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TECHNICAL REVIEW REPORT

For Public Review | August 2017



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KNOXVILLE-KNOX COUNTY

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Technical Review Report

This Technical Review Report presents the findings of a technical review of the City of Knoxville Zoning Code performed by Camiros. The purpose of this review is three-fold. **First**, the review provides a more in-depth understanding of the City's current regulations as we move toward drafting an update to the Zoning Code. **Second**, it allows for the identification of additional issues not identified during meetings and interviews with City staff and key persons. **Third**, it introduces concepts and regulatory approaches that set direction for substantive revisions to be included in the new Code.

Good zoning regulations combine rational substantive controls with fair procedures, which, when reasonably applied, assure a pattern of development and redevelopment that protects the status quo where warranted and facilitates change where desired. The regulations must be well organized, easy to use, and have standards and procedures that regulate clearly and effectively. It must allow for predictable results and the fulfillment of City objectives.

This Report focuses on regulatory issues and potential revisions identified during a technical review. This section is not intended to discuss every needed change, as some will be minor changes that "clean up" the Code and create a user-friendly document, while others are much more detailed revisions to be worked out during the drafting process. This memorandum highlights key issues and revisions that are substantive changes to current regulations, and offers conceptual approaches to resolving specific issues. Provisions will continue to evolve during drafting of each iteration.





Organization

The Code should follow a logical system of compartmentalization.

The Code should follow a consistent, structured pattern from beginning to end. A key way to improve the organizational structure of the Zoning Code and, in turn, its ease of use, would be to employ a system of compartmentalization. This is a technique where items of information are grouped together by regulatory category and purpose.

The current Code has a number of situations where regulations are split among the different articles. In order to place regulations into logical sections, the following is proposed for the Code structure:

Article 1: Title, Purpose & Intent

Article 2: General Definitions

Article 3: Measurement Methodologies

Article 4: Zoning Map

Article 5: Residential Districts

Article 6: Commercial Districts

Article 7: Office and Industrial Districts

Article 8: Special Purpose Districts

Article 9: Uses

Article 10: Development Standards

Article 11: Off-Street Parking and Loading

Article 12: Landscape

Article 13: Administrators

Article 14: Zoning Application Procedures

Article 15: Zoning Approvals

Article 16: Planned Development

Article 17: Nonconformities

Article 18: Enforcement

This type of organization would avoid having to create a “junk drawer” within the Code, as appears to be the case with Article 5 that contains use on review standards, accessory uses, specific standards for tents and fallout shelters, and other disconnected provisions.

The current form-based districts are included in this organization. The dimensional (height, build-to lines, etc.) and design standards will be included in Article 6 (Commercial Districts). The remaining regulations will be placed within their appropriate articles; for example, allowable uses and use standards will be in Article 9, and parking standards will be in Article 11.

All general terms within the Code should be defined and located within one chapter.

All definitions should be located in a single article, similar to the way they are organized in the current Article 2. All existing definitions will be evaluated, updated for clarity, and checked for any internal conflicts and redundancies. Most importantly definitions will define terms only, and not be used to regulate. For example, “pet day care” in the current Code includes regulations addressing hours of operation; this is a regulation, not a definition. Any key terms that are undefined will be defined, and definitions no longer needed will be deleted. Finally, many definitions will be supplemented with illustrations.



The Code would benefit from greater use of illustrations and matrices.

The Code should illustrate a variety of definitions and regulations, which will more effectively communicate information to users. Numerous regulations would benefit from illustrations including, but not limited to:

- Lot types, lot lines, and lot dimensions
- Landscape, fencing, and similar requirements
- Measurement rules, such as building height, setbacks, etc.
- Building design standards

Graphics are not limited to the examples cited above. It is anticipated that additional regulations, design concepts, and terms will require illustration when developed during the drafting process. The Code would also benefit from a greater use of matrices. For example, a global use matrix can summarize and more clearly present information regarding permitted and special uses in the districts.

The Code should clearly explain all rules of measurement.

The rules of measurement for building height, setbacks, grade, lot width, rules for unique lot configurations, how to measure dimensions on sloped lots, etc. should be brought together in one section so that their application is clear and consistent. The majority of the measurement standards would be illustrated to make them understandable to the user.

New regulations for parking and signs will be aligned with the Code.

The sign code was recently updated (Sign Ordinance Amendments Ordinance O-127-2015, adopted by City Council 7/21/2015) and the parking regulations are currently undergoing review for anticipated adoption. Both of these ordinances will be reviewed so that they align with the Code. Few substantive revisions or additions are expected due to the “newness” of these ordinances.

The new parking regulations will be integrated into the Code as its own article, as shown above, and the sign regulations will be cross-referenced in the Code.



Uses

The modern generic use approach should be adopted to address uses within the districts.

We propose a revision of how uses within the zoning districts are controlled, based upon the concept of “generic uses.” A generic use approach to the listing of uses is established by combining specific uses into a broader use category. For example, barber shops, beauty parlors, shoe repair shops, and tailors would be addressed in the use “personal services establishment,” which then can allow similar uses such as dry cleaners and nail salons.

Currently, Knoxville employs an approach that incorporates limited generic uses, relying more on specific uses, which requires significant detail and is unable to respond to new and emerging uses. The generic use approach has two main benefits. First, it eliminates the need for extensive and detailed lists, and the use sections of the Code become easier to understand. Secondly, the generic use approach provides the City with greater flexibility to review and permit those uses that may be desirable, but not specifically listed, within the broad context of the use definitions.

Under the generic use approach, use definitions become critical. Firstly, each use must be defined. Use definitions will often include both examples of specific uses that would fall within the generic use category, and examples of those that would not. For example, the definition for “retail goods establishment” may specifically state that “adult bookstores” are not considered a “retail goods establishment.” This means that the use of an “adult bookstore” must separately and specifically be allowed within a district in order to locate there; it cannot come under the umbrella of “retail goods establishment.”

The second important element of generic use definitions is that any use that is listed on its own cannot be considered part of any generic use category. For example, if the code specifically defines “drive-through facility” as a principal use, it is prohibited unless specifically allowed within a district; i.e. a “drive-through facility” would not automatically be allowed as part of a restaurant or bank.



The Code should adopt the special use approval approach.

The current “uses on review” approach should be replaced with the more common special use approach. Special uses approval would be granted by the Metropolitan Planning Commission in a special use approval process. Special use approval is distinct from design review and is narrowly defined and structured to approve the use of a property and not the design. It should be noted that there is the ability of the MPC to impose specific conditions on a special use in order to mitigate its impacts.

Permitted and special uses should be tailored specifically to the purpose of the district.

The uses allowed in each district should be evaluated and updated. Uses must correspond to the purpose, form, and function of each district. The revision process will include a full evaluation and resorting of uses allowed in each district. To do this, a key aspect of Knoxville’s current use structure needs to be eliminated.

The current use of a pyramid or cumulative use approach does not allow for tailoring of uses, as it accumulates uses by district. For example, all uses permitted in the C-1 District are permitted within the C-2 District, with the addition of several new uses listed specifically in the C-2 District. The pyramid approach creates a confusing structure where the user must rely on the listing of uses in other districts in order to determine what is allowed in the district of interest. Also, uses may be added to the “lower” district that are not desirable in the “higher” district or a use allowed on review in a lower district should be permitted in a higher district. The elimination of such an approach is recommended. Uses would be listed within Article 8 within a use matrix that lists all uses and districts, showing use permissions within a table.

