

MEMORANDUM

Date: December 30, 2022
To: Planning Commission
From: Michelle Portier, AICP, Principal Planner & Planning Services Coordinator
Subject: **Agenda Item # 42** 11-C-22-OA

REQUEST

Review and make a recommendation on amendments to the Knox County Zoning Code:

- Article 5, Section 5.31.03 pertaining to the **CA (General Business)** zone to allow for consideration of the following uses:
 - To be permitted (by right):
 - Drive-through facilities located on arterial streets
 - Clinics, medical offices, dental offices and other medical uses of a similar nature and size
 - To be uses permitted on review:
 - Drive-Through Facilities on collector streets
 - Multi-dwelling Structures or Developments
 - Attached houses
 - Upper level dwellings
- Article 5, Section 5.32.03 pertaining to the **CB (Business and Manufacturing)** zone to allow for consideration of drive-through facilities located on arterial and collector streets as a permitted use, and to allow consideration of the following uses as uses permitted on review:
 - Multi-dwelling Structures or Developments
 - Attached houses
 - Upper level dwellings
- Article 4, adding a new subsection, 4.108 creating standards for drive-through facilities
- Article 5, Sections 5.37.03.C, 5.38.03.E, and 5.91.03, pertaining to drive-through facilities currently permitted as a use on review in the CR (Regional Commercial), CN (Neighborhood Commercial), and TC (Town Center) zones respectively, adding a reference to proposed subsection 4.108 pertaining to standards for drive-through facilities. No change is proposed to the allowance of drive-through facilities in these zones.

BACKGROUND

Amendments to the CA and CB zones regarding the proposed uses were recommendations of the recently adopted Alcoa Highway Corridor Plan (adopted by City Council on July 26, 2022 in City Ordinance O-98-2022 and by Knox County Commission on July 25, 2022 in County Resolution RZ-22-7-101). Since all of the

uses recommended for the CA (General Business) and CB (Business and Manufacturing) zones would affect properties County-wide, they are being reviewed for applicability in that larger context.

CA and CB Zone Descriptions

- The CA (General Business) zone is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.
- The CB (Business and Manufacturing) zone provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses or with other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB, Business and Manufacturing Zone are intensive users of roads, sewers and other public facilities.

Residential Uses Defined

Residential uses are defined in Article 2, Section 2.20 (Definitions) of the zoning ordinance. They are grouped together and listed under “Residential Structure Types” and are provided here for reference only.

Residential Structure Types:

- *House, attached:* A dwelling unit located on its own lot that shares one (1) or more common or abutting walls with one (1) or more dwelling units.
- *Multi-dwelling development:* A grouping of individual structures where each structure contains one (1) or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development may include an existing house with one (1) or more new detached houses, duplexes or multi-dwelling structures located on the same lot. The key characteristic of this housing type is that there is no requirement for the structures on the lot to be attached.
- *Multi-dwelling structure:* A building, or portion of a building, that contains three (3) or more dwelling units that share common walls or floor/ceilings with one (1) or more units. The land underneath the structure is not divided into separate lots.

Existing Allowance of the Proposed Uses in the Current Zoning Ordinance

- Drive-through facilities are currently allowed in the CN (Neighborhood Commercial) and CR (Regional Commercial) zones as a use on review and in the TC (Town Center) zones as a permitted use.
- The proposed medical land uses are allowed in the following zones as listed:
 - Clinics and medical/dental offices are currently allowed in the OB (Office, Medical and Related Services), OA (Office Park), I (Industrial), BP (Business and Technology Park) zones as a permitted use, and are allowed in the TC (Town Center) zone as a permitted use in the core area and the peripheral area.



- Medical offices are allowed in the PC (Planned Commercial) and SC (Shopping Center) zones via a general list of allowed uses with which medical and dental offices are compatible.
- Dental offices are allowed in the same zones as above but are also allowed in the CR (Rural Commercial) and CN (Neighborhood Commercial) zones as a permitted use.
- Clinics and professional/business offices are allowed in the CH (Highway Commercial) and the T (Transition) zone as a permitted use.
- Multifamily land use is allowed in the following zones as listed:
 - RB (General Residential) allows multi-dwelling structures and developments with a density of up to 12 du/ac as a permitted use and from over 12 du/ac to up to 24 du/ac as a use permitted on review.
 - OS (Open Space) zone allows multi-dwelling structures and developments with a density of up to 12 du/ac as a use permitted on review.
 - OB (Offices, Medical and Related Services) zone states that it allows the same uses as the RB zone, so multi-dwelling structures or developments are allowed with the same density as what is allowed in the RB zone.
 - TC (Town Center) zone allows dwellings in upper-level buildings (i.e., apartments over commercial, for example) in the peripheral area and in the core area generally. The types of dwellings allowed are not specified further in this zone and therefore include multi-dwelling structures or developments.
 - T (Transition) zone allows apartments as a permitted use.
- Townhouses or condo developments (i.e., attached houses) are allowed in the following zones as listed:
 - PR (Planned Residential) zone allows attached houses.
 - TC (Town Center) zone allows dwellings in the core area generally. The types of dwellings allowed are not specified further in this zone and therefore include attached houses.
- Upper-level dwellings (multiple unit developments, not garage apartments) are allowed in the following zones as listed:
 - TC (Town Center) zone allows dwellings in upper-level buildings (i.e., apartments over commercial, for example) in the peripheral area and in the core area generally.
 - CR (Rural Commercial) and CN (Neighborhood Commercial) zones allow residential units on the second floor and above a business as a permitted use.

Analysis of the Proposed Uses in The CA and CB Zones

Allowing the uses as proposed is not in conflict with the intent of the CA or CB zones given the stated intent of these zones. The proposed amendment would clarify where the proposed uses may locate. The amendments would provide additional viable uses for infill development along arterial corridors, including Alcoa Highway, and would provide more options for additional dwelling units in the County.

Some uses are proposed to be permitted as a use on review. The [Use on Review process](#) requires a public meeting and will ensure that any of uses proposed as a use on review on a CA or CB zoned property would be compatible with surrounding uses.



Commercial Uses. Drive-through facilities are compatible with the commercial uses already allowed in the CA and CB zones.

The CA and CB zones allow restaurants and banks, which could be interpreted as including drive-through facilities. In the CN and CR zones, drive-through facilities are allowed as a use on review while restaurants and banks are permitted uses by right. This establishes a drive-through establishment as a separate use from its parent use (i.e., a restaurant or bank) in the ordinance, and therefore, it is unclear whether drive-through facilities should be included in the permissibility of restaurants and banks in the CA and CB zones.

The intent of this proposal is to clarify and codify where and how drive-through facilities should be permissible in the CA and CB zones while providing a framework for these types of developments to utilize. As stated previously, Planning proposes for drive-through facilities be allowed as a permitted use along arterials and collectors in the CB zone. Due to the more intense character of this zone's intent, and the addition of the standards for drive-through facilities, Planning believes the permitting process will be adequate to review development plans for drive-through facilities in the CB zone. The more limited permissibility of drive-through facilities in the CA zone is due to the wider distribution of CA along collectors and local roads, with a higher number of parcels abutting residential zones or properties.

The CA and CB zones allow general offices and other uses more intense in character than a medical clinic or a doctor or dental office. No adverse impacts are expected by allowing these uses in the CA and CB zones as a permitted use.

Residential Uses. Adding multifamily and townhouse developments to the uses permitted on review in the CA and CB zones can provide a level of transition from more intense commercial developments to single-family residential development. The addition of these residential uses is intended to provide more flexibility in their location.

In the CA zone, permitted uses (allowed by right) include, but are not limited to, houses, duplexes, hotels, offices, banks, movie theaters, vehicle repair shops, dry cleaning shops, and other commercial uses. The listed uses skip over the multifamily and townhouse housing segment (going straight from houses and duplexes to commercial and office uses), so the proposed residential uses represent a missing segment of land use in general when comparing the lowest intensity use, single-family residential, with the more intense commercial developments that are allowed.

The CB zone allows most of the same uses as CA but expands to allow certain manufacturing uses and limited outdoor storage. Of the uses allowed in both zones, some have the possibility of causing adverse impacts if located adjacent to a residential neighborhood. Adding the proposed residential uses provides an opportunity for them to function as a buffer between commercial and residential zones that are adjacent in places where this occurs in the County while providing additional housing supply.

Additional housing stock is greatly needed in Knox County. According to the annual [State of Housing Report](#) published by the Knoxville Area Association of Realtors in 2022, the gap between housing supply



and demand continues to grow. This is true for ownership and rental housing markets (pp. 6 and 9). The report states that, “supported by low mortgage rates and high migration levels, housing demand remained historically strong throughout the year with the Knoxville area registering more home sales in 2021 than any other year on record” (p. 5). The report also finds that housing inventory in the Knoxville Metro Area remains near a record low with active listings down 36% from 2020 and down 69% from pre-pandemic levels (p. 6). Within Knox County, it is down 76% from pre-pandemic levels (Tables, p. 6). Housing affordability is also affected, with home prices spiking so that “prospective homebuyers spend more of their budget on housing than in previous years” (p. 11).

The Creation of Standards for Drive-Through Facilities: Article 4, Section 4.108

Staff looked at the distribution of the CA and CB zones in the County to assess the potential for adverse impacts that could be caused by the addition of any of the proposed uses if they abutted a residential property. At face value, it may seem as if all of the uses proposed would be appropriate as permitted uses since these are the higher-level commercial zones in the County. However, the distribution of these zones in some of the rural areas could cause adverse impacts when located next to residential properties. This caused some concern during some of the Alcoa Hwy meetings, and it was determined at that time that some of the uses proposed should be permitted as uses on review.

As part of the analysis for these amendments, staff considered whether a use on review should be required for all drive-through facilities in the CA and CB zones and concluded that this could cause additional steps in the process for applicants that may not be necessary in all circumstances. With the introduction of standards for drive-through facilities, staff could provide a level of protection for abutting properties, particularly when the abutting property is a residential use or zone. Therefore, a new subsection is proposed for Article 4, Supplemental Regulations, which includes standards for drive-through facilities countywide. This allowed staff to recommend drive-through facilities along arterials and collectors to be proposed as a permitted use in the CB zone. In the CA zone, drive-through. All drive-through facilities would be subject to the new subsection that provides standards for these developments. This section is proposed to be cited in the commercial zones that currently allow drive-through facilities as specified above for clarification purposes.

RECOMMENDATION

Staff recommends that Knoxville-Knox County Planning Commission recommend approval of:

- Amendments to the Knox County Zoning Code, Article 5, Section 5.31.03 pertaining to the CA (General Business) zone to allow for consideration of the following:
 - Uses permitted (by right):
 - Drive-through facilities located on arterial streets
 - Clinics, medical offices, dental offices and other medical uses of a similar nature and size
 - Uses permitted on review:
 - Drive-Through Facilities on collector streets
 - Multi-dwelling Structures or Developments



- Attached houses
 - Upper level dwellings
- Amendments to the Knox County Zoning Code, Article 5, Section 5.32.03 pertaining to the CB (Business and Manufacturing) zone to allow consideration of drive-through facilities located on arterial and collector streets as a permitted use, and to allow consideration of the following uses as uses permitted on review:
 - Multi-dwelling Structures or Developments
 - Attached houses
 - Upper level dwellings
- An amendment to the Knox County Zoning Code, Article 4, adding a new subsection, 4.108 creating standards for drive-through facilities.
- Amendments to the Knox County Zoning Code, Article 5, Sections 5.37.03.C, 5.38.03.E, and 5.91.03, pertaining to drive-through facilities currently permitted as a use on review in the CR (Regional Commercial), CN (Neighborhood Commercial), and TC (Town Center) zones respectively, adding a reference to proposed subsection 4.108 pertaining to standards for drive-through facilities. No change is proposed to the allowance of drive-through facilities in these zones.

Exhibit A: Proposed amendments to Articles 4 and 5 of the Knox County Zoning Ordinance



Exhibit A. Proposed amendments to Articles 4 and 5 of the Knox County Zoning Ordinance

5.31. CA General Business Zone.

5.31.01. *General description.* This zone is for general retail business and services but not for manufacturing or for processing materials other than farm products, except that portable sawmills are allowed.

5.31.02. *Uses permitted.*

- A. Houses and duplexes.
- B. Aircraft landing fields, hangars, and equipment.
- C. Armories, undertaking establishments, and assembly halls.
- D. Signs as permitted by section 3.90, "Signs, billboards and other advertising structures," of this resolution.
- E. Canneries.
- F. Churches, schools, libraries and museums.
- G. Dry cleaning shops, except that such use shall not include fabric dyeing.
- H. Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.31.03, "Uses permitted on review," subsection I.
- I. Garage apartments.
- J. Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.
- K. Lodging and boarding houses.
- L. Mobile homes, but not mobile home parks.
- M. Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.
- N. Offices, banks, theaters, indoor and outdoor, except that in any outdoor theater the screen of such shall be so erected or located that its face, or that side upon which the motion picture image is projected, shall not be visible from any state highway, studios, photograph galleries, barber shops, police and fire stations, service stations, restaurants, cafes and lunch rooms, grocery, clothing or shoe stores, and other retail business or commercial enterprise which is similar in character and not injurious to adjacent premises or occupants thereof by the emission of dust, fumes, smoke, odor, noise, or vibration.
- O. Portable sawmills.
- P. Retail poultry business, provided that the enterprise is conducted in strict compliance with the regulations of the health department, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odors, or noise.
- Q. Roadside stands.
- R. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
- S. Yard sales, rummage sales and flea markets.
- T. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- U. Indoor paintball ranges.

Exhibit A. Proposed amendments to Articles 4 and 5 of the Knox County Zoning Ordinance

- V. Storage of school buses under contract to a public or private school system. (See article 3, "Supplementary regulations," section 3.54, "Storage of school buses," for development criteria for school bus storage facilities.)
 - W. Public Safety Facilities.
 - X. Vehicle Repair/Service.
 - Y. Drive-Through Facilities located on an arterial street as categorized by the Major Road Plan most recently adopted by the Knoxville-Knox County Planning Commission, subject to Article 4, "Supplementary Regulations", Section 4.108, "Standards for Drive-Through Facilities.
 - Z. Clinics, medical offices, dental offices and other medical uses of a similar nature and size.
- 5.31.03. *Uses permitted on review.*
- AA. Veterinary clinics and animal hospitals.
 - BB. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."
 - CC. Self-service storage facilities.
 - DD. Commercial mulching operation, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.96, "Standards for the use-on-review approval of commercial mulching operations," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.
 - EE. Composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.
 - FF. Marinas and boat livery, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.
 - GG. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."
 - HH. Commercial dairies; commercial kennels, rabbit, goat, and other animal or fish and minnow raising farms; egg producing ranches and farms devoted to the hatching, raising, fattening, and butchering of chickens, pigeons, turkeys and other poultry; and hog and other livestock feeding for commercial purposes, subject to the requirements of article 4, "Supplementary regulations", section 4.99, "Requirements for certain agricultural uses, when considered as uses permitted on review in CA, General Business and CB, Business and Manufacturing Zones."
 - II. Contractor's storage yard.
 - JJ. Indoor self-service storage facilities.
 - KK. Multi-dwelling structures or developments, as regulated in the RB (General Residential) zone, Sections 5.12.05-5.12.10, at a density of up to twenty-four (24) dwelling units per acre. A Type A landscape screen shall be provided along property lines adjacent to single-family residential uses, in accordance to Section 4.10.11 as if the multi-dwelling structure or development were a commercial use. Such structures or developments shall meet the administrative requirements of subsection 5.13.15, "Administrative procedure for a planned residential development," and the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," and section 6.50, "Procedures for authorizing uses permitted on review."

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LL. Attached houses and upper-level dwellings.

MM. Drive-Through Facilities located on a collector street as categorized by the Major Road Plan most recently adopted by the Knoxville-Knox County Planning Commission, subject to Article 4, "Supplementary Regulations", Section 4.108, "Standards for Drive-Through Facilities.

5.31.04. *Storage.* Outdoor storage of material and equipment is prohibited unless it is fully screened on all sides by an opaque screen and is located in the rear of the principal permitted use or structure. This shall not apply to the display for sale of new or used vehicles in working condition, unless otherwise provided for in these regulations. These requirements also shall not apply to materials and equipment stored on a construction site where such materials or equipment are to be used, or to the storage of commercial vehicles.

5.31.05. *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height.

5.31.06. *Lot area.* The minimum requirements for every building or portion of a building used as a dwelling shall be seven thousand five hundred (7,500) square feet for the first household, and five thousand (5,000) square feet of lot area for each additional household: except that for attached dwellings, the minimum lot area shall be two thousand (2,000) square feet overall per dwelling; and except that for hotels, motels, and transient mobile home parks, the minimum lot area shall be one (1) acre and in addition to the seven thousand five hundred (7,500) square feet of lot area required for the owner or operator there shall be at least one thousand eight hundred (1,800) square feet of lot area for each sleeping accommodation provided for transient guests of the hotel, motel or transient mobile home park, and the building area of such hotel, motel or transient mobile home park shall be not greater than fifty (50) percent of the lot area. The lot size for above-ground dwellings shall be determined by the ground floor use and the size of the dwelling units shall meet minimum building code requirements.

5.31.07. *Setback.* No building shall be located closer than twenty (20) feet to the road line; no building or portion of a building used as a dwelling shall be located closer than twenty-five (25) feet to the road line; and no hotel or tourist court shall be located closer than fifty (50) feet to the road line. For multi-dwelling structures, the provisions of the RB, General Residential zone, shall apply.

5.31.08. *Side yards.* For single family detached dwellings and duplexes, and for the unattached side of attached dwellings, there shall be a side yard on each side of every building or portion of a building used as a dwelling, which side yard shall have a minimum width of five (5) feet, increased by two (2) feet for each story above the first story. For multi-dwelling structures, the provisions of the RB, General Residential zone, shall apply.

5.31.09. *Rear yard.* There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen (16) feet for a one-story building, twenty (20) feet for a two-story building, and twenty-four (24) feet for a three-story building. For single family detached houses and duplexes, the provisions of the RA, Low Density Residential Zone shall apply, and for multi-dwelling structures or developments, the provisions of the RB, General Residential Zone shall apply.

5.31.10. *Off-street parking.* As regulated in section 3.50.

Ord. No. O-95-3-102, § 1, 4-24-95; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-02-11-101, § 1(Exh. A), 12-16-02; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)

5.32. CB Business and Manufacturing Zone.

5.32.01. *General description.* This zone provides for a wide range of business and manufacturing uses. The nature of such businesses is to attract large volumes of automobile and truck traffic and to have adverse effects on surrounding properties. Hence, they are not properly associated with, nor compatible with residential or institutional uses or with other uses that require an environment free of noise, odors and congestion. Uses permitted in the CB, Business and Manufacturing Zone are intensive users of roads, sewers and other public facilities.

5.32.02. *Uses permitted.*

- A. Aircraft landing fields, hangars, and equipment.
- B. Amusement resorts.
- C. Armories, undertaking establishments, and assembly halls.
- D. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.
- E. Book bindery.
- F. Bottling or packaging works.
- G. Building contractors', building, electrical, and plumbing supply establishments.
- H. Canneries.
- I. Churches, schools, libraries, and museums.
- J. Creamery.
- K. Dry cleaning shops, except that such use shall not include fabric dyeing.
- L. Electrical appliances and equipment assembly.
- M. Electronic equipment assembly and manufacturing.
- N. Engraving and/or printing plant.
- O. Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.32.03, "Uses permitted on review," subsection L.
- P. Furniture manufacturing.
- Q. Garage apartments.
- R. Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.
- S. Ice manufacture or storage of not more than twenty (20) tons of ice.
- T. Instrument and meter manufacturing.
- U. Laundry and dry cleaning establishments.
- V. Leather goods fabrication.
- W. Lodging and boarding houses.
- X. Lumber yards for sale, storage or distribution, but not manufacturing.
- Y. (Deleted May 5, 1970.)

Exhibit A. Proposed amendments to Articles 4 and 5 of the Knox County Zoning Ordinance

- Z. Monument engraving and sales, but no stone cutting, grinding or polishing.
- AA. Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.
- BB. Offices, banks, theaters, indoor and outdoor except that in any outdoor theater the screen of such shall be so erected or located that its face, or that side upon which the motion picture image is projected, shall not be visible from any state highway, studios, photograph galleries, barber shops, police and fire stations, service stations, restaurants, cafes and lunch rooms, grocery, clothing or shoe stores, and other retail business or commercial enterprise which is similar in character and not injurious to adjacent premises or occupants thereof by the emission of dust, fumes, smoke, odor, noise, or vibration.
- CC. Optical goods manufacturing.
- DD. Paper products fabrication.
- EE. Produce markets.
- FF. Portable sawmills.
- GG. Public utility service yard or electrical receiving or transforming station.
- HH. Retail poultry business, provided that the enterprise is conducted in strict compliance with the regulations of the Health Department, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odors, or noise.
- II. Roadside stands.
- JJ. Sporting goods manufacturing.
- KK. The manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.
- LL. Wholesale, warehousing, or distribution enterprise.
- MM. Any other retail, wholesale, or light industrial use similar in nature to those described.
- NN. Truck, tractor, and heavy equipment sales, but not motor freight terminals.
- OO. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
- PP. Yard sales, rummage sales and flea market.
- QQ. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- RR. Commercial mulching operation, subject to the requirements of article 4, "Supplementary regulations," section 4.96, "Standards for the use on review approval of commercial mulching operations."
- SS. Indoor paintball ranges.
- TT. Storage of school buses under contract to a public or private school system. See article 3, "Supplementary regulations," section 3.54, "Storage of school buses," for development criteria for school bus storage facilities.
- UU. Contractor's storage yard.
- VV. Public Safety Facilities.
- WW. Vehicle Repair/Service.

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- NN. XX. Drive-Through Facilities located on an arterial or collector street as categorized by the Major Road Plan most recently adopted by the Knoxville-Knox County Planning Commission, subject to Article 4, "Supplementary Regulations", Section 4.108, "Standards for Drive-Through Facilities.
- OO. Clinics, medical offices, dental offices and other medical uses of a similar nature and size.
- 5.32.03. *Uses permitted on review.*
- PP. Sanitary landfill subject to meeting all requirements set forth in sections 4.70, "Sanitary landfills," and 6.50, "Procedure for authorizing uses permitted on review," of these regulations.
- QQ. The following uses may be permitted, provided that, no such use shall be located nearer than three hundred (300) feet to a public park, school, church, hospital, sanitarium, residential zone or land subdivided and restricted to residential uses, except as otherwise provided in sections 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and 4.50, "Standards for mining and mineral extraction," of these regulations.
1. Mining and mineral extraction subject to all requirements set forth in sections 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and 4.50, "Standards for mining and mineral extraction," of these regulations.
- RR. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).
- SS. Veterinary clinics and animal hospitals.
- TT. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes when considered as uses permitted on review."
- UU. Self-service storage facilities.
- VV. Composting facility, consistent with the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review", section 4.95, "Standards for the use-on-review approval of solid waste processing facilities," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.
- WW. Marinas and boat liveries subject to the requirements set forth in section 4.30, "Standards for marina and boat livery development," of these regulations.
- XX. Outdoor paintball ranges, subject to the requirements of article 4, "Supplementary regulations," section 4.97, "Standards for the approval of indoor and outdoor paintball ranges."
- YY. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."
- ZZ. Commercial dairies; commercial kennels, rabbit, goat, and other animal or fish and minnow raising farms; egg producing ranches and farms devoted to the hatching, raising, fattening, and butchering of chickens, pigeons, turkeys and other poultry; and hog and other livestock feeding for commercial purposes, subject to the requirements of article 4, "Supplementary regulations," section 4.99, "Requirements for certain agricultural uses, when considered as uses permitted on review in CA, General Business Zones, and CB, Business and Manufacturing Zones."
- AAA. Indoor self-service storage facilities.
- BBB. Multi-dwelling structures or developments, as regulated in the RB (General Residential) zone, Sections 5.12.05-5.12.10, at a density of up to twenty-four (24) dwelling units per acre. A Type A landscape screen shall be provided along property lines adjacent to single-family residential uses, in accordance to Section 4.10.11 as if the multi-dwelling structure or development were a commercial use. Such structures or developments shall meet the administrative requirements of subsection

Exhibit A. Proposed amendments to Articles 4 and 5 of the Knox County Zoning Ordinance

5.13.15, "Administrative procedure for a planned residential development," and the requirements of subsections 4.10.14 through 4.10.19, "Development standards for uses permitted on review," and section 6.50, "Procedures for authorizing uses permitted on review."

CCC. Attached houses and upper-level dwellings.

5.32.04. *Height.* No building may be built to a height exceeding twice the width of the road upon which the building abuts; buildings may exceed this height limit providing the portion of the building higher than twice the width of the road is set back from every road and lot line one (1) foot for each three (3) feet of height in excess of twice the road width. For multifamily structures or developments, no building shall exceed forty-five (45) feet or three (3) stories in height.

5.32.05. *Lot area.* Requirements for hotels, motels, and transient mobile home parks: The minimum lot area shall be one (1) acre. For every building or portion of a building used as a dwelling: The minimum lot area shall be seven thousand five hundred (7,500) square feet for the first household, and five thousand (5,000) square feet of lot area for each additional household, except for attached dwellings, the minimum lot area for which shall be two thousand (2,000) square feet overall per dwelling. The lot size for above-ground dwellings shall be determined by the ground floor use and the size of the dwelling units shall meet minimum building code requirements.

5.32.06. *Setback.* No building shall be located closer than twenty (20) feet to the road line; no building or portion of a building used as a dwelling shall be located closer than twenty-five (25) feet to the road line; and no hotel or tourist court shall be located closer than fifty (50) feet to the road line. For multi-dwelling structures, the provisions of the RB, General Residential zone, shall apply.

5.32.07. *Side yards.* . For single family detached dwellings and duplexes, and for the unattached side of attached dwellings, there shall be a side yard on each side of every building or portion of a building used as a dwelling, which side yard shall have a minimum width of five (5) feet, increased by two (2) feet for each story above the first story, except that for multi-dwelling structures, the provisions of the RB, General Residential zone, shall apply.

5.32.08. *Rear yard.* There shall be a rear yard on every lot, which rear yard shall have a minimum depth of sixteen (16) feet for a one-story building, twenty (20) feet for a two-story building, and twenty-four (24) feet for a three-story building, except that for multi-dwelling structures, the provisions of the RB, General Residential zone, shall apply.

5.32.09. *Off-street parking.* As regulated by section 3.50.

(Ord. No. O-96-1-102, § 1, 2-26-96; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-01-1-101, § 1(Exh. A), 4-23-01; Ord. No. O-02-11-101, § 1(Exh. A), 12-16-02; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-7-103, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-8-103, § 1(Exh. A), 9-23-13; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-1-102, § 1(Exh. A), 2-25-19 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)

5.37. CR Rural Commercial Zone.

5.37.01. *General description.* This commercial zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to outlying rural areas. It is intended to provide for the recurring shopping and personal service needs of nearby rural residential areas. This zoning should be placed on properties that are located at or near intersections of arterial and/or collector streets in order to maximize accessibility from surrounding areas. The range of permitted uses is limited to those which are generally patronized on a frequent basis by area residents. Development performance standards are included to maximize compatibility between commercial uses and surrounding rural areas, and to maintain the rural character of these areas.

5.37.02. *Uses permitted.* Only the following uses shall be permitted by right in the CR, Rural Commercial, zoning district. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget North American Industry Classification Manual, 1997 edition, shall be permitted providing all other requirements of this ordinance are fulfilled. All uses permitted are subject to article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review":

- A. Retail sales limited to:
 - 1. Farm equipment and supplies.
 - 2. Plant nurseries (NAICS 444220).
 - 3. Soils and mulch.
 - 4. Grocery stores (NAICS 4451).
 - 5. Household supplies.
 - 6. Clothing/shoes/jewelry (NAICS 448).
 - 7. Garden and lawn supplies (NAICS 4442).
 - 8. Fueling service stations with or without convenience stores (NAICS 447110).
 - 9. Drugs and medicine (NAICS 446110).
 - 10. Small appliance sales (NAICS 44311) and repair (NAICS 811412).
 - 11. Baked goods (NAICS 445291).
 - 12. Specialty foods (NAICS 4452).
 - 13. Newsstands/bookstores (NAICS 45121).
 - 14. Produce (NAICS 445230) (including roadside produce stands).
 - 15. Florists (NAICS 453110).
 - 16. Gift shops (NAICS 453220).
 - 17. Arts/crafts (NAICS 453920).
 - 18. Antiques.
 - 19. Sporting goods (NAICS 451110).
 - 20. Hardware (NAICS 44413).
 - 21. Fabric/upholstery shops.
 - 22. Video sales and rentals (NAICS 532230).

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- B. Business and personal services limited to:
 - 1. Barber and beauty shops (NAICS 8121).
 - 2. Tailor/shoe repair (NAICS 811430).
 - 3. Laundry and dry cleaning (drop-off/pick-up stations only).
 - 4. Banks and similar institutions (NAICS 522).
 - 5. Laundromats limited to self-service facilities (NAICS 812310).
 - 6. Copying services (NAICS 56143).
 - 7. Restaurants (NAICS 722).
 - 8. Service and repair of farm equipment.
 - 9. Equipment rental (excluding vehicles intended for highway use) (NAICS 532).
 - 10. Instructional schools (limited to dancing, music, arts, crafts, or sports) (NAICS 611610, 611620).
 - 11. Exercise/fitness centers (NAICS 713940).
 - C. Business and professional offices, which provide direct services to customers limited to:
 - 1. Travel agencies (NAICS 561510).
 - 2. Outpatient medical (NAICS 621).
 - 3. Dental (NAICS 6212).
 - 4. Real estate (NAICS 531).
 - 5. Finance and accounting (NAICS 523, 5412).
 - 6. Architect/engineering (NAICS 5413).
 - 7. Insurance (NAICS 524).
 - 8. Legal services (NAICS 5411).
 - 9. Local, state and federal government offices and programs.
 - D. Veterinary clinics and animal hospitals (NAICS 541940).
 - E. Accessory buildings and uses customarily incidental to the above uses such as: parking facilities subject to section 3.50, "Off-street parking requirements," and signs subject to section 3.90, "Signs, billboards, and other advertising structures."
 - F. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
 - G. Residential uses may be located on the second floor and above of a business. Dwellings may also be located on the same site only if an accessory use to the primary use for a business.
 - H. Uses similar to the uses listed as "uses permitted" may be considered for appropriateness by the planning commission under the use determination public hearing process. If the requested use is approved, it may be located in this zoning district.
 - I. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
 - J. Public Safety Facilities.
- 5.37.03. *Uses permitted on review.*

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- A. Child day care centers, provided they meet the requirements of section 4.91, "Standards for child day care centers and group day care homes, when considered as uses permitted on review."
- B. Adult day care facilities, provided they meet the requirements of section 4.98, "Standards for adult day care centers, when considered as uses permitted on review."
- C. Any use listed under permitted uses above, which includes drive-through or drive-in facilities. Drive-through facilities shall be subject to Article 4, "Supplementary Regulations", Section 4.108, "Standards for Drive-Through Facilities."
- D. Outdoor storage of materials, product, equipment, etc.
- E. Self-service storage facilities, provided they meet the requirements of section 4.93, "Standards for self-service storage facilities."
- F. Self-service car wash facilities (non-automated) (NAICS 811192).
- G. Dog kennels/animal boarding facilities.
- H. Contractor's storage yard.
- I. Indoor self-service storage facilities.

5.37.04. *Building size regulations.*

- A. No building shall exceed thirty-five (35) feet in height.
- B. No individual building or commercial establishment shall have a floor area exceeding twenty thousand (20,000) square feet.

5.37.05. *Lot area.* The building lot must be a minimum of one (1) acre and a maximum of four (4) acres in size.

5.37.06. *Front yard setbacks and landscaping requirements.* All buildings shall be set back from the street right-of-way lines not less than thirty-five (35) feet. Parking may not be located within the front setback area. The required front yard must contain a minimum of one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity, per every fifty (50) feet or portion thereof of linear street frontage. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of linear street frontage, to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.37.07. *Side yard setbacks and landscaping requirements.*

- A. Where the side yard is adjacent to a residential or agricultural zone, the building setback shall be not less than twenty-five (25) feet. The side yard must be landscaped with a minimum of one (1) evergreen tree per every twenty-five (25) feet or portion thereof of side yard property depth outside of required front and rear yards. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the side yard, except for the space within ten (10) feet from the base of the evergreen trees.
- B. Where the side yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The side yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of side yard property depth outside of required front and rear yards. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of side yard property depth (portion outside of required front and rear yards), to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.
- C. Parking may not be located in the required side yard.

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5.37.08. *Rear yard setbacks and landscaping requirements.*

- A. Where the rear yard is adjacent to a residential or agricultural zone, the building setback shall be not less than thirty-five (35) feet. The required rear yard must be landscaped with a minimum of one (1) evergreen tree per every twenty-five (25) linear feet or portion thereof of rear yard property length. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the rear yard, except for within ten (10) feet from the base of the evergreen trees.
- B. Where the rear yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The rear yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of rear yard property length. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of rear yard property length, to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.
- C. Parking may not be located in the required rear yard.

5.37.09. *Additional landscaping and site development standards.*

- A. Parking areas:
 - 1. All parking lots of twenty (20) or more spaces shall contain within the interior of the parking lot not less than one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity for every ten (10) spaces or fraction thereof. In no case shall more than ten (10) parking spaces be located in a row without a planting island a minimum of nine (9) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.
 - 2. Where parking abuts the building, there must be a sidewalk of at least five (5) feet in width between the parking spaces and the building.
 - 3. At the end of any parking row, there must be a terminal planting island a minimum of five (5) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.
 - 4. At least fifty (50) percent of the length of the exterior walls of the building must have a landscaping strip of at least four (4) feet in width.
- B. Any pre-existing, healthy, applicable landscaping on a proposed site may be counted toward meeting any of the landscaping requirements of this zoning district.

5.37.10. *Off-street parking.* As regulated in article 3, "General provisions," section 3.50, "Off-street parking requirements," of this resolution.

5.37.11. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.37.12. *Health department approval.* The development shall not be approved until the county department of code administration has been notified in writing by the county health department that the disposal system for sewage abides by all applicable standards.

5.37.13. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

5.37.14. *Site lighting.* Lighting of all types shall be directed away from all residential or agricultural zones and any public rights-of-way.

5.37.15. *Administration.* For uses listed as permitted uses within the CR, Rural Commercial zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the county department of code administration. The plan shall be filed in accordance with the

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requirements of article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review," of this zoning ordinance.

(Ord. No. O-03-2-103, § 1(Exh. A), 3-24-03; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-18-10-102, § 1(Exh. A), 11-19-18 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19)

5.38. CN Neighborhood Commercial Zone.

5.38.01. *General description.* This commercial zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

5.38.02. *Uses permitted.* Only the following uses shall be permitted by right in the CN, Neighborhood Commercial, zoning district. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget North American Industry Classification Manual, 1997 edition, shall be permitted providing all other requirements of this ordinance are fulfilled. All uses permitted are subject to article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review."

- A. Retail sales limited to:
 - 1. Grocery stores (NAICS 4451).
 - 2. Household supplies.
 - 3. Clothing, shoes and jewelry (NAICS 448).
 - 4. Garden and lawn supplies (NAICS 4442).
 - 5. Drugs and medicine (NAICS 446110).
 - 6. Small appliance sales (NAICS 44311) and repair (NAICS 811412).
 - 7. Baked goods (NAICS 445291).
 - 8. Delicatessen goods.
 - 9. Newsstands/bookstores (NAICS 45121).
 - 10. Florists (NAICS 453110).
 - 11. Gift shops (NAICS 453220).
 - 12. Arts/crafts (NAICS 453920).
 - 13. Antiques.
 - 14. Hardware (NAICS 44413).
 - 15. Fabric/upholstery shops.
 - 16. Video sales and rentals (NAICS 532230).
- B. Business and personal services limited to:
 - 1. Barber and beauty shops (NAICS 8121).
 - 2. Tailor/shoe repair (NAICS 811430).
 - 3. Laundry and dry cleaning drop-off/pick-up stations only.
 - 4. Banks and similar institutions (NAICS 522).
 - 5. Laundromats limited to self-service facilities (NAICS 812310).

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6. Copying services (NAICS 56143).
 7. Equipment rental (excluding vehicles for highway use) (NAICS 532).
 - C. Business and professional offices, which provide direct services to customers limited to:
 1. Travel agencies (NAICS 561510).
 2. Outpatient medical (NAICS 621).
 3. Dental (NAICS 6212).
 4. Real estate (NAICS 531).
 5. Finance and accounting (NAICS 523, 5412).
 6. Architect/engineering (NAICS 5413).
 7. Insurance (NAICS 524).
 8. Legal services (NAICS 5411).
 9. Local, state and federal government offices and programs.
 - D. Veterinary clinics and animal hospitals, with no boarding of animals (NAICS 541940).
 - E. Accessory uses to the principal use such as: parking facilities subject to section 3.50, "Off-street parking requirements," indoor storage areas, signs subject to section 3.90, "Signs, billboards, and other advertising structures."
 - F. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
 - G. Residential uses may be located on the second floor and above of a business. Dwellings may also be located on the same site only if an accessory use to the primary use for a business.
 - H. Uses similar to the uses listed as "uses permitted" may be considered for appropriateness by the planning commission under the use determination public hearing process. If the requested use is approved, it may be located in this zoning district.
 - I. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
 - J. Public Safety Facilities.
- 5.38.03. *Uses permitted on review.*
- A. Child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."
 - B. Adult day care facilities, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."
 - C. Restaurants (NAICS 722).
 - D. Fueling service stations with or without convenience stores (NAICS 447110).
 - E. Any permitted use listed above, which includes drive-through or drive-in facilities. Drive-through facilities shall be subject to Article 4, "Supplementary Regulations", Section 4.108, "Standards for Drive-Through Facilities.
 - F. Outdoor storage of materials, products, or equipment.
 - G. Self-service storage facilities, provided they meet the requirements of section 4.106, standards for the use-on-review approval of self-service storage facilities in the CN zoning district.

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- H. Vehicle Repair/Service, provided the use meets the requirements of section 4.106, standards for the use-on-review approval of vehicle repair/service in the CN Neighborhood Commercial Zone.
- I. Drive-through facilities, subject to Article 4, "Supplementary Regulations", Section 4.108, "Standards for Drive-Through Facilities."

5.38.04. *Building size regulations.*

- A. No building shall exceed thirty-five (35) feet in height.
- B. No individual building or commercial establishment shall have a floor area exceeding five thousand (5,000) square feet.

5.38.05. *Lot area.* The building lot must be a minimum of ten thousand (10,000) square feet in size.

5.38.06. *Front yard setbacks and landscaping requirements.* All buildings shall be setback from the street right-of-way lines not less than thirty-five (35) feet. Parking must be setback a minimum of ten (10) feet. The parking setback area must contain a minimum of one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity, per every sixty (60) feet or portion thereof of linear street frontage. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of linear street frontage, to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.07. *Side yard setbacks and landscaping requirements.*

- A. Where the side yard is adjacent to a residential zone, the building setback shall be not less than twenty (20) feet. The required side yard must be landscaped with a minimum of one (1) evergreen tree per every thirty (30) feet or portion thereof of side yard property depth outside of required front and rear yards. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the side yard, except for the space within ten (10) feet from the base of the evergreen trees.
- B. Where the side yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The side yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of side yard property depth outside of required front and rear yards. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of side yard property depth (portion outside of required front and rear yards), to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.08. *Rear yard setbacks and landscaping requirements.*

- A. Where the rear yard is adjacent to a residential or agricultural zone, the building setback shall be not less than twenty-five (25) feet. The required rear yard must be landscaped with a minimum of one (1) evergreen tree per every twenty-five (25) linear feet or portion thereof of rear yard property length. The evergreen trees must be spaced a minimum of thirty (30) feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the rear yard, except for within ten (10) feet from the base of the evergreen trees.
- B. Where the rear yard is not adjacent to a residential or agricultural zone, the building setback shall be not less than ten (10) feet. The rear yard must be landscaped with a minimum of one (1) native shade tree per every sixty (60) feet or portion thereof of rear yard property length. The native shade trees must be spaced a minimum of fifty (50) feet apart at the time of planting. One (1) ornamental tree is required per every twenty-five (25) feet or portion thereof of rear yard property depth to be placed between and among the shade trees, with a minimum of fifteen (15) feet spacing from the shade trees.

5.38.09. *Additional landscaping and site development standards.*

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A. Parking areas:

1. All parking lots of twenty (20) or more spaces shall contain within the interior of the parking lot not less than one (1) native shade tree, capable of reaching fifty (50) feet in height at maturity for every ten (10) spaces or fraction thereof. In no case shall more than ten (10) parking spaces be located in a row without a planting island a minimum of nine (9) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.
2. Where parking abuts the building, there must be a sidewalk of at least five (5) feet in width between the parking spaces and the building.
3. At the end of any parking row, there must be a terminal planting island a minimum of five (5) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.
4. At least fifty (50) percent of the length of the exterior walls of the building must have a landscaping strip of at least four (4) feet in width.

B. Any pre-existing, healthy, applicable landscaping on a proposed site may be counted toward any of the landscaping requirements of this zoning district.

5.38.10. *Off-street parking.* As regulated in article 3, "General provisions," section 3.50, "Off-street parking requirements," of this resolution.

5.38.11. *Signs.* As permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

5.38.12. *Health department approval.* The development shall not be approved until the county department of code administration has been notified in writing by the county health department that the disposal system for sewage abides by all applicable standards.

5.38.13. *Utilities.* All utility transmission lines serving individual uses shall be placed underground.

5.38.14. *Site lighting.* Lighting of all types shall be directed away from all residential or agricultural zones and any public rights-of-way.

5.38.15. *Administration.* For uses listed as permitted uses within the CN, Neighborhood Commercial zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the county department of code administration. The plan shall be filed in accordance with the requirements of article 6, "Administration, enforcement and interpretation," section 6.70, "Administrative site plan review," of this zoning ordinance.

5.38.16. *Sidewalks.* Pedestrian sidewalks must be provided on each site to allow access to the adjacent neighborhood. If adjacent properties have a sidewalk, the sidewalk must connect with it. If adjacent properties are vacant, then the developer must post a bond with the county department of engineering and public works to guarantee installation of a sidewalk at the time of development of adjacent properties. Sidewalks must be paved with a minimum width of four (4) feet.

(Ord. No. O-03-2-102, § 1(Exh. A), 3-24-03; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-103, § 1(Exh. A), 9-25-17 ; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17 ; Ord. No. O-19-5-101 , § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, § 1(Exh. A), 2-24-20)

5.91. TC Town Center Zone.

5.91.01. *General description.* The purpose of the TC, Town Center Zone, is to encourage the creation of pedestrian-oriented, mixed-use developments, providing shopping, employment, housing and business and personal services. These developments are intended to promote an efficient, compact land use pattern; encourage use of public transportation; reduce reliance on private automobiles; promote a more functional and attractive community through use of recognized principles of urban design; and to preserve historic structures and allow developers considerable flexibility in land use and site design. As an incentive, this zone offers flexible land use and development standards. A high level of attention to site and building design is required to promote attractive, functional development that is more compatible with residential and office uses than conventional commercial development.

These regulations are intended to prohibit excessive impacts of large-scale development on the district, which depends upon walkability and viable mixed-use development to enhance air and water quality, reduce traffic congestion, promote safety from traffic accidents, and enhance a pedestrian oriented land use plan. The regulations regarding height and front entrance orientation to a sidewalk and street necessitate that large retail enterprises be creatively designed. Considerations for such design include a height of two (2) or more stories, breaking up the facades of large retail space with other uses that are predominantly two (2) or more stories and maintaining larger retail space within the confines of the block dimensions that are required in this zone.

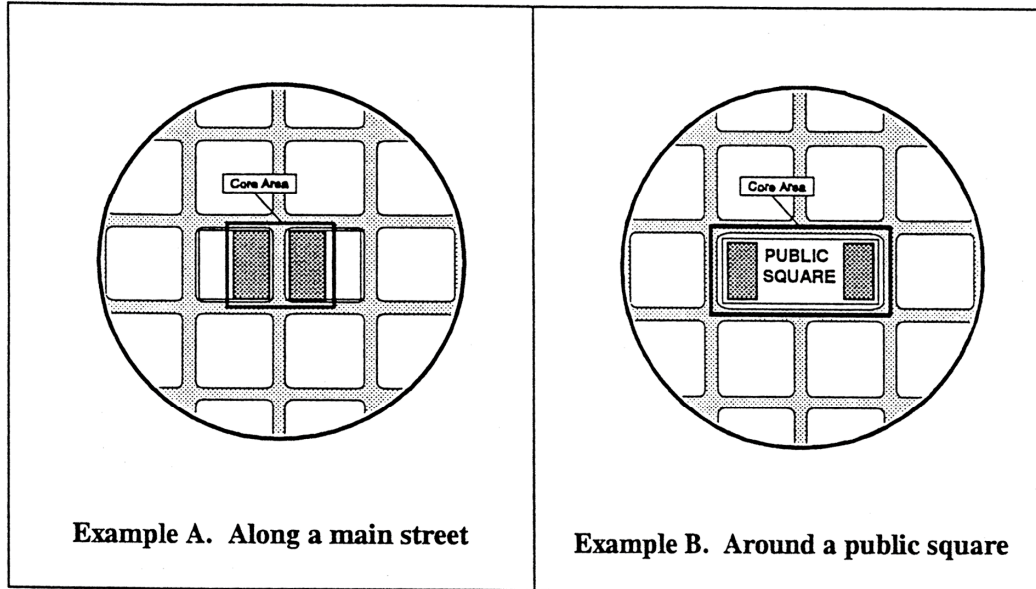
5.91.02. *General requirements.* It is necessary that a development plan be approved by the planning commission in order to pursue the development of a TC, Town Center Zone. The zone shall be established adjacent to an arterial or collector street. The zone shall contain a core area and a peripheral area. The general requirements for these areas are:

The core area. Pedestrian-oriented uses are required on the ground floor. Upper-story uses can include dwellings, offices, studios or other permitted uses identified in subsection 5.91.03, "Uses permitted." The minimum area shall be two (2) acres. The core area should be created along a main street or public square as shown in the following examples.

The peripheral area. This area can include a mix of uses on the various floors of buildings or a mix of single-purpose buildings, such as attached houses, apartments and office buildings. Subsection 5.91.03, "Uses permitted," provides a list of permitted uses. The maximum extension from the core area shall be one thousand two hundred (1,200) feet.

The intensity of uses in the core and peripheral areas may be limited by the planning commission, based upon adopted plans, surrounding land use, transportation and environmental impacts or other factors that the commission finds to be relevant.

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5.91.03. *Uses permitted.* Only the following uses shall be permitted in the TC, Town Center Zone:

Use	Core Area Ground Level	Core Area Upper Level/s	Peripheral Area
1. Retail sales and trade.	X	X	
2. Offices, including medical offices and clinics.		X	X
3. Hotels and motels.	X	X	X
4. Banks, savings and loans, mortgage companies and stockbrokers.	X **	X	X
5. Eating and drinking establishments.	X **	X	X
6. Personal service establishments.		X	X
7. Business service establishments.		X	X
8. Commercial and job printing.	X	X	X
9. Establishments offering repair services on small appliances, electronic equipment, watches, furniture, and similar items.	X	X	X
10. Amusement, entertainment and recreation establishments.	X	X	
11. Wholesaling from sample stocks only, provided that no manufacturing or storage for distribution shall be permitted on the premises.		X	X
12. Business schools, studios and vocational schools not involving processes of light or heavy industrial nature.		X	X
13. Laboratories and establishments for production and repair of jewelry, eyeglasses, electronic equipment, small appliances, hearing aids, and prosthetic appliances.		X	X
14. Clubs and lodges.		X	X
15. Churches and similar places of worship.	X	X	X

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16. Governmental, educational, and cultural facilities, other than middle or high schools.		X	X
17. Bed and breakfast inns.	X	X	X
18. Utility substations, easements, and transportation easements.			X
19. Other uses and structures which are customarily accessory and clearly subordinate and incidental to permitted uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."	X	X	X
20. Any other store or shop for retail trade or for rendering personal, professional, or business services, which the planning commission finds does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.	*	*	*
21. Dwelling units.		X	X
22. Live/work units.	X	X	X
23. Parks and recreational establishments and facilities.	*	*	*
24. Call centers, not exceeding twenty thousand (20,000) square feet at the ground floor.		X	X
25. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).	X		X
26. Public Safety Facilities			

* To be considered as part of development plan review.

** Drive-through facilities are subject to 5.91.04.D that follows, and Section 4.108, Standards for Drive-Through Facilities and Section.

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5.91.04. *Uses permitted on review and regulations regarding those uses.*

- A. Private day nurseries and kindergartens, subject to the following standards:
1. Total building area shall equal seventy (70) square feet of usable play area per child. At least thirty-five (35) square feet of this area per child shall be designated for large motor skill activities.
 2. There shall be a minimum of fifty (50) square feet of usable outdoor play area for each child on the playground at one (1) time with the maximum number of children to be permitted on the playground at one (1) time to be established by the state department of human services at the time of licensing.
 3. As an alternative to subsections 1. and 2. above, the following minimum requirements may be used:
 - a. The total lot area shall not be less than ten thousand (10,000) square feet.
 - b. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.
 - c. A fenced play area of not less than two thousand five hundred (2,500) square feet for the first twenty (20) children shall be provided. For every additional child, an additional one hundred (100) square feet shall be provided.
 4. The outdoor play area shall be fenced to a minimum height of four (4) feet.
 5. The fenced play area shall be thirty-five (35) feet from any public street. Where the 35-foot setback cannot be met, the applicant may have the option of installing a vehicle barrier that will meet the objectives of separation and safety. The barrier alternative shall be subject to approval by the department of engineering and public works.
 6. Asphalt, concrete, and other non-resilient surfaces shall be prohibited under and around outdoor play equipment where children could possibly fall more than one (1) foot. This includes:
 - a. At least two (2) feet around any climbing apparatus.
 - b. At least four (4) feet beyond the end of any slide.
 - c. At least two (2) feet beyond the end of the arc of any swing.
- B. Marinas, subject to the standards in section 4.30, "Standards for marina and boat livery development."
- C. Parking structures, provided that retail, office or other nonresidential uses are established at ground level along seventy (70) percent of street-oriented facades.
- D. Drive-through facilities:
1. Banks, each of which may have two (2) drive-through lanes
 2. Pharmacies, each of which may have one (1) drive-through lane.
 3. All drive-through facilities must be designed in similar architectural style to the main building and be located to the rear of the bank or pharmacy. They should be separated from parking areas with at least six (6) feet of continuous landscaped space, planted with similar trees and shrubbery that is used in other portions of the parking lot; the exit from the drive-through shall be back to the alley or parking area exit to minimize vehicle/pedestrian conflicts. Landscaping should not block sight distance to driveways, alley or streets.

5.91.05. *Prohibited uses and structures.* All uses and structures not of a nature specifically permitted herein are prohibited in the TC, Town Center Zone.

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5.91.06. *Area regulations.*

A. Minimum size of a TC, Town Center Zone:

1. Four (4) acres when adjacent to an existing, medium density residential development of four (4) or more acres, which includes pedestrian connections to the town center;
2. Otherwise, eight (8) acres with a minimum core area of two (2) acres.

The zone shall include the area of streets, alleys, squares and other public places.

B. Maximum size of a TC, Town Center Zone: the edge of the peripheral area shall not exceed a distance of one thousand two hundred (1,200) feet from the core area.

C. Area regulations for houses, attached houses, and duplexes are as follows:

REGULATION	HOUSE	DUPLEX	ATTACHED HOUSE
Minimum Lot Size	5,000 square feet 5,500 square feet on corner lot	7,000	2,000 square feet 2,500 square feet on corner lot
Maximum Lot Size	None	None	4,000 square feet
Minimum Lot Width	40', 45' on corner lot, 50' if a driveway is provided from the front of the property	50'	20', 25' on corner lot
Maximum Height (a)	2½ stories/35'	2½ stories/35'	2½ stories/35'
Maximum Front Yard Setback (b)	25' to habitable portion of the house	25' to habitable portion of the units	10'
Minimum Front Yard Setback (c)	20' to habitable portion of the house	20' to habitable portion of the units	5'
Minimum Street Side Yard Setback	10'	10'	5'
Minimum Interior Side Yard Setback	5'	5'	0'
Minimum Rear Yard Setbacks: Main Building/ Accessory Buildings (d)	25'/5'	25'/5'	25'/5'
Maximum Building Coverage	55%	55%	70%
Maximum Impervious Cover	65%	65%	90%

- (a) The minimum number of stories in an attached house shall be two (2).

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- (b) The maximum front yard setback may be extended to forty (40) feet for all houses on a block to address such constraints as topography, utility easements and tree conservation, provided that the concepts and the need for the greater setbacks are set forth in the development plan.
- (c) Outdoor porches may extend ten (10) feet into the front yard space. Porch steps may extend up to an additional eight (8) feet into the front yard setback. For privacy, the ground level of attached houses should be at least eighteen (18) inches above sidewalks.
- (d) Garages shall be located behind houses, attached houses, and duplexes. When access is provided from alleys, there shall be at least ten (10) feet of separation between the alley pavement and the garage. The garage shall be separated from the residence with a yard or patio area that has a minimum length of eighteen (18) feet.

D. Area regulations for other uses are as follows:

- 1. Front yard: To be determined by the planning commission through approval of a master development plan.
- 2. Minimum side yard:
 - a. Exterior lots: Same as abutting zoning district.
 - b. Corner lots: Same as article 3, "General provisions," subsection 3.30.01.
 - c. Interior lots: None.
- 3. Minimum rear yard: To be determined by the planning commission through approval of a master development plan.
- 4. The maximum site coverage is:
 - a. With all parking under the building, ninety (90) percent.
 - b. With a parking structure of two (2) or more levels on the same lot, seventy-five (75) percent.
 - c. With surface parking on the same lot, fifty (50) percent.
- 5. The maximum length of a block is three hundred (300) feet unless buildings on the block are separated by a pedestrian plaza or similar outdoor space that has a minimum of width of thirty (30) feet in which case the length of the block shall not exceed six hundred (600) feet. A minor portion of the pedestrian space can be covered as in the case of such features as an entrance gate or clock tower.

E. Build-to lines: To be determined by the planning commission through approval of a master development plan.

5.91.07. *Building height and number of stories in the core area.*

A. Minimum. Two (2) stories, with the following exceptions and limitations:

- 1. One (1) story and one and one-half (1½) story construction is acceptable for new buildings with a ground floor of seven thousand (7,000) square feet or less.
- 2. One (1) story grocery stores, not to exceed thirty thousand (30,000) square feet. One (1) story grocery stores that exceed thirty thousand (30,000) square feet must have two (2) story liner buildings, with a use on each floor, that face the most prominent adjacent street(s) as determined in the development plan approval process.

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3. Theatres, churches and other places of worship, and such public facilities as auditoriums may be based on one-story-construction, which the planning commission finds to be compatible in height with other buildings on the street.
 4. Other one (1) story retail uses provided that each block face that contains those buildings has a majority of multi-story buildings. Two (2) or greater story liner buildings, as defined in article 2, "Definitions," may be used to meet this requirement.
 5. The ground floor area of all one (1) story buildings and one and one-half (1½) story buildings shall not exceed twenty-five (25) percent of the total ground floor area of all buildings in the development plan or in any phase of the development plan.
- B. Maximum to be determined by the planning commission through approval of a development plan as required in subsection 5.91.12, "Development plan and standards," with the following exceptions:
1. Buildings at the edge of a TC Town Center Zone shall not exceed two and one-half (2½) stories and thirty-five (35) feet when abutting a low density residential area as identified in the applicable sector plan.
 2. The overall density of residential development in the peripheral area shall not exceed twelve (12) dwelling units per acre.

5.91.08. *Parking.* Off-street, surface parking in the core area shall be located behind buildings, with the exception of one (1) aisle as outlined in subsection 5.91.13, "Standards for specific improvements." Off-street parking for nonresidential uses in the peripheral area shall be located behind or to the side of buildings.

On-street parking is to be provided. The number of on-street parking spaces that are created adjacent to the street frontage of a building shall be subtracted from the number of required off-street parking spaces. The planning commission may prohibit on-street parking on arterial or collector streets or on existing streets that cannot, as determined by the director of the department of engineering and public works, be reasonably reconstructed to include on-street parking.

Off-street surface parking for retail uses shall be based on a minimum of seventy (70) percent and a maximum of ninety (90) percent of the required spaces in subsection 3.50.10. There is no maximum for parking spaces when the off-street parking is contained in a parking structure.

Off-street surface parking for other uses shall be based on providing a maximum of ninety (90) percent of the required spaces in subsection 3.50.10, with the following exceptions:

- A. When the core area of the TC Town Center Zone is within a one-quarter (¼) mile walk via sidewalks of a Knoxville Area Transit stop, an additional reduction may be requested of or may be required by the planning commission.
- B. Residential off-street parking shall be provided as follows:
 1. One (1) space for each house or attached house; two (2) spaces for each duplex.
 2. One (1) space for each efficiency or one-bedroom unit in an apartment.
 3. One and one-half (1½) spaces for the first twenty (20) dwelling units of two (2) or more bedrooms in an apartment building and one (1) space for each dwelling unit exceeding twenty (20) units.

Other than houses, attached houses, and duplexes, the number of off-street, surface parking spaces cannot exceed the preceding requirements. All off-street residential parking is to be located off alleys unless the planning commission finds that the extent of existing development or topographic conditions limit such access provisions.

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- C. Shared parking arrangements are encouraged and shall be identified in the development plan. An agreement for the use of shared parking shall be submitted with the development plan.
- D. Parking structures that are constructed within the zone may be used to meet the preceding requirements, provided that the development plan identifies the number of spaces that are to be created and the land uses that are to be served by the structure.

5.91.09. *Loading and storage of refuse.*

- A. *Loading.* Loading space shall be accommodated to the rear of buildings and shall not include alley or driveway areas.
- B. *Storage of refuse.* Commercial units shall maintain a separate refuse storage container from that used by residents. It shall be clearly marked for commercial use only and use by residential tenants is prohibited. Refuse storage containers shall be screened on all sides from ground-level view and shall be of the same finishing material used on the principal building.

5.91.10. *Landscaping.*

- A. Native shade trees that grow to a minimum height of forty (40) feet at maturity shall be planted along all streets at a maximum average spacing of forty (40) feet on center. For the purposes of this requirement, alleys and unimproved rights-of-way are not to be considered streets.
- B. Parking lots containing more than five thousand (5,000) square feet shall be designed and landscaped as follows:
 - 1. To foster attractive community appearance and to provide for orderly, safe, and systematic circulation within parking areas, off-street parking areas constructed on grade shall meet the following site improvement standards:
 - a. Perimeter landscaped buffers shall be provided between the parking lot and alleys, buildings, sidewalks, and other edges of the parking area.
 - b. Interior landscaped areas and parking aisles shall be arranged so as to channel traffic and minimize vehicular and pedestrian conflicts within parking areas. The maximum distance between perimeter landscaped buffers and interior landscaped aisles shall be one hundred twenty (120) feet.
 - c. Terminal islands shall be provided at the end of all parking aisles and an interior landscaped island shall be provided for every ten (10) parking spaces.
 - d. The width of landscaped buffers, aisles and islands shall be a minimum of seven (7) feet. A combination of native shade, evergreen and under-story trees and shrubbery shall be planted in the landscaped areas.
- C. For monument or ground-mounted shingle signs: Appropriately sized shrubbery or flowers shall be planted around the base of the sign.
- D. Along building foundations: For those buildings with front, side or rear yard space, eighty (80) percent of the exterior wall exclusive of doors, loading docks and similar entrances to a building shall be landscaped with shrubbery. This provision does not apply to the front of buildings that meet a sidewalk.

5.91.11. *Signs.*

- A. A master signage plan shall be part of the development plan. After approval of a master signage plan by the planning commission, the planning commission staff may approve minor changes to the signage plan administratively. For the purpose of these regulations, minor changes include:

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1. An increase in the size of any sign by up to ten (10) percent provided this does not exceed the maximum sizes permitted below.
 2. Changing the text, message, design or material of any sign shall not require approval by the planning commission or planning commission staff, providing that the sign is consistent with the standards contained in the master signage plan.
- B. Types of signs permitted, subject to approval of master signage plan.
1. Monument signs. Surface area not to exceed twenty (20) square feet on lots with a frontage of one hundred (100) feet or less and thirty (30) square feet on other lots within the zone. Monument signs that are used at entrances to identify the overall zone may be up to one hundred (100) square feet. Monument signs may have two (2) sides.
 2. Shingle signs. Surface area not to exceed twelve (12) square feet on lots with a frontage of one hundred (100) feet or less and eighteen (18) square feet on other lots within the zone. Height shall not exceed six (6) feet.
 3. Directional signs.
 4. Wall signs including projected and face mounted signs.
 5. Window signs, not exceeding ten (10) percent of that window space.
- C. Advertising signs, billboards, and ground signs, with the exception of monument signs, are prohibited.

5.91.12. *Development plan and standards.* The purpose of the development plan and standards is to create buildings that are of varied design yet complementary to each other. Consistency is expected in establishing setbacks, sidewalks, landscaping, lighting and related features. The development plan must address the features that are outlined below. Design guidelines already approved for a HZ, Historical Overlay Zone may be accepted in fulfillment of this requirement to the extent that the features listed below are addressed.

If the development plan does not include the entire area of the conceptual site plan that was approved at the time of rezoning, then a phasing plan must be submitted for planning commission approval. A phasing plan must include the minimum and maximum square feet and minimum and maximum height of the proposed uses, as well as the projected open space, pedestrian and road systems.

- A. *Architectural features.*
1. Building type (for example, slot commercial buildings constructed to sidewalk, attached houses).
 2. Building facade.
 3. Exterior features.
 4. Building height, set backs and build-to line standards.
 5. Roofs and rooftops.
 6. Exterior materials.
 7. Exterior colors.
 8. Permitted signs.
 9. Prohibited signs.
 10. Sign design standards.
- B. *On-site and off-site improvements.*
1. Fences and walls.

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2. Main street, square or plaza.
3. Landscaping.
4. Special pavement and sidewalk treatments.
 - (a) Sidewalks.
 - (b) Accent patterns at street intersections.
5. Setbacks and sidewalk easements.
6. Street lighting.
7. Street furniture.
8. Parking standards.
9. Refuse storage.
10. Utilities. All utility lines shall be placed underground with the exception of redevelopment areas in which this provision may be waived by the planning commission.

A plan for the maintenance of the preceding improvements, including appropriate agreements, may be required by the planning commission.

5.91.13. *Standards for specific improvements.*

- A. Where public transit is available: loading/unloading space and appropriate shelter shall be provided when the planning commission finds that the zone is large enough to warrant such a facility.
- B. Sidewalks are to be established throughout the zone as follows:
 1. *Core area minimum standards.*
 - a. Ten-foot-wide sidewalks with street trees in tree wells, when one and one-half-story and/or two-story buildings compose the area. A yard space may be established between the buildings and the sidewalk.
 - b. Twelve-foot-wide sidewalks for two-story buildings, constructed to the edge of the sidewalk with street trees to be established in tree wells.
 - c. Fourteen-foot-wide sidewalks for buildings higher than two (2) stories, constructed to the edge of the sidewalk with street trees to be established in tree wells.
 2. *Peripheral area minimum standards.*
 - a. Five-foot-wide sidewalks with a seven-foot planting strip measured from the street-side edge of the curb when at least five (5) feet of yard space is provided between buildings and sidewalks.
 - b. Twelve-foot-wide sidewalks when buildings are established to the edge of the sidewalk with street trees to be established in tree wells.

The planning commission may approve different sidewalk configurations if it finds that the intent of preceding standards which is safe, comfortable pedestrian circulation can be realized through another design. The commission may waive the preceding dimensional requirements in areas with preexisting sidewalks.

- C. The provision of public open space, including squares, plazas, greens and parks shall be required by the planning commission. The amount of required open space(s) shall not exceed ten (10) percent of the

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area within the zone. Yards, planting strips and landscaped road medians are not to be considered in fulfilling this requirement.

- D. Provisions for block size, building orientation and functional entrances:
1. Each side of a block shall be no longer than three hundred (300) feet in the core area, unless broken by a pedestrian corridor.
 2. All buildings and liner buildings must front on and have front entrances that are oriented to a street with the exception in subsection 5.91.13.D.3 below.
 3. One (1) aisle of off-street parking with two (2) rows of parking may be considered in front of buildings that are not in the mixed use, "main street" portion of the core area which is the retail mixed use "main street core"; this would allow, for instance, a location for parking that would not compete with a natural feature that is on the site such as parking between a water body and a building.
 4. Functioning entry door(s) shall be provided along ground story facades at intervals not greater than fifty (50) linear feet for retail uses.

5.91.14. *Administrative procedures.* A TC, Town Center Zone shall be established through a two-step procedure:

- A. Rezoning, including a conceptual site plan, depicting (1) the configuration of streets, public spaces, core area and, if applicable, peripheral area, and (2) the general location, intensity and mix of uses.
- B. Approval of a development plan, subject to the requirements of section 6.50, "Procedures for authorizing uses permitted on review;" section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," section 2, "Development standards for uses permitted on review," and the additional requirements of this section. The development plan shall include:
1. A site plan showing compliance with the requirements of the zoning ordinance and other applicable county ordinances.
 2. A landscaping plan.
 3. A master signage plan.
 4. Architectural design guidelines for new development and any changes to the exterior of buildings visible from public roads. Architectural elevation drawings drawn to scale and showing materials to be used may be substituted for architectural design guidelines.
 5. A schedule of permitted uses, including the proposed residential densities. The applicant may ask for approval for all uses listed in subsection 5.91.03, "Uses permitted," above, or the schedule of permitted uses may exclude some of the uses listed in subsection 5.91.03, "Uses permitted." The schedule may also limit the size of individual buildings.
 6. Specific operational standards for permitted hours of operation for any business, delivery of stock in trade or supplies for any business, permitted levels of noise, including amplified sound, from any business or entertainment event, and other such operating restrictions needed to promote compatible coexistence of mixed uses in the development.
 7. If a certificate of appropriateness for the design of buildings, signs, landscaping or parking lots has been approved by the historic zoning commission or their designee, then the planning commission may accept this approval in lieu of a development plan for these project elements.
 8. As part of the development plan, the owner or owners of property within the zone may voluntarily establish a design review committee and enter into covenants or binding agreements

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to enforce design standards and provide for design review. Documents outlining the committee's responsibilities and review procedures shall be filed with the development plan.

- C. Alternative compliance may be permitted under use-on-review by the planning commission. The purpose of alternative compliance is to foster innovative, high quality, environmentally-sustainable development that meets the intent of this pedestrian-oriented, mixed use zone that would not otherwise be allowed by a strict interpretation of the zone regulations.
- D. After consideration of the development plan, the planning commission may approve, deny, or approve the plan subject to conditions or modifications.
- E. It is the intention of these TC, Town Center Zone regulations that after approval of a development plan, new construction, changes of tenants or land uses, and changes in signage, landscaping or parking layout may be approved administratively by planning commission staff, providing that the executive director certifies that these changes comply with the standards of this ordinance and the approved development plan.

(Ord. No. O-01-6-101, § 1(Exh. A), 7-23-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-09-10-101, § 2(Exh. A), 11-16-09; Ord. No. O-11-1-103, § 1(Exh. A), 2-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101, § 2, 3-28-22)

Proposed addition to Article 4: Addition of new sub-section 4.108 establishing standards for drive-through facilities.

The preceding sections (4.10 through 4.107) were excluded from this document for brevity.

4.108. Standards for drive-through facilities.

4.108.1. Minimum requirements.

- A. Drive-through facilities must meet the following minimum standards:
1. Drive-through facilities shall be located along arterial roads. If proposed along a major collector road as identified on the Major Road Plan, a drive-through facility shall need use on review approval from the Planning Commission.
 2. Outdoor speakers shall be specified to have sound output of 65 decibels (db) or less. Speaker specifications are to be submitted with site plans demonstrating the speaker output.
 3. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets.
 4. The minimum width for a drive-through lane is ten feet.
 5. All drive-through facilities must provide a minimum of three stacking spaces per lane or bay. Restaurants must provide a minimum of four stacking spaces per lane or bay. Further, the Knox County Department of Engineering and Public Works may require additional internal queuing and stacking spaces and other access points to prevent disruption of traffic flow on adjacent streets.
 6. Stacking spaces provided for drive-through uses must be:
 - a. A minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance to the edge of the driveway/drive aisle, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
 - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive-through lane, such as a service window (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.
 7. Exterior lighting of all types and vehicular headlights on site shall be directed away from any public rights-of-way. Fixtures shall be full cutoff.
- B. In addition to the criteria listed above, drive-through facilities adjacent to residential uses or zones must also meet the following standards:
1. Drive-through speaker equipment requirements:
 - a. Outdoor speaker boxes shall be located on a separate speaker post instead of on a menu board, and drive-through lanes shall provide enough maneuverability to allow vehicles to pull up parallel to and within 2 ft of the speaker box.
 - b. Drive-through outdoor speaker equipment shall utilize automatic volume control (AVC) technology to reduce the sound output related to the ambient noise of the environment. Drive-through speaker specifications shall be submitted with site plans demonstrating compliance.
 - c. Drive-through outdoor speaker equipment must demonstrate that anticipated noise levels shall not register more than fifty (50) decibels at the property line in common with a residential land use or zone. Noise reduction methods should be utilized to achieve this sound level if it cannot be achieved without mitigation efforts. Construction of a barrier wall with a surface weight density greater than 4 lbs./sq. ft. and no openings in the wall located between the drive thru speaker and abutting residential uses is the preferred mitigation effort. If construction of a barrier wall is considered, the height and width of such a wall would be determined by the distance

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- between the speaker and the residential lot line. Other mitigation efforts can be considered and must be verified by a design professional to achieve the required decibel level.
2. The use on review request shall include, either on the application or on the site plan, the hours of operation of the drive-through facility.
 3. All drive-through establishments along shared lot lines with residential uses or zones shall be screened with berms, fences, walls, or dense landscaping to minimize the visual impact of the development on residential uses. Screening of drive thru facilities shall meet either of the following standards:
 - a. Screen depth minimum of fifteen (15) feet with two offset rows of evergreen screening trees spaced at a maximum of ten (10) feet apart and a row of solid, continuous shrubs planted along the residential property side of the trees. Distances between trees shall be measured from trunk to trunk.
 - b. Screen depth minimum of twenty-five (25) feet with two offset rows of evergreen screening trees spaced at a maximum of ten (10) feet apart with shade trees spaced at a maximum of twenty (20) feet apart offset in a third row on the residential side of the development. Distances between trees shall be measured from trunk to trunk.
 4. If a drive-through lane is situated such that vehicular headlights are pointed towards a shared lot line with a residential use or zone, that lot line shall be planted with continuous shrubs to visually buffer the residential use or zone from the light source. Such shrubs are to be a minimum of four (4) feet in height at installation and five (5) ft in height at maturity.
 5. Exterior lighting requirements:
 - a. Exterior lighting of all types shall be directed away from all residential uses or zones. Fixtures used in parking areas, near lot lines, or for general illumination or safety shall be full cutoff. This does not apply to fixtures designed to provide wall-wash lighting or lighting used to highlight landscaping or signage features.
 - b. Lighting levels shall not exceed 0.2 fc at any shared property line with a residential use or zone. A photometric plan is required to be submitted with the site plan.
 - c. Any freestanding cut off luminaire must be located at least 15 feet from any residential district lot line.
 - d. Light poles shall not exceed 15 ft in height, measured from grade to the top of the fixture.
 - e. Drive-through facilities operating past 10:00 p.m. will be required to install devices that will automatically dim exterior lights at 10:00 p.m. by 20% to further reduce lighting impact on residential properties. This does not apply to emergency lighting or fixtures designed to provide wall-wash lighting or lighting used to highlight landscaping or signage features.
- C. The following design practices are discouraged as they make it more difficult to achieve the above criteria:
1. Facing a speaker post toward a public right-of-way. This increases the ambient noise level and makes it necessary to use higher outbound levels.
 2. Placing the speaker post on a curve in the lane. Curves force vehicles to be further away from the post, which results in higher outbound level requirements and makes it difficult for order takers to hear customers.
 3. Facing the speaker post or the drive-thru lane along shared residential lot lines since the highest sound levels tend to be directly opposite the speaker post and at the front of vehicles.
 4. Turning the outbound level up higher than necessary.
 5. Relying on vegetation to reduce sounds. Plants and trees have been shown to have a limited impact on sound levels.

