
MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Mark Donaldson, Executive Director
DATE: April 9, 2009
SUBJECT: 10-A-08-OA
Consideration of proposed amendments to the Knox County Zoning Ordinance to clarify the use of the term contractor, including landscape contractors, in the Agricultural zone district and other districts. - 10-A-08-OA

Request:

At its September, 2008 meeting, the Knox County Board of Zoning Appeals considered an appeal of an administrative decision denying the right of a landscape contractor to operate a business within the Agricultural (A) zone district. The BZA deferred its decision and requested that MPC provide clarification. The lack of appropriate definitions for uses within the Agricultural and other zone districts was a key issue.

Background:

For the MPC January, 2009 meeting, staff proposed amendments to the definitions, list of uses permitted on review and use-on-review standards for consideration. These amendments to the zoning ordinance were modeled on existing definitions and standards in the zoning ordinance for consideration of "commercial mulching operations" in the Agricultural zone district. The Commission postponed its decision and asked staff to assemble a working group to look into further refinement of the proposed definitions and regulations. The working group included three planning commissioners, two Knox County staff members, two MPC staff members, and a representative of the League of Women Voters.

The working group convened and agreed upon proposed amendments to the zoning ordinance. A public meeting was held Tuesday, March 31, 2009.

Findings:

In preparation for drafting its proposed amendments, the working group agreed upon a series of findings:

- In 2008, more than 180,000 acres of Knox County, 70% of all land outside incorporated cities, was zoned Agricultural.
 - The Agricultural zone district is a mixed use district – currently allowing industrial, commercial and residential uses.
 - The Knox County zoning ordinance does not currently define the term contractor and describes contractors among its permitted uses in three districts: the Business and Manufacturing (CB) district, which allows building contractors, the Industrial (I) district which permits construction related uses, and the Employment Center (EC) district, which permits special trades contractors, but has yet to be used to zone any property.
 - Many contractors of all kinds, including landscape contractors, currently operate businesses illegally from homes throughout the County in residential zones and the agricultural zone.
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AGENDA ITEM # 7

- Requiring these many small contractors to relocate to commercially or industrially zoned land would be a misuse of that valuable land in key commercial locations and a costly disruption for many existing small contractors.
- Contractors have a wide range of characteristics – from small single-person businesses to large corporate entities, with many more small operators than large operations.
- Ownership patterns and land characteristics in the Agricultural district vary widely – from one-acre residential lots in rural subdivisions to 100+ acre tracts with farming operations or active quarries.
- There are many common elements when comparing a landscape contractor to other uses allowed in the Agricultural district, such as farming, commercial mulching and compost operations and mining and mineral extraction:
 - They use comparable equipment; and
 - They complete comparable activities.
- Farming is not profitable for many in Knox County. The 2007 Census of Agriculture reported 1,224 farms on 82,938 acres, with an average net cash income of -\$2,523 (a loss). Many must augment their income in any way and lawn maintenance and landscape contracting is one way to help stay on the land.
- TN Department of Agriculture certifies landscapers who handle plant material as required by TCA-43-6-101.
- Uses permitted on review in the Knox County zoning ordinance are generally controlled by Article 4.10 (Section 2) with specific standards for many uses elsewhere in Article 4. The general standards for uses permitted on review are introduced as follows:

In order to accomplish the general purpose of this Ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such uses cannot definitely be foreseen. The uses listed under the various zones herein as "Uses Permitted on Review" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the zone; however, the nature of such use makes it desirable that they be permitted to locate therein. Therefore, these uses must be specially placed into the development pattern which exists at the time of their arrival.

- Many counties throughout the U.S. allow landscape contractors or contractor's storage yards as a specific, special or conditional use – comparable to the use-on-review in the Knox County zoning ordinance – with general or specific regulations for these types of uses.

Strategy:

The strategy proposed by the working group is threefold:

1. Create appropriate new definitions for contractors, including landscape contractors, and contractor's storage yards;
2. Assign these uses to the appropriate zone district; and
3. Develop regulations for contractor storage yards considered as a use-on-review.

Three new definitions are proposed: contractor, contractor's storage yard, and landscape contractor. Each newly defined use will be applied according to the proposed amendments.

The proposed standards for use-on-review include three sections:

1. A section describing minimum required information on the site plan and application;
2. A section with minimum development requirements;
3. A section of other review criteria.

AGENDA ITEM # 7

The minimum required information provides the information for the planning commission to make an informed decision of the proposed use-on-review.

The minimum development requirements establish standards that must be met by all applicants.

The other review criteria provides the planning commission a framework for evaluating each application on a case-by-case basis with the ability to consider a site plan that fits the characteristics of each site (such as its size, topography, tree cover, adjacency to other sites, and the surrounding property) and permits the flexibility to condition a proposed operation to its site so as to prevent adverse impacts on adjoining parcels.

Three proposed amendments are shown as Options A, B, and C.

- Option A provides a definition for “Contractor” and the addition of contractor to the list of occupations permitted as home occupations in Section 4.90.02 of the zoning ordinance.
- Option B provides a definition for “Contractor’s Storage Yard” and lists Contractor’s Storage Yard as a permitted use in the Industrial (I), Light Industrial (LI) and Business and Manufacturing (CB) zone districts, and as a use-on-review in the General Business (CA), Neighborhood Commercial (CN) and Rural Commercial (CR) zone districts.
- Option C provides a definition for “Landscape Contractor” and lists landscape contractor’s storage yard as a use-on-review in Section 5.22.03 and adds Section 4.102 (Standards for the Use-On-Review Approval of Contractor’s Storage Yards).

Analysis:

The proposed amendments offer a number of definitive regulations that must be met with each application, as well as other review criteria for the Planning Commission to determine on a case-by-case basis. In addition to the merits of each Optional proposal, several parameters of the proposed minimum development requirements could be amended:

Proximity and setback requirements.

- The distance of the proposed storage yard from adjacent residential zone districts could be changed from 200 feet.
- The setback of the proposed storage yard from rural subdivision of 6+ lots could be changed from 100 feet and the setback of the proposed storage yard from any other property could be changed from 50 feet.
- The current Agricultural zone regulations allow mining and mineral extraction uses within 300 feet of residentially zoned property, subdivisions or property deed restricted to residences.

Minimum lot size. The minimum lot size could be changed from 2 acres. It is proposed at twice the minimum lot size in the Agricultural district.

Maximum storage yard size. The maximum storage yard size could be changed from 10% of the parcel size to a fixed area or a fixed area could be established as a not-to-exceed size.

In addition, minimum or maximum values could be assigned to each of the “other review criteria. Each of these is proposed to allow the size of an operation (from small to large) to fit the proposed site (from small to large, or visible to secluded) and its context (from adjacency to a rural subdivision or a nearby house to surrounding farms or more active operations).

Scale of operation. Maximum values could be established to limit the size of the storage yard.

Number of employees. Maximum number of employees could be established to limit the level of activity.

AGENDA ITEM # 7

Hours of operation. Limits could be established such as daylight hours, no hours of Sunday, or established hours of operation on particular days.

Size of Vehicles and Equipment. Maximum limits on the size of trucks and equipment could be established.

Traffic on and off site. Limits on employees and vehicles will work to limit traffic activity, but a maximum number of trips in and out of the property could be established, though it would take extensive resources to monitor. Minimum setbacks for driveways could be established.

Materials stored on site. Prohibitions of certain materials could be established, though it would take extensive resources to monitor.

Recommendation:

The working group recommends the planning commission make a recommendation that Knox County Commission amend its zoning ordinance by adopting the proposed amendments A, B and C.

Attachments:

- Proposed Option A
- Proposed Option B
- Proposed Option C
- Exhibit 1 – Agricultural zone district permitted uses
- Exhibit 2 – Agricultural zone district uses permitted on review
- Exhibit 3 – Home occupation regulations

Amend the Knox County Zoning Ordinance to add:

At Article 2 DEFINITIONS

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

At Section 4.90.02 Permitted Home Occupations

I. Contractor, subject to permitting by Knox County Codes Administration and Enforcement.

Old (I) becomes (J)

Amend the Knox County Zoning Ordinance to add:**At Article 2 DEFINITIONS**

CONTRACTOR'S STORAGE YARD - An outdoor area used for the storage of equipment and/or materials used for providing contracting services, including but not limited to building construction, heating, plumbing, roofing, landscaping and excavation.

Section 4.102 (STANDARDS FOR THE USE ON REVIEW APPROVAL OF CONTRACTOR'S STORAGE YARDS)

Contractor's storage yards are allowed as a use on review in the CR (Rural Commercial) and CN (Neighborhood Commercial) and CA (General Business) zones. Contractor's storage yards are subject to the requirements of Sections 4.10.14 through 4.10.19 (Development Standards for Uses Permitted on Review), and 6.50 (Procedures for Authorizing Uses Permitted on Review). Contractor's storage yards are also subject to the following standards and requirements:

4.102.01 Minimum Required Information.

A use-on-review application or a building permit application for an approved use on review, for a landscape contractor's storage yard in the Agricultural (A) zone, or a contractor's storage yard in the Rural Commercial (CR), Neighborhood Commercial (CN) or General Business (CA) zone shall include the following:

- A. A scaled site plan that shows the following information:
 - 1. Storage areas for materials and equipment.
 - 2. Parking and maintenance areas for business vehicles.
 - 3. Location of a buildings and structures on the site.
 - 4. Vehicular and pedestrian circulation on the site, including points of access to the site from a public road, loading and unloading areas, and areas for employee and customer parking.
 - 5. Required or proposed landscaping and buffer areas.
 - 6. Required or proposed screening and fencing of storage yards.
 - 7. Proposed lighting plan, including location and specifications of light standards, lighting fixtures and lighting directions.
 - 8. Any other information as might reasonably be required by MPC for use in making a thorough evaluation of the proposal.
- B. A description of all vehicles, trailers, and equipment stored, maintained or used by the business on the property.
- C. A description of all fuel, chemicals or commodities and the amount of each that will be stored on site.
- D. The range of number of employees throughout the year and the average number of employees at any time.

4.102.02 Minimum Development Requirements

- A. Road Access. The site shall be located on an arterial or collector road, as defined by the Knoxville-Knox County Major Road Plan, provided that the Knox County Department of Engineering may certify alternative access.
- B. Proximity to existing residential zone districts. The proposed storage yard shall be not less than two hundred (200) feet from a residential zone district (RAE, RA, RB, E, and PR) at the time application for use on review is filed at the MPC office.
- C. Residence required. An occupied residence must be maintained on the same lot as the proposed contractor's storage yard.
- D. Minimum parcel size. The minimum area of the parcel must be 2 acres.
- E. Maximum storage area size. The maximum size of the contractor's storage yard, as shown on the site plan, is ten percent of the parcel area.
- F. Relationship to floodplain. The storage yard shall be located completely outside the 100 year floodplain, as described by the KGIS FIRM map.
- G. Setback of buildings and storage areas. All buildings and storage areas associated with the contractor storage yard shall be no less than 50 feet from any property line, except that on a site located adjacent to a platted residential subdivision having 6 or more lots the buildings and storage yard shall be no less than 100 feet from any property line shared with a lot within the residential subdivision.
- H. Perimeter screening. MPC's "Type A" perimeter screening shall be provided along any property line that is shared with a lot that has a residence within 50 feet of the property line, for a distance as approved by MPC.
- I. Storage yard screening and fencing. Equipment, parking facilities and material storage areas must be screened from adjoining properties as established on the site plan.
- J. Lighting, noise and other impacts. The site shall meet the performance standards described at 4.10.01 through 4.10.11 of this ordinance (Supplemental Regulations applying to a specific, to several or to all zones)
- K. Retail sales. No sales of plants, mulch or other product unless otherwise permitted within the zone.
- L. Other approvals. Prior to issuance of building permits, the approved use on review site plan and conditions for the proposed landscape contractor or contractor's storage yard shall be reviewed and approved by the Knox County Codes Administration and Inspections Department, Health Department and Solid Waste Department, consistent with their application and permitting procedures.

4.102.03 Other Review Criteria.

- A. Scale of operation. The Planning Commission may limit the scale of proposed operations so as to prevent adverse impacts on adjoining parcels. A landscape contractor in the Agricultural zone or contractor's storage yard in the Rural Commercial and Neighborhood Commercial zone should be of a scale so that the proposed storage yard is compatible with existing or proposed uses on adjacent parcels or in the immediate vicinity. Adequate setbacks and buffers must be provided so as to prevent adverse impacts on adjoining parcels.
- B. Number of Employees. The Planning Commission may limit the number of employees so as to prevent adverse impacts on adjoining parcels. Adequate parking must be provided on site so as to prevent adverse impacts on adjoining parcels.

- C. Hours of operation. The Planning Commission may limit hours of operation and other on-site activities so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering may allow greater activity.
- D. Size of Vehicles and Equipment. The Planning Commission may limit the number and size of equipment so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering may allow greater activity.
- E. Traffic on and off site. The Planning Commission may limit the traffic generated by the operation so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering and a site that is in close proximity to adequate roads may allow greater activity. The Planning Commission may stipulate the driveway surface or buffering area so as to prevent adverse impacts on adjoining parcels.
- F. Materials stored on site. The Planning Commission may limit the type and quantity of materials stored on site so as to prevent adverse impacts on adjoining parcels and surrounding environs.
- G. Superseding General Provisions. In approving a use-on review under these standards the Planning Commission may supersede the provisions of Article 3, General Provisions.

ADD AS PERMITTED USES:

At Section 5.32 BUSINESS AND MANUFACTURING ZONE (CB)

Section 5.32.02 (UU) Contractor's Storage Yard

At Section 5.60 LIGHT INDUSTRIAL ZONE (LI)

Section 5.60.02 (O) Contractor's Storage Yard

At Section 5.61 INDUSTRIAL ZONE (I)

Section 5.61.02 (A) Contractor's Storage Yard

ADD AS USES PERMITTED ON REVIEW:

At Section 5.31 GENERAL BUSINESS ZONE (CA)

Section 5.31.03 (J) Contractor's Storage Yard

At Section 5.37 RURAL COMMERCIAL ZONE (CR)

Section 5.37.03 (I) Contractor's Storage Yard

At Section 5.38 NEIGHBORHOOD COMMERCIAL ZONE (CN)

Section 5.37.03 (H) Contractor's Storage Yard

Amend the Knox County Zoning Ordinance to add:

At Article 2 DEFINITIONS

LANDSCAPE CONTRACTOR - A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds, including the installation of hardscape such as stonework, patios, decks, arbors and other decorative elements of the landscape. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

Section 4.102 (STANDARDS FOR THE USE ON REVIEW APPROVAL OF CONTRACTOR’S STORAGE YARDS)

Landscape contractor’s storage yards are allowed as a use on review in the A (Agricultural) zone and contractor’s storage yards are allowed as a use on review in the CR (Rural Commercial) and CN (Neighborhood Commercial) and CA (General Business) zones. Landscape contractors and contractor’s storage yards are subject to the requirements of Sections 4.10.14 through 4.10.19 (Development Standards for Uses Permitted on Review), and 6.50 (Procedures for Authorizing Uses Permitted on Review). Landscape contractors and contractor’s storage yards are also subject to the following standards and requirements.

4.102.01 Minimum Required Information.

A use-on-review application or a building permit application for an approved use on review, for a landscape contractor’s storage yard in the Agricultural (A) zone, or a contractor’s storage yard in the Rural Commercial (CR), Neighborhood Commercial (CN) or General Business (CA) zone shall include the following:

- A. A scaled site plan that shows the following information:
 - 1. Storage areas for materials and equipment.
 - 2. Parking and maintenance areas for business vehicles.
 - 3. Location of a buildings and structures on the site.
 - 4. Vehicular and pedestrian circulation on the site, including points of access to the site from a public road, loading and unloading areas, and areas for employee and customer parking.
 - 5. Required or proposed landscaping and buffer areas.
 - 6. Required or proposed screening and fencing of storage yards.
 - 7. Proposed lighting plan, including location and specifications of light standards, lighting fixtures and lighting directions.
 - 8. Any other information as might reasonably be required by MPC for use in making a thorough evaluation of the proposal.
- B. A description of all vehicles, trailers, and equipment stored, maintained or used by the business on the property.
- C. A description of all fuel, chemicals or commodities and the amount of each that will be stored on site.
- D. The range of number of employees throughout the year and the average number of employees at any time.

