

CASE SUMMARY

APPLICATION TYPE: ORDINANCE AMENDMENT

KNOXVILLE · KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building
4 0 0 M a i n S t r e e t
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
F A X • 2 1 5 • 2 0 6 8
w w w • k n o x m p c • o r g

File Number: 12-B-11-OA
Application Filed: 11/16/2011
Applicant: KNOXVILLE CITY COUNCIL

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location:

Other Parcel Info.:

Tax ID Number: 999 999

Jurisdiction:

Size of Tract:

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:

Surrounding Land Use:

Proposed Use:

Density:

Sector Plan:

Sector Plan Designation:

Growth Policy Plan:

Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:

Location:

Proposed Street Name:

Department-Utility Report:

Reason: Amendments to the City of Knoxville Zoning Ordinance regarding electric security fences.

ZONING INFORMATION (where applicable)

Current Zoning:

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: Amendments to the City of Knoxville Zoning Ordinance regarding electric security fences.

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): no immediate amendment to the zoning ordinance is needed with regard to its recent approval of an ordinance establishing requirements for electric security fences.

Staff Recomm. (Full): Staff recommends that the Planning Commission recommend to City Council that no immediate amendment to the zoning ordinance is needed with regard to its recent approval of an ordinance establishing requirements for electric security fences. Rather, an electric security fence that is a component of a permitted outdoor storage, open storage, sales yard or storage yard should be treated as part of a principal permitted use in the appropriate zone districts and be subject to the required minimum setbacks established for each district.

In addition, MPC could be directed to review the issue of outdoor storage in all its forms and fences with all their different requirements and make recommendations for a comprehensive, unified treatment of these uses and structures

Comments:

To comply with the decision of the Tennessee Supreme Court in its decision in the Cherokee Country Club vs. City of Knoxville case, Knoxville City Council has requested that MPC review a recently adopted ordinance permitting the use of electric security fences constructed in an outdoor storage area located in compliance with the City of Knoxville zoning ordinance and offer its recommendations relating to its effect on land use.

BACKGROUND

Knoxville City Council on November 29th approved an ordinance permitting an electric fence constructed in an outdoor storage area located in compliance with the City of Knoxville zoning regulations, along with regulations for the construction of such fences. See Exhibit B.

Council has requested that MPC review the ordinance and offer its recommendations relating to its effect on land use.

Outdoor storage is listed as a permitted use in the I-3 (General Industrial) and PC-2 (Retail and Distribution Park) zone districts. A similar use, called open storage, is listed as a permitted use in the C-3 (General Commercial), C-4 (Highway and Arterial Commercial), and I-3 (General Industrial) zone districts. Sales yards and storage yards are listed as permitted uses in the A-1 (General Agriculture) and F-1 (Floodway) zone districts. See Exhibit A.

- In the C-3 district, open storage is required to provide screening and meet the minimum setbacks for a principal structure in the district.
- In the C-4 district, open storage is required to provide screening at the side and rear of the lot.
- In the PC-2 district, outdoor storage is allowed only in the side or rear yards and must provide screening.
- In the I-3 district, there are no requirements for outdoor storage, but open storage of contractor's equipment and supplies must provide screening.
- In the A-1 district, there are no requirements for commercial livestock and feed sales yards.
- In the F-1 district, there are no requirements for storage yards for equipment as an accessory use to a permitted use in an adjacent industrial zone district.

ANALYSIS

Within the Knoxville zoning ordinance there are numerous mentions of outdoor and open storage, as well as sales and storage yards, as permitted uses, but no comprehensive, unified set of requirements. There are also numerous mentions of fences of all kinds, but no comprehensive, unified set of requirements, and no central location within the code that addresses all of the requirements.

The permitted outdoor and open storage and sales and storage yards established in each of these districts seem to be appropriate.

An electric security fence would fit within the definition of a structure and could be a component of permitted principal uses such as outdoor storage, open storage, sales yard, and storage yard. These uses, when a structure such as an electric security fence is added, would become a permitted principal structure or facility and should be considered as a principal use on any property within a zone district that permits such uses.

As a principal permitted use including a structure such as an electric security fence, these facilities should be subject to the minimum required setbacks of each zone district.

The multiple terms used to describe essentially the same land use, plus the myriad of requirements for fences of all kinds that are found within the zoning ordinance makes it difficult to understand the regulations that would apply to each instance of the use of all of these terms. There should be a comprehensive review of the ordinance with respect to outdoor storage (and its comparable terms) and fences of all kinds in an effort to provide a unified and easy-to-find set of regulations that apply to these uses and structures.

Action: Approved **Meeting Date:** 12/8/2011

Details of Action:

Summary of Action: no immediate amendment to the zoning ordinance is needed with regard to its recent approval of an ordinance establishing requirements for electric security fences. MPC could be directed to review the issue of outdoor storage in all its forms and fences with all their different requirements and make recommendations for a comprehensive, unified treatment of these uses and structures

Date of Approval: 12/8/2011 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 1/10/2012 **Date of Legislative Action, Second Reading:** 1/24/2012

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: Postponed **Disposition of Case, Second Reading:** Approved (One Reading Only)

If "Other": **If "Other":**

Amendments: **Amendments:**

Approved resolution to accept report from MPC on land use impacts

Date of Legislative Appeal: **Effective Date of Ordinance:**