

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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w w w • k n o x m p c • o r g

File Number: 6-B-08-OA **Related File Number:**
Application Filed: 5/19/2008 **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 City of Knoxville Zoning Ordinance reorganizing Article 4 (Specific Zoning Districts) and Article 7 (Administration and Enforcement)

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 City of Knoxville Zoning Ordinance reorganizing Article 4 (Specific Zoning Districts) and Article 7 (Administration and Enforcement)

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): MPC, working together with City administration, requests consideration of a reorganization of Article 4 (Specific District Regulations) and Article 7 (Administration

Staff Recomm. (Full): MPC, working together with City administration, requests consideration of a reorganization of Article 4 (Specific District Regulations) and Article 7 (Administration

Comments: This rationale for this effort is twofold:

1) Reorganizing Article 4 (Specific District Regulations) will end the practice of adding newly adopted zone districts to the end of a growing menu of districts and create four groups of districts that are similar in type and administration: 1) Base districts, 2) Planned Development districts, 3) Overlay districts, and 4) Form districts. In doing so, a logical place will be created to add the new "form districts" that are proposed for Cumberland Avenue, North Central Avenue and Magnolia Avenue. In addition, the general purpose and administrative procedures can be described for each group of districts.

2) Reorganizing Article 7 (Administration and Enforcement) is similar in intent, though a bit farther reaching. This includes an effort to consolidate all the administrative procedures, certifications, and approvals that are now spread throughout the code (primarily in Article 4 as a result of new districts being added over time) into a central place in the Code. In addition, with the creation of new form districts, the need to describe the approval process within the Zoning Ordinance is necessary, instead of the current situation wherein reference is made to the Knoxville South Waterfront Form Based Development Code (a free-standing document specific to the City's only current form district).

This effort will not amend any policy or regulation currently found in the Zoning Code. The intent is to simply reorganize and consolidate existing regulations, authorities and duties into a more understandable format. In addition, it will bring into the Zoning Code many regulations and procedures that are currently described in the Knoxville South Waterfront Form Based Development Code and make them applicable to any new form districts that are created.

Proposed amendments for Articles 4 and 7 are provided, including proposed new language for the "General Provisions" for each of the four types of zone districts. A summary table of dimensional regulations for each specific zone district is moved from Article 3 to Article 4. In addition, a summary table for Article 7 is created.

The proposed amendments to Article 4 include:

- Organization into four sections of specific district regulations according to type of zone district: base, planned development, overlay and form;
- Description of the general provisions for each section of specific districts to describe the purpose of each type of district and the administrative processes unique to each type of district; and
- Within the section for form districts (Section 4), description of general principles and regulations that will apply to all form districts and which may supersede regulations found elsewhere in the Zoning Code.

The proposed amendments to Article 7 include:

- Consolidation of administrative authorities, and their specific responsibilities and duties, found throughout the code into a central place in Article 7; and
- Description of the various administrative processes, certifications and approvals currently found throughout the code that are required prior to development.
- The specified duties already in Article 7 are as follows:
 - o For the Building Official (formerly the Building Inspector), old duties 1 through 5 are now listed a through e;
 - o For the Metropolitan Planning Commission, old duties 1 through 3 are now listed a through c; and

o For the Board of Zoning Appeals, old duties 1 through 7 are now listed a through g.

One issue that was raised in public meetings is that of conflicting provisions between various sections of the code. The proposed general provisions for each Section of Article 4 provide language that clarifies provisions that are now found within specific zone districts and provide clear authority for these provisions. For example, within the Neighborhood Conservation (NC-1) Overlay District there is currently a provision (Article 4, Section 22. C) that allows design standards created for a NC-1 district to establish lot sizes, setbacks and parking requirements that are different than the base zone district. The proposed language within the general provisions at Article 4, Section 3.04, provides the general authority for the standards found in adopted overlay guidelines to supersede requirements of the base zone district. This provision is provided for each of the four groups of zone districts to allow specific district requirements to supersede general zoning requirements or base district requirements in the case of overlays.

STAFF RECOMMENDATION

Staff encourages a favorable recommendation by the Commission for these proposed amendments. The resulting organization of the zoning ordinance will create a logical place for new zone districts within Article 4 and a more comprehensive and easily understood format within Article 7.

With a recommendation of approval by the commission, these amendments will be heard at the August 12 City Council meeting for consideration on first reading.

MPC Action: Approved **MPC Meeting Date:** 7/10/2008

Details of MPC action:

Summary of MPC action: MPC, working together with City administration, requests consideration of a reorganization of Article 4 (Specific District Regulations) and Article 7 (Administration

Date of MPC Approval: 7/10/2008 **Date of Denial:** **Postponements:** 6/12/2008

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 4/21/2009 **Date of Legislative Action, Second Reading:** 5/5/2009

Ordinance Number: **Other Ordinance Number References:** O-70-09

Disposition of Case: Approved as Modified **Disposition of Case, Second Reading:** Approved as Modified

If "Other": PP until reviewed by Code Studio to be heard with Cumberland Ave Form District Ord. Amendment, 4/7/09 Approved **If "Other":**

Amendments: PP until reviewed by Code Studio to be heard with Cumberland Ave Form District Ord. Amendment, 4/7/09 Approved First Reading **Amendments:** Approved Article 4 only as revised

Date of Legislative Appeal: **Effective Date of Ordinance:**