4.102.02 Minimum Development Requirements

- A. Road Access. The site shall be located on an arterial or collector road, as defined by the Knoxville-Knox County Major Road Plan, provided that the Knox County Department of Engineering may certify alternative access.
- B. Proximity to existing residential zone districts. The proposed storage yard shall be not less than two hundred (200) feet from a residential zone district (RAE, RA, RB, E, and PR) at the time application for use on review is filed at the MPC office.
- C. Residence required. An occupied residence must be maintained on the same lot as the proposed contractor’s storage yard.
- D. Minimum parcel size. The minimum area of the parcel must be 2 acres.
- E. Maximum storage area size. The maximum size of the contractor’s storage yard, as shown on the site plan, is ten percent of the parcel area.
- F. Relationship to floodplain. The storage yard shall be located completely outside the 100 year floodplain, as described by the KGIS FIRM map.
- G. Setback of buildings and storage areas. All buildings and storage areas associated with the contractor storage yard shall be no less than 50 feet from any property line, except that on a site located adjacent to a platted residential subdivision having 6 or more lots the buildings and storage yard shall be no less than 100 feet from any property line shared with a lot within the residential subdivision.
- H. Perimeter screening. MPC’s “Type A” perimeter screening shall be provided along any property line that is shared with a lot that has a residence within 50 feet of the property line, for a distance as approved by MPC.
- I. Storage yard screening and fencing. Equipment, parking facilities and material storage areas must be screened from adjoining properties as established on the site plan.
- J. Lighting, noise and other impacts. The site shall meet the performance standards described at 4.10.01 through 4.10.11 of this ordinance (Supplemental Regulations applying to a specific, to several or to all zones)
- K. Retail sales. No sales of plants, mulch or other product unless otherwise permitted within the zone.
- L. Other approvals. Prior to issuance of building permits, the approved use on review site plan and conditions for the proposed landscape contractor or contractor’s storage yard shall be reviewed and approved by the Knox County Codes Administration and Inspections Department, Health Department and Solid Waste Department, consistent with their application and permitting procedures.

4.102.03 Other Review Criteria.

- A. Scale of operation. The Planning Commission may limit the scale of proposed operations so as to prevent adverse impacts on adjoining parcels. A landscape contractor in the Agricultural zone or contractor’s storage yard in the Rural Commercial and Neighborhood Commercial zone should be of a scale so that the proposed storage yard is compatible with existing or proposed uses on adjacent parcels or in the immediate vicinity. Adequate setbacks and buffers must be provided so as to prevent adverse impacts on adjoining parcels.

- B. Number of Employees. The Planning Commission may limit the number of employees so as to prevent adverse impacts on adjoining parcels. Adequate parking must be provided on site so as to prevent adverse impacts on adjoining parcels.
- C. Hours of operation. The Planning Commission may limit hours of operation and other on-site activities so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering may allow greater activity.
- D. Size of Vehicles and Equipment. The Planning Commission may limit the number and size of equipment so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering may allow greater activity.
- E. Traffic on and off site. The Planning Commission may limit the traffic generated by the operation so as to prevent adverse impacts on adjoining parcels. A larger site with greater setbacks and buffering and a site that is in close proximity to adequate roads may allow greater activity. The Planning Commission may stipulate the driveway surface or buffering area so as to prevent adverse impacts on adjoining parcels.
- F. Materials stored on site. The Planning Commission may limit the type and quantity of materials stored on site so as to prevent adverse impacts on adjoining parcels and surrounding environs.
- G. Superseding General Provisions. In approving a use-on review under these standards the Planning Commission may supersede the provisions of Article 3, General Provisions.

