

FARRAGUT BOARD OF ZONING APPEALS AGENDA

July 28, 2021
7:00 p.m.

Farragut Town Hall
Board Room

1. Election of Officers
2. Approval of Minutes for the February 24, 2021 meeting
3. Public hearing on a request for an administrative interpretation of staffs' denial of a site plan for a covered structure constructed within a 50-foot peripheral building setback at 736 Harbor Way in the Turkey Creek Harbor Subdivision (Bobby Sanford, Applicant).

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

February 24, 2021

This meeting was held virtually, as authorized by Governor Lee's executive orders regarding the COVID19 pandemic.

Present: Keith Alley, Jim Holladay, Jennifer Collins, Scott Meyer, and John Hoffman (new member)
Absent: None
Staff: Mark Shipley, Community Development Director

Item 1. Approval of Minutes for the August 26, 2020 meeting

A motion was made by Meyer to approve the minutes. The motion was seconded by Collins and the motion passed 4-0.

Ayes: Holladay, Meyer, Alley, and Collins
Nays: None
Absent: None
Abstaining: Hoffman

Item 2. Public hearing on a request for a variance to Chapter 4, Section XXII. – Pedestrian Facilities, of the Farragut Zoning Ordinance to omit approximately 125 feet of sidewalk along Admiral Road in association with the Horizon Plaza site plan for the property at 11011 Kingston Pike, east intersection of Admiral Road and Kingston Pike, Zoned C-1 and FPD, 6.08 Acres (Urban Engineering, Inc., Applicant).

Staff reviewed this item and noted that it involves a request for a variance from Chapter 4, of the Farragut Zoning Ordinance, Section XXII. Pedestrian Facilities. The applicant is developing a multiple tenant retail/office building at the east intersection of Admiral Road and Kingston Pike. As part of the site plan review by the Planning Commission, pedestrian facilities are required along both abutting streets. Admiral Road is a collector street and Kingston Pike is an arterial street. The applicant is proposing a sidewalk along both streets with the exception of an approximately 125- foot section of the frontage along Admiral Road north of the proposed access.

Staff noted that this request is very similar to a variance that was granted for a portion of sidewalk on the property (now known as Premier Eyecare) along the opposite side of Admiral Road. In that case, the variance was requested for the same reason though the sidewalk section being omitted was shorter (80 feet vs. 125 feet). Similar to the Premier Eyecare property, the Admiral Road frontage of the property in question drops off

steeply. Turkey Creek crosses Admiral Road in a culvert on the northernmost portion of the property. To construct a sidewalk to the northern property line, a significant amount of grade work and fill would be needed within the Turkey Creek floodplain. The culvert under Admiral Road would also have to be widened, all of which would require FEMA approval. The sidewalk would also terminate at that point since no sidewalk is currently provided along Admiral Road.

Due to these topographic and context issues resulting from the current condition of Admiral Road and the crossing of Turkey Creek along Admiral Road, the applicant is requesting a variance. Staff recommended to support the applicant's request and the justification for omitting, at this time, approximately 125 linear feet of sidewalk along the northernmost frontage of Admiral Road (north of the Admiral Road access into the property). The staffs' recommendation, however, was subject to the condition that a sidewalk completion covenant or deed restriction that runs with the land be prepared by the applicant's attorney and then approved by the Town Attorney and recorded. This covenant would stipulate that, should the bridge be widened in the future, the property owner at 11011 Kingston Pike would be responsible for extending the sidewalk to the northern property line. This is the same requirement that was applied to the Premier Eyecare property in relation to their variance approval.

A general discussion ensued. Chris Sharp was present as the applicant. A motion was made by Hoffman to support the staffs' recommendation for the reasons noted. The motion was seconded by Meyer and the motion passed 5-0.

Ayes: Holladay, Meyer, Alley, Collins, and Hoffman
Nays: None
Absent: None
Abstaining: None

Item 3. Public hearing on a request for an administrative interpretation as to whether a dog behaviorist and trainer would be considered a "professional service", as defined in Chapter 2 of the Farragut Zoning Ordinance (Balance Paws K9 Training, Applicant).

Staff reviewed this item and noted that it involves a request for an interpretation regarding a proposed use or activity in the General Commercial (C-1) Zoning District and whether the use or activity would be considered similar to "Professional Services."

Staff explained that, as defined in Chapter 2 of the Zoning Ordinance, *Professional Services* are “Services provided by a member of a recognized profession. Such activities include medical, legal, dental, scientific consulting, insurance agent, architectural, engineering, land-planning, financial and business consulting services, accounting offices, and other similar activities as defined by the Board of Zoning Appeals.”

As noted in the definition, the Board of Zoning Appeals may determine if a proposed use or activity that is not specifically addressed in the definition would be considered a “similar activity” to uses or activities that are specifically addressed. The use or activity that is the subject of this agenda item is unique and entails dog behavior training. To some degree, this activity already exists in pet retail businesses, such as Petco, where scheduled dog training services are provided within the facility. Since these activities are conducted within a retail use, which is a specifically permitted use in the C-1 District, they have never been questioned as a permitted activity.

The applicant would like to conduct a dog behavior training business within the C-1 District as the only activity within the space to be occupied by the applicant. Currently, the owner conducts the Balance Paws K9 Training business from their home in the Kingsgate Subdivision. The owner is planning to move into a space where the property is zoned C-1 because their business has grown and would not be considered a permitted customary home occupation.

After reviewing this request staff indicated that they would consider the proposed activity to be like activities specifically listed in the definition of professional services in that the trainer is certified professionally through the Animal Behavior Institute and the activities conducted are very similar to activities that are currently taking place in certain retail pet stores in the C-1 District. In terms of a literal reading of the text provided in Chapter 2, the activity in question would be, at least from the staffs’ perspective, a “service provided by a member of a recognized profession.”

Staff noted that a question and/or concern would be whether the activities proposed by the applicant would be conducted within their space and not outside the building and whether any measures to avoid possible disturbances or nuisances to adjacent tenants would be needed, such as soundproofing, animal waste collection, etc.

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February 24, 2021
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Lincoln DeSouza spoke as the applicant and indicated that all activities would be within the space and that the only outside activities would involve walking the dogs. There would be no outdoor fenced areas since the dogs would only be outside for a very limited amount of time. Mr. DeSouza also indicated that the space was not attached to another tenant and should not create any nuisances.

Some general discussion ensued. A motion was made by Meyer to consider a dog behaviorist as a professional service as it would follow how such services are defined in the ordinance. The motion was stipulated on all activities, other than walking the dogs, being conducted within the space. There would be no exterior evidence of dog behaviorist activities. Motion was seconded by Collins and motion passed 5-0.

Ayes: Holladay, Meyer, Alley, Collins, and Hoffman
Nays: None
Absent: None
Abstaining: None

The meeting adjourned at 7:53 p.m.

Jennifer Collins, Secretary _____

FARRAGUT BOARD OF ZONING APPEALS

July 28, 2021 Meeting - Staff Recommendations

3. Public hearing on a request for an administrative interpretation of staffs' denial of a site plan for a covered structure constructed within a 50-foot peripheral building setback at 736 Harbor Way in the Turkey Creek Harbor Subdivision (Bobby Sanford, Applicant).

