

CASE SUMMARY

APPLICATION TYPE: ORDINANCE AMENDMENT

KNOXVILLE • KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

File Number: 10-A-10-OA
Application Filed: 9/21/2010
Applicant: KNOXVILLE CITY COUNCIL

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location:

Other Parcel Info.:

Tax ID Number: 999 999

Jurisdiction:

Size of Tract:

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:

Surrounding Land Use:

Proposed Use:

Density:

Sector Plan:

Sector Plan Designation:

Growth Policy Plan:

Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:

Location:

Proposed Street Name:

Department-Utility Report:

Reason: amend the City of Knoxville Zoning Ordinance at Article II; Article IV, Sections 2.1.1 and 2.1.4; and Article V, Section 4, allowing the keeping of domesticated chickens in all residential zone districts pursuant to City of Knoxville Ordinance No. O-116-2010

ZONING INFORMATION (where applicable)

Current Zoning:

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: amend the City of Knoxville Zoning Ordinance at Article II; Article IV, Sections 2.1.1 and 2.1.4; and Article V, Section 4, allowing the keeping of domesticated chickens in all residential zone districts pursuant to City of Knoxville Ordinance No. O-116-2010

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): approval of the proposed amendments as proposed in Exhibit A

Staff Recomm. (Full): approval of the proposed amendments to the City of Knoxville Zoning Ordinance at Article II; Article IV, Sections 2.1.1 and 2.1.4; and Article V, Section 4, as proposed in Exhibit A

Comments: REQUEST
MPC has been requested by City Council to consider making a recommendation on amendments to the City of Knoxville zoning ordinance to accommodate the ordinance recently adopted by Council, Ordinance O-116-2010, authorizing residents to keep limited numbers of domesticated chickens on a noncommercial basis.

BACKGROUND

The recently adopted ordinance, O-116-2010, authorizes residents who own their property or demonstrate permission of the property owner to apply for a permit to keep domesticated chickens in accordance with the requirements of Chapter V, Section 5.107 of the Code of the City of Knoxville [see section 5.107 (b)(1)]. The provisions of the code apply to all residential lots regardless of how many dwelling units are on the lot, including multifamily residential complexes without individually owned back yards [see section 5.107 (d)(1)].

The current City of Knoxville zoning ordinance prohibits the raising of poultry in most of its residential zone districts, specifically stated in the R-1 and R-1E zone districts, and by references to R-1 permitted uses in the R-1A, R-2, R-3, O-1 and O-2 districts. The current zoning ordinance also has a specific list at Article V, Section 4, of permitted accessory uses, buildings and structures for each type of residential dwelling.

There are also many residences throughout the City that are not located within residential zone districts. Most common are the many neighborhoods that were rezoned in the past to industrial zone districts. Residences in these areas would have legal nonconforming status as dwellings.

ANALYSIS

To accommodate the recently adopted ordinance authorizing residents of Knoxville to keep domesticated chickens, three types of amendments are necessary:

- A definition of domesticated chickens must be added;
- The prohibition against raising of poultry in residential zones must be modified; and
- The buildings and structures allowed for the keeping of domesticated chickens must be added to the specific list of accessory uses, buildings and structures for the residential types listed in the zoning ordinance: houses, attached houses, duplexes and multi-dwelling structures or developments.

The proposed amendment to Article II (Definitions) adds a definition for domesticated chickens.

The proposed amendments to Article IV, Sections 2.1.1 (R-1) and 2.1.4 (R-1E) modify the prohibition against raising poultry in these residential zone districts (and the other zone districts that make reference to the permitted uses of the R-1 zone district) by making an exception from the prohibition for the keeping of domesticated chickens subject to the provisions of Chapter V, Section 5.107 of the Code of the City of Knoxville.

The proposed amendments to Article V, Section 4, add fenced enclosures and henhouses for the keeping of domesticated chickens to the list of permitted accessory uses, buildings and structures for each of the residential types listed in the zoning ordinance. This provision will allow residents with legal, nonconforming dwellings in zone districts other than residential to also keep chickens in accordance with Section 5.107.

Action: Approved **Meeting Date:** 10/14/2010

Details of Action:

Summary of Action:

Date of Approval: 10/14/2010 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 11/16/2009

Date of Legislative Action, Second Reading: 11/30/2010

Ordinance Number: O-165-2010

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: 12/17/2010