To: Members of Knoxville City Council; Recode Knoxville; and Gerald Green
From: Community Forum, Larry Silverstein, Chairperson
Re: Community Forum Response to Recode Knoxville—Draft 5
Date: May 27, 2019

Community Forum's May 26, 2019, comprehensive Response to Draft 5 of Recode is attached. Our response follows Recode's page order.

Many issues raised in this Document cover Articles 1-8 which were discussed at the City Council Special Meeting on May 14, 2019. However, some items were either not discussed at all, or were not resolved during the Special Meeting. City Council requested that the planning staff and/or city departments report back after further consideration and review of some issues.

Community Forum's Response to Draft 5 addresses some issues that have been included in our previous responses to Drafts 1-4, but still need attention. However, there are many issues regarding material appearing for the first time in Draft 5. We look forward to discussing these issues at the May 30, 2019, Special Meeting.

Community Forum has members from many different neighborhoods in the City of Knoxville. Our members have attended many public meetings, City Council and Knox Planning meetings and workshops. Our Community Forum members have participated in numerous meetings of our own neighborhood associations, and have often talked to residents of other neighborhoods about Recode.

One theme has arisen regarding single-family residential neighborhoods since the release of Draft 1 in March, 2018, and has persisted through Draft 5, May, 2019.

Many Knoxvillians like where they live. They like their neighborhood and its character. Many report having worked hard to support, strengthen, stabilize and improve their neighborhood. They are both financially and emotionally invested in where they live. They want to keep what they presently have. They do not think they should have to work hard, <u>again,</u> to keep, or get, what they have already worked to achieve. They believe they have upheld their part of the bargain as citizens of Knoxville.

They do not understand why there are proposed changes that neither they, their neighborhoods, nor their City Council members requested. They are very frustrated because they have not heard a rationale or explanation for why these proposed changes are being made. They do not know what problem is trying to be fixed in their own neighborhood.

They do not believe that Recode adequately addresses or acknowledges the differences among single-family residential neighborhoods or that it adequately distinguishes the urban from the suburban development pattern. They note that Recode does, however, acknowledge and address differences among other development types. They cite the amount of attention to detail and the increase in the number of zoning districts, sub-districts or intensity levels, for primarily non-single family residential development districts, downtown, and the commercial zoning districts.

In contrast, Recode squeezes the majority of Knoxville's existing single-family neighborhoods, most of which are presently zoned R-1, R-1A, R-1E, into two zoning districts, RN-1 and RN-2. To make matters worse, the proposed minimum lot area is 10,000 square feet for RN-1 and 5,000 square feet for RN-2. That means that every single-family lot below 10,000 square feet in area suddenly falls under the new

minimum lot area requirement of 5,000 square feet. This proposed change will have a substantial negative impact on many of our neighborhoods that were developed under the decades-long minimum lot area standard of 7,500 square feet for single-family dwellings. The minimum lot area change incentivizes the demolition of existing modest homes, the subdivision and reconfiguration of lots, and the introduction of development out of character with the remainder of the existing neighborhood development. Replacement construction will provide less affordable housing than existing housing.

They find the Recode proposals for the residential zoning districts to be inconsistent with Camiros' July 2016, Response to the City's Request for Proposals, which states on page 11: ***"In addition, distinctions will need to be made for urban versus suburban residential neighborhoods, as well as regulations for rural residential development."***, and on page 14: ***"Use should respond to established community values and habits. Some neighborhoods are built around exclusive land use districts, while in other neighborhoods these relationships are more intermixed. These differing characteristics should be integrated into the ordinance to assure desired patterns of livability and provide relative ease of review and approval."***

Many find the Recode proposals for the residential zoning districts to be inconsistent with the Recode Knoxville Technical Review & Approaches Report, which states on page 11: ***"Residential districts should be refined to ensure that the character of Knoxville's neighborhoods is reflected in its residential district structure."***

With that in mind, we request that you consider the following:

1. Add additional single-family residential zoning districts.

2. Add a single-family zoning district with a minimum lot size around 7,500 square feet.

3. Align the uses in the proposed single-family residential districts with the uses presently allowed in the existing zoning districts.

4. Retain the existing Planned Residential Zoning District (RP-1, 2, 3) proposed for deletion in Recode. Planned Residential zoning allows a variety of housing types and densities and is frequently requested. Government can request RP zoning. Only the owner can request the proposed Planned Development.

5. Adopt zoning neutral maps. Zone properties the zone closest to their existing zoning. Use the adopted, long-standing, codified, participatory, comprehensive planning process to change the Sector Plan and One Year Plan and Zoning.

We urge you to take whatever time is necessary to end up with a Zoning Ordinance that will have the least negative impact possible on our neighborhoods throughout the City of Knoxville.

We would be happy to discuss the issues raised in our Response to Draft 5 at any time.

Sincerely,

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RECODE DRAFT 5, PLANNING COMMISSION RECOMMENDED DRAFT, MAY 2019
COMMUNITY FORUM RESPONSE--May 27, 2019

ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

PAGE 1-2: ARTICLE 1, SEC. 1.3, Applicability, E. Relation to Other Laws and Regulations, *"To the extent that there is a conflict between laws or regulations, public safety will take precedent."*

QUESTION: Should it be "precedence" instead of "precedent"?

PAGE 1-3: ARTICLE 1, SEC. 1.4, Transition Rules, H. Requests for Prior Zoning Equivalent. The Recode process should strive to minimize changes in use and dimensional requirements, from what presently is required by the property's existing zoning. Although it is not possible to put equivalent zoning in place in all cases, the proposed zoning district most similar to what presently exists should be put in place, even if the property will not meet the dimensional standards. For instance, R-1 properties should be given RN-1 zoning, even if they are less than 10,000 sq. ft. in size.

It was the general understanding that Recode-assigned zoning would be substantially neutral regarding use and dimensional requirements, to the existing zoning. Given that expectation, the burden to change use and/or dimensional requirements of property should rest with the city. Changes in use and dimensional standards should be accomplished through the adopted participatory Sector and One-Year Planning process, not Recode. The adopted planning process allows the city to propose and initiate zoning changes and allows the community the opportunity to focus on that specific zoning and planning request. A deliberative, focused process allows property owners and neighborhood groups the necessary time and proper atmosphere to consider many aspects of zoning and community needs, including the adoption of appropriate overlays to accompany a sweeping change in zoning and infrastructure improvements. Individuals and neighborhoods should not have the burden of requesting to return to zoning similar to what they had, and, in many cases, the zoning they worked hard to obtain over the decades.

PAGE 1-3, ARTICLE 1, SEC. 1.4, Transition Rules, F. Previously Approved Variances. NOTE reference to SEC. 16.3 G, PAGE 16-8. That section has been recommended for deletion by city staff. See 9c. Proposed Revisions to Draft 5, May 14, 2019.

ARTICLE 2. GENERAL DEFINITIONS & MEASUREMENT METHODOLOGIES

PAGE 2-1, ARTICLE 2, SEC. 2.1 RULES OF INTERPRETATION

"The terms in the text of this Code are interpreted in accordance with the following rules of construction:
A. The singular number includes the plural, and the plural the singular.
B. The present tense includes the past and future tenses, and the future tense includes the present.
C. Any gender includes all genders.
D. The terms "must," "shall," and "will" are mandatory, while the word "may" is permissive.
E. The terms "must not," "will not," "shall not," "cannot," and "may not" are prohibiting.
F. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage."

QUESTION: Should the existing ordinance language be used or included?

EXISTING ORDINANCE LANGUAGE: ARTICLE II. - DEFINITIONS For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
USE LANGUAGE FROM EXISTING ORDINANCE. It is much more clear than what is being proposed, especially the use of "may", and there is a long history of interpretation. Why change? At the very least, add language clarifying "person" and "used" or "occupied."

PAGE 2-1: ARTICLE 2, SEC. 2.1. D and E. It is confusing to have **D.** "may" be permissive but **E.** "may not" be prohibiting. **DELETE** "may not" as prohibiting and do not use it in the ordinance.
See **Page 10-3, ARTICLE 10, sec. 10.2, C. 3. a,** for an example of confusion resulting from the over use of the word "may" instead of using the words "are regulated". And, **PAGE 10-4, ARTICLE 10, SEC. 10.3, A. 2.** *"A building permit may be required for the construction of an accessory structure, per the Building Code."* as opposed to saying: "Building permits for the construction of an accessory structure are required consistent with the Building Code."
Also see **PAGE 2-14, ARTICLE 2, SEC. 2.3, "Industrial-Heavy",** where "may" is speculative, not permissive, **and PAGE 10-4, ARTICLE 10, SEC. 10.3, A.**, to see the confusion. **PAGE 2-14: ARTICLE 2, SEC. 2.3:** *"Industrial - Heavy. Manufacturing from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have outdoor storage areas."*
QUESTION: Note the confusion brought by the use of the word "may". As used here, "may" is **speculative, not permissive**. Under the **Rules of Interpretation, ARTICLE 2,**

SEC. 2.1, D., PAGE 2-1, "may" is permissive. Should "may" on Page 2-14, be changed to: "...is expected to..."? Please see **PAGE 10-17, ARTICLE 10, Sec. 10.5, Environmental Performance Standards,** which do not permit some of these effects to be detected off the site.

PAGE 2-3: Article 2, SEC. 2.3 Definitions: CHANGE FROM: *"Animal Care Facility–Small Animal. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and facilities where animals are boarded during the day. Animal care facilities do not include animal breeders. Facilities for animals boarded for overnight and short-term stays are considered a kennel."*
CHANGE TO: "Animal Care Facility - Small Animal. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals and boarding during their convalescence; pet grooming facilities; animal training centers and clubs; and facilities where animals are boarded during the day. Animal care facilities do not include animal breeders or kennels." ~~Facilities for animals boarded for overnight and short-term stays are considered a kennel."~~ See Animal Control Law, City Code Chapter 5, Sec. 5-1 and 5-27, Maximum Number of Animals Per Household; Permits for Kennel, Boarding Facility, Pet Shop or Pet Dealer. Pet stores and veterinarians, etc., require different permits from kennels and are separately defined.

PAGE 2-14: Article 2, SEC. 2.3: CHANGE FROM: Kennel. "*A facility where five or more dogs and/or cats over the age of six months are boarded for overnight and short-term stays."* **TO: Language in Existing Ordinance, which comports with the Animal Code of the city:** "Kennel: Any lot or premises on which five (5) or more dogs, more than six (6) months of age, are kept."
THIS IS THE ONLY WAY TO KEEP SOMEONE FROM HAVING AN UNLIMITED NUMBER OF DOGS ON A LOT ON A RESIDENTIAL ZONE!!! "Boarding" is not the same as "Keeping."
PAGE 2-19: ARTICLE 2, SEC. 2.3: *"Parking lot. An area, excluding a street or public way, used for the parking/storage of six or more vehicles, whether for compensation or at no charge."*
The qualifying words "(Principal use)" has been removed from definition and from the Use Matrix, PAGE 9-2, Article 9.
QUESTION: Does this definition include parking lots--both parking lots as a principal use and parking lots serving as required off-street parking?
****Why has the threshold number of vehicles needed to be considered a parking lot, and come under regulation as a parking lot, increased from 4, in the existing Knoxville zoning ordinance, to 6 in Recode? (Knoxville Zoning Ordinance, Article II, Parking Lot)
****PAGE 2-19: ARTICLE 2, SEC. 2.3:** *"Parking structure. A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge. A roofed structure of one level of parking is also considered a parking structure."*
Should "operable" be deleted? Again, "(Principal use)" has been deleted.
PAGE 2-21: ARTICLE 2, SEC. 2.3: CHANGE FROM: *"Research and Development. 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." **TO:** "...shall not..." "may not" is prohibitive language under the **Article 2, Sec. 2.1, Page 2-1, Rules of Interpretation**, but it certainly sounds permissive when in the same sentence with "...may create...".

PAGE 2-24: ARTICLE 2, SEC. 2.3: Temporary Outdoor Entertainment. Temporary outdoor entertainment is proposed as a permitted temporary use in the Residential zoning districts in Recode (See PAGE 9-6, Use Matrix, ARTICLE 9).
The definition has been changed between Draft 4 and Draft 5, as follows: *"Temporary Outdoor Entertainment. A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. ~~Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary services, and others."~~*
However, the change fails to prohibit any activity, including fireworks, carnivals/circuses. The events listed, i.e., "such as the performance of live music, revue, or play", are simply illustrative examples, not a limiting list. If the intent is to prohibit "fireworks shows, carnivals/circuses" they must be clearly prohibited.
(See comments regarding PAGE 9-6, ARTICLE 9, SEC. 9.2, USE MATRIX, and, PAGE 9-31, ARTICLE 9, SEC. 9.4 Temporary Use Standards, G.)

PAGE 2-24: ARTICLE 2, SEC. 2.3: Temporary Outdoor Sales. Temporary Outdoor Sales is defined as: "*Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment* where *such goods are part of the establishment's regular items offered for purchase."*

Temporary outdoor sales is proposed to be allowed in all zoning districts, including residential.

Do not confuse "Temporary Outdoor Sales" with the Sale of Personal Property, also known as "Garage Sales and Yard Sales."

The Sale of Personal Property, i.e., Garage sales, Yard sales, is presently allowed in residential zoning districts. The sale of Personal Property is **not regulated by the zoning ordinance**. It is regulated by the **Knoxville Code, Chapter 16, Article VIII.** The Sale of Personal Property only allows for the sale of goods acquired for personal use through the normal activities of living.

Temporary Outdoor Sales is different from the Sale of Personal Property, including Yard sales, by individuals or groups. The important difference is that Temporary Outdoor Sales allows the sale of all kinds of goods acquired for the purpose of resale, including vehicles. The sale of goods acquired for the purpose of resale, is **not** presently allowed in the Residential zoning district.

(See comments on PAGE 9-6, ARTICLE 9, SEC. 9.2, Use Matrix, Temporary outdoor sales, and PAGE 9-31, ARTICLE 9, SEC. 9.4, Temporary Use Standards, H.)

PAGE 2-27: ARTICLE 2, SEC. 2.3: Zoning Administrator. ***"The title refers to the Building Official, Director of Plans Review and Building Inspections, officer or other designated authority charged with the administration and enforcement of this code, or his/her duly authorized representative."***
This definition is unclear. What is meant by "officer" and "other designated authority charged with administration and enforcement of this code"?
It is important to note that **PAGE 14-2, ARTICLE 14, CODE ADMINISTRATORS, SEC. 14.4 ZONING ADMINISTRATOR POWERS, and SEC. 14.5 DIRECTOR OF PLANS REVIEW AND BUILDING INSPECTIONS POWERS,** enumerate "powers" specific to the these individuals/offices/titles.
Is there confusion between "Zoning Administrator" and the various boards and commissions, such as the "Design Review Board", "Historic Zoning Commission", "Administrative Review Committee", etc.?
NOTE: PAGE 18-1, ARTICLE 18, SEC. 18.1, ENFORCEMENT OFFICIAL, states: *"This code is enforced by the Director of Plans Review and Building Inspections...."* There is no mention of "Zoning Administrator".

ARTICLE 3. ZONING DISTRICTS AND ZONING MAP

QUESTION/OBSERVATION: WHAT PERCENTAGE OF KNOXVILLE'S EXISTING RESIDENTIALLY-ZONED LAND IS BEING SQUEEZED INTO RN-1 AND RN-2? (IS IT ALL R-1E, R-1, R-1A? WHAT PERCENTAGE OF KNOXVILLE'S TOTAL RESIDENTIAL LAND IS BEING PUT INTO RN-3? RN-4? RN-5? RN-6? RN-7?)
IT APPEARS THERE ARE FINER DISTINCTIONS (MORE ZONING DISTRICTS, ETC.) BEING MADE AMONG THE MORE DENSE RESIDENTIAL ZONING DISTRICTS (RN-3, RN-4, RN-5, RN-6, RN-7) THAN AMONG THE LESS DENSE ZONING DISTRICTS, SINGLE-FAMILY DISTRICTS, RN-1 and RN-2. THE FINER DISTINCTIONS ARE BEING MADE AMONG THE MORE DENSE ZONING DISTRICTS, EVEN THOUGH A RELATIVELY SMALL PERCENTAGE OF KNOXVILLE'S TOTAL RESIDENTIAL LAND/PROPERTY FALLS INTO THE MORE DENSE DISTRICTS WHEN COMPARED TO THE LESS DENSE ZONING DISTRICTS, WHERE MOST OF KNOXVILLE'S RESIDENTIAL PROPERTY IS LOCATED. KEEP IN MIND, FOR DECADES 7500 SQ FT WAS THE MINIMUM LOT SIZE FOR SINGLE FAMILY DETACHED HOUSING DEVELOPMENT. NOW THAT RECODE IS INCREASING THE MINIMUM LOT SIZE FOR RN-1 TO 10,000 SQ FT, EVERY LOT BELOW 10,000 SQ FT SUDDENLY HAS A 5000 SQ FT MINIMUM. THAT CHANGES THE ENTIRE CHARACTER OF THE NEIGHBORHOODS BECAUSE TWO 7500 SQ FT LOTS WITH MODEST HOMES COULD BE COMBINED AND BECOME THREE 5000 SQ FT LOTS.
TO PROTECT EXISTING NEIGHBORHOODS:
1. ADD A ZONING DISTRICT BETWEEN RN-1 AND RN-2, WITH LOTS AROUND 7500 SQ FT FOR SINGLE FAMILY.
2. OR, INCREASE THE RN-2 ZONING DISTRICT MINIMUM LOT SIZE TO 7000 SQ FT FOR SINGLE-FAMILY DWELLINGS, AS ORIGINALLY PROPOSED IN RECODE, DRAFT 1.
3. OR, DESIGNATE ALL EXISTING R-1 NEIGHBORHOODS RN-1, EVEN IF NON-CONFORMING. LEAVE THE BURDEN OF CHANGING THE ZONING TO THE OWNERS/NEIGHBORHOOD GROUP USING THE REGULAR PLANNING PROCESS, INCLUDING SECTOR PLANS, ONE YEAR PLAN AND REZONING.

ARTICLE 4. RESIDENTIAL NEIGHBORHOOD DISTRICTS

PAGE 4-2: ARTICLE 4, SEC. 4.3, C. ***"****A pocket neighborhood design is permitted in the RN-4 District per the standards of Section 4.5."* **As written, pocket neighborhood design is**

not limited to RN-4. One could easily argue that pocket neighborhood design is permitted in other zoning districts **without following the RN-4 standards. CHANGE:** Either add "pocket neighborhood" to the **Use Matrix in Article 9,** and indicate the zoning district(s) where it is permitted, or, if the intent is to permit Pocket Neighborhood Design only in RN-4, reword **4.3, C. TO:** "A pocket neighborhood is permitted only in the RN-4 District. The development shall follow the standards in **Section 4.5."** NOTE: It is defined in **Article 2, Page 2-14,** as a "Pocket Neighborhood"--not a "Pocket Neighborhood Design."

PAGE 4-3: TABLE 4-1: RN-2: RESTORE THE MINIMUM LOT AREA FOR SINGLE-FAMILY DWELLING IN RN-2 TO 7000 SQ FT, AND FOR TWO-FAMILY TO 10,000, AS ORIGINALLY PROPOSED IN RECODE DRAFT 1.

PAGE 4-3: TABLE 4-1: RN-2: RESTORE THE MINIMUM SIDE YARD IN RN-2, to 8 ft or 15%, whichever is less, to what it was in Draft 4. New in Draft 5 for RN-2, the Minimum Interior Side Setback is reduced from 8 feet to 5 feet, or 15% of lot width, which ever is less. Also, the combined Minimum Interior Side Setback is reduced from 20 ft. to 15 ft. This makes the Minimum Interior Side Setback the same for RN-2 and RN-3.

PAGE 4-3: TABLE 4-1: RN-2: Regarding required square footage for two-family dwellings: Restore the Minimum Lot Area for two-family, (2F), to 10,000 sq. ft. in RN-2. **CHANGE FROM:** 7,500 **TO:** 10,000 sq. ft. **NOTE:** Draft 4 proposed to lower the required minimum lot size in RN-2 from 10,000 sq ft to 7,500 sq ft. The Draft 4 proposed 7,500 sq ft is a lower minimum lot area for two-family in RN-2 than what Draft 4 proposed for RN-3. **Now, Draft 5 increases the sq. ft. for two-family (2F) in RN-4 to 10,000 sq. ft., but RN-2 remains at 7,500 sq. ft.**

OBSERVATION: It appears there is confusion on what RN-2 is intended to be as a zoning district. The record, provided below, of the changes to RN-2 over the 4 drafts, illustrates the lack of clear vision. RN-2 has become an increasingly more dense zoning district.

Keep in mind that many of these properties/neighborhoods are presently zoned R-1 and are 7,500 square feet or more in area, (less than 10,000) and are single-family detached neighborhoods. THESE CHANGES WILL HAVE AN ENORMOUS IMPACT ON OUR EXISTING RESIDENTIAL NEIGHBORHOODS.

Changes regarding RN-2, in Table 4-1 over all four drafts:

March Draft 1: RN-2: SF 7,000; 2F - 10,000; Minimum lot width residential - 60 ft.
July Draft 2: RN-2: SF 5,000; 2F - 10,000; Minimum lot width residential - 50 ft.
Oct. Draft 3: SAME AS DRAFT 2
Dec. Draft 4: RN-2: SF 5,000; 2F - 7,500; Minimum lot width residential - 50 ft.
May. Draft 5: SAME AS DRAFT 4 for RN-2. However, for RN-4, 2F increases to 10,000 sq. ft. from 7,500.

PAGE 4-8: ARTICLE 4, SEC. 4.5, RN-4 Pocket Neighborhood Design Standards. SEE EARLIER COMMENTS---QUESTION: Is a pocket neighborhood only permitted in RN-4, or, is it permitted in other zoning districts where these standards would not apply?
Add pocket neighborhood to the Use Matrix. (**SEE PAGE 4-2, SEC. 4.3, C.)**

PAGE 4-8: ARTICLE 4, SEC. 4.5, E. 5: "...contiguous" QUESTION: "contiguous" to what?

ARTICLE 5. COMMERCIAL AND OFFICE DISTRICTS

PAGE 5-1: ARTICLE 5, SEC. 5.1, Purpose Statement, A. 2: General Commercial (C-G): Add language making clear that CG is intended for indoor retail uses. Be aware of the fact that zoning district C-3, which is the comparable zone to C-G, has been distinguished from C-4

(proposed C-H) by indoor vs. outdoor businesses. C-3 zoning has been placed in our communities based on this expectation of uses. **SEE PAGE 9-2, ARTICLE 9, SEC. 9-2. USE MATRIX. We strongly object to the addition of outdoor uses to the C-G zoning district and wonder how the outdoor uses support the stated purpose of the C-G zoning district, including "pedestrian oriented" and "recalls the city's traditional business districts". SEE comments on ARTICLE 9, below.**

PAGE 5-2: ARTICLE 5, SEC. 5.2, USES: C. 1. MOVE TO: SEC. 5.1, PURPOSE STATEMENT, B. 2., because these uses (Eating and drinking, Personal Service, Retail Sales Establishments) are **Accessory Services, not Principal Uses.** The Use Matrix lists **only** principal and temporary uses. The Use Matrix does not list "Accessory Services." Therefore, these uses cannot be listed in the Use Matrix and should be removed. **(SEE PAGE 9-1, ARTICLE 9, SEC. 9.2, USE MATRIX, AND OUR COMMENTS TO PAGE 9-1, BELOW.)**

PAGE 5-2: ARTICLE 5, SEC. 5.3, B. Use the zoning district name (RN-1, RN-2) rather than the term "single-family residential district." It is clearer and avoids the need for interpretation.

PAGE 5-6: ARTICLE 5, SEC. 5.4, B, Building Material Restrictions: *"2. Aluminum, steel or other metal sidings (does not apply to C-N and O Districts); this restriction does not include metal architectural wall panels (for example, dri-design panels)."*** In other words, the use of these materials **is not prohibited** in C-N and O Districts. **CHANGE: Delete** language regarding Office (O) and Neighborhood Commercial (C-N) zoning districts from this standard. **NOTE:** The use of these materials is **not** permitted in the Industrial Mixed Use District (I-MU) on facades facing a public right-of-way or residential district. (**See Page 6-2, Article 6, 6.4, B. 2**.) Why permit these materials in Office and Neighborhood Commercial, districts close to, on the edges of, or in residential neighborhoods?

ARTICLE 8. SPECIAL PURPOSE & OVERLAY DISTRICTS

PAGE 8-10: ARTICLE 8, SEC. 8.9, HP HILLSIDE PROTECTION OVERLAY ZONING DISTRICT, B. Applicability.

The regulations provide protection only for residential districts. Application to Commercial, Office, and Industrial districts in Draft 4, has been deleted.

Hillside Protection should apply to all properties, including office, commercial and industrial, following the adopted Hillside Protection Plan.

PAGE 8-10: ARTICLE 8, SEC. 8.9, B. 1 and B. 2:

And, to make matters worse, due to the proposed "Exemptions" in Residential, Hillside Protection offers almost no protection to the residential property it purports to protect. The "exemptions" provide an enormous loophole, removing almost all residential properties from Hillside Protection. **Exemption 1.** removes from the Hillside requirements "Structures existing as of the existing date of this Code." What does that mean? Doesn't Hillside apply to property, not structures? Does it mean any residential property with any structure?

Exemption 2. removes "Lots of record for single-family dwellings existing as of the effective date of this Code."

Under Exemption 2. it appears that undeveloped properties of any size, presently zoned to allow the construction of single-family homes, would be exempt from Hillside Protection. That means, for example, a hilly undeveloped 5-acre lot zoned to allow single-family, could be leveled because it is exempt from Hillside Protection. After it is leveled, it could then be subdivided into building lots, having avoided Hillside Protection requirements.

PAGE 8-10: ARTICLE 8, SEC. 8.9, C. Density and Land Disturbance Limitations and D. Site Plan Review.

The limitations and required site plan review in **SEC. 8.9, C. DO NOT apply to properties exempted in B. 1, B. 2, and B. 3.** Any claim that **C.** applies to properties exempted in **B. 1, B. 2 and B. 3,** raises the question of what exactly B. 1, B. 2 and B. 3 are exempted from.
NOTE: Present Tools in the existing Knoxville Zoning Ordinance that are used to enforce Hillside Protection, are pretty much removed by Recode.
In Recode, **conditioning zoning** (or a rezoning) is **prohibited** on **PAGE 16-1, ARTICLE 16, SEC. 16.1 ZONING TEXT AND MAP AMENDMENT, D. 1. ii,** which states: *"For zoning map amendments, the Knoxville-Knox county Planning Commission must recommend approval or denial of the application. No conditions may be recommended as part of a zoning map amendment."*
Recode deletes the **two planned zoning districts,** RP (Planned Residential) and PC (Planned Commercial), where Hillside Protection requirements are applied as part of the district-required Use on Review approval of Development Plans. For example, Hillside Protection requirements were applied to the development at Pond Gap, through the Planned Residential District zoning, and the proposed FedEx development in East Knoxville was recommended to be rezoned to Planned Commercial, in part to apply the Hillside requirements.
In Recode the two planned zoning districts, Planned Residential (RP) and Planned Commercial (PC) are replaced with Planned Development (PD). Unlike existing PR and PC, Planned Development is a process, not a zoning district. Unlike the existing planned zoning districts in the existing zoning ordinance, the proposed Planned Development process can only be requested by the owner, not by government.
The "Special Uses" may provide some opportunity to enforce the Hillside Protection Requirements. However, since the Special Use designation applies to a particular use which is often located on a street with Permitted Uses where Hillside Protection cannot be applied, it is difficult to imagine how Hillside Protection could be applied to one single Special Use on one single lot.

ARTICLE 9. USES

PAGE 9-1: ARTICLE 9, SEC. 9.2, USE MATRIX, G. G. was added to Draft 5.
The Use Matrix clearly lists **ONLY** Principal and Temporary Uses. The Use Matrix does **not** list Accessory Uses or Accessory Services. **See PAGE 9-1, SEC. 9.2, A.,** which states: ***"Table 9-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district."*** And, **PAGE 9-1, SEC. 9.2, D.,** states: ***"For accessory uses, see Article 10."*** Furthermore, **PAGE 2-21, Article 2, Section 2.3 Definitions,** defines "Principal Use" as: ***"Principal Use. The main use of land or structures as distinguished from an accessory use."***
Eating and Drinking Establishments, Personal Service Establishments, Retail Goods Establishments and Day Care Centers are allowed in the OP, Office Park District, as Accessory Services.
REMOVE from the Matrix as Permitted or Special uses, in the OP, Office Park, Eating and Drinking Establishment, Personal Service Establishment, Retail Goods Establishment, and Day Care Centers, because they are **not principal uses in OP. They are "accessory services."**

PAGE 5-1: **Article 5, Section 5.1, Purpose Statement, B. Office Districts,** B. 2. states: ***"The OP Office Park Zoning District is intended to accommodate large office developments and office parks/campuses. The district is oriented toward larger-scale complexes that may include accessory services for employees such as personal services, restaurants, and retail establishments. District standards are intended to guide the development of office as a more campus-like environment."***

"Accessory Services" is defined on PAGE 2-2, Article 2, Section 2.3, Definitions, as: ***"Accessory Services. Additional services that support, are complimentary to, and/or integral to a principal use, occurring within the same principal structure or on the same property."*** Furthermore, **PAGE 2-21, Article 2, Section 2.3 Definitions, defines Principal Use** as: ***"Principal Use. The main use of land or structures as distinguished from an accessory use."***

QUESTION: If listed as "Permitted Uses", are "personal service", "restaurants", and "retail establishments" allowed to open and operate in the absence of office uses?

Add "Pocket Neighborhood" to Table 9-1, Use Matrix. **(SEE PAGE 4-2.)**

Delete these uses in the following zoning districts from the Use Matrix, because they are inappropriate for the district in which they were placed:

O Office Zoning District:

1. Delete Drug/Alcohol Treatment Facility, Residential. This was added as a Special Use in Draft 5. It is inappropriate in the O zoning district which **does not allow Healthcare Facilities**, defined as "Facilities for primary health services and medical or surgical care to people, **primarily inpatient,** and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories or educational facilities, and typical accessory services such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses."

Why would a Drug/Alcohol Treatment Facility, Residential, be treated different from any other Healthcare Facility?

OP Office Park Zoning District:

1. Delete Eating and Drinking Establishments, Personal Service Establishment, Retail Goods Establishment, and Day Care Centers, because **they are not Principal or Temporary Uses. They are Accessory services, which are not listed in the Use Matrix.**

C-N Neighborhood Commercial Zoning District:

1. Delete Food Truck Park as a Special Use in C-N Zoning District. The Neighborhood Commercial Districts are close to residential districts, in the middle

of residential neighborhoods. These locations are sensitive to noise, odor, and smoke.

C-G General Commercial Zoning District: Delete the following Principal uses, added to the C-G zoning district in Draft 5:

1. **"Amusement Facility - Outdoor"**: An "Amusement Facility - Outdoor" is defined, **PAGE 2-2, ARTICLE 2, SEC. 2.3., Definitions**, as: *"A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as accessory services."*

NOTE: "Amusement Facility - Outdoor" is different from outdoor/patio seating for restaurants, which is presently permitted in C-3 and which is permitted in C-G as an accessory use to a restaurant.

DELETE from C-G. This is **inconsistent with the purpose** of the C-G zoning district. The **Purpose Statement** for the C-G Zoning district, **PAGE 5-1, Article 5, SEC., 5.1, A.,** states: ***"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."*** An Outdoor Amusement Facility is not consistent with the atmosphere described in the C-G Purpose Statement.

Additionally, the C-G zoning district is replacing the existing C-3 zoning district. **"Outdoor Commercial Recreational Uses"** are specifically **prohibited in the existing C-3** zoning district (Article IV, 2.2.6, D. 4). The C-3 zoning district is distinguished from existing C-4 (proposed C-H) by uses being primarily limited to indoors. Only indoor commercial recreational uses are permitted. Thought should be given to the impact on existing uses that have invested in the existing C-3 zoning district under the atmosphere of indoor uses.

2. Kennel: Delete. Many kennels are outdoor facilities.

3. Parking Lot: All uses in C-G require off-street parking. Why has "Parking Lot" been added? "Principal Use" has been deleted from the definition of "parking lot" and from the Use Matrix list.

Is this a free-standing parking lot as a Principal Use? Are there any standards?

The landscaping requirements on **PAGE 12-4, ARTICLE 12, SEC. 12.5,** appear to apply to all parking lots, those providing required parking and parking lots that are a principal use. The perimeter landscape requirements are minimal (6 ft), at best, for parking lots less than 20,000 sq. ft. There appear to be no perimeter landscaping requirements for parking lots less than 10,000 square ft. This section is difficult to understand. For instance, what is meant by: ***"Parking lots of less than 10,000 square feet or more in area are exempt from parking lot perimeter landscape yard."***

4. Storage Yard, Outdoor - Secondary Use: Delete. Storage Yard, Outdoor - Secondary Use, is **not** "Outdoor Storage - (Accessory)" **(PAGE 10-11, ARTICLE 10, SEC. 10.3, V.)**

Again, Storage Yard, Outdoor - Secondary Use, is contrary to the purpose of the C-G zoning district.

Recode provides no standards for Storage Yard, Outdoor - Secondary Use.

5. Vehicle Rental - Enclosed: Delete C-G. Why was this added to C-G?

There is **no definition** of "Vehicle Rental - Enclosed". **IS ALL OF THIS SUPPOSED TO BE INDOORS?**

WHAT DOES "ENCLOSED" MEAN?

"Vehicle Rental" is defined as: *"An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does **not** include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service."*

PAGE 9-6: ARTICLE 9, SEC. 9.2, TEMPORARY USE

PAGE 9-6: "Temporary Outdoor Storage Container" --See comments to Page 9-32.

PAGE 9-7: ARTICLE 9, SEC. 9.3, A: ANIMAL CARE FACILITY - SMALL ANIMAL, ANIMAL BREEDER, AND KENNEL, DELETE A. 1. Does it comport with Animal portion of City Code, Chapter 5, ANIMALS, Sec. 5-1 and Sec. 5-27?

PAGE 9-13: ARTICLE 9, SEC. 9.3, PRINCIPAL USE STANDARDS, L. FOOD TRUCK PARK: 2. *"If a commissary is located on-site, then the owner of the commissary will not have to move a mobile food unit that they own from the lot each day. The commissary owner may park only one mobile food unit that they own overnight at a food truck park, regardless of the number of mobile food units owned by the commissary owner."*

QUESTION: Can there be more than one commissary in a Food Truck Park? As written, it is not restricted to one commissary per site.

PAGE 9-18: ARTICLE 9, SEC. 9.3, Z. SALVAGE YARD. QUESTION: Why were Z. 3. and Z. 4. Deleted? The intent of the Z. 3 and 4 requirements is to provide a visual shield between the public and the interior of the salvage yard. Allowing an increased number of driveways per street frontage, and allowing wider driveways, reduces the effectiveness of the Z. 2. required opaque fence or wall.

