 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.

**147.** 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.

**148.** 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.

**139.** A shadow flicker study is required, and must be submitted with the application. [Projects must mitigate shadow flicker on existing structures](#) A wind turbine's ~~and~~ shadow flicker must not fall ~~on any existing structure, measured at the nearest external wall or walls, or~~ within the buildable area of an adjacent vacant lot, as defined by current setback requirements.

**1410.** 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, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.~~

## **FFEE. 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 Metropolitan Planning Commission (MPC), 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 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.
- 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 standards of the 2012 International Fire Code (IFC), section 503.1.4. 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.

Zoning Districts	Permitted Tower Type/ Antenna Locations	Maximum Tower Height	Stealth Design	Type of Review
<b>Industrial Districts</b>	Small Cell Monopole Type 1 Monopole Type 2	200'	Encouraged	Level I
<b>Commercial Districts</b>	Small Cell Monopole Type 1 Monopole Type 2	150'	Encouraged	Level I
<b>Other Districts</b>	Small Cell Monopole Type 1	125'	Encouraged	Level I
<b>Residential Districts</b>	Small Cell	125'	Encouraged	Level II
<b>Overlays</b>	Monopole Type 1	125'	Encouraged	Level II
<b>F</b>	Not Permitted			

**5. Types of Review**

**a. Chief Building Official Review**

The Chief Building Official or his/her designee will review collocations on existing towers.

**b. Metropolitan Planning Commission Review**

There are two levels of review that are made by the Metropolitan Planning Commission.

**i. Level I**

This is an administrative review by the MPC 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 Metropolitan 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**

MPC 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 Metropolitan Planning Commission will determine if the application complies with the Code by approving or denying an application.

**b. Public Hearing**

The Metropolitan 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 Metropolitan 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. Metropolitan 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 Metropolitan Planning Commission.

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

Any person, firm or corporation aggrieved by any decision of the Metropolitan Planning Commission may petition the City Council to consider the same in accordance with the provisions set forth in Section 15.11.

**g. Validity of plans**

All approved plans, conditions, restrictions, and rules made a part of the approval of the Metropolitan 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 Metropolitan 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**

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

**a. General Requirements**

i. For public hearing review, a pre-application meeting with Metropolitan 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 site 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 Metropolitan 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 County 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 Chief Building official 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 Chief Building Official. Failure to do so is deemed a violation of these regulations. The owner of the tower may appeal the decision of the Chief Building Official 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 Metropolitan 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 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.](#)

#### **AB. 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 site.
  - d. Provision for waste removal.
  - e. The days and hours of internal operation, including vendor set-up and take-down times.

#### **BC. 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.

**CD. 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.

**DE. 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.

**EE. 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.

**FG. Temporary Outdoor Entertainment**

1. 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 site.
  - 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.
2. 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 K below.



3. Time limits are as follows:

- a. Time limitations apply to the lot, not the operator of the use.
- b. Events 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. However, a temporary use permit for a carnival or circus is valid for a period of four events per calendar year no more than 15 days per event, with a minimum of 30 days between events.
- c. The Administrative Review Committee, upon review of the temporary use permit, may increase these timeframes.

**GH. Temporary Outdoor Sales**

1. 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 site.
- 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.

2. 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 K below.

3. Temporary outdoor sales events are limited to four events per calendar year and a maximum duration of five days per event. This limitation applies to the lot, not the operator of the temporary use. The following exceptions apply:

- a. 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. There is no minimum time between events.
- b. A portion of a parking area may be used for temporary outdoor sales on a temporary basis for a maximum of 30 days no more than two times in a calendar year, in terms of both display structure and goods displayed or sold. 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 the temporary outdoor sales and display.
- c. The Administrative Review Committee, upon review of the temporary use permit, may increase these timeframes.

4. No sales and display area is permitted in any public right-of-way.

**HI. 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 site 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 site 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.

## ARTICLE 10. SITE DEVELOPMENT STANDARDS

- 10.1 GENERAL DEVELOPMENT REQUIREMENTS
- 10.2 EXTERIOR LIGHTING
- 10.3 ACCESSORY STRUCTURES AND USES
- 10.4 PERMITTED ENCROACHMENTS
- 10.5 ENVIRONMENTAL PERFORMANCE STANDARDS

### 10.1 GENERAL DEVELOPMENT REQUIREMENTS

#### A. Number of Structures on a Lot

There must be no more than one principal building per lot on any lot used for a single-family or two-family dwelling. This does not include permitted accessory structures or permitted accessory dwelling units. In all other cases, more than one principal building is permitted on a lot, provided that all structures comply with the dimensional standards of the district.

#### B. All Activities within an Enclosed Structure

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lot, principal and ancillary.
2. Public park, conservation area, community garden, golf course/driving range, and similar open space uses.
3. Establishments that typically include an outdoor component, including, but not limited to: agriculture, outdoor amusement facility, outdoor storage yard, heavy retail, rental, and service, greenhouse/nursery – retail, outdoor dining, car wash, animal care facility, industrial, and similar uses where outdoor functions are typical, to be confirmed by the Zoning Administrator. Any use may be limited or the outdoor component prohibited as a condition of a special use, when special use approval is applicable.
4. Permitted accessory outdoor storage, and accessory outdoor sales and display areas.
5. Permitted outdoor temporary uses.

#### C. Applicability of Setbacks

No setback may be reduced so that it is less than required by this Code. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Code or a variance is approved.

#### D. Applicability of Dimensional Requirements

All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located unless a variance is approved.

### 10.2 EXTERIOR LIGHTING

#### A. Lighting Plan Required

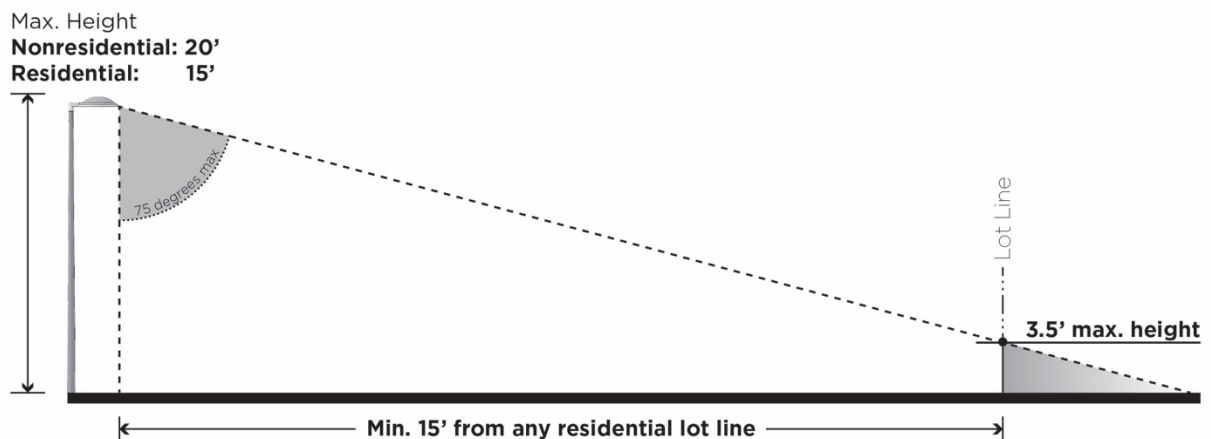
1. A lighting plan is required for all nonresidential uses (including mixed-use), multi-family, and townhouse developments. Single-family and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. A lighting plan must include the following:
  - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting.
  - b. Specifications for luminaires and lamp types, and poles, including photographs or drawings of proposed light fixtures.
  - c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.

- d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.
- e. For developments subject to site plan review, photometric plans that show the footcandle measurement at all lot lines may be required if the lot is adjacent to a residential district.
- f. Other information and data reasonably necessary to evaluate the required lighting plan.

**B. Lighting Standards**

- 1. All luminaires must be of the cut off luminaire design.
- 2. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 feet above the ground at any point along an abutting lot line.
- 3. A freestanding cut off luminaire must be located at least 15 feet from any residential district lot line.
- 4. The maximum total height of a freestanding cut off luminaire is 20 feet in a nonresidential district, and 15 feet in a residential district.
- 5. The following additional lighting trespass standards apply in the SW District:
  - a. **SW-1 and SW-2 Subdistricts**  
Pre-curfew limitations for Environmental Zone E2 as defined by Illuminating Engineers Society of Lighting for Exterior Environment RP-33.
  - b. **SW-3 and SW-4 Subdistricts**  
Pre-curfew limitations for Environmental Zone E3 as defined by Illuminating Engineers Society of Lighting for Exterior Environment RP-33.
  - c. **SW-5, SW-6, and SW-7 Subdistricts**  
Pre-curfew limitations for Environmental Zone E4 as defined by Illuminating Engineers Society of Lighting for Exterior Environment RP-33.

**CUT OFF LUMINAIRE**



**C. Exceptions to Lighting Standards**

- 1. Luminaires used for public roadway illumination are not controlled by this Code.
- 2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this Code.

3. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, driving ranges, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may only be approved by special use permit. All lighting must be directed onto the field.
4. Holiday and seasonal lighting designs are exempt from the requirements of this Code.
5. Certain temporary uses may use lighting that does not meet the requirements of this section. When such temporary uses are allowed, approval of the lighting plan is required as part of the temporary use permit.
6. River navigation lighting used exclusively for river navigation and safety purposes are exempt from the requirements of this Code.

#### **D. Prohibited Lighting**

1. Flickering or flashing lights are prohibited.
2. Searchlights, laser source lights, or any similar high intensity lights are prohibited.
3. Neon or LED lighting to outline doors, windows, architectural features, and building facades is prohibited.

### **10.3 ACCESSORY STRUCTURES AND USES**

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 10.4. Additional accessory structures not regulated in this section may be regulated in Section 10.4.

#### **A. General Regulations for Accessory Structures**

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section and Code.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory. This does not apply when the use does not have an associated principal structure, such as a personal, community, or market garden.
2. A building permit may be required for the construction of an accessory structure, per the Building Code.
3. Only those accessory structures permitted by this section and Section 10.4 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards.
  - a. The use of the term “yard” refers to the area between the applicable building facade line and lot line. The distinction is made because certain principal buildings may not be built at required setback lines, thereby creating a yard larger than the minimum setback dimension.
  - b. If a structure is permitted within a yard, it is permitted within the required setback but may be subject to additional limitations.
  - c. Where there is no structure on the lot, no accessory structure is permitted in the setback required by the district.
4. The maximum height of any detached accessory structure is 18 feet, unless otherwise permitted or restricted by this Code. An accessory structure cannot exceed the height of the principal structure. These height limitations do not apply to any structure accessory to an active agricultural use, which are not limited in height.
5. Detached accessory structures, including those listed in this section and Section 10.4, must be setback five feet from any lot line, unless otherwise permitted or restricted by this Code.

6. The maximum coverage of detached accessory structure is as shown in the chart below. In addition, all structures and must comply with the building coverage requirements of the district.

Lot Area	Maximum building coverage for a single accessory structure
15,000sf or less	750sf or the building coverage of the primary structure, whichever is less
More than 15,000sf, but less than acre	900sf or the building coverage of the primary structure, whichever is less
One acre or more	1,100sf or the building coverage of the primary structure, whichever is less

7. The footprint of any single detached accessory structure cannot exceed the footprint of the principal building. This does not apply to any structure accessory to an active agricultural use, which are not limited in area.

8. No accessory structure may contain cooking facilities or plumbing; however the ground level of a detached garage may contain plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

### B. Accessory Dwelling Unit (ADU)

1. The design and size of the accessory dwelling unit must conform to all applicable building codes. When there are practical difficulties involved in carrying out the provisions of the building codes, the building official may grant modifications for individual cases.

2. The building official must certify that utilities are adequate for the ADU.

3. A lot must have a minimum area of 5,000 square feet to qualify for an ADU.

~~34.~~ Only one ADU is permitted per lot. ~~A lot must have a minimum area of 5,000 square feet to qualify for an ADU.~~

~~45.~~ The ADU may be within, attached to, or detached from the primary dwelling structure and may be a part of a detached accessory structure. An ADU may be developed within an existing structure or as new development.

6. A detached ADU must be set back eight feet from an interior side lot line and ten feet from a rear lot line. A detached ADU is not permitted in a front yard or corner side yard.

7. An ADU is limited to the following maximum gross floor areas:

Lot Area	Maximum GFA
20,000sf or greater	1,200sf
10,000sf but less than 20,000sf	1,000sf
7,000sf but less than 10,000sf	800sf
5,000sf but less than 7,000sf	600sf

~~58.~~ In no case may an ADU exceed 40% of the primary dwelling ~~habitable~~ floor area, ~~nor more than 1,000 square feet or less than 300 square feet,~~ nor more than 2 bedrooms, ~~unless warranted by the circumstances of the particular building.~~

~~69.~~ The ADU must be designed so that the appearance of the primary structure remains that of a house. The entrance to the ADU must be located in such a manner as to be unobtrusive from the same view of the structure that encompasses the entrance to the principal dwelling.

~~710.~~ No additional parking is required for the ADU.

### C. Amateur (ham) Radio Equipment

1. Towers that solely support amateur (ham) radio equipment and conform to all applicable performance criteria set forth in Section 10.5 are permitted in the rear yard only and must be located ten feet from any lot line. Towers are limited to the maximum building height of the applicable district plus an additional five feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and a special use approval is obtained.

2. Antennas may also be building-mounted and are limited to a maximum height of five feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.
3. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.
4. An antenna or tower that is proposed to exceed the height limitations is a special use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 10.5. As part of the application, the applicant must submit a plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.
5. Any such antennas and/or towers owned and operated by the City or other government agencies are exempt from these requirements.

#### **D. Apiary**

1. New apiaries must be registered with the Tennessee Department of Agriculture.
2. Hives are allowed only in interior side or rear yards.
3. Hives must be set back ten feet from all lot lines and public sidewalks. This does not apply if the yard is screened by a solid wall or solid fence.
4. When the apiary is located within a yard not bounded by a solid wall or solid fence, a flyway of at least six feet in height comprising of a lattice fence, dense hedge, or similar barrier must be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway must be located within three feet of the hive opening and extend at least two feet in width on either side of the hive opening.
5. Hive openings must face away from the nearest abutting lot.
6. Hives must have a fresh water supply located on property.
7. For any rooftop apiary within 20 feet of doors and/or windows of the principal building on an abutting lot, one of the following conditions must exist:
  - a. The hive opening must face away from doors and/or windows of the principal building on the abutting lot.
  - b. A flyway of at least six feet in height comprising of a lattice fence, dense hedge, or similar barrier must be established in front of the opening of the hive such that the bees fly upward and away from neighboring properties. The flyway must be located within three feet of the hive opening and extend at least two feet in width on either side of the hive opening.

#### **E. Aquaponics and Hydroponics**

All systems must comply with applicable federal, state, and local regulations for water use and discharge, and for the possession, propagation, culture, sale, and disposition of living marine organisms.

#### **F. Carport**

1. Carports must be located over a driveway and must be located ten feet from any lot line.
2. A carport is permitted in the interior side yard, corner side yard, or rear yard only.
3. The total length of a carport is limited to 22 feet.
4. A carport must be entirely open on at least two sides, with the exception of necessary support structures.
5. A carport must be constructed as a permanent structure with permanent building materials. Temporary tent structures and other cloth or vinyl coverings are not considered a permanent structure.

6. Carports cannot be used as recreational vehicles storage.

### G. Chicken Coops

The keeping of chickens must comply with Chapter 5, Sec. 5-107 of the City Code.

### H. Composting

1. Bins or piles are allowed only in rear yards and must be set back five feet from lot lines.
2. Bins or piles must not exceed 5% of the total lot area and six feet in height.
3. Bins or piles must be located outside of any required riparian buffer zone.
4. Compost must be enclosed or contained.
5. Compost must only be used for the composting of materials generated on-site, and cannot contain any meat or dairy.
6. Compost is subject to enforcement of odor performance standards.

### I. Electric Vehicle Charging Station

The following standards apply to electric vehicle charging stations located on private property.

1. Electric vehicle charging stations are permitted as an accessory use ~~within any principal or ancillary parking lot or parking structure, or gas station~~ in all districts.
2. Electric vehicle charging stations may be for public or private use.
- ~~3. Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwelling(s) located on that property.~~
- ~~3. Public electric vehicle charging station spaces must be posted and painted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if tow away provisions are to be enforced by the owner of the property. Information identifying voltage and amperage levels and/or safety information must be posted.~~
- ~~4. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.~~

### J. Fences and Walls

#### 1. General Requirements for All Fences

- a. Every fence and wall must be maintained in a good repair and safe condition at all times. Every damaged or missing element must be repaired, removed, or replaced.
- b. When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located. All fence posts must be placed on the inside of the fence.
- c. Fence height is measured from the adjacent ground to the highest point, except that decorative posts of a fence or wall may exceed the maximum height by nine inches.
- d. If a fence of a greater height is required and/or a fence is required to be a solid fence by any other section of this Code or other City ordinance, then such fence is required.
- e. Fences are prohibited within any drainage or utility easement or any designated floodway.
- f. Barbed wire fences, fences containing spikes, and electric fences are permitted only in accordance with Chapter 19, Sec. 19-100 of the City Code.

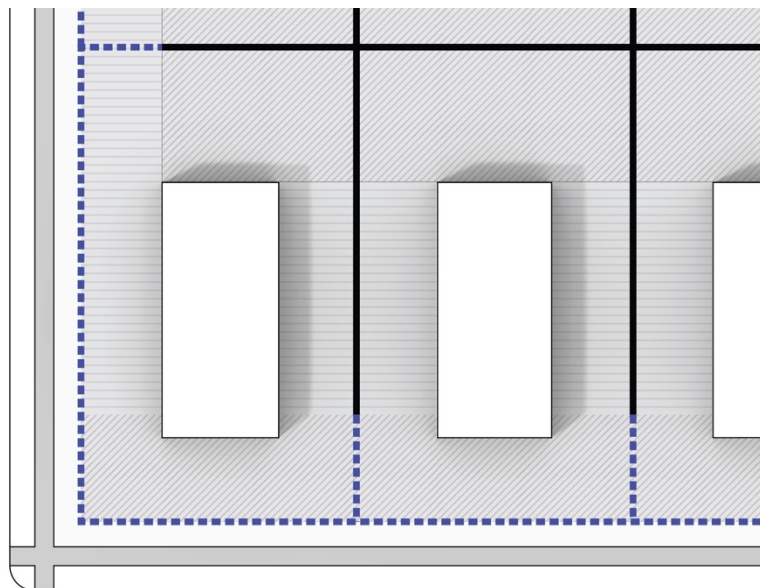


- g. The following materials are prohibited in the construction of fences and walls:
  - i. Scrap metal
  - ii. Corrugated metal
  - iii. Sheet metal
  - iv. Corrugated plastic

**2. Fences in Residential Districts**

- a. From five feet behind the front building line to the front lot line, fences and walls are limited to 42 inches. There is no limit on fence height in other yards.
- b. Fences may be constructed at the boundaries of a lot without setback with the exception of the required visibility triangle.

**FENCES IN RESIDENTIAL DISTRICTS**



**Residential Districts**  
----- 42" maximum fence/wall height restriction

**3. Fences in Non-Residential Districts (Excluding the CU and SW Districts)**

- a. Fences are prohibited in the front and corner side yards. This restriction does not apply if fencing is required to screen parking areas.
- b. In all other yards, a fence of any type, wall, or hedge is permitted up to a maximum height of six feet.

**4. Fences in the CU District**

These provisions control over any conflicting provisions within this section in the CU District.

- a. Fences and walls may be placed up to the lot line, and any posts or supporting rails must face inward toward the property being fenced.
- b. A wall or fence located in a primary or side street yard, not used for a required screen, is limited to six feet in height. The opacity of the wall or fence above four feet in height must exceed 50%.

- c. A wall or fence located in a side or rear yard is limited to eight feet in height.
- d. Walls must be constructed of high quality materials including one or a combination of the following:
  - i. Decorative blocks
  - ii. Brick
  - iii. Stone
  - iv. Cast-stone
  - v. Split-faced block
  - vi. Stucco over standard concrete masonry blocks
  - vii. Glass block
  - viii. Other material approved by the Administrative Review Committee
- e. Fences must be constructed of high quality materials including one or a combination of the following:
  - i. Wood
  - ii. Composite fencing
  - iii. Wrought iron
  - iv. Steel
  - v. Aluminum
  - vi. PVC vinyl
  - vii. Other material approved by the Administrative Review Committee
- f. Barbed wire or concertina wire is prohibited.
- g. Chain-link fences are prohibited in any primary or side street yard.

**5. Fences in the SW District**

The following height limitations apply in the SW District and control over any conflicting provisions within this section.

- a. Side or rear privacy fence or wall: Eight foot maximum height
- b. Front or corner side fence or wall: 42 inches maximum height

**K. Flagpoles**

- 1. Flagpoles are limited to the maximum of three poles.
- 2. Flagpoles are limited to a maximum height of the district or 35 feet, whichever is less.
- 3. Flagpoles must be setback a minimum of five feet from any lot line.
- 4. External illumination of flags is permitted but must be focused on the flagpole and flag.

**L. Flat Roof Features**

Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater management systems are permitted below the parapet of any flat roof building, and are excluded from the calculation of maximum building height. Flat roof features must meet the following standards:

1. For green roofs, rooftop gardens, and similar features, documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water.
2. For multi-family, mixed-use, and nonresidential buildings, rooftop decks or patios must be set back 18 inches from all building edges.
3. Guardrails are required per the standards of the Building Code.

**M. Freestanding Roofed Structure, Pergola, or Gazebo**

1. A freestanding roofed structure, pergola, or gazebo is permitted in the interior side yard, corner side yard, or rear yard only. No freestanding roofed structure, pergola, or gazebo may be located in the front yard.
2. A freestanding roofed structure, pergola, or gazebo must be located five feet from any lot line.

**N. Garage, Detached**

1. Detached garages are permitted in the rear, interior side, and corner side yards. Detached garages must be set back a minimum of five feet from the front building line. This building line does not include architectural features, such as bay windows or porches. No setback is required from any side or rear building line.
2. When a detached garage is served by an alley, the minimum required setback from the rear lot line is:
  - a. 12 feet when garage doors are oriented to the alley
  - b. Five feet when garage doors are oriented to the side yard

**O. High Tunnels and Greenhouses**

1. High tunnels and Greenhouses must be at least 72 inches in height, and are subject to the maximum height for an accessory structure in the zoning district.
2. High tunnels must be placed over an area designated for crop cultivation where crops are grown in the natural soil profile or in raised beds.
3. High tunnels and greenhouses must use greenhouse-grade, UV-resistant covers.
4. The maximum high tunnel bow spacing is six feet.
5. All high tunnels and greenhouses must comply with all federal, state, and local regulations for runoff, erosion, and sediment control.

**P. Home Occupation**

1. No more than one person other than members of the household residing on the premises may be engaged in such occupation.
2. There must be no change in the outside residential appearance of the building. Outdoor storage is prohibited and no other visible evidence of the conduct of such home occupation is allowed except one sign not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
3. No traffic may be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

4. No equipment or process may be used in such home occupation that increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or outside the dwelling unit. In the case of electrical interference, no equipment or process may be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
5. Motor vehicle repair and vehicle dispatch for any business where vehicles to be dispatched congregate on site are prohibited as home occupations.
6. Day care homes are not considered a home occupation and are regulated as a principal use per Article 9.

**Q. Low Tunnels and Cold Frames**

1. Cold frames and low tunnels must have a height that is less than 72 inches above grade.
2. All covers must be securely fastened.
3. Once the growing season is complete, all hoops, covers, and materials must be removed.

**R. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment.

**1. Ground-Mounted Equipment**

- a. Mechanical equipment is permitted in the interior side or rear yard only.
- b. For multi-family and nonresidential uses, ground-mounted mechanical equipment must be screened from public view by a decorative wall, solid fence, or year-round landscaping that is compatible with the architecture and landscaping of a development site. The wall, fence, or plantings must be of a height equal to or greater than the height of the mechanical equipment being screened.

**2. Roof-Mounted Equipment**

- a. For structures four or more stories in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet in height.
- b. For structures less than four stories in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.
- c. In the CU District, all roof-mounted equipment in the CU District must meet the requirement of item b above and is not subject to the setback requirement of item a.

**3. Wall-Mounted Equipment**

The following does not apply to wall-mounted equipment that encroaches into the public right-of-way. Any modifications of these standards are subject to Administrative Review Committee approval.

- a. Wall-mounted mechanical equipment is not permitted on the street facing façade of the building (does not include alleys).
- b. For multi-family and non-residential uses, wall-mounted mechanical equipment that protrudes more than 12 inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building.
- c. Wall-mounted mechanical equipment that protrudes less than 12 inches must be designed to blend with the primary color and architectural design of the subject building.
- d. In the CU District, any wall-mounted equipment that is visible from a public right-of-way must be screened from view by structural features that are compatible with the architecture of the subject building.
- e. These requirements do not apply to window air conditioning units or satellite dishes in any district.

### S. Outdoor Sales and Display (Accessory)

These regulations apply only to outdoor sales and display located on the lot.

1. Retail goods establishments in the nonresidential districts are permitted to have accessory outdoor sales and display of merchandise. Such merchandise must be customarily sold on the premises.
2. All outdoor display of merchandise must be located adjacent to the storefront or within a parking lot. Outdoor display cannot be located within a drive aisle, loading zone, or fire lane.
3. No display may be placed within five feet of either side of an active door, or within 15 feet directly in front of an active door.
4. A minimum clear width for pedestrian traffic of five feet is maintained.
5. Outdoor sales and display in the CU District must comply with the following additional provisions:
  - a. Outdoor sales and display must be removed and placed inside a fully-enclosed building at the end of each business day.
  - b. Outdoor sales and display is permitted adjacent to the primary facade with the principal customer entrance, but cannot extend more than eight feet from the facade and occupy no more than 30% of the horizontal width of the facade.
  - c. There may be incidental, temporary outdoor display and sale of merchandise normally sold by a business at the following times:
    - i. Special sales events endorsed by the Cumberland Avenue Merchants Association.
    - ii. University of Tennessee home football game weekends.
    - iii. For ~~5-five~~ consecutive days beginning ~~2-two~~ days prior to the University of Tennessee fall and spring semester registration.

### T. Outdoor Storage (Accessory)

Nonresidential uses are permitted outdoor storage as follows:

1. The following uses are permitted outdoor storage: amusement facility – outdoor, personal, community, and market garden, greenhouse/nursery – retail, including the growing of plants in the open, heavy retail, rental, and service, general and heavy industrial, public safety and public works facilities, vehicle dealership, vehicle rental, vehicle operations facility, vehicle repair/service, warehouse and distribution, and wholesale establishment. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site.
2. Outdoor storage must comply with the following provisions:
  - a. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic. Outdoor storage is prohibited in a required setback and in the front yard.
  - b. All manufacturing, assembly, repair, or work activity must take place inside an enclosed building.
  - c. No required parking area may be used as outdoor storage.
3. Outdoor storage in the CU District is not permitted except with permission of the Metropolitan Planning Commission. The Metropolitan Planning Commission will determine where outdoor storage may be allowed on the site, and its extent (vertically and horizontally) must be shown on the site plan.

## U. Refuse Dumpsters, Recycling Containers, and Recycling Collection Facility

### 1. Refuse Dumpsters and Recycling Containers

Refuse and recycling container regulations apply to multi-family dwellings and nonresidential uses.

- a. Refuse and recycling containers are prohibited in the front yard. In the CU District, refuse and recycling containers must be located to the side or rear of buildings. No refuse dumpsters may be located in the public right-of-way.
- b. All refuse dumpsters and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The wall or wall extension must be constructed as an integral part of the building's architectural design
- c. The enclosure must be gated. Such gate must be solid and a minimum of six feet and a maximum of eight feet in height. Such construction requires a building permit. This requirement does not apply to refuse containers located adjacent to an alley.
- d. The gate must be maintained in good working order and must remain locked except when refuse/recycling pick-ups occur. The gate must be architecturally compatible with other buildings and structures on the site.
- e. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen.

### 2. Recycling Collection Facility

- a. Containers must be set back a minimum of ten feet from any lot line or building. When a recycling collection facility abuts a residential district, or any open space or institutional use, it must be located 25 feet from a lot line and a Class B buffer yard per Section 12.9 and a solid wall or fence, a minimum of six feet and a maximum of eight feet in height, is required.
- b. Containers cannot be located to obstruct pedestrian or vehicular traffic.
- c. Containers must post one identification sign per container or vehicle which identifies the type of material to be placed in the container or vehicle, the name and telephone number of the operator, the hours of operation, and a warning that no material may be left outside the container or vehicle.
- d. Five percent of the required parking spaces for the primary use may be used for the recycling collection facility.

## V. Satellite Dish Antennas

### 1. General Requirements

- a. Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- b. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- c. Antennas no longer in use must be immediately removed.
- d. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

### 2. Additional Standards for Large Satellite Dish Antennas

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

- a. Large satellite dish antenna are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.

- b. Roof-mounting is permitted only if the satellite dish antenna is entirely screened from public view along the right-of-way by an architectural feature.
- c. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences or walls or plant materials located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

## W. Solar Panels

### 1. General Requirements

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

### 2. Building-Mounted Systems

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
- d. Wall-mounted solar panels may project up to ~~two~~four feet from a building façade and ~~must~~should be integrated into the structure as an architectural feature.

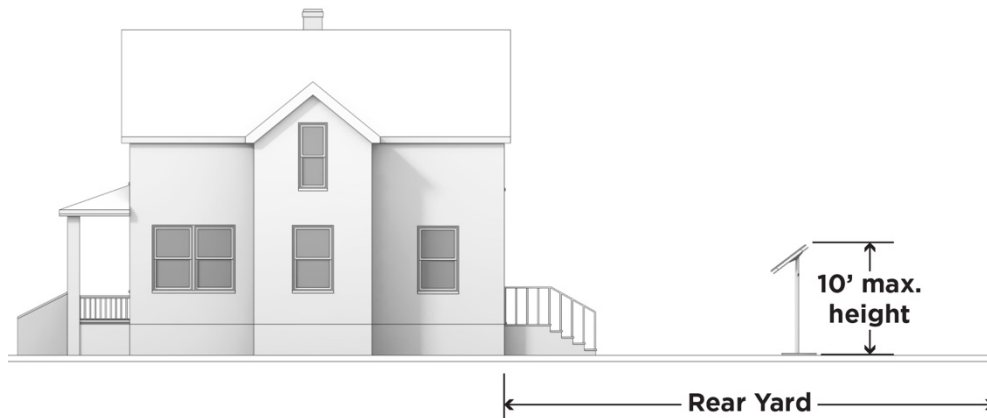
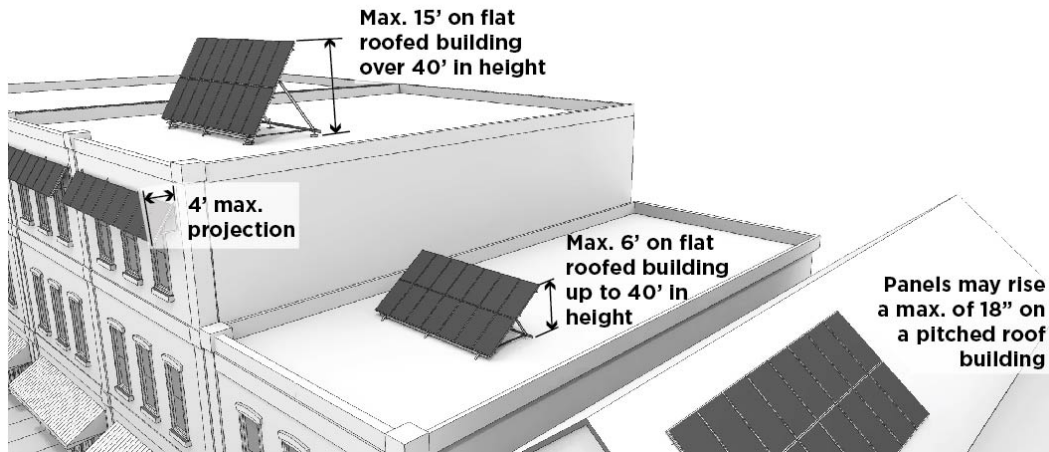
### 3. Freestanding Systems

- a. A freestanding system is prohibited in the front yard.
- b. The maximum height of a freestanding system is ten feet.

### 4. Co-Location

- a. Solar panels may be co-located on existing structures such as wireless communication towers and light poles.
- b. Solar panels may be co-located on the roof of accessory structures such as pergolas and parking lot shade structures.

## SOLAR PANELS



### X. Swimming Pool (Private)

1. A private swimming pool is any pool or open tank having a depth of more than 30 inches that is designed and built for swimming and bathing. This does not include spas and hot tubs that are securely covered when not in use by a sturdy insulated top capable of restricting access by children.
2. No swimming pool or part thereof, including aprons, walks and equipment rooms, may encroach into any required front, corner side, or interior side yard.
3. A community club swimming pool cannot be located closer than 25 feet to any perimeter lot line of the development.

### Y. Tennis Court (Private)

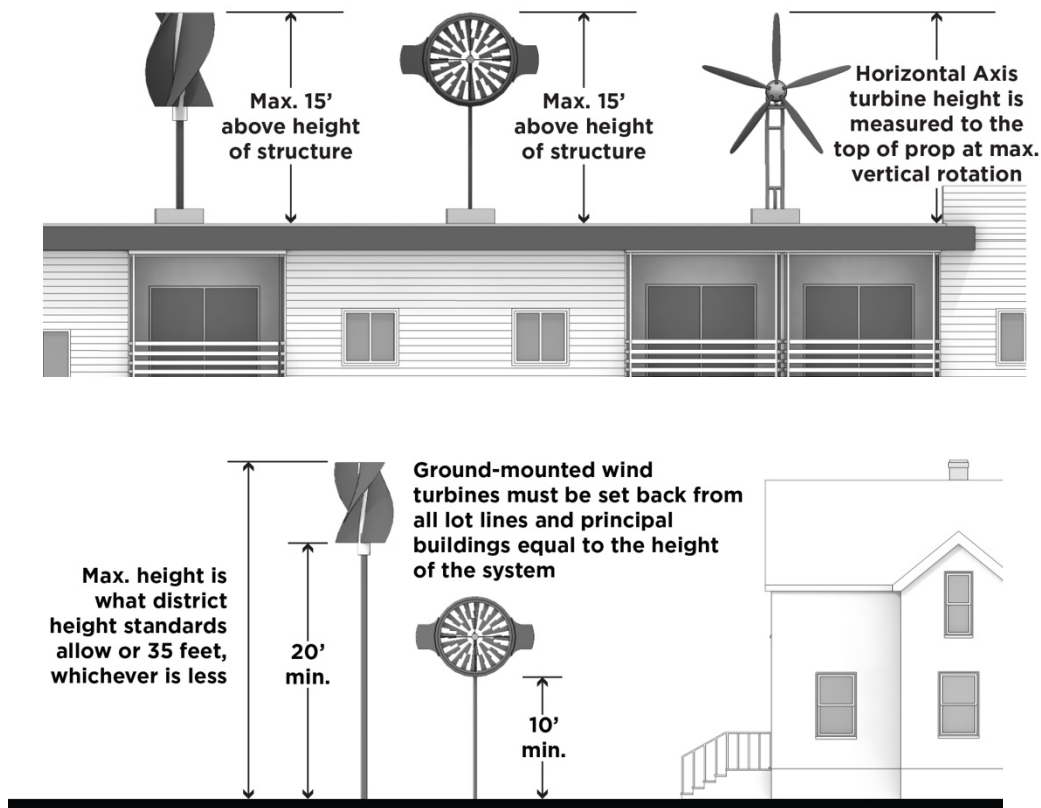
1. No part of the court or its appurtenances may encroach into any required front, corner side, or interior side yard.
2. A community tennis club cannot be located closer than 25 feet to any perimeter lot line of the development.



## Z. Wind Turbines

1. Wind turbines may be designed as either vertical or horizontal axis turbines, or designs that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
  - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district or 35 feet, whichever is less. A taller height may be allowed by special use.
  - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
  - c. Maximum height is the total height of the turbine system as measured from the base of the tower to the top. For vertical axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.
  - d. No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within ten feet of the ground.
3. Ground-mounted wind turbines are permitted only in the rear yard. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

### WIND TURBINES



#### 10.4 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of an accessory structure or architectural feature into a required setback. Permitted encroachments are indicated in Table 10-1: Permitted Encroachments into Required Setbacks.

- A. Section 10.3 contains regulations on additional accessory structures and architectural features not listed in Table 10-1, which may include additional permissions or restrictions for their permitted encroachment into required setbacks.
- B. Unless otherwise indicated, all accessory structures and architectural features must meet the requirements for general accessory structures.
- C. When an attached or detached accessory structure or architectural feature regulated by Table 10-1 is permitted to locate in a required setback, it also indicates permission to locate in the corresponding yard.
- D. When an accessory structure or architectural feature regulated by Table 10-1 is prohibited from encroaching in a required setback, the structure or architectural feature may be located in the corresponding yard beyond the required setback line unless specifically prohibited by the table.
- E. Certain accessory structures may require a building permit per the Building Code.

Table 10-1: Permitted Encroachments Into Required Setbacks				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Arbor	Y	Y	Y	Y
Awning or Sunshade Max. of 2' from building wall Does not include awnings used as a sign (See Chapter 12) <u>or</u> <u>solar panels mounted on the wall</u>	Y	Y	Y	Y
Balcony Max. of 6' into front, interior side, or corner side setback Max. of 8' into rear setback Min. of 4' from any lot line Min. vertical clearance of 8'	Y	Y	Y	Y
Bay Window Max. of 5' into any setback Min. of 24" above ground	Y	Y	Y	Y
Canopy (Residential Uses) Max. of 5' into any setback Min. of 4' from any lot line Max. 15' width or no more than 3' extension on either doorway side, whichever is less Does not include canopies used as a sign (See Chapter 12 of the City Code)	Y	Y	Y	Y
Canopy (Non-Residential Uses) Max. of 18" from the curb line Max. 15' width or no more than 3' extension on either doorway side, whichever is less Does not include canopies used as a sign (See Chapter 12 of the City Code)	Y	Y	Y	Y
Chimney Max. of 18" into setback	Y	Y	Y	Y
Deck Max. of 5' into front, corner side, or interior side setback Max. of 10' into rear setback Prohibited in front yard Max. height of 5' above grade	Y	Y	Y	Y
Eaves Max. of 2' into setback	Y	Y	Y	Y

Table 10-1: Permitted Encroachments Into Required Setbacks				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Exterior Stairwell <i>Max. of 6' into setback</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Fire Escape <i>Max. of 3' into setback</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 4' from any lot line</i>	N	N	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Stoop <i>Max. of 4' into setback</i>	Y	Y	Y	Y

## 10.5 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

### A. Noise

No activity or use must be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.

### B. Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

### C. Vibration

No earthborne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

### D. Dust and Air Pollution

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

### F. Discharge and Disposal of Radioactive and Hazardous Waste

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

### G. Electromagnetic Interference

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

**H. Odors**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor.

**I. Fire and Explosion Hazards**

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

## ARTICLE 11. OFF-STREET PARKING

- 11.1 APPLICABILITY
- 11.2 GENERAL REQUIREMENTS
- 11.3 LOCATION AND SETBACKS
- 11.4 REQUIRED OFF-STREET PARKING SPACES
- 11.5 DIMENSIONS OF OFF-SITE PARKING FACILITIES
- 11.6 DESIGN OF OFF-SITE PARKING FACILITIES
- 11.7 ACCESS AND DRIVEWAY DESIGN
- 11.8 SHARED PARKING
- 11.9 BICYCLE PARKING PROVISIONS
- 11.10 REQUIRED OFF-STREET LOADING SPACES
- 11.11 OUTDOOR STORAGE OF COMMERCIAL VEHICLES
- 11.12 OUTDOOR STORAGE OF RECREATIONAL VEHICLES

### 11.1 APPLICABILITY

#### A. General Applicability

1. These regulations are applicable in all zoning districts that do not specify off-street parking requirements exclusive to that district. If the district specifically requires certain off-street parking, those requirements control.
2. Where an existing building or existing parking facility, or both, is being renovated or redeveloped, item B below applies. However, mixed-use non-residential multi-tenant structure (no residential component) are only subject to item B.1 below, where renovation or redevelopment exceeds 50% of the assessed or appraised value of the lot and building(s) being renovated.

#### B. Redevelopment of Existing Structures and Facilities

##### 1. Renovation/Redevelopment Exceeding 50% of Value

When an existing building(s) is redeveloped or renovated, and such change exceeds 50% of the assessed or appraised value of the lot and building(s) being renovated, whichever is the greater of the two, required parking must be provided according to this Article. If the recalculation of parking requirements under this section results in parking spaces that exceed any maximums set forth in this Article, the excess parking spaces may continue to be used and are not required to comply with this section.

##### 2. Renovation/Redevelopment Less Than 50% of Value

When an existing building(s) is redeveloped or renovated, the property is not subject to the requirements of this Article if the cost of the redevelopment or renovation is less than 50% of the assessed or appraised value of the lot and building(s) being renovated, whichever is the greater of the two. In such instances, nonconforming parking areas may be continued and counted towards the total parking requirements for any new use, addition, or extension placed on the property if, in the opinion of the Department of Engineering, the existing parking design does not pose a threat to traffic safety. The Department of Engineering may require redesign of such areas if a traffic safety hazard can be eased or eliminated. Loss of parking spaces resulting from the required redesign will be considered by the Department of Plans Review and Inspections in determining the minimum parking requirements.

##### 3. Redevelopment of Existing Parking Lots

When existing parking lots are modified or altered, the modified or altered portions must be designed and constructed in compliance with the standards of this Article.

### 11.2 GENERAL REQUIREMENTS

- A. Off-street parking facilities must be surfaced with those materials allowed in the City Department of Engineering Land Development Manual, as updated April 2007 and any subsequent editions.
- B. The storage of merchandise, the storage of automobiles or other motor vehicles for sale, or the repair of automobiles or other motor vehicles on required off-street parking facilities is prohibited.
- C. Wherever parking is required by this Article, no building permit will be issued prior to approval of entryways to affected City streets and/or state highways by the appropriate City and/or state official.

### 11.3 LOCATION AND SETBACKS

**A.** Off-street parking for uses other than residential uses may be provided on a lot other than that on which the principal use is located if the required number of parking spaces for any land use cannot be provided on the same lot on which the principal use is located, according to the requirements of Section 11.8 below.

**B.** Parking lots with common frontage on the same block and on the same side of the road with residentially zoned lots must be setback 25 feet from the street line. However, this setback does not apply to multi-family dwellings.

**C.** An interior side or rear setback is required in parking lots, as measured from the edge of parking lot to the lot line, as follows. Required site landscape per Article 12 may be located in this setback.

1. Industrial districts abutting agricultural or residential districts: 20 feet
2. Office or commercial districts abutting agricultural or residential districts: 15 feet
3. Multi-dwelling dwellings abutting agricultural or single-family districts: 10 feet

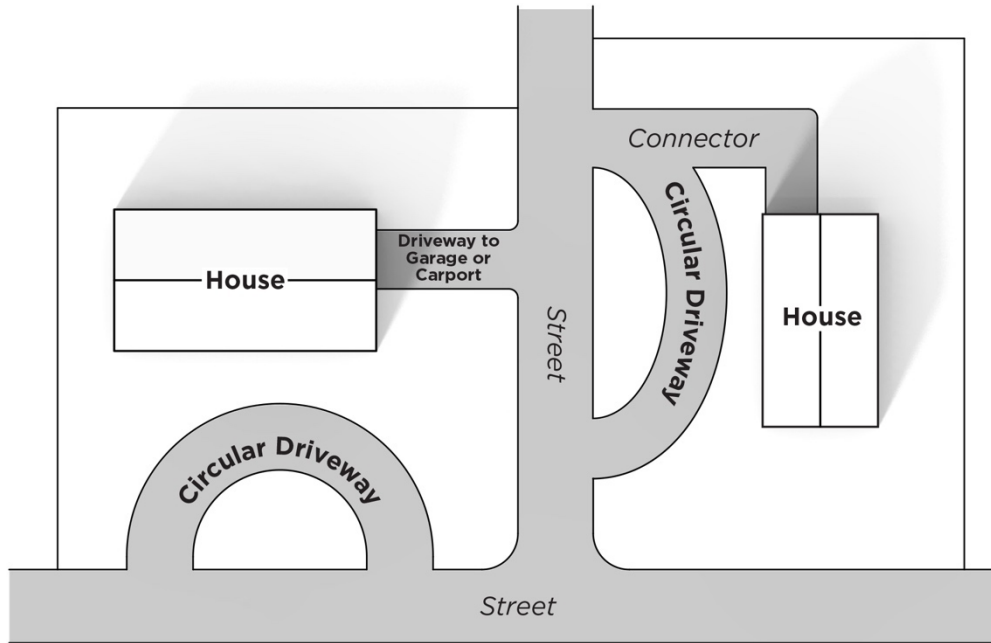
**D.** In EN, RN-1, RN-2, RN-3, RN-4, and RN-5 Districts, parking is prohibited in the front [and corner side](#) yard of residential uses except as follows:

1. On approved driveways and in approved parking spaces.
2. A maximum of two vehicles with a current and properly displayed accessible/disabled parking license plate or placard/hang tag.
3. Temporary loading or unloading.
4. When construction, remodeling, maintenance, or repairs are being performed on the property, temporary front yard parking cannot exceed the period for which the permit is valid or as necessary to complete the work.
5. Parking for isolated, non-recurring gatherings, parties, or visitors. This exception is not intended to provide permanent or semi-permanent parking for extra cars.
6. Areas within a two-mile radius of Neyland Stadium during University of Tennessee-Knoxville home football games and areas within a one-mile radius of Chilhowee Park and Exposition Center during city-approved events.

**E.** In EN, RN-1, RN-2, RN-3, RN-4, and RN-5 Districts, approved parking and driveway(s) in the front [and corner side](#) yard are limited to the following:

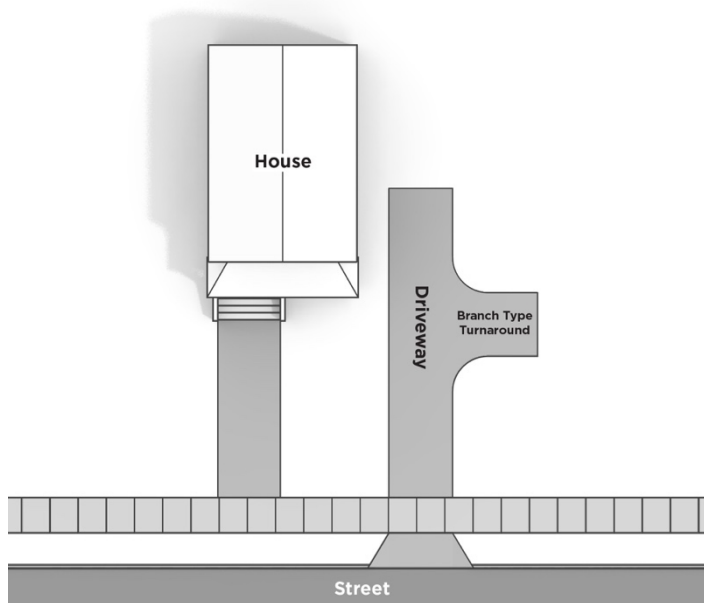
1. On lots with a carport or garage:
  - a. The driveway leading to a carport or enclosed garage, not to exceed the maximum width allowed, except for flares adequate to access the carport or garage.
  - b. A connector driveway may extend from a circular driveway to beyond the front wall of the principle structure. Connector driveways must comply with driveway width requirements.
2. On lots with no carport or garage:
  - a. With lot frontage of 75 feet or less, the driveway must be within ten feet of the side lot line.
  - b. No driveway, other than a circular driveway, may be constructed in the area between the front wall of the principle structure and the front property line.
  - c. A corner lot driveway cannot be built between the front wall of the principle structure and the front lot line as designated in the building permit.
  - d. A connector driveway may extend from a circular driveway to beyond the front wall of the principle structure. Connector driveways must comply with driveway width requirements.

**DRIVEWAYS**



F. In addition to any of the above, a branch type turnaround not to exceed 200 square feet is permitted on any lot where City engineering standards can be met. This subsection does not apply to approved off-street parking for residential uses and driveways in existence as of January 16, 2009.

**BRANCH TYPE TURNAROUND**



G. For the purpose of this section, lot frontage for any lot except a small lot of record that does not have 75 feet or greater frontage on any street, joint permanent easement (private right-of-way), or access easement, is measured at the front building line.

## 11.4 REQUIRED OFF-STREET PARKING SPACES

### A. General Application

1. The minimum and maximum number of off-street vehicle parking spaces shall be determined in accordance with Table 11-1: Required Off-Street Parking, unless otherwise specified in the zoning district.
2. In determining the number of parking spaces, when the result contains a fraction, any fraction less than one-half is disregarded and any fraction of one-half or more is counted as one parking space.
3. Structured parking is not subject to the maximum number of parking spaces set forth in Table 11-1.
4. All parking lot elements required by the Americans with Disabilities Act (ADA) must be accessible. All off-street parking lots must have a number of accessible parking spaces as required by Table 11-2: Required Accessible Parking Spaces, or as amended by ADA:

### B. Exemptions and Flexibilities

1. The DK District is exempt from required parking; however, if parking is provided then the maximum number of spaces applies.

2. Minimum vehicle parking reductions apply in the following districts. Bicycle parking requirements may not be reduced.

a. Required minimum vehicle parking may be reduced by 30% in the C-N District.

b. Required minimum vehicle parking may be reduced by 20% in the C-G-3 District.

c. Required minimum vehicle parking may be reduced by 10% in the C-G-2 District.

~~2-3.~~ Off-street parking requirements for multi-family residential developments in any district may be reduced up to 20% from the minimum requirements in Table 11-1, provided the development is located within one-fourth of a mile of a transit route. A Knoxville Area Transit approved shelter may be required on or within one-fourth of a mile of the development site. Bicycle parking requirements may not be reduced. In addition, when the multi-family development is located within one-fourth of a mile of a transit route, the maximum allowed vehicle parking spaces are reduced by 20% of that shown in Table 11-1.

~~34.~~ Parking lots may exceed the maximum number of spaces in Table 11-1 by up to 20% provided that the spaces exceeding the maximum number and the access aisles accessing those spaces are constructed of pervious materials approved by the Department of Engineering. Parking spaces exceeding the identified maximum may be approved by the Department of Engineering upon submittal of a parking study justifying the need for additional spaces, and the approval of the parking study by Department of Engineering. All excess spaces and their access ways must be constructed of pervious materials. Pervious paving materials may not be required for excess parking on sites with brownfield agreements upon approval by the Department of Engineering.

~~45.~~ Upon approval by the Department of Engineering of a parking study for the proposed use(s), the minimum number of parking spaces in Table 11-1 may be reduced.

### C. Mixed-Use Multi-Tenant Structure Requirements

A mixed-use non-residential multi-tenant structure (no residential component) is not subject to the individual use calculations for required vehicle parking in Table 11-1. Minimum and maximum parking is calculated as follows:

1. Minimum parking required: 3 per 1,000sf GFA
2. Maximum parking allowed: 8 per 1,000sf GFA

### D. CU District Parking Requirements

Uses in the CU District area not subject to the individual use calculations for required vehicle parking in Table 11-1. Minimum and maximum parking is calculated per the following chart



Use	Minimum Vehicle Parking Required	Maximum Vehicle Parking Allowed
Residential Use		
0 to 1 Bedroom	1 per du	2 per du
2 Bedrooms	1.5 per du	2 per du
3 Bedrooms	2 per du	2 per du
4+ Bedrooms	2.5 per du	2 per du
Townhouse or Multi-Family Dwelling Guest Parking	0.125 per du	0.25 per du
Nonresidential	None	3 per 1,000sf GFA

Use	Minimum Vehicle Parking Required	Maximum Vehicle Parking Allowed
Agriculture (Dwelling On-Premises)	2 per du	No limit
Airport	10 per 1,000sf GFA of terminal area	No limit
Alternative Correctional Facility	2 per 1,000sf GFA of office area	8 per 1,000sf GFA of office area
Amusement Facility – Indoor	4 per 1,000sf GFA <i>Bowling alley: 3 per lane</i> <i>Movie theater: 0.2 per seat</i>	5 per 1,000sf GFA <i>Bowling alley: 5 per lane</i> <i>Movie theater: 0.5 per seat</i>
Amusement Facility – Outdoor	Commercial recreation: 4 per 1,000sf GFA <i>Swimming pool, tennis court: 0.33 per person per design capacity</i>	Commercial recreation: 5 per 1,000sf GFA <i>Swimming pool, tennis court: 0.5 per person per design capacity</i>
Animal Care Facility – Large Animal	2.5 per 1,000sf GFA + 2 per 1,000sf GFA of pet boarding area	3.5 per 1,000sf GFA + 4 per 1,000sf GFA of pet boarding area
Animal Care Facility – Small Animal	2.5 per 1,000sf GFA + 2 per 1,000sf GFA of pet boarding area	3.5 per 1,000sf GFA + 4 per 1,000sf GFA of pet boarding area
Animal Breeder	2 spaces (in addition to dwelling requirements)	4 spaces (in addition to dwelling requirements)
Art Gallery	3 per 1,000sf display floor area	4 per 1,000sf display floor area
Arts and Fitness Studio	4 per 1,000sf GFA	5 per 1,000sf GFA
Bar	<del>8 per 1,000sf GFA</del>	<del>16 per 1,000sf GFA</del>
Bed and Breakfast	1 per <del>lodging unit</del> <a href="#">guest room</a>	1.25 per <del>lodging unit</del> <a href="#">guest room</a>
Body Modification Establishment	3 per 1,000sf GFA	5 per 1,000sf GFA
Broadcasting Facility - With or Without Antennae	3 per 1,000sf GFA of office area	8 per 1,000sf GFA of office area
Campground	1 per campsite	4 per campsite
Car Wash – With Employees	0.5 per employee on shift of greatest employment	1 per employee on shift of greatest employment
Cemetery	3 per 1,000sf of office and public assembly area	8 per 1,000sf of office and public assembly area
Community Center	0.25 per seat in main assembly area	0.5 per seat in main assembly area
Conservation Area	Determined by Dept. of Engineering	Determined by Dept. of Engineering
Country Club	Minimum required sum of uses on-site	Maximum allowed by sum of uses on-site
Cultural Facility	3 per 1,000sf display floor area	4 per 1,000sf display floor area
Day Care Center	0.67 per employee on shift of greatest employment + 0.125 off-street loading space per client	1 per employee on shift of greatest employment + 0.167 off-street loading space per client
Day Care Home	0.67 per employee on shift of greatest employment + 0.125 off-street loading space per client	1 per employee on shift of greatest employment + 0.167 off-street loading space per client
Domestic Violence Shelter	2 per 1,000sf GFA of office area	8 per 1,000sf GFA of office area
Drug/Alcohol Treatment Facility, Residential	1 per patient room	2.5 per patient room
Drug Treatment Clinic	4 per 1,000sf GFA	10 per 1,000sf GFA
Dwelling – Above the Ground Floor	0 to 1 bedroom: 1 per du + guest	0 to 1 bedroom: 1.25 per du + guest

Table 11-1: Required Off-Street Parking

Use	Minimum Vehicle Parking Required	Maximum Vehicle Parking Allowed
	parking 2 bedrooms: 1.25 per du + guest parking 3 bedrooms: 1.5 per du + guest parking 4+ bedrooms: 2 per du + guest parking Housing development renting by bedroom: 0.67 per bedroom Guest parking (located in areas commonly accessible to all du): 0.2 per du	parking 2 bedrooms: 1.75 per du + guest parking 3 bedrooms: 2.25 per du + guest parking 4+ bedrooms: 2.5 per du + guest parking Housing development renting by bedroom: 1.2 per bedroom Guest parking (located in areas commonly accessible to all du): 0.25 per du
Dwelling – Manufactured Home	2 per du	No limit
Dwelling - Multi-Family	0 to 1 bedroom: 1 per du + guest parking 2 bedrooms: 1.25 per du + guest parking 3 bedrooms: 1.5 per du + guest parking 4+ bedrooms: 2 per du + guest parking Housing development renting by bedroom: 0.67 per bedroom Guest parking (located in areas commonly accessible to all du): 0.2 per du	0 to 1 bedroom: 1.25 per du + guest parking 2 bedrooms: 1.75 per du + guest parking 3 bedrooms: 2.25 per du + guest parking 4+ bedrooms: 2.5 per du + guest parking Housing development renting by bedroom: 1.2 per bedroom Guest parking (located in areas commonly accessible to all du): 0.25 per du
Dwelling - Townhouse	2 per du + 0.25 per du guest parking	No limit
Dwelling - Single-Family	2 per du	No limit
Dwelling - Two-Family	2 per du	No limit
Educational Facility - Primary	1 per classroom	2 per classroom
Educational Facility - Secondary	0.25 per student at maximum enrollment	0.5 per student at maximum enrollment
Educational Facility - University or College/Vocational	5 per 1,000sf GFA	6.5 per 1,000sf GFA
<del>Educational Facility – Vocational</del>	<del>5 per 1,000sf GFA</del>	<del>6.5 per 1,000sf GFA</del>
<del>Restaurant</del> <u>Eating and Drinking Establishment</u>	No drive-through: 8 per 1,000sf GFA With drive-through: 6 per 1,000sf GFA	No drive-through: 16 per 1,000sf GFA With drive-through: 12 per 1,000sf GFA
Financial Institution	2.5 per 1,000sf GFA	5 per 1,000sf GFA
Financial Service, Alternative	2.5 per 1,000sf GFA	5 per 1,000sf GFA
Food Bank	3 per 1,000sf of office	8 per 1,000sf of office
Food Pantry	2 per 1,000sf GFA	8 per 1,000sf GFA
Fraternity/Sorority	0.33 per resident at maximum occupancy	0.5 per resident at maximum occupancy
Funeral Home/Crematory	0.33 per person at design capacity	0.67 per person at design capacity
Garden, Market	1 per employee on shift of greatest employment	2 per employee on shift of greatest employment
Gas Station	4 per 1,000sf GFA of any retail component  Gas station with retail & restaurant: 4 per 1,000sf GFA	8 per 1,000sf GFA of any retail component  Gas station with retail & restaurant: 10 per 1,000sf GFA
Golf Course/Driving Range	3 per hole	6 per hole
Government Office/Facility	3 per 1,000sf GFA	8 per 1,000sf GFA
Greenhouse/Nursery – Retail	1 per 1,000sf GFA + 1 per 1,000sf outdoor sales area	2 per 1,000sf GFA + 2 per 1,000sf outdoor sales area

Table 11-1: Required Off-Street Parking		
Use	Minimum Vehicle Parking Required	Maximum Vehicle Parking Allowed
Group Home	2 per 1,000sf GFA of office area	8 per 1,000sf GFA of office area
Halfway House	2 per 1,000sf GFA of office area	8 per 1,000sf GFA of office area
Healthcare Institution	3.25 per bed	5.75 per bed
Heavy Retail, Rental, and Service	1 per 1,000sf GFA + 1 per 1,000sf outdoor sales area <i>Auto, truck, manufactured home, boat, outdoor equipment sales: 3.5 per 1,000sf of office sales &amp; waiting area</i> <i>Building material sales: 1 per 1,000sf GFA + 1 per 1,000sf outdoor sales area</i> <i>Home improvement superstore: 2.5 per 1,000sf GFA</i>	2 per 1,000sf GFA + 2 per 1,000sf outdoor sales area <i>Auto, truck, manufactured home, boat, outdoor equipment sales: 5 per 1,000sf of office sales &amp; waiting area</i> <i>Building material sales: 2 per 1,000sf GFA + 2 per 1,000sf outdoor sales area</i> <i>Home improvement superstore: 4 per 1,000sf GFA</i>
Homeless Shelter	2 per 1,000sf GFA of office area	8 per 1,000sf GFA of office area
Hotel	1 per lodging unit	1.25 per lodging unit
Impound Lot	1 per 1,000sf GFA + 1 per 5,000sf outdoor storage area	2 per 1,000sf GFA + 2 per 5,000sf outdoor storage area
Independent Living Facility	0 to 1 bedroom: 1 per du + guest parking 2 bedrooms: 1.25 per du + guest parking 3 bedrooms: 1.5 per du + guest parking 4+ bedrooms: 2 per du + guest parking Housing development renting by bedroom: 0.67 per bedroom Guest parking (located in areas commonly accessible to all du): 0.2 per du	0 to 1 bedroom: 1.25 per du + guest parking 2 bedrooms: 1.75 per du + guest parking 3 bedrooms: 2.25 per du + guest parking 4+ bedrooms: 2.5 per du + guest parking Housing development renting by bedroom: 1.2 per bedroom Guest parking (located in areas commonly accessible to all du): 0.25 per du
Industrial – Craft	2 per 1,000sf GFA	6 per 1,000sf GFA
Industrial – General	0.9 per 1,000sf GFA	6 per 1,000sf GFA
Industrial – Heavy	0.75 per employee at the largest shift	1 per employee at the largest shift
Industrial Design	3 per 1,000sf GFA	8 per 1,000sf GFA
Pre-School/Kindergarten	1 per classroom	2 per classroom
Live Performance Venue	0.2 per seat	0.5 per seat
Live/Work	1 per du + 2 per 1,000sf GFA	2 per du + 6 per 1,000sf GFA
Lodge/Meeting Hall	5 per 1,000sf GFA	6.5 per 1,000sf GFA
<del>Manufactured Home Park</del>	<del>1 per home site + 0.25 per home site guest parking</del>	<del>2 per home site + 0.25 per home site guest parking</del>
Marina	0.5 per boat slip + requirements for other uses included in development	1 per boat slip + allowances for other uses included in development
Medical/Dental Office	4 per 1,000sf GFA	10 per 1,000sf GFA
Micro-Brewery/Distillery/Winery	2 per 1,000sf GFA	6 per 1,000sf GFA
Office	3 per 1,000sf GFA <i>Call center: 4.5 per 1,000sf GFA</i>	8 per 1,000sf GFA <i>Call center: 12 per 1,000sf GFA</i>
Personal Service Establishment	3 per 1,000sf GFA	6 per 1,000sf GFA
Place of Worship	0.25 per seat in the main assembly	0.5 per seat in the main assembly
Public Park	Determined by Dept. of Engineering	Determined by Dept. of Engineering
Public Safety Facility	Determined by Dept. of Engineering	Determined by Dept. of Engineering
Public Works Facility	Determined by Dept. of Engineering	Determined by Dept. of Engineering
Reception Facility	8 per 1,000sf GFA	16 per 1,000sf GFA

Table 11-1: Required Off-Street Parking		
Use	Minimum Vehicle Parking Required	Maximum Vehicle Parking Allowed
Research and Development	2 per 1,000sf GFA	6 per 1,000sf GFA
Residential Care Facility	0.2 per bed + 1 per employee on shift of greatest employment	0.33 per bed + 1 per employee on shift of greatest employment
Restaurant	No drive-through: 8 per 1,000sf GFA With drive-through: 6 per 1,000sf GFA	No drive-through: 16 per 1,000sf GFA With drive-through: 12 per 1,000sf GFA
Retail Goods Establishment	3 per 1,000sf GFA <i>Appliance, carpeting, furniture sales: 2.5 per 1,000sf gross sales area</i>	6 per 1,000sf GFA <i>Appliance, carpeting, furniture sales: 3.5 per 1,000sf gross sales area</i>
Retail Liquor Stores	3 per 1,000sf GFA	6 per 1,000sf GFA
Salvage Yard	3 per 1,000sf office area	4 per 1,000sf office area
Self-Storage Facility: Enclosed	5 spaces adjacent to office/entry + 0.02 per unit	7 spaces adjacent to office/entry + 0.033 per unit
Self-Storage Facility: Outdoor	5 spaces adjacent to office/entry	7 spaces adjacent to office/entry
Social Service Center	3 per 1,000sf GFA	8 per 1,000sf GFA
Solar Farm	2 spaces	Determined by Dept. of Engineering
Vehicle Dealership – Enclosed (Does not include vehicles on display)	2 per 1,000sf of indoor sales and display area + 4 per service bay	4 per 1,000sf of indoor sales and display area + 6 per service bay
Vehicle Dealership – With Outdoor Storage/Display (Does not include vehicles on display)	2 per 1,000sf of indoor sales and display area + 4 per service bay	4 per 1,000sf of indoor sales and display area + 6 per service bay
Vehicle Operation Facility (Does not include vehicles stored)	3 per 1,000sf office area	4 per 1,000sf office area
Vehicle Rental – Enclosed (Does not include vehicles stored for rental)	3 per 1,000sf office area	4 per 1,000sf office area
Vehicle Rental – With Outdoor Storage/Display (Does not include vehicles stored for rental)	3 per 1,000sf office area	4 per 1,000sf office area
Vehicle Repair/Service– Major	2 per bay	4 per bay
Vehicle Repair/Service – Minor	2 per bay	4 per bay
Warehouse and Distribution	0.5 per 1,000sf GFA	2 per 1,000sf GFA
Wholesale Establishment	0.5 per 1,000sf GFA	2 per 1,000sf GFA
Wind Energy System	2 spaces	Determined by Dept. of Engineering

Table 11-2: Required Accessible Parking Spaces		
Total Parking Spaces Provided	Minimum Number of Accessible Parking Spaces Required	
	Van	Total (Van + Car)
1 to 25	1	1
26 to 50	1	2
51 to 75	1	3
76 to 100	1	4
101 to 150	1	5
151 to 200	1	6
201 to 300	2	7
301 to 400	2	8
401 to 500	2	9
501 to 1000	1 for every 6 accessible spaces	2% of total provided parking spaces
1001 and over	1 for every 6 accessible spaces	20, plus 1 for each 100, or fraction thereof, over 1000

**11.5 DIMENSIONS OF OFF-SITE PARKING FACILITIES**

Off-street parking facilities must be laid out in accordance with the following regulations:

**A. Accessible Spaces**

1. Accessible vehicle spaces must be at least eight feet wide with an adjacent pedestrian access aisle of at least five feet in width.
2. Van accessible spaces must be either:
  - a. At least 11 feet wide with an adjacent pedestrian access aisle of at least five feet in width.
  - b. At least eight feet wide with an adjacent pedestrian access aisle of at least eight feet in width.

**B. Stall and Aisle Dimensions**

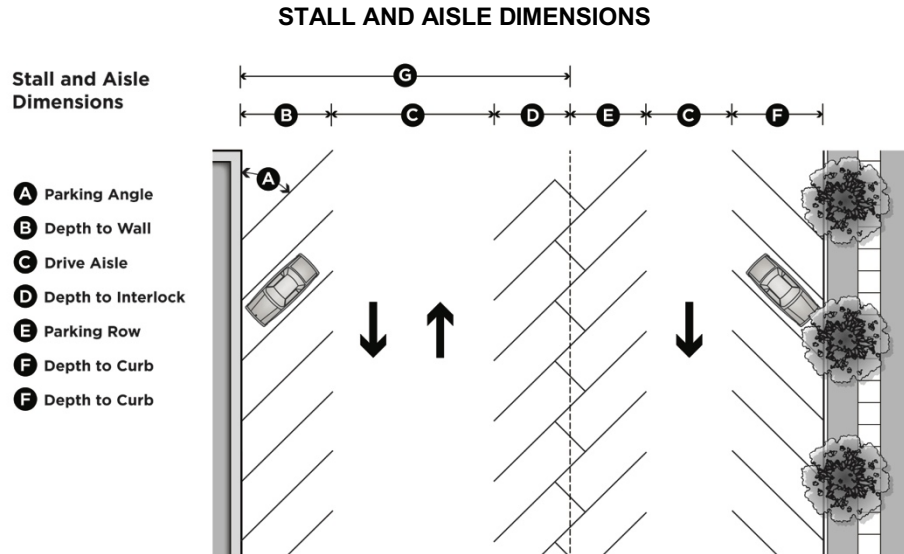
1. The dimensions for parking stalls and aisles is specified in Table 11-3: Stall and Aisle Dimensions.

Table 11-3: Stall and Aisle Dimensions					
Parking Angle	Depth to Wall (feet)	Depth to Curb (feet)	Depth to Interlock (feet)	Stall Width (feet)	Minimum Aisle Width (feet)
45 degrees	16.5 - 20.5	15.0 - 19.0	14.5 - 18.5	9.0 - 13.0	15.0 One-way 26.0 Two-way
60 degrees	18.0 - 22.0	16.5 - 20.5	16.5 - 20.5	9.0 - 13.0	18.0 One-way 26.0 Two-way
75 degrees	18.5 - 22.5	17.5 - 21.5	17.5 - 21.5	9.0 - 13.0	22.0 One-way 26.0 Two-way
90 degrees	17.5 - 21.5	15.5 - 19.5	17.5 - 21.5	9.0 - 13.0	26.0 One-way 26.0 Two-way
Parking Direction	Length to Wall (feet)	Length to Curb (feet)	Length to Interlock (feet)	Stall Width (feet)	Minimum Aisle Width (feet)
Parallel	22.5 - 26.5	20.5 - 24.5	22.5 - 26.5	9.0 - 13.0	15.0 One-way 22.0 Two-way

*Stall depth measured perpendicular to aisle.*

*Stall lengths, stall depths, and aisle widths for parking angles, other than those indicated, shall be consistent with the above values and are subject to the approval of the Department of Engineering.*

2. Up to 20% of the total number of parking spaces provided may be designed for compact vehicles. Where possible, these spaces must be clustered together and marked with signs restricting their use to compact vehicles. Compact spaces with a parking angle of 90 degrees must have the following minimum dimensions: eight feet in width, 13.5 feet in depth to curb, and 15.5 feet in depth to a wall or interlock.



### C. Pedestrian Access Aisles

Pedestrian access aisles must be hatched and include a “No Parking” designation.

### D. Encroachments

Columns, light poles, and/or other protrusions may encroach into a parking module up to a maximum of one foot for modules with parking on one side or a maximum of two feet for modules with parking on two sides, one foot protrusion into each parking row. The protrusions cannot affect more than 25% of the spaces.

### E. Structured Parking

Structured parking must comply with the following requirements:

1. Parking spaces must comply with Table 11-3. The Department of Engineering may approve a reduction in parking dimensions when columns and light poles protrude into a parking module a combined maximum of two feet as long as they do not affect more than 25% of the stalls in that bay.
2. Stairways, elevators, or other provisions must be separate vehicular and pedestrian movements between the various levels of parking structures.
3. The maximum approach, departure, and ramp angles is subject to the review and approval of the Department of Engineering.
4. A minimum nine foot clearance must be maintained on all levels containing accessible spaces and on all levels providing ingress to and egress from the accessible spaces. A minimum seven foot clearance must be maintained throughout the remainder of the structured parking.
5. The following additional requirements apply to parking structures in the CU District. In the case of conflict with other requirements of this section, these requirements control in the CU District.
  - a. Parking structures must meet all the requirements for a principal structure in the applicable CU Subdistrict. In no case can structured parking exceed the height of any other building on the site.
  - b. The ground story of a structured parking garage facing Cumberland Avenue, Lake Avenue, or 17<sup>th</sup> Street must have active nonresidential uses located between the parking structure and the street (not including an alley).
  - c. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).

- d. Architectural and vegetative screens must be used to articulate the facade, hide parked vehicles, and shield lighting. In addition, any ground story facade treatment, such as building materials, windows, and architectural detailing, must be continued on upper stories.
- e. Parking structure entries must not exceed 16 feet clear height and 25 feet clear width.

## 11.6 DESIGN OF OFF-SITE PARKING FACILITIES

1. All areas devoted to off-street parking must be designed so that no vehicle is required to back into a public street or alley to obtain egress, except for the following:
  - a. Off-street residential parking for single-family, two-family, and townhouse dwellings when the lot is accessed from a local street.
  - b. Egress directly from parking spaces to alleys may be allowed when the aisle width, including the alley width, meets the minimum aisle width specified in Table 11-3.
2. The maximum grade in a parking lot is 10%.
3. Surface drainage must be collected so as to preclude uncontrolled drainage onto the paved portion of street rights-of-way as verified by the Department of Engineering.
4. All areas devoted to permanent off-street parking must be surfaced and maintained as to control dust, rutting, erosion as a result of continuous use, and migration of surface materials. Parking spaces must be clearly delineated.
5. Vehicular and pedestrian signs must be MUTCD compliant and approved by the City of Knoxville Department of Engineering.
6. An accessible pathway must be provided from the accessible parking space(s) to the destination that the parking space(s) are intended to serve. The accessible pathway must be located along the shortest accessible route to the accessible door/entrance.
7. In an effort to reduce vehicle/pedestrian conflicts:
  - a. Parking lots serving a building and having more than one parking row between the fronting street and the building's front entrance should have sidewalks or clearly defined and designated routes connecting the building's main entrance or a central location to the parking lot.
  - b. A clearly defined and designated accessible route must connect a building's main entrance or central location to a sidewalk in the right-of-way where the cost of providing this route does not exceed 20% of the parking lot improvement cost.
  - c. Landscaped islands and divider medians must be arranged so as to channel traffic and minimize vehicular and pedestrian conflicts within parking areas. A divider median must be provided at a minimum interval of one median per every six parking rows to channel traffic and minimize vehicular and pedestrian conflicts within interior parking lots.
  - d. Parking rows must be terminated at both ends with terminal islands of a minimum area of 120 square feet for each parking row. Islands may be combined for double-parking rows, resulting in a terminal island with a minimum area of 240 square feet.
  - e. Interior islands must have a minimum area of 120 square feet for each parking row that they interrupt. Islands may be combined for double-parking rows, resulting in an interior island with a minimum area of 240 square feet.
  - f. In the industrial districts and the DK District, terminal islands, interior islands, and divider medians are not required. This exemption does not apply to parking in industrial districts designated for employees and visitors where the principal building is over 40,000 square feet in gross floor area.

**11.7 ACCESS AND DRIVEWAY DESIGN**

These regulations are applicable in zoning districts without access and driveway requirements specific to the zoning district. If the district specifically requires access and driveway design, those requirements control. The Department of Engineering is authorized to develop and implement such policies and procedures as may be necessary and desirable to control the design and construction of driveways that are consistent with this Code.

A. The number of driveways on a given street or access easement is based on the following:

1. Typical developments per Table 11-4: Maximum Number of Driveways for Lot Frontages

Lot Frontage	Maximum Number of Driveways
Less than 150 feet	1 For single family dwellings with lot frontages of 100' or more, a circular driveway is allowed
150 feet – 450 feet	2
Greater than 450 feet – 600 feet	3
Greater than 600 feet – 750 feet	4
Greater than 750 feet	Determined by Department of Engineering

2. Gas stations and establishments where services are normally provided to customers without leaving their vehicles may have two driveways.

3. Projects required to prepare a Traffic Impact Study are considered individually based on the recommendation of the study and the approval of the Department of Engineering.

4. Boulevard driveways (with raised median separation) and right-in/right-out driveway pairs will be considered one driveway

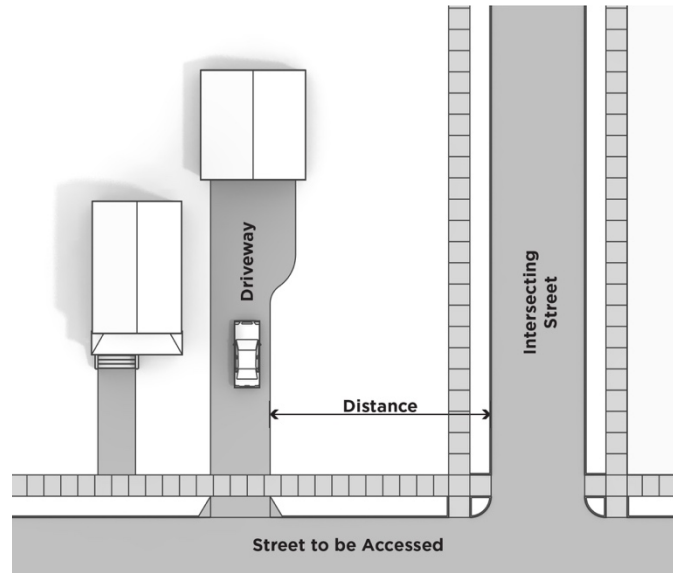
5. The Department of Engineering may impose other access and driveway requirements as necessary based on specific site conditions.

B. On a corner lot, the minimum distance between a driveway and the intersecting street is described in Table 11-5: Corner Clearance Requirements.

Classification of Intersecting Street	Classification of Street to be Accessed		
	Arterial	Collector	Local
Arterial	200'	150'	100'
Collector	150'	100'	50'
Local	100'	50'	



**CORNER CLEARANCE**



1. If the required distance cannot be met due to lot size, the driveway must be located as far as possible from the intersecting street.
2. All driveways in a development must be separated by a minimum distance equal to the width of the wider driveway.
3. No curb cut may encroach on the frontage of adjacent property without the written consent of the owner for such encroachment, except where a joint use driveway with the adjacent property is established at the request of both owners.

C. Table 11-6: Driveway Width and Curb Cut Length Standards provides minimum and maximum driveway widths and curb cut lengths.

Table 11-6: Driveway Width and Curb Cut Length Standards				
Lot Frontage (feet)	Driveway Dimensions		Length of Curb Cut	
	Min.	Max.	Min.	Max.
<b>Single-Family, Two-Family, &amp; Townhouse: By Lot Width</b>				
50 feet or less	8'	18'	15'	24'
> 50 - 74	8'	20'	15'	26'
Greater than 74	10'	25'	15'	32'
<i>A circular driveway can be no wider than 18'</i>				
<b>Other Development</b>				
Land Use: Uses serving a substantial number of large trucks (5/day or 25/week)	20'	40'	60'	90'
Land Use: All other	20'	30'	25'	60'

1. Gas stations may have driveways up to 40 feet wide.
2. Boulevard driveways (with raised median separation) and right-in/right-out driveway pairs are not subject to Table 11-4 and will be reviewed on a case-by-case basis by the Department of Engineering.
3. For driveways required to be built to the Department of Engineering's Utility Driveway Standard (Access to cell towers, electrical substations, pump stations, etc.), as set forth in the City of Knoxville's Land Development Manual, as revised or amended, the minimum driveway width may be reduced to 16 feet.
4. Major traffic generators will be considered as individual cases and are not subject to Table 11-6. A major traffic generator is defined as any facility that is required by this section to provide 400 or more parking spaces.

D. When a change in use, redevelopment, or alteration of any land or building makes any or all of the driveways unnecessary or noncompliant, the owner of the property must, at their expense, replace all necessary curbs, gutters, sidewalks, and landscape to a condition consistent with current City of Knoxville standards.

### 11.8 SHARED PARKING

The Director of the City of Knoxville Department of Plans Review and Inspections, or his/her designee, may consider and approve a shared parking plan for uses that are located near one another and that have different peak parking demands and operating hours. All off-site parking arrangements must comply with the following provisions at a minimum. Additional requirements may be imposed by the Director of the City of Knoxville Department of Plans Review and Inspections, or the Director of the City of Knoxville Department of Plans Review and Inspections may deny the shared parking plan for good cause.

- A. The uses will not overlap in hours of operation or in demand for the shared spaces.
- B. The person or entity requesting the shared parking must submit a shared parking study and site plan to the Department of Engineering for approval.
- C. The lot upon which the shared or off-site parking is located is no greater than 500 feet walking distance as measured from the boundary of the property on which the principal use is located to the boundary of the property where the shared parking is located.
- D. Any crossing of a roadway with a classification higher than local roadway must be a longitudinal marked crosswalk per the most recent edition of MUCTD.
- E. The off-site parking must be located on land owned by the owner(s) of the principal use it is intended to serve, or under lease or license to the owner(s) of the principal use it is intended to serve, in accordance with the following:
  - 1. If the shared parking accounts for 50% or less of the parking spaces required for the principal use that is unable to meet its requirements on-site, the shared parking agreement must be a parking license with a minimum term of two years. The shared parking license may be revocable and is not required to be recorded; however, a copy of the license must be provided to the City of Knoxville Department of Plans Review and Inspections after approval of parking plans and before issuance of building permit.
  - 2. If the shared parking accounts for more than 50% of the parking spaces required by the principal use that is unable to meet its requirements on-site, the shared parking agreement must be a lease agreement with a minimum term of five years. Such lease agreement is subject to approval by the City of Knoxville Law Department. Where such a lease is involved, a memorandum of lease must be recorded with the Register of Deeds of Knox County with copies furnished to the City of Knoxville City Law Director and City of Knoxville Department of Plans Review and Inspections after approval of parking plans and before issuance of building permit.
- D. Off-site parking must be in a zoning district that permits the principal use it will serve and off-site parking is not located in a residential zoning district.
- E. The shared parking spaces must be maintained as long as the uses they serve are in operation.
- F. Accessible parking cannot be shared.

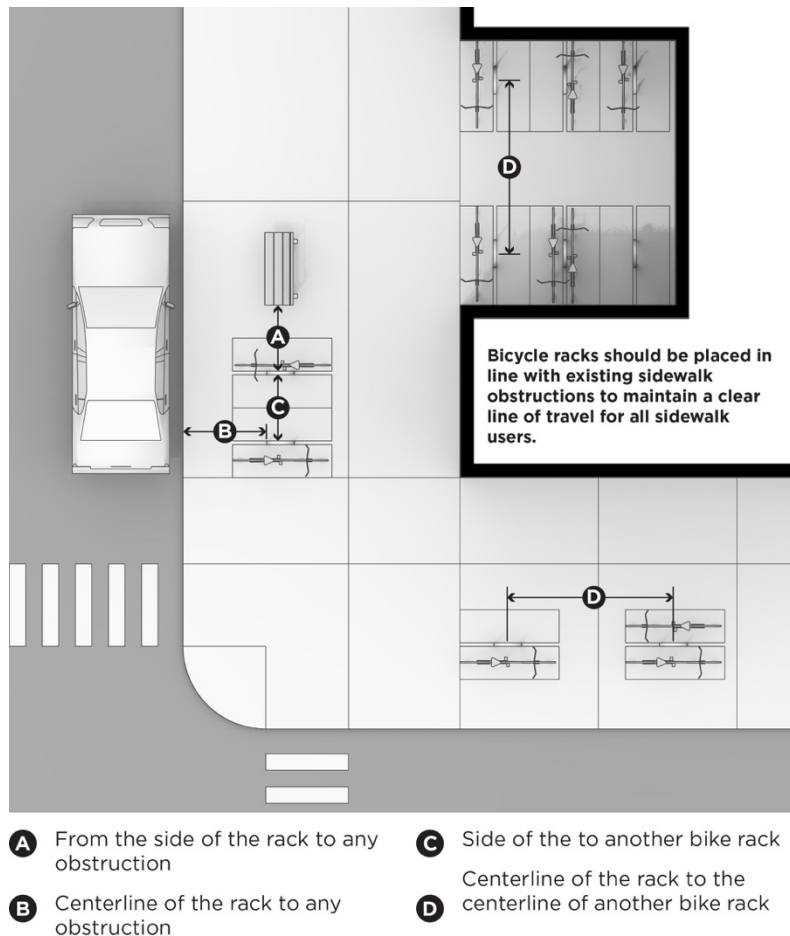
### 11.9 BICYCLE PARKING PROVISIONS

A. Bicycle parking must be provided for all uses where vehicular off-street parking is required and/or provided, with the exception of single-family and two-family dwellings. For newly provided off-street vehicular parking, bicycle parking must be provided for uses in the amount indicated in Table 11-7: Required Bicycle Parking. In determining the number of bicycle spaces, when the result contains a fraction, any fraction less than one-half is disregarded and any fraction of one-half or more is counted as one space.

Table 11-7: Required Bicycle Parking		
Land Use Category	Total Required Motor Vehicle Parking Spaces (Minimum)	Required Number of Bicycle Parking Spaces
<b>Non-Residential</b> <i>Shopping centers and mixed-use multi-tenant structures are to be considered as a whole, not as individual tenants; bike racks must be spaced throughout the shopping center</i>	Less than 50	4
	51 - 100	8
	101 - 500	12
	501 – 1,000	16
	1,001 or more	16 for the first 1,001 + 8 for every 500 thereafter of vehicle parking spaces over 1,000
Land Use Category	Residential Dwelling Type	Required Number of Bicycle Parking Spaces
<b>Residential</b>	Single-family or two-family dwellings	0
	Multi-family or townhouse	0.25 per unit, or none if interior storage space is provided for each unit

- B.** In the DK District, bicycle parking is required. The number of bicycle parking spaces required is based on the minimum number of vehicle parking spaces that the proposed use(s) would be required to provide in Table 11-1.
- C.** One required vehicle parking space may be used as a space for providing required bicycle parking.
- D.** The required bicycle parking spaces must be located in a convenient and visible area within 50 feet of a principal entrance or other location approved by the Department of Engineering. Bicycle parking facilities must be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- E.** Users cannot be required to climb or descend stairs in order to access the bicycle parking facility unless there is a bicycle wheel trough parallel to the stairs.
- F.** Connections to bicycle networks may be required by the Department of Engineering.
- G.** Bicycle parking cannot impede pedestrian or accessible routes.
- H.** Bicycle parking spaces must include a rack which permits the locking of the bicycle frame and one wheel to a rack or fixture and must support a bicycle in a stable position without damage to the wheels, frame, or components. Racks must be securely anchored to prevent the racks from being removed from the location.
- I.** Bicycle racks must be installed according to the following minimum standards:
  1. Three feet from the side of the rack to any obstruction.
  2. Three feet forwards or backwards from the centerline of the rack to any obstruction.
  3. Four feet from the side of the rack to another bike rack.
  4. Ten feet forwards or backwards from the centerline of the rack to the centerline of another bike rack.
  5. Alternatives to these standards may be approved by the Department of Engineering.
- J.** Bicycle parking and access to bicycle parking must be constructed in accordance with the applicable standards of Section 11.6.

### BICYCLE RACK INSTALLATION



### 11.10 REQUIRED OFF-STREET LOADING SPACES

**A.** Off-street loading spaces must be provided for any use that distributes or receives materials or merchandise by trucks or other commercial vehicles in accordance with Table 11-8: Off-Street Loading Requirements. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one commercial tenant of a multi-tenant development is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required.

**B.** No structure is required to provide more than five loading spaces.

**C.** All multi-family dwellings, regardless of size, are required to provide a site plan that shows ingress/egress for moving trucks.

**D.** Off-street loading spaces must be designed as follows:

1. All off-street loading spaces must be located on the same lot as the use served. No off-street loading spaces may project into a public right-of-way. No off-street loading spaces are permitted in the front yard.

2. All required off-street loading spaces must be a minimum of 12 feet in width, a minimum of 35 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of 15 feet.

3. All off-street loading spaces must be paved with a durable, all-weather material paving.

4. Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.
5. Each required off-street loading space must be designed with adequate means of vehicular access to a street or alley and in a manner that will minimize interference with traffic movement.

Table 11-8: Off-Street Loading Requirements	
Use Type	Number of Spaces Required
<b>Multi-Family Dwelling</b>	
Total of 50 dwelling units or more	1 loading space
<b>Commercial &amp; Institutional Use</b>	
20,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 200,000sf )	1 additional loading space
<b>Industrial Use</b>	
10,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 100,000sf )	1 additional loading space

#### 11.11 OUTDOOR STORAGE OF COMMERCIAL VEHICLES

- A. No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of:
  1. Vehicles engaged in loading or unloading or current work being done to the adjacent premises.
  2. Standard size vehicles owned and used for commercial purposes by the occupant of a dwelling or guest are allowed including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, provided that the vehicle is stored or parked in a permitted parking area.
  3. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- B. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a lot in a residential district.
- C. For non-residential uses in all districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

#### 11.12 OUTDOOR STORAGE OF RECREATIONAL VEHICLES

- A. No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard, including within a residential driveway, for more than seven days.
- B. Recreational vehicles must be located within the interior side yard behind the front building line or in the rear yard. If stored in the interior side or rear yard, the recreational vehicle must be located at least ten feet from any lot line and screened from view from any public right-of-way by a solid fence or wall. If the recreational vehicle is screened by an existing structure or landscape so that it is not visible from the public right-of-way, it is considered to meet these requirements. Temporary storage tents and tarps for recreational vehicles are not considered screening and do not meet these requirements.

**C.** No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities.

**D.** All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

## ARTICLE 12. LANDSCAPE

- 12.1 PURPOSE
- 12.2 LANDSCAPE PLAN
- ~~12.3 ENFORCEMENT OF LANDSCAPE PLAN~~
- 12.34 SELECTION, INSTALLATION AND MAINTENANCE
- 12.45 LANDSCAPE DESIGN STANDARDS
- 12.56 PARKING LOT PERIMETER LANDSCAPE YARD
- 12.67 INTERIOR PARKING LOT LANDSCAPE
- 12.78 SITE LANDSCAPE
- 12.89 BUFFER YARDS
- 12.910 TREE PRESERVATION

### 12.1 PURPOSE

The landscape standards of this Article are intended to:

- A. Create a desirable and functional open space environment for all site users, including pedestrians, bicyclists, and motorists.
- B. Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
- C. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
- D. Establish a natural environment within the City that provides a variety of benefits, including absorbing carbon dioxide and producing oxygen; intercepting stormwater, reducing surface runoff, curtailing erosion, and improving water quality; providing critical wildlife habitat to promote urban biodiversity; and providing shade to aid in passive cooling and the reduction of urban heat island effect.
- ~~D~~E. Utilize plant materials suitable to withstand the climatic conditions of the City and microclimate of the site. The use of species native and naturalized to Tennessee is encouraged.
- ~~E~~F. Use of screening to minimize the impact of the development on adjacent uses and impact of incompatible uses and certain site elements, and creating a logical transition to adjoining lots and developments.

### 12.2 LANDSCAPE PLAN

#### A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and townhouse development, nonresidential (including mixed-use) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of a building permit.

#### B. Content of Landscape Plan

1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material. This includes lawn and turf applications.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Any proposed berming, earthwork, or stormwater management basins must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Existing and proposed plantings in the right-of-way.

7. Any proposed irrigation plan, if irrigation is provided.
8. Any other details as determined necessary by the review body.

### C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes that reduce the amount of plant materials contained within an approved landscape plan are a major change and must be approved by the body granting approval of the landscape plan initially.

### D. Alternative Landscape Design

1. These landscape requirements are intended to set minimum standards for quality development and environmental protection. Site conditions or other reasons may justify the need to request an alternate method of compliance. Alternative landscape plans may be considered when an applicant cannot meet one or more of the specific requirements of this Article because:

- a. Strict application of the landscaping requirements would require unreasonable or unnecessary compliance. Such situations could include water features, topography, lot configurations, utility maintenance zones, or unusual site conditions.
- b. The applicant envisions a more creative means to meet the spirit and intent of these requirements.
- c. A comprehensive landscaping plan involving several properties is proposed.

2. The applicant must submit an alternative landscape plan indicating proposed landscaping, that includes a list of landscaping requirements not met, a description of the alternatives proposed, and a written explanation of how the proposed plan fulfills the spirit and intent of the landscape requirements. The Alternative Landscape Plan must be submitted to and approved by the Administrative Review Committee. In approving the alternative landscape plan, the Administrative Review Committee must find that:

- a. The proposed alternative will not present a safety hazard.
- b. That proposed alternative will, upon maturity, provide landscaping that is equal to or better than the standards requirements.
- c. The proposed alternative is designed to address plant health and vigor.
- d. The proposed alternative is reasonably compatible with the natural and topographic features of the site.

### ~~12.3 ENFORCEMENT OF LANDSCAPE PLAN~~

#### Editor's Note:

~~We have drafted a performance bond requirement. Including such a requirement is contingent on the City setting up a process and staff administration for implementation. This regulation is provided for larger public evaluation and discussion.~~

~~No certificate of occupancy will be approved before completion of landscaping. Prior to issuance of a certificate of occupancy, the developer or owner is required to post a landscape maintenance bond guaranteeing all landscaping materials and work for a period of two years after approval or acceptance thereof by the City in a sum established by the Metropolitan Planning Commission. The bond will be in the amount of 110% of the estimated cost of replacing the landscaping required by these specifications, unless otherwise specified by the Metropolitan Planning Commission. At the end of two years, the City will inspect and notify the owner or developer and the bond company of any corrections to be made. If no maintenance is required, or if maintenance is provided by said responsible party, the City will release the bond.~~



## 12.34 SELECTION, INSTALLATION AND MAINTENANCE

### A. Selection

1. All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
2. Species must be selected based on those that will survive and thrive in East Tennessee. Trees should be selected from the City of Knoxville's Tree List maintained by the City.
3. The use of species native or naturalized is required. Drought tolerant species are encouraged.
4. Invasive species are prohibited.

### B. Installation

1. All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
2. No plantings may be installed to impede water flow.
3. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.
4. Landscape should not conflict with existing overhead and underground utility infrastructure and maintenance zones. Landscape plans should reference the City of Knoxville's Tree List for appropriate species and their respective planting distances from adjacent utility infrastructure. Landscaping should not be selected that at maturity would grow into conflict with the utility maintenance zone. Alternative landscape plans (Section 12.1.D) may be considered when an applicant demonstrates that requirements may conflict with the utility maintenance zones.
  - a. Overhead utilities: At maturity, landscaping should not grow within ten feet of primary distribution lines and 25 feet within 69kv sub-transmission lines.
  - b. Utility poles: Trees should not be planted within ten feet of primary distribution poles and 25 feet within 69kV sub-transmission poles.
  - c. Support wires: Trees should not be planted within five feet of supporting guy wires.
  - d. Underground utility lines: The minimum distance of tree planting from the utility center line should be a minimum of ten feet. Shrubs and other landscaping vegetation are permitted in this area.
  - e. Pad mount transformers: Landscaping should be planted a minimum of six feet away from the side with doors and three feet away from the other sides.
5. No landscape should be located within any utility easement, with the exception of lawn grass or other resilient groundcover. If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.

### C. Curbing

1. Landscaped areas may be recessed if flush curbs are utilized. If recessed, the landscaped areas must be designed for stormwater management and to prevent erosion and tracking.
2. Landscaped areas must be protected from encroachment of vehicles through use of curbs or wheel stops where necessary.

**D. Maintenance**

1. Landscape materials depicted on approved landscape plans are considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner’s association is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements.
2. All landscape materials must be maintained in good condition, present a healthy appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 30 days of notification, unless an extension is approved by the City.

**12.45 LANDSCAPE DESIGN STANDARDS**

**A. Minimum Planting Sizes**

Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.

1. Evergreen trees must have a minimum height of eight feet.
2. Shade trees must have a minimum two inch caliper.
3. Single stem ornamental trees must have a minimum trunk size of 2.5 inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
4. Evergreen or deciduous shrubs of ~~30~~-18 inches in height.

**B. Species Diversity**

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 12-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees.) When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

Table 12-1: Plant Diversity Requirements		
Total Number of Plants per Plant Type	Maximum Number of One Species	Minimum Number of Species
1-4	100%	1
5-10	60%	2
12-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

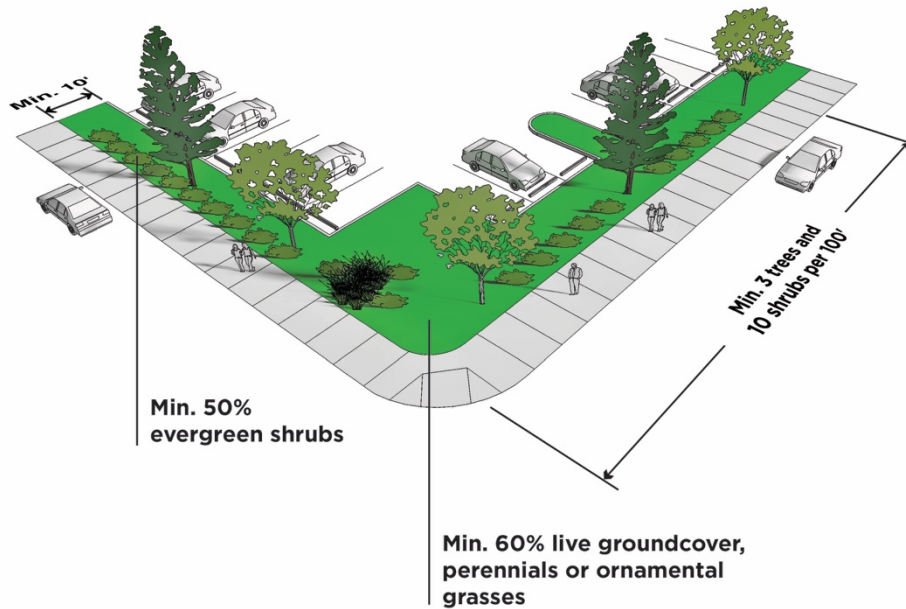
**12.56 PARKING LOT PERIMETER LANDSCAPE YARD**

A perimeter landscape yard is required for all parking lots, including vehicular use areas, of 10,000 square feet or more in area. The perimeter landscape yard must be established along the edge of the parking lot to screen vehicle parking from the right-of-way. When an existing parking area is expanded, only the area of expansion shall be required to comply with these landscaping standards. The landscaped area must be improved as follows:

- A.** A perimeter yard must be at least ten feet wide, measured from the edge of the parking lot to the right-of-way or, if utilities exist, to the utility maintenance zone, between the parking area and the right-of-way of adjoining streets.
- B.** The perimeter yard must be planted with a minimum of three shade and/or evergreen trees and ten shrubs for every 100 linear feet. A minimum of 50% of the shrubs must be evergreen. For parking lots, including vehicular use areas, of less than 20,000 square feet in area, the width of the perimeter screening area may be reduced to six feet.
- C.** 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 any remaining area.

D. Parking lots located on properties developed under a common or unified development plan and/or which have a shared access agreement are not required to provide the perimeter screening area along common property lines where parking areas abut.

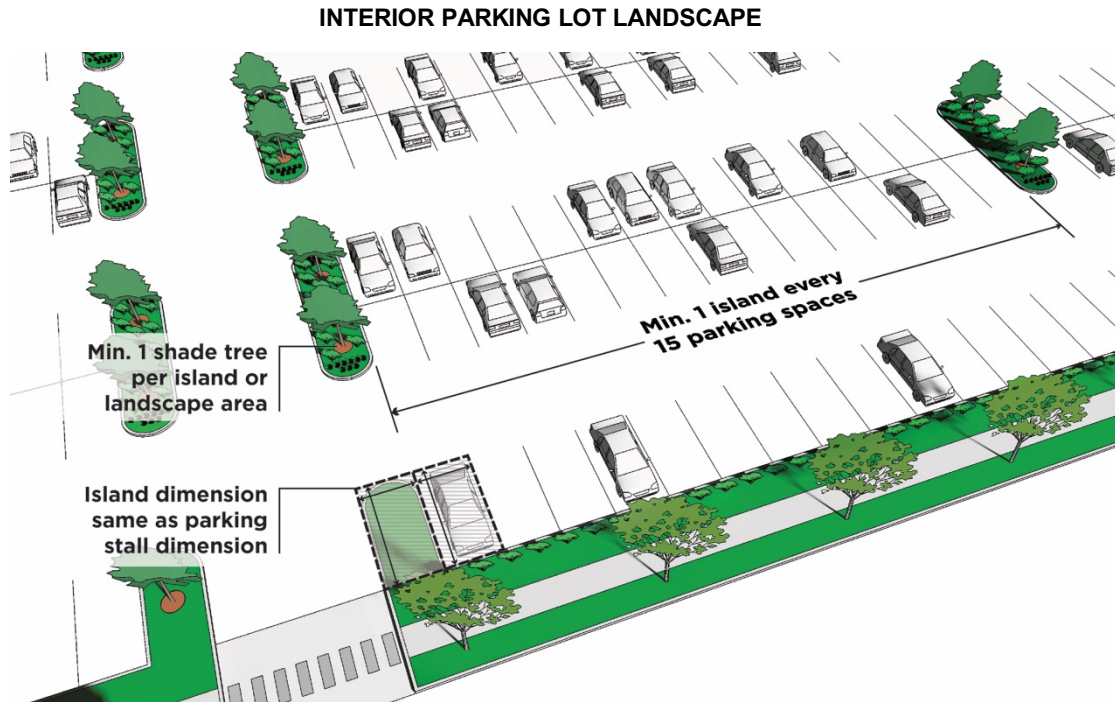
#### PARKING LOT PERIMETER LANDSCAPE YARD



#### 12.62 INTERIOR PARKING LOT LANDSCAPE

Interior parking lot landscape is required for all parking lots and vehicular use areas of 20,000 square feet or more in area. The landscaped required is as follows:

- A.** Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
- B.** Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- C.** A minimum of one shade tree must be provided in every parking lot island or landscape area. In addition to the required shade trees, a minimum of 60% of the area of every parking lot island must be planted in shrubs, live groundcover, perennials, or ornamental grasses, unless the parking lot island or landscape area is designed to facilitate pedestrian access through the parking lot as approved in landscape plan review. Stone, mulch, or other permeable landscape materials may be used for any remaining area.



## 12.78 SITE LANDSCAPE

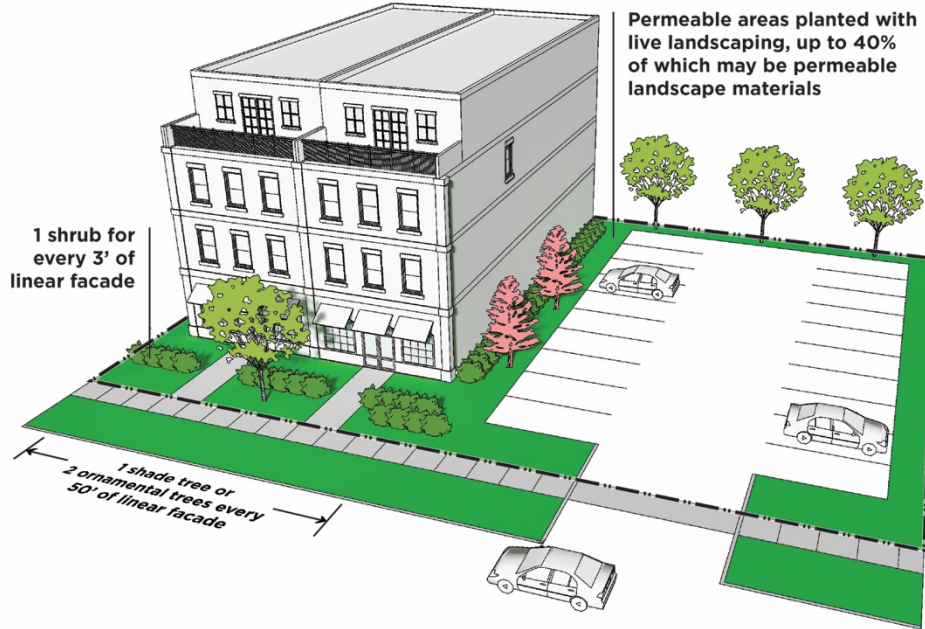
**A.** Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of the landscape area.

**B.** Where multi-family and nonresidential (including mixed-use) developments are located ten feet or more from a street lot line and no parking is located in front of the structure and also where any façade abuts any parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate entry design and other building functional operations during landscape plan review.

1. One shrub for every three feet. Shrub locations within the planting area may be varied, but the total number of shrubs must be no less than as required in this section.
2. Shade trees are required in the amount of one tree every 50 feet. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Tree locations within the planting area may be varied, but the total number of trees must be no less than as required in this section.
3. 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.
4. Planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement.

**C.** In the SW District, all slopes steeper than 3:1 must be planted for erosion control.

### SITE LANDSCAPE



## 12.08 BUFFER YARDS

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear and/or side yards. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required.

**A.** As of the effective date of this Code, buffer yards are required for new construction along interior side and rear lot lines.

**B.** Buffer yards may be located within required setbacks but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.

**C.** The two types of buffer yards are as follows:

### 1. Class A Buffer

- a.** Minimum Width: Ten feet.
- b.** Minimum Required Shrubs: One shrub every five feet. A minimum of 50% of the shrubs must be evergreen.
- c.** Minimum Required Trees: One evergreen tree for every 25 feet and one shade tree for every 50 feet.
- d.** Planting locations may be varied, but the total number of trees must be no less than as required in this section.
- e.** 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.

**2. Class B Buffer**

- a. Minimum Width: Twenty feet.
- b. Minimum Required Shrubs: One shrub every three feet. A minimum of 50% of the shrubs must be evergreen.
- c. Minimum Required Trees: One evergreen tree for every 20 feet and one shade tree for every 30 feet.
- d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.
- e. 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.

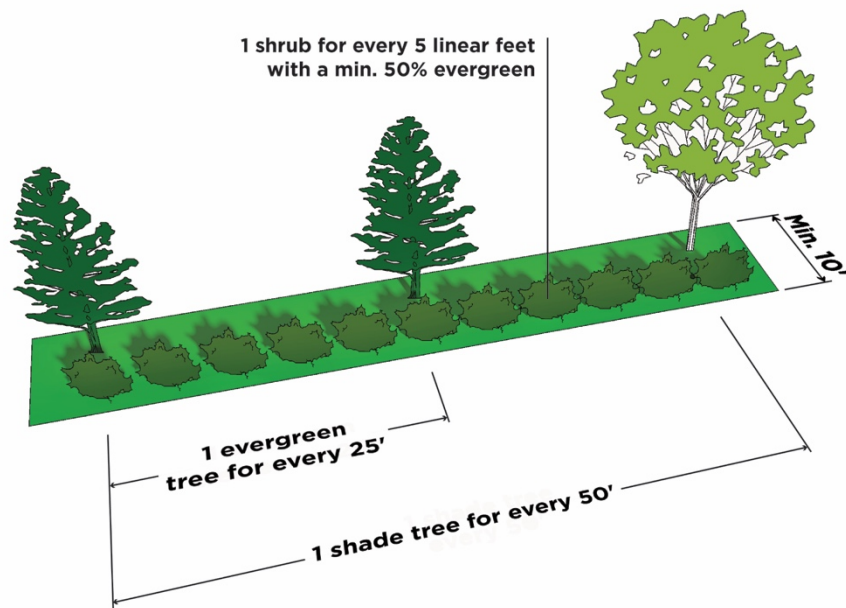
**D.** Where the buffer yard incorporates a wall, solid fence, or berm, or a combination of such, the buffer yard width may be reduced by 30%.

**E.** When a wall or solid fence is incorporated into a buffer yard, the fence must be a minimum of six feet to a maximum of eight feet. When a wall or solid fence is combined with a berm, the combined height of the wall or solid fence and berm cannot exceed eight feet.

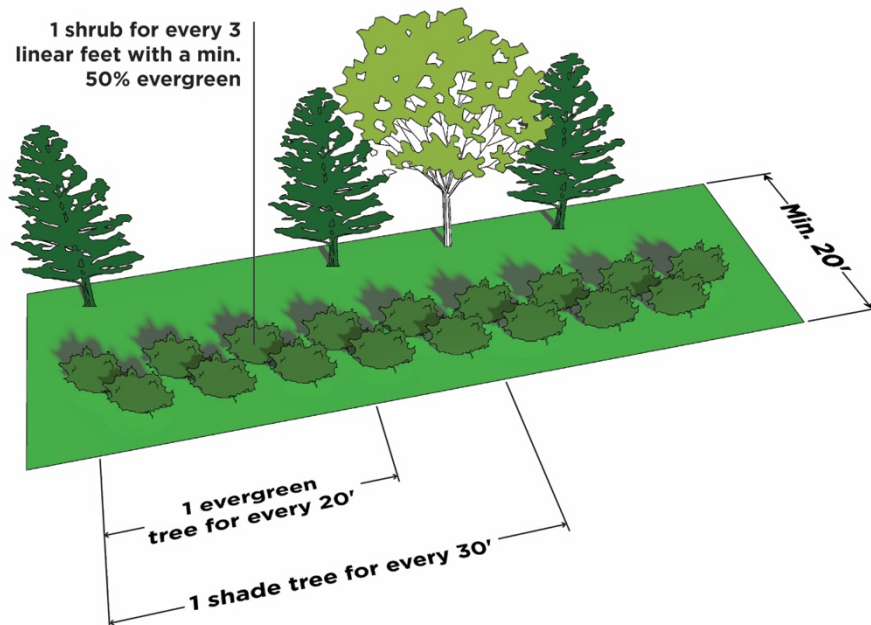
**F.** Buffer yards are required as described in the following chart:

Development	Buffer Yard Class
Nonresidential use located within residential district	Class A Buffer
Nonresidential district abuts a residential district	Class B Buffer
Parking lot of a multi-family dwelling within a residential district	Class A Buffer
Per use standards	As determined in the standards of Article 9

**CLASS A BUFFER YARD**



### CLASS B BUFFER YARD



#### 12.910 TREE PRESERVATION

Existing healthy trees must be conserved when possible and will be credited toward landscaping requirements, when they are comparable in terms of species to new trees that would be permitted in the proposed location.

A. Credit for conserving existing, healthy trees is subject to ~~Zoning Administrator~~ [Urban Forester](#) approval. The credit approved for each conserved tree is based on a tree's diameter, measured 4.5 feet above the ground, and may be up to the amount indicated below:

1. Four to eight inches: Two trees credited
2. Eight to twelve inches: Three trees credited
3. Twelve to eighteen inches: Four trees credited
4. Eighteen inches or greater: Five trees credited

B. Existing trees may be used to fulfill some of the perimeter screening requirements, subject to approval by the Zoning Administrator. Existing trees are credited as set forth in this section. Trees to be conserved must be identified on the required landscaping plan. Conserved trees may comprise no more than 50% of the perimeter screening requirements and must be supplemented with new landscaping as required to create an effective screen.

C. If existing trees are being used as credit toward meeting the tree planting standards, a grading permit will not be issued until the following protections are installed:

1. Within the drip line of any protected tree, there may be no cut or fill over a four inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
2. Prior to and during construction, temporary barriers must be erected around all protected trees with barriers a minimum of four feet in height, and no closer than six feet from the trunk or one-half of the drip line, whichever is greater. There may be no storage or movement of equipment, material, debris, or fill within the fenced, tree-protection zone.

3. During construction, the applicant must prevent the cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the drip line of any protected tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.
4. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.



## ARTICLE 13. CODE ADMINISTRATORS

- 13.1 CITY COUNCIL POWERS
- 13.2 METROPOLITAN PLANNING COMMISSION POWERS
- 13.3 BOARD OF ZONING APPEALS POWERS
- 13.4 ZONING ADMINISTRATOR POWERS
- 13.5 DOWNTOWN DESIGN REVIEW BOARD POWERS
- ~~13.65~~ HISTORIC ZONING COMMISSION POWERS
- ~~13.76~~ ADMINISTRATIVE REVIEW COMMITTEE POWERS
- ~~13.87~~ BOARD OF ZONING APPEALS ORGANIZATION
- 13.9 DOWNTOWN DESIGN REVIEW BOARD ORGANIZATION
- ~~13.108~~ HISTORIC ZONING COMMISSION ORGANIZATION
- ~~13.911-~~ ADMINISTRATIVE REVIEW COMMITTEE ORGANIZATION

### 13.1 CITY COUNCIL POWERS

The City Council has the following specific powers pursuant to this Code:

- A. To make final decisions on zoning text and map amendment applications.
- B. To make final decisions on preliminary plans of planned development applications.
- C. To hear appeals on decisions of the Metropolitan Planning Commission and the Board of Zoning Appeals.

### 13.2 METROPOLITAN PLANNING COMMISSION POWERS

The Metropolitan Planning Commission has the following powers pursuant to this Code:

- A. To make recommendations to the City Council on zoning text and map amendment applications.
- B. To make final decisions on special use applications.
- C. To make final decisions on site plan review applications, as applicable.
- D. To make recommendations to the City Council on preliminary plans for planned development applications and final decisions on final plans for planned development.

### 13.3 BOARD OF ZONING APPEALS POWERS

The Board of Zoning Appeals has the following powers pursuant to this Code:

- A. To make final decisions on variance applications.
- B. To hear appeals on Zoning Administrator decisions.

### 13.4 ZONING ADMINISTRATOR POWERS

The Zoning Administrator has the following powers pursuant to this Code. The Zoning Administrator may ~~designate one or more City staff persons~~ appoint a designee to act as the Zoning Administrator; however, a zoning decision may only be rendered once.

- A. To make final decisions on administrative modification applications.
- B. To make final decisions on site plan review applications, as applicable.
- C. To make final decisions on zoning certification applications.
- D. To make final decisions on zoning interpretation applications.
- E. To make final decisions on temporary use permit applications.

### **13.5 DOWNTOWN DESIGN REVIEW BOARD POWERS**

The Downtown Design Review Board has the following powers pursuant to this Code:

A. To make final decisions on downtown design review applications in the DK District.

### **13.6 HISTORIC ZONING COMMISSION POWERS**

The Historic Zoning Commission has the following powers pursuant to this Code:

- A. To make final decisions on certificate of appropriateness applications.
- B. To make recommendations to the City Council on the creation or removal of H Overlay District and NC Overlay District zoning designations.
- C. To make recommendations to the City Council on updates to Historic District Design Guidelines.
- D. To make recommendations to the City Council on the designation of landmark and historic signs.
- E. To make recommendations to the Tennessee Historical Commission on National Register of Historic Places nominations.
- F. To determine whether a structure meets the criteria set forth in T.C.A. 7-51-1201.

### **13.6-7 ADMINISTRATIVE REVIEW COMMITTEE POWERS**

The Administrative Review Committee has the following powers pursuant to this Code:

- A. To make final decisions on site plan review applications, as applicable.

### **13.7-8 BOARD OF ZONING APPEALS ORGANIZATION**

- A. A Board of Zoning Appeals of five members as defined in Title 13, Section 705 of the Tennessee Code Annotated must be nominated by the Mayor and confirmed by the City Council.
- B. The term of each member of the Board of Zoning Appeals is five years except that on the initial board, one member will serve a term of one year, one member a term of two years, one member a term of three years, one member a term of four years, and one member a term of five years so that the term of one member will expire each year.
- C. A member may serve consecutive terms upon re-nomination by the Mayor and confirmation by the City Council.

### **13.9 DOWNTOWN DESIGN REVIEW BOARD ORGANIZATION**

A. For the purpose of reviewing Downtown development per the Downtown Design Guidelines and the standards of this Code, a Downtown Design Review Board has been established.

B. Administrative rules, including rules governing the Board, terms of membership, and application schedules, must be approved by the Metropolitan Planning Commission.

C. The responsibilities of the Downtown Design Review Board are to:

1. Review the designs for all public projects, including, but not limited to, street and sidewalk design, landscaping, park improvements, public facility improvements, and public way-finding systems.
2. Review and approve private development plans, based upon the adopted design guidelines as set forth at the time of amendments to the Zoning Map.
3. Advise the Mayor, City Council, Metropolitan Planning Commission And Historic Zoning Commission on means to improve Downtown design, incentives that could be used to foster good design, and programs that should be pursued to foster beautification, safety and related public purposes Downtown.

D. The Downtown Design Review Board is appointed by the Mayor with the approval of a majority of the City Council

and composed of permanent staff and other rotating members as outlined below.

1. Staff (permanent members):

- a. Metropolitan Planning Commission Executive Director, or his/her designee, who is an ex officio non-voting member.
- b. City's Director of Policy Development, or his/her designee, who is an ex officio non-voting member.

2. Other (rotating members):

- a. One architect (rom a slate recommended by AIA Knoxville).
- b. One urban design professional with a background in architecture or urban planning selected from nominations from AIA Knoxville and the local chapter of the American Planning Association.
- c. Two downtown residents.
- d. Two businesses, development, or real estate professionals whose work is largely focused upon Downtown.
- e. A member of the Central Business Improvement District Board from a slate proposed by the board.
- f. A member of the Historic Zoning Commission.

3. Ex-officio members - The following may be called on to serve as non-voting members when cases require their technical and professional expertise:

- a. Metropolitan Planning Commission and Historic Zoning Commission staff.
- b. Building official or his/her designee.
- c. City Engineering Director or his/her designee.
- d. Central Business Improvement District staff.
- e. Knoxville Utilities Board staff.
- f. Knoxville's Community Development Corporation staff.
- g. City Law Department staff.

E. The Board must adopt administrative rules and submit the rules to the Metropolitan Planning Commission for adoption. The rules must outline the terms of board members, election of its chair, its schedule of meetings, voting procedures, application requirements regarding certificates of appropriateness, and appeal processes to the Metropolitan Planning Commission.

### **13.8-10 HISTORIC ZONING COMMISSION ORGANIZATION**

**A.** The Historic Zoning Commission consists of nine persons: one must be a representative of a local patriotic or historic organization; one must be an architect, if available; one must be a person who is a member of the local Planning Commission at the time of such person's appointment, if possible; and the remainder must be from the community in general. Historic zoning commission members are appointed by the Mayor, subject to confirmation by the City Council.

**B.** The terms of members of the Historic Zoning Commission are five years, except that the members appointed initially are appointed for staggered terms so that the terms of at least one member but no more than two members expire each year.

**C.** All members serve without compensation.

**D.** The commission may adopt rules and regulations consistent with the provisions of this part.

### **13.8-11 ADMINISTRATIVE REVIEW COMMITTEE ORGANIZATION**

The Administrative Review Committee was previously established by the City Council as the South Waterfront Administrative Review Committee. The powers of the South Waterfront Administrative Review Committee have been expanded to include review of select site plans, as applicable, in addition to development plans within the South Waterfront. The South Waterfront Administrative Review Committee has been renamed the Administrative Review Committee. For reference purposes, the provisions that established the Administrative Review Committee are as follows:

- A.** The City Council has delegated review of Development Plans and application to the South Waterfront Administrative Review Committee pursuant to the Knoxville South Waterfront Form Based Development Code.
- B.** The South Waterfront Administrator serves as chairman of the South Waterfront Administrative Review Committee and is responsible for all final actions.
- C.** In addition to the South Waterfront Administrator, the South Waterfront Administrative Review Committee must consist of a representative from the following entities:
  - 1. Civil Engineering
  - 2. Fire Department
  - 3. Knoxville Utility Board
  - 4. Metropolitan Planning Commission
  - 5. Plans Review and Inspection
  - 6. Parks and Recreation
  - 7. Public Services
  - 8. Stormwater Engineering
  - 9. Traffic Engineering

## ARTICLE 14. APPLICATION PROCESS

- 14.1 APPLICATION PROCESSES
- 14.2 NOTICE
- 14.3 VESTING

### 14.1 APPLICATION PROCESSES

#### A. Application Submittal

All zoning applications must be filed as indicated in Table 14-1: Application Submittals. The application must be on forms provided by the entity with authority over the application and filed in such quantity and with such submittals as required by the instructions.

Application	Authority	
	Zoning Administrator	MPC Staff
Amendment (Text and Map)		•
Special Use		•
Variance	•	
Administrative Modification	•	
Site Plan Review	•	
Planned Development		•
Certificate of Appropriateness		•
Zoning Interpretation	•	
Zoning Certification	•	
Zoning Appeal of Zoning Administrator Decisions	•	
Zoning Appeal of Administrative Body Decisions		•

#### B. Pre-Application Conference

Prior to formal submittal of an application, the applicant may schedule a pre-application conference with the Zoning Administrator or Metropolitan Planning Commission staff, as applicable. The purpose of a pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application. No decision is made on the application.

#### C. Completeness

a. An application must include all information, plans, and data as specified in the application requirements. The Zoning Administrator or Metropolitan Planning Commission staff, as applicable, will examine all applications within ten business days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator or Metropolitan Planning Commission staff, as applicable, will reject the application and provide the applicant with the reasons for the rejection. No further steps to process the application will be taken until all deficiencies are remedied.

b. After an application is determined to be complete and before action is taken on the application, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. Such revisions may require an additional payment of fees. Once the application is under consideration by the appropriate bodies, additional information or revisions are not subject to this provision.

#### D. Fees

Each application must be accompanied by the required filing fee, as established and modified, from time to time, in the City or Metropolitan Planning Commission fee schedule as adopted or approved by the City Council or Metropolitan Planning Commission. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the City Council or Metropolitan Planning Commission, then all fee requirements are considered waived.

**E. Withdrawal of Application**

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

**F. Consideration of Successive Applications**

1. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration. The Zoning Administrator or Metropolitan Planning Commission staff, as applicable, will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Administrator or Metropolitan Planning Commission staff, as applicable, finds that there are no new grounds for consideration of the subsequent application, the application will be summarily, and without hearing, denied.

**14.2 NOTICE**

**A. Required Notice**

Table 14-2: Zoning Approvals Required Notice indicates the types of notice required for zoning applications. If the specific requirements of a zoning approval process contain contradictory information to Table 14-2, the specific requirements of the zoning approval control.

Zoning Application	Notice Type		
	Published	Mailed	Posted
<b>Zoning Text Amendment</b> Notice for Public Hearing	•		
<b>Zoning Map Amendment</b> Notice for Public Hearing	•	•	•
<b>Special Use</b> Notice for Public Hearing	•	•	•
<b>Planned Development – Preliminary Plan</b> Notice for Public Hearing	•	•	•
<b>Variance</b> Notice for Public Hearing	•		•
<b>Zoning Appeals of Administrative Body Decisions</b> Notice for Public Hearing	•		
<b>Zoning Appeals of Zoning Administrator Decisions</b> Notice for Public Hearing	•		

**B. Published Notice**

When published notice is required, the City will publish notice in a newspaper of general circulation within the City. The notice must include the date, time, place, and purpose of such hearing/meeting, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days in advance of the scheduled action.

**C. Mailed Notice**

1. The Metropolitan Planning Commission will send written notice of the application and public hearing date to all property owners whose property is within 200 feet of the subject property.
2. Notice will be to the last known address of the property owner as listed on the tax rolls.
3. Notices will be mailed at least 12 days before the date of the first advertised hearing.
4. Notice is also required when an application is removed from the table unless the matter is being untabled for withdrawal only.

5. Mailed notice for map amendments and for general amendments to the zoning map initiated by the City Council or Metropolitan Planning Commission will also be provided to all property owners whose property is within the proposed amendment to the zoning map, the cost of which is born by the initiator of the request.
6. Nothing in this section prevents the City, Metropolitan Planning Commission, or the applicant from giving additional notice as he/she may deem appropriate.
7. Mailed notice is not be required for changes to the annexation-related map amendments initiated by the City of Knoxville.

**D. Posted Notice**

1. The applicant will post a sign no less than 12 days prior to the public hearing date. Calculation of the notice period commences on the first date of posting, but does not include the hearing date.
2. The notice sign must state the nature of the proposal or application, the Metropolitan Planning Commission contact information (telephone number and internet address), and the date and time and of the public hearing.
3. Failure to post the notice sign as required is sufficient cause for postponement of the public hearing. However, failure to post notice signs as required does not preclude the Metropolitan Planning Commission from acting on any application or proposal properly before it.

**14.3 VESTING**

In accordance with TCA Section 14-4-310, the following provides for the Vesting of developments through zoning applications. Table 14-3: Vesting Timeline provides for vesting within the City, under state law, for the types of plans approved, the vested right, and what action triggers the vesting.

- A. During the vesting periods listed below, the adopted standards in effect on the date of approval of the required preliminary approval or final development approval where preliminary approval is not required remain the development standards applicable to the property.
- B. The applicable vesting periods are listed in Table 14-3.
- C. The vesting period outlined in Table 14-3 may be terminated upon the following conditions:
  1. When the applicant violates the terms and conditions specified in the approved plan or building permit. The applicant will receive 90 days from the date of the written notification to resolve the violation, unless provided additional time from the City.
  2. Upon a finding by the City that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or approval of a plan or did not construct the development in accordance with the approved building permit or the approved plan or an approved amendment for the building permit or the plan.
  3. Upon the written determination by the City of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time.
  4. Upon enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action, or other governance that is required to be enforced by the City and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within 90 days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

D. Should the applicant obtain all necessary permits for site preparation and commences site preparation within three years of preliminary approval, the vesting period are extended an additional two years to commence construction from the date of the expiration of the three year period, for a total of five years. During the two year period, the applicant must commence construction and maintain any necessary permits to remain vested.

E. Should the applicant commence construction during the five year period, the development standards applicable during the vesting period remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project cannot exceed ten years from the date of application approval, during which time the applicant must maintain all necessary permits during this period. For a phased development, the total vesting period is 15 years from the original preliminary approval date.

**Table 14-2: Vesting Timeline**

Application	Approval	Effective Date	Vesting Period	Total Vesting Period	Required Actions	Phasing
<b>PD Concept Plan</b>	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
<b>PD Preliminary Plan</b>	City Council Approval	3 years from date of approval	3 years	3 years	Receive Final Plan Approval	Not Applicable
<b>PD Final Plan</b>	MPC Approval	5 years from date of preliminary approval	5 years	10 years (with construction)	Site Preparations; Complete construction; and Maintain permits	15 years
<b>Site Plan</b>	ARC or MPC Approval	Date of approval	5 years	10 years (with construction)	Site Preparations; Complete construction; and Maintain permits	15 years



## ARTICLE 15. ZONING APPLICATIONS

- 15.1 ZONING TEXT AND MAP AMENDMENT
- 15.2 SPECIAL USE
- 15.3 VARIANCE
- 15.4 ADMINISTRATIVE MODIFICATION
- 15.5 SITE PLAN REVIEW
- 15.6 DOWNTOWN DESIGN REVIEW
- 15.7 PLANNED DEVELOPMENT
- 15.8 CERTIFICATE OF APPROPRIATENESS
- 15.9 ZONING INTERPRETATION
- ~~15.9 ZONING CERTIFICATE~~
- 15.10 TEMPORARY USE PERMIT
- 15.11 ZONING APPEALS OF ADMINISTRATIVE BODY DECISIONS
- 15.12 ZONING APPEALS OF ADMINISTRATIVE DECISIONS

### 15.1 ZONING TEXT AND MAP AMENDMENT

#### A. Purpose

The regulations imposed by the zoning regulations of this Code and of the Zoning Map may be amended from time to time in accordance with this section. This process for amending the zoning regulations of this Code or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

#### B. Initiation

The City Council, Metropolitan Planning Commission, City staff, Metropolitan Planning Commission staff, or a property owner in the City, or his/her designee, may propose a zoning text or map amendment.

#### C. Authority

The City Council, after receiving a recommendation from the Metropolitan Planning Commission, will take formal action on requests for zoning text or map amendments.

#### D. Procedure

All applications must be filed with the Metropolitan Planning Commission staff. Once it is determined that the application is complete, staff will schedule the application for consideration by the Metropolitan Planning Commission. Amendments initiated by the City Council or Metropolitan Planning Commission also require an application, but are exempt from fees.

##### 1. Action by Metropolitan Planning Commission

- a. Upon receipt of a complete application, the Metropolitan Planning Commission will consider the proposed zoning amendment at a public hearing.
- b. The Metropolitan Planning Commission must evaluate the application based upon the evidence presented and, for map amendments, the approval standards of this section.
  - i. For zoning text amendments, the Metropolitan Planning Commission must recommend approval, approval with modifications, or denial of the application.
  - ii. For zoning map amendments, the Metropolitan Planning Commission must recommend approval or denial of the application.
- c. After the close of the meeting, the Metropolitan Planning Commission must forward its recommendation to the City Council.

##### 2. Action by City Council

- a. The City Council will hold a public hearing on the application following receipt of the Metropolitan Planning Commission recommendation. The City Council must take action as follows:

i. For zoning text amendments, the City Council must approve, approve with modifications, or deny the application.

ii. For zoning map amendments, the City Council must approve or deny ~~of~~ the application. [No conditions may be imposed as part of a zoning map amendment.](#)

b. The City Council must act upon the application within 120 days of the final decision of the Metropolitan Planning Commission public hearing. Failure to act within 120 days means the application is denied.

#### **E. Approval Standards for Map Amendments**

1. The Metropolitan Planning Commission recommendation and the City Council decision on a map amendment is a matter of legislative discretion that is not controlled by any particular standard.

2. In addition to the standards below, evaluation of proposed amendments must consider the appropriateness of the zoning district to the subject property, and all the district's permissions, and not for a specific development and/or use of the subject property.

3. In making their recommendation and decision, the Metropolitan Planning Commission and the City Council must consider the following standards. The approval of map amendments is based on a balancing of these standards:

a. The compatibility with the existing use and zoning of nearby property.

b. The extent to which the proposed amendment creates nonconformities.

c. The trend of development, if any, in the general area of the property in question.

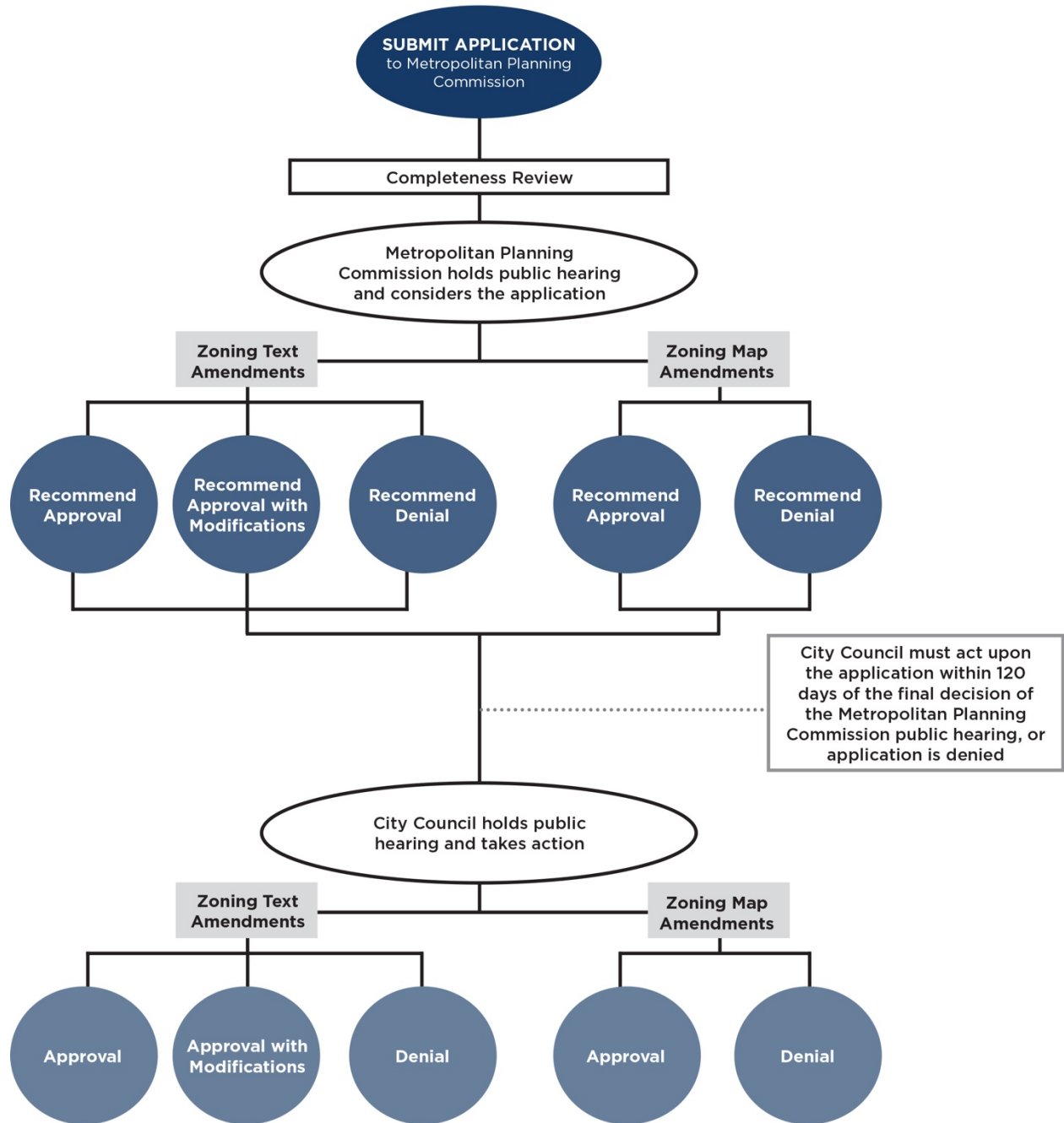
d. The consistency of the proposed amendment with the General Plan and any adopted land use policies.

e. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the subject property if the amendment were adopted.

#### **F. Appeal**

City Council decisions may be appealed to Chancery Court.

## Zoning Text & Map Amendment



## 15.2 SPECIAL USE

### A. Purpose

This Code is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

### B. Initiation

A property owner in the City, or his/her designee, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

### C. Authority

The Metropolitan Planning Commission will take formal action on special use applications.

### D. Procedure

An application for a special use must be filed with the Metropolitan Planning Commission staff. Once it is determined that the application is complete, the staff will schedule the application for consideration by the Metropolitan Planning Commission.

1. Upon receipt of a complete application, the Metropolitan Planning Commission will consider the special use at a public hearing.
2. The Metropolitan Planning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Metropolitan Planning Commission must either approve, approve with conditions, or deny the special use.

### F. Conditions

1. The Metropolitan Planning Commission may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as may be deemed necessary for the protection of the public health, safety, and welfare.
2. Prior to final approval of the special use by the Metropolitan Planning Commission, the proposed conditions must be sent to City staff and Metropolitan Planning Commission staff for review and recommendation. The Metropolitan Planning Commission will approve the special use with conditions after receipt of the staff recommendation.
3. Conditions placed upon the special use must be related to the physical development of the site and must be able to be shown on the site plan.
4. A revised site plan showing all required conditions must be submitted prior to issuance of a building permit and/or required licenses.

### G. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Metropolitan Planning Commission must make findings to support each of the following conclusions:

1. The proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Code and adopted City land use policies.
4. The special use in the specific location has sufficient public infrastructure and services to support the use.

**H. Modifications to Approved Special Uses**

Any modifications to the conditions of approval for a previously approved special use must be resubmitted as a new special use application. Any modifications that meet Code standards are permitted, subject to the regulations of this Code.

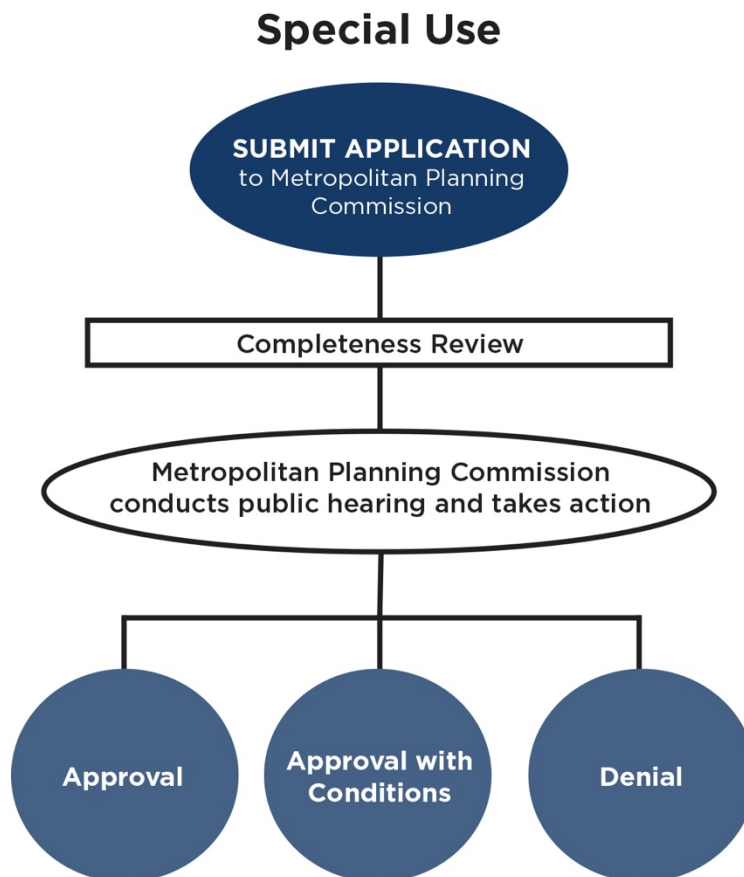
**I. Expiration**

A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use validity is granted or pending. The Metropolitan Planning Commission may grant an extension for a period of validity, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time

1. When an approved special use is changed to another use.
2. For special uses approved in conjunction with new construction or additions or enlargements to an existing structure, the special use approval expires within one year of the date of approval if a building permit has not been issued.
3. For special uses approved in conjunction with an existing structure or on lot where no structure is planned, the special use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.

**J. Appeals**

The Metropolitan Planning Commission decision may be appealed in accordance with Section 15.110.



## 15.3 VARIANCE

### A. Purpose

The purpose of the variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of the zoning regulations of this Code that create practical difficulties or particular hardships. Certain types of variances may be eligible for approval under the administrative modification process in Section 15.4.

### B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a variance. A property owner, or his/her designee, may only propose a variance for property under his/her control.

### C. Authority

The Board of Zoning Appeals will take formal action on variances on zoning regulations.

### D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Board of Zoning Appeals.

1. Upon receipt of a complete application, the Board of Zoning Appeals will consider the variance at a public hearing.
2. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Board of Zoning Appeals will either approve, approve with conditions, or deny the variance.
3. The Board of Zoning Appeals may impose such conditions and restrictions upon the variance as may be deemed necessary for the protection of the public health, safety, and welfare. The Board of Zoning Appeals may grant a variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variance application.

### E. Approval Standards

The Board of Zoning Appeals may authorize a variance from the strict application of this Code so as to relieve such difficulties or hardship only in accordance with the all three of the following criteria:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this Code.
2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.
3. Such relief may be granted without substantial detriment to the public health, safety, and welfare, and without substantially impairing the intent and purpose of the Zoning Map and this Code.

### F. Limitations

1. No variance may allow a use that is prohibited in the applicable base or overlay district.
2. The variance granted is the minimum adjustment necessary for the reasonable use of the land.

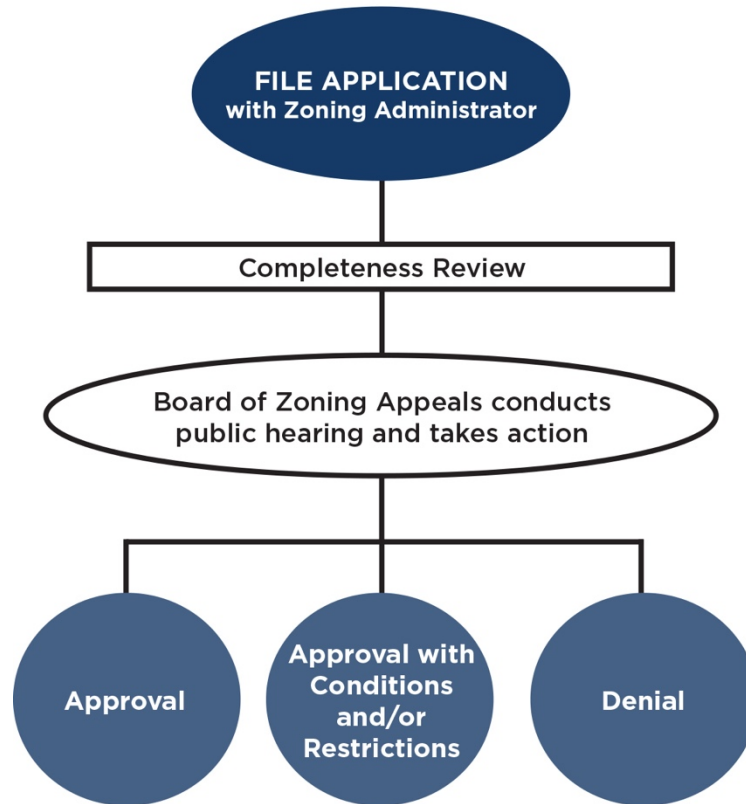
### G. Expiration of Variance

An approved variance will expire one year from the date of approval unless a building permit is obtained or applied for within such period. The Board of Zoning Appeals may grant an extension for a period of validity so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

### H. Appeals

The Board of Zoning Appeals decision may be appealed in accordance with Section 15.10.

## Variance



### 15.4 ADMINISTRATIVE MODIFICATION

#### A. Purpose

The purpose of the administrative modification is to provide relief from carrying out a requirement of this Code that may cause a minor practical difficulty.

#### B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for an administrative modification. A property owner, or his/her designee, may only propose an administrative modification for property under his/her control.

#### C. Authority

The Zoning Administrator is authorized to grant certain administrative modifications, as defined below. Only those items listed below are eligible for an administrative modification; all other requests for relief are considered variances (Section 15.4).

1. A 10% or less modification to any zoning district dimensional standard in this Code.
2. A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
3. A reduction in required bicycle parking of up to 10%.

4. Modifications of design standards for the commercial districts, excluding the DK District, upon the recommendation of the Administrative Review Committee during site plan review. Design standards may be modified but cannot be waived in their entirety.

#### D. Procedure

1. All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will consider an application for an administrative modification.
2. The Zoning Administrator may decide that an application for an administrative modification, even if it meets the thresholds established in this section, is by its nature a variance to be decided by the Board of Zoning Appeals and will resubmit the application to the Board of Zoning Appeals as a variance. No additional fees are required.
3. The Zoning Administrator must review and evaluate the complete administrative modification application, pursuant to the standards of this section.
4. The Zoning Administrator must render a decision within 15 days once the application is deemed complete and either approve, approve with conditions, or deny the application. If the Zoning Administrator fails to act within 15 days, the administrative modification will be resubmitted to the Board of Zoning Appeals as a variance. No additional fees are required.

~~5. If an objection is filed to the administrative modification application in writing before a decision is rendered, the application must be resubmitted as a variance. No additional fees are required.~~

56. The Zoning Administrator may impose such conditions and restrictions upon the administrative modification as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Administrator may grant an administrative modification that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.

#### E. Approval Standards

The decision of the Zoning Administrator must make findings to support each of the following conclusions:

1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this Code.
2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.
3. Such relief may be granted without substantial detriment to the public health, safety, and welfare, and without substantially impairing the intent and purpose of the Zoning Map and this Code.

#### F. Expiration

An approved administrative modification will expire one year from the date of approval unless a building permit is obtained. The Planning Director may grant an extension for a period of validity, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration.

#### G. Appeals

Appeals of an administrative modification decision must be made per Section 15.11.

### 15.5 SITE PLAN REVIEW

#### A. Purpose

The site plan review process is intended to promote orderly development and redevelopment in the City, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with the General Plan and adopted land use policies, and promotes the public health, safety, and welfare. This section provides standards by which to determine and control the physical layout and design to achieve compatibility of land uses and structures, efficient use of land, minimization of traffic and safety hazards, and incorporation of sustainable design techniques.



## B. Authority

The Administrative Review Committee reviews and issues final approval of site plans, unless a use and/or development type is required to undergo site plan review by the Metropolitan Planning Commission; in such case the Metropolitan Planning Commission has final site plan approval.

## C. Required Site Plan Review

### 1. Uses Requiring Site Plan Review

- a. All special uses require site plan review by the Metropolitan Planning Commission.
- b. Certain permitted uses are identified in the use standards as requiring site plan review. These uses are reviewed by the Zoning Administrator unless the standards specifically require review by the Metropolitan Planning Commission.

### 2. Development Actions Requiring Site Plan Review by Administrative Review Committee

Site plan review and approval is required by the Administrative Review Committee for the following types of development actions, unless the Code specifically requires review by the Metropolitan Planning Commission.

- a. New construction and [additions](#)/enlargements in the EN, C-G-2, C-G-3, C-H-2, C-R-2, ~~DK~~, CU, and SW Districts.

[b. Site plan review in the DK District is only required when the development is not subject to Downtown design review.](#)

### 3. Development Actions Requiring Site Plan Review by Zoning Administrator

Site plan review and approval is required by the Zoning Administrator, [or his/her designee](#), for [all other development not addressed in item 2 above \(any development not reviewed by the Administrative Review Committee\). However, planned developments are addressed in item 4 below.](#) ~~the following types of development actions, unless the Code specifically requires review by the Metropolitan Planning Commission or Administrative Review Committee.~~

- ~~a. New townhouse, multi-family, and nonresidential (including mixed-use) construction.~~
- ~~b. Enlargements to existing townhouse, multi-family, and non-residential (including mixed-use) development that increases the total floor area by 25% or more.~~
- ~~c. New construction of parking lots of 10 or more spaces.~~
- ~~d. New construction of parking structures.~~
- ~~e. Any development with a drive-through facility, including a freestanding automated teller machine.~~

### 4. Relation to Planned Development

A separate site plan review is not required for planned development applications. A site plan is submitted as part of a planned development application and is approved as part of the application.

### 4.5. Relation to Variance and Administrative Modification

If a variance or administrative modification is needed, such approval must be granted before site plan approval is granted. The site plan submitted for approval must reflect all conditions imposed as part of such approval.

## D. Procedure

1. All applications for site plan review must be submitted to the Zoning Administrator. The Zoning Administrator will forward the application to the appropriate review and approval authority.
2. If a site plan is approved subject to conditions and/or modifications, all plans and drawings submitted as part of the application for a building permit or other approval must include those conditions and/or modifications.

#### **E. Approval Standards**

The following must be evaluated in the review of site plans:

1. Conformity with the regulations of this Code, and any other applicable regulations within the City Code.
2. The location, arrangement, size, design and general site compatibility of structures, lighting, and signs to ensure:
  - a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities, and infrastructure.
  - b. Compatibility with, and mitigation of, any potential impact upon adjacent property.
  - c. Illumination designed and installed to minimize adverse impact on adjacent properties.
  - d. Signs in conformance with the City Code.
3. Circulation systems and off-street parking designed to:
  - a. Provide adequate and safe access to the site for motor vehicles as well as alternate modes of transportation, including pedestrians, bicyclists, and public transit users.
  - b. Eliminate dangerous traffic movements.
  - c. Minimize curb cuts by using cross-access servitudes and shared parking.
  - d. Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces, and structures that is visible, identifiable, and safe.
4. The following additional site plan standards apply in the SW District:
  - a. Consider existing topography and provide topographic survey with 2' contours.
  - b. Identify all existing trees with a minimum six inch caliper, including root zone within dripline.
  - c. Preserve a minimum of one healthy large canopy tree per lot or six healthy trees per acre, whichever is greater.
  - d. Preserve Goose Creek TVA flowage easement at 822.
  - e. No fill allowed or a study to show "no rise" certification is required.
  - f. In the SW-2 and SW-4 Subdistricts, the Tennessee River 100-Year flood line is EL 821.5.
  - g. The lowest habitable floor elevation is EL 828.8.
  - h. Must comply with State & Federal requirements and report on all environmental and/or archaeological findings.

#### **F. Modifications to Approved Site Plans**

1. An application for an amendment to an approved site plan must be submitted to the Zoning Administrator. Amendment applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. The Zoning Administrator may approve the following minor modifications to approved site plans:
  - a. Minor changes required that are related to final engineering issues during construction—involving topography, drainage, underground utilities, or structural safety. The written description must show how such minor change is related to one or more of these elements.

- b. Exterior renovations to a building facade that do not increase the building footprint or height.
  - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Code.
  - d. The construction of additional bicycle or parking spaces.
  - e. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Code.
  - f. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and conform to all landscape requirements.
  - g. The modification of existing signs or the addition of new signs when in conformance with the requirements of this Code.
3. The Zoning Administrator may decide that the proposed change or changes to the approved site plan is such a significant change that it constitutes a new application and is subject to a complete site plan review per the provisions of this section.

#### **G. Effect of Approval**

No building permit, certificate of occupancy, or other applicable permit will be issued until site plan approval is granted. When conditions are imposed upon a site plan, the site plan must be resubmitted showing all required changes prior to the issuance of a building permit, certificate of occupancy, or other permit

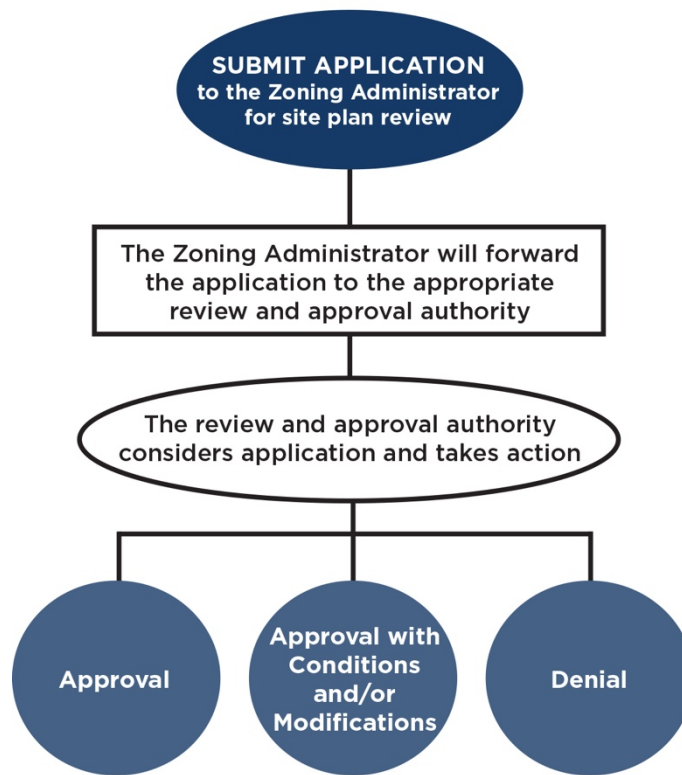
#### **H. Expiration and Vesting**

- 1. The site plan approval expires if a building permit has not been issued within three years after the date of site plan approval. The site plan is vested within this Code
- 2. An extension of this three year validity period may be granted by the Zoning Administrator prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

#### **I. Appeals**

- 1. Metropolitan Planning Commission decisions on site plan reviews may be appealed per Section 15.10.
- 2. Administrative Review Committee decisions on site plan reviews may be appealed to the Metropolitan Planning Commission.
- 3. Appeals of Zoning Administrator decision on a site plan must be made per Section 15.11.

## Site Plan Review



## 15.6 DOWNTOWN DESIGN REVIEW

### **A. Purpose**

Downtown Design Review is intended to foster attractive and harmonious development and rehabilitation in Downtown Knoxville that reflects the goals of adopted plans, and the principles of the Downtown Design Guidelines. Additionally, the Downtown Design Review Board will review and approve the plans for public and private improvements in the DK District. The Downtown Design Review Board works toward the following objectives:

1. Promote Downtown as a place for a viable mix of commercial, office, civic, and residential uses, including street level development that creates a pedestrian-friendly environment.
2. Create quality publicly-oriented spaces, including streets, pedestrian ways, parks, and squares that are safe and beautiful.
3. Create harmony in architectural and landscape architectural elements to provide a pleasing environment and continuous commerce and interest along sidewalks.
4. Create efficient processes for the review and approval of Downtown projects.
5. Establish a means for design review for public improvements and building development and renovation to protect overall Downtown investments.
6. Foster new development that complements adjacent historic resources.

The Downtown Design Review Board's role is not to impose any architectural preferences, and the Downtown Design Guidelines are not intended to bring uniformity in design or approach or to require specific materials. The Downtown Design Guidelines are to be applied in a flexible manner to meet the needs of the development while encouraging the design to respect the context of nearby buildings and the streetscape. The Downtown Design Guidelines are thus not a rigid set of rules, but rather a set of key principles to guide development. The Downtown Design Review Board's role is to provide certainty that both immediate surroundings as well as Downtown as a whole are taken into account with each building project

### **B. Applicability**

Downtown design review in the DK District is required as follows, unless a historic overlay district is in place, whereby the Historic Zoning Commission will conduct review and approval of the development. Downtown design review is required in the following instances. No permit will be issued without a certificate of appropriateness from the Downtown Design Review Board.

1. New construction.  
New construction on a new or existing foundation.
2. Substantial addition.  
A substantial addition occurs when the total footprint or gross floor area of the structure, as of the effective date of this Ordinance, is increased by either 1,000 square feet or 20% in area, whichever is less.
3. Substantial alteration.  
Substantial alteration occurs with any exterior change, other than incidental repairs, that would prolong the life of the supporting members of a building. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial exterior alteration.
4. Planned developments.
5. Public improvements.
6. Sign lighting or electronic message center.

### **C. Modification of Dimensional Regulations**

The dimensional requirements of the DK District may not always be consistent with the intent of the Downtown Design Guidelines. The Downtown Design Review Board may issue a certificate of appropriateness to avoid the need for

variances in cases where a development has been conceived to respect the historic context of the block, provide greater pedestrian activity at sidewalk level, and/or meet other provisions of the guidelines.

#### **D. Procedure**

##### **1. Public Improvements**

- a.** The design of projects that are initiated by the City and Knoxville Utility Board, such as improvements to or new construction of streets, sidewalks, way-finding and other signs, lighting, parks and civic buildings, must be submitted to the Downtown Design Review Board for approval. The Downtown Design Review Board will send a report to the Mayor and City Council, and Utility Board Director regarding their findings.
- b.** The Downtown Design Review Board may request the Mayor's assistance to pursue review of other public projects, including those of county, state and federal governments.

##### **2. Private Development**

When development is subject to Downtown Design Review, the Downtown Design Review Board must issue a certificate of appropriateness before a building permit can be issued.

- a.** The developer must meet with staff to discuss preliminary concepts of the proposed development. Staff may waive this provision if they find the project to be of a minor nature or if the renovation is not oriented to a publicly-oriented space such as a street, plaza or pedestrian way. Sketches, draft architectural drawings or photographs of similar projects may be used to provide an understanding of the project. Staff, in turn, will discuss the implications of the Downtown Design Guidelines relative to the proposed concept. A brief report will be provided to the developer.
- b.** An application for a certificate of appropriateness must be filed with the Metropolitan Planning Commission and include the application form and the following information for the Downtown Design Review Board's consideration:
  - i.** A site plan, including property lines, sidewalk location, building footprint, landscaping, and parking and access points (as applicable);
  - ii.** Building elevations, showing entrances, windows, sign(s), construction materials and parapet or other structures to avoid visual or noise problems associated with heating/cooling or other utility units (other drawings such as perspectives are encouraged, but not required by the review board); and
  - iii.** A written description, stating the intended uses for the floors of the building(s); these may be presented as notes on the elevation(s).

##### **3. Signs Lighting or Electronic Signs**

Any requests for sign lighting or electronic message center exceptions within the DK District must be reviewed and approved by the Downtown Design Review Board and a certificate of appropriateness issued to the applicant.

##### **4. Certificates of Appropriateness**

- a.** All applications for certificates of appropriateness will be considered by the Downtown Design Review Board, which has the power to approve, approve with conditions, or deny certificates of appropriateness.
- b.** Staff may approve the following when they find that the design conforms to adopted guidelines: new signs, in-kind replacement of building features, removal of non-historic building features facing a publicly-oriented space, replacement of windows at ground level with transparent glass, or other replacements of building features that are consistent with the design guidelines.
- c.** The Downtown Design Review Board must, within 30 days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny said certificate, and must state the reasons for denial or the conditions attendant with the granting of a certificate in writing.

#### **E. Appeals**

An applicant submitting or any person who was a party for or against the application at the Downtown Design Review Board meeting may appeal approval, conditions of approval, or disapproval of the certificate of appropriateness to the Metropolitan Planning Commission, in accordance with Article IX of the City Downtown Design Review Board

[Administrative Rules and Procedures. A staff decision may be appealed to the Downtown Design Review Board, in accordance with Article VII, Section 3, of the City Downtown Design Review Board Administrative Rules and Procedures.](#)

## **15.6-7 PLANNED DEVELOPMENT**

### **A. Purpose**

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 only be applied to further those applications that provide compensating amenities to the City. 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:

1. Encourage flexibility in the development of land and in the design of structures.
2. 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.
3. 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.
4. 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.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
8. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

### **B. 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 will bind all owners.

### **C. Authorization**

1. A planned development is authorized in all zoning districts.
2. A planned development must be granted in accordance with the procedures and standards of this section. Unless specifically approved as part of the planned development approval, the requirements of the underlying district apply.
3. 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.

### **D. Exceptions From District Regulations**

1. A planned development is subject to the underlying district dimensional, design, and use regulations unless an exception is specifically granted. The Metropolitan Planning Commission may recommend and the City Council may grant exceptions to the zoning district dimensional, design, and use regulations where a planned development is located.
2. Exceptions from district regulations may be granted for planned developments, if the exceptions:
  - a. Enhance the overall merit of the planned development.
  - b. Promote the objectives of both the City and the development.

- c. Enhance the quality of the design of the structures and the site plan.
- d. Will not cause excessive adverse impact on neighboring properties.
- e. Are compatible with adopted City land use policies.
- f. Provide a public benefit to the City, as described below.

3. 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 City. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:

- a. Community gathering spaces and amenities including plazas, public art, formal gardens, places to congregate, and pedestrian and transit facilities.
- b. Improvement of existing on-site and off-site infrastructure.
- c. 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.
- d. Preservation of existing environmental features, [including additional protections for steep slopes \(15% or more slope\)](#).
- e. Preservation of historic features and adaptive reuse of existing buildings.
- f. New open space and recreational amenities such as recreational open space, including parks and playgrounds, natural water features and conservation areas, jogging trails and fitness courses, dog parks, skate parks, and similar recreational features.
- g. Provision of public car and/or bike share facilities
- h. Affordable housing set-asides.
- i. Senior housing set-asides.

#### **E. Procedure**

The following procedures, requirements, restrictions, and conditions are required. The approval of a planned development includes a pre-application consultation, optional concept plan review, preliminary plan approval, and final plan approval.

##### **1. Pre-Application Consultation**

- a. Prior to formal submittal of an application, a pre-application conference with the Metropolitan Planning Commission staff is required.
- b. At a pre-application consultation, the applicant must 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.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of 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 the City.



d. The pre-application conference does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the Metropolitan Planning Commission 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.

## **2. Optional Concept Plan**

Before submitting a formal application for a planned development, the applicant may present a concept plan before the Metropolitan Planning Commission, at his/her option, for the purpose of obtaining information and guidance prior to formal application.

a. The concept plan will be presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:

i. A map (or maps) 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.

ii. 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.

b. The Metropolitan Planning Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Metropolitan Planning Commission is in no way binding with respect to any official action the Metropolitan Planning Commission or City Council may take on the subsequent formal application. The review of the concept plan is not a public hearing. No decision will be made on the application.

## **3. Preliminary Plan**

### **a. Action by Metropolitan Planning Commission Staff**

An application for a preliminary plan for a planned development must be filed with the Metropolitan Planning Commission staff. Once it is determined that the application is complete, the Metropolitan Planning Commission staff will schedule the application for consideration by the Metropolitan Planning Commission.

### **b. Action by Metropolitan Planning Commission**

i. Upon receipt of a complete application, the Metropolitan Planning Commission will consider the preliminary plan at a public hearing.

ii. The Metropolitan Planning Commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Metropolitan Planning Commission must recommend either approval, approval with conditions and/or modifications, or denial of the preliminary plan.

iii. Following the close of the public hearing, the Metropolitan Planning Commission will forward its recommendation to the City Council.

### **c. Action by City Council**

i. The City Council will hold a public hearing on the preliminary plan upon receipt of the Metropolitan Planning Commission recommendation, and must approve, approve with conditions and/or modifications, or deny the preliminary plan.

ii. The City Council must finally act upon the application within 120 days of the final decision of the Metropolitan Planning Commission public hearing. Failure to act within 120 days means the application is denied.

**d. Conditions**

The Metropolitan Planning Commission may recommend, and the City Council 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.

**e. Approval Standards**

The recommendation of the Metropolitan Planning Commission and decision of the City Council must make a finding that the following standards for a planned development have generally been met.

- i. The proposed planned development meets the purpose of a planned development.
- ii. The proposed planned development will not be injurious to the use and enjoyment of other property in the vicinity.
- iii. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property.
- iv. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- v. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. The Metropolitan Planning Commission and/or City Council may require a traffic study to provide evidence that the circulation system is adequate.
- vi. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

**f. Expiration**

- i. 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 City Council grants preliminary plan approval. As part of the City Council approval of the preliminary plan, the City Council may extend this period of time including approval of a phasing plan where the validity period is longer than three years for the PD.
- ii. An extension of this three year period may also be granted by the City Council if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

**4. Final Plan**

Following the approval of the preliminary plan, an application for a final plan for a planned development must be filed with the Metropolitan Planning Commission staff.

**a. Action by Metropolitan Planning Commission Staff**

The Metropolitan Planning Commission staff will review the final plan upon receipt of the complete final plan application and take the following action:

- i. If the final plan is in substantial compliance with the approved preliminary plan, the Metropolitan Planning Commission staff will recommend approval of the final plan to the Metropolitan Planning Commission. The Metropolitan Planning Commission staff will certify to the Metropolitan Planning Commission that the final plan is in substantial conformance with the previously filed preliminary plan.
- ii. If the final plan is not in substantial conformance with the approved preliminary plan, the Metropolitan Planning Commission 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 Metropolitan Planning Commission 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 Metropolitan Planning Commission staff render a decision to be forwarded to the Metropolitan Planning Commission. In such case, the Metropolitan Planning Commission staff will recommend to the Metropolitan Planning Commission that the final plan be denied. If denied, the applicant may reapply by submitting a new preliminary plan.

**b. Action by Metropolitan Planning Commission**

Upon receipt of the Metropolitan Planning Commission staff recommendation, the Metropolitan Planning Commission must review the final plan. The Metropolitan Planning Commission must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect.

**c. 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.

**d. Expiration**

i. 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 Metropolitan Planning Commission approval of the final plan, the Metropolitan Planning Commission may extend this period of time including approval of a phasing plan where the validity period is longer than three years for the planned development.

ii. An extension of this three year validity period may be granted by the City Council prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval.

**F. Modifications to Approved Final Plans**

No adjustments may be made to the approved final plan, except upon application to the City in accordance with the following.

**1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Zoning Administrator, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Metropolitan Planning Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
- b. Changes in building location of no more than ten feet that continue to meet the requirements of this Code and any conditions of the final plan approval.
- c. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of this Code and any conditions of the final plan approval.
- d. Interior modifications to any structure that do not increase the area of the building footprint.
- e. Changes in building design, including building materials, that continue to meet the requirements of this Code and any conditions of the final plan approval.
- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Code and any conditions of the final plan approval.
- g. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Code and any conditions of the final plan approval.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations and any conditions of the final plan approval.

## **2. Minor Modifications**

The Metropolitan Planning Commission may approve the following minor modifications to an approved final plan when it is determined by the Metropolitan Planning Commission 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 Metropolitan Planning Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the City Council. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

- a. An increase or decrease in building height of up to 10%.
- b. An increase or decrease in building coverage up to 10%.
- c. A change of in the location of walkways, vehicle circulation ways, and parking areas over ten up to 20 feet.
- d. An increase or decrease in the number of parking spaces of up to ten parking spaces.
- e. 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.
- f. Altering any final grade by no more than 20% of the originally planned grade.

## **3. Major Modifications**

a. The City Council may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:

- i. Any request for an extension of time of the approved final plan.
- ii. Changes to any conditions imposed as part of the approved final plan.
- iii. Reductions or alterations in the approved public benefit and amenities to be provided.
- iv. Any development action that does not comply with zoning district regulations.

