

## ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE KNOXVILLE CITY CODE, APPENDIX B, ZONING CODE, ARTICLE 9.2, USE MATRIX, TABLE 9-1, TO ADD “RESEARCH AND DEVELOPMENT” AS A SPECIAL USE IN THE C-G (GENERAL COMMERCIAL) ZONING DISTRICT, KNOXVILLE-KNOX COUNTY PLANNING COMMISSION, APPLICANT (FILE NO. 11-B-22-OA)

ORDINANCE NO: O-2-2023

REQUESTED BY: Planning Commission

PREPARED BY: Law Department

APPROVED ON 1<sup>ST</sup>

READING: 12-13-2022

APPROVED ON 2<sup>ND</sup>

READING: 1-10-2023

APPROVED AS AN EMERGENCY MEASURE: \_\_\_\_\_

MINUTE BOOK: 87 PAGE \_\_\_\_\_

**WHEREAS**, Article 9.2 the Use Matrix Table 9-1 of the City’s Zoning Code identifies the principal and temporary uses allowed within each zoning district; and

**WHEREAS**, “Research and Development” is defined in Article 2.3 as “a facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises;” and

**WHEREAS**, currently research and development facilities are allowed in all of the industrial zones and in the Office Park zone as a permitted use; and

**WHEREAS**, research and development in the C-G districts as a special use is not in conflict with the intent of the C-G Districts given the intent of the C-G districts to be located along

commercial nodes and corridors, which can absorb the traffic that would be generated during peak hours of a research and development facility, and the variety of uses allowed within the zone; and

**WHEREAS**, assignment of a new special use designation requires review and consideration by the Planning commission to ensure that the proposed use is compatible with existing development per Article 16.2 of the Zoning Code; and

**WHEREAS**, Planning staff recommended approval of an amendment to the City of Knoxville Zoning Code to add “Research and Development” as a special use in the General Commercial (C-G) Zoning Districts, which requires an amendment to the Knoxville Zoning Code at Article 9.2, Table 9-1: Use Matrix; and

**WHEREAS**, at its November 10, 2022 meeting, the Planning Commission recommended to the Council of the City of Knoxville that the amendment be adopted; and

**WHEREAS**, notice of the Planning Commission hearing of the proposed revised amendment was published in the *Knoxville News Sentinel* on October 4, 2022, and notice of the City Council meeting on December 13, 2022 was published in the *Knoxville News Sentinel* on November 17, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:**

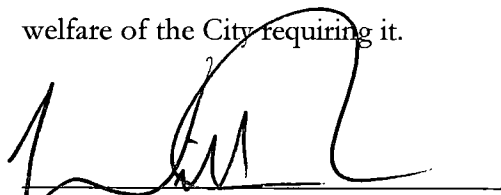
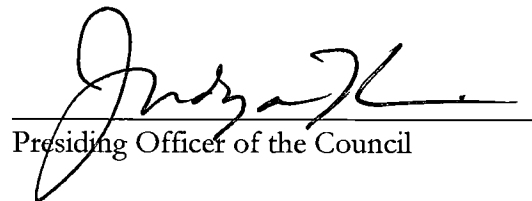
**SECTION 1:** The Knoxville City Code, Appendix B, Zoning Code, at Article 9.2, Use Matrix Table 9-1, is hereby amended to add “Research and Development” as a special use in the General Commercial (C-G) Zoning Districts, by inserting “S” at the intersection of the row “Research and Development” and the column for the General Commercial (C-G) zoning districts, as shown in 11-B-22-OA which is included in Collective Exhibit 1.

**SECTION 2:** The following Planning Commission documents are attached as Collective Exhibit 1 to this Ordinance and made a part hereof by reference: The Knoxville-Knox County Planning Commission File No. 11-B-22-OA, with all appendices including an excerpt from the

Minutes of the Planning Commission meeting of November 10, 2022, the proposed wording for the amendment, and public notice.

**SECTION 3:** If any part, sentence, phrase, clause, term, word, section, subsection, or provision of this ordinance is declared by a court of competent jurisdiction to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared to be unconstitutional, illegal, or invalid.

**SECTION 4:** This Ordinance shall take effect seventeen days from and after its passage, the welfare of the City requiring it.

  
\_\_\_\_\_  
City Recorder  
\_\_\_\_\_  
Presiding Officer of the Council

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## MEMORANDUM

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Date: October 5, 2022  
To: Planning Commission  
From: Michelle Portier, AICP, Principal Planner and Planning Services Coordinator  
Subject: **Agenda Item # 22** 11-B-22-OA

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### REQUEST

Review and make a recommendation on an amendment to the City of Knoxville Zoning Code, Article 9, Section 9.2, Use Matrix, Table 9-1, to allow for consideration of Research and Development as a special use in the General Commercial (C-G) Zoning Districts.

### BACKGROUND

Research and Development (R&D) is currently allowed in all of the industrial zones and in the Office Park (OP) zone as a permitted use.

### C-G District Purpose

The [C-G \(General Commercial\)](#) Zoning District is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors. The C-G District is intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts and offers flexibility in the creation of integrated commercial, office, and residential spaces. The C-G District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.

### ANALYSIS

Allowing Research and Development (R&D) in the C-G districts as a special use is not in conflict with the intent of the C-G Districts given the intent of the C-G Districts to be located along commercial nodes and corridors, which can absorb the traffic that would be generated during the peak hours of an R&D facility, and the variety of uses allowed within the zone.

Allowed uses include, but are not limited to, veterinary clinics, drug treatment facilities, dwellings, eating and drinking establishments, banks, government offices, other offices, hotels, craft industrial facilities, industrial design facilities, medical/dental clinics, personal service establishments, and retail. Of those uses, some (ex., restaurants, clinics, retail, hotels) generate more consistent traffic through the work day than an R&D facility.

Additionally, industrial design facilities are similar in function. The similarity of an industrial design facility to an R&D facility creates a precedent within the district for the functions that would occur in an R&D facility. By making an R&D facility permissible as a special use, consideration could be given on a case-by-case basis to review the unique operations, size, and site plan for each proposed facility. The parcel sizes along the major arterials tend to be smaller than those in the industrial districts that allow this use by right. These smaller parcel sizes serve as a self-limiting feature for larger R&D facilities that could more easily locate in an industrial district by right and with more space.

The proposed amendment will expand where R&D facilities may locate and will provide another viable use for underutilized properties along arterial corridors, including Alcoa Highway. Adding R&D facilities was a recommendation presented in the recently completed [Alcoa Highway Corridor Study](#), adopted by City Council on July 26, 2022 (City Ordinance O-98-2022) and County Commission on July 25, 2022 (County Resolution RZ-22-7-101). Alcoa Highway currently has C-G zoning in a commercial node just south of UT's Research Campus. The close proximity of a research campus and the convenience of a major arterial in the Alcoa Highway corridor study area make these parcels a viable option for smaller R&D centers.

The [Special Use process](#) requires a public meeting and approval by Planning Commission and will ensure that any R&D use proposed on a C-G zoned property will be compatible with surrounding uses.

#### **RECOMMENDATION**

Staff recommends that Knoxville-Knox County Planning Commission approve an amendment to the Knoxville City Code, Article 9.2, Use Matrix Table 9-1, to add Research and Development as a special use in the General Commercial (C-G) Zoning Districts.

