

5.90 TECHNOLOGY OVERLAY ZONE (TO)

5.90.01 General Description

The Technology Overlay Zone is established to provide for physical development review in the Tennessee Technology Corridor area of Knox County by the Tennessee Technology Corridor Development Authority (TTCDA). Within the 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 Technology Overlay Zone shall be used for purposes permitted by the base zoning in effect at the time of Overlay zoning, or as permitted by subsequent base zones approved by the Knox 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 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 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 non-residential zones shall be one (1) acre, except as permitted by an approved development plan. Floor area ratios (FAR) shall not exceed .30 and ground area coverage (GAC) shall not exceed .25. Parcels zoned BP Business and Technology Park that are smaller than five acres shall be treated as substandard parcels by the Tennessee 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 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 Technology Overlay Zone be performed without the issuance of a Certificate of Appropriateness by the

TTCDA. No building permit issuing authority in Knox County shall issue any such permit for new structure or improvements within the Technology Overlay Zone without issuance of a Certificate of Appropriateness by the TTCDA or by the Knox 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 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 Technology Overlay Zone.
2. All residential structures when such structures are located within subdivisions approved by local planning commissions or otherwise permitted by the general law.
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 Technology Corridor Comprehensive Development Plan and Design Guidelines. The TTCDA shall within a reasonable time period, but in no case more than sixty days following submission of application, 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 Technology Overlay Zone or the base zoning district; that the variance is the minimum necessary to allow the use of the land in same way as other land in the same zone; and that the relief sought may be granted without substantially impairing the intent of the Technology Overlay Zone, the base zone or the 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 Knox 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, (Planned Residential, Planned Commercial, BP Business and Technology Park, Shopping Center, Transition, and 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 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, catchbasins, 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 paragraph A, above, or any other nuisances. All sewage disposal systems and land requirements for such systems must be approved by the Knox 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 TTCDA adopted 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 5% of the previously approved square footage.
- D. Do not require the approval of a waiver to the TTCDA *Design Guidelines*, or a variance to *Knox County Zoning Ordinance*.

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 Knox County Board of Commission by filing an appeal on the designated form and paying such filing fees as may be required within thirty days of the action of the TTCDA. The action that is appealed may be overruled by an affirmative majority vote of the Knox County Board of Commission. All appeals shall be heard within sixty days of filing of application for appeal. Appeal from the action of the Knox County Board of Commission shall be by Writ of Certiorari as provided in the general law and shall be filed within thirty days of such action.

5.13 PLANNED RESIDENTIAL ZONE (PR)

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 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. Commercial uses. (Planned unit development occupying not less than twenty acres only.)

Commercial uses shall include marinas and boat liveries, provided they meet the requirements of Section 4.30 of these regulations. One acre of commercial uses may be permitted for each one hundred units in the

project provided that twenty-five 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 of these regulations.

- C. 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 thirty-five 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 percent of the gross development area for a planned unit development occupying twenty or more acres or ten percent for a planned unit development occupying more than eight but less than twenty acres.
- D. Education uses.
- E. Community facilities uses such as churches and other religious institutions and nonprofit clubs such as country clubs, swimming and/or tennis clubs.
- F. Other uses, deemed compatible with the proposed development by the Planning Commission, including home occupations subject to Section 4.90.
- G. Demolition landfills less than one (1) acre in size subject to Article 4, Section 4.80.01A.
- H. Yard sales and rummage sales
- I. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:
 - 1. The total lot area shall not be less than 10,000 square feet.

2. The building must provide 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 2,500 square feet shall be provided. No portion of the fenced play area shall be closer than 35 feet to any public right-of-way. The minimum height of the fence shall be 4 feet.
4. Off-street parking, as regulated in Article 3.50. 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.

5.13.03 Uses Permitted On Review

- A. Group day care homes, if the provider does not live on site, provided they meet the requirements of Article 4.91, and child day care centers, provided they meet the requirements of Article 4.91.
- B. Commercial telecommunications towers.
- C. Assisted living facilities.
- D. Adult day care centers, provided they meet the requirements of Article 4.98.

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

There shall be a minimum front yard set back as follows:

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

5.13.06 Periphery Boundary

All buildings or structures shall be set back from the periphery boundary not less than thirty-five feet unless adjacent to planned residential zoning where the Planning Commission may reduce this set back to not less than fifteen feet.

5.13.07 Side Yard

Side yards shall be provided where buildings or structures are provided on individual lots as follows:

- A. As determined by the Planning Commission but not greater than fifteen feet unless this set back is also the periphery boundary.
- B. Where side yards are reduced to zero 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 MPC.

5.13.08 Rear Yard

- A. As determined by the Planning Commission but the Planning Commission may not require a set back greater than thirty-five 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 feet.

Side: Not less than five feet.

Rear: Not less than fifteen feet.

Accessory structures, when not controlled by the periphery boundary setback, shall be subject to the minimum accessory structure setbacks of the RA 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 square feet in size and which shall average four thousand 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 Tennessee State Law shall be permitted to create lots less than three thousand square feet in size subject to Metropolitan Planning Commission approval of a site plan, consistent with the intent as stated in the general description of this section.

5.13.11 Maximum Size Coverage

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

5.13.12 Height Regulations

- A. Houses and duplexes shall not exceed three 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 dwelling units per acre excluding areas set aside for churches, schools, or commercial uses.

5.13.14 Off-Road Parking

As regulated in Section 3.50 of these regulations.

5.13.15 Administrative Procedure for a Planned Residential Development.

- A. The Planning Commission may recommend establishment of a Planned Residential Zone or an application may be made to the Planning Commission for rezoning to Planned Residential in accordance with the regulations set forth in Section 6.30 of this resolution.
- B. No building permit shall be issued for development of any property within a 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 dwelling units per acre or greater. Said application shall be made in conformity with Section 6.50 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 of Tennessee.
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 his designated representative, by an appropriate governmental agency, or the County Board of Commissioners.