

(Note to be removed later – Council made no revisions at 7/16/19 meeting)

ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

- 1.1 TITLE AND AUTHORITY
- 1.2 PURPOSE
- 1.3 APPLICABILITY
- 1.4 TRANSITION RULES
- 1.5 SEVERABILITY

1.1 TITLE AND AUTHORITY

This Zoning Code, which incorporates the Official Zoning Map, is known, cited, and referred to as the “City of Knoxville Zoning Code,” “Zoning Code,” or “Code.” This Zoning Code is adopted in pursuance of the authority granted in Sections 13-7-201 through 13-7-211 Tennessee Code Annotated, to regulate the City of Knoxville, Tennessee,

1.2 PURPOSE

The intent of this Code is to establish land use regulations to serve the City of Knoxville. The purpose of this Code is to:

- A. Promote the public health, safety, and welfare.
- B. 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, corridor plans, and small area plans adopted by City Council.
- C. Divide the City into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code and adopted policies.
- D. Maintain and stabilize the value of structures, communities, and neighborhoods within the City of Knoxville.
- E. Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- F. Create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities.
- G. Preserve open space and natural areas, provide opportunities for multi-modal transportation, utilize existing infrastructure and resources, and preserve quality of life.
- H. Provide for the gradual elimination of nonconformities.
- I. Provide opportunities for a diversity of housing types.

1.3 APPLICABILITY

A. Territorial Application

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.

B. General Application

In their interpretation and application, the provisions of this Code are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

C. Required Conformance

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, altered, or enlarged in conformance with the requirements of this Code. The division of land, the development of land, and all structures or land must be developed and used in conformance with the requirements of this Code.

D. Relation to Private Agreements

This Code does not nullify any private agreement or covenant. However, where this Code is more restrictive than a private agreement, covenant, or deed restriction, this Code controls. Those charged with administration and enforcement of this Code do not enforce any private agreement, covenant, or deed restriction.

E. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Code controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Code. To the extent that there is a conflict between laws or regulations, public safety will take precedent.

F. Rules Regarding Illustrations and Graphics

Any illustrations, graphics, and/or photos contained in this Code are to assist the reader in understanding and applying the Code. If there is any inconsistency between the text of the Code and any associated illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

1.4 TRANSITION RULES

A. Existing Violations

Any violations of the prior Zoning Code continue to be a violation of this Code and are subject to the enforcement provisions of Article 18.

B. Existing Uses

1. Any use classified as a permitted use prior to the effective date of this Code and that use is now classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use remains a permitted use.
2. Any use classified as a permitted use prior to the effective date of this Code, and that use is now classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses including review by the Board of Zoning Appeals.
3. Any use classified as a use on review prior to the effective date of this Code, and that use is now classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Code requirements for such permitted use and is no longer subject to any special approval conditions under which it was originally approved unless such conditions are required under this Code.
4. Any use classified as a use on review prior to the effective date of this Code, and that use is now classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses including review by the Board of Zoning Appeals.
5. If a structure or land is used in a manner that was classified as either a permitted use or use on review prior to the effective date of this Code, but this Code no longer allows that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 17.

C. Structures Rendered Nonconforming

If a structure existing on the effective date of this Code was a conforming structure before the effective date of this Code, but such structure does not meet all standards set forth in this Code in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 17.

D. Lots Rendered Nonconforming

If a lot existing on the effective date of this Code was a conforming lot before the effective date of this Code, but such lot does not meet all standards set forth in this Code in the zoning district in which it is located, that lot is deemed a nonconforming lot and is controlled by the provisions of Article 17.

E. Previously Issued Building Permits

If a building permit for a structure was lawfully issued prior to the effective date of this Code, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.

F. Previously Approved Variances

All variance approvals granted prior to the effective date of this Code, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions. Variances that have been approved but not acted upon are subject to the expiration provisions of this Code for variances (Section 16.3.G).

G. Previously Approved Planned Districts

1. As of the effective date of this Code, all previously approved planned districts of RP-1, RP-2, RP-3, PC-1, PC-2, SC-1, SC-2, SC-3, I-1, BP-1, TND-1, and TC-1 remain in effect and are subject to all plans, regulations, and/or conditions of their approval.
2. These developments are subject to the Planned Development (PD) amendment and/or development approval procedures, as applicable, of this Code.
3. For the purposes of the Zoning Map, existing planned districts may be indicated as planned developments (PD).

H. Requests for Prior Zoning Equivalent

1. Requests for Prior Zoning Equivalent

Any person or entity aggrieved by this Code's application of a new or substantially different zoning district to real property may submit to the Knoxville-Knox County Planning Commission a written "request for prior zoning equivalent." There are no fees associated with such requests made within one year after this Code is adopted.

2. Limitation on Requests for Prior Zoning Equivalent

All requests for prior zoning equivalent:

- a. Must seek City Council's approval to assign to the property a zoning district that is substantially similar to the prior zoning district which applied immediately before the adoption of this Code,
- b. May not seek City Council's approval to rezone property in a way that is inconsistent with or substantially different from the prior zoning district which applied immediately before the adoption of this Code.

3. Initiation

The provisions of Section 16.1 items B through F govern the initiation, authorization, procedure, standards, and appeals for requests for prior zoning equivalent.

4. Timing

Requests for prior zoning equivalent under this Section must be made within one year after the adoption of this Code. After one year, persons or entities may, in accordance with Articles 15 and 16 of this Code, submit to the Knoxville-Knox County Planning Commission an application for a zoning text or map amendment.

I. Pending Applications

1. Any complete application that has been submitted or accepted for approval, but where no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, is reviewed in accordance with the provisions of the Code in effect on the date the application was deemed complete by the City.
2. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application automatically expires and all subsequent applications are subject to the requirements of this Code.

3. Any re-application for an expired project approval must meet the standards in effect at the time of re-application.
4. An applicant with a pending application may waive review available under the previous Code through a written letter to the Zoning Administrator and request review under this Code.

1.5 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Code. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered