

MEMORANDUM

Date: March 21, 2024
To: Planning Commission
From: Michelle Portier, AICP | Planning Services Manager
Subject: Knox County Zoning Ordinance Amendments Pertaining to the CA & CB Zones
File #: **4-C-24-OA; Agenda Item # 34**

RECOMMENDATION

Staff recommends approval of the proposed amendments to the Knox County Zoning Code, Article 5, Sections 5.31 and 5.32, CA (General Commercial) and CB (Business and Manufacturing) zones, respectively, adding clinics, medical offices, dental offices and other medical uses of a similar nature and size, and multi-dwelling developments and structures with a density of up to 12 du/ac as a permitted use; and multi-dwelling developments and structures with a density above 12 du/ac as uses permitted on review, and amendments to Article 2.2 Definitions, Specific Terms, to add a definition for upper-level dwellings.

BACKGROUND

Most of the amendments in this proposal were recommendations of the Alcoa Highway Corridor Plan, adopted by City Council on July 26, 2022 (City Ordinance O-98-2022) and County Commission on July 25, 2022 (County Resolution RZ-22-7-101). Since all of the uses recommended for the CA and CB zones would affect properties County-wide, they are being reviewed for applicability in that larger context.

This amendment was part of a larger group of amendments that went before County Commission in February and March of 2022, which included standards for drive through facilities. That group of amendments was sent back to the Planning Commission for further review at its second reading. Planning has since worked with a group of stakeholders, including Knox County Codes and Administration, Knox County Engineering, members of the development community, the Knox County Planning Alliance group, and a few Knox County Commissioners. The proposal to add the uses as described has been separated from the drive through facilities standards.

Zone Descriptions. The intent of the CA and CB zones are as described below.

- The CA 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 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.

Allowance of the proposed uses in other zones within the existing Knox County Zoning Ordinance.

- 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 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 zone allows dwellings in upper-level buildings (i.e., apartments over commercial, for example) in a development’s peripheral and core areas as a permitted use.
 - CR and CN zones allow residential units on the second floor and above a business as a permitted use.
 - While upper-level dwellings as a use are already referenced in the Knox County Zoning Ordinance, it has not been defined. Therefore, a definition is proposed in these amendments.

Proposed Uses and Intent of the Zones.

Allowing the uses as proposed is not in conflict with the intent of the CA or CB zones given the intent of these zones and their tendency to be located along commercial nodes and corridors. The proposed amendment will expand where the proposed uses may locate and will provide another viable use for infill development where appropriate.

Standards for Newly Proposed Residential Uses

The proposed amendments require the added residential uses to use the standards of the RB zone with regard to setbacks. The proposal requires a Type B Landscape Screen between the proposed residential



uses and existing single family dwellings, and adds standards for lot size/area by the type of use. It also stipulates in which areas of the Growth Policy Plan, and along which road classifications, different densities may be appropriate.

ANALYSIS

Proposed Residential Uses.

Multifamily developments and townhouse developments can function as a 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. The provision to allow additional housing types based on the Growth Policy Plan designation and street classification will protect existing residential development in the Rural Areas that abut CA or CB zoned properties that predate the sector plans.

For developments with a density above 12 du/ac, the [Use on Review process](#) requires review and approval by the Planning Commission to ensure a proposed development is compatible with the area and would not cause adverse impacts for surrounding properties. The Planning Commission has the authority to add conditions if it feels they are warranted to protect surrounding properties.

CA Zone.

The CA zone allows houses and duplexes as permitted uses in addition to a wide array of commercial and office uses. The uses currently permissible skip over the multifamily and townhouse housing segment, so the proposed uses represent a missing segment of land use in general when comparing the lowest intensity use, single-family residential, with more intense commercial developments that are allowed.

In the CA zone, permitted uses (allowed by right) include, but are not limited to, hotels, offices, banks, movie theaters, vehicle repair shops, dry cleaning shops, and other uses. 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, most generate more traffic than a multifamily or townhouse development, and others 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.

CB Zone.

The CB zone allows higher intensity uses in general. The proposed residential uses are transitional in nature and would be useful to include in the CB zone for this purpose.

Housing Demand.

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 2023, monthly housing inventory levels were down 68% on average across the Knoxville metropolitan area in 2022 compared with 2018 (p. 13).



The report states that, “From 2010 to 2019, household formations in the Knoxville metro area outpaced housing completions by 12%. This dynamic intensified in recent years with household formations estimated to have exceeded completions by 50% in 2022 alone. This production gap helps to explain the chronic lack of housing inventory, which continues to place upward pressure on home prices and rents across the region” (p. 15).

As housing demand continues to rise, and production continues to not meet that demand, multifamily housing continues to be a means to support the increasing housing need. These amendments can spur growth where appropriate for additional housing in the form of small multifamily developments (i.e., triplexes, fourplexes), attached dwellings (i.e., townhouses), and other multifamily developments.

The provision for upper-level dwellings is consistent with the mixed-use place types in the draft Knox County Comprehensive Land Use and Transportation Plan, and the addition of this use in these zones will provide an avenue for more mixed use developments to occur.

Definitions, Article 2, Section 2.20.

The proposed residential uses are allowed under more general terminology in the Definitions section of the zoning ordinance. The definitions are grouped together under “Residential Structure Types” and have been provided here for reference.

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.
- *Upper-level dwellings (new definition added):* Dwelling units located within a single multi-story building located above nonresidential uses on the ground floor or to the rear of nonresidential uses on the ground floor. In the case of dwelling units located behind non-residential uses on the ground floor, nonresidential uses must front on the primary street frontage.

Exhibit A: Proposed amendments to Article 5, Sections 5.31 and 5.31 pertaining to the CA and CB zones, and Section 2.20 pertaining to General Definitions



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,~~ attached dwellings, multi-dwelling structures and developments, and upper-level dwellings at a density of up to twelve (12) dwelling units per acre.

~~a. The appropriate development density of each project shall be determined by the planning commission but shall not exceed twelve (12) dwelling units per acre. For mixed use developments and upper-level dwellings, density shall be calculated based on the total acreage including areas set aside for any uses permitted or uses permitted on review in the CA zone; however, the overall residential density shall not exceed the maximum residential densities set forth in Section 5.31.11 below.~~

Commented [MP1]: Deleted this sentence; not needed as the density to be permissible is already stated above, so it creates ambiguity.

~~b. 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."~~

Commented [MP2]: Deleted this language; this Article pertains to uses permitted by right, which this statement confuses since it pertains to standards for uses permitted on review.

- 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.

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- 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.
 - 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. Clinics, medical offices, dental offices and other medical uses of a similar nature and size.

5.31.03. *Uses permitted on review.*

- A. Veterinary clinics and animal hospitals.
- B. 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."
- C. Self-service storage facilities.
- D. 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.
- E. 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.
- F. Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.
- G. 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."
- H. 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."
- I. Contractor's storage yard.
- J. Indoor self-service storage facilities.

K. Houses, duplexes, attached dwellings, multi-dwelling structures and developments, and upper-level dwellings at a density of up to between twelve (12) to twenty-four (24) dwelling units per acre.

a. The appropriate development density of each project shall be determined by the planning commission but shall not exceed twenty four (24) dwelling units per acre. For mixed use developments and upper-level dwellings, density shall be calculated based on the total acreage including areas set aside for any uses permitted or uses permitted on review in the CA zone; however, the overall residential density shall not exceed the maximum residential densities set forth in Section 5.31.11 below.

b. 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."

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. For multi-dwelling structures or developments, forty-five (45) feet or four (4) stories in height. Building height is to be measured from the groundline to the roof height, with the average being the applicable height to accommodate buildings on a slope with a different number of stories on each side. Buildings are measured to the midpoint of the roof in the case of pitched roofs.

5.31.06. *Lot area.* The minimum requirements for every building or portion of a building used as a dwelling shall be as follows:

A. Houses and duplexes: 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.

B. Attached dwellings: the minimum lot area shall be two thousand (2,000) square feet overall per dwelling.

C. Multifamily structures or developments: See Article 5.31.11.

D. Above-ground dwellings: lot area shall be determined by the ground-floor use and the size of the dwelling units shall meet minimum building code requirements.

E. 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.

5.31.07. *Setback.* For nonresidential structures, 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 residential structures and accessory structures on residential lots, the provisions of the RB, General Residential zone, shall apply.

Commented [MP3]: Clarified language here, being more specific that it's density ranging from 12 to 24 du/ac that is permissible as a use on review. Density up to 12 du/ac is in the "permissible by right" section.

Commented [MP4]: Deleted this sentence; not needed as the density to be permissible as a use on review is already stated above, so it creates ambiguity.

Commented [MP5]: Deleted this language since a use on review has to meet these standards anyway. Removal of this statement doesn't take away the requirement for use on review projects to meet the use on review criteria in the cited Articles.

5.31.08. *Side yards.* For nonresidential structures, 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 residential structures and accessory structures on residential lots, the provisions of the RB, General Residential zone, shall apply.

5.31.09. *Rear yard.* For nonresidential structures, 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 residential structures and accessory structures on residential lots, the provisions of the RB, General Residential Zone shall apply.

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

5.31.11 Maximum Residential Density. Residential densities for multi-family in the CA zone shall not exceed the following:

- a. Up to one (1) dwelling unit per acre (du/ac) in the Rural Areas, or up to two (2) du/ac if the property meets the criteria for 2 du/ac in the Rural Areas as defined in the Growth Policy Plan.
- b. Up to five (5) du/ac in Planned Growth Areas along minor collector or local streets.
- c. Up to twelve (12) du/ac in Planned Growth Areas along arterial or major collector streets.
- d. Up to twenty-four (24) du/ac in Urban Growth Areas.
- e. If a property is developed for residential uses and subsequently subdivided, then:
 - i. The maximum allowable density for the subdivided properties cannot exceed the density that would have been permitted prior to the subdivision of the properties, and a note to that effect shall be provided on the plat.
 - ii. The remaining density after the subdivision, if any, shall be noted on the plat at the time of subdivision.

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. Houses, duplexes, attached dwellings, multi-dwelling structures, and upper-level dwellings at a density of twelve (12) dwelling units per acre.

a. For mixed use developments and upper-level dwellings, density shall be calculated based on the total acreage including areas set aside for any uses permitted or uses permitted on review in the CB zone; however, the overall residential density shall not exceed the maximum residential densities set forth in Section 5.32.10 below.

b. A Type A landscape screen shall be provided along property lines adjacent to single-family residential uses, in accordance with Section 4.10.11 as if the multi-dwelling structure or development were a commercial use.

Commented [MP6]: Added these subsections.

~~A-B.~~ Aircraft landing fields, hangars, and equipment.

~~B-C.~~ Amusement resorts.

~~C-D.~~ Armories, undertaking establishments, and assembly halls.

~~D-E.~~ Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.

~~E-F.~~ Book bindery.

~~F-G.~~ Bottling or packaging works.

~~G-H.~~ Building contractors', building, electrical, and plumbing supply establishments.

~~H-I.~~ Canneries.

~~I-J.~~ Churches, schools, libraries, and museums.

~~J-K.~~ Creamery.

~~K-L.~~ Dry cleaning shops, except that such use shall not include fabric dyeing.

~~L-M.~~ Electrical appliances and equipment assembly.

~~M-N.~~ Electronic equipment assembly and manufacturing.

~~N-O.~~ Engraving and/or printing plant.

~~O-P.~~ Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.32.03, "Uses permitted on review," subsection L.

~~P-Q.~~ Furniture manufacturing.

~~Q-R.~~ Garage apartments.

~~R-S.~~ Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.

~~S-T.~~ Ice manufacture or storage of not more than twenty (20) tons of ice.

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- ~~T~~U. Instrument and meter manufacturing.
- ~~U~~V. Laundry and dry cleaning establishments.
- ~~V~~W. _____ Leather goods fabrication.
- ~~W~~X. _____ Lodging and boarding houses.
- ~~X~~Y. Lumber yards for sale, storage or distribution, but not manufacturing.
- ~~Y~~Z. (Deleted May 5, 1970.)
- ~~Z~~AA. _____ Monument engraving and sales, but no stone cutting, grinding or polishing.
- ~~AA~~BB. _____ Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.
- ~~BB~~CC. _____ 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~~DD. _____ Optical goods manufacturing.
- ~~DD~~EE. _____ Paper products fabrication.
- ~~EE~~FF. _____ Produce markets.
- ~~FF~~GG. _____ Portable sawmills.
- ~~GG~~HH. _____ Public utility service yard or electrical receiving or transforming station.
- ~~HH~~II. _____ 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~~JJ. II. _____ Roadside stands.
- ~~JJ~~KK. _____ Sporting goods manufacturing.
- ~~KK~~LL. _____ The manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.
- ~~LL~~MM. _____ Wholesale, warehousing, or distribution enterprise.
- ~~MM~~NN. _____ Any other retail, wholesale, or light industrial use similar in nature to those described.
- ~~NN~~OO. _____ Truck, tractor, and heavy equipment sales, but not motor freight terminals.
- ~~OO~~PP. _____ 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~~QQ. _____ Yard sales, rummage sales and flea market.
- ~~QQ~~RR. _____ Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- ~~RR~~SS. _____ 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~~TT. _____ Indoor paintball ranges.

