
MEMORANDUM

Agenda Item # 8

TO: Metropolitan Planning Commission
FROM: Mark Donaldson, Executive Director
DATE: October 26, 2009
SUBJECT: 11-B-09-OA

Consideration of proposed amendments to the Knox County Zoning Ordinance to define the terms contractor and contractor storage yards, created standards for use-on-review, and assign as permitted uses and uses-on-review in various zone districts.

Request:

At its September, 2009 meeting, the Knox County Commission requested MPC consider amendments to the Knox County Zoning Ordinance as recommended by the "Contractor Review Committee" related to contractors (including landscape contractors), contractor storage yards, standards for use-on-review, and assigning these uses to various zone districts as home occupations, permitted uses and uses-on-review.

Background:

In September of 2008, the Knox County Board of Zoning Appeals made a request to MPC to consider comparable amendments, including the consideration of allowing landscape contractors as a use-on-review in the A (Agricultural) zone district. After first considering proposed amendments in January, 2009, assembling a working group to look at further refinements and holding a public meeting; MPC ultimately made its recommendation at its April 9, 2009 meeting. Knox County Commission considered the MPC recommendation at its May 26, 2009 meeting, but took no action.

The County's "Contractor Review Committee" was requested by former chair of the County BZA William Daniels and appointed at the County Commission's July 27, 2009 meeting. The Committee was made up of Commissioners Mark Harmon and Larry Smith, BZA members Markus Chady and John Schoonmaker; and was supported by MPC and County staff. The committee met on August 26, 2009, considered the previously proposed amendments and made its recommendation. See attached.

Analysis:

The amendments proposed by the committee accomplish the following:

1. New definitions are created for contractors (including landscape contractors) and contractor's storage yards;
2. These land uses are assigned to appropriate zone districts as permitted uses or uses-on-review;
3. Contractors are listed as an allowed home occupation; and
4. Regulations are created for contractor storage yards considered as a use-on-review.

The committee did not recommend allowing contractor storage yards in the A (Agricultural) zone district.

The committee did not consider any modifications to the proposed STANDARDS FOR USE ON REVIEW APPROVAL OF CONTRACTOR'S STORAGE YARDS. These standards were originally proposed to address many issues resulting from potential location within the A (Agricultural) zone district. Since contractor's storage yards are no longer being considered within the Agricultural zone district, several regulations are no longer required and several should be modified, as shown on page 5 of the attachment:

- Original regulations at B (Proximity to existing residential zone districts), C (Residence required) and K (Retail sales) are no longer required, since contractor's storage yards are allowed as a use-on-review only in the CA (General Business) and CN (Neighborhood Commercial) zone districts.

- Original regulation at H (Perimeter screening) is no longer needed because Type "A" screening is required of all commercial and industrial development adjacent to residential uses in the Agricultural and Residential zone districts. The phrase at new regulation G is added to clarify that contractor's storage yards are not the same as parking and loading areas, and thus subject to a different standard.
- Original standard for minimum parcel size has been modified to 1 acre, maximum storage area to 40 percent, and minimum setback for storage area of 25 feet to reflect the dimensional characteristics of the commercial zone districts, compared to the Agricultural zone district.

Staff Recommendation:

Staff recommends that the planning commission make a recommendation to Knox County Commission that the proposed amendments to the Knox County Zoning Ordinance regarding contractors and contractor storage yards be approved as recommended by the County's Contractor Review Committee, **except that the proposed modifications to Section 4.102.04 (page 5 of the attachment) shall be included.**

Attachments:

- Proposed amendments – as recommended by the "Contractor Review Committee"

Proposed Modifications to Added Section 4.102

STANDARDS FOR THE USE ON REVIEW APPROVAL OF CONTRACTOR'S STORAGE YARDS

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 250 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.~~
- ~~DB.~~ Minimum parcel size. The minimum area of the parcel must be ~~2 acres~~ **1 acre**.
- ~~EC.~~ Maximum storage area size. The maximum size of the contractor's storage yard, as shown on the site plan, is ~~ten~~ **40** percent of the parcel area.
- ~~FD.~~ Relationship to floodplain. The storage yard shall be located completely outside the 100 year floodplain, as described by the KGIS FIRM map.
- ~~GE.~~ Setback of ~~buildings and~~ storage areas. All ~~buildings and~~ storage areas associated with the contractor storage yard shall be no less than ~~400~~ **25** feet from any property line.
- ~~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.~~
- ~~IF.~~ Storage yard screening and fencing. Equipment, parking facilities and material storage areas must be screened from adjoining properties as established on the site plan.
- ~~JG.~~ 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). **For purposes of these standards, a contractor's storage yard is not the same as a parking or loading area.**
- ~~K. Retail sales. No sales of plants, mulch or other product unless otherwise permitted within the zone.~~
- ~~LH.~~ 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.