

5.32. - CB Business and Manufacturing Zone.

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

5.32.02. *Uses permitted.*

- A. Aircraft landing fields, hangars, and equipment.
- B. Amusement resorts.
- C. Armories, undertaking establishments, and assembly halls.
- D. Signs as permitted by section 3.90, "Signs, billboards, and other advertising structures," of this resolution.
- E. Book bindery.
- F. Bottling or packaging works.
- G. Building contractors', building, electrical, and plumbing supply establishments.
- H. Canneries.
- I. Churches, schools, libraries, and museums.
- J. Creamery.
- K. Dry cleaning shops, except that such use shall not include fabric dyeing.
- L. Electrical appliances and equipment assembly.
- M. Electronic equipment assembly and manufacturing.
- N. Engraving and/or printing plant.
- O. Farming, including all types of agriculture and horticulture, except as noted below under subsection 5.32.03, "Uses permitted on review," subsection L.
- P. Furniture manufacturing.
- Q. Garage apartments.
- R. Hotels, motels, and transient mobile home parks, provided that water and sewage disposal plans meet the requirements of the county health department.
- S. Ice manufacture or storage of not more than twenty (20) tons of ice.
- T. Instrument and meter manufacturing.
- U. Laundry and dry cleaning establishments.
- V. Leather goods fabrication.
- W. Lodging and boarding houses.
- X. Lumber yards for sale, storage or distribution, but not manufacturing.
- Y. (Deleted May 5, 1970.)
- Z. Monument engraving and sales, but no stone cutting, grinding or polishing.
- AA. Motor vehicles and bicycle service and repair shops, skating rinks, dance halls and establishments selling beer for consumption on the premises.

- BB. Offices, banks, theaters, indoor and outdoor except that in any outdoor theater the screen of such shall be so erected or located that its face, or that side upon which the motion picture image is projected, shall not be visible from any state highway, studios, photograph galleries, barber shops, police and fire stations, service stations, restaurants, cafes and lunch rooms, grocery, clothing or shoe stores, and other retail business or commercial enterprise which is similar in character and not injurious to adjacent premises or occupants thereof by the emission of dust, fumes, smoke, odor, noise, or vibration.
- CC. Optical goods manufacturing.
- DD. Paper products fabrication.
- EE. Produce markets.
- FF. Portable sawmills.
- GG. Public utility service yard or electrical receiving or transforming station.
- HH. Retail poultry business, provided that the enterprise is conducted in strict compliance with the regulations of the Health Department, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odors, or noise.
- II. Roadside stands.
- JJ. Sporting goods manufacturing.
- KK. The manufacturing, compounding, processing, packaging and treatment of bakery goods, candy, and food products.
- LL. Wholesale, warehousing, or distribution enterprise.
- MM. Any other retail, wholesale, or light industrial use similar in nature to those described.
- NN. Truck, tractor, and heavy equipment sales, but not motor freight terminals.
- OO. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations," subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
- PP. Yard sales, rummage sales and flea market.
- QQ. Wireless communications facilities, subject to the provisions of article 4, section 4.92.
- RR. Commercial mulching operation, subject to the requirements of article 4, "Supplementary regulations," section 4.96, "Standards for the use on review approval of commercial mulching operations."
- SS. Indoor paintball ranges.
- TT. Storage of school buses under contract to a public or private school system. See article 3, "Supplementary regulations," section 3.54, "Storage of school buses," for development criteria for school bus storage facilities.
- UU. Contractor's storage yard.

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."
- F. Self-service storage facilities.
- G. 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.
- H. Marinas and boat livery subject to the requirements set forth in section 4.30, "Standards for marina and boat livery development," of these regulations.
- I. 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."
- 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."

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, 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.

5.32.06. *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](#))

5.90. - TO Technology Overlay Zone.

5.90.01. *General description.* The TO, Technology Overlay Zone, is established to provide for physical development review in the Tennessee Technology Corridor area of the county by the Tennessee Technology Corridor Development Authority (TTCDA). Within the TO, Technology Overlay Zone, no base zoning may be changed, no variance from the provision of the zoning ordinance may be granted and no building or grading permit may be issued prior to the issuance of a certificate of appropriateness by the TTCDA except for a residential or agricultural use or any use within the Town of Farragut or City of Knoxville defined by the jurisdictional boundaries at the time of enactment of Private Chapter No. 148, Senate Bill No. 1230 of the Private Acts of 1983, hereafter referred to as the Act unless otherwise set forth below.