PAGE 9-19: ARTICLE 9, SEC. 9.3, DD. 1. CHANGE FROM: "*Vehicle repair/service establishments may not store the same vehicles outdoors on the lot for a total of 30 days, including storage that occurs while the vehicle is under repair and once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors."*
CHANGE TO: *"Vehicle repair/service establishments may ~~not~~ store the same vehicle outdoors on the lot for no more than a total of 30 days, including storage that occurs while the vehicle is under repair and once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors."*
PAGE 9-30: ARTICLE 9, SEC. 9.4, TEMPORARY USE STANDARDS. G. TEMPORARY OUTDOOR ENTERTAINMENT. 1. CHANGE FROM: *"1. Temporary outdoor entertainment in the residential districts is restricted to those events associated with and conducted by a place of worship or an educational facility."* **TO:** "Temporary outdoor entertainment in the residential districts is restricted to those events ~~associated with~~, conducted by, and on the site of, a place of worship or an educational facility, ~~or registered neighborhood association."~~
Outdoor entertainment should be very limited in residential neighborhoods. These events should be held only on the site of the place of worship or educational facility. Allowing even a few live entertainment events to be held even a few times per year/per lot, is detrimental to the enjoyment of one's residential property.
Delete "associated with". What does "associated with" mean? Does contributing a percentage of the gate income to a specific church/institution, constitute the entertainment being "associated with" the institution?
Delete "registered neighborhood organization." Why was this added in draft 5? Are neighborhood organizations clamoring to have outdoor entertainment events on residential property and been prevented from having them?
What constitutes a "registered neighborhood organization"? Who is going to determine if an entity requesting a permit is indeed a "registered neighborhood organization"? The list of neighborhood organizations maintained by the Office of Neighborhoods does not have strict standards and is not durable.
Why stop at "registered neighborhood associations"? Why not non-profit organizations?
PAGE 9-31: ARTICLE 9, SEC. 9.4, TEMPORARY USE STANDARDS. H. TEMPORARY OUTDOOR SALES. 1. CHANGE FROM: *"H.1. Temporary outdoor sales in the residential districts is restricted to those events associated with and conducted by a place of worship, an educational facility, or a registered neighborhood association."* **TO:** "H. 1. Temporary outdoor sales in the residential districts is restricted to those events ~~associated with,~~ conducted by, and on the site of, a place of worship, or an educational facility, ~~or registered neighborhood association~~."
As explained earlier **(COMMENTS TO PAGE 2-24, ARTICLE 2. SEC. 2.3)** Temporary Outdoor sales is not the same as Yard or Garage Sales. Temporary outdoor sales allows the sale of items purchased for resale. Yard and garage sales are the sale of personal property by and individual or a group. **Yard and garage sales are not regulated by zoning.**
See comments immediately above re: "associated with" and "registered neighborhood association". Also, recognize that residential atmosphere is important. Most residents do not want to go home to live entertainment and flea markets next door.
ADD after H.1: Regarding C-G: "H. 2. Temporary outdoor sales in the C-G zoning district is limited to a temporary use permit for seasonal sale, such as Christmas tree lots or pumpkin patches."

The purpose statement of C-G is inconsistent with outdoor sales, including flea markets.
(SEE PAGE 5-1, ARTICLE 5, SEC. 5.1, PAGE 5-1, Comments to Page 5-1.)
The existing C-3 zoning district, which becomes C-G, is intended to provide for indoor commercial activity. Uses requiring outdoor activity, such as car sales, flea markets, outdoor amusements, etc., are not permitted in C-3. Many businesses have located in the C-3 zoning district because their business is enhanced this protection. Recode is proposing to change the tone and atmosphere of the existing C-3 zoning districts by adding outdoor temporary uses to C-G.
Keep in mind that many "shopping centers" are made up of several lots. This would enable uses such as car sales and flea markets to move around a "shopping center", thus becoming permanently temporary.
PAGE 9-32: ARTICLE 9, SEC. 9.4, H. 5. What does this mean? Words are missing.
"H. 5. A portion of a parking area may be used for temporary outdoor Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for temporary outdoor sales and display."
Does "existing use" mean Principal Use?
PAGE 9-32: ARTICLE 9, SEC. 9.4, I. TEMPORARY OUTDOOR STORAGE CONTAINER:
This is defined in **Article 2, 2.3, page 2-24,** as: *"Temporary Outdoor Storage Container". Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for."* Not a great definition--uses words from the term being defined (temporary, storage and container) in the definition. **QUESTION:** Should definition be: "A portable structure designed to be delivered to, and removed from a site and used for the purpose of providing short-term protection of owner's belongings".
NOTE: The definition does not match the standards. Definition clearly intends the Temporary Outdoor Storage Container to be delivered to the site; filled with contents to be stored; removed from the site to a warehouse and returned to the site. The standards are for on-site storage.
PAGE 9-32: ARTICLE 9, SEC. 9.4, I. 1. *"1. The use of an outdoor storage container is limited to no more than 60 consecutive days in any year. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the temporary use permit may be extended for additional two week periods upon a showing of need. There will be no more than three extensions of any temporary use permit. An exception will be made if the outdoor storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container cannot exceed the period for which the building or demolition permit has been issued."*
PAGE 9-32: ARTICLE 9, SEC. 9.4, I. 1.: *"The use of an outdoor storage container is limited to no more than 60 consecutive days in any year."* **QUESTION: What does this mean?** What about non-consecutive days per year? Should it just say "...no more than 60 days per year"?
QUESTION: *"There will be no more than three extension of any temporary use permit.* Should that say "any temporary outdoor storage container permit."?
QUESTION: PAGE 9-6, ARTICLE 9, SEC. 9.2: Use Matrix: QUESTION: Why are temporary outdoor storage containers not shown on the use matrix for C-G, C-H, C-R, DK, OP, I-MU, I-RD, I-G, I-H, CU zoning districts? Are outdoor storage containers proposed to be a "permanent" use in these districts? That would be inappropriate for several of these zoning districts---C-G, OP, CU.

ARTICLE 10. SITE DEVELOPMENT STANDARDS

PAGE 10-4: ARTICLE 10, SEC. 10.3 A. ACCESSORY STRUCTURES AND USES, A. General Regulations for Accessory Structures

PAGE 10-4: ARTICLE 10, SEC. 10.3, A. 6. Use chart from **Existing Ordinance**, **Article V, Sec. 4, C and D.**

NOTE: The issue is which structures should dominate a residential lot--the principal or main structure (house), or the Accessory Structures--garages and sheds. The existing ordinance provides for maximum coverage for a single accessory building and for a combination of all accessory buildings or structures. Maximum building coverage for any combination of accessory buildings and structures is limited to the size of the primary building.

What is being proposed in Recode would allow the combined building coverage total of all accessory buildings to potentially be more than the building coverage of the primary structure. Also note that in the existing ordinance, the size of any single accessory building or structure is limited based on lot size. To exceed that size, use on review is required and listed standards must be met.

For example, as proposed in Recode, a 10,000 square foot lot could have a 1,200 sq. ft. house footprint, and two 750 sq. ft. accessory buildings and one 300 sq. ft. accessory building, a total of 1800 sq ft of accessory structures with a smaller principal use (house) footprint of 1200 sq ft, and meet the 30% building coverage. And, the accessory structures only have to be 5 feet from the property line. (**See page 10-4, Sec. 5.3, A. 5. Note** the reference to **Sec. 10.4.** NEED TO COMPARE WITH EXISTING ORDINANCE)

ADUs can be allowed as proposed regarding size and 40% of primary structure, and, at the same time, limit the total square footage of other Accessory Structures, other than ADUs. The 30% building coverage alone in EN or RN-1, RN-2 is insufficient to protect the residential environment.

EXISTING ORDINANCE CHART: Article V, Sec. 4.

C. *Maximum size of accessory buildings and structures in the R-1, R-1A, R-1E, R-1EN, R-2, R-4, RP-1, RP-2, RP-3, and TND-1 zone districts.* Accessory buildings and structures houses, duplexes and attached houses are permitted is accordance with the following table:

Lot size of primary use	Max. building coverage for a single accessory building or structure as a permitted use	Max. building coverage for a single accessory bldg as a use-on-review	Max. bldg. coverage for any combin. bldgs. or structures
15,000 sq. ft. or less	750 sq. ft. or the building coverage of the primary struct., whichever is less	900 sq. ft., or the bldg. coverage of primary struct., whichever is less	Bldg. coverage of the primary structure
More than 15,000 sq. ft., but less than acre	900 sq. ft. or the bldg. coverage of the primary struct., whichever is less	1100 sq. ft. or the bldg. coverage of primary struct., whichever is less	Bldg. coverage of the primary structure
More than one acre	1100 sq. ft., or the bldg. coverage of the primary struct., whichever is less	1500 sq. ft., or the bldg. coverage of primary struct., whichever is less	Bldg. coverage of the primary structure

D. *Criteria for use-on-review of accessory structures exceeding 1,100 square feet in a residential zone district.* Accessory buildings should be compatible to the principal building on the lot with respect to:

a. Scale;

b. Proportions of facades;

c. Massing;

d. Height;

e. Exterior materials;

f. Roof shapes;

g. Details and ornamentation.

"Compatible" does not mean "the same as." Rather, compatible refers to the sensitivity of the proposed building in maintaining the character of the primary building.

The same or similar quality exterior material shall be used in the accessory building as in the principal building; except brick, stucco and stone dwellings may justify an exemption for required

PAGE 10-4: ARTICLE 10, SEC. 10.3. A. 7 has been deleted. ***7. "No accessory structure may contain cooking facilities or plumbing; however, the ground level of a detached garage may contain plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control."***

It is important that this regulation be restored. Without this limitation there will be no reason to get approval to have an ADU. This amounts to an ADU without any regulation regarding size, location, etc. It will be a game of "catch me if you can!" Every accessory structure with cooking facilities and plumbing will be a "man cave", etc.

ARTICLE 11. OFF-STREET PARKING

PAGE 11-1: SEC. 11.1, 4. *"All parking lots must meet the requirements of section 11.2, 11.11, and 11.12."*

SEC. 11.2 includes two "GENERAL REQUIREMENTS"

SEC. 11.11 is "OUTDOOR STORAGE OF COMMERCIAL VEHICLES"

SEC. 11.12 is "OUTDOOR STORAGE OF RECREATIONAL VEHICLES"

QUESTION: What about all parking lots meeting the requirements of SEC. 11.3 LOCATION AND SETBACKS?

DELETE SEC. 11.1, 4, and let each Section speak for itself as to where it applies and where it does not.

PAGE 11-17: ARTICLE 11, SEC. 11.11, OUTDOOR STORAGE OF COMMERCIAL VEHICLES, B. This provision appears to allow an unlimited number of commercial vehicles, "...including semi-truck units, with or without attached trailers, commercial trailers, ..." to be parked on **residential property as long as they are parked or stored indoors.** The prohibition in **Article 11, 11.11, B.,** applies only to these commercial vehicles if stored or parked outdoors.

Do we really want large, detached, accessory garages built specifically to store or park commercial vehicles on residential lots? This provision, in concert with the provision regarding **Accessory Structures and Uses, Article 10, 10.3, A. 6., page 10-4,** allows, and perhaps encourages, the construction of large accessory buildings on residential lots.

Please review the provisions of the existing Knoxville Zoning ordinance, **Article V, Section 8, Storage and parking of trailers, recreational vehicles, commercial vehicles and school buses**. (See excerpts) This section limits the number of commercial vehicles and limits the number of hauling trailers and boat trailers and recreational vehicles that can be parked or stored on a residential lot. It also limits the size of the recreational vehicle. It prohibits the parking and storage of "three-axel combination commercial vehicle cab" and prohibits the parking and storage of "any commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products." It does not require that the vehicles be stored indoors.

PAGE 11-17: ARTICLE 11, SEC. 11.12, OUTDOOR STORAGE OF RECREATIONAL VEHICLES. A. *"No trailer licensed to transport either recreational vehicles or equipment or any recreational vehicle may be stored outdoors within the front or corner side yard, including within a residential driveway, for more than seven days."*

QUESTION: What is a "trailer licensed to transport either "? Licensed by whom? Does this mean that "trailers" used to haul such things as lawn mowers, junk, boats, etc., are allowed to be stored in the front or corner side yard?

QUESTION: What is meant by "...for more than 7 days"? Can a recreational vehicle be in the yard or driveway for seven days, then removed for one day, and then returned for another seven days?

The existing zoning ordinance allows parking forward of the front building line for only 48 hours. **Article V, Section 8, C.** The limit of 48 hours is more appropriate than 7 days.

ARTICLE 12. LANDSCAPE

Require bond, perhaps a step-down system, part of bond for planting, which is released with planting completion; part of bond for maintenance for two years.

ARTICLE 13. SIGNS

PAGE 13-15: ARTICLE 13, SEC. 13.9, SIGNS PERMITTED IN SPECIFIC DISTRICTS, D. Residential Districts: EN, RN-1, RN-2, RN-3, RN-4, RN-5.

QUESTION: Why have zoning districts RN-6 and RN-7 been omitted? What are the sign regulations for those districts?

PAGE 13-15: ARTICLE 13, SEC. 13.9, D. 1. a. What are "properly approved home occupations"? Approved by whom? Should it just be "For home occupations"?

PAGE 13-16: ARTICLE 13, SEC. 13.9, F. Commercial, Industrial, and Institutional Districts.

REMOVE "INSTITUTIONAL" from Commercial, Industrial, and Institutional, ADD to: PAGE 13-15, SEC. 13.9, D., Residential Districts, and PAGE 13-16, SEC. 13.9, E., Office Districts: O, O-P., as appropriate based on the specific use.

The Draft 4 maps show public and private elementary, middle and high schools proposed to be re-zoned to Institutional from R-1. Many of the schools are situated in residential neighborhoods. Commercial sign regulations are inappropriate for these locations. Although public schools are not required to follow the Knoxville zoning ordinance, we should assume that those located within the city would take the regulations into consideration.

The Institutional Zoning District includes Healthcare Facilities, (hospitals), in addition to schools and governmental buildings. See PAGE 8-2, ARTICLE 8, SEC. 8.2, A. Purpose Statement. The Residential Sign regulations, PAGE 13-16, ARTICLE 13, SEC. 13.9, D. 2. a, and D. 2. b, address several non-residential uses in Residential zoning districts, as do the Office Sign regulations, PAGE 13-16, ARTICLE 13, SEC. 13.9, E.

Recode Text Draft 4 failed to provide any sign regulations for the Institutional District, a new zoning district created by Recode. Draft 5 simply added Institutional (INST), to the title line of F., PAGE 13-16, ARTICLE 13, SEC. 13.9, without any further mention or consideration of INST in F. 1, 2, 3, 4, 5.

PAGE 13-17: ARTICLE 13, SEC. 13.9, Signs Permitted in Specific Districts, F. 5. e, Commercial and Industrial Districts and the CU District: The original sign ordinance adopted by City Council allowed additional signs to be approved by the Knoxville-Knox County MPC in a limited number of zoning districts. All of the zoning districts were **planned zoning districts, specifically, Planned Commercial-1, Planned Commercial-2, Shopping Center-1, Shopping Center-2, Shopping Center-3, Business Park-1, and Industrial Park-1. (PC-1, PC-2, SC-1, SC-2, SC-3, BP-1, I-1).** All of these zoning districts require the approval of development plans which include the review and approval of many aspects of the development--not just signs.