At Section 5.22 AGRICULTURAL ZONE (A)

Section 5.22.03 (X) Landscape Contractor's Storage Yard

AGRICULTURAL ZONE USES PERMITTED:

5.22.02 Uses Permitted

In any Agricultural Zone, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this resolution, except for one or more of the following uses:

- A. Houses and duplexes.
- B. Churches, schools, libraries and museums.
- C. Farming, including all types of agriculture and horticulture; commercial dairies; rabbit, goat and other animal or fish and minnow raising farms; egg-producing ranches and farms devoted to the hatching, raising, fattening and butchering of chickens, pigeons, turkeys and other poultry; and hog and other feeding for commercial purposes.
- D. Garage apartments.
- E. Mobile homes, but not mobile home parks.
- F. Portable sawmills.
- G. Roadside stands.
- H. Signs as permitted by Section 3.90 of this resolution.
- I. Public utilities, such as transmission lines, substations, railroad yard, lines and stations, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, temporary work camps or other governmental agency uses and buildings, temporary contractors' camps and buildings on public works projects, and other similar public service uses and buildings, and also such other buildings and structures, including fire stations, as are used by utility and sanitary districts in the performing of the services in which they are authorized to engage.
- J. Home occupation subject to Section 4.90.
- K. Uses customarily incidental to any of the above uses, including parking of not more than two commercial vehicles and/or trailers used by the residents in their home occupation.
- L. Demolition landfills less than one (1) acre in size subject to Article 4, Section 4.80.01A.
- M. Yard sales and rummage sales
- N. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:
 - 1. The total lot area shall not be less than 10,000 square feet.
 - 2. The building must provide 30 square feet per child of usable indoor play space, not including halls, kitchen, or office space.
 - 3. A fenced play area of not less than 2,500 square feet shall be provided. No portion of the fenced play area shall be closer than 35 feet to any public right-of-way. The minimum height of the fence shall be 4 feet.
 - 4. Off-street parking, as regulated in Article 3.50. In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the Department of Engineering and Public Works.

AGRICULTURAL ZONE USES PERMITTED ON REVIEW:

5.22.03 Uses Permitted On Review

In any agricultural zone the following uses may be permitted by the Metropolitan Planning Commission as a "Use On Review" in accordance with the provisions contained in Section 6.50.

A. Aircraft landing fields, hangars and equipment. The general intent of this subsection is to insure the development of aircraft landing fields, hangars, equipment and local traffic patterns in Agricultural Zones, which will also afford some protection to residences in the area and which will hereby promote the public health, safety, morals and general welfare of the citizens of Knox County.

1. Before a landing field can be located in an Agricultural Zone, plans for the run-ways, local traffic pattern, hangars and other incidental uses of the airport shall be submitted to the Planning Commission for approval.
2. Where airport landing fields and hangars are already established in the county, plans for the expansion of additional buildings, run-ways, hangars, or where local traffic pattern has been changed because of expansion, or where additional uses are added such as the sale of planes, flight schools, or eating establishments (except vending machines) shall be submitted to the Planning Commission for approval.

The Planning Commission shall have the power to authorize the issuance of a permit after the plans have been approved and certified by the Knox County Board of Commissioners, and before a permit can be issued by the Director of the Code Administration and Enforcement Department for an addition to an existing operation or the location of a new airport, if the Planning Commission finds that the conditions are such that the location or expansion will not:

1. Increase the hazard from planes flying over houses.
2. Diminish value of land and buildings throughout the surrounding area within one thousand feet of the airport.
3. Increase the congestion or traffic hazards in the public streets and highways adjacent to the airport.
4. Otherwise impair the public health, safety, comfort, morals and general welfare of the inhabitants of Knox County.

Then the Planning Commission may impose such conditions as will lessen any injury to the character of the area and shall submit their recommendations to the Knox County Board of Commissioners.

Administration. The Planning Commission shall approve or disapprove the plans, and if approved, shall submit the plans to the Knox County Board of Commissioners who shall hold a public hearing thereon, the time and place of which shall be given by one publication in a newspaper of general circulation in the county (Annotated Code 13-404 and 13-405). Such notice shall state the place at which the text and maps as certified by the Planning Commission may be examined.

- B. Sanitary landfill subject to meeting all requirements set forth in Section 4.70 and 6.50 of these regulations.
- C. Boat liveries, subject to the standards of Section 4.30 of these regulations.
- D. Cemeteries.
- E. Dog kennels.
- F. Golf courses and public, private, and commercial golf driving ranges.
- G. Indoor storage.
- H. Livery stables.
- I. Lodging and boarding houses.

