

Article 5

**SECTION 6
YARD, BUILDING SETBACK AND OPEN SPACE EXCEPTIONS**

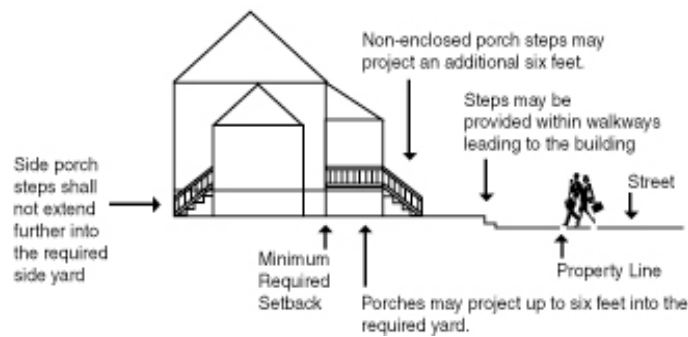
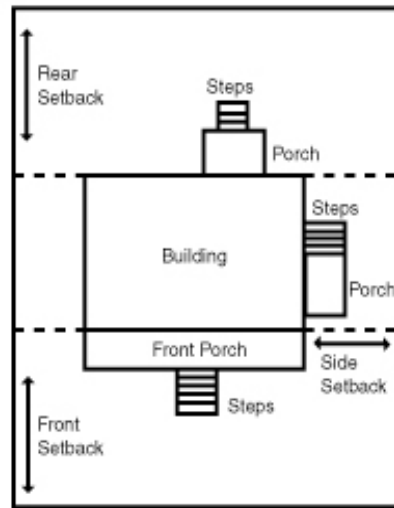
The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 4 herein.

A. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

B. The following structures shall be allowed to project or be constructed in any required yard or beyond the building setback line, subject to all limitations set forth hereunder.

1. Awning, canopies and marquees subject to the following:
 - a. Districts that have specific standards shall take precedent.
 - b. Awnings, canopies and marquees may extend across any required yard and over public property or right-of-way subject to the following:
 - i. When over a sidewalk the following shall apply:
 1. Fixed, with nine-foot minimum clearance above sidewalk not to exceed more than two-thirds (2/3) of width of sidewalk.
 2. Fixed, with fourteen-foot minimum clearance above sidewalk may extend to back of curb.
 3. Movable (metal or canvass), with eight-foot minimum clearance above sidewalk not to extend more than two-thirds (2/3) of width of sidewalk or more than five (5) feet of width of sidewalk, whichever is less.
 - ii. When extending across any required yard and/or over public property or right-of-way, but not over a sidewalk, the following shall apply:
 1. Fixed, nine-foot minimum ground clearance.
 2. Moveable, eight-foot minimum ground clearance.
 3. Not to exceed three (3) feet in all zoning districts, except those with a design review board.

4. Where awnings extend over public property, they shall not extend closer than twenty-four (24) inches to the curbline.
 - iii. Awnings, canopies and marquees shall not have support posts on a public sidewalk, public property or right-of-way, unless approved by City Engineering.
 - iv. In no case shall awnings, canopies and marquees be allowed to extend over a public road.
2. Bay windows and chimneys, not to exceed two (2) feet.
3. Driveways, curbs, sidewalks, walkways, and stairs and steps within walkways.
4. Fences, walls, and hedges, subject to the regulations as set forth in this section.
5. Flagpoles.
6. Garbage disposal equipment, non-permanent.
7. Landscape features, planting boxes and recreational equipment.
8. Overhanging roof, eave, gutter, cornice, or other architectural feature, not to exceed three (3) feet. Open fire escapes may extend into any required yard not more than six (6) feet.
9. Parking space subject to the regulations set forth in Article 5, Section 7.
10. Signs, subject to the regulations set forth in Article 5, Section 10.
11. Terraces (open) and porches (non-enclosed) not to exceed six (6) feet; or stairs or steps to a building, not to exceed six (6) feet; stairs or steps to a porch, not to exceed six (6) feet as illustrated below. Exceptions to this provision are the Historic Overlay (H-1) District, the Neighborhood Conservation Overlay (NC-1) District, and the Traditional Neighborhood Development (TND-1) District in which a front porch may extend up to ten (10) feet and front porch steps may extend up to an additional eight (8) feet into the front yard setback.



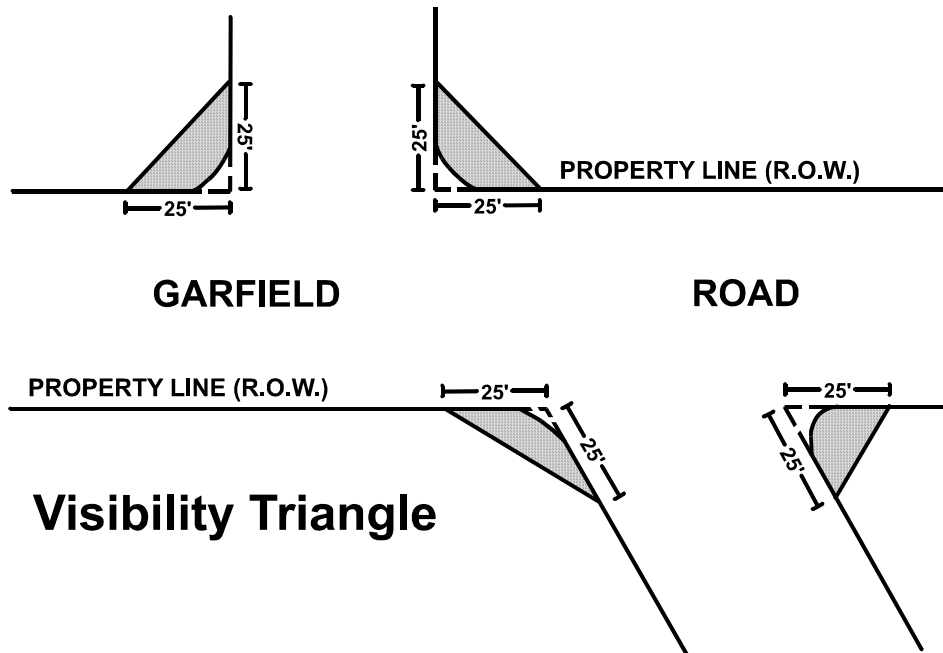
Porches

12. Trees, shrubs, flowers, and other plants subject to the vision requirements in this section.

13. Mechanical equipment, including heating and air conditioning units, and heat pumps, not to extend more than four (4) feet into any required yard.

C. The following regulations provide for the maximum safety of persons using sidewalks and streets and for the maximum enjoyment of the use of property.

1. On any corner lot where front and side yards are required, no wall, fence, sign, structure, plant growth or any other object whether movable or stationary, which obstructs the vision at elevations between two and one-half (2½) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a visibility triangle, as shown on the sketch below.



2. In any required front yard, except as provided in 1 above, no fence, wall, hedge or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half (3½) feet.

D. The purpose here is to clarify certain conditions pertaining to the use of lots and access points.

1. In residential districts, if twenty-five (25) percent or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but, this regulation shall not require a front yard of greater depth than fifty (50) feet.

2. Double frontage lots shall provide the required front yard setbacks along those streets.

3. For all buildings located on corner lots there shall be a side yard setback from all intersecting streets the same as the required front setback. The interior side yard shall be the same as required for interior lots.

4. On corner lots, all exterior lots shall conform to the district regulations except where existing yards on the same side and in the same block of the street do not meet the requirements of the district. The exterior yard on such street may be

equal to the average depth of the existing yards, provided such average depth does not extend into the visibility triangle.

5. Division of a lot. No recorded lot shall be divided into two or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the district in which the property is located and no reduction in the size of a recorded lot below the minimum requirements of this ordinance shall be permitted with the following exceptions:

