
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.

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.

Attachments:

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

Amend the Knox County Zoning Ordinance to add:**Add At Section 2.20 SPECIFIC TERMS**

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

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.

At Section 4.90.02 Permitted Home Occupations

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

Old (I) becomes (J)

Add 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 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 contractor's storage yard in the Rural Commercial (CR) 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 100 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.
- 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