



MEMORANDUM

Date: November 3, 2022
To: Planning Commission
From: Mike Reynolds, AICP, Principal Planner
Whitney Warner, Planner
Subject: **Agenda Item # 39** 11-A-22-OA

REQUEST

Knox County Commission requested the Knoxville-Knox County Planning Commission to recommend amendments to the Knox County Zoning Ordinance to provide for use on review standards for temporary occupations in the A (Agricultural) zone (County Resolution R-22-8-907).

BACKGROUND

Planning and Knox County Codes staff collaborated to address this request by drafting standards for temporary occupations and developing a new section and a permitting process specifically for temporary uses. Since the resolution falls under the broader category of temporary use, Temporary Use, Article 3, Section 3.100, is recommended to allow for other temporary uses to be added in the future. Additionally, Temporary Use Permit, Article 6, Section 6.12, is recommended in conjunction with Article 3, Section 3.100, as an administrative process for issuing permits for temporary uses.

Article 3, Section 3.100.02 *Temporary Occupations of a recreational vehicle, camper or other non-permanent habitation* allows property owners who are constructing their home to temporarily occupy the lot in an appropriate unit. The standards have been broadened to include other large lot residential areas outside of the Agricultural zone and permits the temporary occupation by right opposed to the use on review process.

RECOMMENDATION

Staff recommends that Knoxville-Knox County Planning Commission recommend approval of the amendments to the Knox County Zoning Ordinance, to create Temporary Uses, Article 3, Sections 3.100, which includes use standards for Temporary Occupations of the recreational vehicle, camper or other non-permanent habitation, Article 3, Section 3.100.02, and amendments to add Temporary Use Permit, Section 6.12.

Exhibit A: Proposed amendments to Article 3, Section 3.100 pertaining to Temporary Uses, Section 6.12 pertaining to Temporary Use Permit

Revisions are shown in RED

Proposed amendments to Article 3, adding Section 3.100 pertaining to Temporary Uses

3.100. - Temporary Uses.

3.100.01 Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Code. These regulations are for temporary uses located on private property. All temporary uses require a temporary use permit (Section 6.12) unless specifically cited as exempt or are required to obtain a license per the County Code. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

3.100.02 Temporary occupations of a recreational vehicle, camper or other non-permanent habitation

A. Temporary occupancy of the recreational vehicle, camper or other non-permanent habitation is permitted in residential areas that are not part of a platted subdivision while a single-family dwelling is under construction on the property.

B. Use standards:

1. Parcel shall be at least one (1) acre in size.
2. Occupancy is restricted to owner and household members.
3. Temporary units must have adequate provisions for cooking, sleeping, and sanitation.
4. **These temporary units shall be connected to adequate water, electricity and a sewage disposal system or sewer.**
5. The temporary unit shall not be rented, let or leased.
6. A temporary use permit for residential use of a recreational vehicle, camper or other non-permanent habitation shall be obtained per the temporary use standard in article 6.12.
 - a. Initial permit. The initial permit will expire within one (1) year of issuance. Such permits shall expire six (6) months from the date of issuance unless work has commenced and is verified by Knox County codes administration and enforcement.
 - b. Extensions. Permits may be renewed every six (6) months after the first year. Renewal applications shall be submitted prior to permit expiration.
7. All occupancy shall cease and the unit shall be disconnected from all utilities and/or sewage disposal systems as a condition to receiving a certificate of occupancy on the building permit for the new construction.

3.100.03 *Additional Temporary Uses.* In addition to the temporary uses listed above, a temporary use permit may be issued by the director of the department of code administration and enforcement for other temporary uses that are substantially similar to a temporary use listed above and not intended to become permanent. A permit may be issued if the director of the department of code administration and enforcement determines that such use is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. The timeframe of such temporary use will be determined and approved as part of the temporary use permit.

Revisions are shown in RED

Proposed amendments to Article 6, adding Section 6.12 pertaining to Temporary Use Permit

6.12 Temporary Use Permit-

6.12.01. *Purpose.* A temporary use permit allows for the short-term use of a lot, including the placement of temporary structures. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the County Code.

6.12.02. *Initiation.* A property owner in the County, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

6.12.03. *Authorization.* The director of the department of code administration and enforcement will review and make final decisions on temporary use permit applications.

