

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: 8-A-12-OA **Related File Number:**
Application Filed: 7/5/2012 **Date of Revision:**
Applicant: KNOX COUNTY CODE ADMINISTRATION

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 proposing editing, clarification, corrections and other minor changes to the regulations consistent with Article 6, Section 6.30.04 of the Knox County Zoning Ordinance

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 proposing editing, clarification, corrections and other minor changes to the regulations consistent with Article 6, Section 6.30.04 of the Knox County Zoning Ordinance

MPC ACTION AND DISPOSITION

Planner In Charge: Buz Johnson

Staff Recomm. (Abbr.): recommend to County Commission approval of the proposed amendments to the Knox County Zoning Ordinance as prepared, modified and presented.

Staff Recomm. (Full):

Comments:

REQUEST

The Knox County Department of Code Administration has proposed a series of minor changes to the Knox County Zoning Ordinance, consistent with Article 6, Section 6.30.04 of the Knox County Zoning Ordinance. These changes constitute the first phase of a two-phase process to update the ordinance and make it a more usable, readable and effective regulatory document.

The changes proposed will have little or no impact on the substance of the ordinance, but will deal primarily with organization, titles, terminology, and format. Phase two changes will deal more with regulatory changes that will require more public scrutiny and discussion prior to their adoption.

ANAYSIS

The original draft as prepared by Code Administration staff contained over 700 proposals. The MPC staff reviewed these proposals, identified several modifications and prepared the version that will be considered at the August 9th Planning Commission meeting. This version contains most of the changes proposed by Codes Administration.

A pdf version of the MPC recommended draft can be accessed online through the agenda at the following link <http://agenda.knoxmpc.org/2012/aug2012/8-A-12-OA.pdf> . The staff determined that the draft was too large to reproduce as a paper document, so a digital file was prepared for your consideration. Two paper copies will be available in the office for inspection by the general public.

SUMMARY OF CHANGES

The following is a summary of the changes that are proposed in the staff recommended version:

•Format

The changes to the zoning ordinance reflect a more consistent use of indentation, letters and numbers, sentence and paragraph spacing, and type face to provide a document that is easier to understand and to read.

•Unnecessary text

The current ordinance includes several examples of text that add nothing to an understanding to the related requirement or regulation. The following is one such example:

5.22.02Uses Permitted

In any A, Agricultural Zone, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this resolution, except for one or more of the following uses:

A.Houses and duplexes.

It is assumed that the uses listed under permitted uses in the A, Agricultural Zone are, in fact, "permitted", which should require no further explanation.

•Word and numerical values for requirements and standards

One of the more glaring problems with the ordinance was the inconsistent use of words or numbers as values for a requirement or standard. For clarity, the ordinance should be amended to include both text and numbers in such situations. The following is an example as taken from draft:

5.11.02(L)(3)

3.A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.

•Substantive changes

The following are the four changes that could be considered substantive, even though they will have little or no impact on the ordinance:

4.101.01 (A)(2)(d)

In converting to a consistent format, the following was revised to result in a series of items, any one of which would satisfy the address requirement:

d.Members of the household have the same address for purposes of : voter registration, drivers licenses, motor vehicular registration, or the filing of taxes.

5.22.01

The A, Agricultural zone did not include a general description statement, as do all the other zones. The following was added:

5.22.01General Description

This zone provides for a wide range of agricultural and related uses as well as residential uses with low population densities and other compatible uses which generally require large areas or open spaces.

5.33.02

The following use was added to the PC and several other zones. This type of demolition landfill is permitted in all zones except the F, Floodway Zone:

5.33.02..... Demolition landfills less than one (1) acre in size subject to Article 4, "Supplementary Regulations", Section 4.80.01(A), "Demolition Landfills" (on site generated waste), shall also be permitted.

5.51.04 (C) (5)

The following phrase was added to what appears to be an incomplete statement. The policy follows standard practice regarding landscape installation:

5.The Department of Code Administration shall verify the installation of landscaping as shown on the approved landscaping plan prior to the issuance of a certificate of occupancy. Installation of planting materials may be delayed until the next planting season, in the event that literal compliance with the above standard would require plants to be installed at a time when they would not survive. In such cases, a certificate of occupancy can be issued prior to the installation of landscaping with the posting of a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.

Action: Approved **Meeting Date:** 8/9/2012

Details of Action:

Summary of Action: Recommend approval of the proposed amendments

Date of Approval: 8/9/2012 **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: 9/24/2012 **Date of Legislative Action, Second Reading:** 10/22/2012

Ordinance Number: O-12-9-102 **Other Ordinance Number References:** O-12-9-102

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

If "Other":

Amendments:

Date of Legislative Appeal:

If "Other":

Amendments:

Effective Date of Ordinance: