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September 19, 2018

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RE: AIA East Tennessee response to Recode Knoxville Ordinance Draft 2 and Map Draft 1

The American Institute of Architects East Tennessee Chapter (AIA ETN) is a nonprofit organization of 250+ architects, allied professionals and partners whose mission is to lead East Tennessee in developing cities, communities and the built environment of the 21st Century. Architects working on behalf of their clients are the primary translators of the written ordinance into the physical built environment, one project at a time. Architects have an enhanced professional understanding of how the proposed zoning translates into physical reality and how it affects the process of realizing built work. Also, as residents, architects have a heightened awareness of the built environment that will be shaped by the new ordinance.

AIA ETN commends the integrative process being utilized by MPC, the City of Knoxville, Camiros and the Stakeholder Advisory Committee in the development of a new zoning ordinance. We applaud the use of smart growth strategies such as increased densification in lieu of sprawl, recognition of streets as the public realm for multiple modes of transportation prioritizing the pedestrian, diversity and authenticity as drivers for community enrichment, and awareness of the impact of sustainability, resilience, and technology on the way we build.

Overall, AIA ETN believes the proposed ordinance draft #2 and map #1 largely accomplishes our vision for a 21st century Knoxville which is vibrant, sustainable, diverse and resilient. With more housing options, mixed-use corridors, walkable and transit-friendly infrastructure, and uniquely Knoxville attributes, this plan will be effective for many years to come. We welcome your feedback to share with our members and look forward to seeing future iterations of the ordinance as it is developed.

Best regards,
AIA EAST TENNESSEE

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Recode Knoxville Advisory Committee Representative for AIA ETN: John Sanders, FAIA
AIA ETN Recode Task Force Members: Christina Boulter, Lisa Hoskins, Josh Shaffer, Josh Wright, Erik Hall, Matt Sterling and many other AIA members who attended meetings and shared their insights.

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Response to Knox Recode Draft 2 Ordinance and Map 1

AIA ETN's task force analyzed the latest drafts and has structured its responses in the attached position statement around the primary goals articulated on the Recode website.

A. Support Investment

Knoxville's growth during the current zoning ordinance has been characterized by sprawl-based development, resulting in inefficient land use and unbalanced access to resources. Knoxville's oldest neighborhoods are characterized by multi-modal transit access, tight residential grids serviced by alleys, walkable urban cores, and mixed-use development. We advocate that the new zoning code will encourage development of this nature, particularly promoting equal access to resources in Knoxville's community and neighborhood-scale urban cores.

1. Proposals Supported:
 - a. The variety of uses permitted at current and potentially future neighborhood centers with increased density (Bearden, West Town Mall, Knoxville Center Mall, other strip development areas)
 - b. Accessory dwelling units in all residential zones which allows residents to increase density and diversity of their neighborhoods while utilizing existing infrastructure. See the special topic discussion in support of Accessible Dwelling Units for more details on maintaining the strength of this proposed feature.
2. Suggested Improvements:
 - a. Zoning Map: We propose additional Neighborhood Commercial zoning along collector roads in Mechanicsville (University Ave, Fifth Ave), Burlington, and other neighborhoods which engage small commercial districts. Also, we propose that residential districts in these areas permit increased density such as duplexes and live/work units.
 - b. Provide a more thorough analysis of potential new town centers in addition to reinforcement of existing ones. Study ways to introduce town-center types of zoning in new areas which encourage the construction of new alleys and sidewalks.

B. Protect Things Uniquely Knoxville

Knoxville has a diverse mix of residents with different preferences and attitudes and at a variety of different social and economic levels. Knoxville's identities include a solar city, in the maker belt, with a technology corridor, an urban wilderness at the foothills of the Smokies, with a variety of different cultural groups (and festivals). Knoxville has award winning modern architecture and actively protected historic properties and neighborhoods. Knoxville has a variety of established neighborhoods, some of which are architecturally restrictive, while others are quite diverse. We believe excellence in the built environment requires respect for one's neighbors and engagement with the public realm balanced with diverse architectural expression. There is no single formula for great design.

1. Proposals Supported:
 - a. Protection of Knoxville's natural amenities in the form of hilltop protection
 - b. Requirements for native vegetation and restrictions on invasive plants
 - c. Landscaping to generally protect existing trees and increase their number
 - d. Design standards which require front façade transparency (primarily at street level), general visibility of building entrance elements from the street
 - e. Building limitations on height as required to maintain solar access and generally consistent density of districts (consider number of stories where more relevant than overall height)
 - f. Setbacks and build-to zones to encourage a more consistent response to the public realm within a block face.
 - g. Restrictions on the visual dominance of garages and accessory structures from the street.
 - h. Referenced third party sustainability standards and support for alternative energy structures
 - i. Cutoff luminaires for exterior lighting to protect dark skies (can public roadway lights be included here as well?)
 - j. Stealth design of cellular tower structures

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2. Suggested Improvements:
 - a. Revisit minimum lot area and minimum lot width requirements for compatibility with each other and Knoxville's existing grids. For example, In R-4, a 50 foot wide lot is only required to be 100 feet deep, but a 20 foot wide townhouse lot requires a 150 foot deep lot. This makes developing both types within the same zone difficult. The depth of lot should be equal for all types of units allowed in a district to be developed together and with traditional city grids which can have lots as little as 90 feet deep. (Section 4.3)
 - b. Design standards, material restrictions, design review boards
(In reference to sections throughout the ordinance on these topics, including Article 13, 15.6 Downtown Design Review, 4.4A EN District Design Standards, 5.4A Commercial District Design Standards, 5.5C Downtown District Design Standards, etc.) (4.4BA EN Building Material Restrictions, 5.4B Commercial Building Material Restrictions, 5.5D Downtown Building Material Restrictions, etc.)

As architects and advocates of the importance of good design of our built environment, we are sensitive to the inherent challenges concerning design standards, materials restrictions, and design review boards and the delicate balance of issues involved.

We support the goal of striving for a minimum level of design standard and cohesiveness in our communities. We also believe it is of equal importance to allow communities to evolve with time by encouraging thoughtful and creative responses to the conditions and circumstances of specific projects. Most of our favorite neighborhoods have both cohesion and a richness that comes from variation and evolution of design over time.

We also understand the need for clarity and efficiency in the approval processes, as it is often best for all involved.

We recognize that these issues are somewhat at odds. What makes for clarity and efficiency in the approval process, as well as controlling for community cohesion – highly prescriptive design standards and material restrictions – is limiting on the design creativity that allows for a community to evolve with time and respond to forces of economy, sustainability, material sciences, usage, and the like.

And likewise, what both controls for community cohesion and allows for the design creativity – design review boards – are overly cumbersome to administer and staff when applied to all communities and all projects.

We believe these three topics are significant in shaping our city and is worth a much deeper discussion that may be best had through a focused workshop process with members from MPC, AIA, and related organizations. Through this process we hope a thoughtful solution that balances all the issues can be developed.

C. Connect our Community (and Promote and Balance Mobility Options)

Zoning is a form of master planning a city. Identifying neighborhood nodes will better enable the future of the city to accommodate mass transit. Recognize a variety of current and future transit modes including pedestrians, bicycles (self-propelled and motor assisted), motorcycles, automobiles (driven by people or AI), and transit (on grade, below grade and above grade).

1. Proposals Supported:
 - a. Moving toward reduction of the dominance of off-street parking requirements (consistent with recently adopted parking regulations)

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2. Suggested Improvements:
 - a. Study increased density and mix of services off corridors accessed primarily by bikes and pedestrians such as greenways.
 - b. Study the zoning map to identify and create neighborhood centers where none currently exist, within a 1 mile walking distance of every residence, and plan for connecting infrastructure through sidewalks, bike paths, and greenways as well as roadways and rail.
 - c. Increased consideration for loading and drop off zones on both public and private property (as used by rideshare services and autonomous vehicles).

D. Simple and Easy to Use

We support minimal prescription within the code to allow for many development possibilities. Heavily prescriptive zoning can create a discriminatory effect because of the added resources required for the process and response. Complexity and duplication with other laws and codes (such as IBC, ADA, etc, noted below) can create uncertainty in projects and limit innovation. Simplicity in zoning code allows the market and local pressures to influence development, promotes inclusion and diversity, and increases project completion rates.