6.12.04. *Procedure.*

- A. All applications for temporary use permit must be filed with the director of the department of code administration and enforcement.
- B. The director of the department of code administration and enforcement must render a decision on the temporary use permit within 30 days of the date of receipt of a complete application. The director of the department of code administration and enforcement must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

6.12.05. *Standards.* All temporary uses must comply with the requirements of this Code, including the temporary use standards of Article 3.100, and the following standards:

- A. Unless otherwise allowed by this Code, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
- B. The temporary use does not adversely impact the public health, safety, and welfare.
- C. The temporary use is operated in accordance with any restrictions and conditions as the Sheriff's Department, Fire Bureau, or Director of Code Administration and Enforcement, may require.
- D. The temporary use does not conflict with another previously authorized temporary use.
- E. The temporary use may decrease parking by up to 50% so long as traffic patterns and circulation are approved beforehand by the Department of Engineering.
- F. ~~Habitable Occupied~~ structures shall comply with applicable building and fire codes.

6.12.06. *Expiration.* The temporary use permit is valid for the time period granted as part of the approval or as set forth in the temporary use standards in Section 3.100. Unless stated otherwise in Section 3.100, the validity of a temporary use permit may be extended for one time period upon approval of a written request.

6.12.07. *Appeals.* Anyone aggrieved by a final determination of the director of the department of code administration and enforcement may file an appeal in accordance with Section 6.60.

RESOLUTION

A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REQUESTING THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION TO RECOMMEND AMENDMENTS TO THE KNOX COUNTY ZONING ORDINANCE TO PROVIDE FOR USE ON REVIEW STANDARDS FOR TEMPORARY OCCUPATIONS IN THE A (AGRICULTURAL) ZONE.

RESOLUTION: R-22-8-907

REQUESTED BY: COMMISSIONER BUSLER

PREPARED BY: KNOX COUNTY LAW DIRECTOR'S OFFICE

APPROVED AS TO FORM AND CORRECTNESS: [Signature]
DIRECTOR OF LAW

APPROVED: Aug 22, 2022
DATE

VETOED: _____
DATE

VETO OVERRIDE: _____
DATE

MINUTE BOOK _____ PAGE _____

WHEREAS, the zoning ordinances for Knox County are codified at Appendix A of the Knox County Code (the "Knox County Zoning Ordinance"); and

WHEREAS, the Knox County Zoning Ordinance currently does not allow temporary residential occupation in the Agricultural (A) zone in non-permanent RVs, campers and the like; and

WHEREAS, the Commission finds that theft of building materials, particularly in rural areas where such theft may go unobserved, is on the rise; and

WHEREAS, the Commission believes that in certain circumstances it would be in the public interest for a property owner who is in the process of building or overseeing the construction of a home in the Agricultural (A) zone to be allowed to temporarily occupy the lot in an RV, camper or other non-permanent habitation; and

WHEREAS, it is the desire of the Commission to require approval of such temporary occupation through the use on review process, to make certain that such temporary occupation is conducted under rules and circumstances that reflect the intent of this resolution, including need, maximum allowable occupancy in the non-permanent structure, the provision of power, water and sanitary services during the temporary occupation, and such other restrictions and conditions as would minimize the effect on the community and public health and safety occasioned by such temporary occupation.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

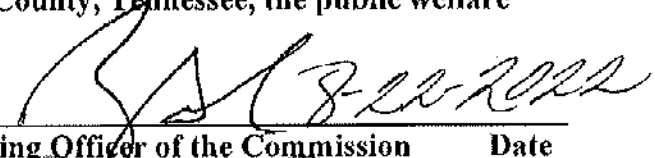
1. The Knox County Commission hereby requests the Knoxville-Knox County Planning Commission to consider and make recommendations on amendments to the Knox County Zoning Ordinance to provide for standards for use on review approval for temporary occupation on parcels of land zoned Agricultural (A), while such property owner is engaged in the construction of a permanent dwelling structure.

2. The Knox County Commission specifically requests that such standards include a definite limit on the time allowed for such occupation, requirements for the provision of power, water and sanitary services during the occupation, and such other rules and conditions as are convenient and necessary to preserve the public health, safety and welfare.

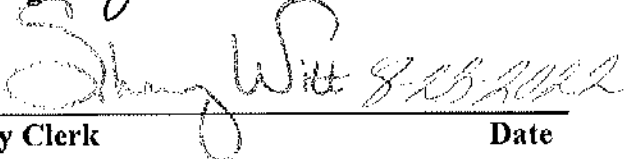
BE IT FURTHER RESOLVED, that the County Clerk is hereby requested to forward a copy of this Resolution to the Executive Director of Knoxville-Knox County Planning to make the Planning Commission aware of the Commission's request with respect to this matter.

BE IT FURTHER RESOLVED, that if any other notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

BE IT FURTHER RESOLVED, that this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.



Presiding Officer of the Commission Date



County Clerk Date