What is proposed in Recode is allowing additional signs to be approved by MPC in many more zoning districts. These are not planned zoning districts. The approval of the additional signs is in isolation--not part of a broader development review. Why allow additional signs in these districts and not other districts? Why not allow additional other stuff--additional height, square footage--why just additional signs?

QUESTION: In the absence of a required development plan, what mechanism will be used to review and approval of additional signs?

ARTICLE 14. CODE ADMINISTRATORS

PAGE 14-3: ARTICLE 14, SEC. 14.8, ADMINISTRATIVE REVIEW COMMITTEE POWERS, B. *"**B.** To make recommendations on alternative landscape design per Section 12.2.D."*

However, in **SEC. 12.2.D, 2.,** the Administrative Review Committee appears to approve, rather than make recommendations regarding alternative landscape

design. **SEC. 12.2.D, 2**, states: *"...The alternative Landscape Plan must be submitted to and approved by the Administrative Review Committee. In approving the alternative landscape plan, the Administrative Review Committee must find that:...."*

QUESTION: Does the ARC "approve" or "make recommendations" regarding alternative landscape design?

QUESTION: If the ARC makes recommendations, to whom do they recommend?

PAGE 14-3: ARTICLE 14, SEC. 14.8, C., states: *"**C.** To allow temporary use permit timeframe extensions per Section 9.4."* **(PAGE 9-31, SEC. 9.4, H. 4. e.)**

QUESTION: Are the meetings of the Administrative Review Committee open to the public and subject to the Open Meetings and Open Records laws?

Is notice of the meeting required? Is the agenda available to the public? Are minutes of the meetings kept?

ARTICLE 16: ZONING APPLICATIONS

PAGE 16-4: ARTICLE 16, SEC. 16.2, SPECIAL USE REVIEW

Use or add the following language from the existing Knoxville Zoning Ordinance, perhaps under **"D. Procedure."** (See excerpt below.)

Much of the language of the existing Knoxville Zoning ordinance has been included in Draft 5, under **16.2. F. Standards.** It makes sense to use the remainder of the language dealing with Uses Permitted on Review, as well.

Of specific importance is the language highlighted, in **B. 4.,** below.

EXCERPT: Knoxville Zoning Ordinance, Article VII, Sec. V, Procedure for Authorizing Uses Permitted on Review

B. Uses permitted on review. In addition to uses permitted by right in various districts, specified uses may be established and maintained only with the approval of the metropolitan planning commission. This review and approval process is intended: (1) to provide for uses which are beneficial to the community but that may involve a potential hazard to the development of an area unless appropriate provisions are made for their impacts; and (2) to integrate properly the uses permitted on review with other uses located in the district.

These development plans and uses permitted on review shall be reviewed by the planning commission and approved, approved with conditions, or denied under the following procedure:

1. Application. An application shall be filed with the planning commission on forms provided for that purpose. Development plan submissions shall conform with the requirements of the zone in which their approval is sought. Applications for uses permitted on review shall show the location and intended use of the site and such other information as the planning commission deems necessary.

2. Public hearing. The planning commission shall hold a public hearing subsequent to notification consistent with its administrative rules and procedures.

3. Restrictions. In the exercise of its approval, the planning commission may impose such conditions regarding the location, character or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purposes of this ordinance.

4. Approval or denial. The planning commission may approve a development plan or use permitted on review where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the zoning ordinance and with the general plan and one-year plan and is reasonably necessary for the convenience and welfare of the community.

The planning commission may deny a development plan or use permitted on review where the above cannot be shown or where it can be shown that approval would have an adverse impact on the character of the neighborhood in which the site is located.

Whereas a use may be appropriate in one location and inappropriate in another location in the same zoning district, the planning commission shall be guided by the policies of the general plan and by the one-year plan in the exercise of its administrative judgment about the location and appropriateness of uses permitted on review.

The rationale for planning commission approval, conditions or denial including substantive, factual statements of necessity and appropriateness or of adverse impact shall be included in the minutes of the planning commission meeting where decisions are made.

5. Effective date of approval; issuance of permit.

a. Planning commission approval shall become effective fifteen (15) days from the date of the public hearing at which approval is granted.

b. No building permit shall be issued prior to the effective date of approval.

c. The building permit shall be issued subject to all conditions and requirements stipulated by the planning commission.

6. Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the planning commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

7. Time limit and notification. All applications for "uses permitted on review" shall be decided within forty-five (45) days of the date of the applications, and the applicant shall be provided with a written notice of approval or denial.

8. City council review of action of commission.

a. Any person, firm or corporation aggrieved by any decision of the planning commission may petition the city council to consider the same in accordance with the provisions set forth in article VII, section 6, subsection F of this ordinance.

b. The city council shall include in the deliberation of any appealed matter statements regarding the possible impact of the request on the community.

END OF EXCERPT

PAGE 16-7: ARTICLE 16, SEC. 16.3 VARIANCE, E. Standards. *"...in accordance with all three of the following criteria:"*

DELETE: "three"

PAGE 16-7: ARTICLE 16, SEC. 16.3, F. Limitations

DELETE: F. 1 and F. 2. These provisions duplicate **E. 2 and E. 3**.

PAGE 16-17: ARTICLE 16, SEC. 16.7, PLANNED DEVELOPMENT, D. Exceptions From District Regulations, 2. d. *"Will not cause excessive adverse impact on neighboring properties."* Really? **EXCESSIVE adverse impact? Is that really how much we care about and the value we place on existing neighborhoods and taxpayers? CHANGE TO:** "adversely impact"

Six possible "standards" are listed as reasons for granted Exceptions from zoning district dimensional, design, and use regulations. It is unclear if all of six of the "standards" must be met in order for an exception to be granted.

QUESTION: Do all 6 standards have to be met?

Only one of the six "standards" deals with the impact on the immediate neighboring properties. That "standard" is on **PAGE 16-17, SEC. 16.7, D. 2. d.,** and states: *"Will not cause excessive adverse impact on neighboring properties".* The other five "standards" deal with benefits to the city as a whole or benefit the planned development itself.

More protection to neighboring properties is needed.

PAGE 16-18: ARTICLE 16, SEC. 16.7, D. 3. Provide some limitation on USE exceptions. As written, this is wide open. Can commercial uses be put in a residential district designated a Planned Development?

PAGE 16-19: ARTICLE 16, SEC. 16.7, E. 2. Optional Concept Plan. Make the concept plan mandatory.

PAGE 16-19: ARTICLE 16, SEC. 16.7, E. 3. Preliminary Plan, a. ii: Should this be deleted? It is proposed to be deleted elsewhere in Draft 5.

PAGE 16-34: ARTICLE 16, SEC. 16.12, ZONING APPEALS, A. 5. Limitations on Zoning Appeals, *"A zoning decision of the Zoning Administrator, Director of Plans Review and Building Inspections, or Knoxville-Knox County Planning staff may only be appealed if an application is filed within 30 days of the date the decision is made."*

At present there is **not** a time limit on the appeal of administrative decisions because these decisions are made in offices, not in a public meeting, and not with notice.

How will the public know a **decision** has been made and thus meet any deadline for appeal?

DELETE A. 5.

ARTICLE 18. ENFORCEMENT

PAGE 18-1: ARTICLE 18, SEC. 18.1, ENFORCEMENT OFFICIAL: There is no mention of "Zoning Administrator".