



## OFFICE OF COUNTY MAYOR GLENN JACOBS

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January 29, 2025

Planning Commission,

A survey of Tennesseans last year suggests that challenges finding quality childcare led to 39 percent of working parents faced employment disruptions; 27 percent turned down a job or promotion; 24 percent dropped back to part-time or couldn't increase work hours to full-time; 18 percent quit or were fired; and 16 percent left the workforce.

Parents, employers, and government must work together to solve this crisis.

In Knox County, roughly 26,280 children are too young to start kindergarten, so childcare centers are essential for working parents. However, even if parents meticulously plan and/or place their children on a waitlist, our area does not have enough centers to meet the community's needs.

One low-hanging fruit? Knox County zoning regulations. Currently, the county's ordinances conflict with state regulations and disincentivize employers from subsidizing centers at their sites or nearby sites.

In other words, Knox County's current zoning ordinance's terminology and classification of childcare homes and centers have led to confusion because they do not mirror that of the Tennessee Department of Human Services, which inspects, licenses, regulates, and enforces state quality and safety laws at childcare centers. Additionally, the ordinance contains regulations that conflict with DHS requirements relative to the center's size and play areas.

Such restrictions are outside the purview of zoning - the key reason for confusion, costs, and arbitrary interpretations.

Further, the ordinance only allows childcare centers in employer-related areas as a "use-on-review" versus a "use-by-right." This adds unnecessary costs and delays, as DHS is responsible for approving the proposed site before issuing its license.

The following recommendations are simple changes to the zoning ordinance that should address the childcare crisis, and not only reduce confusion and costs for those seeking to open centers but also time.

Knox County is in the process of creating its first Unified Development Ordinance, which addresses zoning and regulations. I believe it is critical to make these small changes now to assist with the childcare crisis in Knox County.

Sincerely,

A handwritten signature in blue ink that reads "Glenn Jacobs".

Glenn Jacobs  
Knox County Mayor

cc: files

**TO:** Knoxville-Knox County Planning Commission  
**FROM:** Jessie Hillman, AICP | Principal Planner  
**DATE:** February 3, 2025  
**SUBJECT:** 2-A-25-OA  
Agenda Item #31

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### STAFF RECOMMENDATION

Approve the proposed child care zoning ordinance amendments because these changes are consistent with Knox County Comprehensive Plan Implementation Policies and State Department of Human Services (DHS) licensure regulations for child care facilities.

### BACKGROUND

The Knox County Mayor's office and the Knox County Chamber of Commerce collaborated on proposed changes to the zoning ordinance as it pertains to the permitting processes for child care services. The purpose of the proposed changes is to align zoning regulations with Department of Human Services (DHS) licensure rules for child care agencies and to streamline the provision of child care services, which are an essential component of the local economy.

### SUMMARY OF PROPOSED CHANGES

- **Article 2.20, Specific Terms**
  - Revised the terms "Child Daycare Facility" to "Child Care Agency"; "Child Daycare Center" to "Child Care Center"; "Group Daycare Home" to "Group Child Care Home"; and "Day Care Home" to "Family Child Care Home"
  - Terms and definitions were updated reflect the terminology and definitions within the [DHS licensure rules for child care agencies](#).
- **Article 4.91, Requirements for Child Day Care Centers and Group Day Care Homes when considered as Uses Permitted on Review**
  - Revised the Article title to reference only Child Care Agencies, which is the updated umbrella term for all child care facilities considered through the Use on Review process.
  - 4.91.01, Minimum Requirements
    - Removed all requirements except item D, referencing off-street parking requirements, and item F, instructing the Planning Commission to consider other information about the subject property and that approval shall state the maximum number of children to be kept at a facility.

- **Article 5.11, RA Low Density Residential Zone**
  - 5.11.02, Uses Permitted
    - Item L was revised with updated child care terms, and all conditions applied to child care facilities were removed except for off-street parking requirements. These conditions specified area regulations for child care facilities that conflict with or exceed DHS licensure regulations.
  - 5.11.03, Uses Permitted on Review
    - Item C was revised with the updated Group Child Care Home term.
- **Article 5.12, RB General Residential Zone**
  - 5.12.02, Uses Permitted
    - Item N was revised with updated child care terms, and all conditions applied to child care facilities were removed except for off-street parking requirements. These conditions specified area regulations for child care facilities that conflict with or exceed DHS licensure regulations.
  - 5.12.03, Uses Permitted on Review
    - Item D was revised with the updated Group Child Care Home term.
- **Article 5.13, PR Planned Residential Zone**
  - 5.13.02, Uses Permitted
    - Item J was revised with updated child care terms, and all conditions applied to child care facilities were removed except for off-street parking requirements. These conditions specified area regulations for child care facilities that conflict with or exceed DHS licensure regulations.
  - 5.13.03, Uses Permitted on Review
    - Item A was revised with the updated Group Child Care Home term.
- **Article 5.22, A Agricultural Zone**
  - 5.22.02, Uses Permitted
    - Item N was revised with updated child care terms, and all conditions applied to child care facilities were removed except for off-street parking requirements. These conditions specified area regulations for child care facilities that conflict with or exceed DHS licensure regulations.
  - 5.22.03, Uses Permitted on Review
    - Item N was revised with the updated Group Child Care Home term.
- **Article 5.31, CA General Business Zone**
  - 5.31.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.31.03, Uses Permitted on Review
    - Item B pertaining to Child Care Centers was removed.



- **Article 5.32, CB Business and Manufacturing Zone**
  - 5.32.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.32.02, Uses Permitted on Review
    - Item E pertaining to Child Care Centers was removed.
- **Article 5.33, PC Planned Commercial Zone**
  - 5.33.02, Uses Permitted
    - The requirement that Child Care Centers meet the requirements of Article 4.91 was removed.
- **Article 5.34, SC Shopping Center Zone**
  - 5.34.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.34.03, Uses Permitted on Review
    - Item B pertaining to Child Care Centers was removed.
- **Article 5.36, T Transition Zone**
  - 5.36.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.36.03, Uses Permitted on Review
    - Item A pertaining to Child Care Centers was removed.
- **Article 5.37, CR Rural Commercial Zone**
  - 5.37.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.37.03, Uses Permitted on Review
    - Item A pertaining to Child Care Centers was removed.
- **Article 5.38, CN Neighborhood Commercial Zone**
  - 5.38.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.38.03, Uses Permitted on Review
    - Item A pertaining to Child Care Centers was removed.
- **Article 5.4, OA Office Park Zone**
  - 5.40.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.40.03, Uses Permitted on Review
    - Item A pertaining to Child Care Centers was removed.
- **Article 5.41, OB Office, Medical, and Related Services Zone**
  - 5.41.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.



- 5.41.03, Uses Permitted on Review
  - Item A pertaining to Child Care Centers was removed.
- **Article 5.42, OC Civic and Institutional Zone**
  - 5.42.02, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.42.03, Uses Permitted on Review
    - Item D pertaining to Child Care Centers was removed.
- **Article 5.50, BP Business and Technology Park Zone**
  - 5.50.03, Uses Permitted
    - Child Care Agencies were added as a permitted use.
  - 5.50.04, Uses Permitted on Review
    - Item B pertaining to Child Care Centers was removed.
- **Article 5.51, EC Employment Center Zone**
  - 5.51.02, Uses Permitted
    - Item Q revised to reference Child Care Agencies, and the reference to requirements in Article 4.91 was removed.

## STAFF ANALYSIS

Staff recommend approval of the proposed amendments to the zoning ordinance because they align the review of child care facilities with State regulation, the Knox County Comprehensive Plan, and best practices according to the American Planning Association’s [Policy Guide on the Provision of Child Care](#).

The DHS Licensure Rules for Child Care Agencies specify indoor and outdoor area capacity limits, which make the current Supplementary Requirements for child care agencies in Article 4.91 redundant or contradictory. For example, DHS requires a minimum of 50 square feet of usable outdoor play space per child (Rule 1240-04-01-.16), whereas Article 4.91 of the zoning code requires an outdoor play area of not less than 2,500 square feet for the first twenty (20) children and 100 square feet for each additional child. Deferring to DHS as the licensing and monitoring agency for child care facilities and removing criteria like this from the zoning ordinance alleviates child care providers from unnecessary confusion and restriction in the permitting process.

The updated terms, the removal of redundant review criteria tied to DHS licensing, and the transition of child care facilities from a “use on review” to a “use by right” in employer-based zoning districts is supported by several Knox County Comprehensive Plan Implementation Policies. Policy 3.4 emphasizes developing simpler permitting and review processes to incentivize certain types of development. Policy 3.1 describes identifying and revising regulatory standards that are barriers to redevelopment. Policy 10 prioritizes the long-term fiscal health of the County. Policy 17 supports opportunities for innovation and growth in our local economy. Child care plays a vital role in the ability of parents to participate in the



paid workforce, and to foster innovation and engage in the local economy. This ordinance amendment creates a simpler regulatory process and removes barriers to the establishment of child care facilities, which often take the form of redevelopment within a vacant establishment.

These revisions to the zoning code are also aligned with policy principles of the American Planning Association, which encourages municipalities to amend local zoning ordinances to remove obstacles to the provision of regulated group and family child care and supports local legislation which provides for small child care homes as a permitted land use in all zoning districts. The proposed changes to the zoning ordinance are consistent with State regulation, the Knox County Comprehensive Plan and best practices promoted by the certifying body for the American Planning profession.



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## 2.20. Specific terms.

*Accessory building:* A subordinate building customarily incidental to and located on the same lot with the main building.

*Accessory structure:* A subordinate structure customarily incidental to and located on the same lot with the main building or structure.

*Accessory use:* A subordinate use customarily incidental to and located on the same lot with the main use.

*Adult:* Any person who is eighteen (18) years of age or older.

*Adult book store:* An establishment having more than fifty (50) percent of the face value of its stock in trade, books, magazines, motion pictures, periodicals, and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified anatomical areas" hereinbelow defined or an establishment with a segment or section devoted to the sale of display of such material.

*Adult day care facility:* A facility which provides non-medical care to three (3) or more persons eighteen (18) years of age and older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour a day basis. Any persons who are related to the provider by blood or marriage shall not be included in the total number of persons for which care is provided.

*Adult motion picture theater:* Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," hereinbelow defined, for observation by patrons therein.

*Adult-oriented establishments:* Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to: adult bookstores, adult motion picture theaters, cabarets and other enterprises which regularly feature materials, acts or displays involving complete nudity or exposure of the "specified anatomical areas" hereinbelow defined and/or sexual excitement or enticement.

*Aged persons:* Persons who are fifty-five (55) years of age or older.

*Agritourism:* A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner. This includes the sales of agricultural products produced on site.

*Airsoft range:* See "paintball/airsoft range" as hereinbelow defined.

*Alteration, interior:* Any change in the interior walls of a building.

*Alteration, structural:* Any change in the exterior walls, foundation or other supporting members of a building or structure.

*Apartment:* See "Multi-dwelling structure" as defined hereinbelow under "Residential structure types."

*Assisted living facility:* A building, establishment, complex, or distinct part thereof which accepts aged persons, whom constitute a substantial majority of not less than eighty-five (85) percent of the facility population, for domiciliary care provided that residential units may be shared with a person under the age of fifty-five (55), if the head of household meets the definition of an aged person. The facility provides on-site to its residents, room, board, nonmedical living assistance services appropriate to the residents' respective needs, and medical services as prescribed by each resident's treating physician.

*Auto wrecking yard:* Any space or building used by the owner or operator for the dismantling of two (2) or more inoperable vehicles or vehicles not in running condition, or for storage of such vehicles or the dismantled parts thereof.

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*Boarding home for sheltered care:* A profit or nonprofit boarding home, rest home or other home licensed by the appropriate governmental agency which in addition to providing food and shelter to three (3) but not more than twelve (12) persons unrelated to the proprietor, also provides, any personal care or service beyond food, shelter, and laundry. Such services may include: (1) supervision and assistance in dressing, bathing and maintenance of good personal hygiene; (2) care in emergencies or in temporary illness, usually for periods of one (1) week or less; (3) supervision in the taking of medications; and (4) other services conducive to the residents' welfare.

*Boarding house:* A dwelling or part thereof in which lodging is and meals from a common kitchen are provided by the owner or operator for not more than twelve (12) persons.

*Boat livery:* An establishment, which can include docking facilities, at which boats are rented for recreational purposes.

*Boatel:* A combination of a motel and marina that is accessible to boats as well as automobiles and may include overnight accommodations for transients and permanent staff, eating and drinking facilities, and meeting rooms.

*Buffer strip:* A greenbelt planting strip twenty (20) to sixty (60) feet in width extending along the entire length of one or more commercial or industrial property lines, planted with trees and shrubs of a given height and distance apart and in a given planting pattern.

*Build-to line:* A line running parallel to a street to which the front of buildings are sited.

*Building:* Any structure built for the support, shelter or enclosure of persons, animals, moveable possessions, or property of any kind which has a roof and enclosing walls for at least fifty (50) percent of its perimeter. The term "building" shall be as if followed by the words "or part thereof." For the purpose of area and height limitations this definition shall be applicable to sheds and open sheds.

*Business park:* A tract of land that is planned, developed, and operated as an integrated facility for a number of individual business, research, assembly, distribution, or light manufacturing uses with consideration to transportation facilities, circulation, parking, utilities, aesthetics, and compatibility.

*Business service:* Any activity conducted for gain, which renders services primarily to other commercial and industrial enterprises, or which services and repairs appliances and machines used in a home or business.

*Cabaret:* Any restaurant, bar, dance hall, nightclub or other such place which features dancers exhibiting "specified anatomical areas" (as defined below), strippers, male or female impersonators or similar entertainers.

*Child day-care-agencyfacility:* A place or facility, regardless of whether it is currently licensed, that is operated as a "family child care home", a "group child care home", a "child care center" that provides child care for three (3) or more hours per day to five (5) or more children who are not related to the primary educator. A facility which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty four (24) hour basis. Types of child day-care facilities-agencies are defined in the following categories:

*Child day-care center:* Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least thirteen (13) children who are not related to the primary educator. An agency or organization licensed by the state department of human services to provide care, protection and supervision for thirteen (13) or more children in a group center, preschool, or extended day care facility.

*Day care home:* A residence licensed by the state department of human services in which care, protection, and supervision are regularly provided for at least five (5) but not more than seven (7) children. The provider shall live in the residence. Any children who are related to the provider by blood, or marriage, or who are legal wards or foster children of the provider, and reside with the provider, shall not be included in this number; however, the total number of children receiving care shall not exceed twelve (12).



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Group day-child care home: Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least eight (8) children who are not related to the primary educator, but not more than twelve (12) children or fifteen (15) children if approved for three (3) additional school-agers. A residence licensed by the state department of human services in which care, protection, and supervision are regularly provided for at least eight (8) but not more than twelve (12) children, including any children related to the provider by blood, or marriage, or who are legal wards or foster children of the provider.

Family child care home: Any place or facility which is operated by any person or entity that provides child care for three (3) or more hours per day for at least five (5) children, but not more than seven (7) children who are not related to the primary educator.

**Club:** An association or group of persons organized for some common purpose, but not including such associations or groups organized to render a service which is customarily carried on as a business.

