

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

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File Number: 12-F-10-OA **Related File Number:**
Application Filed: 11/18/2010 **Date of Revision:**
Applicant: METROPOLITAN PLANNING COMMISSION

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: Amendments to the Knox County Zoning Ordinance, Article 3, Section 3.30, definitions, and related sections, regarding side yard setbacks on corner lots

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.: Amendments to the Knox County Zoning Ordinance, Article 3, Section 3.30, definitions, and related sections, regarding side yard setbacks on corner lots

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): Approve of the proposed amendments to the Knox County Zoning Ordinance as shown in Exhibits A and B

Staff Recomm. (Full):

Comments:

REQUEST

MPC has been requested by the Knox County Board of Zoning Appeals, with support from County Commission, Knox County Law Director and the Knox County Building Official, to consider and make a recommendation on amendments to the Knox County zoning ordinance regarding setbacks for side yards adjacent to the side street on corner lots, with appropriate definitions and associated amendments.

BACKGROUND

The Knox County Board of Zoning Appeals, in discussion with several members of the County Commission, identified side yard setbacks when adjacent to a side street on a corner lot as one of the most frequent requests for a variance from the regulations currently found in the Knox County Zoning Ordinance in order to reduce the setback and increase the amount of the lot available for development.

These numerous requests indicate that the current regulations are out of step with the desires of property owners. Strict application of the criteria for granting a variance is difficult to meet. A change in the regulation is in order.

ANALYSIS

Current regulations for setbacks for side yards adjacent to a side street on a corner lot are found at Article 3, Section 3.30 (Highway Set Back Lines):

3.30.01 On corner lots the minimum width of the side yard next to the side road shall be the same as the width of the front yard for the zone in which located, and no accessory use or building shall be located nearer to the side road line than the main building.

In addition, two zone districts, T (Transition) and TC (Town Center), have unique treatment of the setback for side yards adjacent to streets on a corner lot. Each can and should be made consistent with the general regulation.

- The setback language in the T (Transition) district reads: On corner lots the building may not be located closer than twenty-five feet to the side yard. This language is unclear at best and needs to be clarified.

- The setback language in the TC (Town Center) district mimics the current general requirement shown at Article 3, Section 3.30.01 and should be changed if the general requirement is changed.

Many cities and counties use the concept of the "key" lot to determine when the minimum depth of a side yard should be the same as the minimum depth of a front yard. A key lot is an interior lot that is adjacent to a corner lot and shares its side property line with the rear property line of the corner lot. A key lot situation is when the corner lot should have a side yard the same minimum depth as a front yard. When a corner lot is not adjacent to a key lot, the setback for a side yard does not have to be the same as a front yard, but could be greater than that of an interior side yard. A setback for a side yard adjacent to a street is often sized somewhere between an interior side yard and a front yard. A setback half the front yard setback is typical and easy to understand.

The proposed amendments:

- Create a definition for a key lot as a lot that shares its side property line with the rear property line of

a corner lot;

- Establish a minimum side yard adjacent to a street on a corner lot at ½ the front yard, except when adjacent to a key lot; and
- Amend the language for the corner lot side yard setback in the T (Transition) and TC (Town Center) zone districts

Action: Approved

Meeting Date: 12/9/2010

Details of Action:

Summary of Action: Approve of the proposed amendments to the Knox County Zoning Ordinance as shown in Exhibits A and B

Date of Approval: 12/9/2010

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 1/24/2011

Date of Legislative Action, Second Reading: 2/28/2011

Ordinance Number: O-11-1-103

Other Ordinance Number References: O-11-1-103

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: