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**MEMORANDUM**

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: January 13, 2011

SUBJECT: Amendments to the Knox County Zoning Ordinance regarding regulations for private swimming pools. 11-A-10-OA

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**REQUEST**

Knox County Commission has referred back to MPC recommendations made in November to amend the Knox County zoning ordinance regarding regulations for private swimming pools. After reviewing the recommendations of MPC, Knox County Codes Administration and Inspections officials declared that they preferred to establish the location regulations for swimming pools by making reference to other codes and regulations rather than state in the zoning ordinance the specific dimensional regulations affecting the location of a swimming pool as an accessory use.

**BACKGROUND**

MPC recommended approval in November, 2010 of proposed regulations affecting the location of private swimming pools as accessory uses, changes to regulations regarding accessory structures in the Planned Residential (PR) zone district and a number of necessary definitions.

Included among the recommended regulations for private swimming pools were minimum distance requirements for the location of pools from features such as property lines, utilities, and other structures. Rather than state specific dimensions in the zoning ordinance as proposed by MPC staff, Knox County officials now prefer to make references to other codes and regulations.

**STAFF RECOMMENDATION**

To accommodate the desires of Knox County officials staff recommends that the planning commission recommend approval of the proposed amendment to the Knox County Zoning Ordinance as shown in Exhibits A, as well as the previously recommended, and unchanged, Exhibits B and C.

**EXHIBITS**

- Exhibit A – Proposed swimming pool regulations
- Exhibit B – Proposed PR (Planned Residential) zone district amendments
- Exhibit C – Proposed definitions

Proposed Regulations

Add a new Section 4.103 as follows:

Article 4 Supplementary Regulations

4.103 Location Regulations for Private Swimming Pools as an Accessory Structure

4.103.01 **Purpose.** The purpose of these regulations is to provide adequate space for the installation of private swimming pools as an accessory structure on a lot and to provide adequate space and separation from other features of the property.

4.103.02 **Accessory Structure.** A private swimming pool shall be considered an accessory structure if it is in connection with, incidental to, and located on the same lot with a principal use or structure that is permitted within a zone district.

4.103.03 **Location in Yards.**

- A. As an accessory structure to a residential building, a swimming pool is permitted in the side or rear yards of the principal building; except on lots greater than one acre, where pools may be located in the front, side or rear yards of the principal building, but not within the minimum required front yard.
- B. As an accessory structure to a nonresidential principal building, a swimming pool is permitted in the front, side or rear yards of the principal building, but not within the minimum required front yard.
- C. As an accessory structure, the edge of a private swimming pool shall be located so as to maintain the minimum required side and rear yards for an accessory building or structure, as determined by the zone district within which the lot is located. The edge of the water of an in-ground swimming pool and the outside edge of the vertical wall of an aboveground or on-ground swimming pool will be considered the edge of the structure.

4.103.04 **Location With Respect to Easements.** As an accessory structure, a swimming pool and any impervious apron around the swimming pool shall not be located within any utility or storm water drainage easements.

4.103.05 **Location With Respect to Other Regulations.** The location of a swimming pool shall meet the requirements of all other appropriate regulations, including but not limited to, the regulations of the Knox County Codes Administration and Inspections Department, the Knox County Health Department, and the State of Tennessee.

Proposed Amendments  
to PR Zone District

~~Strike through~~ shows deletions  
**Bold** shows additions

5.13.02 Permitted Uses

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**B. Accessory uses, buildings and structures.**

Renumber remainder of items accordingly

5.13.06 Periphery Boundary

All buildings ~~or structures~~ shall be set back from the periphery boundary not less than thirty-five feet unless adjacent to ~~planned residential zoning~~ **A (Agricultural), RA (Low Density Residential), RB (General Residential), RAE (Exclusive Residential), PR (Planned Residential), OS (Open Space), E (Estates), or TC (Town Center) zone districts**, where the Planning Commission may reduce this set back to not less than fifteen feet.

## Proposed Definitions

~~Strike through~~ shows deletions

**Bold** shows additions

Proposed amended definitions:

**Building** - ~~A dwelling, commercial establishment, church, or other building, outdoor advertising sign or billboard, tent, trailer, lunch wagon, dining car, tourist cabin, camp car, or other structure on wheels or other supports and used for advertising, business, or living purposes.~~ **Any structure built for the support, shelter or enclosure of persons, animals, moveable possessions, or property of any kind which has a roof and enclosing walls for at least fifty percent of its perimeter. The term "building" shall be as if followed by the words "or part thereof". For the purpose of area and height limitations this definition shall be applicable to sheds and open sheds.**

**Accessory Building** - A subordinate building customarily ~~incident~~ **incidental** to and located on the same lot with the main building.

Proposed new definitions:

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

**Swimming pool** - Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, aboveground and on-ground pools, hot tubs and spas.

**Lot Coverage** - The building coverage expressed as a percentage of the total lot or parcel area.

**Accessory Structure** - A subordinate structure customarily incidental to and located on the same lot with the main building or structure.

**Accessory Use** - A subordinate use customarily incidental to and located on the same lot with the main use.