**Commercial mulching operation:** A type of solid waste processing facility that processes woody waste consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood waste which has undergone size reduction by grinding, shredding, or chipping and is distributed to the general public for landscaping and horticultural purposes. Such woody waste is generally transported to the operation from off-site, and the mulch product is sold to the general public. (See "Solid waste processing facility".)

**Commercial vehicles:** Any vehicle designed, maintained or used primarily for hire, compensation or profit.

**Composting facility:** A type of solid waste processing facility for the purpose of processing waste that undergoes biological decomposition of organic matter. Such waste has been stabilized to a degree which is potentially beneficial to plant growth and which is suitable for use as a soil amendment, artificial top soil, growing medium amendment, or other similar uses. (See "Solid waste processing facility".)

**Congregate housing:** A dwelling licensed by the appropriate governmental agency providing shelter and services for the elderly which may include meals, housekeeping and personal care assistance. The residents may be functionally impaired or socially isolated, but otherwise in good health. The residents can maintain a semi-independent life style and do not require more intensive care as provided in a nursing home.

**Contractor:** Any person or firm engaged in construction, building trades, landscaping services or maintenance, on a contract basis, either licensed or unlicensed.

**Contractor's storage yard:** An outdoor area used for the storage of equipment and/or materials used for providing contracting services, including but not limited to building construction, heating, plumbing, roofing, landscaping and excavation.

**Corner lot:** A lot abutting upon two (2) or more roads at their intersection, provided the angle at which the roads intersect does not exceed one hundred thirty-five (135) degrees.

**Demolition landfill:** An engineered method of disposal of material that results from construction, land clearing, landscaping or demolition activity. Such materials would include concrete, steel, clean soil, rubble, rock, inert road spoils, gypsum board, brick, glass, lumber, vinyl siding, roofing, fiberglass insulation, asphalt-impregnated materials, tree stumps, brush, branches, leaves and clippings or any other material approved by the state department of health and environment; but not toxic materials such as paint thinners, caulking compounds, asbestos or material containing asbestos, paving and sealing components still in a liquid or semi-solid state, or agricultural wastes or any other material prohibited by the state department of health and environment.

**Demolition landfill site:** All or a portion of a parcel or contiguous parcels which is intended to be used as a demolition landfill. The site shall include all borrow areas and areas of ingress and egress, all structures and other improvements on the land for processing and disposal of solid waste material and all buffers, berms, fences and set backs. The development plan as approved will constitute the site.

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*Domestic employee:* A person hired by a household to perform general household services such as nanny, baby-sitting, cooking, cleaning, laundering, gardening, yard and maintenance work, caregiving and other duties commonly associated with the meaning of domestic servant.

*Dwelling, condominium:* A multiple dwelling designed for individual ownership of dwelling units, but joint ownership and/or responsibility for maintenance and upkeep of building, grounds and recreational facilities.

*Electronic message center sign:* A sign which uses a bank of lights that can be individually lit to form copy such as words, letters, logos, figures, symbols, illustrations, or patterns to form a message without altering the sign face.

*Family:* The heads of household plus persons who are related to the heads of the household and any domestic employees thereof. These relationships may be of the whole or half blood, by adoption, guardianship, including foster children, or through a marriage to a person with such a relationship with the heads of household.

*Fill area:* The area containing waste placed for final disposal, not including earthen berms or other appurtenances.

*Five hundred (500) year flood:* A flood having a two-tenths of one percent (0.2%) chance of occurring in any given year and which, over a long period of time, can be expected to be equaled or exceeded on the average of once every five hundred (500) years.

*Flea market:* The occasional or periodic sale held in an open area where groups of individual sellers offer goods for sale to the public and the sale goods are moved off the premise between sale dates.

*Flood:* An overflow of lands not normally covered by water that results in significant adverse effects.

*Floodway:* The natural channel and the portion of the flood plain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

*Floodway fringe area:* Areas adjacent to a F, Floodway Zone that are below the level of the five hundred (500) year flood.

*Floor area ratio (FAR):* The number of square feet of floor area in a building, divided by the square feet of lot area.

*Garage apartment:* A dwelling unit erected above a private garage.

*Ground area coverage ratio (GAC):* The number of square feet of ground area covered by the building, divided by the square feet of lot area.

*Heads of the household:* One (1) person or two (2) adult persons establishing a household.

*Home occupation:* See article 4, "Supplementary regulations," section 4.90, "Home occupations."

*Household:* One (1) or more persons occupying a dwelling unit.

*Inoperable vehicle:* Any motor vehicle which does not have an engine in running condition, four (4) tires, a battery, and valid state license plate issued to the person owning the land on which it is parked, or which is in fact abandoned by its owner, or which for any reason is not operable and not repairable, shall be deemed an inoperative motor vehicle.

*Knox County Board of Commissioners:* The Knox County Commission also referred to as county commission and board of commissioners.

*Knox County Codes Administration and Inspections Department:* A department of Knox County government authorized to enforce this ordinance, also referred to as the office of building inspector, department of codes administration, codes enforcement, codes and Knox County codes administration and enforcement.

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*Knox County Highway Department:* The department of engineering and public works also referred to as highways and public works, department of engineering and division of engineering and hydrology.

*Liner building:* A structure that covers one (1) or more sides of a "big box" commercial building, parking structure or similar structure. A liner building must have a ground level entrance to the sidewalk and have a minimum depth of thirty (30) feet.

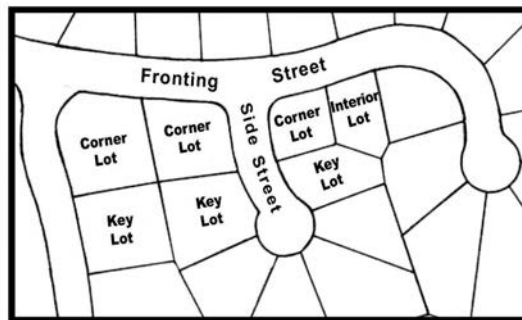
*Live/work unit:* A combination of a dwelling unit and business space, such as a shop or office that is open to the public for retail trade or personal or professional services.

*Lot:* A parcel of land which is or may be occupied by a building and its accessory buildings or uses customarily incident thereto, together with such yards or open spaces within the lot lines as may be required by this resolution.

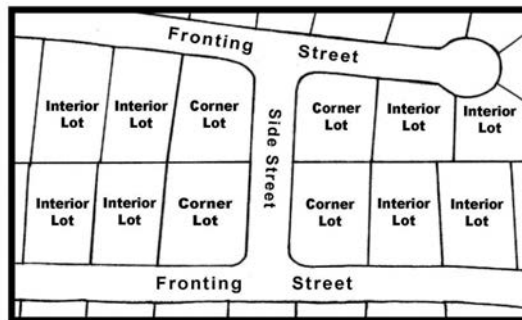
*Lot coverage:* The building coverage expressed as a percentage of the total lot or parcel area.

*Lot, key:* A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

#### KEY LOT CONCEPT DIAGRAMS



Example: Corner lots with adjacent "key" lots



Example: Corner lots with adjacent interior lots

*Marina:* A facility for storing, servicing, fueling, berthing and securing of pleasure boats. The facility may include eating, sleeping and retail facilities for owners, crews and guests.

*Medical, dental, or chiropractic office/clinic:* A facility for the examination and treatment of ill or afflicted human outpatients, provided, however, that the patients are not kept overnight except under emergency conditions.

*Methadone treatment clinic or facility:* A licensed facility for the counseling of patients and the distribution of methadone for outpatient, nonresidential purposes only.

*Mini-warehouse:* See "Self-service storage facility" as hereinbelow defined.

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*Mobile home:* A single dwelling designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

*Mobile home park:* Any area, tract, site or plot of land whereupon three (3) or more mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained for permanent residence, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

*Mobile home park, transient:* Any area, tract, site or plot of land open to the traveling public where temporary accommodations are provided for parking travel trailers, camp trailers, house cars, mobile homes or tents.

*Mobile home space:* A plot of ground within a mobile home park which is designed for and designated as the location for only one (1) automobile and one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory use thereof.

*Mobile home subdivisions:* A subdivision of land designed for occupancy by mobile homes exclusively and where the individual lots are sold to the occupant.

*Motel:* A building or group of buildings used for the temporary residence of motorists or travelers.

*Nonconforming use:* A use of a building or land that does not agree with the provisions of this ordinance for the zone in which it is located.

*Nursing home:* An extended or intermediate care facility licensed by the appropriate governmental agency(ies) to provide care to those persons who by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. This includes intensive care, intermediate care and long-term care facilities for the elderly.

*Off-street parking, class "A":* An off-street parking facility, either controlled or uncontrolled, provided for the use of occupants, employees, visitors, patients, patrons, or students, without charge for its use.

*Off-street parking, class "B":* A controlled or partially controlled off-street parking facility provided for the use of occupants, employees, visitors, patients, patrons, or students, with or without charge for its use. Such facilities shall be operated by or for the owner or owners of the principal use which it is intended to serve.

*Off-street parking, class "C":* An off-street parking facility operated for profit, which is provided for use by the general public at a fee, whether the fee is charged for a partial hour, hourly, daily, weekly, monthly, or other basis. Such facility shall be considered a commercial parking lot or facility.

*Pain management clinic (as found in T.C.A. § 63-1-301):* A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain management clinic does not include:

- A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
- A hospital as defined in T.C.A. § 68-11-201, including any outpatient facility or clinic of a hospital;
- Hospice services as defined in T.C.A. § 68-11-201;
- A nursing home as defined in T.C.A. § 68-11-201;
- A facility maintained or operated by the state government; or
- A hospital or clinic maintained or operated by the federal government.

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*Paintball/airsoft range:* An indoor or outdoor facility used for the discharging of paintball and/or airsoft guns for the purpose of target practice, mock war games, or similar competitions. Excluded from these facilities shall be general hunting and the unrestricted and nonrecurring discharging of firearms.

*Parking lot:* An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than six (6) automobiles.

*Parking space:* An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

*Personal service:* An establishment primarily engaged in providing services involving the care of a person or his or her apparel.

*Planning commission:* The Planning Commission of Knoxville and Knox County also referred to as the planning commission.

*Public garage:* A building or portion thereof used for the purpose of housing, servicing, repair, or hiring of self-propelled vehicles for pay, or where such vehicles are sold.

*Public place:* Shall mean any place to which the public or a substantial group of persons has access and congregates, regardless of whether admission is charged thereto, and includes, but is not limited to: businesses open to the public; highways; transportation facilities; schools; places of amusement; parks, playgrounds, hotels, theaters; auditoriums, restaurants, nightclubs; cocktail lounges; and burlesque houses.

*Public safety facility:* A facility operated by and for the use of public safety agencies, such as the fire and emergency rescue services, including the dispatch, storage, and maintenance of police and fire vehicles.

*Recovery Housing:* Housing for six (6) persons or more, with no limit on length of stay, that is occupied by the target population as defined below, and that is linked to on- or off-site services that assist the recovery housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

*Recreation vehicle:* A vehicular-type, portable structure without a permanent foundation that can be towed, hauled, or driven, and primarily designed as a temporary living accommodation for recreational camping and travel use, including, but not limited to: travel trailers, truck campers, camping trailers, and self-propelled motor homes.

*Residential structure types:*

*Duplex:* A building that contains two (2) dwelling units on one (1) lot. The units must share a common wall or common floor/ceiling.

*Dwelling unit:* A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for standards.

*House:* A detached dwelling unit located on its own lot.

*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.

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*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.

*Retail sales:* The process of selling goods or merchandise to customers for their own personal or household use, including the characteristics of attracting the general public to the place of business, inventorying, selling and receiving merchandise, and with the possibility of processing some of the products where such processing is incidental and subordinate to the selling activity.

*Road:* A public thoroughfare forty (40) feet or more wide, provided however that any existing thoroughfare less than forty (40) feet wide generally known as a road shall be considered a road for the purpose of this ordinance.

*Road line:* Right-of-way line of a road.

*Roadside stand:* A farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located, for the sale of only seasonal farm products of the farm on which it is located.

*Rummage sale:* A temporary sale conducted by an organization not more than twice during any calendar year where members of the group donate articles or items to the organization for sale from the organization's location for the purpose of raising money for use by the organization.

*Rural retreat:* A facility owned and operated by an entity for the purpose of providing a rural setting in which lodging, conferences, banquet facilities/restaurants, day spas, recreational amenities and meeting/event facilities are provided with or without compensation. Rural retreat does not include a farm engaged in agriculture as defined by state law.

*Sanitary landfill:* An engineered method of solid waste disposal as defined by the state department of health and environment.

*School:* An academic learning center, whether public or private, from the level of nursery through twelfth grade.

*Self-service storage facility:* A structure containing separate storage spaces of varying sizes, leased or rented to the general public, businesses, or institutions.

*Setback line:* A line back of the road line, existing or proposed, between which and the road line no building or portion thereof, except as provided in this resolution, may be erected. "Within a setback line" means between the setback line and the road right-of-way.

*Shopping center:* A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

*Sign, billboard, or other advertising device:* Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit. Types of signs are defined in the following categories:

*Abandoned sign:* A sign which no longer identifies or advertises a bona fide business, lessor, owner, service, product, or activity and/or for which no legal owner can be found.

*Advertising sign:* A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

*Advertising sign, electronic:* An advertising sign utilizing electronic means to form or alter the announcement, direction, or advertisement appearing on the sign.

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*Billboard:* A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

*Business sign:* A sign which directs attention to the business or profession conducted on the premises. A "for sale", "to let" or "information" sign shall be deemed a business sign.

*Ground sign:* A sign supported by a pole, uprights, or braces on the ground.

*Marquee sign:* A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

*Monument sign:* A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports.

*Portable sign:* All movable or portable advertising or business signs mounted upon trailers or other structures or devices designed to be transported with only incidental parking and assembling for reuse.

*Projecting sign:* A sign which is attached to the face or outside wall of a building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

*Roof sign:* A sign that is mounted on the roof of a building or which is wholly dependent upon a building roof for support.

*Temporary sign:* Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

*Unipole structure:* A single large diameter pole used to support structures.

*Wall or face sign:* Any sign erected parallel to the face, or on the outside wall, of any building and supported throughout its entire length by such wall where the edges of the sign do not project more than twelve (12) inches therefrom.

*Solid waste processing facility:* A facility for the purpose of modifying the characteristics or properties of solid wastes to facilitate their transportation, disposal, or re-use, including, but not limited to incineration, composting, separation, grinding, shredding, and volume reduction.

*Specified anatomical areas:*

- a. Less than completely and opaquely covered:
  1. Human genitals, pubic region;
  2. Buttock; and
  3. Female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities:*

- a. Human genitals in a state of actual or simulated sexual stimulation or arousal;
- b. Acts of actual or simulated human masturbation, sexual intercourse or sodomy;
- c. Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttock, or female breast.

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*Sports playing field:* An open space set aside for the playing of field sports that may include benches or bleachers for observers. Sports playing fields include, but are not limited to, baseball, field hockey, football, lacrosse, soccer, softball, and volleyball.

*Structure:* A combination of materials to form a construction that is safe and stable for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

*Swimming pool:* Any structure intended for swimming or recreational bathing that has the capacity to contain water over twenty-four (24) inches deep. This includes in-ground, aboveground and on-ground pools, hot tubs and spas.

*Target population:* People experiencing substance abuse or other chronic health conditions.

*Telecommunications tower:* A structure, other than a building, on which a transmitting or receiving antenna(e) is located.

*Terminal, motor freight:* The use of land, or buildings, for the temporary parking of motor freight vehicles or trucks of common carriers during loading and unloading and/or repair and between trips, either intrastate or interstate, including necessary warehouse space for storage of transitory freight.

*Tourist court:* See "Motel" (as defined above).

*Tourist home:* A residential building where lodging is furnished to transients for compensation, and containing not more than five (5) sleeping rooms for such transients.

*Vehicle repair/service:* A business that provides repair services to motor vehicles, motorcycles, and all-terrain vehicles (ATV).

*Yard, front:* The required open space between the road right-of-way line and the main building.

*Yard, rear:* A space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the main building to the rear lot line for the full width of the lot.

*Yard sale:* The sale of personal goods such as used clothing and/or household items to the general public by a resident from any portion of their residential property not more than three (3) times a year. For the purpose of this ordinance yard sale includes estate sales.

*Yard, side:* A space along the side line of a lot, unoccupied by buildings except as herein provided, extending from the setback line to the rear yard.

*Zone:* A part or parts of the county for which the regulations relating to the use of land and buildings are uniform.

(Ord. No. O-95-9-102, § 1, 10-23-95; Ord. No. O-95-10-101, § 1(Exh. A), 11-27-95; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-97-8-104, § 1, 9-22-97; Ord. No. O-98-10-102, § 1(Exh. A), 11-16-98; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-99-8-101, § 1, 9-27-99; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-00-11-106, § 1(Exh. A), 1-4-01; Ord. No. O-01-2-103, § 1, 3-26-01; Ord. No. O-01-6-101, § 1(Exh. A), 7-23-01; Ord. No. O-03-2-102, § 1(Exh. A), 3-24-03; Ord. No. O-04-4-101, § 1(Exh. A), 5-24-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-09-10-101, § 1, 11-16-09; Ord. No. O-09-12-101, § 1(Exh. A), 1-25-10; Ord. No. O-11-1-103, § 1(Exhs. A, B), 2-28-11; Ord. No. O-11-2-101, § 1(Exh. C), 3-28-11; Ord. No. O-11-11-102, § 1(Exh. A), 12-19-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-13-1-103, § 1(Exh. A), 2-25-13; Ord. No. O-13-4-102, § 1(Exh. A), 5-28-13; Ord. No. O-17-7-102, § 1(Exh. A), 8-28-17; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17; Ord. No. O-17-8-102, § 1(Exh. A), 9-25-17; Ord. No. O-18-1-101, § 1(Exh. A), 2-26-18; Ord. No. O-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-20-1-101, 1(Exh. A), 2-24-20; Ord. No. O-22-2-101, §§ 1, 2, 3-28-22; Ord. No. O-23-7-101, § 1, 8-28-23)



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#### 4.91. Requirements for ~~child day care centers and group day care homes~~ Child Care Agencies, when considered as uses permitted on review.

This section prescribes conditions under which child ~~day care~~ agencies ~~facilities and group day care homes~~, when considered as uses permitted on review, may be permitted.

##### 4.91.01. *Minimum requirements.*

- ~~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. No portion of the fenced play area shall be closer than thirty five (35) feet to any public right of way. The minimum height of the fence shall be four (4) feet.~~
- AD. Off-street parking, as regulated in section 3.50, "Off-Street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the property. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.
- ~~E. When child day care centers are proposed in commercial or industrial areas, the planning commission shall consider the nature of the surrounding land use and zoning pattern with regard to traffic, noise, pollution, or other hazards that could endanger the health, safety, and welfare of the children.~~
- BF. The planning commission shall consider ~~the above requirements and~~ other information about the site including the functional street classification of the street accessing the site, and the character of surrounding development in determining whether to deny or approve a request. Any approval shall state the maximum number of children to be kept at the facility.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

#### 5.11. RA Low Density Residential Zone.

5.11.01. *General description.* This residential zone provides for residential areas with low population densities. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.

##### 5.11.02. *Uses permitted.*

- A. Houses.
- B. Accessory buildings.
- C. Churches, schools, libraries, and museums.
- D. (Deleted August 17, 1971.)
- E. Gardening and horticulture.
- F. Mobile homes.
- G. Public golf courses, public parks and playgrounds; swimming pools, and other associated recreational facilities, none of which shall be used for commercial purposes.

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- H. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performance of services in which they are authorized to engage.
  - I. Uses customarily incidental to any of the above uses, including home occupation, as regulated by section 4.90, "Home occupations."
  - J. 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).
  - K. Yard sales and rummage sales.
  - L. ~~Day-Family child~~ care homes and group ~~day-child~~ care homes, if the provider lives in the home, subject to the following conditions:
    - ~~1. The total lot area shall not be less than ten thousand (10,000) square feet.~~
    - ~~2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.~~
    - ~~3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty five (35) feet to any public right of way. The minimum height of the fence shall be four (4) feet.~~
    - 14. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.
  - M. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.11.03. *Uses permitted on review.*

- A. Garage apartments.
- B. Duplexes.
- C. Group ~~day-child~~ care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child ~~day~~ care centers and group ~~day-child~~ care homes, when considered as uses permitted on review," and child ~~day~~ care centers, provided they meet the requirements of section 4.91, "Requirements for child ~~day~~ care centers and group ~~day-child~~ care homes, when considered as uses permitted on review."
- D. Private golf courses, swimming clubs, country clubs, and tennis clubs.
- E. Nonprofit public and private sports playing fields, none of which shall be used for commercial purposes.
- F. 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."
- G. Rural retreats, subject to standards of section 4.104.
- H. Public Safety Facilities, subject to the standards of section 4.107.

5.11.04. *Area regulations.* All buildings shall be set back from street or road right-of-way lines and lot lines to comply with the following yard requirements.

5.11.05. *Front yard.*

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- A. For dwellings the minimum depth of the front yard shall be thirty-five (35) feet and in no case shall an accessory building be located to extend into the front yard.
  - B. Churches and other main and accessory buildings, other than dwellings, shall have a front yard set back of thirty-five (35) feet.

5.11.06. *Side yard.*

- A. For single-story dwellings, located on interior lots, side yards shall be not less than eight (8) feet in width.
- B. For dwellings of more than one (1) story there shall be side yards of not less than twelve (12) feet each.
- C. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.
- D. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

5.11.07. *Rear yard.*

- A. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty-five (25) feet.
- B. A garage apartment may be located in the rear yard of houses, but shall not be closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.

5.11.08. *Lot width.*

- A. Where dwellings are served by a sanitary sewer system there shall be a minimum lot width of seventy-five (75) feet at the front building line.
- B. Where dwellings are not served by a sanitary sewer system there shall be a minimum lot width of one hundred (100) feet at the front building line.

5.11.09. *Intensity of use.*

- A. Not more than one (1) dwelling unit shall be permitted on any lot except as provided in subsection 5.11.03, "Uses permitted on review," of these regulations and not more than two (2) dwelling units shall be permitted on any lot under the provisions of this subsection.
- B. For each house and building accessory thereto served by a sanitary sewer system, there shall be a lot area of not less than ten thousand (10,000) square feet.
- C. Where two (2) dwelling units and buildings accessory thereto are located on the same lot served by a sanitary sewer system, there shall be a lot area of not less than twelve thousand (12,000) square feet.
- D. There shall be a lot area of not less than twelve thousand (12,000) square feet where a garage apartment is located on the same lot with a house served by a sanitary sewer.
- E. For each house and buildings accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of twenty thousand (20,000) square feet; however, a greater area may be required based on recommendations by the health department.
- F. There shall be a lot area of not less than twenty thousand (20,000) square feet where a garage apartment is located on the same lot with a house not served by a sanitary sewer system. However, a greater area may be required based on recommendations of the health department.

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- G. Where two (2) dwelling units and buildings accessory thereto are located on the same lot not served by a sanitary sewer system, there shall be a minimum lot area of twenty thousand (20,000) square feet; however, a greater area may be required based on recommendation by the health department.
  - H. For those dwellings and buildings accessory thereto not served by a public water supply, there shall be a minimum lot area as prescribed in the Minimum Subdivision Regulations for Knoxville and Knox County, Tennessee.
  - I. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off street parking areas required in section 3.50, "Off-street parking requirements," of these regulations; provided, however, that the lot area for a church shall not be less than thirty thousand (30,000) square feet.

5.11.10. *Maximum lot coverage.* Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

5.11.11. *Height regulations.* No main building shall exceed three (3) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.11.12. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

5.11.13. *Signs.* As permitted by section 3.90.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 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)

## **5.12. RB General Residential Zone.**

5.12.01. *General description.* This residential zone provides for medium population density. The principal uses of land may range from houses to multi-dwelling structures or developments. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. Other related uses in keeping with the residential character of the zone may be permitted on review by the planning commission.

5.12.02. *Uses permitted.*

- A. Accessory buildings.
- B. Churches, schools, libraries, and museums.
- C. Garage apartments.
- D. Gardening and horticulture, but not on a commercial basis.
- E. Nonprofit public golf courses, public parks and playgrounds; swimming pools, and other associated recreational facilities, none of which shall be used for commercial purposes.
- F. Mobile homes.

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- G. Multi-dwelling structures or developments, provided that the development density shall be less than twelve (12) dwelling units per acre.
  - H. Nurseries and greenhouses for the propagating and cultivating of plants, but not on a commercial basis.
  - I. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, fire stations, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performing of the services in which they are authorized to engage.
  - J. Houses and duplexes.
  - K. Uses customarily incidental to any of the above uses including home occupation subject to section 4.90, "Home occupations."
  - L. 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).
  - M. Yard sales and rummage sales.
  - N. ~~Day~~ Family child care homes and group ~~day~~ child care homes, if the provider lives on site, subject to the following conditions:
    - ~~1. The total lot area shall not be less than ten thousand (10,000) square feet.~~
    - ~~2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.~~
    - ~~3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty five (35) feet to any public right of way. The minimum height of the fence shall be four (4) feet.~~
    - 14. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.
  - O. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- 5.12.03. *Uses permitted on review.*
- A. Multi-dwelling structures and developments at a density of twelve (12) to twenty-four (24) dwelling units per acre, provided they 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."
  - B. Mobile home parks and mobile home subdivisions subject to all requirements set forth in sections 4.20, "Mobile home parks," and 6.50, "Procedures for authorizing uses permitted on review," of these regulations.
  - C. Retail business or service establishments may be permitted within multi-dwelling structures and developments only as a use-on-review in accordance with the provisions of section 6.50, "Procedures for authorizing uses permitted on review," of these regulations, and subject to the following requirements:
    - 1. There shall be no entrance to such place of business except from inside the building.

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2. There shall be no show window, sign, or other advertising matter visible from outside the building.
  3. Such uses shall be conducted for the convenience of the occupants of the building only and shall not cater to outside trade.
  4. The planning commission shall determine the compatibility of such establishments based on the nature, size and number proposed with respect to the number of dwelling units to be served and the availability of similar services in the vicinity.
  5. Detailed plans shall be submitted with the application for use-on-review giving the nature, exact size and location of each such use within the building, the location of all entrances to such use and the exact location of all building ground floor entrances and exits.
- D. Group day-child care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day-child care homes when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day-child care homes when considered as uses permitted on review."
  - E. Private golf courses, swimming clubs, country clubs, and tennis clubs.
  - F. Assisted living facilities.
  - G. Hospitals and sanitariums.
  - H. Private or nonprofit sports playing fields, none of which shall be used for commercial purposes.
  - I. 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."
  - J. Rural retreats, subject to standards of section 4.104.
  - K. Public Safety Facilities, subject to the standards of section 4.107.

5.12.04. *Area regulations.* All buildings shall be set back from street or road right-of-way and lot lines to comply with the following yard requirements.

5.12.05. *Front yard.*

- A. For houses, duplexes and multi-dwelling structures and developments the minimum depth of the front yard shall be thirty-five (35) feet and in no case shall an accessory building be located to extend into the front yard. The planning commission may approve a reduction of the front yard if it finds such reduction consistent with section 6.50, "Procedures for authorizing uses permitted on review," and the administrative standards for approval.
- B. Churches and other main and accessory buildings, other than dwellings, shall have a front yard set back of thirty-five (35) feet.

5.12.06. *Side yard.*

- A. For single-story dwellings, located on interior lots, side yards shall be not less than eight (8) feet in width.
- B. For two- and three-story dwellings there shall be side yards of not less than twelve (12) feet each.
- C. For buildings more than three (3) stories in height, one (1) foot additional side yard on each side of the main building shall be added for each additional two (2) feet in excess of thirty-six (36) feet in height.
- D. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set

back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.

- E. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than twenty-five (25) feet.

5.12.07. *Rear yard.*

- A. For main buildings of three (3) stories in height and less, other than garage apartments, there shall be a rear yard of not less than twenty-five (25) feet.
- B. For all main buildings more than three (3) stories in height, there shall be a rear yard of not less than thirty (30) feet.
- C. A garage apartment may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use shall not be located closer to any rear lot line than five (5) feet.

5.12.08. *Lot width.*

- A. For houses and duplexes served by a sanitary sewer system there shall be a minimum lot width of seventy-five (75) feet at the front building line. For houses and duplexes not served by a sanitary sewer system there shall be a minimum lot width of one hundred (100) feet at the front building line.
- B. For multi-dwelling structures and developments there shall be a minimum lot width of one hundred (100) feet at the front building line.

5.12.09. *Intensity of use.*

- A. The appropriate development density of each multi-dwelling structure or development project having a density of twelve (12) dwelling units or more per acre shall be determined by the planning commission, but shall not exceed twenty-four (24) dwelling units per acre.
- B. For each house, and buildings accessory thereto, served by a sanitary sewer system there shall be a lot area of not less than ten thousand (10,000) square feet.
- C. For each duplex served by a sanitary sewer system there shall be a lot area of not less than twelve thousand (12,000) square feet.
- D. For multi-dwelling structures and developments of one (1) and two (2) stories served by a sanitary sewer system, the lot area requirements shall be not less than nine thousand (9,000) square feet plus an additional one thousand five hundred (1,500) square feet for each dwelling unit.
- E. For those residential structures exceeding two (2) stories served by a sanitary sewer system, the minimum lot area requirements shall be as follows:

Multi-Dwelling Structures	Lot Area Requirement
3—5 story	12,000 square feet plus 1,200 square feet per dwelling unit.
6—8 story	12,000 square feet plus 1,050 square feet per dwelling unit.
9—12 story	12,000 square feet plus 1,000 square feet per dwelling unit.
13 story and over	12,000 square feet plus 900 square feet per dwelling unit.

For those structures which provide off-street parking within the main building, the lot area requirement may be reduced two hundred (200) square feet per such parking space.

