

MEMORANDUM

TO: Metropolitan Planning Commissioners
FROM: Michael A. Brusseau, AICP, Senior Planner
DATE: July 6, 2017
MPC FILE #: 8-A-16-OA
SUBJECT: Proposed amendments to the Knox County Zoning Ordinance

STAFF RECOMMENDATION:

APPROVE the attached amendments.

COMMENTS:

MPC staff has received a large number of calls from citizens inquiring as to how/if an event facility could be legally established on large rural properties in the County. The typical request is someone looking to hold weddings, meetings and other types of events on large tracts of land in scenic, rural areas of Knox County. Currently, there are only a few County zoning districts that would allow that type of business. The current agricultural zoning district does not allow this type of facility, and rezoning to the current commercial or office zoning districts would allow more intense uses that would be incompatible with the rural, agricultural character of these areas. MPC has initiated this zoning ordinance amendment to allow consideration of these uses, without rezoning, where appropriate.

Staff has created a draft ordinance amendment containing language on which zones these uses, generally referred to as “rural retreats” could be permitted, as well as development criteria that should be met in order to legally establish these uses without the need for rezoning. Staff is proposing to allow rural retreats as uses permitted on review, subject to MPC approval at a public meeting. Staff/MPC would review applications on a case-by-case basis and would have the opportunity to apply appropriate conditions, as warranted.

Staff is aware of several of these types of facilities that currently operate in Knox County without formal approval. It is assumed that these facilities continue to operate because Knox County Code Administration has not received any complaints about them,

which would lead to the need to either shut down operations or bring the facility into compliance. Bringing existing facilities into compliance would be nearly impossible because there would be no other option other than rezoning. In most cases in rural areas where these facilities tend to be, the spot zoning and plan amendment required for this use would be difficult for staff to support. This proposed ordinance amendment is intended to provide a process for new facilities to be developed. It is not intended to bring existing facilities into compliance. The conformance status of existing facilities will not change if this amendment is approved, but if there are complaints, it would provide an alternative to rezoning for these sites to be brought into zoning compliance.

ATTACHMENT: Loudness Comparison Chart for decibel (dBA) levels.

Add the following definition to Article 2, Section 2.10:

RURAL RETREAT - A facility owned and operated by an entity for the purpose of providing a rural setting in which lodging, conferences, banquet facilities/restaurants, day spas, recreational amenities and meeting/event facilities are provided with or without compensation.

4.104 STANDARDS FOR THE USE ON REVIEW APPROVAL OF RURAL RETREATS

Rural retreats, as defined in Article 2: Definitions are allowed to be considered as a use on review in the A (Agricultural), RA (Low Density Residential), RB (General Residential), E (Estates), T (Transition), AP (Agricultural Preservation) and PR (Planned Residential) zoning districts. Rural retreats 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".

Rural retreats are subject to the following standards and requirements:

4.104.01 Minimum Required Information

A use on review application, or a building permit application for an approved use on review, for a rural retreat in the A, RA, RB, E, T or PR zoning districts shall include complete description of all activities proposed to occur on the subject property and a scaled site plan. At a minimum, the following items must be addressed on the submitted materials at the time of application:

- A. The description of proposed activities shall include the following:
 - 1. The number of employees;
 - 2. The hours of operation;
 - 3. Provision of overnight accommodations, duration, etc.;
 - 4. Provision of restroom facilities;
 - 5. Proposed lighting;
 - 6. Sound amplification to be used;
 - 7. Temporary structures, including tents, to be used in association with planned events;
 - 8. Security to be provided (alarm, fence, cameras, lighting, personnel);
 - 9. Location of trash receptacles and method of trash removal;
 - 10. Traffic management and parking plans;
 - 11. The expected number of events per year;
 - 12. The expected number of attendees per event;
 - 13. Other documentation as deemed necessary by MPC staff.

4.104.02 Development Requirements and Restrictions (must be addressed in plans and submitted materials)

- A. Road Access. The site shall have direct access to an arterial or collector street, as classified by the *Major Road Plan for Knoxville & Knox County, Tennessee*. Access drives to local streets or private easements will not be permitted. Exceptions to this requirement may

be considered by MPC, if a traffic analysis is provided with the use on review application. This traffic analysis must be reviewed and approved by MPC and Knox County Engineering staff. Any recommendations for road improvements must be incorporated into the overall development plan.