5.90.02. *Permitted uses.* Property and buildings in the TO, Technology Overlay Zone, shall be used for purposes permitted by the base zoning in effect at the time of TO, Technology Overlay zoning, or as permitted by subsequent base zones approved by the county commission.

5.90.03. *Area regulations, height regulations, signs, landscaping, parking and other requirements.* Unless set forth below, requirements for yards, set backs, lot area, maximum lot coverage, height of structures, signs, landscaping, parking, exterior lighting, utilities, loading, storage and all other requirements are to be in accordance with any recommendation of the TTCDA pursuant to its adopted design guidelines and with base zoning district requirements in effect at the time of TO, Technology Overlay zoning or as subsequently amended.

5.90.04. *Prohibited uses and structures.* Junk yards, billboards and movable or portable advertising or business signs including signs mounted upon trailers, not securely affixed to the ground or to any building are prohibited in the TO, Technology Overlay Zone.

5.90.05. *Pellissippi Parkway access.* Access to properties fronting on Pellissippi Parkway shall be from an existing roadway or from a new public road constructed according to the officially adopted Tennessee Technology Corridor Comprehensive Development Plan, or from a private road constructed according to that plan or a development plan approved by the TTCDA according to this ordinance. No new median cuts shall be provided.

5.90.06. *Minimum parcel size.*

A. Minimum parcel size for areas within nonresidential zones shall be one (1) acre, except as permitted by an approved development plan. Floor area ratios (FAR) shall not exceed thirty (30) percent and ground area coverage (GAC) shall not exceed twenty-five (25) percent. Parcels zoned BP, Business and Technology Park that are smaller than five (5) acres shall be treated as substandard parcels by the Tennessee Technology Corridor Design Guidelines Technology Corridor Design Guidelines.

B. Minimum parcel size for residential zones shall be regulated by the regulations of each base zone.

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

5.90.08. *Certificate of appropriateness.*

- A. *Certificate required.* No rezoning or variance to zoning provisions shall be granted, nor shall construction, alteration, repair, rehabilitation or relocation of any building, structure or other improvement to real property situated within the TO, Technology Overlay Zone, be performed without the issuance of a certificate of appropriateness by the TTCDA. No building permit issuing authority in the county shall issue any such permit for a new structure or improvements within the TO, Technology Overlay Zone, without issuance of a certificate of appropriateness by the TTCDA or by the county commission on appeal.
- B. *Excluded areas.* The structures, facilities and land uses identified herein shall not be required to apply for a certificate of appropriateness from the TTCDA.
 - 1. Agricultural uses and structures or appurtenances located in an A, Agricultural Zone, and used solely for the production of products for sale to wholesale or retail markets and not part of or functionally related to manufacturing, commercial, or industrial enterprises within the TO, Technology Overlay Zone.
 - 2. Residential structures when such structures are located within subdivisions approved by local planning commissions or otherwise permitted by the general law. Medium and high density residential developments, as defined by the Knoxville-Knox County General Plan, or its successors, shall not be exempt.
 - 3. All uses within incorporated areas of Farragut and Knoxville defined by the jurisdictional boundaries at the time of enactment of the Act. Areas annexed by any municipality subsequent to enactment of the Act shall not be exempt.

5.90.09. *Application procedures.* All applications for rezoning, variance, and building or grading permit shall be reviewed by the TTCDA or TTCDA staff for compliance with the adopted Tennessee Technology Corridor Comprehensive Development Plan and Tennessee Technology Corridor Design Guidelines. The TTCDA shall within a reasonable time period, but in no case more than sixty (60) days following initial consideration of an application by the authority meeting in regular session, grant a certificate of appropriateness with or without attached conditions, or deny the certificate, and shall state in writing its reason for approval or denial. Failure by the TTCDA to act upon an application within the required time period shall constitute approval of the certificate, unless an extension is granted by request of the applicant. Approval of a certificate of appropriateness for rezoning does not constitute an amendment of the zoning. Approval of a certificate of appropriateness for a variance does not constitute approval of the variance. Approval of a certificate of appropriateness for a building permit does not constitute issuance of a building permit.

- A. *Minimum data requirements.*
 - 1. *Rezoning.* The minimum submission for a certificate of appropriateness for zoning shall be a copy of the application for rezoning submitted to MPC.
 - 2. *Variance.* The minimum submission for a certificate of appropriateness for a variance is all information needed to show that the variance is necessary, due to unique circumstances not created by the applicant, to relieve the applicant of undue hardship created by the requirements of the TO, Technology Overlay Zone or the base zoning district; that the variance is the minimum necessary to allow the use of the land in the same way as other land in the same zone; and that the relief sought may be granted without substantially impairing the intent of the TO, Technology Overlay Zone, the base zone or the Tennessee Technology Corridor Comprehensive Development Plan.
 - 3. *Building permit or grading permit.* A development plan for an entire parcel, even when development phasing is being considered, must be submitted to the TTCDA for approval prior to the TTCDA issuance of a certificate of appropriateness for a building or grading permit. The development plan shall meet all the requirements of the minimum regulations for the subdivision of land in the county and shall be accompanied with information required by the adopted procedures of TTCDA.
- B. *Supplemental data.* Dependent upon the nature of the development proposal, supplemental data, as described below, may be required by the TTCDA. For all planned zones, including PR,

Planned Residential, PC, Planned Commercial, BP, Business and Technology Park, SC, Shopping Center, T, Transition, and OS, Open Space, the same data and the same guidelines used by the TTCDA will be applied by MPC in addition to MPC's data and guidelines, which shall also be applied. All plans must be prepared by a registered engineer or architect.

1. A description of all operations proposed in sufficient detail to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, smoke, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety, and welfare of the area. See section 4.10, "Supplementary regulations applying to a specific, to several, or to all zones," section 1, "Performance standards for commercial and industrial uses."
2. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping and signs, other necessary uses, and any development phasing.
3. Preliminary architectural plans showing elevations, areas, height, materials and other information necessary to evaluate proposed building(s).
4. An estimate of the maximum number of employees contemplated for the proposed development and the number of employees per shift.
5. 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. Erosion and sediment control measures suggested in the Knox County Erosion and Sediment Control Handbook, 1981, or subsequent editions, shall be utilized.
6. Other engineering and architectural plans including a designation of sewers to be used and plans for abating any effects described in subsection 1., above, or any other nuisances. All sewage disposal systems and land requirements for such systems must be approved by the county health department before a certificate of appropriateness can be issued.
7. Any other information the TTCDA 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.

5.90.10. *Stop order.* A stop order will be issued if construction of any part, or phase, of the development is not in compliance with the approved plans.

5.90.11. *Revisions of development plans.* A revised development plan shall be submitted to the TTCDA for approval of any changes, or extensions to the development plan. This shall include previously approved certificates of appropriateness for building, grading or sign permits. TTCDA may approve revised development plans which are consistent with this resolution and with Tennessee Technology Corridor Design Guidelines. Minor revisions to development plans may be approved by the TTCDA executive director, or designee, provided such changes:

- A. Do not alter the basic relationship of the proposed development to adjacent property or streets and roads.
- B. Do not alter the uses permitted.
- C. Do not increase the area of development by more than five (5) percent of the previously approved square footage.
- D. Do not require the approval of a waiver to the Tennessee Technology Corridor Design Guidelines, or a variance to the zoning ordinance for the county.

5.90.12. *Appeal of authority actions.* Any interested party who is aggrieved by any action of the TTCDA including the approval or denial of a certificate of appropriateness may appeal its decision to the county board of commission by filing an appeal on the designated form and paying such filing fees as may be required within thirty (30) days of the action of the TTCDA. The action that is appealed may be overruled by an affirmative majority vote of the county board of commission. All appeals shall be heard

within sixty (60) days of filing of application for appeal. Appeal from the action of the county board of commission shall be by writ of certiorari as provided in the general law and shall be filed within thirty (30) days of such action.

(Ord. No. O-06-1-101, § 1(Exh. A), 2-27-06; Ord. No. O-11-7-104, § 1(Exh. A), 8-22-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)