

Council Initiated Revisions to Recode Draft 5

From Meetings on 5/14/19, 5/30/19, 7/16/19, and 7/30/19

Distributed at Meetings on 5/30/19, 7/16/19, and 7/30/19

Updated June 3, 2019; July 17, 2019; and July 31, 2019

Color Guide: Green represents Council changes, blue represents staff responses or suggestions, and red represents language removed or to be removed

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
1	Article 1 Title, Purpose, and Applicability	1-1	1.2.B. Purpose	Consider adding “one-year” plan in Article 1.2.B	Edit sentence to read as follows: “Promote orderly development of the City and implement the adopted Knoxville-Knox County General Plan which incorporates more specialized adopted plans including adopted one-year plan , sector plans, corridors plans, and small area plans adopted by City Council.”	Approved on 5/30/19 (vote: 9-0)
2	Article 1 Title, Purpose, and Applicability	1-1	1.3.A. Applicability -Territorial Application	Staff was directed to draft language to clarify whether the Code applies to land, uses, and structures used for governmental versus private purposes.	Staff recommends editing the subsection to read as follows: “ <u>This Code applies to all land, uses, and structures which are in the City of Knoxville and which are used for a private or non-governmental purpose.</u> ”	Approved on 5/30/19 (vote: 9-0)
3	Article 1 Title, Purpose, and Applicability	1-2	1.4.B.2. And 1.4.B.4. Transition Rules -Existing Uses	Clarify subject still to BZA, Article 17	Edit the last sentences of 1.4.B.2 and 1.4.B.4 to read as follows: “Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses <u>including review by the Board of Zoning Appeals.</u> ”	Approved staff suggestion in #3 for both subsections on 5/30/19 (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
4	Article 2 General Definitions & Measurements Methodologies	2-1 Also see 2-19	2.1. Rules of Interpretation	Staff was directed to look into inserting the introductory language from current Code to Article 2.1	Upon review, staff determined that the introductory language of Article II of the current Zoning Code is mostly incorporated with the exception of the definition for “person.” Therefore, staff proposes adding the following to Article 2.3, Definitions (likely page 2-19): <u>“Person. An individual, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.”</u>	Approved addition of definition of “person” on 5/30/19 (vote: 9-0)
5	Article 2 General Definitions & Measurements Methodologies	2-1	2.1.D. and 2.1.E. Rules of Interpretation	Consider terminology	Leave as is and update Article 17 (Nonconformities) to reflect mandatory requirements with the use of “shall” rather than “may” or “must.”	On 5/30/19, Council agreed with staff response and made no changes
6	Article 2 General Definitions & Measurements Methodologies	2-3	2.3. Definitions -“Animal Care Facilities – Small Animal”	Strike the last sentence in the definition. Also revise what will be the final sentence to read “Animal care facilities do not include animal breeders or kennels. ”	Staff will make changes in document	Approved on 5/14/19 (vote: 9-0)
7	Article 2 General Definitions & Measurements Methodologies	2-12	2.3. Definitions -“Grade”	Request staff review and consider defining “grade”	Staff proposes adding the following definition from the current Code (likely page 2-12): <u>“Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls Defined in Section 2.4.”</u>	Approved on 5/30/19 (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
8	Article 2 General Definitions & Measurements Methodologies	2-14 (now 2-15)	2.3. Definitions -“Kennel”	5/14/19 - In “Kennel” definition, revise “boarded” to “ kept ”	Staff will make changes in document	Approved on 5/14/19 (vote: 9-0)
				5/30/19 – Change kennel definition to match current Code	Staff will make changes in document	Approved on 5/30/19 (vote: 9-0)
9	Article 2 General Definitions & Measurements Methodologies	2-21	2.3. Definitions -“Public Safety Facility”	Consider clarifying definition and allowed areas for “public safety facility.”	Upon review, staff suggests that no changes be made to this definition. Public safety facilities that are non-governmental and/or for profit must go through the public process in Article 16.4 to get permission for the special use in residential areas (see p. 9-5, Use Matrix). Consider addressing any concerns regarding allowed areas in Article 9 Use Matrix.	Council agreed to keep current definition without changes.
10	Article 2 General Definitions & Measurements Methodologies	2-32	2.4.E.1.d. Rules of Measurement -Building Height	Under Article 2.4.E. “Building Height,” request staff to review and define “grade.”	If “grade” is defined in #7 of this list in Article 2.3, this proposed change likely becomes unnecessary.	Council adopted “grade” in #7 of this list and agreed with staff response.
11	Article 4. Residential Neighborhood Districts	4-2	4.2.B. Uses	Consider creating a chart to help visualize 4.2.B	Consider Attachment 1: Staff Proposed RN-4 District Table, which staff created at Council’s suggestion, to be added immediately after Article 4.2.B.2.b	Approved addition of Attachment 1 on 5/30/19 (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
12	Article 4. Residential Neighborhood Districts	4-2 (now 4-2 to 4-4)	4.2. Uses	<p>5/14/19: Revise section to add current Code’s language on Residential Occupancy Standards & Functional Family as Article 4.2 subparts C. and D.</p> <p>UPDATE: 7/16/19: Remove language inserted at 5/14/19 meeting; substitute new subpart C (calculation of occupancy by square footage of dwellings).</p> <p>Recommend newly-named zone equivalents for Attachment 2.</p>	<p>5/14/19: Inserted from current Code’s language in Sec. 21-22 in Article V – see Attachment 2: Staff-Proposed Language for Article 4.2 (C) and (D) with staff suggestions on zone equivalents</p> <p>UPDATE: 7/16/19: Insert the following in place of C. and D. as adopted by Council on 5/14/19 and insert instead the following: C. Residential Occupancy Standards Minimum Space Requirement. It shall be unlawful for any person to occupy or let to another for occupancy any dwelling unit which does not contain at least 150 square feet of floor space for each occupant thereof, including at least fifty (50) square feet of bedroom floor space for each occupant thereof. The floor space shall be calculated on the basis of total enclosed habitable space within the dwelling. No attached garage, basement, or cellar space shall be used for floor space under this section unless such space was lawfully improved and finished for occupancy in compliance with all applicable requirements of the city code as it existed at the time of the improvement. Accessory Structures, except those that are Accessory Dwelling Units (ADUs), shall not be used for occupancy.</p>	<p>5/14/19: Approved adding current Code language back into 4.2 (vote: 5-4)</p> <p>UPDATE on 7/16/19 Council removed current Code language on Residential Occupancy Standards and Function Families in C. and D. of Recode and replaced with approved new subsection C, using occupancy calculation based on square footage of dwellings.</p> <p>5/30/19: Approved new designations for Attachment 2 (vote: 6-3) UPDATE: 7/16/19: Removed subsection</p>

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
13	Article 4. Residential Neighborhood Districts	4-8 (now 4-10)	4.5. Pocket Neighborhood Design Standards	Strike “RN-4” from the title bar of Section 4.5 Insert at the end of the first sentence “ and which may be permitted in RN-4, RN-5, RN-6, and RN-7 districts ”	Staff will make changes in the document	Approved both changes in #13 on 5/14/19 (vote: 9-0)
14	Article 5. Commercial and Office Districts	5-1	5.1.A.2. Purpose Statements	Request staff to revise language to clarify that C-G is intended primarily for indoor commercial uses	Insert as last sentence of Article 5.1.A.2: “ <u>This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.</u> ”	Approved on 5/30/19 (vote: 9-0)
15	Article 5. Commercial and Office Districts	5-6	5.4.B.2. Design Standards	Strike “(does not apply to C-N and O)”	Staff will make changes in document	Approved on 5/14/19 (vote: 8-1)
16	Article 6. Industrial Districts	6-2	6.4.A. Design Standards	Clarify language to make it clear that this applies to all buildings – including nonconforming buildings	Revise 6.4.A. to read as follows: “Table 6-2: “ <u>Subject to Article 17 of this Code</u> , Industrial Districts [...]” leaving the remainder of the sentence unchanged	Council decided change was not needed
17	Article 8. Special Purpose and Overlay Districts	8-10	8.9.B. HP Hillside Protection Overlay Zoning District	By 5/30/19, staff to prepare amendment which applies the HP overlay to districts under 8.9.B	Staff proposal is as follows for Article 8.9.B: “ <u>The regulations of the HP Overlay District</u> apply to all lots in residential all districts [...]”	Approved on 5/14/19 (vote: 7-2) UPDATE: 7/16/19 Approved change again by 7-2 vote (reversing Planning Commission recommendation made on 6/13/19)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
18	Article 9. Uses	9-1 to 9-33 (now 9-1 to 9-32)	9.1. through 9.4. (Entire Article)	Insert correct references throughout – change 12.9 and 16.11, to 12.8 or 16.12 respectively (when incorrect)	Staff will make changes in document to correct inconsistencies	Approved corrections throughout Article 9 on 5/14/19 (vote: 9-0)
19	Article 9. Uses	9-7	9.3.A.1. Principal Use Standards -Animal Care Facility [...]	Update “Animal Care Facility” regarding the number of animals to “ five ” instead of “four”	Staff will make changes in document	Approved on 5/14/19 (vote: 9-0)
20	Article 9. Uses	9-14	9.3.L.10. Principal Use Standards -Food Truck Park	Edit sentence to read as follows: “ Permanent restroom Restroom facilities must be provided and available for both customers and employees”	Staff will make changes in the document	Approved on 5/14/19 (vote: 9-0)
21	Article 9. Uses	9-26	9.3.FF.8. Principal Use Standards -Wireless Communication	Council passed to staff to make clarifications	Switch order of sentences under “8. Application submittal requirements” and correct typo to read as follows: “ <u>An application must be filed with the Knoxville-Knox County Planning Commission Planning Commission on forms provided for that purpose. In addition to the required application information, the application must include the following:</u> ”	Approved on 5/30/19 (vote: 9-0) Approved on 5/30/19 the deletion of extra “Planning Commission” throughout Article (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
22	Article 9. Uses	9-32 (now 9-31)	9.4.H.5. Temporary Use Standards -Temporary Outdoor Sales	Correct typo in H.5; might be able to be corrected by adding “sales”	Staff proposes editing the subsection to read as follows: “5. A portion of a parking area may be used for temporary outdoor <u>sales</u> . Permanent outdoor display structures [...]”	Approved on 5/30/19 (vote: 9-0)
23	Article 9. Uses	9-31	9.4.H. Temporary Use Standards -Temporary Outdoor Sales	Councilmembers McKenzie and Roberto began discussing Temporary Outdoor Events, but Councilwoman Rider suggested tabling it to the 5/30/19 Special Called Meeting because of the importance of the topic and the late hour. Council agreed to do so.	(No response needed)	To be discussed at May 30, 2019 Special-Called Meeting