A user can see which districts their use (Lodge/Meeting Hall) is permitted in by following from left to right, or which uses are permitted in their district (M-3) by scanning from top to bottom.

Use Matrix (EXAMPLE ONLY - NOT KNOXVILLE)																					
Key: P = Permitted // S = Special Use // Blank = Prohibited																					
Use	A-1	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	W-1	W-2	M-1	M-2	M-3	I-1	I-2	PS	OS	CD	Use Standard
Industrial - Artisan								S	P	P	S	P	P	P	P						
Industrial - General													P	P	P	P					
Industrial - Light									P				P	P	P	P					
Industrial Design							P	P	P	P	P	P	P	P	P						
Live Entertainment - Ancillary										S	S	S		P		P		P			Sec. 1202.Q
Live Performance Venue										S	S			S		S					Sec. 1202.Q
Lodge/Meeting Hall	S	S	S	S	S	P	P	P	P	P	P		P		P						Sec. 1202.R
Marina - Commercial												P	P	P	P			P	P		
Marina - Recreational												P		P		P		P	P		
Materials Processing													P	P	P						Sec. 1304 & 1202.S

Certain uses require use standards to regulate impacts.

As is the case now, additional use standards are needed for certain uses. Section 3 of Article 5 has “development standards for uses on review.” One issue with this current approach is that the standards appear to apply only when the use is classified as a use on review. In



many cases, certain uses do not need such additional layers of approval, but rather can be approved as permitted so long as a general set of standards are met. By creating a comprehensive set of use standards that apply whether the use is permitted or special, it would significantly reduce the number of uses on review. Finally, if certain uses are always approved with the same set of conditions applied, those conditions can be added to the Code and, again, the use can be allowed as permitted so long as it meets those standards.

All of the existing standards would be evaluated and revised as needed, and new use standards added if needed. Certain existing standards may need to be updated to reflect a more modern approach; those being updated now, such as wireless telecommunications, would be incorporated into the Code. All use standards would be consolidated into Article 9 (the use chapter), and the use matrix would contain a cross-reference to any applicable standards for each use listed.

Uses related to sustainability should be added to the Code.

The allowable uses within districts should include a number of “green” or sustainable uses, such as community gardens, solar farms, and wind farms. The recent Urban Agriculture Ordinance, Ordinance 0-126-2015 adopted by City Council on 7/21/2015, would be cross-referenced or incorporated as appropriate.

A full range of temporary uses should be addressed.

The current Code is specific in terms of the different temporary uses that can occur on private property (Section 13 of Article 5). As part of the code revision, it is recommended that the current range of temporary uses be expanded to address these events more generally, to provide greater flexibility for a wide range of modern uses. Additionally, it is recommended to include a full and modern range of standards related to the operation and timeframe of these temporary uses. Proposed temporary uses include the following:

- Farmers market
- Garage/yard sale
- Portable storage containers
- Real estate sales office/model unit
- Temporary contractor’s office and contractor’s yard
- Temporary mobile food sales*
- Temporary outdoor entertainment, including carnival/circus
- Temporary indoor sales/display, including periodic warehouse sales
- Temporary outdoor sales/display, including seasonal events

** Temporary mobile food sales are different from food truck parks, which are a principal use of the lot. We would craft standards for major and minor food truck parks and assign them to appropriate districts in the global use matrix.*

Temporary events can bring impacts such as traffic, noise, litter, and security issues. Standards addressing these impacts can be built into the standards can help to mitigate these uses, and allow enforcement of violations more effectively and efficiently as the permit would lay out the clear rules for how the event must be conducted. Flexibilities would also be inherent to the permit process, such as allowing for approval of a schedule for a farmers market that sets a multi-month schedule of events, rather than requiring a permit for each event.





Districts

A revision of the district structure is recommended.

It is recommended that a new district structure be created that better reflects the character of Knoxville and helps to implement the adopted planning policies. This will address many of the issues that the City faces in new development, and will help to facilitate more by-right development. It will reduce reliance on special approvals and contribute to a positive economic development environment.

Throughout the process, we continuously review the dimensional regulations for all districts, including lot area, required setbacks, and lot coverage, and compare them to existing conditions and redevelopment objectives. We will recommend adjustment of these controls to continue development consistent with existing character in many neighborhoods throughout the City.

Residential Districts

Residential districts should be refined to ensure that the character of Knoxville's neighborhoods is reflected in its residential district structure.

One of Knoxville's greatest strengths is its diversity of housing choices, and the vibrancy of its residential neighborhoods. The City's current Code, however, does not reflect this diversity or vibrancy. Currently, residential districts (with the exception of the EN Districts, R-3 and R-4) in the City of Knoxville require a standard 7,500 square foot minimum lot area, and a minimum lot width of 75 feet to build a single-family home. This type of uniform standard does not acknowledge existing development patterns – whether they be more or less dense than this standard lot – and does not reinforce the physical character of Knoxville's neighborhoods or help to achieve the City's larger redevelopment goals.

The residential districts in the City should be evaluated to determine where there might be opportunities to consolidate districts that are quite similar, or are producing a similar development character, and where new or additional districts may be needed to achieve greater distinction in the character of residential development that is permitted district-to-district. Additionally, the districts should be reorganized to ensure that they represent a clear range of intensities, with the lowest intensity districts at one end of the spectrum (larger lot single-family), and the highest intensity at the other (denser single-family or multi-family development).

The current **R-1 and R-1E Districts** represent a pattern of development predominantly characterized by large homes on large residential lots: the median size of an R-1 lot in our preliminary analysis is just over 15,000 square feet in area. The current district regulations, however, would allow for homes to be built on lots half the size of the predominant pattern of the district. This being the case, the City may want to consider adjusting the dimensional requirements, and perhaps increasing the minimum lot area required for any new subdivisions in these larger lot single-family districts to ensure that the character of these areas is acknowledged and maintained. Further, as the R-1 and R-1E districts are substantially similar in terms of existing regulations and development character, with the exception of



duplexes allowed as a special use in the R-1, the City should consider consolidation of these two districts. Specific standards can be included in the consolidated district to mitigate the impact of higher-density two-family uses on the character of these predominantly single-family areas.

The City's current **EN-1 and EN-2 Districts** are quite similar, with only a few differences in terms of allowed uses (bed and breakfasts), lot area requirements for infill housing sites, and applicable design standards. It is recommended that the City evaluate consolidation of these two districts into a new Established Neighborhood District, which could combine the significantly similar standards included in the EN-1 and EN-2 districts. Combining these two districts into a single Established Neighborhood District would greatly simplify their application, and refined district standards would ensure that the new district is able accommodate the developed character and desired future form of these established neighborhoods.

The **R-1A District** should be revised to ensure it reflects the development pattern of the neighborhoods in which it is currently mapped. Though the district purpose statement describes it as accommodating "low to medium population density," current district standards may not adequately reflect the true density of some of Knoxville's neighborhoods, such as Old North Knoxville, where the R-1A District is currently mapped. Preliminary analysis of lots zoned R-1A in the City indicates that nearly 70% of these lots do not meet the required 7,500 square foot minimum lot area, and over 70% do not meet the required 75 foot lot width of the R-1A District. As such, the City should consider adjusting the requirements and reorienting the R-1A District to reflect a smaller-lot development pattern that is truer to the nature of current development in these areas.

The current **R-2 District** should also be refined to ensure that required standards are reflective of established development patterns in Knoxville where the district is mapped. There is significant diversity in the character of neighborhoods with R-2 zoning; half the lots within the R-2 District (50%) do not appear to meet the required (7,500sf) minimum lot area, and nearly 60% do not meet the required 75 foot lot width. Additionally, there may be areas currently zoned R-2 that do not reflect this smaller lot size pattern, and these areas must also be acknowledged and accommodated. Similar to the R-1A District, the standards of the R-2 should be adjusted to ensure that the district adequately represents on-the-ground development patterns, and allows desired forms of residential development to continue in denser mixed-residential areas of the City.

R-3 District zoning is currently the densest base residential zoning within Knoxville, and appears to be generally effective in reflecting current development patterns in the areas where it is mapped. It is recommended that the R-3 District be evaluated and modified as needed to ensure its continued functionality and efficacy in allowing for the establishment and regulation of higher-density residential development in the City.

The current **R-4 District** is very sparsely mapped, and appears to be attempting to create an environment that is supportive of live/work studio space, the reuse of existing residential structures, and relatively dense housing development similar to the R-3 District. As the standards of this district are not wholly dissimilar from the current R-3 district, and it is anticipated that permissions for reuse of structures and live/work space will be incorporated into other districts, areas currently zoned R-4 may potentially be absorbed into other appropriate districts. As such, the City should consider eliminating the current R-4 District.



Proposed Residential Neighborhood District	Dwelling Types Permitted (By-Right)	Purpose
EN Established Neighborhood	Single-Family	Accommodates the developed character of older, low-density neighborhoods established with a prevalent development pattern of large lots and intricately designed residences on a highly connected street pattern
RN-1 Single-Family Residential Neighborhood	Single-Family	Accommodates larger lot single-family development, with specific standards for duplexes as a special use
RN-2 Single-Family Residential Neighborhood	Single -Family	Accommodates development of single-family homes on mid-sized lots, with specific standards for duplexes as a special use
RN-3 One & Two Family Residential Neighborhood	One and Two-Family	Accommodates single- and two-family residential development on smaller lots; multi-family permitted with conditions
RN-4 General Residential Neighborhood	All Dwelling Types	Accommodates a denser mix of single-family, two-family and multi-family residential development
RN-5 Multi-Family Residential Neighborhood	Multi-Family	Accommodates multi-family development to achieve high residential density where desired

Given the analysis of current residential districts presented above, it is recommended that the City revise and restructure its residential districts in a manner that adequately establishes a range of density and intensity of both use and dimensional standards to better reflect established character and future desired development in Knoxville. In order to distinguish the new set of residential districts from the current districts, we have proposed to rename the larger category “Residential Neighborhood” and use the “RN” nomenclature for the districts. A proposed new residential district structure/range of districts is presented and annotated in the table above.

Residential Overlay Districts, including the IH-1, and the NC-1 Districts, should be examined to gauge their continued effectiveness. It is anticipated that the zoning ordinance revision will incorporate design standards, therefore the IH-1 District may no longer be needed, as essential controls will be incorporated into each of the new base residential districts which acknowledge their unique contexts. The NC-1 District serves a more particular purpose, related to the cultural and historic value of existing homes in Knoxville’s neighborhoods, and also contains some provisions related to demolition control.

The NC-1 District also serves a need to ensure that homes in these culturally or historically significant areas relate to the size, orientation, and related physical characteristics of existing development. As such, it is recommended that the NC-1 District should remain as an overlay district, with relatively few alterations apart from simplification or clarification of requirements, and streamlining administrative processes where there may be opportunities for improvement.

In addition to reorganizing the residential district structure, districts should be structured to allow for flexibility where appropriate to ensure the ability to maintain and reinforce the character of Knoxville’s neighborhoods. Flexibilities such as contextual controls for required

setbacks can help to accommodate new development that is in line and in character with the scale pattern of established residential development, while still allowing for individual expressions of architectural character and form. Additionally, regulations should be evaluated to ensure that modern, desirable, and affordable housing forms such as “tiny homes” are accommodated, ensuring that there are no undue barriers or obstacles to such forms of development where they are appropriate.

Commercial Districts

Reorganization and refinement of Knoxville’s commercial district structure is recommended.

Commercial districts should reflect the form and function of existing commercial areas within Knoxville, and should be designed to accommodate specific future development objectives related to mix of uses, character, development intensity, access, pedestrian orientation, etc., as expressed in the Knoxville-Knox County General Plan, Sector Plans, and regional planning efforts such as the 2040 Regional Mobility Plan: Planning for People and Places. The current commercial district structure does not accomplish these goals, and as such needs to be refocused and revised. Importantly, Knoxville’s commercial districts should be modernized to allow for tailored mixing of uses, including retail, service, office, and residential. Certain districts may also contain regulations related to maximum intensity or development size to ensure compatibility with adjacent residential areas – the C-N District below is one such district. Evaluation will continue as to whether such provisions may be applicable to other commercial districts.

For the reasons above, we think it is important to shift to a new commercial district structure, aimed at fulfilling the vision of Knoxville’s adopted plans and policies for future commercial development in the City. We also propose moving away from the alphanumeric nomenclature (C-1, etc.) of the current Code, and toward a more purpose-oriented naming convention that clearly communicates the intent of each district. Proposed commercial districts are outlined below:

O Office District. The O Office District is largely a continuation of the City’s current O-1 District, and would allow for the mixing of residential uses with other low intensity uses, such as professional offices and buildings, including medical offices, which reflect the character of adjacent residential areas, with landscaped yards and ample open space. These areas also often serve as an effective transition between adjacent residential and commercial areas.

C-N Neighborhood Commercial District.

The C-N Neighborhood Commercial District is a refinement of the current C-1 District. It is intended to accommodate small-scale commercial and service uses that primarily serve nearby residents, and can be integrated where appropriate into residential neighborhoods to achieve a horizontally mixed-use neighborhood environment compatible with adjacent residential development. Low-intensity mixed-use development is encouraged within the C-N District, with dwellings permitted above the ground floor, as well as small-lot single-family development, and townhouse development permitted alongside select commercial uses. The C-N will likely address maximum intensity or development size to ensure compatibility with adjacent residential areas.



C-GC General Commercial District. The C-GC General Commercial District is a refinement and refocusing of the City's current C-3 General Commercial District, and is intended to accommodate a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's urban corridors and commercial nodes. Targeted toward areas of the City that originally developed as mixed-use, traditional business districts, the C-GC District is intended to foster the continued development and redevelopment of these areas in a pedestrian-oriented urban character, and to offer flexibility to developers and property owners in creating a mix of commercial, office, and residential spaces.

C-H Highway Commercial District. The C-H Highway Commercial District is a continuation and revision of Knoxville's current C-4 Highway and Arterial Commercial District. This district is intended to accommodate areas of higher intensity commercial use, including uses related to motor vehicles and those that may require outdoor storage. Because of the potential impacts that can result from more intense commercial uses, the C-H District regulations should be refined to ensure that setbacks, buffering, screening, and site development controls are in place to mitigate any negative impacts on neighboring uses.

C-R Regional Commercial District. The C-R Regional Commercial District is a new district that is geared toward accommodation of large, regional commercial centers. The C-R District provides for medium- and large-scale development that may generate a sizable amount of traffic, and typically requires significant off-street parking, such as Turkey Creek or West Town Mall. Higher density residential uses may also be allowed in the C-R District, to facilitate mixed-use development where appropriate.

DK Downtown Knoxville District. The current C-2 (Central Business) and D-1 (Downtown Design Overlay) Districts should be combined and converted into a new base district for Downtown Knoxville. To adequately address the varied nature of the form and activity in downtown, it may be necessary to establish multiple downtown subdistricts that relate to the function, scale, and use of different downtown areas. While each subdistrict would contain a particular emphasis in terms of regulating height, density, and use, all subdistricts would be linked by elements encouraging mixed-use development, and a focus on reinforcing and enhancing the existing character of Downtown Knoxville as a vibrant, pedestrian-friendly, regionally significant commercial environment. It is anticipated that the subdistricts would be based upon the districts established in the City's existing downtown design guidelines.

Industrial Districts

Industrial Districts should be refined, and new districts should be added to accommodate desired development forms.

The City's current set of industrial districts, including base districts and related planned development districts and overlays, should be evaluated and refined to ensure that districts each serve a unique purpose, and that they are permitting and encouraging desired forms of development in the City's varied industrial areas. Certain districts may need to be consolidated or combined, and new districts may need to be created to effectively regulate modern types of industrial development, encourage reuse of existing structures, and allow for a greater mix of uses to support industrial and employment centers. A recommended set of industrial districts is outlined below:



IOP Industrial Office Park District. A new district can come from the combination of the current I-1 Planned Industrial and O-3 Office Park Districts, and could be renamed the IOP Industrial Office Park District. The new district would be oriented toward large-scale office complexes and light manufacturing, and would include allowances for limited ancillary services for employees within a campus-like environment, such as personal services, restaurants, and retail. Standards should be included to guide the development of the office campus, including how structures may be oriented around open space, and guidelines for the creation of a cohesive appearance for new development.

I-MU Industrial Mixed Use District. The current C-6 General Commercial Park and I-2 Limited Manufacturing/Warehousing Districts should be consolidated and refined into a new I-MU Industrial Mixed Use District. Such a district would allow for the mixing of low impact light industrial and warehousing uses with commercial uses, and even limited residential uses (multi-family only) such as live/work and studio space. The I-MU District would be especially applicable to certain older industrial areas within the City that have seen a turnover of certain buildings into uses that are not industrial in nature. Some of these industrial structures may no longer suit modern industrial needs, but can accommodate a unique variety of creative uses and should be preserved, as they provide a great deal of character to the City. The I-MU District may also help to preserve existing industrial development by providing a designated district where uses are permitted to mix, discouraging encroachment of non-industrial uses in the higher-intensity industrial districts.

I-RD Research and Development District. The I-RD District could be created, as a combination of the standards currently within the BP-1 Business and Technology Park and the TO-1 Technology Park Overlay. This district would be similar to the IOP District, but geared toward accommodating larger office structures, office parks, and research and development facilities, which may include limited light industrial uses with little to no outside impacts. The I-RD district may also include permissions for a mix of compatible uses such as residential, limited retail, and personal services to serve the employees, similar to the IOP.

I-G General Industrial District. It is recommended that the current I-3 General Industrial District be renamed and refined to accommodate a range of general industrial uses that may be incompatible with retail or residential uses, including limited manufacturing, fabricating, processing, wholesale distributing, and warehousing. Industrial uses in the I-G can be limited based on outside impacts, and whether operations are conducted in completely enclosed structures as regulated in the current I-3 District. Uses typically permitted in the I-G include, generally, low-intensity, non-nuisance light fabrication and assembly-type manufacturing uses as well as office and research and development facilities with limited outside impacts.

I-H Heavy Industrial District. The I-H Heavy Industrial District is a continuation and refinement of the City's current I-4 Heavy Industrial District, intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses. Industrial uses in the I-H may generally include fabrication, warehousing, and assembly-type manufacturing, as well as office and research and development facilities, which may result in some moderate external effects such as smoke, noise, glare, or vibration, and typically include outdoor storage and related outdoor activities.



Special Purpose Districts

It is recommended that the “Other Districts” listed in Section 2.4 of Article 4 be renamed to “Special Purpose Districts” to reflect the uniqueness of these districts, and to comply with general modern convention. It is generally recommended that the current set of districts be maintained and refined as needed to ensure their continued effectiveness, and that the City’s current O-2 Civic/Institutional District be reorganized into the special purpose districts as the INST Institutional District. Recommendations are as follows:

INST Institutional District. The INST is a refinement of the City’s current O-2 Civic/Institutional District, intended to accommodate federal, state, county and municipal governmental operations, and large institutional uses such as healthcare institutions and educational facilities, to allow for their expansion in a planned manner while protecting surrounding neighborhoods. Additionally, as in the current district, residential uses should be permitted, and certain types of professional and business office uses compatible with the character of the district should be permitted as special uses.

A-G General Agricultural District. The AG District would largely continue the current A-1 General Agricultural District, protecting farmland from encroachment of non-agriculture uses that can cause conflict, and providing “conditions conducive to continued use of land for agricultural purposes in appropriate locations, thereby reducing economic pressures which would otherwise lead to a scattered, inefficient, inconvenient pattern of urban activities.” This district would also include permissions for temporary and accessory uses common to agricultural operations, such as U-pick, farm-stands, hayrides, etc.

NA Natural Areas District. The NA District is recommended as a continuation of the City’s current OS-1 Open Space Preservation District. This district would be restrictive in terms of permitted forms of development, and used to protect existing natural areas. These are generally areas specifically designated for preservation of their natural features, where development is limited to uses like interpretive programming or hiking trails.

OS Parks and Open Space District. The OS District is recommended as a continuation of the City’s current OS-2 Parks and Open Space District, and would encompass parks and playgrounds throughout the City. The use structure would also acknowledge that public parks serve multiple functions, not just recreation; therefore, other uses like outdoor entertainment venues, park cafes, special events, and similar should be allowed. This type of district offers two benefits. The first is that the use within the district is protected as only active and passive recreation areas are allowed. The second is that, if someone desired to change to the use of that area, a rezoning is required, allowing the governing body control over the future land use of that parcel.

A number of the City’s current overlay districts are proposed to be absorbed or collapsed into new base districts as part of the code update, such as the D-1 Downtown Design Overlay or the IH-1 Infill Housing Overlay. Some of the overlay districts, however, should be maintained in the new Code. As these districts often require an application process in their establishment and can involve significant modification of the base zoning district regulations, and as a number of these districts are currently established, it is recommended that they remain in place, and that current review and approval procedures be clarified and aligned with the rest of the code as rewritten.

Further, the TO-1 Overlay district contains specific provisions that allow for the “physical development review in the Tennessee Technology Corridor area of the City of Knoxville by the Tennessee Technology Corridor Development Authority (TTCCA),” which may preclude its conversion to a base district in the revised ordinance. The overlay districts proposed are listed below:

F Floodway Overlay. The current F-1 Floodway District should be considered for conversion to an overlay district. The proposed overlay district would reference FEMA flood mapping data and approved letters of map amendment.

H Historic Overlay. Currently the H-1 Historic Overlay.

NC Neighborhood Conservation Overlay. Currently the NC-1 Neighborhood Conservation Overlay.

TO-1 Technology Park Overlay. The Current TO-1 Technology Park Overlay.

Form Districts

The City’s current form districts, the **SW South Waterfront Form District** and the **CU Cumberland Avenue Form District**, will be maintained in the Code revision. It is anticipated that some minor changes to these districts will be needed to ensure alignment and consistency in terminology between the form districts and the overall zoning code, to clarify general standards of applicability between the two form districts as well as the general applicability of the districts to existing structures in the City, and to ensure that the districts comport with other City codes such as the revised sign regulations.

Design Standards & Adaptive Reuse Provisions

Design standards can be added to appropriate districts to ensure the quality of new development.

In order to ensure quality new development, certain districts and uses should incorporate basic design standards. The key to successful design standards is to accurately convey the aesthetic desires of the community, protect key physical resources from inappropriate alterations, and maintain the flexibility needed to solve difficult design issues and allow innovative new development. Good design standards result in infill development that maintains City character and implements desired redevelopment patterns. Multi-family and townhouse developments, and commercial development, including mixed-use developments, should incorporate design standards.

The intent of these standards is not to control the architecture of new development, but rather to address basic tenets of building design: façade articulation, building massing and scale, fenestration, public entrance design and location, prohibited building materials, and similar. Standards should be written so that they are objective in nature, rather than subjective, for easy review and administration.



Adaptive reuse permissions should be included to preserve significant structures in the City.

These provisions would be focused on the adaptive reuse of existing non-residential buildings, such as older industrial or commercial buildings, unique uses like schools and firehouses, and cultural facilities. The conversion of these structures into compatible uses, such as multi-family dwellings, office uses, or a series of commercial spaces, should be considered. Standards can be integrated into the districts that specifically deal with the impacts felt if the reuse is of a higher intensity than the neighborhood in which it is located. The intent is to encourage the retention and renovation of sound existing structures, and to ensure that any uses that located within them remain compatible with the adjacent neighborhood and its character.





Development Standards

The accessory use and structure section of the existing Code needs updating.

Section 4 of Article 5 addresses accessory structures, but a number of modern accessory structures are missing, for example, green energy technology such as solar panels and wind turbines. Further, many of what are considered accessory structures in that section for uses like hospitals, educational facilities, and places of worship are what are usually called “ancillary uses” that are part of the principal use and can be addressed within use definitions and use standards. Finally, some stray accessory uses are found in later sections of Article 5 such as tents, fallout shelters, and pools. The Code update should include a comprehensive list of accessory structures and uses, and include standards for each in terms of size/ dimension, height, and placement, and operational requirements. These types of standards tailored to certain accessory structures and uses would eliminate the need to make some of them uses on review (required for accessory structures over 1,100 square feet in a residential district). Common accessory structures and uses include the following:

- Amateur (HAM) Radio Equipment
- Arbor
- Carport
- Chicken Coops
- Coldframe (Hoop) Structures
- Deck
- Farmstand
- Fences
- Garage
- Gazebo
- Greenhouse
- Home Occupation
- Mechanical Equipment
- Outdoor Display
- Outdoor Sales
- Outdoor Storage
- Patio
- Pergola
- Personal Recreational Game Court
- Refuse and Recycling Containers
- Satellite Dish Antenna
- Shed
- Solar Panels (Private)
- Swimming Pool
- Trellis
- Vehicle Charging Station
- Water Features
- Wind Turbines (Private)

Certain of these accessory structures and uses may already be regulated by other Codes within the City Code, such as chicken coops (Section 5-107, Chapter 5, Article IV). Where it is infeasible to move the regulations into the Zoning Code, a cross-reference should be included. The accessory structure section also includes general standards for those types of accessory structures that aren’t specifically regulated or listed, and can accommodate new types that have not been anticipated.

Finally, home occupations (currently Section 12, Article 5) need to be updated to address the variety of home-based businesses, and modernized to ensure that the standards are compatible with the larger emerging economies. Certain types of home occupations would remain prohibited, such as vehicle repair, but the revision will evaluate if permits should



still be required for the wide range of home occupation types. If required, permit approval should be provided through an administrative process.

Consider allowing accessory dwelling units in residential zoning districts.

The current Code does not address accessory dwelling units (ADU), a housing option that can be used to create additional housing options, including affordable housing, while respecting the scale of single-family neighborhoods and provide an option for owners of larger properties to supplement their income for maintenance of the home. ADU, also known as “granny flats,” “coach houses,” or “mother-in-law apartments,” create density to help support nearby local commercial nodes, and often serve to house multiple generations of the same family, potentially improving the quality of life of seniors, as well as the maintenance of existing housing stock.

The City could allow ADU in larger lot residential districts or for single-family lots over a certain square footage, provided that they meet specific standards that manage the impact of ADU on neighboring properties. These standards could include requiring one of the dwelling units to be occupied by the property owner, limiting them to one per lot, requiring a minimum lot size to establish an ADU (such as 5,000 square feet), defining a maximum ADU gross square footage (such as 50% of the principal structure), footprint, and height, and indicating permitted locations on the lot (whether the ADU may be within a detached accessory structure and/or part of the principal structure).

The Code should include exterior lighting standards.

Clear standards for exterior lighting control on private property should be included (the Zoning Code does not regulate public roadway lighting). The current regulation is a statement that prohibits glare onto public rights-of-way or into residential districts, with a reference to additional standards in Article 4 that is unclear. In the update, a set of exterior lighting standards should be created. Tailored lighting standards are required for different districts, such as commercial versus residential districts, and for certain uses, such as gas stations, where lighting is a safety and an aesthetic issue. Special standards are also needed for recreational fields, which typically require higher intensity lighting mounted on significantly taller light poles. In addition, the H-1 District design guidelines include recommendations for lighting design, which would also be part of the Code. Many of the best practice standards on appropriate exterior lighting would be integrated to minimize light pollution in the City. In order to ensure easy administration and enforcement, standards would include requirements such as all lighting must be full cut-off lighting, light pole maximum heights, and setbacks from residential districts.

A permitted encroachments table would help to clarify what types of encroachments are allowed in required yards.

Attached accessory structures and architectural features should be regulated through a permitted encroachments table, where the location – in relation to the required setbacks and yards – is controlled. The current Code does control some encroachments into yards (Article 5, Section 6), but would be better organized as a table that includes the full range of accessory structures and architectural features.



It is important to note that there is often overlap between permitted encroachment permissions and accessory structure regulations. Therefore it is important to organize the accessory structure and permitted encroachment regulations in a coordinated manner with cross-references between the two sections.

The terms “yard” and “setback” should be separately defined in order to better regulate the placement of accessory structures.

For clarification, the Code should define “yard” and “setback.” A yard is the open space area between a principal building and the adjoining lot line. A required setback may be equal to or lesser than a yard and is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any portion of a principal building or accessory structure, unless permitted by the Code. A setback extends along a lot line for the minimum depth specified by the zoning district in which such lot is located.

Only those accessory structures permitted by the Code would be allowed in required setbacks. Certain accessory structures may be prohibited in certain yards. The distinction between yard and setback is made because certain principal buildings may be set back further than required by district setback standards, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, it is permitted within the required setback subject to any additional limitations.





Landscape

Landscape requirements should be consolidated in one Article (the proposed Article 12).

Certain landscape requirements are found in the parking section of the current Code, particularly surface parking landscape requirements, and this organization is being carried over into the new parking ordinance under review. It is recommended that all landscape be brought together into one article so that the Code is comprehensive in landscape regulations and it would be easier for Code users to identify what is required of them.

Comprehensive landscape requirements are required.

The contribution of landscape to the visual quality of the built environment cannot be overemphasized. The current landscape regulations are tied to districts and specifically to surface parking lots. A more comprehensive approach, tied to uses and particular siting standards (example – structures that maintain a setback from the street) would help to ensure the proper levels of beautification and screening without creating situations that require variances, and will be consistent in their application.

The landscape article should be organized around the following:

- Landscape plan requirements
- Selection and installation requirements
- Species diversity requirements
- Design criteria
- Interior of parking lots plantings
- Perimeter of parking lots plantings
- Building setback landscaping
- Buffer yards and screening
- Tree preservation

Landscape requirements should be practical, sustainable, and achievable.

The landscape section should contain regulations that are easy to calculate, and should provide a clear path to meeting those requirements. Initial recommendations include:

- Building setback landscaping for multi-family, mixed-use, and non-residential uses should be required only where adequate space can be provided to ensure long-term health of required plant material and should require more than live turf. Requirements should be adjusted, or alternative methods of meeting the building setback landscape should be provided for structures that are sited 10 feet or less from a lot line.
- Buffer yard requirements should be evaluated and updated to ensure proper screening between incompatible adjacent uses. Buffer yards for new construction should be required where non-residential uses are located within residential districts, and where



non-residential uses abut residential districts. The City may also want to consider requiring buffer yards between lower intensity single-family districts and multi-family development. Buffer yard requirements would be tailored to the type of lot, such as shallow commercial lots with limited space versus large development sites. This would include tailoring of the types of plantings required and/or permitted.

- Parking lot perimeter landscaping should be required only where parking lots abut the public right-of-way, excluding alleys.
- Interior parking lot landscape requirements should ensure consistent, predictable results regardless of the size of a parking lot. For example, islands should be required to be a standard size, generally the same dimensions as a parking space. Diamond-shaped landscape islands should be prohibited. In addition to these requirements, a base percentage should be established, usually 10%, to ensure that all lots maintain a minimum amount of landscape area, regardless of the number of spaces provided.
- The use of stormwater management techniques such as raingardens and bioswales should be encouraged in landscape areas, including parking lot landscape. Parking lot island and landscape requirements should encourage designs to accommodate stormwater infiltration where appropriate.

Installation and maintenance standards for landscape should be further detailed to ensure proper implementation of landscape requirements.

Basic landscape installation and maintenance standards should be included as part of the Code. Certain standards are in the Code, but should be updated with further detail such as native planting requirements, prohibited species, and required species diversity. These standards are important because they assure a significant landscape impact by controlling the type of plantings and the level of maturity required for plant types at the time of installation. Plantings that are too young can result in an insufficient level of landscape improvements during the first several years of a project and may not perform the intended screening and beautification functions until the plants mature, or may result in landscape that does not survive the first growing season.

Landscape standards should incorporate sustainable landscape design techniques such as native landscape requirements, prohibitions on invasive exotics, species diversity requirements, and drought-tolerant landscape requirements. The City's Urban Forestry Division currently maintains a preferred plant list, which would be linked to the Zoning Code.

Finally, in order to effectively facilitate the preservation of the City's tree canopy, the City should consider addressing tree preservation through the creation of a separate ordinance.



Administration

The administrative sections of the Code should be reorganized to make the processes easier for applicants to follow.

Currently, administrative responsibilities and procedures are found in different articles. In order to make the various applications and their respective processes and requirements user-friendly, the following reorganization is proposed:

Code Administrators

This Article would list the powers and duties of all boards and officials involved in administration. By listing all boards and officials for all applications, the process is clarified (i.e., the user can easily reference who recommends and who approves). The following boards and officials will be included:

- City Council
- Metropolitan Planning Commission (includes MPC staff responsibilities)
- Board of Zoning Appeals
- Historic Zoning Commission
- Administrative Review Committee
- Zoning Administrator

In order to streamline the process, it is recommended to eliminate the Downtown Design Review Board and the Infill Housing Design Review Committee. Based upon restructuring the districts and adding in significant new standards for development, these groups may no longer be needed to review new proposals.

Application Process

This Article would contain the rules for processing the various zoning applications. These administrative procedures will be consistent with Tennessee law and grouped into the following three sections:

- Application process (this only describes the general processes and are not zoning approval specifics; this section also do not include the application forms which are maintained outside the Code)
- Notice
- Public hearing

Approvals

All applications and approvals would be found in this Article. We anticipate that the following applications would be included:

- Amendment (text and map)



- Special use
- Variance
- Administrative modification
- Site plan review
- Planned unit development
- Certificate of Appropriateness
- Zoning interpretation
- Zoning appeal
- Zoning designation letter

Building permit and occupancy permit will be moved to the larger code as they are not zoning related approvals.

To the degree possible, the following structure would be used for each application:

- Purpose
- Applicability
- Authority
- Procedure
- Approval Standards
- Appeal

One of the clarifications that will be included in the Code is the window of time in which each application can be appealed.

A completeness review should be included as part of the filing of applications provision.

It is recommended that a completeness requirement be added to the Code in order to avoid the submittal and processing of incomplete applications. An example of such a requirement is as follows:

The Zoning Administrator or MPC Staff will determine whether a submitted application is complete. The Zoning Administrator or MPC Staff will notify the applicant as to whether or not the application is complete, and will not process the application until any deficiencies are remedied. Once the Zoning Administrator or MPC Staff determines that the application is complete, the application will be scheduled for consideration.

The table on the next page is the current understanding of who processes these applications for completeness and would be incorporated into the Code.

This would allow interested members of the public to review the complete application prior to the hearing and would help to eliminate postponements on the basis of incomplete submittals. It should be noted that payment of fees is considered part of completeness review.



Application	Authority	
	Zoning Administrator	MPC Staff
Amendment (text and map)		✓
Special use		✓
Variance	✓	
Administrative modification	✓	
Site plan review	✓	
Planned unit development		✓
Certificate of appropriateness		✓
Zoning interpretation	✓	
Zoning appeal of Zoning Administrator decision	✓	
Zoning appeal of MPC decision		✓

An optional pre-application review should be included as part of the filing of applications provision.

It is recommended that applicants be allowed to conduct a pre-application review with the Zoning Administrator or MPC Staff, as well as any additional departments deemed appropriate to provide input on an application. This is conducted prior to any formal application or payment of fees, and comments are not binding with respect to any official action that may be taken on the application. The table provided above for completeness review indicates who would conduct the pre-application review.

Approval standards, timeframes, and appeal windows for the different applications should be updated.

Each of the applications, in particular amendments, variances, and special uses, should have a set of approval standards. Current standards for each application should be updated for consistency with Tennessee case law and clarified. In addition, timeframes for review and hearing of the different applications should be included so that applicants can better predict the processing of their applications, as well as the timeframes for appeal. These timeframes should be consistent across applications.

Some flexibility in the variance process can be included through an administrative modification procedure.

The City can reduce the number of variances reviewed by the Board of Zoning Appeals and introduce some flexibility in the variance application by defining and establishing a procedure for administrative modifications, with certain applications reviewed and approved by the Zoning Administrator, who can consult with MPC staff. The purpose would be to provide a streamlined approval procedure for minor modifications of select standards, without requiring a public hearing. Examples of the types of modifications that could be approved as an administrative modification are the following:

- A 10% variation on any district dimensional standard within the Code with certain limita-



tions where needed (for example, 10% reduction in setback but no more than two feet)

- Certain modifications to design standards and landscape plans
- Reduction of required off-street parking spaces by no more than 10% of the required amount or a certain number of spaces, (dependent on how the final parking ordinance drafted)
- A 5% to 10% reduction in bicycle parking requirements

An application for an administrative modification would be evaluated against approval standards tailored to the nature of such minor modifications, oriented toward standards that ensure the modification will not negatively impact the surrounding properties and/or neighborhood. Also, if the Zoning Administrator denies an administrative modification, the applicant can appeal that decision to Zoning Board of Appeals.