This item involves a request for an administrative review for a denial of a site plan associated with a building permit application for a covered structure constructed within a 50-foot peripheral building setback at 736 Harbor Way in the Turkey Creek Harbor Subdivision. As provided for in Chapter 4., Section II., C., 1., of the Farragut Zoning Ordinance (Exhibit A), the Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in carrying out any provision of this or other zoning ordinances enacted by the Board of Mayor and Aldermen of the Town of Farragut.

As background, staff received a call (Exhibit B) from a resident in the Turkey Creek Harbor Subdivision off Turkey Creek Road asking about how the resident at 736 Harbor Way has been allowed to add a covered structure to the rear of their dwelling unit. The caller indicated that when they checked with the Town, they were told this was not permitted because structures with a roof are buildings and there is a 50-foot building setback from the periphery of the development where structures with roofs (buildings) are not permitted. Staff asked one of the building inspectors, Chris Brown, to go out and investigate because there was no record of a permit being applied for.

Mr. Brown found that a covered structure (Exhibit C) had been added to the rear of the unit without a permit. A stop work order was issued on March 26, 2021. Staff met with the contractor and property owner and, in addition to building without a permit, informed them of the 50-foot peripheral setback and that, as constructed, the building could not remain. Staff indicated that an open pergola may be an option since it would not have a permanent roof. The applicant indicated that they would get back with staff on how they wished to proceed.

Though, from the staffs' perspective, the setback requirement was very clear, the applicant decided to go ahead and apply for a permit though they delayed their application until staff had to give them a time frame to apply. The application was finally submitted on May 6, 2021. On May 7, staff reviewed the site plan that was included with the permit submitted and denied the plan (Exhibit D). Staff referenced the applicable sections of the Zoning Ordinance and noted the following:

“Based on what appears to be shown on the building plans, this is a structure with a roof supported by columns and thus is a building. Per the R-4 Zoning District, no building may be placed within the 50-foot peripheral building setback. Based on the site plan included, it appears that the proposed building would be within the 50-foot peripheral building setback and could not be approved.”

In response, the applicant filed an appeal of this decision on May 18, 2021. The applicant’s position is included on Exhibit E.

Based on the language provided in Exhibit A, the question in this case for consideration is whether the staff made an error in carrying out the provisions of the Zoning Ordinance. As noted earlier, staff does not see any ambiguity in the applicable definitions and setback requirements provided for in the R-4 Zoning District. Staffs’ application of these provisions has been consistent over the years. In fact, the phone call referenced in Exhibit B indicated that the individual had wanted to do something similar but, after checking with the Town, realized that this would not be allowed based on the location of the 50-foot peripheral building setback line in relation to the placement of the dwelling unit.

The applicant references several terms in the Zoning Ordinance and the term “Column” which is not defined in the Zoning Ordinance. The definition provided by the applicant was from the Architectural Design Standards not the Zoning Ordinance. As provided for in Chapter 2 of the Zoning Ordinance, the following applies to words or terms not defined in the Zoning Ordinance:

Any word or term not defined within this section of the Zoning Ordinance or within the definitions section of Sign Ordinance in the Farragut Municipal Code shall be construed to be used in this ordinance as defined by the latest edition of Webster's Unabridged Dictionary. Any word or term not defined in the Town's ordinance, or the latest edition of Webster's Unabridged Dictionary shall have the meaning customarily assigned to them.

The applicant makes the argument that the covered structure that they have constructed is not a building because it is not supported by columns. The definition of a building in the Town’s Zoning Ordinance is “any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.” In this case, the roof is supported by wooden posts because they use wooden posts to support the roof.

Since columns are not defined in the Zoning Ordinance, staff must reference the latest edition of Webster’s Unabridged Dictionary (Exhibit F) which defines a column as a “supporting pillar.” A “pillar” is a “firm upright support.” Synonyms for pillar are column, pier, pilaster, post, stanchion. In this case, the wooden posts would serve as the columns that support the roof that has been constructed on this structure to make it a building. Otherwise, the roof has no

support and could not be sustained in place. A “post” in Webster’s includes timber or metal and, in this application, would be synonymous with a column.

The applicant also appears to not understand the difference between a structure and a building and further confuses matters by including reference to accessory buildings and structures. If an accessory structure has a roof, it becomes a building. All buildings are structures but only structures with a roof are buildings. One reason for the difference, in terms of setback requirements, is that something with a roof and, potentially walls, is generally more consumptive of physical and visual space which is one of the purposes of having setbacks. Setbacks are intended to provide for physical space between and around properties so that one’s enjoyment of their property is not affected by something that consumes space on an adjoining property where such space was not permitted for such consumption.

Again, staffs’ position on this is very simple and consistent with past practice. This is a structure with a roof supported by columns and thus is a building. Per the R-4 Zoning District, no building may be placed within the 50-foot peripheral building setback. Based on the site plan included, it appears that the proposed building would be within the 50-foot peripheral building setback and could not be approved.

The applicant not only has constructed their improvements without any permits but has tried to complete improvements that other property owners in the same development have not been permitted to do. Staff contends that it applied the provisions of the Zoning Ordinance correctly and to vary otherwise would constitute inequitable application of the statute.

Sec. II. Administration and enforcement.

- A. *Administrative officer.* The provisions of this ordinance shall be administered and enforced by the Town Building Official who shall be the town administrator or his designated representative who shall additionally:
1. Issue all building permits and make and maintain records thereof.
 2. Issue all certificates of occupancy and make and maintain records thereof.
 3. Maintain and keep current zoning maps, and records of amendments thereto.
 4. Conduct inspections as prescribed by this ordinance, and such other inspections as are necessary to insure compliance with the various provisions of this ordinance generally.
- B. *Farragut Municipal Planning Commission.* The Farragut Municipal Planning Commission, for the purposes of this ordinance shall be referred to as the planning commission. The planning commission shall:
1. Establish such rules of procedure as are necessary to the performance of its functions hereunder.
 2. Study and report on all proposed amendments to this ordinance; further, review annually this ordinance and on the basis of such review, suggest amendments thereto.
- C. *Farragut Board of Zoning Appeals.* The Board of Zoning Appeals shall be hereby appointed by the Board of Mayor and Aldermen and shall include five members. The term of each member shall be of such length and so arranged that the term of one member shall expire each year. The Board of Zoning Appeals shall have the following powers:
1. It shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in carrying out any provision of this or other zoning ordinances enacted by the Board of Mayor and Aldermen of the Town of Farragut.
 2. To hear and decide, in accordance with the provisions of any such ordinance, request for interpretation of the zoning map.
 3. Where there is practical difficulty or unnecessary hardship in carrying out the strict letter of this ordinance, the Board of Zoning Appeals shall have the power in passing upon appeals to authorize such variance from the terms of this ordinance as will not be contrary to the public interest as defined under variances of this section.
 4. To compel attendance of witnesses at hearings and to administer oaths.
 5. To hold at least one scheduled meeting per month and give notice of such meeting as required by law.
- D. *Variances.* The Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended. Procedure for the consideration for a variance by the board is as follows:

1. *Application.* Prior to the board considering any application for a variance, the applicant shall submit a nonrefundable sum of money in accordance with the schedule of fees available in the office of the town recorder in the Farragut Town Hall.

Mark Shipley

From: Maria Rayas
Sent: Monday, March 29, 2021 3:41 PM
To: Allison Myers
Cc: Chris Brown; Mark Shipley; Karl Swierzko
Subject: RE: Records Request Form

Hi Allison,

I took the phone call and unfortunately I didn't get a name or contact information for the individual. It was an anonymous inquiry (not a complaint) about Turkey Creek Harbor as a whole, and whether the requirements had changed to allow covered structures in the rear yards because one was being constructed. A majority of the residents in the subdivision are affected by the 50' setback, which takes up a large portion of the backyards. I informed the caller that nothing had changed, and we sent Chris to take a look at what it was and where it was being put up, resulting in the stop work order.

So really it was two issues: 1) the structure was being built without a permit, and 2) even if a permit is applied for, the structure can't be approved due to the 50' setback.

Thanks,

maria rayas

Administrative Assistant

EMAIL • MRAYAS@TOWNOFFARRAGUT.ORG

PHONE • [865.218.3387](tel:865.218.3387) Office
[865.671.7852](tel:865.671.7852) Fax

ADDRESS • 11408 MUNICIPAL CENTER DRIVE
FARRAGUT, TN 37934



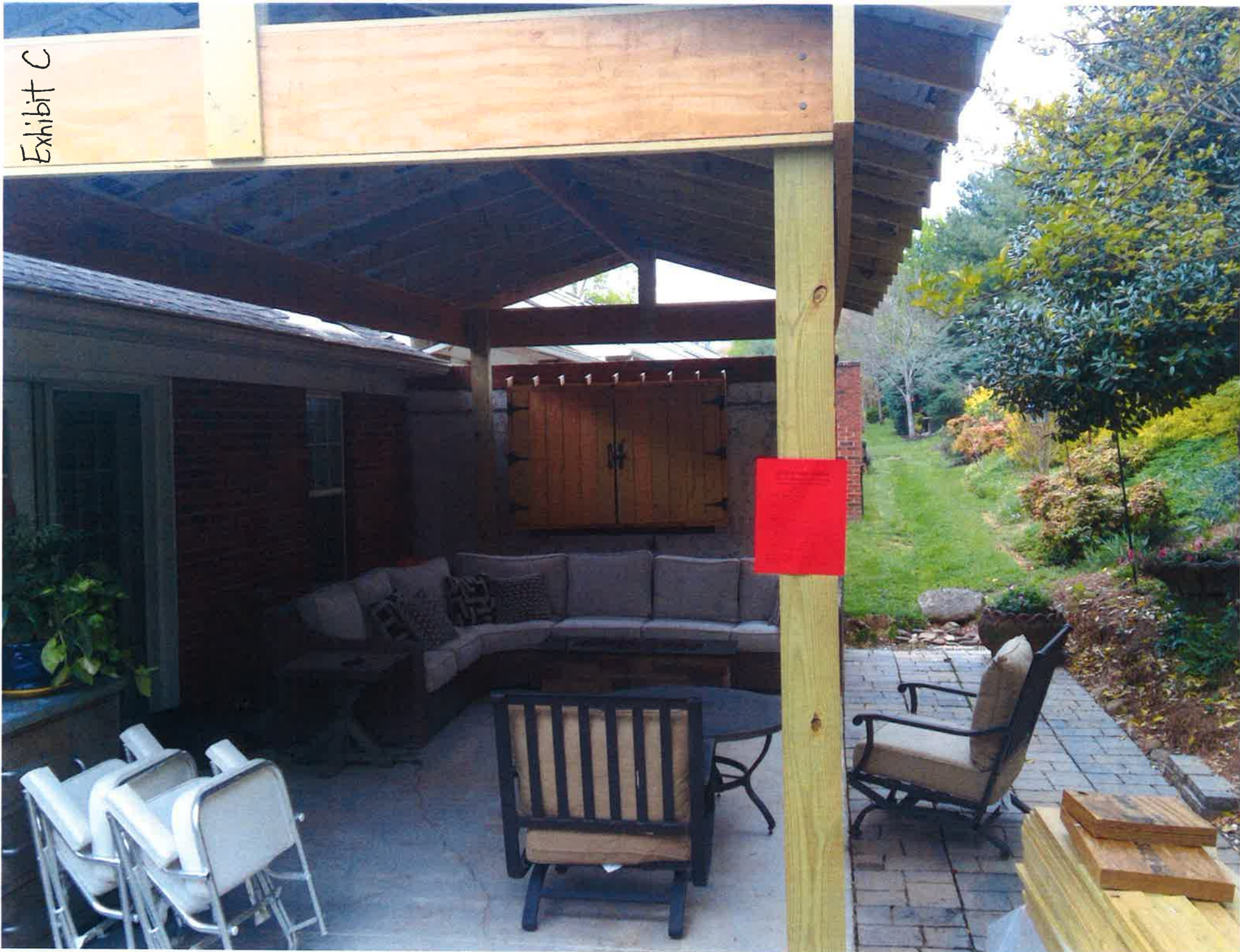
  townoffarragut.org

From: Karl Swierzko <kswierzko@townoffarragut.org>
Sent: Monday, March 29, 2021 9:32 AM
To: Allison Myers <amyers@townoffarragut.org>
Cc: Maria Rayas <mrayas@townoffarragut.org>; Chris Brown <cbrown@townoffarragut.org>; Mark Shipley <mshipley@townoffarragut.org>
Subject: FW: Records Request Form

Allison,

Maria received a complaint, Chris issued the Stop Work Order & Mark said the work would not be permitted (see attached)

Exhibit C



STOP WORK ORDER

TOWN OF FARRAGUT FIRE PREVENTION
AND BUILDING CODES DEPARTMENT

(865) 675-2384

THIS BUILDING HAS BEEN INSPECTED FOR:

- GENERAL CONSTRUCTION
- NO CERTIFICATION OF OCCUPANCY
- NO FINAL INSPECTION
- FIRE PARTITION/FIRE WALLS
- MECHANICAL/GAS
- FIRE PROTECTION SYSTEM
- NO PERMIT ^{Public} R105.1, A109.1, R113.1
- UNSAFE BUILDING SYSTEM
- CONTINUATION USE/OCCUPANCY PROHIBITED
- OTHER This structure is in non-compliance and must be removed within ten business days which would be 5-7-21 or further action will be taken

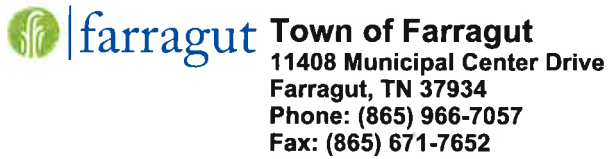
IS IN VIOLATION AND NOT ACCEPTED

CORRECT VIOLATION AS NOTED BEFORE ANY FURTHER WORK IS DONE

DO NOT REMOVE THIS NOTICE

NAME Robby Sanford PERMIT # None
LOCATION 736 Horizon way
CODE OFFICIAL Chris Brown DATE 4-23-21





May 7, 2021

To Whom It May Concern

Permit Number BP-2021-315
Job Address: 736 HARBOR WAY, Farragut, TN 37934
Description: Detached Cover on Existing Patio

Dear To Whom It May Concern:

Staff has completed its review of plans for the referenced permit. Comments from this review follow.

Planning and Zoning Review

Comment 1 Denied 05/06/2021 by Mark Shipley

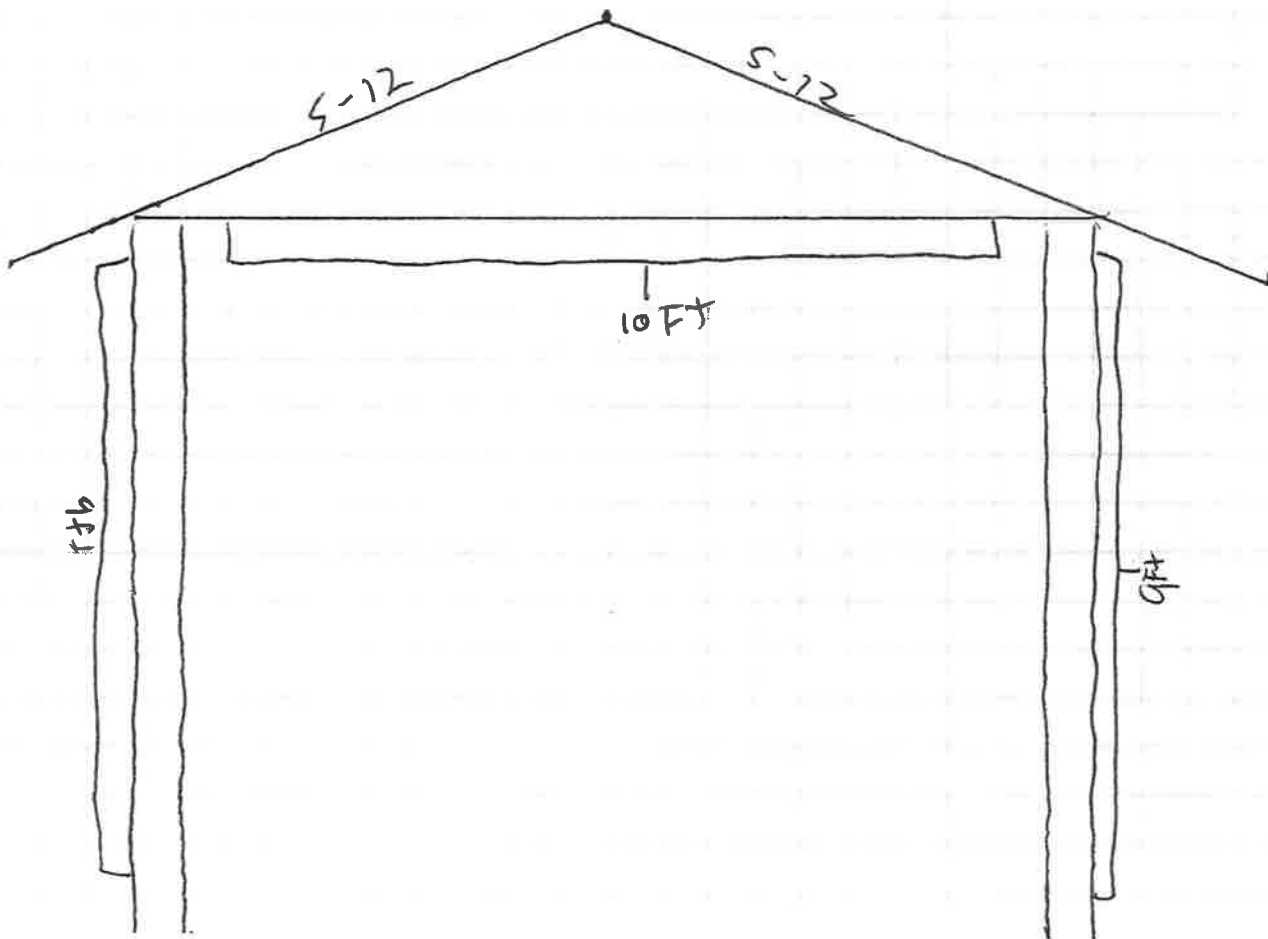
Based on what appears to be shown on the building plans, this is a structure with a roof supported by columns and thus is a building. Per the R-4 Zoning District, no building may be placed within the 50 foot peripheral building setback. Based on the site plan included, it appears that the proposed building would be within the 50 foot peripheral building setback and could not be approved.

To access your project online, please go to www.mygovernmentonline.org. Please address all comments and markups. If revision is required, please upload one full set of the revised drawings in PDF format to the Customer Documents section of the project.

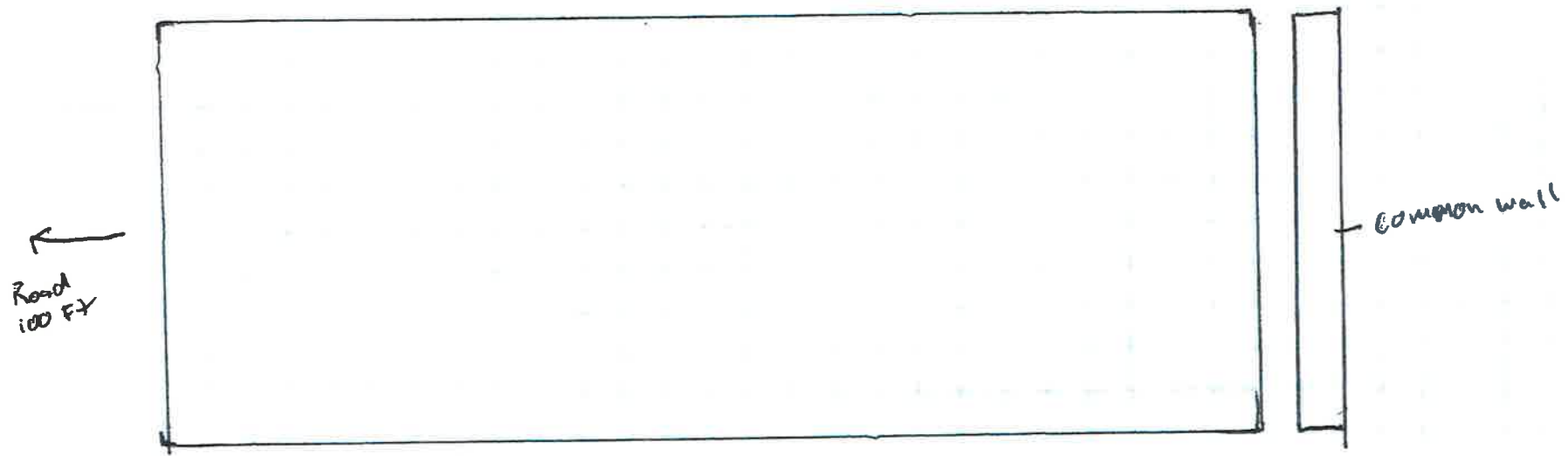
Should you have questions regarding specific comments, please contact the staff member referenced under the section in which the comment occurs by calling (865) 675-2384.

Thank you,

Town of Farragut



Pre-existing single Family home



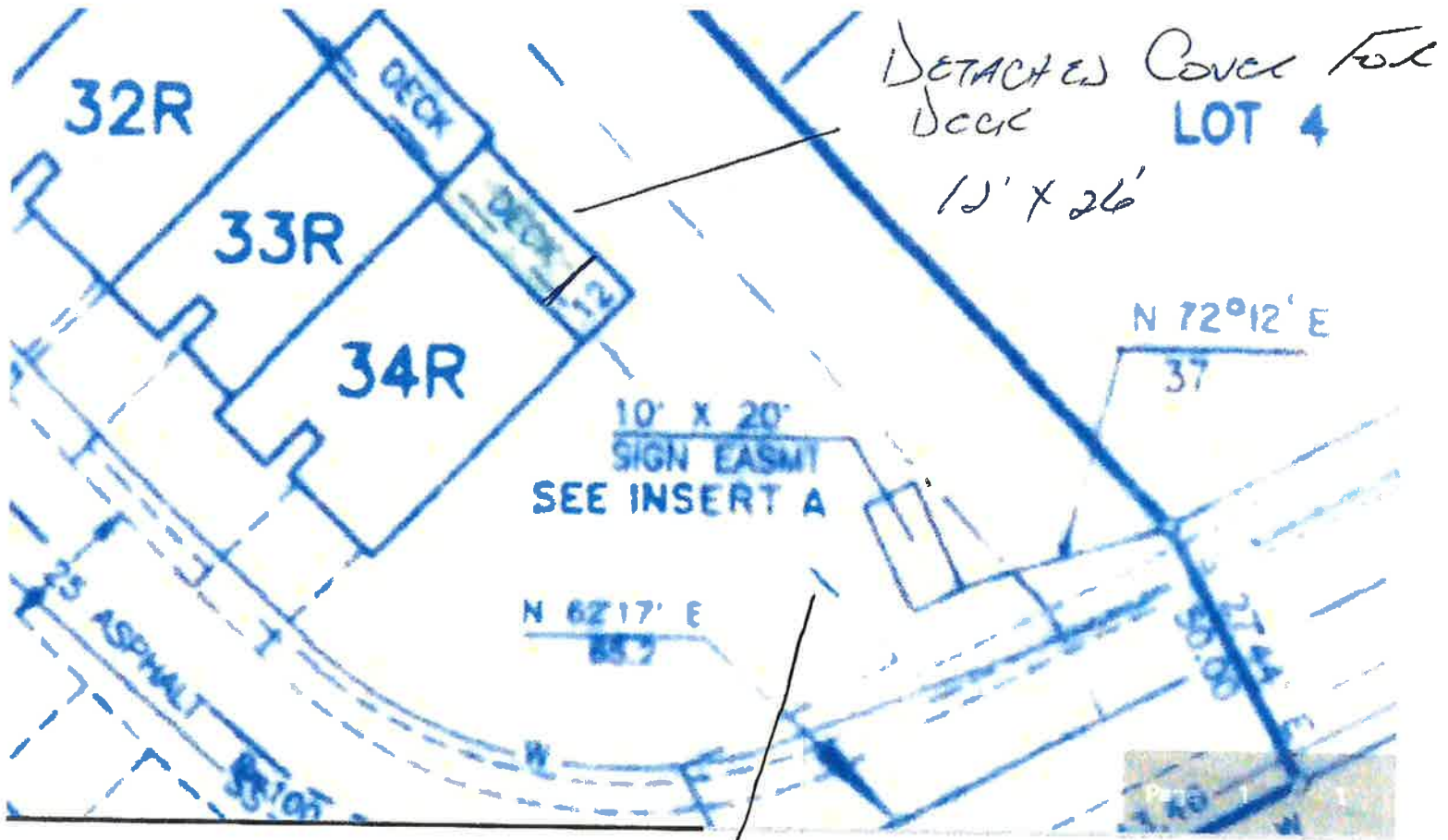
Road
100 FT

Common wall

39 Feet

wooden fence

1 Square = 1 foot



50' building setback line

Exhibit E

Bobby Sanford
736 Harbor Way
Knoxville, TN 37934

Town of Farragut
Residential Accessory Structure Permits
11408 Municipal Center Drive
Farragut, TN 37934

To whom it may concern:

As part of our Building Permit submitted for 736 Harbor Way, Knoxville, TN 37934 we would also like to submit the following points in consideration for approval. Below we will show how this proposal fits the definition for an *Accessory Structure* as defined by the *Code of Ordinances of the Town of Farragut, Tennessee* and therefore should be granted.

In the *Farragut, Tennessee - Code of Ordinances, Appendix A - ZONING, CHAPTER 2. - DEFINITIONS*, (**hereby referred to as “Chap 2. Definitions”**) the following definitions are made:

Accessory building: A building customarily incidental and subordinate to the principal building and located on the same lot with such building. A building that is connected to a principal building by a breezeway that is greater than 12 feet in length shall be considered accessory for purposes of size limitations.

Accessory structure: A structure or building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

In the *Farragut, Tennessee - Code of Ordinances, Appendix A - ZONING CHAPTER 3. - SPECIFIC DISTRICT REGULATIONS, Sec. IX. - Attached single-family residential district (R-4)* (**hereby referred to as “R-4 Regulations”**) the following definition is made:

[*Accessory structures.*] All accessory **structures**, excluding fences, flatwork, subdivision walls, entrance pillars, and certain utility structures, shall meet the front yard building setback requirements and shall not extend any closer to the side property line than the principal building. Accessory structures shall be set back a minimum of ten feet from the rear property line.

In the *Farragut, Tennessee - Code of Ordinances, Appendix D - ARCHITECTURAL DESIGN STANDARDS, APPENDIX A: GLOSSARY OF TERMS* (**hereby referred to as “Glossary”**) the following definitions are made:

Building. Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. See the Town of Farragut Zoning Ordinance.

Column. A circular or square vertical structural member.

On the plat map for Turkey Creek Harbor Condos (**hereby referred to as “Plat Map”**) the following definition is made:

No building or pavement shall be located within the required buffer strip.

With the above referenced definitions in mind, we offer the following rationalizations as to why our building permit should be approved:

According to the *Glossary*, a building will have a roof and must be supported by columns or walls. The *Glossary* defines a column as a circular or square vertical structural member.

Our submitted plans show the use of wooden posts 9 feet high, 6 inches wide, by 8 inches wide clearly not meeting the definition of “column” as square or circular, therefore not meeting the definition of a “building” per the *Glossary*.

However, we understand that other definitions provided in the above referenced material should also be considered. Such as in *Chap. 2 Definitions* the portion of the definition of *Accessory Building* includes the phrase, “A building that is connected to a principal building by a breezeway that is greater than 12 feet in length shall be considered accessory for purposes of size limitations.”

Our detached structure has a breezeway that is 26 feet in length and would therefore also be “considered accessory for purposes of size limitations.”

Chap 2. Definitions goes on to define an *Accessory Structure* as a “A structure or building detached from a principal building...”. This definition of an *Accessory Structure* is also expanded on in *R4 Regulations* with the following applicable language, “Accessory structures shall be set back a minimum of ten feet from the rear property line.”

Our structure is outside of the 25-foot buffer strip by around 6 feet, taking the edge of our patio well beyond the required 10 feet.

Our position is that this plan not only meets the requirements of the applicable ordinances but exceeds them and therefore should be approved.

Thank you for your time and consideration of our project.

Sincerely,

Bobby Sanford

Sec. IX. - Attached single-family residential district (R-4).

- A. *General description.* It is the intent of this zone to provide for the development of attached single-family developments in areas suited for such development. These areas should be free from severe natural environmental limitations and provide access to a street having a designated classification of local collector or greater, or a local street which is not interior to a subdivision. The street on which the development accesses must also meet the minimum design standards established in the Farragut Subdivision Regulations.

The town encourages the spacing and orientation of units to promote aesthetics, buffering and open spaces to enhance the quality of life for the community, and recreational and common facilities for the enjoyment of the residents of the development.

B. *Permitted uses and structures.*

1. Attached single-family dwellings.
2. Recreational facilities and open space which are developed as an integral part of the residential development provided the following development criteria are met:
 - a. The maximum coverage for the total building area shall not exceed 35 percent and the total lot coverage shall not exceed 60 percent;
 - b. A site plan and landscape plan shall be submitted as regulated in Chapter 4; and
 - c. That all non-building structures, except for arbors, are setback a minimum of 20 feet from all front property lines and ten feet from all side and rear property lines. Arbors shall be set back a minimum of ten feet from all property lines.
3. Agricultural crops, but not nursery sales or the raising of farm animals or poultry, provided there is a minimum lot size of five acres.
4. Agricultural accessory uses and structures, provided there is a minimum lot size of five acres.
5. Accessory uses and structures.
6. Customary Home Occupations as regulated in Chapter 4.
7. Signs as regulated in the [Farragut] Municipal Code.
8. Utility uses.

C. *Minimum development requirements.*

1. There shall be a maximum of eight units per building. There shall be no more than two adjacent units with the same front view building elevation, or there shall be no more than two adjacent units with the same front yard setback line. Building elevations shall be reviewed at time of building permit application. The minimum front yard setback difference between adjacent units shall be three feet.
2. The development should consider providing centralized mailbox facilities.
3. The development shall conserve, in so far as practical, natural and manmade features on the site, including, but not limited to, trees, historic features, and wetlands.
4. A survey of the natural features shall be completed where appropriate. Natural features shall include, but are not limited to, wetlands, rock formations, trees, sink holes, streams, topographic features, and endangered species habitats. Development shall comply with the Tree Preservation Ordinance [now chapter 113 of the Farragut Municipal Code].
5. Roadways shall be designed to reduce the grading of the site and preserve the natural topography as much as practical while still meeting the town's minimum Subdivision Regulations for streets. Site design should preserve large, existing trees when possible and reduce the clearing necessary for building sites. The maximum slope

created as a result of a proposed development shall not be greater than 3:1 (run/rise). Terracing may be permitted per the Town Engineer's approval.

6. All units shall have access to a public street.
7. Development shall directly access a street having a designated classification of local collector or greater, or a local street which is not interior to a subdivision. The street on which the development accesses shall meet the minimum design standards established in the Farragut Subdivision Regulations.
8. The means of preserving and maintaining the common open space and other common property shall be assured as part of the development.
9. Building envelopes established per these regulations and shown on the recorded final plat shall be the maximum building envelope for each unit.
10. Internal access and circulation shall provide for adequate ingress/egress of firefighting equipment, service deliveries, furniture moving vans, and refuse collection vehicles.
11. The development should consider providing street lighting. All street lights shall conform with approved town standards. Such street lighting located on private streets shall be owned and maintained by the same entity responsible for maintenance and ownership of the common open space.
12. Common driveways, parking areas, walks and steps shall be provided, maintained, and lighted for night use where appropriate.
13. Sidewalks shall be constructed per the Farragut Subdivision Regulations.
14. Landscape plans shall be submitted as regulated in Chapter 4.
15. Utility plans shall be submitted.
16. Subdivision plats shall be submitted as regulated in the Farragut Subdivision Regulations. All applicable requirements of this section shall be included as part of the plat submission.

D. *Area regulations.*

1. *Setback requirements.*

- a. *Peripheral property lines.* All buildings shall be set back a minimum of 50 feet from peripheral front, side, and rear property lines. The buffer strip shall be included in the required peripheral building setback.
- b. *Front yard.* All buildings and/or dwelling units shall be set back a minimum of 20 feet from all streets interior to the development when a dwelling unit's garage faces the street, when no garages are constructed for a dwelling unit, and/or when additional parking spaces are provided in front of a dwelling unit.

All buildings and/or dwelling units shall be set back a minimum of 15 feet from all streets interior to the development when garages are rear loaded and do not face the street and when no additional parking spaces are provided in front of the dwelling unit. Please refer to Illustration 14 (see Chapter 1). This illustration depicts the intent of the regulation.

In order to provide for an opportunity for a dwelling unit to more effectively engage the public street, a covered porch overhang may be extended so that the furthestmost projection could be up to ten feet from the street. Such overhang shall not encroach into the public right-of-way, interfere with landscaping along the street edge, and/or conflict with any utilities or pedestrian facilities. Such overhangs shall be shown as part of the residential site plan and are only an option where garages are rear loaded and do not face the street and when no additional parking spaces are provided in front of the dwelling unit.

- c. *Side yard.* In order to eliminate the appearance of row housing, the distance between buildings when sides of buildings are adjacent shall be varied. The total minimum distance between buildings shall be based on the total number of buildings constructed in a row multiplied by 12 feet. The minimum distance between two

adjacent buildings shall be ten feet. For example, if four buildings are located in a row, the total minimum separation between the four buildings shall be 48 feet. Please refer to Illustration 14 (see Chapter 1). This illustration depicts the intent of the regulation.

- d. *Rear yard.* The minimum distance between buildings when rears of buildings are adjacent shall be 40 feet.
- e. *Side/rear yard.* The minimum distance between buildings when sides/rears of buildings are adjacent shall be 25 feet.
- f. *[Accessory structures.]* All accessory structures, excluding fences, flatwork, subdivision walls, entrance pillars, and certain utility structures, shall meet the front yard building setback requirements and shall not extend any closer to the side property line than the principal building. Accessory structures shall be set back a minimum of ten feet from the rear property line.

Subdivision entrance walls and entrance pillars shall be set back a minimum of ten feet from all property lines. Electrical substations utility offices, or any other utility buildings shall meet all building setback requirements. In all cases, the setbacks for accessory structures shall comply with the adopted building and fire codes and this must be demonstrated as part of the building permit application.

2. *Buffer strips.*

- a. There shall be a buffer strip a minimum of 25 feet in width on all front, side, and rear peripheral property lines. The buffer strip shall be included in the required peripheral building setback, shall be planted and platted at the time of subdivision, and shall be owned and maintained by the property owners' organization;
- b. Existing, mature vegetation shall be preserved and incorporated into the buffer strip.
- c. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.

3. *Maximum lot coverage.* Total lot coverage: 50 percent, except as provided for elsewhere in this ordinance.

4. *Land area.* Minimum lot size of five acres.

5. *Density.*

- a. Maximum overall density shall not exceed six units per acre. This density of six units per acre is a maximum number only, and is permitted only if all requirements of the Town of Farragut have been met.
- b. The maximum number of units per building shall not exceed eight.

6. *Open space.* A minimum of ten percent of the gross land area of the development shall be reserved as open space as regulated in the Farragut Subdivision Regulations.