- B. Minimum parcel size. The minimum area of the subject parcel should be ten (10) acres.
- C. The maximum floor area for all permanent structures associated with the Rural Retreat shall be no more than ten percent (10%) of the total lot area.
- D. All buildings, parking, loading, campsites, recreation areas and other indoor or outdoor use areas shall be setback a minimum of 200 feet from property lines and 300 feet from existing residential dwellings on adjacent parcels, and shall be buffered as deemed appropriate by MPC.
- E. Rural retreats are subject to the parking requirements for “Theaters, Auditoriums and places of assembly without fixed seats”, contained in Article 3, Section 3.50.10 of the Knox County Zoning Ordinance. All required parking areas must be provided on an all-weather driving surface. Gravel and other types of driving surfaces may be permitted on a case-by-case basis per request, but must be reviewed and approved by MPC and Knox County Engineering staff.
- F. Recreational uses incidental and subordinate to the primary Rural Retreat use are permitted and may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, ziplines, corn mazes, picnic areas, golf courses and related facilities, athletic fields, children’s play equipment, and passive recreational facilities. Campfires or bonfires may also be permitted, subject to compliance with Knox County open burn regulations, as well as the establishment of a designated area of the site for this use. All recreational uses are subject to the setback requirements of section E above. The use of the recreational facilities is limited to event guests and property owners/guests.
- G. Signage must comply with Article 3, Section 3.90 of this Ordinance.
- H. Overnight accommodations, if approved as part of the development plan, shall be accessory to the primary use of the property as a retreat and shall not be open to the general public as a stand-alone use. The maximum length of stay for any guest(s) shall be seven (7) consecutive days per singular event.

- I. Noise generated by the use, as measured at any property line, shall not exceed 40 decibels (dB) between the hours of 9:00pm and 9:00am, and shall not exceed 50 decibels (dB) at any other time.
- J. Proof of the availability of potable water and proper treatment and disposal of wastewater shall be provided, based on the occupancy of the building(s), subject to approval by the Knox County Health Department.
- K. Restroom facilities shall be required commensurate with the capacity of the building(s), subject to approval by the Knox County Health Department.
- L. All outdoor lighting shall adhere to the requirements of Article 4, Section 4.10.10. All exterior lighting shall be full cut-off and light levels at the property line shall not exceed 0.05 footcandles.
- M. Any building(s) in which events are held shall meet applicable building and fire code requirements for assembly uses.
- N. MPC shall have the authority to limit hours of operation, number of events, expected attendees, etc. on a case-by-case basis. Other conditions of approval may be recommended by staff, if deemed necessary. MPC may limit the scope of proposed operations so as to prevent adverse impacts on adjoining parcels. A proposed rural retreat shall be of a scale and intensity so that the use 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.

4.104.03 Criteria for larger scale retreats

- A. If the rural retreat includes overnight camping/lodging accommodations, the following criteria shall apply:
 - 1. The minimum parcel size shall be twenty (20) acres.
 - 2. A maximum of ten (10) guest accommodations shall be permitted for the first twenty (20) acres of site area, and additional guest accommodations shall be permitted at a ratio of one (1) for every five (5) acres of site area, up to a maximum of fifty (50) guest accommodations. Only event guests are permitted to stay overnight at the facility.

- B. If the rural retreat includes one or more of the following: a facility for conferences/banquets, a restaurant, or a day spa, the following criteria shall apply:
1. The minimum parcel size shall be fifty (50) acres.
 2. A Traffic Impact Study (TIS) will be required to be submitted along with the use on review application and site plans. The TIS shall be reviewed by Knox County Engineering and MPC staff and any recommendations regarding ingress/egress or road improvements deemed necessary shall be incorporated into the stipulations of the approved development plan.
 3. The total maximum floor area utilized for conference, restaurant, spa, event and/or banquet facilities shall not exceed 1,000 square feet for every five (5) acres of site area, up to a maximum of 20,000 square feet.
 4. All events that include sound amplification of any kind or that include 50 or more attendees between the hours of 9:00pm and 9:00am must take place entirely within a fully enclosed building(s).
 5. A minimum of thirty (30) guest rooms must be provided on the property.
 6. Any restaurant must be located within a facility that also contains at least fifteen (15) guest rooms.
 7. Any day spa facility shall not exceed 2,000 square feet of gross floor area.

(Certain agricultural uses are permissible by Tennessee state law under the Right to Farm Act and other regulations. These uses, if permissible and deemed in compliance with State regulations, are exempt from MPC review*



LOUDNESS COMPARISON CHART (dBA)

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Jet Fly-over at 1000 ft	110	Rock Band
Gas Lawn Mower at 3 ft	100	
	90	Food Blender at 3 ft
Diesel Truck at 50 ft at 50 mph	80	Garbage Disposal at 3 ft
Noisy Urban Area, Daytime		Vacuum Cleaner at 10 ft
Gas Lawn Mower at 100 ft	70	Normal Speech at 3 ft
Commercial Area		
Heavy Traffic at 300 ft	60	Large Business Office
Quiet Urban, Daytime	50	Dishwasher Next Room
Quiet Urban, Nighttime		Theater, Large Conference Room (Background)
Quiet Suburban, Nighttime	40	Library
	30	Bedroom at Night, Concert Hall (Background)
Quiet Rural, Nighttime	20	Broadcast/Recording Studio
	10	
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

An increase of 3 dBA is barely perceptible to the human ear.

dBA	Example	Home & Yard Appliances	Workshop & Construction
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
155	cap gun		
160	shotgun		
165	.357 magnum revolver		
170	safety airbag		
175	howitzer cannon		
180	rocket launch		
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194	sound waves become shock waves		

Most noise levels are given in [dBA](#), which are decibels adjusted to reflect the ear's response to different frequencies of sound. Sudden, brief impulse sounds, like many of those shown at 120 dB or greater, are often given in dB (no adjustment).