A zoning text interpretation process should be added.

Every municipality has an informal process for text interpretations, but the Code should include a formal process for documenting text interpretations. No Code can adequately or clearly address every possible aspect of regulation, so this process allows for a written interpretation upon request. This results in a record of interpretation requests, which leads to the predictable and consistent application of the regulations. While currently the Zoning Administrator typically renders the interpretation, the City continues to explore how the Zoning Administrator and the MPC staff can work together to ensure consistency in how interpretations are rendered.

An administrative site plan review process should be incorporated into the process.

A site plan review process could help to ensure that the new by-right development meets the Code regulations. This would be a way to address how new development fits into both the larger context of the City and the micro-level of the site specifically. There are four key issues related to instituting a staff site plan review process. These are:

What developments are subject to administrative site plan review?

Many cities require all development, except for single-family and two-family dwellings, to receive site plan review and approval. In addition, a number of communities require all special uses to receive site plan review as part of the approval. It is our recommendation that all new construction and significant expansions of multi-family, townhouse, and non-residential developments, including mixed-use, be subject to administrative site plan review, as well as special uses.

What are the standards for site plan review?

A typical list of criteria used for evaluating site plans include the following categories: zoning compliance, site design (the location, arrangement, size, design and general site compatibility of buildings, lighting, and signs), landscape, screening, and open space (proper buffering, sustainable design techniques, drainage, and preservation of existing natural resources), and circulation systems and off-street parking (adequate and safe access to the site for



motor vehicles, pedestrians and bicyclists, traffic movements, and design off-street parking lots or garages to minimize adverse impacts). Design review of structures could also be integrated into this process as well. If design standards are part of the districts, as zoning regulations, they would also be reviewed in this process.

Who will review applications?

The current Administrative Review Committee (ARC) and the MPC staff can be used to review site plans. The ARC is called out specifically in the existing form-based codes to conduct reviews, while in the case of special uses the MPC staff would be more appropriate. The Code would specifically describe which of these two bodies would review specific site plans.

It will be important to describe when site plan review approval is required in terms of timeline. Generally, this applies as follows:

- When no special approvals are required, the site plan approval must occur before a building permit is issued.
- When a special use application is proposed, the accompanying site plan must be approved by MPC staff prior to the hearing on the special use. The approved site plan would be forwarded with the application and the staff's recommendation on the special use. The approving body would be allowed to impose additional conditions on the site plan.
- When a development requires additional approvals, such as a variance, the site plan must be approved prior to the hearing on the variance. The approved site plan would be forwarded with the application and the staff's recommendation on the variance. Again, the approving body would be allowed to impose conditions on the site plan.

Equally important is that the correct site plan is maintained within records. When conditions are imposed upon a site plan, the site plan must be resubmitted showing all required changes prior to the issuance of a building permit, certificate of occupancy, or other permit. For example, when conditions are imposed on the site plan as part of a special use, a new site plan showing such changes is required before the use can be established. When conditions are imposed for a standard development, a revised site plan showing those conditions must be submitted before a building permit can be issued.

The Code should contain a provision for "zoning lots."

Numerous stakeholders discussed issues regarding development on two contiguously owned lots. Property owners are forced into lot consolidation, which adds to time and cost for simple actions. For example, a residential property owner owns two lots of record and builds their home on one lot. At a later time, the property owner would like to build a detached garage on the second lot, which is contiguous to the first and also under their ownership. The current Code does not recognize the entirety of this contiguous property as a single "zoning lot," and so requires the owner to consolidate, as an accessory structure cannot be built on that second lot without the presence of a principal structure.

Most codes simply define a "zoning lot" as "a lot or combination of contiguous lots within a single block, all owned by a single property owner, to be used and/or developed as a unit. A zoning lot may or may not coincide with a lot of record." This would address this issue and



eliminate the need to force someone through lot consolidation. The other benefit would allow property owners of contiguous lots, where one or more of the lots is nonconforming, to also use these lots as part of a combined zoning lot.

However, the City has a unique mapping situation where there is both the original ward map, which describes lots of record, and the parcel map, which shows taxing parcels. Because of this dual map layer, incorporating a traditional “zoning lot” provision may be more difficult. We will continue to work with City and MPC staff to address this issue throughout the Code update process.



Nonconformities

Nonconformity regulations should be updated to specifically address the variety of potential nonconforming situations and conform to the Tennessee Code Annotated.

In any Code update, the intent is to eliminate as many nonconformities as possible. Many are eliminated when new or revised districts are tailored to existing conditions or remapping of districts is undertaken, however, some properties and uses will remain nonconforming. Therefore, the nonconformities article should be rewritten for clarity and include provisions for nonconforming uses, structures, and lots in all cases, including when they occur in the form-based districts. The updated provisions should clearly spell out how nonconformities are regulated. The following are the types of nonconformities the Code should address:

Nonconforming Structure. A nonconforming structure is an existing, legal structure that does not conform to the standards of the district where it is located, created either prior to the effective date of this Code or, as of the effective date of this Code and any subsequent amendment, is made nonconforming.

Nonconforming Use. A nonconforming use is the existing, legal use of a structure or land that is not allowed within the district, created either prior to the effective date of this Code or, as of the effective date of this Code and any subsequent amendment, is made nonconforming.

Nonconforming Lot. A nonconforming lot is an existing lot of record that does not comply with the lot dimension standards of this Code, created either prior to the effective date of this Code or, as of the effective date of this Code and any subsequent amendment, is made nonconforming.

Flexibilities should be added to the nonconforming single-family and two-family regulations for additions and enlargements.

The Code should allow the nonconforming walls (with some limitations) of existing single-family nonconforming dwellings that are nonconforming in terms of the side or rear wall to be extended. This type of provision is very useful in allowing additions to existing homes, as it encourages continued investment in existing older neighborhoods, preserves the existing housing stock, and is a way to reward property owners who continue to invest in their homes, particularly older homes. Where a dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Code.





Planned Unit Development

Eliminate the distinctions between the planned developments and create one planned unit development (PUD) option.

Rather than maintain special separate approvals for different types of planned developments (the RP Districts, the SC Districts, the BP-1, and TO-1 Districts), a more flexible and easily administrated option is to create a single planned unit development procedure. This would be a single development application that would be allowed in certain districts, eliminating the distinctions.

This type of PUD is a development guided by a total integrated design plan in which one or more of the zoning regulations are modified to allow flexibility and creativity in site and building design and location, in accordance with general guidelines that accrue benefits to the City and the public interest. Modern PUD is typically included in codes as a distinct category of approval. In particular, the planned unit development technique is intended to allow for flexibility in the application of zoning requirements based upon detailed review of individual proposals for significant developments in exchange for additional benefits to the City and the public. This special regulatory technique is included in codes in recognition of the fact that flexibility may be needed in the application of required dimensional and design regulations, and occasionally use regulations, for the development or redevelopment of areas that lend themselves to an individual, innovative planned approach.

PUD should function as an effective mechanism for leveraging high quality development.