E. *Height regulations.*

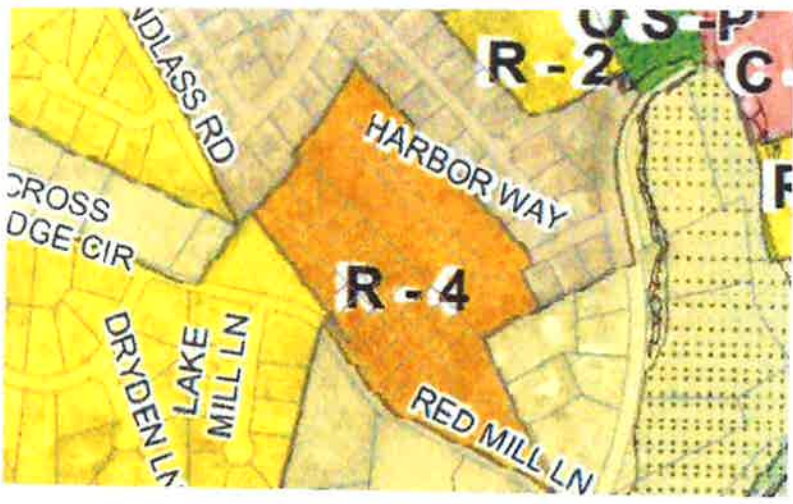
- 1. No principal building shall exceed 2½ stories, or 35 feet in height, except as provided for elsewhere in this ordinance or the [Farragut] Municipal Code; and
- 2. No accessory structure shall exceed 15 feet in height, except as provided for elsewhere in this ordinance or the [Farragut] Municipal Code.

F. *Parking.* Parking shall be provided as regulated in Chapter 4. Off-street parking shall generally be located in close proximity to the dwelling units intended to be served. All overflow off-street parking shall be centrally located or uniformly distributed throughout the development.

(Ord. No. 86-16, 4-1986; Ord. of 2-2006; Ord. No. 06-02, § 1, 2-2-2006; Ord. No. 06-34, § 6, 1-11-2007; Ord. No. 09-24, § 2, 1-14-2010; Ord. No. 12-03, § 7, 2-23-2012; Ord. No. 16-20, § 1, 8-11-2016; Ord. No. 16-23, §§ 1, 2, 12-8-2016)

Sec. X. - Two-family residential district (R-5).

A. *General description.* It is the intent of this zone to provide for the development of two-family and single-family



Accessory building: A building customarily incidental and subordinate to the principal building and located on the same lot with such building. A building that is connected to a principal building by a breezeway that is greater than 12 feet in length shall be considered accessory for purposes of size limitations.

Accessory structure: A structure or building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Agricultural use: This includes all forms of agriculture, the growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, enclosed and open plant nursery, nursery sales and forestry uses. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall solid waste disposal sites, commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding academy, livery or boarding stables or dog kennels be so considered.

Agricultural use and structures, accessory: Those structures and use which are normally required in the operation of permitted agricultural uses. The Board of Zoning Appeals shall determine all questions regarding such uses and structures.

Alcoholic beverage: Those beverages regulated under provisions of state law administered by the Tennessee Alcoholic Beverage Commission and all ordinances of the Town of Farragut regulating alcoholic beverages.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing height, or for public utility purposes.

Appeal: A request for a review by the Board of Zoning Appeals of any ruling, or denial by the Town Building Official pursuant to this ordinance, or interpretation of any provision of this ordinance or a request for a special exception, or a request for a variance.

Arbor: A freestanding latticework bower intertwined with climbing vines and flowers which defines or demarks an entry way.

Area, building: The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. Such area shall be calculated to determine "maximum lot coverage."

Art and fitness studio: An establishment where an art or fitness related activity is taught, studied, and/or practiced such as dance, martial arts, photography, music, painting, gymnastics, sports lessons, pilates, or yoga.

Arterial streets or roads: Those streets or roads so designated on the Farragut Major Road Plan.

Assisted-Care Living Facility: A building, establishment, complex or distinct part thereof that accepts primarily aged persons for domiciliary care and services. Such facilities are licensed by the State of Tennessee. The parcel or tract of land and the units within the facility shall remain under single ownership so that individual units are not transferrable in fee simple.

Assisted-Care Living Facility Resident: Primarily an aged person who requires domiciliary care, and who upon admission to the facility, if not ambulatory, is capable of self-transfer from the bed to a wheelchair or similar device and is capable of propelling such wheelchair or similar device independently. Such a resident may require one or more of the following services: room and board, assistance with non-medical activities of daily living, administration of typically self-administered medications, and medical services subject to the limitations of these rules.

Automobile and recreational vehicles sales agency: A building used for the display, sales, storage, servicing, and repairing of new passenger motor vehicles, and of used passenger motor vehicles as an accessory use except that no part of the premises shall be used for a body or sheet metal repair shop, nor for the dismantling or storage of wrecked vehicles. For the purpose of this ordinance, boats are considered recreational vehicles.

Baby-sitting: The on-premises care of small children for which a charge is made. This service is limited to no more than four children at any one time and is custodial in nature; therefore, no special educational or outdoor recreational equipment is needed.

Bed and breakfast: a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

Billboard: See "Off-Premises Outdoor Advertising."

Board: Farragut Board of Zoning Appeals.

Boarding house: A building containing two or more lodging units where, for compensation and by prearrangement for definite but relatively short-term periods, meals are provided. Assisted-care living facility shall not be considered as a boarding house. Such uses are permitted only in those zones permitting hotels or motels.

Brewpub: An establishment licensed by The State of Tennessee, and meeting all regulatory and permitting requirements of The Town of Farragut, which includes a microbrewery, operating in conjunction with an eating establishment involving the preparation and serving of food to seated patrons in addition to on-premise consumption of beer or malt beverages, including beer produced at the microbrewery on the same premises.

Buffer strip: An area used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. Buffer strips shall be planted and maintained as specified in the "Landscaping Requirements" of this ordinance.

Buildable area of a lot: That portion of a lot bounded by the required rear and side yards and the building setback line.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, height of: The vertical distance from grade plane to the average height of the highest roof surface.

Building setback line (front): A line delineating the minimum allowable distance between the street right-of-way and the front of a structure. The building setback line is parallel to or concentric with the street right-of-way. The area between the street right-of-way and the front of the structure is the front yard.

Building setback line (rear): A line delineating the minimum allowable distance between the rear property line and rear of a structure. The building setback line is parallel or concentric with the rear property line.

Building setback line (side): A line delineating the minimum allowable distance between the side property line and side of a structure. The building setback line is parallel to or concentric with the side property line.

Business services: Any activity conducted for gain which renders services primarily to other commercial enterprises, or which services and/or repairs appliances and machines used in a home or business.

Camping ground: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Carport: A roofed building that is not enclosed on more than three sides and that is accessory to a residential use and that is used for the parking and storage of vehicles owned and operated by the residents thereof.

Child care: Refers to the various arrangements made by parents for the care outside their home, of children under 17 years of age, for less than 24 hour periods as provided in Tennessee Code Annotated §§ 71-3-501 through 71-3-533 [T.C.A. § 71-3-501 et seq.], as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.

Adaptive Reuse. The process of reusing an old site or building for a purpose other than which it was built or designed for, such as a residence converted into an office.

Addition. Construction that expands the square footage of an existing building.

Alignment. The linear relationship of structures or parts of structures to each other.