~~FF.UU.~~ 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.VV.~~ Contractor's storage yard.

~~VV.WW.~~ Public Safety Facilities.

~~WW.XX.~~ Vehicle Repair/Service.

YY. Clinics, medical offices, dental offices and other medical uses of a similar nature and size.

5.32.03. *Uses permitted on review.*

A. Houses, duplexes, attached dwellings, multi-dwelling structures, or developments, and upper-level dwellings at a density of up to twenty-four (24) dwelling units per acre.

a. For mixed use developments and upper-level dwellings, density shall be calculated based on the total acreage including areas set aside for any uses permitted or uses permitted on review in the CB zone; however, the overall residential density shall not exceed the maximum residential densities set forth in Section 5.32.10 below.

b. 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."

A-B. 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.

B-C. 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.

C-D. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).

D-E. Veterinary clinics and animal hospitals.

E-F. 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."

F-G. Self-service storage facilities.

G-H. 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.

Commented [MP7]: Clarified language here, being more specific that it's density ranging from 12 to 24 du/ac that is permissible as a use on review. Density up to 12 du/ac is in the "permissible by right" section.

Commented [MP8]: Revised so the provision for the density calculations as suggested by stakeholder participants is to be for mixed use developments and upper-level dwellings only.

Commented [MP9]: Deleted since a use on review has to meet these standards anyway. Removal of this statement doesn't take away the requirement for use on review projects to meet the use on review criteria in the cited Articles..

~~H.~~ H. Marinas and boat livery subject to the requirements set forth in section 4.30, "Standards for marina and boat livery development," of these regulations.

~~J.~~ J. 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."

~~K.~~ K. 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."

~~L.~~ L. 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."

~~M.~~ M. Indoor self-service storage facilities.

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 as measured from the road.

5.32.05. *Lot area.* The minimum requirements for every building or portion of a building used as a dwelling shall be as follows:

A. Houses and duplexes: 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

B. Attached dwellings: the minimum lot area shall be two thousand (2,000) square feet overall per dwelling.

C. Multifamily structures or developments: See Article 5.31.11.

D. Above-ground dwellings: lot area shall be determined by the ground floor use and the size of the dwelling units shall meet minimum building code requirements.

E. Requirements for hotels, motels, and transient mobile home parks: The minimum lot area shall be one (1) acre.

5.32.06. *Setback.* For nonresidential structures, 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 residential structures and accessory structures on residential lots, the provisions of the RB, General Residential zone, shall apply.

5.32.07. *Side yards.* 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 residential structures and accessory structures on residential lots, the provisions of the RB, General Residential zone, shall apply.

5.32.08. *Rear yard.* For nonresidential structures, 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 residential structures and accessory structures on residential lots, the provisions of the RB, General Residential zone, shall apply.

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

5.32.10. Maximum Residential Density. Residential densities for multi-family in the CB zone shall not exceed the following:

A. Up to one (1) dwelling unit per acre (du/ac) in the Rural Areas, or up to two (2) du/ac if the property meets the criteria for 2 du/ac in the Rural Areas as defined in the Growth Policy Plan.

B. Up to 5 du/ac in Planned Growth Areas along minor collector or local streets.

C. Up to twelve (12) du/ac in Planned Growth Areas along arterial or major collector streets.

D. Up to twenty-four (24) du/ac in Urban Growth Areas.

E. If a property is developed for residential uses and subsequently subdivided, then:

a. The maximum allowable density for the subdivided properties cannot exceed the density that would have been permitted prior to the subdivision of the properties, and a note to that effect shall be provided on the plat.

b. The remaining density after the subdivision, if any, shall be noted on the plat at the time of subdivision.

(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)