- a. When a dedication of right of way is required and approved under the provisions of the Knoxville-Knox County Minimum Subdivision Regulations, and this dedication makes a lot, building or structure nonconforming with requirements for minimum yards, building setbacks, building coverage, lot area, lot width or lot depth, a final plat may be approved which results in no other new non-conformity and no other increase in the extent of non-conformity.
- b. When a legal, non-conforming structure exists on the property being subdivided and this structure is non-conforming with requirements for minimum yards, building setback or height, a final plat may be approved which results in no new non-conformity and no increase in the extent of any existing non-conformity.
- c. When a subdivision of property is proposed and each proposed new lot will contain a principal building categorized as contributing in an H-1 or NC-1 overlay zone district. If each proposed new lot meets this criteria, and the existing principal buildings are non-conforming with requirements for minimum yards, building setbacks, and/or lot coverage, the property owner may seek a variance as prescribed by law.
- d. Subsections "a", "b" and "c" above shall also apply to one (1) lot subdivisions, as defined in the Knoxville-Knox County Minimum Subdivision Regulations, which combine two (2) or more lots into one (1) lot or where an adjustment is made to one (1) lot line between two (2) existing recorded lots.
- e. In any residential district, a house may be constructed on a lot created by deed provided the lot is:
 - i. Located in the area within the city boundary resulting from an annexation in 1917; is described by a deed recorded prior to February 3, 1947; and has remained intact with the same boundary configuration since the recorded date; or
 - ii. Located in the area within the city boundary resulting from a series of annexations in 1962 (Ordinances 3049, 3050, 3052, 3053 and 3054); is

described by a deed recorded prior to February 3, 1947; and has remained intact with the same boundary configuration since the recorded date.

If a lot created by deed meets the criteria cited above, and is non-conforming with requirements for minimum yards, building setbacks, and/or lot coverage, the property owners may seek a variance as prescribed by law. Upon application for a building permit, the owner will be required to submit a survey completed by a registered land surveyor that has been recorded with the Register of Deeds.

f. When the lot proposed to be recorded results in a larger recorded lot than existed prior to such subdivision, but does not yet achieve conformity with the zoning district regulations.

6. Small lots of record. In any residential zoning district, a house not exceeding two (2) stories or thirty-five (35) feet in height may be constructed on lots recorded upon the City of Knoxville ward maps which do not meet the minimum lot area or minimum width at building line provided that the side yard setback shall not be less than five (5) feet on one (1) side and the sum of the side yards shall not be less than twelve (12) feet and the front and rear setback requirements for the district are met. Garage apartments are not permitted on small lots of record; however, other customary accessory uses and structures are permitted according to the specific zoning district regulations.

7. Principal uses without buildings. Where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which located, as well as obtaining any other license or permit applicable to that particular use.

8. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street easement.

9. No dwelling shall be erected on a lot which does not abut for a distance of not less than twenty-five (25) feet on a public street or an approved permanent easement giving access to a public street which meets the requirements for a permanent easement as set forth in the Knoxville/Knox County Minimum Subdivision Regulations. A street or permanent easement shall form the direct and primary means of vehicular ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of vehicular ingress and egress with the exception of the Infill Housing Overlay (IH-1), Historic Overlay (H-1), Neighborhood Conservation Overlay (NC-1) and Traditional Neighborhood Development (TND-1) Districts. In those districts, the Planning Commission may

approve plans for the use of alleys as the sole means of ingress and egress or the Planning Commission staff may approve alley access plans, if designed in compliance with design guidelines for specific areas that have been approved by the Historic Zoning Commission or Planning Commission.

10. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street right-of-way line.

11. Accessory buildings shall not be located in any required front yard.

12. Outdoor display of merchandise, where permitted, shall set back from street right-of-way lines not less than one-half the distance of the required building setback. This requirement shall not apply to the outdoor display of manufactured products, as permitted in the I-2, I-3 and I-4 zones.

13. No more than one (1) house shall be located on a lot except as part of a planned development in the RP-1, RP-2, or RP-3 districts approved in accordance with these regulations.

(Ord. No. 4296, 5-16-67; Ord. No. O-90-78, § 4, 6-27-78; Ord. No. O-96-81, § 2, 5-26-81; Ord. No. O-68-82, § 1, 3-16-82; Ord. No. O-231-94, § 1(VIII), 6-21-94; Ord. No. O-579-98, § 1, 11-17-98; Ord. No. O-495-00, § 1, 11-14-00; Ord. No. O-496-00, § 1, 11-14-00; Ord. No. O-158-01, § 1, 5-15-01; Ord. No. O-476-02, § 1, 11-26-02; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-214-05, § 1, 10-24-06; Ord. No. O-58-07, § 1, 3-27-07; Ord. No. O-76-08, § 1, 3-25-08; Ord. No. O-176-09, 12-29-09; Ord. No. O-64-10, 5-18-10; Ord No. O-190-10, 12-28-10)