Appropriate. Suitable or compatible.

Arcade. A covered passageway with arches along one or both sides.

Arch. A curved construction that spans an opening and supports the weight above it.

Architectural Screen. A fabricated metal component that is fastened to a building wall, or over an opening to provide an ornamental or mesh screen that adds visual interest or limits the visibility of parked cars, utility areas or other visual intrusions.

Articulation. Design elements, including both horizontal and vertical changes in materials, texture or wall plane that add interest to the face of a building. Massing articulation is the way in which a building is broken down into modules, sub-parts, or major elements, that provide a sense of human scale.

Attic. The upper level of a building, usually not of full ceiling height, directly beneath the roof.

Awning. A roof-like cover that is temporary or portable in nature that projects from the wall of a building and is supported primarily from the exterior wall of a building.

Base, Middle, Cap Design. A traditional building facade composition with well-defined ground or lower floors and a distinctive "cap" element framing middle building floors.

Batten. A board attached to the back or front of two other parallel boards, usually to hold them together.

Bay. The horizontal divisions of a building, defined by windows, columns, pilasters, etc.

Bay Window. A projecting window that forms an extension to the floor space of the internal room.

Block Face. See "Street Face."

Board and Batten. Siding fashioned of boards set vertically and covered where their edges join by narrow strips called battens.

Bond. A term used to describe the various patterns in which brick (or stone) is laid, such as "common bond" or "Flemish bond."

Bracket. A supporting member of wood, stone, or metal often used for both decorative and structural purposes and generally found under projecting features such as eaves or cornices. Also, brackets are used as supports for a balcony.

Building. Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. See the Town of Farragut Zoning Ordinance.

Building Module. A sub-part of a larger building that appears as a single facade plane. One large building can incorporate several modules.

Bulkhead. The structural panels just below display windows on storefronts. Bulkheads can be both supportive and decorative in design.

Buttress. A pier of masonry placed against a wall for additional support.

Canopy. A roofed structure placed so as to extend outward from a building, to provide a protective shield for doors, windows, and other openings. Canopies are usually supported by the building with additional support extending to the ground directly under the canopy edge.

Cantilevered. A projecting element, anchored in the body of the building, as in the case of a cantilevered balcony.

Casement Window. A window with one or two sashes which are hinged at the sides and usually open outward.

Character. The qualities and attributes of any structure, site, street or district.

Cinder Block. A concrete masonry unit block made from cinders (fly ash or bottom ash).

Clapboards. Horizontal wooden boards, thinner at the top edge, which are overlapped to provide a weatherproof exterior wall surface.

Clerestory. A section of a wall pierced with windows projecting above the aisles of a church.

Colonnade. A range of columns.

Column. A circular or square vertical structural member.

Compatible. Existing or performing in harmonious, agreeable combination with its surroundings.


Concrete Masonry Unit (CMU). A large rectangular brick made from cast concrete. A cinder block is a type of CMU.

Configuration. The arrangement of elements and details on a building or structure that help to define the character.

Construction. The act of adding an addition to an existing building or structure, or the erection of a new principle or accessory building or structure on a lot or property.

Context. The setting in which a site, structure, street or district exists.

Cornice. A projecting element that tops a wall.

 column



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col·umn | \ 'kă-ləm  also 'käl-yəm \

Definition of *column*

1a : a vertical arrangement of items printed or written on a page columns of numbers

b : one of two or more vertical sections of a printed page separated by a rule or blank space The news article takes up three columns.

c : an accumulation arranged vertically : [stack](#) columns of paint cans

d : one in a usually regular series of newspaper or magazine articles the gossip column advice columns

✂ 2 : a supporting pillar especially : one consisting of a usually round shaft, a capital, and a base a colonnade of marble columns

3a : something resembling a column in form, position, or function a column of water columns of smoke

b : a tube or cylinder in which a chromatographic separation takes place

4 : a long row (as of soldiers) columns of troops

5 : one of the vertical lines of elements of a [determinant](#) or [matrix](#)

6 : a statistical category or grouping put another game in the win column

Illustration of *column*

 Illustration of column

column 2

Exhibit F

 pillar



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pill·lar | \ 'pi-lər 

Definition of *pillar*

(Entry 1 of 2)

 1a : a firm upright support for a superstructure : [post entry 1](#)

b : a usually ornamental column or shaft especially : one standing alone for a monument

2a : a supporting, integral, or upstanding member or part a pillar of society

b : a fundamental precept the five pillars of Islam

3 : a solid mass of coal, rock, or ore left standing to support a mine roof

4 : a body part that resembles a column

from pillar to post

: from one place or one predicament to another

pillar

[verb](#)

pillared; pillaring; pillars

Definition of *pillar* (Entry 2 of 2)

[transitive verb](#)

: to provide or strengthen with or as if with [pillars](#)

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- [pier](#),
- [pilaster](#),
- [post](#),
- [stanchion](#)

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post

[noun \(1\)](#)

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\ 'pōst 

Definition of *post*

(Entry 1 of 9)

- 1 : a piece (as of timber or metal) fixed firmly in an upright position especially as a stay or support : [pillar](#), [column](#)
- 2 : a pole or stake set up to mark or indicate something especially : a pole that marks the starting or finishing point of a horse race
- 3a : [goalpost](#)
- b : a football passing play in which the receiver runs downfield before turning towards the middle of the field
- 4 : the metal stem of a pierced earring
- 5 : a metallic fitting attached to an electrical device (such as a storage battery) for convenience in making connections

post

[verb \(1\)](#)

posted; posting; posts

Definition of *post* (Entry 2 of 9)

[transitive verb](#)

- 1 : to affix to a usual place (such as a wall) for public notices : [placard](#)

Post (structural)

A **post** is a main vertical or leaning support in a structure similar to a column or pillar but the term post generally refers to a timber but may be metal or stone.^{[1][2][3][4][5][6][7]} A stud in wooden or metal building construction is similar but lighter duty than a post and a strut may be similar to a stud or act as a brace. In the U.K. a strut may be very similar to a post but not carry a beam.^[8] In wood construction posts normally land on a sill, but in rare types of buildings the post may continue through to the foundation called an interrupted sill or into the ground called earthfast, post in ground, or posthole construction. A post is also a fundamental element in a fence. The terms "jack" and "cripple" are used with shortened studs and rafters but not posts, except in the specialized vocabulary of shoring.

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Timber framing

Timber framing is a general term for building with wooden posts and beams. The term post is the namesake of other general names for timber framing such as post-and-beam, post-and-girt construction and more specific types of timber framing such as Post and lintel, post-frame, post in ground, and ridge-post construction. In roof construction such as king post, queen post, crown post framing. A round post is often called a pole or mast depending on its diameter thus pole building framing, or a mast church.

Post and strut names in traditional timber framing

- Wall – A general term for a post in a wall.
- Principal – A primary support. Principal is a general term meaning a "major" member often distinguished from "common" or "minor" members.^[9]
- Angle – A historical name for a corner post.
- Intermediate – A post in an exterior wall not at a corner.
- Chimney – An intermediate post receiving its name from being near a chimney.
- Interior – A general term for posts not in an exterior wall.
- Arcade – A post located between an aisle and nave.^[10]
- Aisle – same as arcade post.^[11]
- Corner – Any post at the corner of a building.