1. Proposals Supported:
 - a. 1.3 Applicability B. General Application (p1-1): We support that the interpretation and application of this code would be held as the minimum requirements for public health/safety/welfare
2. Suggested Improvements:
 - a. Verify the adoption process for this ordinance will allow a minimum 1-5 year trial period with easier avenues for variance or revision in early stages as the city realizes areas where the intent is not aligning with the reality.
 - b. Eliminate duplications and conflicts with the Secretary of the Interior's Standards for Historic Preservation – propose to delete all design requirements in historic districts at the architectural scale (such as requirements for cornices, dormers, roof and building shapes, etc.), as these may conflict with the authentic historic character.
 - c. Eliminate duplications and conflicts with current and future adoptions of the International Building Code and International Green Construction Code. These codes already regulate usage of materials due to health, safety and welfare concerns (such as wood and vinyl in fire districts), and additionally in the IGCC, sustainability concerns (for materials such as plastics).
 - d. Eliminate conflicts with the International Energy Conservation Code: Propose to ease restrictions on solar panels as compliance with energy codes increases. Limit not by size or height, but instead by visibility in historic districts only. Solar panels that are used as building materials should not be restricted (such as shingles or glazing). Recognize increased restrictions on fenestration area and glazing type for energy efficiency may affect some stated fenestration ratios at street level. Allow solar panels in all districts. Wind energy is not as prevalent in our area due to natural climatic conditions except on ridgelines and should be restricted with preference given to trees with special exceptions.
 - e. Recognize a legitimate way for owners of recreational vehicles to hook them up to utilities on their property for maintenance (such as dehumidification, battery damage prevention, and waste removal after a trip).
 - f. Recognize the tiny house movement sometimes has houses on wheels, so they may need a more descriptive classification to differentiate them from a mobile home and be permitted as an accessory dwelling unit.
 - g. Verify combined overlay of DK and HP on the map
 - h. Determine a limit for granularity of district guidelines in the zoning ordinance as opposed to more permissive or form-based zones.

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E. Recognize that Knoxville's population is growing, aging, and becoming more diverse

Use population growth as a tool for increased diversity, equity and sustainability. Incentivize and require new developments to densify and diversify existing areas of the city. Promote diversity of building use in existing districts to eliminate food deserts and improve access to education and enrichment through cultural institutions and parks. As population pressure increases, create a plan for changes to zoning to change into denser and more diverse uses. Plan for underutilized industrial and defunct commercial properties to be converted into dense multiuse districts which may become new neighborhood centers. Prevent sprawl and geographic expansion of city boundaries.

1. Proposals Supported:
 - a. Zoning Map: We support the proposed emphasis on dense development along Knoxville's corridors and urban cores.
 - b. Accessory Structures and Uses B. Accessory Dwelling Unit (ADU) (10-4): Accessory dwelling units enable individual property owners to diversify their own properties on a manageable scale which they control. Often ADU's are for aging families or children starting out in the workforce.
2. Suggested Improvements:
 - a. Zoning Map: There is disproportionate emphasis on density in similar residential neighborhoods. For example, properties proposed RN-2 in Old North Knoxville are comparable in size, use, and neighborhood configuration to others proposed C-G-3 and I-MU nearby. The residential density afforded each is vastly different. To permit greater opportunity for housing development while maintaining the opportunity to develop according to the existing pattern, we support permitting duplex development in the RN-2 district and decreasing the minimum lot area to 7,000sf. Furthermore, we support modifying the proposed zoning map so that all properties currently used as single family or duplex residential are zoned to permit their current use.
 - b. In some RN-2 districts, some existing commercial structures are being defaulted to match the sector plan, which would create a loss of some commercial nodes that are supportive in creating successful neighborhoods. We suggest a special review of this area or workshop.
 - c. Permit live/work in C-G zones and others. Allowing live/work units in more commercial and potentially some industrial zones generally improves density and diversity.
 - d. Multifamily dwellings should be allowed in all downtown and commercial districts. Craft Industrial should be allowed in downtown and commercial districts after review for that such industry will not produce noise or noxious gas. (5.2 B1, B2)
 - e. Encourage more mixed use (table 9-1). Allow the following uses in all DK, O, C, and RN-4,5,6, and 7: Dwellings above the ground floor, eating and drinking establishments, bed and breakfast, day care facility, live/work, residential care facility, retail goods establishments, farmer's markets. Consider size restrictions if necessary.
 - f. Change Neighborhood Nonresidential Reuse or add a new provision not just to allow existing structures to be reused, but also to allow potential new structures to be erected that are neighborhood friendly mixed use. (The language regarding "residential construction" is unclear and should be eliminated.)
 - g. Add a boarding house use and a cohousing use to the zoning ordinance. These are two types of housing that offer quality options for density and affordability.
 - h. Recognize the forces driving inevitable change in some districts such as old industrial uses and neighborhoods being overtaken by institutions. Develop form-based zoning designations that address transitions rather than having districts with too many zones in one district. (Such as industrial areas near old North Knoxville and Fort Sanders.