- F. Usable open space areas and recreation uses for multi-dwelling developments and structures may include a community center, a golf course, a swimming pool, or parks, playgrounds or other public recreational uses. Any structures involved in such uses, including lighted tennis courts and swimming pools, shall have a 35-foot setback from all periphery boundary lines. For developments with a density of twelve (12) dwelling units per acre or more, the amount of land set aside for usable open space and recreational uses shall not be less than fifteen (15) percent of the gross development area for a multi-dwelling structure or development occupying twenty (20) or more acres, or ten (10) percent for a multi-dwelling structure or development occupying more than eight (8) but less than twenty (20) acres.
- G. There shall be a lot area of not less than twelve thousand (12,000) square feet where a garage apartment is located on the same lot with a house served by a sanitary sewer. Where a garage apartment is located in the rear yard of a duplex or multi-dwelling structure or development served by a sanitary sewer, the lot area shall not be less than one thousand five hundred (1,500) square feet more than is required for the duplex or multi-dwelling structure or development.
- H. There shall be a lot area of not less than twenty thousand (20,000) square feet where a garage apartment is located on the same lot with a house not served by a sanitary sewer system. When a garage apartment is located in the rear yard of a duplex or multi-dwelling structure or development, not served by a sanitary sewer system, the lot area shall not be less than five thousand (5,000) square feet more than is required for the duplex or multi-dwelling structure or development.
- I. For those houses and buildings accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of twenty thousand (20,000) square feet; however, a greater area may be required based on recommendations by the health department.
- J. For duplexes and buildings accessory thereto, not served by a sanitary sewer system, there shall be a minimum lot area of twenty thousand (20,000) square feet; however, a greater area may be required based on recommendations by the health department.
- K. For multi-dwelling structures and developments not served by a sanitary sewer system, there shall be a lot area of not less than twenty thousand (20,000) square feet for the first two (2) units, plus two thousand five hundred (2,500) square feet for each additional dwelling unit. Where off-street parking is provided within the main structure the lot area requirement may be reduced one hundred fifty (150) square feet per such parking space. However, in any case a greater lot area than herein specified may be required based on recommendations by the health department.
- L. For those dwellings and buildings accessory thereto not served by a public water supply there shall be a minimum lot area as prescribed in the minimum subdivision regulations for Knoxville and Knox County, Tennessee.
- M. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in section 3.50, "Off-street parking requirements," of these regulations; provided, however, that the lot area for a church shall not be less than thirty thousand (30,000) square feet.

5.12.10. *Maximum lot coverage.* The maximum lot area which may be covered by main buildings shall be as follows:

Multi-Dwelling Structures	Maximum Net Building Coverage
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2 story or less	30%
3—5 story	30%
6—8 story	25%
9—12 story	20%
13 story and over	17%

5.12.11. *Height regulations.* Houses and duplexes shall not exceed thirty-six (36) feet in height. The height of multi-dwelling structures approved as a use-on-review by the planning commission shall be determined by the planning commission. The height of other main buildings shall be unlimited. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.12.12. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations, except as provided for in subsection 5.12.09, "Intensity of use," above.

5.12.13. *Signs.* As permitted by section 3.90.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-96-11-104, § 1, 3-23-98; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 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-22-2-101, § 1, 3-28-22)

### 5.13. PR Planned Residential Zone.

5.13.01. *General description.* The regulations established in this zone are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

A planned unit development occupying not less than twenty (20) acres may contain commercial uses as hereinafter provided.

5.13.02. *Permitted uses.*

- A. The following dwelling units are permitted:
  - 1. Houses and attached houses, not including mobile homes.
  - 2. Duplexes.
  - 3. Multi-dwelling structures and developments.
- B. Accessory uses, buildings and structures.
- C. Commercial uses in a planned unit development occupying not less than twenty (20) acres only. Commercial uses shall include marinas and boat liveries, provided they meet the requirements of section 4.30, "Standards for marina and boat livery development," of these regulations. One (1) acre of

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commercial uses may be permitted for each one hundred (100) units in the project provided that twenty-five (25) percent of the total units proposed shall be ready for occupancy prior to any commercial building permit being issued. Such commercial uses shall conform with the use and parking requirements of the Shopping Center Zone as regulated in section 5.34, "Shopping Center Zone (SC)," of these regulations.

- D. Recreation uses. Recreation uses may include a community center, a golf course, a swimming pool, or parks, playground or other public recreational uses. Any structures involved in such uses, including lighted tennis courts, and swimming pools, shall have a 35-foot set back from all periphery boundary lines. The amount of land set aside for usable open space and recreational use shall be not less than fifteen (15) percent of the gross development area for a planned unit development occupying twenty (20) or more acres or ten (10) percent for a planned unit development occupying more than eight (8) but less than twenty (20) acres.
  - E. Education uses.
  - F. Community facilities uses such as churches and other religious institutions and nonprofit clubs such as country clubs, swimming and/or tennis clubs.
  - G. Other uses, deemed compatible with the proposed development by the planning commission, including home occupations subject to section 4.90, "Home occupations."
  - H. 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).
  - I. Yard sales and rummage sales.
  - J. Day-Family child care homes and group day-child care homes, if the provider lives on site, subject to the following conditions:
    - ~~1. The total lot area shall not be less than ten thousand (10,000) square feet.~~
    - ~~2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.~~
    - ~~3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty five (35) feet to any public right of way. The minimum height of the fence shall be four (4) feet.~~
    - 14. Off-street parking, as regulated in section 3.50, "Off-street parking." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.
  - K. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- 5.13.03. *Uses permitted on review.*
- A. Group day-child care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day-child care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day-child care homes, when considered as uses permitted on review."
  - B. Assisted living facilities.
  - C. 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."

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- D. Rural retreats, subject to standards of section 4.104.
  - E. Public Safety Facilities, subject to the standards of section 4.107.

5.13.04. *Area regulations.* All buildings and structures shall be set back from street or road right-of-way lines and from the periphery of the project to comply with the following requirements.

5.13.05. *Front yard.*

- A. Houses, twenty (20) feet.
- B. All other as determined by the planning commission with the setback being increased in proportion to structure height, but not less than fifteen (15) feet from a street or road right-of-way.

5.13.06. *Periphery boundary.* All buildings shall be set back from the periphery boundary not less than thirty-five (35) feet unless adjacent to A, Agricultural, RA, Low Density Residential, RB, General Residential, RAE, Exclusive Residential, PR, Planned Residential, OS, Open Space, E, Estates, or TC, Town Center zone districts, where the planning commission may reduce this set back to not less than fifteen (15) feet.

5.13.07. *Side yard.*

- A. As determined by the planning commission but not greater than fifteen (15) feet unless this setback is also the periphery boundary.
- B. Where side yards are reduced to zero (0) the development site plans and restrictive covenants which provide for the privacy of such units and the right of maintenance of exterior walls facing adjacent properties shall be submitted to the planning commission.

5.13.08. *Rear yard.*

- A. As determined by the planning commission but the planning commission may not require a setback greater than thirty-five (35) feet.

5.13.09. *Default minimum setbacks.* For situations when there are no building setbacks specified on approved development plans and when not controlled by a periphery boundary setback, the minimum setbacks for main structures will be as follows:

Front: Not less than twenty (20) feet.

Side: Not less than five (5) feet.

Rear: Not less than fifteen (15) feet.

Accessory structures, when not controlled by the periphery boundary setback, shall be subject to the minimum accessory structure setbacks of the RA, Low Density Residential zoning district.

5.13.10. *Lot area and size.*

- A. Developments which subdivide and transfer property with the sale of individual units but which do not provide common open space controlled and maintained by a public body or a duly established homeowners association shall provide lot areas which are not less than three thousand (3,000) square feet in size and which shall average four thousand (4,000) square feet per lot for the entire development.
- B. Developments which subdivide and transfer property with the sale of individual units and which provide common open space controlled and maintained by a duly established home owners association in accordance with state law shall be permitted to create lots less than three thousand (3,000) square feet in size subject to planning commission approval of a site plan, consistent with the intent as stated in the general description of this section.

5.13.11. *Maximum site coverage.*

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- A. The maximum area which may be covered by buildings shall be fifty (50) percent of the gross acreage of the site.

5.13.12. *Height regulations.*

- A. Houses and duplexes shall not exceed three (3) stories.
- B. Height of all others shall be as determined by the planning commission.

5.13.13. *Population density.*

- 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 excluding areas set aside for churches, schools, or commercial uses.

5.13.14. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

5.13.15. *Administrative procedure for a planned residential development.*

- A. The planning commission may recommend establishment of a PR, Planned Residential Zone or an application may be made to the planning commission for rezoning to PR, Planned Residential in accordance with the regulations set forth in section 6.30, "Amendments," of this resolution.
- B. No building permit shall be issued for development of any property within a PR, Planned Residential Zone until a written application for review and approval of the development plan has been filed with the planning commission. This same requirement shall apply to multi-dwelling structures and developments as required under the RB, General Residential Zone, when the density of the development is twelve (12) dwelling units per acre or greater. Said application shall be made in conformity with section 6.50, "Procedure for authorizing uses permitted on review," of these regulations and shall be accompanied by the following information:
  1. The application must be accompanied by an overall development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, school sites, and other open spaces, with such other pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements different from those ordinarily applicable under these regulations.
  2. The proposed development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the state.
  3. The planning commission shall review the conformity of the proposed development and shall recognize principles of good civic design, land use planning and landscape architecture. The planning commission and county board of commissioners may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.
  4. Applications considered under the planned residential zoning must be filed by the property owner or their designated representative, by an appropriate governmental agency, or the county board of commissioners.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. O-97-10-101B, § 1, 11-17-97; Ord. No. O-96-11-104, § 1, 3-23-98; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-05-6-103, § 1(Exh. A), 7-25-05; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-2-101, § 1(Exh. B), 3-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 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-22-2-101, §§ 1, 2, 3-28-22)

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## 5.22. A Agricultural Zone.

5.22.01. *General description.* This zone provides for a wide range of agricultural and related uses as well as residential uses with low population densities and other compatible uses which generally require large areas or open spaces.

5.22.02. *Uses permitted.*

- A. Houses and duplexes.
- B. Churches, schools, libraries and museums.
- C. Farming, including all types of agriculture and horticulture; commercial dairies; 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 feeding for commercial purposes.
- D. Garage apartments.
- E. Mobile homes, but not mobile home parks.
- F. Portable sawmills.
- G. Roadside stands.
- H. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.
- I. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performance of services in which they are authorized to engage.
- J. Home occupation subject to section 4.90, "Home occupations."
- K. Uses customarily incidental to any of the above uses, including parking of not more than two (2) commercial vehicles and/or trailers used by the residents in their home occupation.
- L. 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).
- M. Yard sales and rummage sales.
- N. ~~Day~~Family child-care homes and group ~~day~~-child care homes, if the provider lives on site, subject to the following conditions:
  - ~~1. The total lot area shall not be less than ten thousand (10,000) square feet.~~
  - ~~2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.~~
  - ~~3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty five (35) feet to any public right of way. The minimum height of the fence shall be four (4) feet.~~
  - 14. Off-street parking, as regulated in section 3.50, "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

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O. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.22.03. *Uses permitted on review.*

A. Aircraft landing fields, hangars and equipment.

1. The general intent of this subsection is to insure the development of aircraft landing fields, hangars, equipment and local traffic patterns in agricultural zones, which will also afford some protection to residences in the area and which will hereby promote the public health, safety, morals and general welfare of the citizens of the county.
  - a. Before a landing field can be located in an agricultural zone, plans for the run-ways, local traffic pattern, hangars and other incidental uses of the airport shall be submitted to the planning commission for approval.
  - b. Where airport landing fields and hangars are already established in the county, plans for the expansion of additional buildings, run-ways, hangars, or where local traffic pattern has been changed because of expansion, or where additional uses are added such as the sale of planes, flight schools, or eating establishments (except vending machines) shall be submitted to the planning commission for approval.
2. The planning commission shall have the power to authorize the issuance of a permit after the plans have been approved and certified by the county board of commissioners, and before a permit can be issued by the director of the code administration and enforcement department for an addition to an existing operation or the location of a new airport, if the planning commission finds that the conditions are such that the location or expansion will not:
  - a. Increase the hazard from planes flying over houses.
  - b. Diminish value of land and buildings throughout the surrounding area within one thousand (1,000) feet of the airport.
  - c. Increase the congestion or traffic hazards in the public streets and highways adjacent to the airport.
  - d. Otherwise impair the public health, safety, comfort, morals and general welfare of the inhabitants of the county.
3. Then the planning commission may impose such conditions as will lessen any injury to the character of the area and shall submit their recommendations to the county board of commissioners.
4. Administration. The planning commission shall approve or disapprove the plans, and if approved, shall submit the plans to the county board of commissioners who shall hold a public hearing thereon, the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the county (T.C.A. §§ 13-404 and 13-405). Such notice shall state the place at which the text and maps as certified by the planning commission may be examined.

B. Sanitary landfill subject to meeting all requirements set forth in section 4.70, "Sanitary landfills," and section 6.50, "Procedure for authorizing uses permitted on review," of these regulations.

C. Boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

D. Cemeteries.

E. Dog kennels.

F. Golf courses and public, private, and commercial golf driving ranges.

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- G. Indoor storage.
  - H. Livery stables.
  - I. Lodging and boarding houses.
  - J. Rifle ranges.
  - K. 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 section 4.50, "Standards for mining and mineral extraction," of these regulations.
    - 1. Mining and mineral extraction subject to all requirements set forth in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," and section 4.50, "Standards for mining and mineral extraction," of these regulations.
  - L. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).
  - M. Veterinary clinics and animal hospitals meeting the following standards:
    - 1. No animals shall be kept outdoors within one hundred (100) feet of any residence other than that of the owner or user of the property.
    - 2. The applicant shall demonstrate that the use of the property will not create nuisance conditions for adjoining properties due to noise, odor, or lack of adequate sanitation.
  - N. Group day-child care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day-child care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day-child care homes, when considered as uses permitted on review."
  - O. Public parks and playgrounds and public, private and commercial sports playing fields.
  - P. 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.
  - Q. 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.
  - R. Marinas, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.
  - S. Indoor and outdoor paintball airsoft ranges, subject to the requirements of article 4, "Supplementary Regulations," section 4.97, "Standards for the approval of indoor and outdoor paintball/airsoft ranges."
  - T. 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."
  - U. Storage of school buses under contract to a public or private school system. See article 3, "General provisions," section 3.54, "Storage of school buses" for facility development criteria.
  - V. Retail sales of agricultural products grown on site, or acquired elsewhere and then maintained on the site, subject to the following restrictions:

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1. There shall be a minimum lot area of ten (10) acres.
  2. Sales area and related facilities, including parking area, shall not occupy more than four (4) acres of the property. The sales area shall be subordinate and incidental in scope and size to the principal agricultural use of the property.
    - a. "Sales area" is defined as the area where the purchase of agricultural products takes place and where certain fertilizer, herbicides, fungicides, irrigation equipment and landscape supplies are stored or displayed.
    - b. "Related facilities" is defined as non-connected buildings, sheds, coverings or awnings used for storage of equipment or material that is used in the business. Greenhouses are not considered related facilities.
  3. The majority of retail inventory must be grown on site. Items for sale must be limited to those produced through farming as described under subsection 5.22.02 C. above; nursery products such as trees, shrubs, flowers, bedding plants, and other plant stock; and mulch, compost, fertilizer, irrigation equipment, herbicides, fungicides and other landscape materials, not produced on site.
  4. The retail sales area shall be open to the public only between 7:00 a.m. and 9:00 p.m.
  5. Any proposed signage shall comply with section 3.90.06, "Agricultural Zones", of these regulations and shall be approved with the site plan.
  6. The retail operation shall be screened from adjoining property by a landscaping screen, provided that the planning commission finds that the screening is necessary to protect adjoining properties from visual and noise impacts of the sales area.
  7. The retail sales area, including the building layout, parking area, and signage, shall be designed to minimize its impact on the character of the surrounding area.

W. Rural retreats, subject to standards of section 4.104.

X. Public Safety Facilities, subject to the standards of section 4.107.

5.22.04. *Area regulations.* All buildings shall be set back from street or road right-of-way lines and lot lines to comply with the following yard requirements.

A. *Front yard.*

1. For dwellings the minimum depth of the front yard shall be forty (40) feet and in no case shall an accessory building, other than accessory farm buildings, be located between the principal structure and the street.
2. Churches and other main and accessory buildings, other than dwellings, shall have a front yard setback of fifty (50) feet.

B. *Side yard.*

1. For single-story dwellings, located on interior lots, side yards shall be not less than ten (10) feet in width.
2. For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than eight (8) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front property line.
3. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than thirty-five (35) feet.



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C. *Rear yard.*

1. For main buildings, other than garage apartments, there shall be a rear yard of not less than thirty-five (35) feet.
2. A garage apartment may be located in the rear yard of another dwelling, but shall not be located closer than fifteen (15) feet to the rear lot line. Unattached buildings of accessory use shall not be located closer to any rear lot line than eight (8) feet.

D. *Lot width.* No lot shall be less than one hundred (100) feet wide at the building line.

E. *Intensity of use.*

1. For residential development, there shall be a lot area of not less than one (1) acre per dwelling, as follows:
  - a. For each house or mobile home, and buildings accessory thereto, there shall be a minimum lot area of not less than one (1) acre.
  - b. For each duplex, and buildings accessory thereto, there shall be a minimum lot area of not less than two (2) acres.
  - c. For each multi-dwelling development, and buildings accessory thereto, up to two (2) dwelling units (two (2) houses or a house with a garage apartment) may be located on a recorded lot that is two (2) acres or more.
2. For uses other than residential development, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in section 3.50, "Off-street parking requirements," of these regulations; provided, however, that the lot area for a church shall not be less than one (1) acre.

F. *Maximum lot coverage.* Main and accessory buildings shall cover not more than thirty (30) percent of the lot area.

5.22.05. *Height regulations.* No main building shall exceed three (3) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed eighteen (18) feet in height; provided, however, the eighteen (18) feet height limitation may be exceeded to conform the pitch of the accessory building roof to the pitch of the roof of the principal use. In no case shall the bottom chord of the roof truss or the bottom of the ceiling joist of an accessory building exceed eighteen (18) feet in height.

5.22.06. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-98-12-102, § 1(Exh. A), 1-25-99; 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-01-2-102, § 1(Exh. A), 3-26-01; 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-01-8-101, § 1(Exh. A), 9-24-01; Ord. No. O-07-4-102, § 1(Exh. A), 5-29-07; 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-13-11-101, § 1(Exh. A), 1-27-14; Ord. No. O-17-7-102, § 1(Exh. A), 8-28-17; Ord. No. O-17-8-101, § 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)

### **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.*

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- 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. [Child care agencies](#)
  - ~~GF.~~ Churches, schools, libraries and museums.
  - ~~HG.~~ Dry cleaning shops, except that such use shall not include fabric dyeing.
  - ~~IH.~~ Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.31.03, "Uses permitted on review," subsection I.
  - ~~J.~~ Garage apartments.
  - ~~KJ.~~ Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.
  - ~~LK.~~ Lodging and boarding houses.
  - ~~ML.~~ Mobile homes, but not mobile home parks.
  - ~~NM.~~ Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.
  - ~~ON.~~ 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.
  - ~~PO.~~ Portable sawmills.
  - ~~QP.~~ 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.
  - ~~RQ.~~ Roadside stands.
  - ~~SR.~~ 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).
  - ~~TS.~~ Yard sales, rummage sales and flea markets.
  - ~~UF.~~ Wireless communications facilities, subject to the provisions of article 4, section 4.92.
  - ~~VU.~~ Indoor paintball ranges.
  - ~~WV.~~ 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.)
  - ~~XW.~~ Public Safety Facilities.

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YX. Vehicle Repair/Service.

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."~~

~~BC.~~ Self-service storage facilities.

~~CD.~~ 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.

~~DE.~~ 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.

~~EF.~~ Marinas and boat liveries, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

~~FG.~~ 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."

~~GH.~~ 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."

~~HI.~~ Contractor's storage yard.

~~IJ.~~ Indoor self-service storage 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 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.* 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.

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5.31.08. *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.

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. If the building is designed for residential purposes only, the provisions of the RA, Low Density 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. [Child care agencies](#)
- J. Churches, schools, libraries, and museums.
- K. Creamery.
- L. Dry cleaning shops, except that such use shall not include fabric dyeing.
- M. Electrical appliances and equipment assembly.
- N. Electronic equipment assembly and manufacturing.

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- ON. Engraving and/or printing plant.
- PO. Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.32.03, "Uses permitted on review," subsection L.
- QP. Furniture manufacturing.
- RQ. Garage apartments.
- SR. Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.
- TS. Ice manufacture or storage of not more than twenty (20) tons of ice.
- UF. Instrument and meter manufacturing.
- VU. Laundry and dry cleaning establishments.
- WV. Leather goods fabrication.
- XW. Lodging and boarding houses.
- YX. Lumber yards for sale, storage or distribution, but not manufacturing.
- ZY. (Deleted May 5, 1970.)
- AAZ. Monument engraving and sales, but no stone cutting, grinding or polishing.
- BBAA. Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.
- CCBB. 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.
- DDCC. Optical goods manufacturing.
- EEDD. Paper products fabrication.
- FFEE. Produce markets.
- GGFF. Portable sawmills.
- HHGG. Public utility service yard or electrical receiving or transforming station.
- IIHH. 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.
- JJH. Roadside stands.
- KKH. Sporting goods manufacturing.
- LLKK. The manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.
- MMLL. Wholesale, warehousing, or distribution enterprise.
- NNMM. Any other retail, wholesale, or light industrial use similar in nature to those described.

- OONN. Truck, tractor, and heavy equipment sales, but not motor freight terminals.
- PPOO. 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).
- QOPP. Yard sales, rummage sales and flea market.
- RRQQ. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- SSRR. 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."
- TISS. Indoor paintball ranges.
- UUTF. 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.
- VVUU. Contractor's storage yard.
- WWVV. Public Safety Facilities.
- XXWW. Vehicle Repair/Service.

5.32.03. *Uses permitted on review.*

- A. 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. 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. Demolition landfills, off-site, subject to article 4, "Supplementary regulations," subsection 4.80.01.B, "Demolition landfills," (off-site generated waste).
- D. Veterinary clinics and animal hospitals.
- ~~E. 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."~~
- EF. Self-service storage facilities.
- FG. 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.
- GH. Marinas and boat liveries subject to the requirements set forth in section 4.30, "Standards for marina and boat livery development," of these regulations.
- HI. 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."

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**J.** 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."

**K.** 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."

**L.** 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.

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

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.

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.

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.

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)

### 5.33. PC Planned Commercial Zone.

5.33.01. *General description.* The PC, Planned Commercial Zone, is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.

5.33.02. *Uses permitted.* It is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers. Child day care centers shall also be permitted, ~~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."~~ Marinas and boat liveries shall also be permitted, provided they meet the requirements of section 4.30, "Standards for marina and boat

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livery development," of these regulations. As per the requirements of 4.107, "Standards for use-on-review approval of public safety facilities." Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the planning commission with a list of uses permitted in the development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants. 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), shall also be permitted. Wireless communications facilities shall be a permitted use, subject to the provisions of article 4, section 4.92.

5.33.03. *Uses permitted on review.* (None)

5.33.04. *Appropriate size.* The intent of the PC, Planned Commercial Zone is to provide the best design and coordinated arrangement of commercial buildings. It is not likely therefore, that a planned commercial development would contain less than twenty (20) acres. However, if in the opinion of the planning commission the functional design of a building grouping meets the intent of these regulations the commission may approve a planned commercial development of less than twenty (20) acres.

5.33.05. *Periphery boundary.* All buildings shall be set back at least fifty (50) feet from any peripheral boundary of the project, or any public street or road existing prior to the PC, Planned Commercial Zone.

5.33.06. *Lot coverage.* Any project divided into individual lots or building sites shall specify yard and lot coverage requirements in its protective covenants provided however, that no buildings shall cover more than fifty (50) percent of its lot at its ultimate expansion potential.

5.33.07. *Height.* In general, height shall be limited to forty-five (45) feet. However, to permit the greatest flexibility of design the planning commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.

5.33.08. *Parking and loading.*

- A. Parking and loading requirements shall be specified in the restrictive covenants governing the development but in no case may they be less than the requirements specified in section 3.50, "Off-street parking requirements," of these regulations.
- B. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of an open parking lot.

5.33.09. *Storage.* Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.

5.33.10. *Landscaping.*

- A. A landscape plan for the entire development shall be prepared and presented to the planning commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment of the landscape plan.
- B. The landscaping plan shall include but not be limited to approaches to building entrances, appropriate visual screens and any parking areas.

5.33.11. *Access.* Access to the planned commercial complex shall be designed to minimize conflicts in traffic. Insofar as possible all lots shall be designed to front on streets within the commercial development. Lots should not have direct access to existing streets, roads, or highways, except as may otherwise be approved by the planning commission.

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

5.33.13. *Administration.*



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- A. A development plan for the planned commercial complex shall be submitted to the planning commission for approval as a use permitted on review.
  - B. Protective covenants. All development plans shall include protective covenants for the planned commercial development. These covenants shall indicate the use and design of structures in the planned complex as well as establishing measures to protect occupants of the development from incompatible uses and structures. These covenants shall include but not be limited to:
    - 1. A statement of the purpose and function of the planned complex.
    - 2. A statement identifying the type of operations permitted listing uses permitted or performance standards required in the development. If performance standards are proposed as the criteria, a firm means of enforcing such standards must be included in the covenants.
    - 3. A list of uses prohibited in the commercial park, or a list of the type of uses or operations which would generally be considered to be incompatible with the purpose and function of the proposed development.
    - 4. Site requirements, including minimum lot size, maximum site coverage and any front, side and rear yard requirements for the development.
    - 5. Parking and loading requirements of the development insuring a standard at least equal to the minimum specified in section 3.50, "Off-street parking requirements," of these regulations.
    - 6. Restrictions on outdoor storage.
    - 7. Landscaping requirements.
    - 8. Building construction and design standards which establish specific building standards, either by construction material or performance standards, and establish criteria as well as a means of enforcing the requirements. An architect or engineer for the development or an architectural review board should approve such designs and construction plans.
    - 9. Any other consideration which may be established to better insure that the development is in accordance with the stated purpose and intent of the development.
  - C. The development plan shall show all streets and suggested lots. The plan shall meet all the requirements of the minimum regulations for the subdivision and development of land in the county. All streets in any planned commercial development shall have as a minimum standard, the standards for minor collectors.
  - D. A revised development plan shall be submitted to the planning commission for approval of any changes, alterations, amendments, or extensions to the development plan. Approval of such changes may be granted if, in the opinion of the planning commission, the requested changes would be in keeping with the intent and provisions of this resolution.
  - E. No building permit shall be issued for construction of any building on the land until the planning commission has approved the development plan and a statement of approval has been affixed.
  - F. The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.

(Ord. No. O-96-1-102, § 1, 1-22-96; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-99-9-101, § 1, 10-25-99; 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-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101, § 1, 3-28-22)

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### 5.34. SC Shopping Center Zone.

5.34.01. *General description.* The general intent of this section is to encourage and insure the development of unified retail shopping centers which will promote the public health, safety, morals, and general welfare for the citizens of the county. The purposes of these subsections are:

- A. To promote safe and efficient movement of traffic within the site of the shopping center and in connection with adjacent access streets.
- B. To lessen the adverse effects which such shopping centers might have on the uses of adjacent land.
- C. To prohibit the development of uses of a heavy repair, wholesaling, industrial, and residential character in SC, Shopping Center Zones.

5.34.02. *Uses permitted.* The list below specifies the uses which shall be permitted in SC, Shopping Center Zones. In addition to these uses, the planning commission may recommend the inclusion of other uses of a related nature, provided that the intent of this resolution is maintained. Uses permitted:

- A. Appliance, radio and television store.
- B. Art supply store.
- C. Bakery (retail).
- D. Bank.
- E. Barber shop.
- F. Camera store.
- G. Candy store.
- H. [Child care agencies](#)
- ~~I~~H. Clinic (not veterinary).
- ~~J~~J. Clothing and clothing accessory store.
- ~~K~~J. Delicatessen.
- ~~L~~K. 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).
- ~~M~~L. Restaurants.
- ~~N~~M. Department store.
- ~~O~~N. Drug store.
- ~~P~~O. Film exchange.
- ~~Q~~P. Five and ten cent store.
- ~~R~~Q. Radio or television repair shop.
- ~~S~~R. Shoe repair shop.
- ~~T~~S. Flower shop.
- ~~U~~T. Furniture store.
- ~~V~~U. Gift shop.
- ~~W~~V. Grocery store.

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XW. Hardware store.

YX. Hobby store.

ZY. Ice cream parlor.

AAZ. Jewelry store.

BBAA. Laundry and dry cleaning establishments.

CCBB. Meat market.

DDCC. Music store.

EEDD. Notion or variety store.

FFEE. Photographic studio.

GGFF. Business and professional offices.

HHGG. Shoe store.

IHHH. Sporting goods store.

JJH. Stationery store.

KKH. Toy store.

LLKK. Gasoline service station provided that such gasoline service station is designed as an integral part of the shopping center building group.

MMLL. Yard sales and rummage sales.

NNMM. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

OO NN. Public Safety Facilities.

5.34.03. *Uses permitted on review.*

A. Adult-oriented establishments subject to meeting all requirements of section 4.60, "Adult-oriented establishments," of this resolution.

~~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."~~

BC. 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."

5.34.04. *Height.* No building shall exceed three (3) stories or forty (40) feet in height.

5.34.05. *Yards.*

A. Where the SC, Shopping Center Zone abuts a lot which is residential in zoning classification no building shall be constructed less than fifty (50) feet from any lot line.

Where the SC, Shopping Center Zone abuts any street right-of-way buildings shall be constructed not less than sixty (60) feet from such right-of-way.

B. Buildings may be constructed less than fifty (50) feet from any lot line:

1. Where the SC, Shopping Center Zone abuts a lot which is nonresidential in zoning classification.
2. Where the SC, Shopping Center Zone abuts any street right-of-way when parking is not to be provided between the right-of-way of such street and buildings, in which case there shall be a minimum setback requirement of twenty (20) feet.

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- C. On the sides of a SC, Shopping Center Zone facing streets the development plan shall include planted parkways of not less than ten (10) feet in width. The presence of these parkways will aid in the integration of shopping centers into adjacent areas, and they will aid in keeping vehicular entrance and exit points to a minimum.
  - D. On the sides of SC, Shopping Center Zones facing residential properties adequate screening shall be provided whereby the noise, light, and possible unsightliness of the developed center will be held to a minimum. A plan for screening shall be included as a part of the development plan for the shopping center.

5.34.06. *Divided zones.* For the purpose of calculating the zone width, lot dimensions, floor area ratios, percentage of lot covered by building, yard requirements and parking ratios, a single shopping center cannot lie on two (2) sides of a major public street. Any area designated as being zoned a SC, Shopping Center Zone and lying on both sides of a public street shall be deemed to be two (2) SC, Shopping Center Zones, and all minimum requirements shall be met by buildings on each side of said public street as separate zones. This requirement is included to prevent large movement of shoppers across a major street from parking areas to shopping areas.

5.34.07. *Health department approval.* The development plan shall not be approved until the planning commission has a statement from the health department that the disposal system for sewage abides by standards of the health department.

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

5.34.09. *Off-street parking.* As regulated by section 3.50, "Off-street parking requirements."

5.34.10. *Administration.*

- A. A development plan of the shopping center shall be submitted to the planning commission for approval as a use permitted on review.
- B. A revised development plan shall be submitted to the planning commission for approval of any changes, alterations, amendments, or extensions to the development plan. Approval of such changes may be granted if, in the opinion of the planning commission, the requested changes would be in keeping with the intent and provisions of this resolution.
- C. No building permit shall be issued for construction of any building on the land until the planning commission has approved the development plan and a statement of approval has been affixed.
- D. The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.
- E. Application for review and approval of WCF shall be subject to the provisions of article 4, section 4.92.

(Ord. No. O-96-1-102, § 1, 1-26-96; Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; 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-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101, § 1, 3-28-22)

## 5.36. T Transition Zone.

5.36.01. *Intent.* The general intent of this section is to insure the development of land adjacent to residential areas into a T, Transition Zone, between other types of commercial and residential classifications and which will promote the public health, safety, morals, and general welfare of the citizens of the county. The purpose of this section is:

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- A. To allow types of commercial use which are not major traffic generators, and would not open the area to objectionable types of commercial uses.
  - B. To have a T, Transition Zone, that will be compatible with adjacent residential areas.

5.36.02. *Uses permitted.* The list below specifies the uses which shall be permitted in a T, Transition Zone. In addition to these uses the planning commission may recommend the inclusion of other uses of a related nature, provided the intent of this resolution is maintained. Uses permitted:

- A. Apartments.
- B. Accessory buildings.
- C. Child care agencies
- DC. Churches, schools, libraries, and museums.
- ED. Garage apartments.
- FE. Gardening and horticulture, but not on a commercial basis.
- GF. Public golf courses, public parks and playgrounds; swimming pools, and other associated recreational facilities, none of which shall be used for commercial purposes.
- HG. Hospitals and sanitariums, but not for contagious diseases, nor for the care of epileptics or drug or alcoholic patients, nor for the care of the insane or feeble minded.
- JH. Nurseries and greenhouses for the propagating and cultivating of plants, but not on a commercial basis.
- JL. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performing of the services in which they are authorized to engage.
- KJ. Houses and duplexes.
- LK. Tourist homes (as defined in article 2).
- ML. Clinics, professional buildings, general business offices, institutions of an educational or a philanthropic nature. Private clubs, fraternities, sororities, excepting those the chief activity of which is a service customarily carried on as a business. Accessory uses customarily incidental to any of the above uses when located in the same building.
- NM. 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).
- ON. Yard sales and rummage sales.
- PO. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- QP. Public Safety Facilities.

5.36.03. *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."~~
- AB. Private golf courses, swimming clubs, country clubs, and tennis clubs.
- BC. Assisted living facilities.

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CD. Marinas and boat livery, subject to the standards of section 4.30, "Standards for marina and boat livery development," of these regulations.

DE. 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."

EF. Rural retreats, subject to standards of section 4.104.

FG. Recovery housing.

5.36.04. *Height.* No building or structure shall exceed forty-five (45) feet, except that the planning commission may approve a greater height during plan review where the following conditions are met:

- A. The petitioner can show that such increase in height is compatible with surrounding development and is clearly within the intent of this section.
- B. Required depth of all yards is increased one (1) foot for each foot of building height permitted in excess of forty-five (45) feet. No variance to this requirement shall be permitted.

5.36.05. *Lot area.* Main and accessory buildings shall not occupy more than thirty (30) percent of the lot area.

5.36.06. *Front yards.* No building shall be located closer than thirty-five (35) feet to the front property line and no tourist court shall be located closer than fifty (50) feet to the front property line except the office of the tourist court may be located within thirty-five (35) feet, and no accessory buildings shall be located within or so as to project into the front yard. Planted parkways, with curbs, shall be provided between driveways in front of buildings and the street so that they will aid in keeping vehicular entrance and exit points to a minimum.

5.36.07. *Side and rear yards.* The side and rear yards of every main building shall have a minimum width of thirty (30) feet when adjoining a residentially zoned district, and fifteen (15) feet when adjoining a commercial zone. On corner lots the building shall be located in accordance with article 3, "General provisions," subsection 3.30.01.

5.36.08. *Health department approval.* The development shall not be approved until the planning commission has a statement from the health department that the disposal system for sewage abides by standards of the health department.

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

5.36.10. *Parking.* As regulated by section 3.50.

5.36.11. *Administration.*

- A. The developer of any property in a T, Transition Zone shall submit a development plan to the planning commission for approval as a use permitted on review.
- B. A revised development plan shall be submitted to the planning commission for approval of any changes, alterations, amendments or extension of the development plan. Approval of such changes may be granted if, in the opinion of the planning commission, the requested changes would be in keeping with the intent and provisions of this resolution.
- C. No building permit shall be issued for construction of any building on the land until the planning commission has approved the development plan and a statement of approval has been affixed.
- D. The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.

(Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-97-7-101, § 1, 8-25-97; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-

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06; 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-17-8-101, § 1(Exh. A), 9-25-17; Ord. No. O-17-8-102, § 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-22-2-101, § 1, 3-28-22)

### **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).

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20. Hardware (NAICS 44413).
  21. Fabric/upholstery shops.
  22. 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).
  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).
  12. [Child care agencies \(NAICS 624410\).](#)
- 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.



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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.*

~~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."~~

~~AB.~~ 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."

~~BC.~~ Any use listed under permitted uses above, which includes drive-through or drive-in facilities.

~~CD.~~ Outdoor storage of materials, product, equipment, etc.

~~DE.~~ Self-service storage facilities, provided they meet the requirements of section 4.93, "Standards for self-service storage facilities."

~~EF.~~ Self-service car wash facilities (non-automated) (NAICS 811192).

~~FG.~~ Dog kennels/animal boarding facilities.

~~GH.~~ Contractor's storage yard.

~~HI.~~ 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

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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.

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.

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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 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.

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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).
  6. Copying services (NAICS 56143).
  7. Equipment rental (excluding vehicles for highway use) (NAICS 532).
  8. [Child care agencies](#)
- 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."~~

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- AB. 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."
  - BC. Restaurants (NAICS 722).
  - CD. Fueling service stations with or without convenience stores (NAICS 447110).
  - DE. Any permitted use listed above, which includes drive-through or drive-in facilities.
  - EF. Outdoor storage of materials, products, or equipment.
  - FG. 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.
  - GH. 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.

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.

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- 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.*

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.

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(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)

## 5.40. OA Office Park Zone.

5.40.01. *General description.* This zone is intended to provide for orderly development of office parks so that structures, access road improvements, utility distribution, landscaping, pedestrian circulation, waste disposal and related elements are complementary and allow orderly sequential development through initial coordination of utilities and other services. To create a zone which is compatible with surrounding residential areas and serves as a transitional area from residential to other less compatible land uses.

### 5.40.02. *Uses permitted.*

- A. Professional, business, and governmental offices in which no activity is carried on catering to retail trade with the general public, and no stock of goods is maintained for sale to customers. These shall include, but not be limited to, offices for lawyers, architects, engineers, insurance and real estate agents.
- B. [Child care agencies](#)
- C. Clinics, medical, and dental offices.
- ~~D~~. Radio, TV, and recording studios.
- ~~E~~. Art gallery and museums.
- ~~F~~. Public and private schools, excluding residences.
- ~~G~~. Telegraph message center.
- ~~H~~. Barber and beauty shops.
- ~~I~~. Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.
- ~~J~~. Recreational uses associated with and maintained primarily for the uses permitted above.
- ~~K~~. 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).
- ~~L~~. Yard sales and rummage sales.
- ~~M~~. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- ~~N~~. Public Safety Facilities.

### 5.40.03. *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."~~
- ~~AB.~~ 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."
- ~~BC.~~ Methadone treatment clinic or facility.
- ~~CD.~~ Pain management clinic.

5.40.04. *Area regulations.* The following requirements shall apply to all uses permitted in this zone.

5.40.05. *Front yard.* Twenty-five (25) feet.

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5.40.06. *Side yard.* Twenty (20) feet where adjacent to a RAE, Exclusive Residential, or RA, Low Density Residential Zone. In all other cases the same as required in the zone it adjoins, or twenty (20) feet, whichever is less.

5.40.07. *Rear yard.* Twenty (20) feet (where adjacent to a RAE, Exclusive Residential or RA, Low Density Residential Zone. In all other cases the same as required in the zone it adjoins, or twenty (20) feet, whichever is less.

5.40.08. *Maximum lot coverage.* Main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area.

5.40.09. *Height regulations.* No building or structure shall exceed thirty-five (35) feet, except as provided in section 3.20, "General exceptions."

5.40.10. *Landscaping regulations.*

- A. Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas.
- B. Parking areas.
  - 1. Parking areas shall contain five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area.
  - 2. Parking areas located closer than fifty (50) feet to public right-of-way or adjacent property lines shall be screened by evergreen planting that will obtain a minimum height of five (5) feet at maturity.
  - 3. For each five thousand (5,000) square feet of parking area a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.
- C. Open spaces.
  - 1. That area designated as open space situated between the site boundary and the nearest building line shall be landscaped or left to remain in natural vegetation.
  - 2. For each five thousand (5,000) square feet of open space a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

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

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

5.40.13. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," except that parking shall not be permitted in the required front yard, or, the required side yards adjacent to any RAE, Exclusive Residential, or RA, Low Density Residential Zone.

(Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-04-4-101, § 1(Exh. A), 5-24-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-11-102, § 1(Exh. A), 12-19-11; 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-19-5-101, § 1(Exh. A), 6-24-19)

## **5.41. OB Office, Medical, and Related Services Zone.**

5.41.01. *General description.* This zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open



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areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods.

5.41.02. *Uses permitted.*

- A. Any use permitted and as regulated in the RB, General Residential Zone, except that height shall be as regulated in subsection 5.41.09, "Height regulations."
- B. Professional and business offices in which no activity is carried on catering to retail trade with the general public, and no stock of goods is maintained for sale to customers. These shall include, but not be limited to, offices for lawyers, architects, engineers, insurance, real estate agents and beauty shops.
- C. Hospital, clinics, and medical and dental offices.

D. Child care agencies

- ED. Undertaking establishments and funeral homes.
- FE. Hotels, motels, (including dining room facilities) excepting those containing retail sales for other than the convenience of guests in the building.
- GF. Private clubs and lodges.
- HG. Art gallery and museums.
- IH. Business colleges.
- JT. Public and private schools and colleges with student residence and dormitories associated therewith.
- KJ. Commercial parking lot or garage.
- LK. Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.
- ML. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants and their guests.
- NM. Establishments rendering business service associated with the uses listed above including but not limited to the sale of office supplies and business forms and machines.
- ON. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.
- PO. Other uses similar in character to those enumerated above, and which in the opinion of the planning commission will not be injurious to the zone.
- QP. 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).
- RQ. Yard sales and rummage sales.
- SR. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- TS. Public Safety Facilities.

5.41.03. *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."~~
- AB. Assisted living facilities.
- BC. 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."

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CD. Methadone treatment clinic or facility.

DE. Pain management clinic.

E.F. Recovery housing.

5.41.04. *Area regulations.* The area requirements for dwellings, and buildings accessory thereto, shall be the same as the area requirements for the RB, General Residential Zone. The following requirements shall apply to all other uses permitted in this zone.

5.41.05. *Front yard.* All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

5.41.06. *Side yard.* Side yard requirements for residential uses shall be the same as in the RB, General Residential Zone. Where a side yard is adjacent to a residential zone, no nonresidential building shall be located closer than twenty (20) feet to the side lot line. In all other cases no building shall be located closer than fifteen (15) feet to the side lot line.

5.41.07. *Rear yard.* No building shall be located closer than twenty (20) feet to the rear lot line.

5.41.08. *Maximum lot coverage.*

- A. The maximum lot area which may be covered by residential structures shall be the same as required in the RB, General Residential Zone.
- B. Other main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area.

5.41.09. *Height regulations.* No building or structure shall exceed four (4) stories or forty-five (45) feet in height, except:

- A. As provided in section 3.20 "General exceptions."
- B. The planning commission may approve, as a use permitted on review, an increase in height above forty-five (45) feet and may, as a condition of such approval, require an increase in set back and/or yard requirements where appropriate.

5.41.10. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," except that parking shall not be located in the required front yard.

(Ord. No. O-96-5-102, § 2, 6-21-96; Ord. No. O-96-7-101, § 1, 8-26-96; Ord. No. O-97-10-101B, § 1, 11-17-97; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-04-4-101, § 1(Exh. A), 5-24-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-11-102, § 1(Exh. A), 12-19-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-102, § 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)

## 5.42. OC Civic and Institutional Zone.

5.42.01. *General description.* The OC, Civic and Institutional, zoning district and regulations are intended to provide a zoning classification for specified religious, governmental, recreational, and institutional uses where a separate zoning district is appropriate. These regulations are intended to minimize any conflicts or adverse impacts on other properties, public roads or facilities. Locations for civic and institutional uses should be on arterial or major collector streets.

5.42.02. *Uses permitted.*

- A. Churches, synagogues, mosques, temples, and other similar places of worship, except as permitted under subsection 5.42.03, "Uses permitted on review."

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- B. The following uses when they are accessory to the main uses listed above, subject to the conditions and requirements listed below: religious book stores and gift shops; health and fitness clubs, including those offering memberships to persons outside the congregation; denominational offices; food pantries; parish housing; and thrift shops and stores selling second-hand or used merchandise.
    - 1. Accessory uses shall occupy no more than forty (40) percent of the total developed floor space of the main use.
    - 2. Accessory structures and buildings shall be designed and constructed according to the regulations and requirements for area, landscaping, lighting, signage, and off-street parking described for civic and institutional uses.
  - C. Public and private elementary and secondary schools, excluding residences.
  - D. Child care agencies
  - E. Private clubs, lodges, and fraternal organizations.
  - FE. Libraries, museums and art galleries.
  - GF. Local, state and federal government facilities, excluding correctional facilities.
  - HG. Public utilities.
  - IH. Philanthropic, charitable and service organizations.
  - J. Public parks, playgrounds and recreation facilities.
  - KJ. 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).
  - LK. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
  - ML. Public Safety Facilities.

5.42.03. *Uses permitted on review.*

- A. Public and private elementary and secondary schools, with residences.
- B. Junior colleges, colleges, universities, and business and trade schools, including residences.
- C. Hospitals, sanitariums and nursing homes.
- ~~D. 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."~~
- DE. 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."
- EF. Assisted living facilities.
- FG. Developments requiring waivers as allowed under the following site development standards:
  - 1. Landscaping, subsection 5.42.06, "Landscaping requirements."

5.42.04. *Area regulations.*

- A. *Height regulations.*
  - 1. No building shall be built to a height exceeding forty-five (45) feet at the minimum required setback line.

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2. No building shall exceed a height of thirty-five (35) feet, if located within one hundred (100) feet of a residential zone. However, for each additional foot of setback from the minimum setback line, the building height may be increased by one (1) foot to a maximum of forty-five (45) feet.

B. *Setback requirements.*

1. Front yard setback: A minimum of thirty-five (35) feet.
2. Side yard setback: A minimum of twenty-five (25) feet.
3. Rear yard setback: A minimum of twenty-five (25) feet.
4. Front, side or rear yard setback, when abutting a residential or agricultural zone: A minimum of fifty (50) feet.

5.42.05. *Maximum lot coverage.* Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

5.42.06. *Landscaping requirements.*

A. A landscaping plan shall be submitted as a part of any application for administrative site plan approval. The following minimum standards shall apply:

1. Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas.

B. Parking areas.

1. Parking areas shall contain one thousand (1,000) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area.
2. For every five thousand (5,000) square feet of parking area, a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

C. Buffer yards.

1. Within the required building setback, a buffer yard shall be established along any property line that abuts a residential or agricultural zoning district. The planning commission may waive or reduce this requirement when there is no principal residential structure within two hundred (200) feet of said property line.
2. The following standards shall apply in buffer yards:  
Minimum width: Fifteen (15) feet.

Landscaping and screening: A screen, opaque to a height of six (6) feet and consisting of any combination of a fence, wall, evergreen plants, or earth berms shall be provided in the buffer yard.

D. The planning commission may approve a landscaping plan that differs from the minimum standards if the commission finds that such plan meets the intent of this section.

E. The department of code administration shall verify the installation of landscaping as shown on the approved landscaping plan prior to the issuance of a certificate of occupancy. Installation of planting materials may be delayed until the next planting season, in the event that literal compliance with the above standard would require plants to be installed at a time when they would not survive. In such cases, a certificate of occupancy can be issued prior to the installation of landscaping with the posting of a bond with the county department of engineering and public works to guarantee such installation.

5.42.07. *Lighting.* Lighting of all types shall be directed away from all residential or agricultural zoning districts, or any public rights-of-way.

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5.42.08. *Sign regulations.* Signage shall comply with the requirements of section 3.90, "Signs, billboards, and other advertising structures," including subsection 3.90.08, "Office and Transition Zones."

5.42.09. *Off-street parking regulations.* Off-street parking shall comply with the requirements of section 3.50, "Off-street parking requirements."

5.42.10. *Administration.*

- A. For uses listed as permitted uses in the OC, Civic and Institutional 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.
- B. In administratively reviewing plans for specific sites, the department of code administration shall approve any site plan that complies with the above referenced design standards and the requirements of the county zoning and subdivision regulations. Anyone aggrieved by a decision of the department of code administration may appeal such decision to the board of zoning appeals, pursuant to article 6, "Administration, enforcement and interpretation," section 6.60, "Board of zoning appeals," of these regulations.
- C. The planning commission shall approve, approve with conditions, or deny applications for uses on review, as described in section 4.42.03, "Uses permitted on review," and in compliance with relevant county zoning and subdivision regulations.

(Ord. No. O-03-4-103, § 1(Exh. A), 5-27-03; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; 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-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101, § 1, 3-28-22)

## **5.50. BP Business and Technology Park Zone.**

5.50.01. *General description.* This zoning district is intended to provide for a wide range of land uses which are generally categorized in business, industrial and/or office classifications of use, whether in the public or private sectors. The permitted land uses are intended to include those businesses which require building spaces characterized by offices, research and development, manufacturing, and/or combinations of such uses. The permitted uses include, but are not limited to, those which reflect particular emphasis on scientific and engineering applications in product and/or process. The on-site and off-site impacts of such uses are typically similar in kind and degree to such uses located within other zoning districts which allow such uses. Potential impacts are addressed within this district through site-specific planning and design, consistent with the regulations contained herein specific to, but not limited to: area requirements, maximum lot coverage and building height limits, landscaping, utilities, signs, and off-street parking regulations.

The intended and desired effect of the site regulations is to create an attractive park-like setting for the businesses which locate within the park. The planning and design for the park is intended to accomplish an aesthetic environment which is complementary to site features and the surrounding environment. Site features and infrastructure are to be consistent with the park-like design theme.

The BP, Business and Technology Park, zoning district shall be located only within the designated TO, Technology Overlay Zone, subject to the jurisdiction and development review of the Tennessee Technology Corridor Development Authority or its successor, and the planning commission.

5.50.02. *Minimum size of zone.* In order to achieve the above intent an area of sufficient size to permit a spacious design and coordinated arrangement of buildings and facilities is necessary. Therefore, no BP Business and Technology Park Zone may be created which has an area of less than five (5) acres.

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5.50.03. *Uses permitted.* The following uses may be permitted by approval of a development plan that indicates they are within the intent of this zone as described in subsection 5.50.01, "General description," above, that they comply with the development plan standards of subsection 5.50.13, and that they will meet the performance standards of section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones." These performance standards, like all other provisions of this ordinance are continuing obligations and all uses must continue to operate in compliance with the standards. Where SIC codes are indicated after permitted uses, the businesses listed under that classification in the U.S. Department of Commerce Standard Industrial Classification Manual, 1987 Edition, shall be permitted, providing all other requirements of this ordinance are fulfilled.

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any obnoxious dust or smoke, or noxious odor or fumes outside of the building housing the operation or produce any noise level occurring on the adjacent street. Operations shall cause no radiation or radioactivity at any exterior wall and no electrical radiation that affects any operation or equipment other than those of the creator of the radiation. All storage shall be confined to the interior of buildings.

- A. Professional, business, governmental and medical offices in which no activity is carried on catering to retail trade with the general public, and no stock of goods is maintained for sale to customers.
- B. Hospitals, clinics, medical and dental offices, medical and dental laboratories, and veterinary clinics.
- C. [Child care agencies](#)
- D. [Assembly of electrical appliances, electronic instruments and devices, radios and phonographs.](#)
- ~~E~~. Research, development, experimental, or testing laboratories.
- ~~F~~. The manufacturing, compounding, processing, packaging, treatment, or fabrication of ceramics, instruments, optical goods and pharmaceuticals.
- ~~G~~. The manufacturing, compounding, assembling, or treatment of articles of merchandise from prepared materials.
- ~~H~~. Manufacture of electronic components and accessories (SIC 367).
- ~~I~~. Manufacture or assembly of measuring, analyzing, controlling, photographic, and optical instruments (SIC 38).
- ~~J~~. Motion picture production and allied services (SIC 781).
- ~~K~~. Manufacture of miscellaneous electrical parts, including automotive (SIC 369).
- ~~L~~. Manufacture of motor vehicle parts and accessories including mechanical, electrical and electronic parts, components and subassemblies, such as braking systems, safety devices, pollution control mechanisms, and electronically controlled fuel systems.
- ~~M~~. Manufacture of musical instruments (SIC 393).
- ~~N~~. Manufacture of computer and office equipment (SIC 357).
- ~~O~~. Manufacturing electrical switchgear and switchboard apparatus (SIC 3613).
- ~~P~~. Manufacturing relays and industrial controls (SIC 3625).
- ~~Q~~. Manufacture of household audio and video equipment and audio recordings (SIC 365).
- ~~R~~. Manufacture of communications equipment (SIC 366).
- ~~S~~. Other assembly or limited manufacturing uses, of a similar nature, when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the planning commission.

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IS. Retail commercial uses may be approved as part of the overall development proposal, subject to the following conditions:

1. Minimum parcel size for the total development plan shall be twenty (20) acres.
2. Retail uses shall not exceed ten (10) percent of the total floor areas of the approved development plan.
3. Only the following retail uses shall be permitted, provided that there shall be no sales, display or storage of merchandise outside of a fully enclosed building:
  - a. Banks and credit unions.
  - b. Barber shops and beauty salons.
  - c. Book stores.
  - d. Camera and photography supply stores, including film processing.
  - e. Clothing stores.
  - f. Drug stores.
  - g. Dry cleaners.
  - h. Employment services.
  - i. Florists.
  - j. Food stores, including convenience stores without gasoline pumps.
  - k. Gift stores.
  - l. Toy stores.
  - m. Jewelers.
  - n. Restaurants, without drive-through facilities.
  - o. Sales of office supplies, office equipment, and computers.
  - p. Sporting goods stores.
  - q. Accessory uses customarily incidental to any of the above uses, including recreational uses associated with and maintained primarily for the uses permitted above.
4. Retail commercial locations within the development shall be approved as part of the overall development proposal.
5. Building permits for retail commercial development may not be issued until certificates of occupancy have been granted for non retail uses equal to ten (10) percent of the total floor area of the approved development.

UT. 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).

VU. Yard sales and rummage sales.

WV. Churches.

XW. Utility substations, easements, transportation rights-of-way, and alleys.

YX. Order processing centers for goods and services, including television home shopping networks, call centers and internet and catalog order processing centers, corporate and business offices, order

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fulfillment operations and related receiving, warehousing and distribution of goods for sale to customers and incidental on premises sales, subject to the following conditions:

1. Floor areas devoted to on premises, over-the-counter sales to walk-in customers shall not exceed ten (10) percent of the total floor area of the approved development plan.
2. On premises sales may be permitted at special events no more than five (5) times during any calendar year.

~~ZY.~~ Wireless communications facilities, subject to the provisions of article 4, section 4.92.

~~AAZ.~~ Public Safety Facilities.

5.50.04. *Uses permitted on review.*

A. Houses may be permitted by the planning commission as a use-on-review in accordance with the provisions of section 6.50, "Procedure for authorizing uses permitted on review," of this resolution.

~~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."~~

~~BC.~~ 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."

5.50.05. *Nonconforming uses (exception to section 3.60, "Nonconforming uses," of the county zoning ordinance).* Nonconforming churches, houses, agricultural lots and structures existing immediately preceding a change of zoning to the BP, Business and Technology Park Zone shall be allowed to continue, expand, construct or replace structures and other improvements to the property provided that the proposed improvement complies with the requirements of the A, Agricultural Zone.

5.50.06. *Area requirements.* The following requirements shall apply to all parcels within a BP, Business and Technology Park Zone, and to all uses permitted in this zone:

A. *Peripheral boundary.* All buildings or structures shall be set back from the peripheral boundary of a BP, Business and Technology Park Zone, not less than fifty (50) feet. Where the peripheral boundary abuts a residential zone, all buildings and structures shall be set back from that residential zoning line not less than seventy-five (75) feet.

B. *Front yard.* All buildings shall set back from all street right-of-way lines not less than fifty (50) feet.

C. *Side yard.* No building shall be located closer than forty (40) feet to a side yard lot line.

D. *Rear yard.* No building shall be located closer than thirty (30) feet to the rear lot line.

The depth of any rear yard which abuts a residential district shall be not less than fifty (50) feet, provided, however, that no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.

E. *Minimum parcel size.* The minimum parcel size shall be one (1) acre and shall conform to the Tennessee Technology Corridor Design Guidelines as adopted by the Tennessee Technology Corridor Development Authority.

5.50.07. *Maximum lot coverage and height of building.* The maximum area of site permitted to be covered by structures shall be governed by a ground area coverage (GAC) ratio, and the height of structures shall be governed by a floor area ratio (FAR). The GAC is defined as the number of square feet of ground area covered by the building, divided by the square feet of lot area. The FAR is defined as the number of square feet of floor area in a building, divided by the square feet of lot area. The GAC and FAR for any area zoned BP, Business and Technology Zone shall be established at the time of zoning or site plan review upon a recommendation of the planning commission that takes into account the topography, size, accessibility and surroundings of the site and planning



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policy for the area. In no case shall the GAC exceed twenty-five (25) percent nor shall the FAR exceed thirty (30) percent.

5.50.08. *Landscaping regulations.* The following requirements shall apply in this zone:

A. *Required yard.* Any required yard shall be landscaped with live vegetation of a nature normally found in residential areas. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in such a manner as to provide a park-like setting for the district.

B. *Parking areas.* Parking areas shall contain five hundred (500) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area.

Parking areas located closer than fifty (50) feet to public rights-of-way or adjacent property lines shall be screened by evergreen planting that will obtain a minimum height of five (5) feet at maturity.

For each five thousand (5,000) square feet of parking area a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.

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

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

5.50.11. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," except that parking shall not be permitted in the required front yard, or the required side yards.

5.50.12. *Application procedures for business and technology park developments.* Within the BP, Business and Technology Park Zone, no building or structure shall be erected or altered until and unless there shall have been filed with and approved by the planning commission a written application for approval of a plan for the contemplated development within said zone. The application shall be accompanied with the following information:

- A. A description of all operations proposed in sufficient detail to show that the proposed uses are within the intent of the BP, Business and Technology Park Zone, as described in subsection 5.50.01, "General description," and to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety, and welfare of the area. See section 1, "Performance standards for commercial and industrial uses," in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones."
- B. A development plan indicating the following: location of present and proposed buildings, loading docks, driveways, parking lots, other accessory uses, existing wooded areas, proposed landscaping, and trash disposal areas.
- C. Preliminary architectural plans for the proposed building or buildings.
- D. An estimate of the maximum number of employees contemplated for the proposed development and the number of employees per shift.
- E. A storm drainage plan which includes accurate existing and proposed water courses; the system of open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle storm water in times of rainstorms, the calculations used in the design of such systems and the easements required in the construction and maintenance of the drainage system and meeting all requirements of section 6.11, "Grading permit."
- F. Other engineering and architectural plans for the handling of any problems of the type outlined in subsection 5.50.12.A above, including a designation of sewers to be used and necessary plans for controlling smoke or other nuisances.

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- G. Any other information the planning commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing public services to the area. All sewage disposal systems and land requirements for such systems must be approved before a building permit is issued.

5.50.13. The planning commission may approve an overall development plan for a business park comprising an area of twenty (20) acres or more subject to administrative review and approval of plans for development of individual sites or parcels within the park by the planning commission staff.

- A. In lieu of site specific plans as referenced in subsections 5.50.12.B and 5.50.12.C, the overall development plan shall provide design standards for landscaping and architectural features in sufficient detail to allow the planning commission to determine that the development would comply with the intent of the BP Business and Technology Park Zone.
- B. In administratively reviewing plans for specific sites, the staff shall approve any site plan that complies with the above-referenced design standards, the overall development plan approved by the planning commission, and the requirements of the county zoning and subdivision regulations. Planning commission staff decisions may be appealed to the planning commission. Anyone aggrieved by a decision of the planning commission may appeal such decision to the board of zoning appeals, pursuant to article 6, "Administration, enforcement and interpretation," section 6.60, "Board of zoning appeals," of these regulations.

5.50.14. The planning commission shall approve, approve with conditions, or deny the development plan based on the following standards:

- A. Roads, driveways, parking lots and curb cuts are designed so as to promote safe and efficient movement of vehicular traffic.
- B. The development will comply with all applicable requirements of section 1, "Performance standards for commercial and industrial uses," in section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones."
- C. The development will comply with all dimensional and area requirements and requirements for landscaping, parking, signs and utilities contained in this section.

5.50.15. Application for review and approval of WCF shall be subject to the provisions of article 4, section 4.92.

(Ord. No. O-96-1-102, § 1, 1-26-96; Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-97-8-104, § 1, 9-22-97; Ord. No. O-98-3-102, § 1(Exh. A), 4-27-98; Ord. No. O-98-12-101, § 1(Exh. A), 1-25-99; Ord. No. O-00-8-101, § 1(Exh. A), 9-25-00; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-05-3-101, § 1(Exh. A), 4-25-05; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-4-101, § 1(Exh. A), 5-23-11; 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-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101, §§ 1, 2, 3-28-22)

## **5.51. EC Employment Center Zone.**

5.51.01. *General description.* This zoning district is intended to encourage development of business parks and other employment centers that will contribute to the future economic well being of the county; to provide standards and procedures that will minimize any conflicts or adverse impacts of these developments with other properties, public roads or facilities; to provide a zoning district for use in areas meeting the locational standards for industrial parks and technology based development contained in the Knoxville-Knox County General Plan; and

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to provide a zoning district for business and technology park development that requires site plan review and complies with the requirements of the Farragut-Knoxville-Knox County Growth Policy Plan.

5.51.02. *Uses permitted.* Only the following uses may be permitted in this zone. 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 System Manual, 1997 edition, and any subsequent edition, may be permitted providing all other requirements of this ordinance are fulfilled. The permitted uses in any proposal for development shall be identified through the process outlined in subsection 5.51.05, "Administration":

- A. Construction and contracting, including:
  - 1. Building, developing and general contracting (NAICS 233).
  - 2. Heavy construction (NAICS 234).
  - 3. Special trades contractors (NAICS 235).
- B. Manufacturing, including:
  - 1. Food manufacturing (NAICS 311), excluding slaughter of animals and fat rendering.
  - 2. Beverage and tobacco product manufacturing (NAICS 312).
  - 3. Textile mills (NAICS 313).
  - 4. Textile product mills (NAICS 314).
  - 5. Apparel manufacturing (NAICS 315).
  - 6. Leather and allied product manufacturing (NAICS 316).
  - 7. Wood product manufacturing (NAICS 321).
  - 8. Printing and related support activities (NAICS 323).
  - 9. Pharmaceutical and medicine manufacturing (NAICS 3254).
  - 10. Plastics and rubber products manufacturing (NAICS 326).
  - 11. Fabricated metal product manufacturing (NAICS 332).
  - 12. Machinery manufacturing (NAICS 333).
  - 13. Computer and electronic product manufacturing (NAICS 334).
  - 14. Electrical equipment, appliance and component manufacturing (NAICS 335).
  - 15. Transportation equipment manufacturing (NAICS 336).
  - 16. Furniture and related product manufacturing (NAICS 337).
  - 17. Miscellaneous manufacturing (NAICS 339).
- C. Wholesale trade, including:
  - 1. Wholesale trade, durable goods (NAICS 421).
  - 2. Wholesale trade, non-durable goods (NAICS 422).
- D. Transportation and warehousing, including:
  - 1. Air transportation (NAICS 481).
  - 2. Rail transportation (NAICS 482).

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3. Water transportation (NAICS 483).
  4. Truck transportation (NAICS 484).
  5. Transit and ground passenger transportation (NAICS 485).
  6. Pipeline transportation (NAICS 486).
  7. Scenic and sightseeing transportation (NAICS 487).
  8. Support activities for transportation (NAICS 488).
  9. Postal service (NAICS 491).
  10. Couriers and messengers (NAICS 492).
  11. Warehousing and storage (NAICS 493).
- E. Information, including:
1. Publishing industries (NAICS 511).
  2. Motion picture and sound recording industries (NAICS 512).
  3. Broadcasting and telecommunications (NAICS 513).
  4. Information services and data processing services (NAICS 514).
- F. Finance and insurance, including:
1. Monetary authorities and banks (NAICS 521).
  2. Credit intermediation and related activities (NAICS 522).
  3. Securities, commodity contracts and other financial investments (NAICS 523).
  4. Insurance carriers and related activities (NAICS 524).
  5. Funds, trusts and other financial vehicles (NAICS 525).
- G. Real estate and rental and leasing, including:
1. Real estate (NAICS 531).
  2. Rental and leasing services (NAICS 532).
  3. Lessors of other nonfinancial intangible assets, except copyrighted works (NAICS 533).
- H. Professional, scientific and technical services (NAICS 541).
- I. Management of companies and enterprises, including:
1. Management of companies and enterprises (NAICS 551).
  2. Administrative and support services (NAICS 561).
- J. Educational services, excluding elementary and secondary schools (NAICS 611).
- K. Health care and social assistance, including hospitals (NAICS 622).
- L. Other services, except public administration, including:
1. Support activities for agriculture and forestry (NAICS 115).
  2. Support activities for mining (NAICS 213).
  3. Repair and maintenance (NAICS 811).

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- M. Public administration, including:
1. Local, state and federal government offices and programs.
  2. Space research and technology (NAICS 927).
  3. National security and international affairs (NAICS 928).
- N. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- O. In an EC Employment Center Zone development, twenty (20) percent of the land area may be set aside for retail commercial development, subject to the following conditions and requirements:
1. The overall EC Employment Center Zone development must include a minimum of twenty (20) acres.
  2. Only the following retail commercial uses shall be permitted, provided that there shall be no sales, display or storage of merchandise outside of a fully enclosed building.
    - a. Drug stores.
    - b. Convenience stores, without gasoline pumps.
    - c. Restaurants, without drive-through facilities.
    - d. Sales of office supplies, office equipment and computers.
    - e. Employment services.
    - f. Hotels and motels.
    - g. Accessory uses customarily incidental to any of the commercial uses listed in this section.
  3. The locations of commercial uses shall be integrated by means of access within the EC Employment Center Zone development.
- P. Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.
- Q. ~~Child day care centers, agencies, consistent with the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," of these regulations.~~
- R. Adult day care centers, consistent with the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review," of these regulations.
- S. Outdoor storage, subject to the following requirements:
1. Outdoor storage shall be fully screened on all sides by an opaque, ornamental or vegetative screen.
  2. Outdoor storage must be an accessory use to a principal use on the same site.
- T. 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).
- U. Public Safety Facilities.
- 5.51.03. *Area regulations.* The following requirements shall apply to all uses permitted in this zone:
- A. *Minimum size requirements.*
1. Minimum size of an EC Employment Center Zone: Five (5) acres, providing that smaller areas may be rezoned when they directly abut EC Employment Center zoning, regardless of ownership.

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2. Minimum lot size: One (1) acre.
- B. *Height regulations.*
1. No building shall be built to a height exceeding forty-five (45) feet, at the minimum required setback line.
  2. No building shall exceed a height of thirty-five (35) feet, if located within one hundred (100) feet of a residential zone. However, for each additional foot of setback from the minimum setback line, the building height may be increased by one (1) foot to a maximum of forty-five (45) feet.
- C. *Setback requirements.*
1. Front yard setback: A minimum of fifty (50) feet.
  2. Side yard setback: A minimum of fifty (50) feet.
  3. Rear yard setback: A minimum of fifty (50) feet.
- D. *Maximum lot coverage.* Main and accessory building footprints and loading platforms shall not cover more than fifty (50) percent of the lot area.

5.51.04. *Site development standards.* The following standards will guide development in the EC Employment Center Zone:

- A. *Off-street vehicle parking, bicycle parking and sidewalks.*
1. As a supplement to the off-street parking requirements of section 3.50, "Off-street parking requirements," the following shall apply:
    - a. No parking shall be located closer than fifty (50) feet from any public right-of-way, twenty-five (25) feet from any side property line, or twenty-five (25) feet from any rear property line. Parking for commercial uses as described in subsection 5.51.02.O may be located no closer than twenty-five (25) feet from any public right-of-way. The areas between roads and parking lots shall be landscaped with ground cover and one (1) medium or large maturing tree for every fifty (50) feet of the length of the road or lot line. Tree species lists are available through the planning commission.
    - b. The dimensions for required off-street parking spaces may be less than that required under section 3.50, "Off-street parking requirements," provided that those dimensions are approved in the development plan and established through the variance process.
    - c. Where the business is located within a one-quarter ( $\frac{1}{4}$ ) mile walk via sidewalks of a Knoxville Area Transit (KAT) stop, the number of required parking spaces may be reduced by fifteen (15) percent.
    - d. All other provisions of section 3.50, "Off-street parking requirements," shall apply.
  2. Bicycle parking spaces on bicycle racks or in bicycle lockers, as defined by the Knoxville Regional Bicycle Plan, shall be located near the entrances to all buildings within the park or development.
  3. Any EC Employment Center Zone development that is accessed by interior streets or easements shall include at a minimum sidewalks along one (1) side of all streets or easements within the development.
- B. *Loading and unloading areas.*
1. All loading docks shall be located at the rear or side of buildings. Truck and trailer parking shall also be located at the rear or side of buildings. Where the size and/or shape of the building and property, or some physical characteristic of the property (i.e., topography, wetlands, sinkholes,

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etc.), make it infeasible to locate a loading dock at the rear of a building, the loading dock may be located at the side of a building providing that landscaping is used to screen the loading dock from neighboring properties and public rights-of-way.

2. All loading docks shall be set back and permanently screened, either by landscaping, berming or architectural screens, from neighboring properties and public view to minimize the effect of their appearance from neighboring building sites.
3. Vehicle maneuvering for loading and unloading shall not be permitted on abutting rights-of-way.

C. *Landscaping.*

1. A landscaping plan shall be submitted as a part of any application for use-on-review/development plan approval. The species lists for recommended trees are available at the planning commission, or on its website ([www.knoxplanning.org](http://www.knoxplanning.org)). The following minimum standards shall apply:
  - a. Any required yard shall be landscaped with various sizes of native trees. One (1) large maturing tree and one (1) medium or small maturing tree shall be provided per acre of required yard spaces.
  - b. Grass or other natural ground cover shall be used in the required yard spaces. The majority of the area around buildings shall be landscaped with shrubs, and yards shall be maintained in such a manner as to provide a park-like setting for the district.
2. Parking areas.
  - a. Parking areas shall contain one thousand (1,000) square feet of landscaping for every twenty thousand (20,000) square feet, or fraction thereof, of paved parking area.
  - b. For each five thousand (5,000) square feet of parking area, or fraction thereof, a tree shall be provided that will obtain a minimum height of forty (40) feet at maturity.
3. Buffer yards and other screening.
  - a. Within the required building setback, a buffer yard shall be established along any property line that abuts a residential or agricultural zoning district. The planning commission may consider buffer yards in relation to other zones as the site plan is considered.
  - b. The following standards shall apply in buffer yards:

Minimum width: One hundred (100) feet adjacent to residential zones and fifty (50) feet adjacent to agricultural and open space zones.

Landscaping and screening: A combination of medium and large evergreen trees and evergreen shrubs, which will provide an eighty (80) percent screen at maturity from adjoining properties to a height of forty-five (45) feet, shall be planted in the buffer yard.
  - c. Other sight obscuring screens shall be provided with the following minimum heights:

Refuse collection: One (1) foot height higher the refuse container.

Loading areas: Eight (8) feet.

Outdoor storage (where permitted): Six (6) feet.

For these operations, adequate screening can be either natural or architectural material which obscures the line of sight from vehicles, pedestrians, and first story windows. Storage, loading and refuse container screening shall be of a material and design compatible with the overall architecture of the associated structure. The trees and shrubs

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shall cover a minimum of fifty (50) percent of the fence or architectural material in order to soften the screen.

- d. Berms, which have a minimum height of three (3) feet at any point, are strongly encouraged as a technique to screen on-site activities and to provide a buffer between those activities and adjacent properties. Berms should vary in height to provide interest. The plan materials previously identified should be used in landscaping berms.
  - e. Existing trees that shall be conserved to create the buffer and other screening shall be identified on the landscaping plan.
- 4. The planning commission may approve a landscaping plan that differs from the minimum standards if the commission finds that such plan meets the intent of this section.
  - 5. The department of code administration shall verify the installation of landscaping as shown on the approved landscaping plan prior to the issuance of a certificate of occupancy. Installation of planting materials may be delayed until the next planting season, in the event that literal compliance with the above standard would require plants to be installed at a time when they would not survive. In such cases, a certificate of occupancy can be issued prior to the installation of landscaping with the posting of a bond with the county department of engineering and public works to guarantee such installation.
- D. *Lighting.* Lighting of all types shall be directed away from all residential or agricultural zoning districts, or any public rights-of-way. Locate lights to avoid glare or excessive light spillover on adjacent sites and direct exterior lighting away from adjacent properties. Cut-off luminaries shall be used for all parking, road and security lights to reduce the amount of glare and light spillover.
  - E. *Signage.* Signs shall comply with the requirements of subsection 3.90.12, "Employment center zones."

5.51.05. *Administration.* Within the EC Employment Center Zone, no building or structure shall be erected or altered until and unless a written application and development plan for the contemplated development within said district has been filed with and approved by the planning commission. The plan and application shall include the following:

- A. In consideration of the difference in the scale of potential uses and their impact on the environment and the surrounding area, a list of the permitted uses shall be approved by the planning commission and recorded with the county register of deeds prior to the issuance of any permits for the approved EC Employment Center Zone development.
- B. Architectural, landscaping, lighting and signage plans for the proposed development. These plans may be in the form of a design guideline document that is approved with the development plan and is used, via covenants, in developing individual sites or parcels.
- C. A development plan indicating the following: location of present and proposed buildings, loading docks, driveways, parking lots, other accessory uses, existing wooded areas, proposed landscaping, building and free-standing signs, and trash disposal areas.
- D. An estimate of the maximum number of employees contemplated for the proposed development and the number of employees per shift.
- E. A storm drainage plan which includes accurate existing and proposed water courses; the system of open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle storm water in times of rainstorms; the calculations used in the design of such systems; and the easements required in the construction and maintenance of the drainage system, consistent with the requirements of section 6.11, "Grading permit."



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- F. Any other information the planning commission may need to adequately consider the effect that the proposed uses may have upon the environment and on the cost of providing services to the area.

5.51.06. Following the approval of a development plan by the planning commission, the planning commission staff may approve plans for individual sites or parcels. In administratively reviewing plans for specific sites or parcels, the staff shall approve any site plan that complies with the above referenced design guidelines document, the overall development plan approved by the planning commission, and the requirements of the county zoning and subdivision regulations. Planning commission staff decisions may be appealed to the planning commission. Anyone aggrieved by a decision of the planning commission may appeal such decision to the board of zoning appeals, pursuant to article 6, "Administration, enforcement and interpretation," section 6.60, "Board of zoning appeals," of these regulations.

5.51.07. The planning commission shall approve, approve with conditions, or deny applications for uses on review, as described in this section and in compliance with relevant county zoning and subdivision regulations.

5.51.08. Application for review and approval of WCF shall be subject to the provisions of article 4, section 4.92.

(Ord. No. O-03-2-101, § 1(Exh. A), 3-24-03; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-07-4-101, § 1(Exh. A), 5-29-07; 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-19-5-101, § 1(Exh. A), 6-24-19; Ord. No. O-22-2-101, §§ 1, 2, 3-28-22)