Exhibit A: Proposed amendments to Article 9, Section 9.2, Use Matrix, Table 9-1

Exhibit B: C-G Zoning Map



EXHIBIT A. Article 9, Section 9.2, Table 9-1: Use Matrix

PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Agriculture																				P	P			
Airport																			P		S			9.3.?
Alternative Correctional Facility											S													
Amusement Facility—Indoor										P	P	P	P			P								
Amusement Facility—Outdoor											P	P				S								
Animal Care Facility—Large Animal																				P	P			
Animal Care Facility—Small Animal									P	P	P	P	S	S		P				P	P			9.3.A1
Animal Breeder																				P				9.3.A1
Art Gallery									P	P	P	P	P			P								
Arts and Fitness Studio									P	P	P	P	P	P	S	P	S							
Bed and Breakfast	P	P	P	P																P				9.3.B
Body Modification Establishment									S	P	P	P	P			P								
Broadcasting Facility—With Antennae															P		P	P	P		P			
Broadcasting Facility—No Antennae									P	P	P	P	P	P	P	P	P				P			
Campground																				S		P		9.3.C
Car Wash										S	P	P												9.3.D
Cemetery																						P		
Community Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P					P			
Conservation Area																				P		P	P	
Crematory										S	S	S												9.3.M
Country Club																						P		
Cultural Facility									P	P	P	P	P	P		P						P		
Day Care Center									P	P	P	P	P	P		P	P							9.3.E
Day Care Home	P	P	P	P	P	P	P	P																9.3.E
Domestic Violence Shelter	P	P	P	P	P	P	P	P													P			
Drive-Through Facility										S	P	P												9.3.F

P = Permitted Use S = Special Use T = Temporary Use  
 Knoxville, TN Code of Ordinances

EXHIBIT A. Article 9, Section 9.2, Table 9-1: Use Matrix

PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Drug/Alcohol Treatment Facility, Residential											S			S						P				
Drug Treatment Clinic										P	P	P		P	P						P			9.3.G
Dwelling—Above the Ground Floor									P	P	P	P	P	P		P								
Dwelling—Manufactured Home	P	P	P	P	P	P	P													S				9.3.H
Dwelling—Multi-Family					P,S	P	P	P	P	P	P	P	P	P		P								9.3.I
Dwelling—Townhouse				S	P,S	P	P	P	P	P	P	P	P	P										9.3.I
Dwelling—Single-Family	P	P	P	P	P	P	P		P	P				P		P				P				
Dwelling—Two-Family		S	S	P	P	P	P		P	P				P		P								9.3.J
Eating and Drinking Establishment									S	P	P	P	P			P	P	P						
Educational Facility—Primary or Secondary	P	P	P	P	P	P	P	P		P	P	P	P			S					P			
Educational Facility—University or College/Vocational										P	P	S	P		P	S	P	P		S	P			
Financial Institution									P	P	P	P	P	P	P		P							
Financial Service, Alternative										S	S	S												9.3.K
Food Bank																P		P	P					
Food Pantry										S	S										P			
Food Truck Park									S	P	P	P	P			P	P							9.3.L
Fraternity/Sorority				S	S	S	S														P			
Funeral Home										S	S	S												9.3.M
Garden, Community	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Garden, Market	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Garden, Personal	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Gas Station									S	S	P	P				S	S	P	P					9.3.O
Golf Course/Driving Range											P	P										P		
Government Office/Facility									P	P	P	P	P	P	P	P	P	P	P		P			
Greenhouse/Nursery—Retail		S	S	S	S	S	S	S	S	P	P	P		S						P				
Group Home	P	P	P	P	P	P	P																	

EXHIBIT A. Article 9, Section 9.2, Table 9-1: Use Matrix

PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Halfway House						S	S	S		P	P	P	P	S	S	S					P			
Healthcare Facility												S			S		S				P			
Heavy Retail, Rental, and Service											P	P						P		S				
Heliport															S	S	S	S	S		S			
Homeless Shelter											S	S	S								P			
Hotel										P	P	P	P		P	P	P							
Impound Lot																			P					9.3.P
Independent Living Facility				S	S	P	P	P	P	P	P	P	P	S										
Industrial—Craft										P	P	P	P			P		P						9.3.Q
Industrial—General																P	P	P	P					
Industrial—Heavy																			P					
Industrial Design									P	P	P	P	P		P	P	P	P						
Kennel											S	S				S				P				9.3.A1
Live Entertainment—Secondary Use										P	P	P	P			P								
Live Performance Venue										S	P	P	S			P								
Live/Work									P	P			P	P		P								9.3.R
Lodge/Meeting Hall									P	P	P	P	P	P		P	P	P	P	P				9.3.S
Marina										S						S		S				S		9.3.T
Medical/Dental Office/Clinic									S	P	P	P	P	P	P		S							
Micro-Brewery/Distillery/Winery									S	P	P	P	P			P		P						9.3.U
Neighborhood Nonresidential Reuse	S	S	S	S	S	S	S	S																9.3.V
Nightclub										S	S	S	S											
Office									P	P	P	P	P	P	P	P	P	P	P		P			
Parking Lot										S	S	P									P			Art. 11
Parking Structure										P	P	P	P		P	P	P				P			Art. 11
Personal Service Establishment									P	P	P	P	P	P		P	P	P						
Place of Worship	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P					P	P			
Pre-School/Kindergarten	S	S	S	S	S	S	S	S	P	P	P	P	P	P		S						S		9.3.W