- J. Rifle ranges.
- K. The following uses may be permitted provided that, no such use shall be located nearer than three hundred feet to a public park, school, church, hospital, sanitarium, residential zone or land subdivided and restricted to residential uses, except as otherwise provided in Section 4.50 of these regulations.
 - 1. Mining and mineral extraction subject to all requirements set forth in Section 4.10 and Section 4.50 of these regulations.
- L. Demolition landfills, off-site, subject to Article 4, Section 4.80.01B.
- M. Veterinary clinics and animal hospitals.
- N. Group day care homes, if the provider does not live on site, provided they meet the requirements of Article 4.91, and child day care centers, provided they meet the requirements of Article 4.91.
- O. Public parks and playgrounds and public, private and commercial sports playing fields.
- P. Commercial mulching operation, consistent with the requirements of Sections 4.10.11 through 4.10.16, 4.96, and 6.50. of these regulations.
- Q. Composting facility, consistent with the requirements of Sections 4.10.11 through 4.10.16, 4.95, and 6.50, of these regulations.
- R. Marinas, subject to the standards of Section 4.30 of these regulations.
- S. Commercial telecommunications towers.
- T. Outdoor paintball ranges, subject to the requirements of Article 4, Section 4.97 (Outdoor Paintball Ranges).
- U. Adult day care centers, provided they meet the requirements of Article 4.98.
- V. Storage of school buses under contract to a public or private school system. (See Article 3, Section 3.54 for development criteria for school bus storage facilities.)
- W. Retail sales of agricultural products produced on the site, subject to the following restrictions:
 - 1. Sales area and related facilities, including parking area shall not occupy more than 4 acres of the property.
 - 2. The sales area shall be subordinate and incidental in scope and size to the principal agricultural use of the property.
 - 3. The majority of retail inventory must be grown on site. Items for sale must be limited to those produced through farming as described under 5.22.02 (C) above; nursery products such as trees, shrubs, flowers, bedding plants, and other plant stock; and mulch, compost, fertilizer, herbicides, and fungicides, not produced on site.
 - 4. The retail sales area shall be open to the public only between 7:00 AM and 9:00 PM.
 - 5. Any proposed signage shall comply with Section 3.90.06 of these regulations and shall be approved with the site plan.
 - 6. The retail operation shall be screened from adjoining property by a landscaping screen as depicted in the Landscaping Screening Design Guidelines, prepared by the MPC staff. The Planning Commission may approve alternate landscape screening based on a finding that the alternate screening is sufficient to protect adjoining properties from visual and noise impacts of the sales area.
 - 7. The retail sales area, including the building layout, parking area, and signage, shall be designed to minimize its impact on the character of the surrounding area.

4.90 HOME OCCUPATIONS

This section defines home occupations and prescribes the conditions under which such occupations may be permitted. Knox County Department of Code Administration shall approve all home occupations prior to initiation of such activity.

4.90.01 Minimum Requirements:

Home occupation is a gainful occupation conducted in a dwelling unit and complying with the following:

- A. No person other than household members residing on the premises shall be engaged in such occupation.
- B. Not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, nor outdoor storage of anything other than vehicles, or other visible evidence of the conduct of such home occupation with the exception of signs as permitted in Section 3.90.
- D. No home occupation shall be conducted in any accessory building.
- E. There shall be no sales in connection with such home occupation other than sales of services or sales of products produced on the premises.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and other than in a required front yard.
- G. No equipment or process shall be used in such home occupation that increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house or attached house, or outside the dwelling unit if conducted in other than a house or attached house.
- H. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes electrical fluctuations in the line voltage off the premises.

4.90.02 Permitted Home Occupations:

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

- A. Artist, sculptor, author, craftsperson.
- B. Barber shop and beauty shop, limited to one barber's or beautician's station.
- C. Dressmaker, milliner, seamstress, tailor, interior decorator.
- D. Office of a lawyer, engineer, architect, accountant, broker or manufacturer's representative.
- E. Teaching, including tutoring, musical instruction or dancing, but limited to one pupil per teacher at any given time.
- F. Computer programming and word processing.
- G. Telephone answering service.
- H. Cooking and preserving.
- I. Any other similar use, which the Planning Commission deems to be a home occupation.