

TO: Knoxville City Councilors
From: Sandra Korbelik, AICP

RE: Draft 4 of ReCode Knoxville- Administration and Process

These comments have been previously submitted with earlier Code drafts. The process and administration comments are submitted again in case they have not presented to you by Planning Staff.

The major points are recognizing and using the professional experience of Planning Staff in administering the Zoning Code, and ensuring that the public has an active role in development review and approval.

Thank you for your consideration of these comments.

Sandra Korbelik, AICP (American Institute of Certified Planners)

GENERAL DOCUMENT COMMENTS

Add Article # and Name to bottom of each page.
Provide an Index at the end of the document

ARTICLE 2 – GENERAL DEFINITIONS AND MEASUREMENTS

DEFINITIONS:

Animal Breeder – are households with five or more neutered animals considered to be Animal Breeders? If not, is there another regulation that applies to the # of animals in a house? The concern here are animal hoarders who are unable to adequately care for their pets. Since Animal Breeders are only allowed in AG District, how are residential breeders and “hoarders” regulated?

Easement – broaden the definition to include public easements.

Grade – it states the definition can be found in Section 2.4... but there doesn't seem to be a definition in Section 2.4. It is important to know if Grade refers to existing grade or finished grade as building height will be measured from the “grade”. Note also Tower Height definition refers to “grade”.

There is no listing for general “Temporary Sales” - How are garage and estate sales regulated in residential zones?

RULES OF MEASUREMENT

2.4.K Lot Depth - measuring the depth at the deepest part of the lot doesn't seem reasonable, it should be an average.
See Cul-de-sac example:



2.4.O.2.a “Front Yard is located between the building line and front lot line.” How is a front lot line determined since there is no definition. Is it the building address, the driveway, road, or the front door? For a lot with two road frontages such a double frontage lot or corner lot, can you have two front lot lines?

ARTICLE 9 – USE CHART

Bed and Breakfast – why isn't this permitted in all residential districts?
Educational Facilities, etc. – why isn't this permitted in office district?

Wireless Communication- why is this permitted in CN? Neighborhood Commercial purpose is:

“...integrated residential development and small-scale uses, predominantly serving nearby residential neighborhoods. Low-intensity mixed-use is encouraged...”.

Manufactured Park had been in Section 9.3.1 in earlier versions of the proposed Zoning Code. Where is it in the latest version?

ARTICLE 10 – SITE DEVELOPMENT STANDARDS

10.1.C General Development Requirements “No setback may be reduced so that it is less than required by this Code.” Why can’t it be varied?

10.2 Exterior Lighting - Add proposed exterior lighting standards requested by Scenic Knoxville.

10.3 Accessory Structures and Uses –

R. Home Occupations –

1. “No more than one person, other than members of the household residing on the premises, may be engaged in such occupation” Does that one person have to live in the house or can he/she be an employee who comes to the house? In other words, is the second comma in the wrong place?

7. “Only products produced on premises may be sold from the premises” How would Ebay and other online sales fit in this regulation? Or does it mean “...physically sold from the premises. Internet and mail order sales are allowed.”

ARTICLE 12 LANDSCAPE DESIGN STANDARDS

Include the landscape standards proposed by Scenic Knox.

ARTICLE 14 CODE ADMINISTRATORS

14.2.F The planning staff are intimately familiar with the revised Code and professionally trained. Yet they are excluded from almost all site plan review and façade review. Planning staff is familiar with General and Sector Plans, as well as the planning context of regulations and terms, as well as legal precedent and cases. They should be the responsible agency interpreting the Zoning Code. Please add to their responsibilities:

3. Site plan review for multifamily, commercial, office and industrial districts.

AND transfer to the Planning Director

4. Zoning Code interpretations

ARTICLE 15 APPLICATION PROCESS

15.2 NOTICE

15.2.C Mailed Notice – Add ...Mailed Notice will be sent to the Registered Neighborhood Association
All Mailed Notice is sent ~~12~~ 15 days before the hearing

15.2.D Posted Notice – Add... is clearly and predominantly visible fronting each street right-of-way

15.2.D.3 “Failure to post the notice sign as required is sufficient cause for postponement of the public hearing. *However, failure to post notice signs as required does not preclude the Knoxville-Knox County Planning Commission from acting on any application or proposal properly before it.*”

Question – if the Notice Sign is improperly placed, then how can it ever be considered to be “properly before it (MPC)” .?

Add: Applicants are very strongly encouraged to meet with registered neighborhood associations prior to submitting a development application.

ARTICLE 16 – ZONING APPLICATIONS

16.3 VARIANCE

E. Standards – Add

4. The Applicant or Property Owner did not create the circumstances

F. Limitations – Add

3. Definitions cannot be varied.
4. Note: If 10.1.C above remains, then it should be added as a limitation here.
5. Approval, approval with conditions, and denial do not establish precedence

ADD ADMINISTRATIVE MODIFICATION

Adding this Section back in benefits residential property owners who desire a small modification to the Code. Include a requirement to provide notice to adjacent property owners, decision standards, a comment period, and a sign posted on the property. Restrict the ability to modify a dimensional requirement to 10% .

16.4 SITE PLAN REVIEW

Add that Knoxville-Knox County Planning Staff are part of the Administrative Review Committee.

16.7 PLANNED DEVELOPMENT

D.3. a.- _regarding Community Benefit: do the community gathering spaces and amenities, etc. have to be open to the public?

D.3.d.- Preservation [and rehabilitation](#) of existing environmental features...

E.1.b Add conceptual identification of possible community impacts such as traffic, utilities, schools etc. as well as benefits.

16.9 ZONING INTERPRETATION*

C. Authorization – Change to Planning Director

D. Procedure – Change to Planning Director

E. Appeals – “Anyone aggrieved by a final determination of the ~~Zoning Administrator~~ [Planning Director](#) may file an appeal in accordance with Section 16.11”. NOTE: Without public notice and opportunity to comment the “Anyone” is limited to the Applicant, which is unfair.

(*The Technical Report, page 30, states that “.. the City continues to explore how the Zoning Administrator and the MPC staff can work together to ensure consistency in how interpretations are rendered.” One solution is to give the Planning Director the authority to interpret the Zoning Code with advice from the Code and Plans Director)