

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: 7-B-07-OA Related File Number:
Application Filed: 6/27/2007 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 regulating the size of residential accessory buildings (Reconsideration back from City Council)

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 regulating the size of residential accessory buildings (Reconsideration back from City Council)

MPC ACTION AND DISPOSITION

Planner In Charge:

Ken Pruitt

Staff Recomm. (Abbr.):

APPROVE the proposed amendments to the City of Knoxville Zoning Ordinance as originally recommended October 2007.

Staff Recomm. (Full):

APPROVE the proposed amendments to the City of Knoxville Zoning Ordinance as originally recommended October 2007. Though the new proposed amendments have merit, the proposed maximum size of accessory buildings, while having some rationale because they are related to lot area, are still arbitrary in nature. It is staff's position that the October recommendation is true to the definition of accessory buildings and structures contained in the code; and the maximum lot coverage, maximum height, and use-on-review process proposed for buildings or structures larger than the 750 square foot threshold provides adequate safeguards to protect the interests of neighboring property owners.

Comments:

REQUEST

In May, 2007, the City of Knoxville Board of Zoning Appeals (BZA) requested that MPC look at increasing the maximum size of an accessory building or structure in the City residential zone districts - from its current limit of 750 square feet in building coverage. MPC recommended amendments to the ordinance at its October, 2007 meeting. City Council, at its November 20, 2007 meeting, referred the amendments back to MPC for reconsideration, with a finding that they wanted to look at a maximum size for accessory buildings and structures in residential zone districts that was smaller than the proposed recommendation.

BACKGROUND

Between January, 2006, and April, 2007, the BZA heard 15 requests for variances to the maximum size of accessory buildings. All but two of those requests were approved. Since then, several additional requests have been made. Each request complied with the requirements of Article 5, Section 4, of the City's Zoning Ordinance that the accessory building be incidental to the principal use, and subordinate in area, extent and purpose to the principal building. The BZA believes this historic data shows a desire and willingness of the community to accept larger accessory buildings than are presently allowed.

MPC's October Recommendation

Rather than increase the current maximum area for accessory buildings from 750 square feet to a maximum size unrelated to principal building size, MPC in October recommended the following actions:

- Provide consistent language in appropriate residential zone districts that accessory buildings and structures "shall not exceed the building area of the principal building." Such a standard would be consistent with the provision found at Article 5, Section 4, that accessory uses and buildings be incidental and subordinate to principal uses.
- Require use-on-review by the Planning Commission for accessory buildings and structures that exceed 1,100 square feet in building coverage. The 1,100 square foot threshold will allow a typical 42 feet wide, three-bay building without use-on-review. This size will address the need for boat storage, car storage and work space that the BZA has encountered in variance requests. See attached drawing of typical building.
- Add Paragraph C to Article 5, Section 4 (Accessory Uses, Buildings and Structures) to provide guidance for use-on-review of accessory buildings and structures greater than 1,100 square feet.
- Add the definitions "Building Coverage" and "Lot Coverage" and delete the definition of "Coverage." The term "coverage" currently includes a measure of roof overhangs which is inconsistent with standard measurement formula. The proposed definitions clarify the use of the term coverage.

Each residential zone district has standards for maximum lot coverage. This standard controls the total building area on each lot. As a result of these proposed amendments each residential zone district will be modified so that the principal plus accessory building areas cannot exceed maximum lot coverage.

Building setbacks, height and lot coverage are standards established to control the bulk and coverage

of buildings, and conversely the amount of open space, light and air penetration for each lot. It does not make sense that a single principal building (with height up to 35 feet) would be allowed to build up to that maximum lot coverage, but a collection of principal building and several smaller buildings (with height of only 15 feet) surrounded by open space could not, as long as the accessory buildings were no larger than any principal building and met all the other standards applied to them, including setbacks and maximum building height.

The October recommendation allowed smaller accessory buildings as a permitted use without review and required use-on-review for larger (over 1,100 sq. ft.) accessory buildings. The proposed threshold is based on the recent history of variance requests considered by the City's Board of Zoning Appeals. The threshold between small and large is large enough to allow the construction, without variance or use-on-review of an accessory building that can accommodate boat storage, two cars and work space in a typical format that is 42 feet wide and variable depth. In all cases, an accessory building must not exceed the building coverage of the primary building.

The Use-on-Review process for large accessory buildings and structures will allow the Planning Commission to address issues relating to the proposed building site, size, and materials, while maintaining the relationship between primary and accessory buildings within the standards established for maximum lot coverage.

An Alternative Proposal

In referring the matter back to MPC for further review, the desire for a cap on the maximum size of an accessory building or structure that was less than the size of the primary structure was cited by City Council. This alternative proposes the following table, added to the zoning ordinance at Article 5, Section 4, which describes for a list of lot sizes:

- the maximum accessory building size as a permitted use;
- the maximum accessory building size as a use-on-review; and
- the maximum building coverage for any combination of accessory buildings or structures

This approach creates a relationship between maximum accessory building size and lot area.

C. MAXIMUM SIZE OF ACCESSORY BUILDINGS AND STRUCTURES IN THE R-1, R-1A, R-1E, R-1EN, R-2, R-4, RP-1, RP-2, RP-3, AND TND-1 ZONE DISTRICTS

Accessory buildings and structures for houses, duplexes and attached houses are permitted in accordance with the following table:

Lot Size of Primary Use	Maximum building coverage for a single accessory building or structure as a PERMITTED USE	Maximum building coverage for a single accessory building or structure as a USE-ON-REVIEW	Maximum building coverage for any combination of accessory buildings or structures
15,000 square feet or less	750 square feet or the building coverage of the primary structure, whichever is less.	1,100 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.
More than 15,000 square feet to less than 1 acre	1,100 square feet or the building coverage of the primary structure, whichever is less.	1,500 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.
1 acre or more	1,500 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.	The building coverage of the primary structure.

MPC Action: Approved **MPC Meeting Date:** 2/14/2008

Details of MPC action:

Summary of MPC action: APPROVE the proposed amendments to the City of Knoxville Zoning Ordinance as originally recommended October 2007.

Date of MPC Approval: 2/14/2008 **Date of Denial:** **Postponements:** 7/12/2007-1/10/2008

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 3/11/2008 **Date of Legislative Action, Second Reading:** 6/17/2008

Ordinance Number: **Other Ordinance Number References:** O-129-08

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

If "Other": Postponed 3/25 & 4/22

Amendments:

Approved Option B

Date of Legislative Appeal:

If "Other":

Amendments:

Effective Date of Ordinance: