



AGENDA ITEM #: 6

MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Ken Pruitt, Assistant Development Services Manager
DATE: Tuesday, May 01, 2007
SUBJECT: Amendment to Article 5, Section 13, Temporary Uses, and associated sections of the Knoxville Zoning Ordinance expanding the allowance of temporary uses
5-A-07-OA

STAFF RECOMMENDATION:

APPROVE the amendment

BACKGROUND:

This amendment will allow a non-profit organization the temporary use of a tent for up to 30 days during any calendar year within any zone in the city. Presently a temporary tent use is allowed in any non residential district.

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Proposed amendment to the Knoxville Zoning Ordinance expanding the allowance of temporary uses. (5-A-07-OA)

**Proposed additions are in bold
Deletions are struck through**

**Article 5, Section 13
TEMPORARY USES**

The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, non-permanent in nature.

A. Application for a Temporary Use Permit shall be made to the Building Inspector and shall contain the following information:

1. A survey or legal description of the property to be used, rented, or leased for a temporary use, including all information necessary to accurately portray the property.
2. A description of the proposed use.
3. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.

B. The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

1. Carnival or Circus - In any non-residential district, a Temporary Use Permit may be issued for a carnival or circus, but such permit shall be issued for a period of not longer than fifteen days. Such a use shall set back from all residential districts a distance of one hundred feet or more.
2. Christmas Tree Sale - In any district, a Temporary Use Permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period of not longer than thirty days.
3. Temporary Buildings - In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such office or shed shall not contain sleeping or cooking accommodations. Such permit shall be valid for not more than one year but may be renewed a maximum of two one-year extensions. However, such office or shed shall be removed upon completion of the construction project or upon expiration of Temporary Use Permit, whichever occurs sooner.
4. Real Estate Sales Office - In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new

subdivision which has been approved in accordance with the provisions of the Ordinance regulating subdivisions, found in Chapter 37, Code of the City of Knoxville. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for not more than one year, but, may be renewed a maximum of three one-year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

5. **Religious/Non-profit Tent Meeting Use** - In any ~~non-residential~~ district, a Temporary Use Permit may be issued for a tent or other temporary structure to house religious/**non-profit activities meetings**, but such permit shall be valid for not more than thirty days **during any calendar year**.
6. **Seasonal Sale of Farm Produce** - In any district, other than Agricultural, a Temporary Use Permit may be issued for the sale of farm produce grown only on the premises. Such sales space shall be of portable or sectional construction, and shall not exceed an area of one hundred square feet. Such stands shall be removed when not in use. A permit shall be valid for not more than four months per year. A temporary structure used for this purpose shall set back from all public right-of-way a distance of not less than fifteen feet.
7. **Periodic Warehouse Sales** - In an I-2 District, a temporary use permit may be issued for indoor retail sales provided:
 - a. Parking is provided equal to that required for retail sales.
 - b. The site has direct access to an arterial or collector street as defined in the major thoroughfare plan.
 - c. Other uses in the area do not pose a health or safety risk as determined by the Fire Chief and the Chief of Police or their designees.
 - d. No permit shall be issued under this section for any lot within the City of Knoxville for a period in excess of 110 days within any calendar year.
8. **Portable Storage Container** – In any residential, office or C-1 (Neighborhood Commercial) district, a Temporary Use Permit shall be required for a portable storage container and issued subject to the following requirements:
 - a. The use of a portable storage container shall be limited to no more than sixty (60) consecutive days in any year. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the Temporary Use Permit may be extended for additional two week periods upon a showing of need. There shall be no more than three (3) extensions of any Temporary Use Permit. An exception to this shall be made if the portable

storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container shall not exceed the period for which the building or demolition permit has been issued.

- b. Portable storage containers shall not be placed in a public right-of-way, or located so as to interfere with traffic visibility.
- c. Portable storage containers shall not be placed in the front yard of the main building, unless there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location.