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Appendix A Suggested Improvements In Support of Accessible Dwelling Units

In all of the research that currently exists regarding ADUs, their adoption, and their development, there are four (4) poison-pill zoning regulations that substantially reduce the opportunity for viable permitted ADU construction.

- A. Owner occupancy requirements
- B. Off-street parking requirements
- C. Discretionary and/or Conditional-Use (i.e. not by right)
- D. Prohibitively Restrictive Development Regulations

As written in the current ReCode Draft, the ADU section does an **excellent** job properly addressing the first three poison-pills.

Regarding the final barrier...

1. Prohibitively Restrictive Development Regulations.
2. Lot area minimum of 5000 sq.ft. is excellent & best practice.
3. Allowing attached or detached is excellent & best practice.
4. Side setback of 8' and rear setback of 10' are too restrictive for small lots.
 - a. In areas where ADUs are most needed (in or near transit-oriented development) residential lots often range from 50 x 100-150 feet.
 - b. A 10' setback requirement makes detached ADU placement extremely challenging on small lots.
 - c. In walkable urban neighborhoods, setback requirements should be kept to a minimum to enable detached ADU development: 5 feet is a reasonable setback requirement for such lots.
 - d. As written, ADU setbacks are more restrictive than the setback for other comparable accessory structures, such as garages.
 - e. Setback regulations for detached accessory structures may also consider tiered standards based on the detached structure's height, to protect light and air for adjacent lots.
 - i. Basic design standards such as no low windows or doors are allowed within the sides of the structures that are within 5 feet of the property line.
 - ii. This nuanced, tiered setback approach protects neighboring properties' light, air, and privacy while affording smaller lots the same development entitlements as larger lots. It is the same development standard that applies to garages and other accessory structures.
5. Limits to Max gross floor area.
 - a. Capping ADU size is useful at responding to market needs for smaller dwellings.
 - i. A reasonable cap should be smaller than the primary structure.
 - b. However, *adequate* cap size would allow for two people to comfortably live.
 - i. We need to ensure that ADUs can be **at least** up to 600 sq. ft.
 - ii. Many cities have a floor area ratio between the main house and the ADU that restricts the ADU to 300– 400 sq. ft. That does not work for someone who is fifty-five and has lived in a single-family home for decades.
 - iii. 300-400 sq.ft. doesn't work for a couple who is going to have a kid and going to live a normal life with friends and family that come and visit.
 - iv. A home that is 600 sq. ft. can function as a real home by the standards of what people want & expect from a home.
 - c. The cap SHOULD NOT be tied to the existing floor area ratio of the primary structure.
 - i. For example, a standard 800 sq.ft. post-war cottage (abundant in our urban neighborhoods) shouldn't be restricted to a 320 sq.ft. ADU.
 - ii. With current building codes not allowing sleeping lofts, it's quite difficult to adequately provide all that is necessary for a dwelling within such a small space.

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- d. The cap SHOULD BE tied to Lot Size (as written) not to exceed the primary dwelling.
 - i. A 600 sq.ft. ADU should be allowed on a 5000 sq.ft. lot even with an 800 sq.ft. primary structure.
 - ii. The 40% cap of primary dwelling should be removed from the code.
6. Omit or clarify the subjective statement “9. The ADU must be designed so that the appearance of the primary structure remains that of a house.”
7. No additional parking requirement is excellent & best practice.