**Council Initiated Revisions to Recode Draft 5
May 30, 2019 Special-Called Council Meeting
Updated June 3, 2019 and July 17, 2019**

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
24	Article 2 General Definitions & Measurements Methodologies	2-24	2.3. Definitions	Council directed staff to revise 7 definitions beginning at “Temporary Contractor Office and Contractor Yard” through “Temporary Warehouse Sales (Indoor)” in a way that does not include the word “temporary” in the definition.	Staff suggests replacing “temporary” in the definitions with “ short-term ” but leaving the terms unchanged. (Note that “short-term” does not need to be defined because the permit terms are covered in Article 9 10 .)	Approved on 7/16/19 (vote: 9-0)
25	Article 6. Industrial Districts	6-1	6.3. Table 6-1	Increase “Maximum Building Height” for I-G and I-H to 90’	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
26 a	Article 8. Special Purpose and Overlay Districts	8-10	8.9.B. HP Hillside Protection Overlay Zoning District	Directed staff to propose additional changes to clarify application of overlay	Staff proposes the following in part B: “The HP Overlay regulations apply to all development on lots in all districts within the HP Overlay, with the following exceptions: [...]”	Approved on 7/16/19 (vote: 7-2)
				Directed staff to propose additional changes to clarify application of overlay	Staff recommends revising subpart B.1. to read as follows: “ Legally existing structures existing as of the effective date of this Code.”	Approved on 7/16/19 (vote: 7-2)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
26 b	Article 8. Special Purpose and Overlay Districts	8-10	8.9.B. HP Hillside Protection Overlay Zoning District	Revise subpart B.1. to read as follows: “Legally existing structures existing as of the effective date of this Code.”	Staff will make changes in the document	Approved on 7/16/19 (vote: 7-2)
				Insert as new subpart B.4.: “Lots that have been previously legally disturbed or developed would also be excepted provided that any new/additional disturbance does not exceed the previously-disturbed area or the maximum land disturbance permitted by Table 8.6 below, whichever is greater. For the purposes of this section, disturbance shall mean any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation.”	Staff will make changes in the document	Approved on 7/16/19 (vote: 7-2)
				Insert as second sentence of subpart C: “Only the maximum land disturbance is applicable in non-residential districts that are within the HP Overlay.”	Staff will make changes in the document	Approved on 7/16/19 (vote: 7-2)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
27	Article 9. Uses	9-31 (now 9-30 and 9-31)	9.4.G.4.d. Temporary Use Standards -Temporary Outdoor Entertainment & 9.4.H.4.e. Temporary Use Standards -Temporary Outdoor Sales	Edit sentences in 9.4.G.4.d. and 9.4.H.4.e. to read as follows: “The Administrative Review Committee Zoning Administrator , upon review of the temporary use permit, may increase these timeframes.”	Staff will make changes in the document	Approved changes in #27 to both subsections on 5/30/19 (vote: 9-0)
28	Article 9. Uses	9-31	9.4.H.1. Temporary Use Standards -Temporary Outdoor Sales	Edit sentence to read as follows: “Temporary outdoor sales in the residential districts is are restricted to those events associated with and conducted by and located on the site of a place of worship, educational facility, or registered neighborhood association’s facilities.”	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
	(Intentionally left blank for spacing purposes)					

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
29	Article 9. Uses	9-2 through 9-6	9.2. Use Matrix Table 9-1	Update uses in chart as follows: -Delete “S” for “Amusement Facility-Outdoor” in C-G -Delete “P” for “Day Care Center” in OP -Delete “P” for “Eating and Drinking Establishment” in OP -Delete “P” from “Personal Service Establishment” in OP -Delete “P for “Retail Goods Establishment” in OP	Staff will make changes in the document	Approved all listed changes in #29 on 5/30/19 (vote: 8-1)
30	Article 9. Uses	9-4	9.2. Use Matrix Table 9-1	For “Halfway House,” consider including all permitted and special uses as they exist in the current Code	To match current Code’s equivalents, staff suggests adding “S” for halfway houses in RN-5, RN-6, RN-7, O, OP, and I-MU; staff also suggests adding “P” for halfway houses in C-G, C-H, C-R, and DK	Approved on 7/16/19 (vote: 9-0)
31	Article 9. Uses	9-4	9.2. Use Matrix Table 9-1	Delete “S” for “Kennel” in C-G	Staff will make changes in the document	Approved on 5/30/19 (vote: 8-1)
32	Article 9. Uses	9-6	9.2. Use Matrix Table 9-1	Insert “T” for C-G, C-H, C-R, DK, OP, I-MU, I-RD, I-G, I-H, and OS for “Temporary Outdoor Storage Container”	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
33	Article 9. Uses	9-5	9.2. Use Matrix Table 9-1	Revise title as follows for “Vehicle Rental – Indoor Enclosed ”	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
34	Article 10. Site Development Standards	10-4	10.3.A.6. General Regulations for Accessory Structures	Update chart to include maximum building coverage for any combination of buildings or structures from Art. 5, Sec. 4(C) of the current Code	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
35	Article 10. Site Development Standards	10-4	10.3.A.7. General Regulations for Accessory Structures	Add the following sentence: “No accessory structure may contain both a permanent cooking facility and plumbing, unless the structures also complies with Article 10.3.B.”	Staff will make changes in the document	Approved on 5/30/19 (vote: 8-1)
36	Article 10. Site Development Standards	10-10	10.3.R.1. General Regulations for Accessory Structures	Edit sentence to read as follows: “No more than three people one person , other than members of the household residing on the premises, may be engaged in such occupation than can comply with each provision of this section in the home.”	Staff will make changes in the document	Approved on 5/30/19 (vote: 7-2)
37	Article 10. Site Development Standards	10-10	10.3.R.2. General Regulations for Accessory Structures	After subpart R.1. insert as new R.2. the following: “The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants.” Re-number all remaining sections accordingly.	Staff will make changes in the document	Approved new R.2. and renumbering of sections on 5/30/19 (vote: 7-2)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
38	Article 12. Landscape	12-2	12.2.D.2. Alternative Landscape Design	Edit last sentence of D.2. to read as follows: "The Alternative Landscape Plan must be submitted to and approved-reviewed by the Administrative Review Committee. In approving making a recommendation regarding the alternative landscape plan, the Administrative Review Committee must find that:"	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
39	Article 12. Landscape	12-4	12.5.A. Parking Lot Perimeter Landscape Yard	Edit last sentence of A. to read as follows: "Parking lots of less than 10,000 square feet or more in area are exempt from parking lot perimeter landscape yard."	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
40	Article 13. Signs	13-15	13.9.C. H Historic Overlay Zoning Districts	Consider whether subpart C should be updated in light of the change to part D below.	Staff reviewed and determined that the introductory language under the title bar for 13.9 and in subpart C match the current Code's language and therefore recommend no changes. The signs in 13.9.C in the Historic Overlays are in addition to those allowed in base zones.	Accepted staff's recommendation for no changes on 7/16/19
41	Article 13. Signs	13-15	13.9.D. Residential Districts	Edit part D's title to include RN-6 and RN-7	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
42	Article 14. Code Administrators	14-2	14.4.F. Zoning Administrator Powers	Insert new subsection: “F. To allow temporary use permit timeframe extensions per Article 9.4.” (Language moved from Art. 14.8.C.)	Staff will make both changes in the document	Approved all changes for #42 on 5/30/19 (vote: 9-0)
		14-3	14.8.C. Administrative Review Committee Powers	Delete subpart C (moved to 14.4.F. per #39 on this list).		
43	Article 14. Code Administrators	14-5	14.13.B. Historic Zoning Commission Organization	Insert current Code language: “The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but no more than two (2) members shall expire each year.”	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
44	Article 14. Code Administrators	14-6	14.15.B. Infill Housing Review Committee Organization	Council direction was to insert current Code language regarding the terms for Committee members, if any such language exists in the current Code.	Staff has reviewed the current Code and determined that this Committee (which only makes recommendations and not decisions) has no term or renewal language in the current Code; therefore, no changes are recommended at this time.	Accepted staff’s recommendation for no changes on 7/16/19
45	Article 16. Zoning Applications	16-1 through 16-39	Entire Article	Correct name of board to read as follows throughout the entire article: “Downtown Design Review Board.”	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
46	Article 16. Zoning Applications	16-3 through 16-39	Entire Article (All images)	Council direction was to update this image in light of possible confusion regarding path to Council from Planning Commission, appeals, etc.	See Attachment 3 for updated images proposed by staff	Approved on 7/16/19 (vote: 9-0)
47	Article 16. Zoning Applications	16-4	16.2.A. Special Use Review	Edit final sentence to read: "It is recognized, however, that there are certain uses which, because of their unique characteristics, are potentially incompatible with existing development, or because the effects of such uses cannot be foreseen. cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. "	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
					Staff seeks clarification from Council regarding its intent to delete the remaining portion of the sentence following "foreseen." See column to the left.	Confirmed intent to delete the remaining portion of the sentence after "foreseen" on 7/16/19 & took no action
48	Article 16. Zoning Applications	16-7 (now 16-6)	16.3.E. Variance -Standards	Edit sentence to read as follows: "in accordance with all three of the following criteria:"	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
49	Article 16. Zoning Applications	16-6 & 16-7	16.3. Variance	Insert current Code language regarding the requirements for the granting of a variance.	Staff will make changes in the document as new subpart (F).	Approved on 5/30/19 (vote: 9-0)
					Staff recommends re-lettering the subsequent subsections in light of this change.	Approved on 7/16/19 (vote: 9-0)

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
50	Article 16. Zoning Applications	16-10 (now 16-8)	16.4.C.2.d. Required Site Plan Review	Delete subpart 2.d. to allow landscape review to go to the Zoning Administrator per part C.	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
		14-1 & 14-2	14.2.F.2 & 14.4.G.		Note: in light of the change above, Art. 14.2.F.2. should be moved to Art. 14.4. as new subpart G. for consistency	Approved on 7/16/19 (vote: 9-0)
51	Article 16. Zoning Applications	16-35 (now 16-32)	16.12.A.5. Zoning Appeals -Limitations on Zoning Appeals	Revise subsection A.5. to remove 30-day time limit, edit title accordingly, and clarify which body reviews the appeal	If the 30-day time limit is removed, then this subsection likely becomes unnecessary. The reviewing body is in subpart A.3.	Approved on 7/16/19 (vote: 9-0)
52	Article 17. Nonconformities	17-1	17.1.A Nonconforming Buildings, Structures, and Uses of Land -Alteration or enlargement of buildings and structures	Propose revisions to clarify non-conforming buildings, uses, and structures as well as when each subsection applies.	Add the title " <u>Nonconforming use and/or structure/building.</u> " Immediately before the text of 17.1.A.1. begins	Approved on 7/16/19 (vote: 9-0)
					Add the title " <u>Nonconforming structures/buildings only.</u> " immediately before the text of 17.1.A.2. begins	Approved on 7/16/19 (vote: 9-0)
53	Article 17. Nonconformities	17-2	17.1.C. -Building vacancy; nonconforming 17.1.D -Change in use	Delete subsections 1.C. ("Building vacancy; nonconforming") and 1.D. ("Change in use") Insert as new 1.C. the previously-removed part D entitled "Discontinuation or Abandonment" on p. 17-5 with "12 months" revised to "24 months"	Staff will make both changes in the document	Approved both changes in #53 on 5/30/19 (vote: 9-0)

Council Initiated Revisions to Recode Draft 5
July 16, 2019 Regular Council Meeting
Updated July 17, 2019 and August 1, 2019

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
54	Article 2. General Definitions & Measurements Methodologies	2-24	2.3. Definitions	<p>Insert new definition as follows: “Storage Yard – Outdoor, Secondary: An outdoor storage yard containing materials and/or equipment that serves another principle use on the same lot. The “Storage Yard, Outdoor - Secondary Use” may be larger than the principle use it serves.”</p> <p>In “Storage Yard – Outdoor” revise final clause as follows: “[...] such storage yard must be associated with the principle use must be accessory to another principal use on the lot [...]”</p>	<p>Staff will make these changes in the document</p> <p>NOTE: Council approved the revision to the final clause of “Storage Yard – Outdoor” on 7/16/19. However, this revision was inadvertently left out of the handout distributed at the 7/30/19 meeting.</p>	<p>Approved both changes on 7/16/19 (vote: 6-3)</p>

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
55	Article 10. Site Development Standards	10-4	10.3.B.2. Accessory Structures & Uses -Accessory Dwelling Unit	<p>Insert as second sentence of 10.3.B.2.: “However, in EN districts, ADUs shall be permitted only if the neighborhood so designates in a new EN application.”</p>	Staff will make this change in the document, but see suggested revision below.	Approved on 7/16/19 (vote: 6-3)
				<p>Revise 10.3.B.2: to read as follows: “However, in EN districts, ADUs shall be permitted unless only if the neighborhood prohibits them so designates in a new EN application.”</p>	This is a correction to the language Council voted to approve on 7/16/19. Councilman Roberto’s intended amendment was to allow ADUs as the default but to give neighborhoods the option of prohibiting them in a new EN application.	Approved on 7/30/19 (vote: 9-0) the following: “However, in EN districts, ADUs shall be permitted unless the neighborhood prohibits them in a new approved EN application.”

Council Initiated Revisions to Recode Draft 5
July 30, 2019 Regular Council Meeting
Updated August 1, 2019

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
56	Article 2. General Definitions & Measurements Methodologies	2-19	2.3. Definitions	Revise definition for “Parking Lot” to read as follows: “An area, excluding a street or public way, used for the parking/storage of six or more operable vehicles, whether for compensation or at no charge.”	Staff will make this change in the document.	Approved on 7/30/19 (vote: 9-0)
57	Article 8. Special Purpose and Overlay Districts	8-10	8.9.C. HP Hillside Protection Overlay Zoning District	Clarify last sentence of part C to specify that COAs may be granted applications for the deviations from Article 8.9.C. and not Article 8.9 as a whole.	Staff will make this change in the document.	Approved on 7/30/19 (vote: 9-0)
58	Article 10. Site Development Standards	10-12	10.3.V.1. Accessory Structures & Uses -Outdoor Storage (Accessory)	Clarify beginning of 10.3.V.1. to read as follows: “The following uses are permitted to have outdoor storage as an accessory use. ”	Staff will make this change in the document.	Approved on 7/30/19 (vote: 9-0)
59	Article 10. Site Development Standards	10-4	10.3.A.7. Accessory Structures & Uses -Accessory Dwelling Unit	Revise sentence in 10.3.A.7. to read as follows: “ Cooking facilities are prohibited in an accessory structure, unless the structure also complies with Article 10.3.B. ”	Staff will make this change in the document.	Approved on 7/30/19 (vote: 9-0)
60	Article 11. Off-Street Parking	11-16	11.11 and 11.12 (Parking regarding Commercial and Recreational Vehicles)	Remove existing sections 11.11 and 11.12. Replace with current Code’s language at Article 5, Sec. 8.	Staff will make these changes in the document.	Approved on 7/30/19 (vote: 5-4)

**Items for Future Discussion or Possible Action following Adoption of “Recode”
From May 14, 2019, May 30, 2019, July 16, 2019, and July 30, 2019 Meetings
Updated June 3, 2019; July 17, 2019; and August 1, 2019**

#	Article	Page #	Section	Future Discussion/Possible Action	Speaker(s)	Status
1	Article 4. Residential Neighborhood Districts	4-1 to 4-9	Throughout Article 4	Is there a need for another Residential Neighborhood District?	Councilmember Lauren Rider (in favor)	On 7/16/19, Council discussed this being a possible change for the Stakeholder Committee to consider
2	Article 6. Industrial Districts	6-1	6.3. Dimensional Standards	Chamber of Commerce would like to discuss the possibility of changing Table 6-1 of Article 6.3 to allow maximum heights for buildings in I-G and I-H to be 90 feet instead of 50 feet.	Amy Nolan, Chamber of Commerce (in favor)	Council approved on 5/30/19 - see above at #25 of this list, Art. 6.3, Table 6-1
3	Article 4. Residential Neighborhood Districts	4-2 & 4-3	4.2 Uses	Revisit “Residential Occupancy Standards” and “Functional Family.” Is there a better way to address the issues but in an enforceable and more meaningful way?	Councilmember Lauren Rider (in favor)	Update: Council removed “Residential Occupancy Standards” and “Functional Family” sections on 7/16/19 and replaced with occupancy standards based on square footage of the dwelling - see above at #12 of this list, Art. 4.2.
4	Article 10. Site Development Standards	10-4 & 10-5	10.3B	Is there a need to divide the EN district into EN-1 and EN-2?	Councilman Andrew Roberto (in favor)	On 7/16/19, Council discussed this being a possible change for the Stakeholder Committee to consider
5	Article 12. Landscape	12-10	12.9	Is there a need for a “Tree Mitigation Bank/Fund” or a landscape bond?	Joyce Feld, Scenic Knoxville (in favor)	Discussed 5/30/19
6	Article 4. Residential Neighborhood Districts	4-3	4.3 Dimensional Standards	In Table 4—1, should the “SF” for RN- 2’s “Minimum Lot Area” be changed from 5,000 to 6,000?	Councilman Mark Campen	Discussed 7/30/19

Staff-Initiated Revisions to Draft 5 of RECODE (Posted May 2019)

Distributed at Special-Called Council Meetings on May 14, 2019; May 30, 2019; July 16, 2019; and July 30, 2019

Updated May 24, 2019; June 3, 2019; July 16, 2019; and August 1, 2019

	Article	Page #	Section	Proposed change	Notes	Council Action	Staff Response
1	Article 2. Gen. Defin & Measurement Methodologies	2-4	2.3 Definitions	Change name from “Base Zone” to “Base <u>or Underlying</u> Zone”	For clarification	Approved revision 5/14/19	Incorporated per Council vote
2	Article 4. Residential Neighborhood Districts	4-5	Table 4.1: Residential Districts Dimensional Standards	Revise Minimum Lot Area for all references to 2F as follows: RN-2: 10,000 sf RN-3: 7,500 sf RN-4: 7,000 sf	MLAs were discussed by the Planning Commission on Jan. 10, 2019	Approved revisions vote on 5/14/19	Incorporated per Council vote
3	Article 7. Form-Based Code Districts	7-1 to 7-4	7.0 7.1 7.2	Add Art.7.0, and insert the Form Based Code’s General Provisions Switch order to: 7.1 SW South Waterfront 7.2 CU Cumberland	The General Provisions were inadvertently left out; intent has always been to make no changes to the Form-Based Codes. Re-ordering the code names provides consistency with current zoning ordinance	Approved revisions on 5/14/19	Incorporated per Council vote

	Article	Page #	Section	Proposed Change	Notes	Council Action	Staff Response
4	Article 9. Uses	9-5	9.2 Table 9.1: Use Matrix	Under INST zone, insert “ P ” (Permitted Use) for Public Safety Facility .	Discussed by the Planning Commission in Dec 2018 workshop.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
				Under C-R zone, delete “ P ” for Storage Yard, Outdoor .		Approved revisions by vote on 5/30/19	Incorporated per Council vote
5	Article 10. Site Development Standards	10-9	10.3(O)(2) Accessory Structures and Uses	Revise end of sentence to “from any <u>side or rear</u> lot line.”	Clarification; to be consistent with 10.3(O)(1).	Approved revisions by vote on 5/30/19	Incorporated per Council vote
		10-9 (now 10-10)	10.3(O)(3) – to be added	Insert 10.3(O)(3): “All structures under this subsection O must conform with that district’s corner side setback as a primary structure.”	Clarification; to align with district regulations and help avoid confusion	Approved revisions by vote on 5/30/19	Incorporated per Council vote
6	Article 11. Off-street Parking	11-12 (now 11-11)	11.6(G)(4) Design of Off-street Parking Facilities	End sentence after “ at terminal islands ” and delete remaining portion.*	The omitted wording will be moved to Article 12.6(B)* on page 12-5 (see below)	Approved revisions by vote on 5/30/19	Incorporated per Council vote

	Article	Page #	Section	Proposed Change	Notes	Council Action	Staff Response
7	Article 12. Landscape	12-2	12.2(C) Minor Changes to Approved Landscape Plans	Delete “Zoning Administrator” and insert “Knoxville-Knox County Planning staff”	To comply with Recode Art. 16.4(C)(d) on p. 16-9	See #18 of this list Approved revisions by vote on 5/30/19	See #18 of this list Incorporated per Council vote
		12-5	12.6(B)* Interior Parking Lot Landscape	Revise as follows: “Parking lot islands must be the same dimension as the parking stall a minimum of 120 sf in single rows. Double rows of parking must provide parking lot islands that are the same dimension as the double row a minimum of 240 sf.”	This incorporates the language removed from Article 11.6(G)(4) on p. 11-12; see above.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
8	Article 15. Application Process	15-5 (now 15-4)	15.3 Vesting	Add “H. Article 15.3 is controlling notwithstanding any other section of this Zoning Code.”	Ensures state law compliance with Tenn. Code Ann. § 13-4-310 and provides clarification.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9a	Article 16. Zoning Applications	16-1	16.1(D) Zoning Text and Map Amendment – Procedure	Edit final sentence to: “Amendments initiated by the City Council, <u>City staff or departments on behalf of the City, the City-appointed Stakeholder Advisory Committee,</u> or the Knoxville-Knox County Planning Commission also require an application, but are exempt from fees.”	To clarify who is exempt from fees for applications for amendments.	Approved revisions by vote on 5/30/19	Incorporated per Council vote

	Article	Page #	Section	Proposed Change	Notes	Council Action	Staff Response
9b	Article 16, continued. Zoning Applications	16-5	16.2(H) Expiration	Delete Section H; then subsection (I) Appeals is now (H) Appeals.	This is addressed already in Art. 15.3 as required by Tenn. Code Ann. § 13-4-310; removes duplication.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9c	Article 16, continued. Zoning Applications	16-8 (now 16-7)	16.3(G) Expiration of Variance	Delete this section; then subsection (H) Appeals becomes (G) Appeals.	This is addressed already in Art. 15.3 as required by Tenn. Code Ann. § 13-4-310; removes duplication.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9d	Article 16, continued. Zoning Applications	16-9 (now 16-8)	16.4(D)(2) Site Plan Review – Procedure	Delete this Section.	This will be addressed via a MOU with the Airport Authority.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9e	Article 16, continued. Zoning Applications	16-12 (now 16-11 to end)	16.5 Downtown Design Review	Delete “Downtown” from the Title Bar and first sentence of (A) to reflect title change.	To correct an administrative error and be consistent with rest of section.	Approved revisions (where needed in all of Art. 16) by vote on 5/30/19	Incorporated per Council vote
9f	Article 16, continued. Zoning Applications	16-13 (now 16-12)	16.5 (Downtown) Design Review	Delete 16.5 D(1)(c) and D(2)(c) referring to the Airport Authority.	This will be addressed via a MOU with the Airport Authority.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9g	Article 16, continued. Zoning Applications	16-16 (now 16-15)	16.6 Infill Housing Overlay District Review	Change “E” to “G” to designate the Appeals section	To correct typo	Approved revisions by vote on 5/30/19	Incorporated per Council vote

	Article	Page #	Section	Proposed Change	Notes	Council Action	Staff Response
9h	Article 16, continued. Zoning Applications	16-20 (now 16-19)	16.7(E)(3)(f) Planned Development -Preliminary Plan – Expiration	Delete this section	This is addressed already in Art. 15.3 as required by Tenn. Code Ann. § 13-4-310; removes duplication.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9i	Article 16, continued. Zoning Applications	16-27 (now 16-25)	16.8(E)(1) Certificate of Appropriateness- Appeal	Edit sentence to read “Anyone aggrieved by a final determination of the Historic Zoning Commission <u>regarding a Certificate of Appropriateness may have such determination reviewed by the courts as provided by state law.</u> ”	To be consistent with current Zoning Code at Article IV § 5.1 and Tenn. Code Ann. § 13-7-409	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9j	Article 16, continued. Zoning Applications	16-34 (now 16-32)	16.12(A)(3) (b) Zoning Appeals- Authorization	Edit sentence to say “The Knoxville-Knox County Planning Commission will take formal action on all other decisions made by the Knoxville-Knox County Planning staff.” Delete rest of the sentence.	Deleted portion is covered in Articles 16.5 and 16.8 of Recode at pp. 16-13 and 16-24, respectively; removes duplication; consistent with current Zoning Code at Art. VII § 7(F)	Approved revisions by vote on 5/30/19	Incorporated per Council vote

	Article	Page #	Section	Proposed Change	Notes	Council Action	Staff Response
9k	Article 16, continued. Zoning Applications	16-35 (now 16-32)	16.12(B) Intermediate Appeals of Certificates of Appropriateness	Delete this section ; then subsection (C) Final Appeals... becomes (B) Final Appeals...	Deleted portion is covered in Articles 16.5 and 16.8 of Recode at pp. 16-13 and 16-24, respectively; removes duplications.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
9l	Article 16, continued. Zoning Applications	16-36 (now 16-33)	16.12(B)(6) Final Appeals from Administrative Body Decisions to City Council – Limitations on Appeals	Make correction that application to appeal must be filed within 15 days (rather than 16).	To align with the current Zoning Code at Article VII § 6(F)(2) and remove confusion by staying consistent with the Issuance of Building Permit section in part (6) immediately below.	Approved revisions by vote on 5/30/19	Incorporated per Council vote
10	Article 1. Title, Purpose, and Applicability	1-2	1.4(B)(2) Transition Rules -Existing Uses	Edit all references to “special use” to “nonconforming use”	Typo	Council reviewed but made no changes	N/A
11	Article 9. Uses	9-25 to 9-28 (now 9-26 to 9-29)	9.3 Principal Use Standards	Remove all duplicated “Planning Commission” language after “Knoxville-Knox County Planning Commission”	Typo	Approved revisions by vote on 5/30/19	Incorporated per Council vote

Please see next page for additional staff-initiated revisions.

Additional Staff-Initiated Revisions to Draft 5 of RECODE (Posted May 2019)
Presented to Knoxville-Knox County Planning Commission at June 13, 2019 Meeting
Distributed at City Council Meeting on July 16, 2019
Updated July 1, 2019 and July 17, 2019

	Article	Page #	Section	Proposed change	Notes	Council Action	Staff Response
12 *	Article 2. Gen. Defin & Measurement Methodologies	2-1	2.1. Rules of Interpretation	Add new subsection G. as follows: “G. To the extent that a conflict exists between the text of this Zoning Code and an image, chart or table herein, the text shall be controlling.”	Clarification (Approved by Planning Commission on 6/13/19)	No changes on 7/16/19	N/A
13 *	Article 17. Non-conformities	17-3	17.1.F. Non-conforming Buildings, Structures, and Uses of Land -Damage	Delete subsection 1.F.	Defers to state law; gives broader protection to legally-existing nonconformities (Approved by Planning Commission on 6/13/19)	No changes on 7/16/19	N/A
14 a **	Article 8. Special Purpose & Overlay Districts	8-10	8.9.B.2. HP Overlay -Applicability	Add second sentence to B.2. to read as follows: “ <u>This exception applies only where the lot of record is one (1) acre or less.</u> ”	Staff recommendation based on Planning Commission’s request at the 6/13/19 meeting	Approved revisions by vote on 7/16/19	Incorporated per Council vote

*Presented to and approved by the Planning Commission at its meeting on June 13, 2019.

**Indicates a revision requested by the Planning Commission at its meeting on June 13, 2019.

Additional Staff-Initiated Revisions to Draft 5 of RECODE (Posted May 2019)
Distributed at City Council Meeting on July 16, 2019
Updated July 1, 2019 and July 17, 2019

	Article	Page #	Section	Proposed change	Notes	Council Action	Staff Response
14 b	Article 8. Special Purpose & Overlay Districts	8-10	8.9.C HP Overlay -Density and Land Disturbance Limitations	Add as last sentence to C: <u>“The Knoxville-Knox County Planning Commission, following the procedure in Article 16.2.D. and applying the guidelines in the Knoxville-Knox County Hillside and Ridgetop Protection Plan, may issue a Certificate of Appropriateness for any application for any deviation from Article 8.9.”</u>	Addition is recommended based on discussion by Planning Commission on 6/13/19. This change: 1) allows the Hillside & Ridgetop Protection Plan to stay in place as a guideline for the Planning Commission as to deviations for any properties covered by the Overlay, and 2) creates a COA process as is standard for other overlay districts (e.g. HZC) with the public hearing process for any proposed deviations from Art. 8.9.	Approved revisions by vote on 7/16/19	Incorporated per Council vote

Please see next page for additional staff-initiated revisions.

Additional Staff-Initiated Revisions to Draft 5 of RECODE (Posted May 2019)

Distributed at City Council Meeting on July 16, 2019

In response to Questions from Councilman Roberto on July 8, 2019

Updated July 11, 2019 and July 17, 2019

	Article	Page #	Section	Proposed change	Notes	Council Action	Staff Response
15	Article 2. Gen. Defin & Measurement Methodologies	2-24	2.3 Definitions	Revise second sentence of “Storage Yard – Outdoor” to read as follows: “When an outdoor storage yard is allowed as a secondary use, such storage yard must be accessory to another principle use <u>associated with the principle use</u> on the lot [...]”	Clarification	Approved revisions by vote on 7/16/19	Incorporated per Council vote
16	Article 10. Site Development Standards	10- 10	10.3.R.2 -Accessory Structures and Uses	Remove R.2’s reference to “home office” and replace with “ <u>home occupation</u> ”	Clarification and consistency of language	Approved revisions by vote on 7/16/19	Incorporated per Council vote
17	Article 14. Code Administrators	14-2	14.4.G -Zoning Administrator Powers	Revise G to read as follows: “ Landscape plans for all development that require landscape per Article 12 with the exception of alternative landscape design per Section 12.2.D. ”	Clarification, given revisions made at May Council meetings	See #18 of this list Approved revisions by vote on 7/16/19	See #18 of this list Incorporated per Council vote

Please see next page for additional staff-initiated revisions.

Additional Staff-Initiated Revisions to Draft 5 of RECODE (Posted May 2019)
Distributed at City Council Meeting on July 30, 2019
Updated July 17, 2019 and August 1, 2019

	Article	Page #	Section	Proposed change	Notes	Council Action	Staff Response
18	Landscape Sections of Article 12 (Landscape) and Article 14 (Code Administrators)	12-2 and 14-2	12.2.C. -Landscape Plan	Modify Article 12.2.C. to send changes to approved landscaping plan to "Zoning Administrator." For consistency, also amend Art. 14.4.G. to read as follows: "Landscape plans for all development that require landscape per Article 12"	Consistency to give the Zoning Administrator authority to review Landscape Plans when required by Article 12 and to approve Administrative Review Committee's recommendation on alternative landscaping plans.	Approved revisions by vote on 7/16/19	Incorporated per Council vote
14.4.G. -Zoning Administrator Powers							
19	Article 9 Uses	9-4	Use Matrix	On p. 9-4 of the Use Matrix, add "S" for "Medical/Dental Office/Clinic" in the "I-RD" column	Typo; should have been included as a lesser intense use paired with "Healthcare Facility" which is also a Special Use "S" in the I-RD District.	Approved revision by vote on 7/30/19	Incorporated per Council vote