

SUB-CHAPTER 2.6
GENERAL BUSINESS DISTRICT "E" REGULATIONS

SECTION

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14-2.601. Scope. This district provides space for commercial uses which provide services primarily to community residents of the City of Alcoa. The intent is to permit lands adjacent to major arterial highways as designed by the Alcoa Major Road Plan to be used for the provision of general commercial and business services to the community. These commercial uses are intended to be designed to minimize disruption of traffic flows and negative impacts on adjacent residential uses. Within a General Business District as shown on the Zone Map of the City of Alcoa, the following regulations shall apply. (Ord. #338, as amended by Ord. #99-034, Dec. 1999)

14-2.602. Uses permitted.

- (1) Generally recognized retail sales.
- (2) Financial and real estate services.
- (3) Professional, personal and business services.
- (4) Hotels and motels.
- (5) Restaurants, tea rooms, cafes or other similar places servicing food or beverage. Outdoor seating shall be permitted, provided the total number of outdoor seats does not exceed twenty (20) percent of the total number of indoor seats, excluding banquet seating.
- (6) Public garage, motor vehicle sales, service garage, automobile repair shops and other motor vehicles service (including heavy equipment service), provided the conduct of any such use shall be limited as follows:
 - a. No repairing shall be done within 50' of any Residence District unless, conducted wholly within a building and provided that the building wall facing the Residence District shall have no openings other than stationary window openings;
 - b. No entrance or exit shall be within 50' of any Residence District.
- (7) Public, governmental and general offices.
- (8) Medical, dental and veterinary facilities.
- (9) Indoor kennel facilities, provided the following development criteria are met:
 - a. The building shall be sound proofed to prevent the noise of barking dogs being heard outside the building. A certification verifying the sound proofing capabilities must be submitted with the site plan; and
 - b. No outdoor fencing shall be located on the premises.
- (10) Mortuary establishments (including funeral parlor, mausoleum or cemetery).
- (11) Commercial greenhouses, nurseries and other similar uses, provided the following development criteria are met:

- a. There shall be a minimum lot size of two (2) acres;
- b. Merchandise and/or any other material are displayed or stored in a permanent area designed for such use and are not displayed or stored on any sidewalks, walkways, parking spaces or other vehicle ways;
- c. Required yard setbacks for buildings are met for the storage/display area and for all temporary structures;
- d. Outdoor areas used for growing products must be set back a minimum of 30 feet in the front yard and 25 feet in the side and rear yards. Setbacks shall be measured from the nearest point of any property line; and
- e. Security fencing located in the front yard shall be screened with a minimum of one (1) large evergreen shrub per five (5) linear feet of fence and shall be a minimum of three (3) feet in height at the time of planting.

(12) Mini-warehouse facilities, provided the following development criteria are met:

- a. There shall be a minimum lot size of three (3) acres;
- b. A minimum of a 25 foot buffer strip along the rear and side property lines shall be developed and maintained. A minimum of a six (6) foot privacy fence or wall shall be constructed along the interior line of the buffer strip. Such fence or wall shall be constructed of wood, block, or other similar opaque material;
- c. Security fencing located in the front yard shall be screened with a minimum of one (1) large evergreen shrub per five (5) linear feet of fence. Such large shrubs shall be a minimum of three (3) feet in height at the time of planting.

(13) Places of amusement and assembly;

(14) Trade or business school or private school operated as a commercial enterprise, provided that access shall be directly to a street having a designated classification of collector or greater;

(15) Sexually oriented businesses as defined in Ordinance No. 99-020, the terms of which by reference are incorporated herein as fully as if set forth verbatim herein; however, such businesses shall not be permitted on any property which is within 1,000 feet of the following:

- a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- b. A public or private educational or child care facility, including but not limited to, day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, middle school, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, and the school grounds of any such facility, provided that this requirement shall not apply to facilities used primarily for another purpose and only incidentally as a school;
- c. A boundary of any residential zoning district or the property line of a lot devoted to a residential use, including single family detached and attached dwellings, nursing homes and assisted living facilities;
- d. A public or private park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas of other similar public land which is under the control, operation or management of any government park and recreation authority, private corporation or non-profit agency;
- e. An entertainment business which is oriented primarily towards entertainment for children or families, including, but not limited to, any business featuring movie theaters, game rooms which include games intended primarily for children, or other similar recreation or entertainment or athletic facilities;

f. A funeral parlor, mausoleum or cemetery.

For the purpose of enforcement of (14) of this subsection, the following will apply:

1. Measurement of sexually oriented businesses shall be made in a straight line, without regard to intervening structure or objects, from the nearest point of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in (14) a-f above. The presence of a city boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

2. A sexually oriented business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of the sexually oriented business, of a use listed in (14) of this subsection, within 1,000 feet of the sexually oriented business.

3. No sexually oriented business may be established or operated within 1,000 feet of a pre-existing sexually oriented business. For purposes of this section, the distance between any two sexually oriented business shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the nearest portion of the building or structure used as the part of the premises where the pre-existing sexually oriented business is conducted to the nearest property line of the premises proposed for the location of a sexually oriented business. No structure or parcel that contains any sexually oriented business shall contain any other kind of sexually oriented business.

4. No sexually oriented business may be enlarged so as to violate the provisions of this section.

(16) Day care facilities, provided that:

a. The total lot area shall not be less than 15,000 square feet;

b. That a fenced play area of not less than 4,000 square feet shall be provided for the first 20 or less children, with 100 square feet additional for each additional child. No portion of the fenced play area shall be located closer than 35 feet to any public street;

c. That in addition to the requirements above, the facilities operation and maintenance meet the requirements of the Tennessee Department of Human Services; and

d. Off-street parking meet the requirements prescribed in Section 14-2.708.

(17) Churches and other places and worship;

(18) Schools, public and private, provided that:

a. Access shall be directly to a street having a designated classification of collector or greater;

b. There shall be a minimum lot size of four (4) acres; and

c. The lot on which the school is located must be a free-standing parcel.

(19) Indoor theaters;

(20) Indoor recreational facilities;

(21) Cultural activities;

(22) Miniature golf courses, golf courses, driving ranges, batting cages, tennis courts, swimming pools and skating facilities;

(23) On-premises signs, as regulated by Chapter 4, Title 14, Alcoa Municipal Code. (Ord. #338, as amended by Ord. #99-034, Dec. 1999, Ord. #17-431, Nov. 2017)

14-2.603. Uses permitted as special exceptions. The following uses may be permitted on review by the Board of Zoning Appeals in accordance with provisions contained in Sections 13-7-206 and 13-7-207 of the Tennessee Code Annotated.

(1) Elderly housing facilities, provided that:

- a. At least a portion of the development be adjacent and contiguous to the right-of-way of a major or minor arterial, with access to be onto said major or minor arterial;
 - b. All buildings, principal or accessory, be set back at least 100 feet from the street right-of-way and 100 feet from side and rear property lines;
 - c. Any accessory use such as dining facilities, beauty/barber shops, retail store or pharmacy, shall be for the use and benefit of the residents of the development and shall be oriented so that such uses are not readily identifiable from a public street or surrounding properties;
 - d. All buildings shall have fire detection and abatement systems, as is required by any applicable local and/or state codes. Additional safety features, such as an emergency signal system in each unit, are encouraged.
 - e. Limited nursing care and medical facilities may be approved as a part of the development. An elderly housing development may include nursing home facilities as defined in this ordinance; any such facilities shall be so located within the development so that such care and facilities are separated in an appropriate manner from the rest of the development.
 - f. All elderly housing projects must be on sewer;
 - g. Ten (10) percent of the gross land area must be dedicated and developed as outdoor recreation/open space. Outdoor recreation may include landscaped garden areas with walks and seating, a community vegetable garden for residents, greenhouse, shuffleboard courts, etc. Indoor recreation areas must also be provided which may include areas for social and craft activities;
 - h. The minimum land area of such development must be five (5) acres, with the combined total of all floor area under roof not to exceed 35 percent of the total site;
 - i. All regulations of the General Business "E" zoning district shall Prevail;
 - j. The maximum density shall not exceed 10.5 elderly housing units per acre;
 - k. On-site incineration of any type is prohibited.
- (2) Group housing facilities, provided that:
- a. At least a portion of the development be adjacent and contiguous to the right-of-way of a major or minor arterial, with access to be onto said major or minor arterial;
 - b. Such development consist of two or more buildings which may be clustered on a lot of not less than four (4) acres not subdivided into the customary streets and lots, and which will not be subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing project;
 - c. Such development be in harmony with the character of the neighborhood;
 - d. Ten (10) percent of the gross land area be dedicated and developed for open space/recreational purposes, of which none of the required area can be doubled for use as detention facilities for storm water runoff;
 - e. No commercial activity be permitted except self-service laundry facilities to serve residents of the project. Such facilities may be provided to residents of group housing if no advertisement or general solicitation is undertaken and where the board determines the scale of operation to be accessory to the dwelling units;
 - f. The permitted uses of this zoning district, as well as height, lot coverage and all other regulation, prevail;
 - g. On-site incineration of any type is prohibited.
- (3) Nursing home facilities, provided that:
- a. The total lot area shall not be less than five (5) acres;

b. The combined total of all floor area under roof shall not exceed 35% of the total site;

c. At least a portion of the development site be adjacent and contiguous to the right-of-way of a major or minor arterial, and that access be onto said major or minor arterial;

d. Said development be on sewer;

e. On-site incineration of any type is prohibited.

(4) Residential as part of an overall comprehensive development plan located on the second story and above of a building, or as a sole use. Each unit planned shall include a minimum amount of dedicated land area totaling 2,000 square feet for a maximum density of 21.78 dwelling units per acre. Units shall be limited to attached, multi-family duplexes, townhomes, condominiums and apartments. The minimum lot (or façade) width shall be twenty (20) feet along street frontages. Units not planned to be located on the second story and above (i.e., a sole residential use building) shall be a minimum of two (2) stories in height. A landscaping plan, including a pedestrian circulation plan for connectivity between buildings and public sidewalks, shall also be incorporated into the development plan to screen or buffer adjacent uses and enhance open space areas.

(5) Farmers' market—a group of growers who gather on temporary premises for the purpose of selling their products directly to the public—provided that:

a. At least a portion of the development is adjacent and contiguous to the right-of-way of a major or minor arterial, with access to be onto said major or minor arterial;

b. Such development be in harmony with the character of the surrounding area;

c. The permitted uses of this zoning district, as well as height, lot coverage and all other regulation prevail;

d. Any displays shall not obscure the visibility of the traveling public;

e. The execution of some form of contract allowing the use of said premises for the exhibition and sale of merchandise to the public.

(6) Methadone treatment clinic or facility, substance abuse treatment facilities, provided that:

a. The consideration for approval by the Alcoa Board of Zoning Appeals shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee;

b. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for approval, along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the board of zoning appeals for use in making a thorough evaluation of the proposal;

c. The clinic or facility shall be located on and have access to a principal arterial street; and,

d. Measurement shall be made in a straight line on the Alcoa Zoning Map from the nearest property line of the lot on which the methadone/substance abuse treatment clinic or facility is situated to the nearest property line of the following uses:

1. Not less than one-half (1/2) mile from any other methadone/substance abuse treatment clinic or facility;

2. Not less than 1,000 feet from any residentially zoned property at the time of approval;

3. Not within 1,000 feet of any establishment that sells alcoholic beverages for either on or off-premise consumption;

4. Not within 1,000 feet of a school, day care facility, park, church, cemetery or mortuary;

5. Not within 1,000 feet of any amusement catering to family entertainment; and,
 6. Not within 1,000 feet of any area devoted to public recreation activity.
- (7) Pain management clinics, provided that:
- a. The consideration for approval by the Alcoa Board of Zoning Appeals shall be contingent upon said clinic meeting and maintaining all licensing and permit requirements of the State of Tennessee, as per Tennessee Code 63-1-301, et seq.;
 - b. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for approval, along with the license of the applicant and other permit requirements of the State of Tennessee (as per TCA 63-1-301, et seq.), site plan, survey or other information deemed reasonable by the board of zoning appeals for use in making a thorough evaluation of the proposal;
 - c. The clinic or facility shall be located on and have access to a principal arterial street;
 - d. The clinic or facility abutting a residentially zoned property (or allowed as a special exception) shall be secured from access across such abutting property lines by a fence no less than six (6) feet in height;
 - e. Measurement shall be made in a straight line on the Alcoa Zoning Map from the nearest property line of the lot on which the pain management clinic is situated to the nearest property line of the following uses—
 1. Not less than one-half (1/2) mile from any other pain management or methadone/substance abuse treatment clinic or facility;
 2. Not less than 1,000 feet from any residentially zoned property at the time of approval;
 3. Not within 1,000 feet of any establishment that sells alcoholic beverages for either on or off-premise consumption;
 4. Not within 1,000 feet of a school, day care facility, park, church, cemetery or mortuary;
 5. Not within 1,000 feet of any amusement catering to family entertainment;
 6. Not within 1,000 feet of any area devoted to public recreation activity. (Ord. #338, as amended by Ord. #99-034, Dec. 1999, #12-293, August 2012, Ord. #17-431, Nov. 2017, Ord. #18-445, June 2018)

14-2.604. Height of building. No building shall exceed 70 feet in height, or five (5) stories, provided each yard required herein is increased an additional one (1) foot for each foot in height such building exceeds 45 feet. (Ord. #338, as amended by Ord. #99-034, Dec. 1999)

14-2.905. Area regulations.

(1) Front yard. There shall be a front yard of not less than 40 feet in width. If located on one of the adopted corridors, the front yard shall not be less than that required.

(2) Side yard. There shall be a side yard of not less than ten (10) feet in width. An increase to the yard width shall be applied when adjacent to property zoned residential, as regulated under the provisions for Buffer Strips within this sub-chapter.

(3) Rear yard. There shall be a rear yard of not less than ten (10) feet in width. An increase to the yard width shall be applied when adjacent to property zoned residential, as regulated under the provisions for Buffer Strips within this sub-chapter.

(4) Lot coverage. There shall be a maximum lot coverage/total impervious surface area of not more than 70 percent.

(5) Lot size. There shall be a minimum lot size of not less than one (1) acre.

(6) Zero lot lines and other reduced yards. Zero lot lines and other reduced yard minimums for building setbacks may be permitted for special exception residential uses, per an approved development plan. Minimum building setbacks shall not be reduced when adjacent to a roadway right-of-way classified greater than a local street on the City of Alcoa's adopted thoroughfare plan, and along all boundary lines perimeter to the development. In such instances, the use of common area and open space lots shall not be deemed to interfere with such building setbacks (i.e., minimum building setbacks may be measured from the roadway right-of-way or exterior boundary perimeter line of a common area, or open space lot, to the building planned on an adjacent lot).

(7) Buffer strips. There shall be a minimum buffer strip of 25 feet in width on all side and rear property lines when the abutting property is zoned residential, with all existing mature vegetation to be preserved and incorporated into the buffer strip. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within a buffer strip. (Ord. #338, as amended by Ord. #98-014, #98-015 and #99-034, Dec. 1999, Ord. #17-431, Nov. 2017, Ord. #18-445, June 2018)