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EXHIBIT A. Article 9, Section 9.2, Table 9-1: Use Matrix

PRINCIPAL USE	EN	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	C-N	C-G	C-H	C-R	DK	O	OP	I-MU	I-RD	I-G	I-H	AG	INST	OS	NA	USE STANDARD (Section)
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Public Safety Facility	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P			
Public Works Facility											P	P				P		P	P	P				
Reception Facility										P	P	P	P			S				S				9.3.X
Research and Development										S					P	P	P	P	P					
Residential Care Facility						S	P	P	S	S	S	S	S								P			9.3.Y
Retail Goods Establishment									P	P	P	P	P			P	P	P						
Retail Liquor Stores										P	P	P	P			P								
Salvage Yard																			S					9.3.Z
Self-Storage Facility: Enclosed										S	P	P				P		P	P					9.3.AA
Self-Storage Facility: Outdoor											S	P						P	P					9.3.AA
Social Service Center										S	S	S	S								P			
Solar Farm					S	S	S	S			S	S			P		P	P	P	S	S			9.3.BB
Storage Yard, Outdoor											P							P	P					9.3.CC
Storage Yard, Outdoor—Secondary Use											P	P				S		P	P					9.3.CC
Vehicle Dealership											P	P												
Vehicle Operation Facility																		P	P					
Vehicle Rental—Indoor										S	P	P	S											
Vehicle Rental—With Outdoor Storage/Display											P	P												
Vehicle Repair/Service										S	P	P				S								9.3.DD
Warehouse and Distribution																P	P	P	P					
Waste Transfer Station																			P					
Wholesale Establishment											S					S	P	P	P					
Wind Energy System																	S	S	S	S	S			9.3.EE
Wireless Telecommunications	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.FF

Exhibit B: C-G  
Zoning Map



## November 10, 2022

1:30 P.M. | Main Assembly Room  
City County Building

The Planning Commission met in regular session on November 10, 2022 at 1:30 p.m. in the Main Assembly room of the City County Building.

Item No.

File No.

### 1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Karyn Adams	Ms. Nancy Barger	A Ms. Tamara Boyer
Mr. Louis Browning	Mr. Logan Higgins	Mr. Tim Hill, Chair
Mr. John Huber	Mr. Richard Levenson	Ms. Amy Midis
Mr. Chris Ooten, Vice Chair	A Ms. Marité Pérez	Mr. Patrick Phillips
Mr. Jeff Roth	Mr. Nathaniel Shelso	A Mr. Eddie Smith

\* Arrived late to the meeting, \*\* Left early in the meeting, A – Absent from the meeting

### 22. KNOXVILLE-KNOX COUNTY PLANNING

11-B-22-OA

Consideration of an amendment to the Knoxville City Code, Appendix B, Zoning Code, Article 9.2, Use Matrix Table 9.1, to add Research and Development as a special use in the C-G (General Commercial) Zoning Districts.

#### 1. STAFF RECOMMENDATION

Staff recommends that Knoxville-Knox County Planning Commission approve an amendment to the Knoxville City Code, Article 9.2, Use Matrix Table 9-1, to add Research and Development as a special use in the General Commercial (C-G) Zoning Districts.

**APPROVED ON CONSENT EARLIER IN THE MEETING**

#### 2. MOTION (OOTEN) AND SECOND (PHILLIPS) WERE MADE TO APPROVE THE CONSENT ITEMS AS READ WITH THE EXCEPTION OF ITEM #14, #16, #19, #21, #24 AND #29.

**MOTION CARRIED UNANIMOUSLY 12-0. APPROVED**