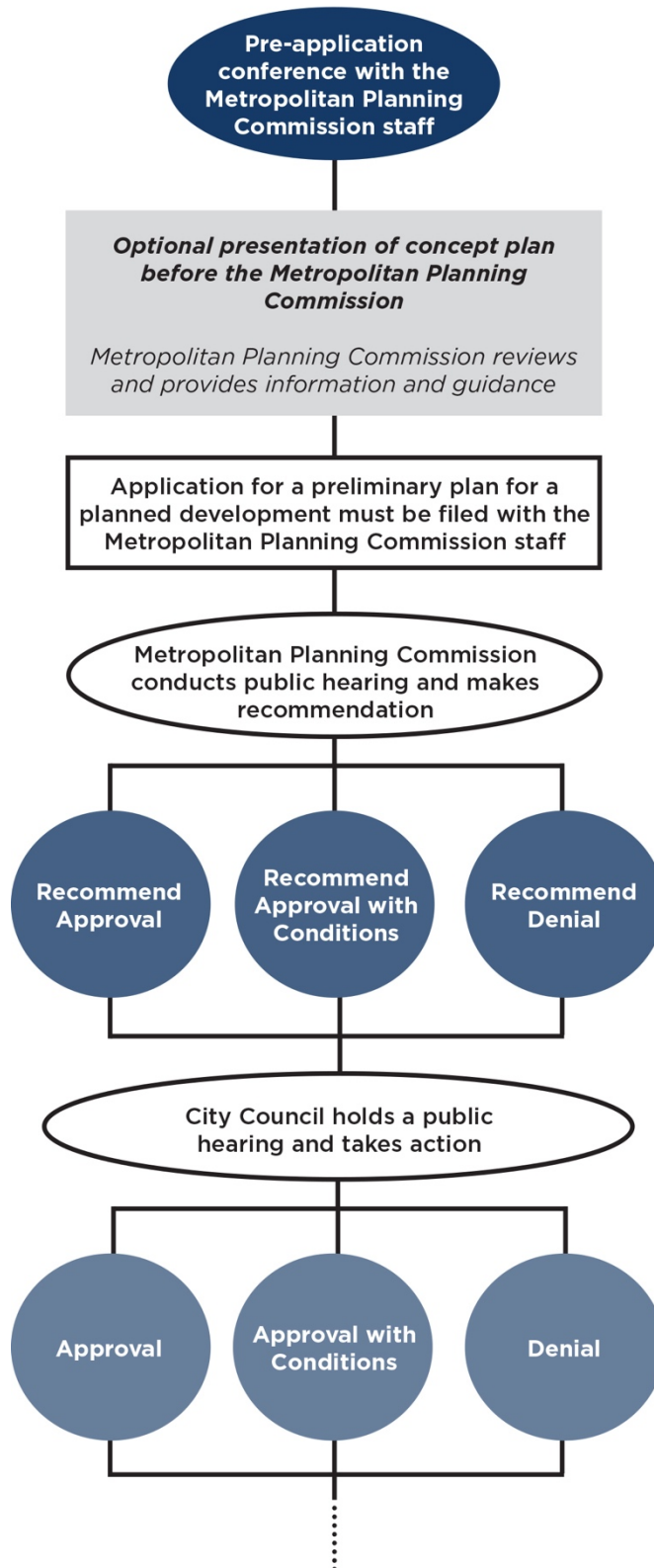
b. All major modifications to the final plan must be approved by the City Council. Approval of major modifications will follow the special use process. The City Council may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary 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 City land use policies.

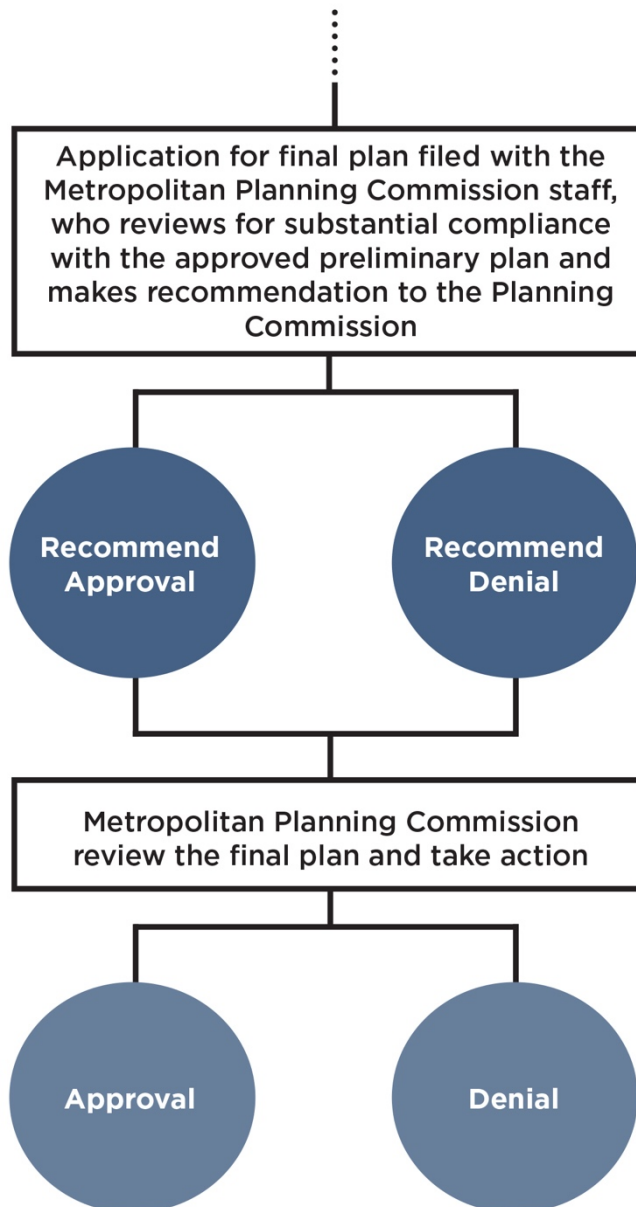
c. Upon review of the proposed major modifications, the City Council may determine that the proposed modifications constitute a new planned development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section.

## **G. Appeal**

1. City Council decisions on preliminary plans may be appealed to Chancery Court.
2. Metropolitan Planning Commission decisions on final may be appealed per Section 15.10.

## Planned Development





## 15.7-8 CERTIFICATES OF APPROPRIATENESS

### A. Purpose and Applicability

#### 1. H Historic Overlay District

All applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any structure, object, or other improvement to real estate located or to be located within an H Historic Overlay District must be referred to the Historic Zoning Commission, who has broad powers to request detailed construction plans and related data pertinent to a thorough review of the proposal. No building permit will be issued for new structures or improvements within an H Overlay District without issuance of a certificate of appropriateness by the Historic Zoning Commission.

## **2. NC Neighborhood Conservation Overlay District**

All applications for certificates of appropriateness within an NC Neighborhood Conservation Overlay District must be reviewed by the Historic Zoning Commission, which has the power to issue or deny certificates of appropriateness. No permit will be issued for the following activities within an NC Overlay District without issuance of a certificate of appropriateness by the Historic Zoning Commission: demolition; construction of a primary or accessory building, structure or other additions to real estate; and the addition of space to an existing primary or accessory building.

### **B. Process**

#### **1. H Overlay District Process**

- a. Metropolitan Planning Commission staff assigned to serve the Historic Zoning Commission will review applications for level I certificates and issue them if, in staff's judgment, the application meets the adopted design guidelines for the property. Level I certificates include the repair of historic siding, fascia, soffits, windows, roof (including replacement) and other features with features of identical material and design. The Historic Zoning Commission will review all other matters for which certificate applications are made.
- b. Level I certificates issued by Metropolitan Planning Commission staff will be summarized in a report to be presented to the Historic Zoning Commission at their regularly scheduled monthly meeting.
- c. In the event of a denial of a level I certificate, the applicant may appeal the staff decision to the next regularly scheduled meeting of the Historic Zoning Commission for which the application deadline is met.
- d. The provisions of this section notwithstanding, Metropolitan Planning Commission staff or the applicant may exercise the option of requesting a review by the Historic Zoning Commission. In that event, the application for certificate of appropriateness will be heard by the Historic Zoning Commission at the next regularly scheduled monthly meeting for which the application deadline is met.
- e. The Historic Zoning Commission will, within 30 days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny said certificate, and state the reasons for denial or the conditions attendant with the granting of a certificate, in writing.

#### **2. NC Neighborhood Conservation Overlay District Process**

- a. When certificates of appropriateness are approved by staff under authority delegated by the Historic Zoning Commission, a report summarizing staff actions must be presented to the Historic Zoning Commission at its next monthly meeting. When certificates are issued by staff, staff's approval or denial of certificates may be appealed to the Historic Zoning Commission within 45 days after the staff decision.
- b. The Historic Zoning Commission will, within 30 days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny said certificate, and state the reasons for denial or the conditions attendant with the granting of a certificate in writing.

### **C. Guidelines for Review of Certificate of Appropriateness**

In its review of any such work to be undertaken in an H or NC Overlay District, the Historic Zoning Commission will apply the applicable review guidelines below, and give prime consideration to the following general criteria when applying specific review guidelines:

1. Historic or architectural value of the present structure, object or building;
2. The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district;
3. The general compatibility of exterior design, arrangement, texture, and materials to be used; and
4. Any other factor, including aesthetic, which is justified by the historic character of the proposed district or is reasonably related to the purposes of this section.

#### D. Moratorium on Issuance of Demolition Permits

1. No application for a demolition permit will be accepted and no demolition permit will be issued for any building or structure located on property for which an application has been filed for rezoning to and designation as an H or NC Overlay District for a period not to exceed 180 days after the rezoning and designation application process has been initiated.
2. If litigation is filed challenging a decision of the Historic Zoning Commission, the Metropolitan Planning Commission or City Council approving the H or NC Overlay District, the prohibition on application for and issuance of a demolition permit set forth in the preceding item must be extended until the court's decision in any such litigation is final.
3. In the event that the proposed rezoning to and designation as an H or NC Overlay District is denied, withdrawn or not approved by City Council, or is withdrawn by the applicant or Mayor, within the 180 day period or is subsequently set aside by a court of competent jurisdiction and the court's decision becomes final, the prohibition on application for or issuance of a demolition permit for buildings or structures on such property will terminate.

#### E. Appeal

Anyone who may be aggrieved by any final order or judgment of the Historic Zoning Commission may have such order or judgment reviewed by the courts as provided by law.

### 15.8—9 ZONING INTERPRETATION

#### A. Purpose

The interpretation authority is intended to recognize that the provisions of this Code, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Code.

#### B. Initiation

The City Council, Metropolitan Planning Commission, or a property owner in the City, or person expressly authorized in writing by the property owner, may initiate a zoning interpretation application. All interpretation requests must be for the purpose of furthering actual development.

#### C. Authority

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

#### D. Procedure

1. All applications for interpretations must be filed with the Zoning Administrator.
2. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within 30 days of receipt of a complete application.
3. The Zoning Administrator may request additional information prior to rendering an interpretation. Until such additional material is received, the 30 day period is temporarily suspended until such material is received.

#### E. Appeals

Appeals are in accord with the requirements of Section 15.11.

### 15.9— ZONING CERTIFICATE

#### A.—Purpose

~~The purpose of a zoning certificate is to ensure compliance with this Code by establishing a procedure for the City to verify that an application complies with all standards of the Code prior to issuance of a building permit, certificate of occupancy, or business license.~~

#### B.—Authority

~~The Zoning Administrator will review and approve zoning certificates in accordance with the provisions of this section.~~



### **C.—Applicability**

- ~~1.—No structure or land may be used or occupied, in whole or in part, for any purpose, until a zoning certificate has been issued stating that the use, structure, and site improvements comply with the provisions of this Code.~~
- ~~2.—A zoning certificate will be issued prior to issuance of a building permit, certificate of occupancy, or business license.~~
- ~~3.—A zoning certificate is needed only for the first permit or license issued for the building or site. For example, new construction that requires both a building permit and a certificate of occupancy only requires a zoning verification for the building permit.~~

### **D.—Process**

- ~~1.—The Zoning Administrator issues a zoning certificate as part of a building permit, certificate of occupancy, or business license.~~
- ~~2.—When a zoning certificate is issued in conjunction with a building permit, certificate of occupancy, or business license, no separate application is required.~~
- ~~3.—The applicant must submit an application containing the following material, unless waived by the Zoning Administrator:
  - ~~a.—A completed application containing the applicant's names, address, and interest in the subject property.~~
  - ~~b.—The street address of the subject property.~~
  - ~~c.—The proposed use or uses of the subject property and a brief description of the construction, reconstruction, remodeling, or alteration requiring the issuance of a zoning certificate.~~
  - ~~d.—Such other and further information or documentation as the Zoning Administrator may deem necessary or appropriate for a full and proper consideration and disposition of the particular application.~~~~

### **E.—Appeals**

~~Appeals of Zoning Administrator decision on a zoning certificate must be made per Section 15.11.~~

## **15.10 TEMPORARY USE PERMIT**

### **A. 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 City Code.

### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application

### **C. Authority**

The Zoning Administrator will review and make final decisions on temporary use permit applications.

### **D. Procedure**

1. All applications for temporary use permit must be filed with the Zoning Administrator.
2. The Zoning Administrator must render a decision on the temporary use permit within 30 days of the date of receipt of a complete application. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

### **E. Approval Standards**

All temporary uses must comply with the requirements of this Code, including the temporary use standards of Article 9, and the following standards:

1. Unless otherwise allowed by this Code, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not adversely impact the public health, safety, and welfare.
3. The temporary use is operated in accordance with any restrictions and conditions as the Police and Fire Department, or other City officials, may require.
4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

**F. Expiration**

The temporary use permit is valid for the time period granted as part of the approval.

**G. Appeals**

Appeals are in accord with the requirements of Section 15.11.

**15.11 ZONING APPEALS OF ADMINISTRATIVE BODY DECISIONS**

**A. Purpose**

This appeals process is intended to provide appropriate checks and balances on the authority of the Metropolitan Planning Commission or Board of Zoning Appeals.

**B. Initiation**

Any person aggrieved by any decision of the Metropolitan Planning Commission or the Board of Zoning Appeals may appeal to the City Council.

**C. Authority**

The City Council will take formal action on appeals of Metropolitan Planning Commission or Board of Zoning Appeals decisions.

**D. Procedure**

1. The petition must be filed with the Metropolitan Planning Commission staff no more than 15 days from the date of the Metropolitan Planning Commission or Board of Zoning Appeals decision to be considered. The petition will be scheduled for public hearing before City Council at the earliest date possible consistent with these regulations.
2. All such petitions must be submitted on forms available in the Metropolitan Planning Commission office. The petition must be in writing and must state with particularity:
  - a. The name of the owner of the subject property.
  - b. A description of the subject property, including the city block and parcel or lot number.
  - c. A statement of the petitioner's interest in the matter, including a description of affected property owned by petitioner where petitioner is not the owner of the subject property.
  - d. A statement of the special use, final plan of a planned development, or variance desired or opposed, including a map of the zoning of all property located within 300 feet of the subject property.
3. The Metropolitan Planning Commission staff will mail a copy of such petition by certified mail, return receipt requested, to any opposing, adverse party who registered as such at the time the matter was heard by the Metropolitan Planning Commission or Board of Zoning Appeals.
4. The City Council will consider de novo in public hearing and may affirm, modify, impose restrictions or overrule the action of the Metropolitan Planning Commission or Board of Zoning Appeals.

5. Prior to holding such public hearing, at least 15 day notice of time and place of said hearing must be published once in a daily newspaper of general circulation in the City of Knoxville and Knox County. The notice must meet the following requirements:

- a. The caption must be all capital letters no smaller than two-line type and contain the words "PUBLIC NOTICE—APPEAL OF (action to be appealed)."

#### **E. Issuance of Building Permit**

No building permit will be issued until 16 days after action by the Metropolitan Planning Commission or Board of Zoning Appeals. If the action of the Metropolitan Planning Commission or Board of Zoning Appeals is appealed to City Council, no building permit will be issued until City Council has acted on the appeal.

### **15.12 ZONING APPEALS OF ADMINISTRATIVE DECISIONS**

#### **A. Purpose**

This appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator and Administrative Review Committee.

#### **B. Initiation**

A property owner in the City that is directly affected by a determination of the Zoning Administrator or Administrative Review Committee may file an appeal of the Zoning Administrator or Administrative Review Committee decision on an administrative modification, site plan review, zoning interpretation, ~~zoning certificate~~, temporary use permit, or other administrative zoning decision related to this Code.

#### **C. Authority**

The Board of Zoning Appeals will take formal action on zoning appeal applications.

#### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Board of Zoning Appeals.

1. Upon receipt of a complete application, the Board of Zoning Appeals will consider the appeal at a public hearing.
2. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing.
3. Following the close of the public hearing, the Board of Zoning Appeals must either confirm or overturn the Zoning Administrator decision.

#### **E. Limitations on Zoning Appeals**

A decision of the Zoning Administrator or Administrative Review Committee may only be appealed if an application is filed within 30 days of the date the decision is made.



## ARTICLE 16. NONCONFORMITIES

- 16.1 GENERAL APPLICABILITY
- 16.2 NONCONFORMING USE
- 16.3 NONCONFORMING STRUCTURE
- 16.4 NONCONFORMING LOT OF RECORD

### 16.1 GENERAL APPLICABILITY

#### A. Authority to Continue

Any use, structure, or lot that legally existed as a legal nonconformity as of the effective date of this Code, and any use, structure, or lot that has been made nonconforming as of the effective date of this Code, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal.

#### B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Code is the responsibility of the property owner or operator of the nonconforming use, structure, or lot.

#### C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare, including, but not limited to, all building, fire, and health codes apply to nonconformities.

### 16.2 NONCONFORMING USE

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of this Code, or a subsequent amendment to this Code, is no longer allowed. This includes nonconformities created by prior zoning codes or amendments to those codes.

#### A. Expansion

A legally established nonconforming use of a structure or land may be expanded, extended, enlarged, or increased on its existing lot, provided there is reasonable space for such expansion or extension that avoids nuisances to adjoining landowners. The addition of additional lot area to an existing, legally established nonconforming use is prohibited and nullifies nonconforming use protections. The Board of Zoning Appeals may only approve expansions of a nonconforming use on an existing lot through the variance process.

#### B. Relocation

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other structure or location on the same lot. The nonconforming use may only be relocated to another structure or lot only if the use conforms to all regulations of the zoning district where it is relocated.

#### C. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use is deemed an abandonment of the previously existing nonconforming use.

#### D. Discontinuation or Abandonment

If a nonconforming use is discontinued for a continuous period of six months, the nonconforming use terminates automatically. Any subsequent use of such land or structure must comply with all regulations of the zoning district in which the structure or land is located.

#### **E. Damage or Destruction**

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconforming uses are created and the degree of the previous nonconformity is not increased, and a building permit is obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the use cannot be re-established. If the structure containing the nonconforming use is also a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 16.3.

### **16.3 NONCONFORMING STRUCTURE**

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning codes or amendments to those codes.

#### **A. Maintenance**

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

#### **B. Structural Alterations**

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create a new nonconformity or will not increase the degree of any existing nonconformity.

#### **C. Relocation**

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot only if the structure conforms to all regulations of the zoning district where it is relocated.

#### **D. Damage or Destruction**

1. Townhouse, multi-family, and nonresidential (including mixed-use) nonconforming structures are subject to the following:
  - a. In the event that any townhouse, multi-family, or nonresidential nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
  - b. When a townhouse, multi-family, or nonresidential nonconforming structure is damaged or destroyed to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed to its pre-damaged state provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

2. If a nonconforming single-family or two-family structure is destroyed or damaged, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss if a building permit is obtained within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

4. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure itself (excluding content coverage) was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the Zoning Administrator.

#### **E. Nonconforming Single-Wide Manufactured Homes**

Existing nonconforming single-wide manufactured homes may be replaced with a new single-wide manufactured home. The replacement single-wide manufactured home may be a larger square footage so long as the manufactured home can maintain a setback of ten feet from all streets and/or access roads, there is a minimum 20 foot clearance between homes or for homes parked end-to-end, the end-to-end clearance is a minimum of ten feet, and there is a minimum of 20 feet from any permanent structure. If a single-wide manufactured home is replaced with a multi-sectional manufactured home, it ~~may not~~ cannot be replaced with a single-wide manufactured home.

#### **F. Extension of Walls for Nonconforming Single-Family and Two-family Dwellings**

Where a single-family or two-family dwelling is deemed nonconforming because ~~of encroachment into a building wall~~ of the principal structure is located within the required rear or interior side setback, the structure may be enlarged or extended horizontally or vertically along the same plane as the existing perimeter building walls, so long as the resulting structure does not violate any other district regulation.

### **16.4 NONCONFORMING LOT OF RECORD**

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning codes or amendments to those codes.

#### **A. Use**

A nonconforming lot of record may be used for a permitted or special use allowed within the zoning district.

#### **B. Development**

Development of a nonconforming lot of record must meet all applicable dimensional and design regulations of the district in which it is located with the exception of the lot area and/or width requirement that renders it nonconforming.

#### **C. Lot Division**

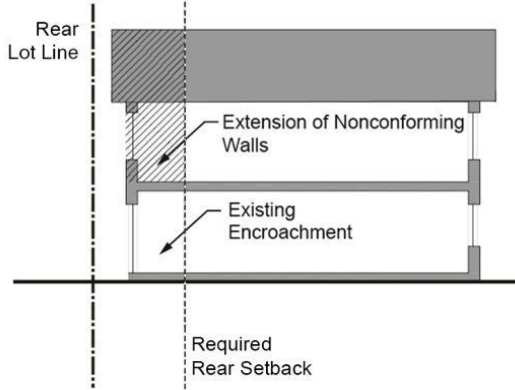
No division of a nonconforming lot is permitted that creates a nonconforming lot and/or renders a lot or lots remaining nonconforming.

#### **D. Lot Consolidation**

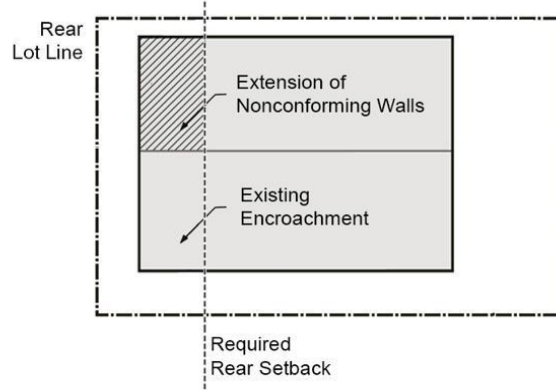
A nonconforming lot is permitted to consolidate with an adjacent lot, even if such consolidation still does not conform to the lot dimension requirements of the zoning district in which it is located. Such consolidation is seen as a reduction of the nonconformity.

### EXTENSION OF NONCONFORMING WALLS

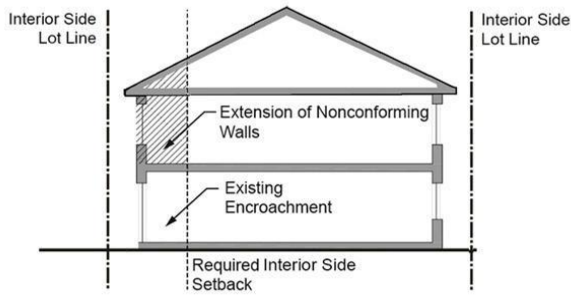
**Vertical Extension into Rear Setback**  
(Elevation View)



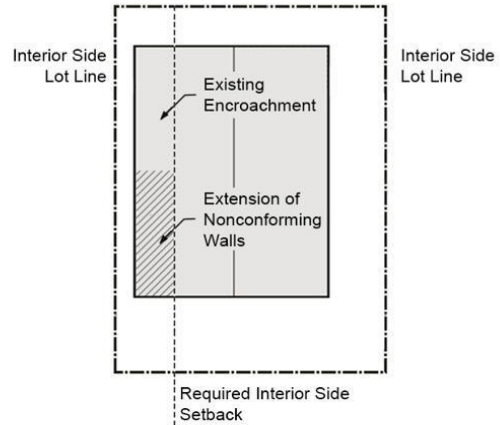
**Horizontal Extension into Rear Setback**  
(Plan View)



**Vertical Extension into Interior Side Setback**  
(Elevation View)



**Horizontal Extension into Interior Side Setback**  
(Plan View)





## ARTICLE 17. ENFORCEMENT

- 17.1 ENFORCEMENT OFFICIAL
- 17.2 APPLICATION OF PENALTIES
- 17.3 FINES

### 17.1 ENFORCEMENT OFFICIAL

This Code is enforced by the Zoning Administrator. The Zoning Administrator may secure the assistance of the City Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Code. At times, the aid of the Police Department may be sought to enforce this Code. The property owner charged with the violation may be held responsible for any legal expenses incurred by the City.

### 17.2 APPLICATION OF PENALTIES

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Code, upon conviction, will be fined for each offence. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the City. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

### 17.3 FINES

Each violation, and each day that such violation continues, is subject to a fine as established in the City Code.