A key aspect of a PUD is that public benefits and amenities to enhance the City and the local governing body within the proposal. PUD provisions should define the types of amenities or elements desired in exchange for flexibility and bonuses offered through the PUD process. It is important to remember that, because of its inherent flexibility, the PUD process can become a surrogate for the variance process. When a property owner does not want to meet existing district requirements, they often request a PUD where they do not have to demonstrate a hardship or practical difficulty, as would be required under a variance. Therefore, it is key to list which amenities are required to qualify for such exceptions so that petitioners cannot circumvent basic zoning district requirements without providing measured benefits to the City.

Examples of some of the public amenities and benefits that can be considered in determining whether an exception should be granted. These amenities should be tailored to the different character areas of the City, which can be outlined within this section of the Code. include:

- Use of sustainable design and architecture, such as green roofs, white roofs and other energy efficient design concepts, new building technologies, and approval of buildings and developments that meet established standards such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, etc.
- Community amenities including plazas, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.

- Preservation of natural areas and site design that is sensitive to environmental features.
- Additional open space and recreational amenities such as recreational open space and playgrounds, including athletic fields, dog parks, and natural water features and conservation areas.
- Additional public infrastructure improvements in addition to the minimum required by the planned unit development, such as new or repaved streets, provision of bicycle paths, installation of gutters and sewers, and traffic control devices to improve traffic flow.
- Senior housing set-aside.
- Affordable housing set-aside.
- Provision of public car and/or bike share facilities.

This is not a definitive list but rather a potential list of public amenities and benefits. In some cases, the actual development may be a public benefit. For example, in areas where there is a demand for senior housing, a senior housing PUD can be considered a public benefit.

PUD requires a multi-step approval process, with numerous points of public input.

The approval process is not simply that of a special use. Because of the complex nature of the application, there are additional steps that require review and approval and offer opportunities for public input. An outline of the process is provided below.

Pre-Application Meeting. Prior to the formal filing of an application for a PUD, the applicant is required to meet with staff to discuss the proposed development. The purpose of the pre-application meeting is to make advice and assistance available to the applicant before preparation of the concept plan or preliminary plan. This is a mandatory meeting.

Concept Plan (Optional). Before submitting a formal application for a PUD, the applicant has the option to present a concept plan to the MPC for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. Any opinions or advice provided at the meeting are not binding with respect to any official action on the subsequent formal application. This can be an optional step, at the applicant's choice.

Preliminary Plan. Following the concept plan, the detailed preliminary plan is submitted, where the MPC would hold a formal public hearing on PUD application. The recommendation would be forwarded to the City Council for approval or denial.

Final Plan. Because all issues and concerns with the PUD should be resolved during the preliminary plan and the public hearing that takes place as part of that approval, the final plan approval is intended to be a technical confirmation of the approved preliminary plan. If there are numerous changes between the approved preliminary plan and the final plan, then the plan requires resubmittal as a new application. Typically the staff reviews the final plan for conformance with the approved preliminary plan, which is then forwarded on to the City Council for approval or denial.



A series of administrative, minor, and major changes for approved PUD should be included to allow for more flexibility.

Over the course of time, different levels of changes may be needed to an approved PUD for a variety of reasons. A more flexible change process may be warranted. One alternative is to create three levels of approval – administrative by the Zoning Administrator, minor by the MPC, and major by the City Council. One proposal for these three levels of change is provided below:

Administrative Changes – Zoning Administrator

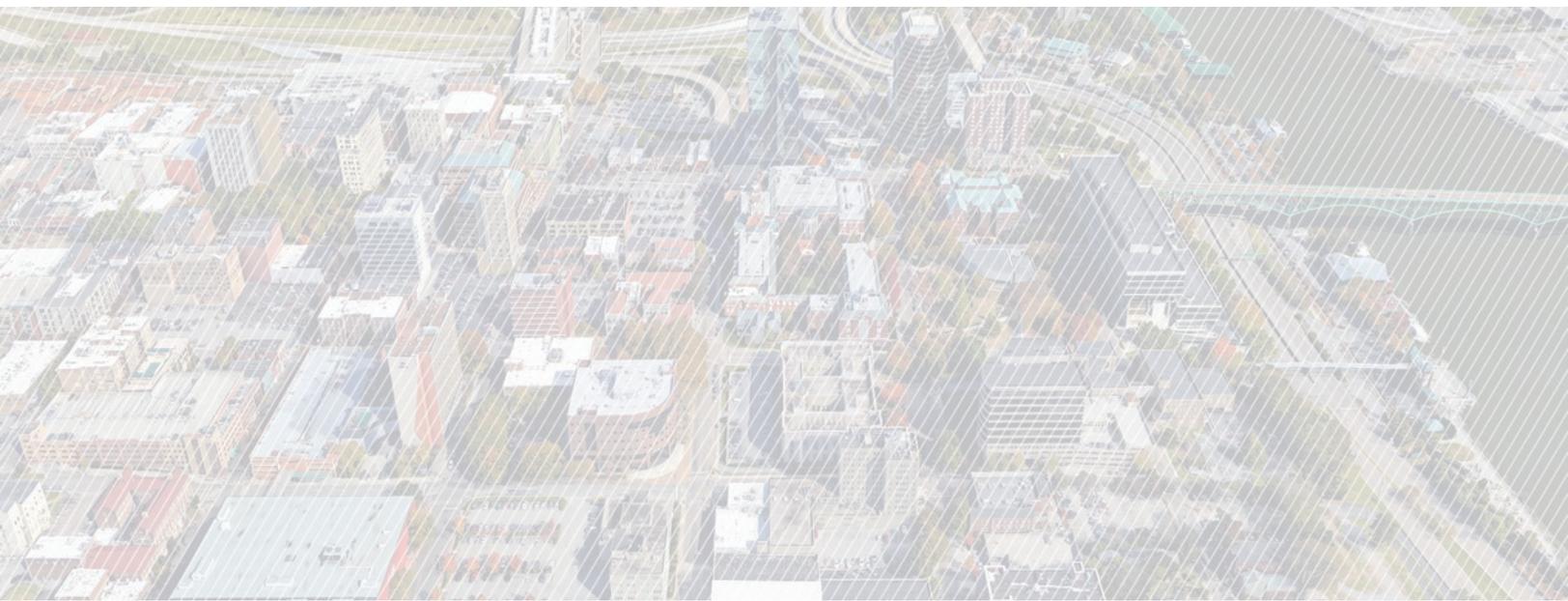
- Alterations required by engineering or other physical site circumstances not foreseen at the time that the final development plan was approved
- Changes to accessory structures, whether attached or detached
- Changes to the landscape plan that do not result in a reduction in the net amount of plant material or violate the landscape requirements of this Code

Minor Changes – MPC

- Any minor extension, alteration or modification of existing structures that does not violate any PUD approval conditions or applicable district regulations
- Changes to building design and architectural features
- Changes to the landscape plan that results in a reduction in the net amount of plant material or in the visual impact of the approved landscape plan
- A change in the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use of less than 5%
- A reduction in the number of parking spaces or an increase of less than 5%
- Where major changes are defined by a threshold (feet, percentage increase/decrease, etc.), any changes below that threshold are considered a minor change

Major Changes – City Council

- A change in the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use of 5% or more
- An increase in building height
- An increase in building coverage by more than 5%
- A change in the orientation of any building by more than 10%
- A decrease in open space
- A change in excess of five feet in the location of walkways, vehicle circulation ways and parking areas, or exterior building or structure walls
- A change or relocation of streets
- An alteration, whether an increase or decrease, in the amount of any land use in any stage of the development by more than 10%
- A reduction in the number of parking spaces or an increase of 5% or more



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