



Agenda Item # 5

## MEMORANDUM

**TO:** Metropolitan Planning Commission

**FROM:** Michael Brusseau, Senior Planner

**DATE:** October 1, 2013

**SUBJECT:** Amendments to the *Knox County Zoning Ordinance* at Article 5, Section 5.22.03 (W) regarding retail sales of agricultural products in the Agricultural (A) zone district

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### REQUEST

Staff was requested by the planning commission to make recommendations to clarify the accessory relationship of sales of agricultural and horticultural products to the principal use of land as agriculture or horticulture in the Agricultural (A) zone district of the Knox County zoning ordinance.

### BACKGROUND

At its September 12, 2013 meeting, MPC considered a request for a sector plan amendment from Low Density Residential to Commercial land use classification and a change to the zoning map from Agricultural (A) to Business and Manufacturing (CB) zone district for property currently used by John Deere Landscapes, a nursery business that raises and sells trees, shrubs and plants, and sells other materials related to landscaping and landscape maintenance. The business is generally supported by surrounding residential development and the planning commission was uncomfortable with changing the future land use map classification to commercial in order to accommodate a change to the zoning map for this specific business. The commission postponed action on the sector plan and zoning map changes and directed staff to explore updating and amending the requirements of the A zone district.

### ANALYSIS

The current A zone specifically allows all types of agriculture and horticulture as permitted uses. The retail sales of agricultural/horticultural products is allowed as a use on review, but is limited. The retail sales of farm produce and several associated products, such as mulch and compost, and chemicals such as fertilizer, herbicides and fungicides are currently listed.

These proposed amendments clarify and minimally expand the type of retail sales that may be considered as uses permitted on review in the A zone district. Horticulture is defined as a “Branch of agriculture concerned with the cultivation of garden plants—generally fruits, vegetables, flowers, and ornamentals such as plants used for landscaping.” Staff believes that a nursery selling landscaping related products is not dissimilar from a dairy farm selling milk and incidentally selling products related to using milk, a farm selling produce and incidentally selling food preparation equipment or an orchard selling fruit at a roadside stand and incidentally selling equipment used in processing fruit. Approval of these amendments would continue to allow the consideration of retail sales of agricultural/horticultural products as a use on review in the A zone district, and supplement the development criteria that must be addressed in order to do so.

### **RECOMMENDATION**

Staff recommends that the planning commission recommend approval of the proposed amendments to the Agricultural (A) zone district of the Knox County Zoning Ordinance as shown in Exhibit A.

### **EXHIBITS**

- Exhibit A – Proposed amendments to the *Knox County Zoning Ordinance* at Article 5, Section 5.22.03 (W) regarding retail sales of agricultural products in the Agricultural (A) zone district

New text is **bold and underlined**.  
Deleted text is ~~struck through~~.

Knox County Zoning Ordinance  
Article 5  
Section 5.22 AGRICULTURAL ZONE (A)

5.22.03 Uses Permitted On Review

W. Retail sales of agricultural products ~~produced~~ **grown** on the site, **or acquired elsewhere and then maintained on the site**, subject to the following restrictions:

1. **There shall be a minimum lot area of ten (10) acres.**
2. Sales area and related facilities, including parking area, shall not occupy more than four (4) acres of the property. The sales area shall be subordinate and incidental in scope and size to the principal agricultural use of the property.
  - a. **“Sales area” is defined as the area where the purchase of agricultural products takes place and where certain fertilizer, herbicides, fungicides, irrigation equipment and landscape supplies are stored or displayed.**
  - b. **“Related facilities” is defined as non-connected buildings, sheds, coverings or awnings used for storage of equipment or material that is used in the business. Greenhouses are not considered related facilities.**
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, **irrigation equipment, herbicides, and fungicides and other landscape materials**, 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, “Agricultural Zones”, 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~~

## EXHIBIT A

by the MPC staff. **provided that** the Planning Commission may ~~approve alternate landscape screening based on a finding~~ **finds** that the alternate screening is ~~sufficient~~ **necessary** 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.

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September 25, 2013

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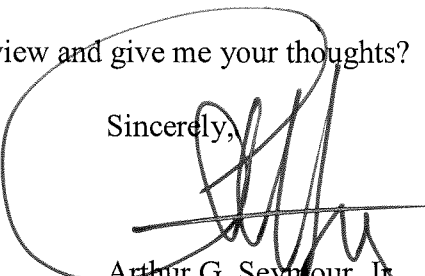
Re: Draft Amendment to Article 5.22 Agricultural Zone section 5.22.03, uses permitted on review subsection

Dear Mark:

Enclosed is a draft of a proposal for an amendment to the County's Agricultural Zone that might take care of Jim McClain.

Would you please review and give me your thoughts?

Sincerely,



Arthur G. Seymour, Jr.

FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:ibb  
Enc.

cc: Mr. Mike Brusseau (*via email to:* [michael.brusseau@knoxmpc.org](mailto:michael.brusseau@knoxmpc.org))

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**Draft Amendment to Article 5.22 Agricultural Zone section 5.22.03,  
Uses permitted on review subsection**

- W. Retail Sales of Agricultural Products grown on the site or acquired elsewhere and then maintained on the site, subject to the following restrictions:
1. There shall be a minimum lot size of fifteen (15) acres.
  2. Sales Area and Related Facilities, including parking area shall not occupy more than 4 acres of the property.
    - a. "Sales Area" is defined as the area where the purchase of agricultural products takes place and the area where certain fertilizer, herbicides and fungicides, irrigation equipment and landscape supplies are stored or displayed.
    - b. "Related Facilities" is defined as non-connected buildings, sheds, coverings, or awnings that are occupied equipment or material used in the nursery business and nursery retail sales. Greenhouses are not considered related facilities.
  2. Sales Area shall be subordinate and incidental in scope and size to the principle agricultural use of the property. Items for sale must be limited to those produced through farming and described under 5.22.02 (C) above; nursery products such as trees, shrubs, flowers, bedding plants, and other plants stock; and mulch, compost, fertilizer, herbicides, and fungicides, not produced on site; irrigation equipment; landscape supplies.
  4. The retail sales area shall be open to the public only between 7:00 a.m. and 9:00 p.m.
  5. Any proposed signage shall comply with Section 3.90.06, "Agricultural Zones," of these regulations and shall be approved with the site plan.
  6. The retail operations 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 the 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.

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