

**COMMUNITY FORUM - RESPONSE TO RECODE KNOXVILLE, DRAFT 2—
NEW TOPICS
September 13, 2018**

TOPIC (15): DENSITY STATEMENTS IN ZONING DISTRICT PURPOSE

Article 4, Residential Neighborhood Districts, 4.1, page 4-1, Purpose Statements.

QUESTIONS:

1. Why have the descriptive terms "Low Density" and "Medium Density" been deleted from the residential district purpose statements in Draft 2? They were included in Draft 1.
2. What was the rationale for this significant change?

These objective descriptions of zoning districts relate directly to the land use categories of adopted plans.

Density is a fundamental characteristic of a zoning district. Furthermore, the One Year Plan designations are based on density--"Low Density Residential" (LDR), "Medium Density Residential" (MDR), "High Density Residential" (HDR).

REQUEST: Restore the terms Low Density, Medium Density, to the Purpose Statements.

TOPIC (16): MINIMUM LOT SIZE

Article 4, 4.3, Dimensional Standards, Table 4-1, page 4-2.

QUESTIONS:

1. Why has the RN-2 zoning district minimum lot size been reduced from 7,000 square feet in Draft 1, to 5,000 square feet in Draft 2?
2. What are the negative effects of this change?
3. What is the rationale for this significant change?

4. What are the effects of abandoning the decades-long minimum lot size of 7,500 square feet?
5. What are the impacts on older neighborhoods without Historic or Neighborhood Conservation overlay protection?

Lot Size/Mapping: For decades, the Knoxville zoning ordinance has required a minimum lot size of 7,500 sq. ft. for a single-family detached dwelling in R-1, R-1E, R-1A and R-2 residential zoning districts.

Both drafts of the proposed Recode zoning ordinance, however, require a minimum lot size of 10,000 sq. ft. in RN-1, which mainly includes the existing R-1 and R-1E neighborhoods. The proposed increase in lot size for the former R-1 and R-1E districts makes sense in that the median size of an R-1 lot is just over 15,000 square feet, according to Camiros preliminary analysis. See August 2017, Camiros Technical Report, page 11.

However, the increase in minimum lot size from the decades-old 7,500 sq. ft. standard to the 10,000 sq. ft. standard, has significant effects on the neighborhoods developed with a mixture of lot sizes, or with even a few lots that do not meet the proposed 10,000 sq. ft. standard. The potential for serious negative effects is heightened when the proposed minimum lot size for RN-2 is reduced to 5,000 square feet, and when the neighborhood is not protected by a historic or conservation district overlay.

Increasing the minimum lot size for RN-1 to 10,000 sq. ft. requires assigning those R-1 and R-1E lots of less than 10,000 sq. ft. (which were developed at the required 7,500 sq. ft. minimum), to the proposed RN-2 zoning district with the recommended minimum lot size of 5,000 sq. ft. in Draft 2.

One of the guiding principles adopted in the mapping effort of Recode, is to avoid creating non-conforming lots. The result of not continuing to use 7,500 sq. ft. as the minimum lot size standard, in conjunction with the desire to avoid creating non-conforming lots, would be that a neighborhood presently zoned one zoning district throughout, (e.g., all properties in the neighborhood zoned R-1 or R-1E) would now be split into two zoning districts--RN-1 and RN-2.

Problems continue, when, in an effort to avoid a checkerboard zoning pattern, some of the larger lots (>10,000 sq. ft.) that would ordinarily qualify under the proposed RN-1 zone, would be zoned RN-2, along with neighboring properties less than 10,000 sq. ft. The result is that the neighborhood aesthetic would easily

be destroyed. The 5,000 sq. ft./10,000 sq. ft. ratio between RN-1 and RN-2, enables an administrative one-lot subdivision of a 10,000 sq. ft. lot into two 5,000 sq. ft. lots, thus meeting the minimum lot requirement for RN-2. This enables, and perhaps encourages, the demolition of homes of the same vintage, construction, size, and bulk, and their replacement with discordant structures.

QUESTION: How does this affect future historic zoning designations if contributing structures are removed?

REQUEST: 1. Increase the minimum lot size of RN-2 to 7,000 sq. ft., as in Draft 1.

2. In an older neighborhood where residents share a common neighborhood identity, where the neighborhood is not protected by a historic or conservation overlay, and where there is a mixture of lot sizes, weigh the effect of continuing existing non-conforming lot status of lots, against the potential negative effects of splitting the zoning.

TOPIC (17): CONDITIONAL ZONING

Article 15, Zoning Applications, 15.1, Zoning Text and Map Amendments. D. 2. a. ii., page 15-2: *"For zoning map amendments, the City Council must approve or deny the application. No conditions may be imposed as part of a zoning map amendment."* Map amendments are rezonings of property. The underlined sentence was added to Draft 2. The sentence prohibits City Council, and probably MPC, from attaching any conditions to a rezoning approval, including non-use related conditions. Council is, therefore, prohibited from attaching reasonable conditions designed to address a site-specific physical condition, for the purpose of protecting the welfare, health and safety of the public. This will have a detrimental effect on our city. If Council is unable to exercise reasonable policing powers there may well be occasions when the choice will be to either approve a rezoning request without sufficiently addressing a dangerous site-related condition, or, deny an otherwise appropriate rezoning request in order to protect the welfare of the citizens. (Please see the 8-5-15 Memo, from C. Cuccaro, regarding conditional zoning, copied below. This Memo from the City of Knoxville Law Department suggests that City Council may impose non-use conditions on rezoning as long as they are for the purpose of protecting the general public.)

QUESTION:

What is the rationale for this change which would remove City Council's ability to exercise its police powers to protect the welfare, health, and safety of the public?

REQUEST: Please delete the underlined sentence and restore to the language in Draft 1.

-----MEMO-----

MEMORANDUM

To: Gerald Green, MPC Executive Director
From: Crista Cuccaro, Attorney for the City of Knoxville
Date: August 5, 2015
Re: Conditional Zoning in Tennessee

NOTE: This memorandum is for informational purposes only and should not be construed as a legal opinion or legal advice. The City Law Department reserves the right to change its position on any matters contained within this memorandum based upon additional research or specific factual circumstances.

Overview

Tennessee courts have not spent much time discussing conditional zoning, but several cases indicate that if conditional zoning is allowed, it must be done in the public interest. Moreover, Tennessee state law seems to allow conditional rezoning only in Chattanooga. Finally, Tennessee courts have never considered whether conditions can be placed on the use of the property. Courts in the State of Maryland have deemed conditions on the use of a property to be illegal.

Background

Tennessee courts have frowned upon local governments treating similarly situated property differently. In the Tennessee Supreme Court case *Rawlins v. Braswell*, the City of Murfreesboro has passed an ordinance in 1928 prohibiting filling stations near residences. Later, in 1948, Murfreesboro adopted a comprehensive zoning ordinance, which divided its territory into 7 types of zoning classifications and listed permitted uses. When a property owner proposed to build the filling station, the plaintiffs who lived nearby sued and urged that the 1928 ordinance should be enforced, thereby prohibiting the filling station from being built. The court relied on the Chancellor's opinion from below and stated, "Although the municipality has a right to classify business, in so doing, it will not be permitted to make an arbitrary distinction between different kinds and classes of business where the conditions are similar. A classification in a municipal

ordinance must be based on natural distinguishing characteristics and must bear a reasonable relation to the subject of legislation, must be founded upon distinctions reasonable in principle and have a just relation to the subject sought to be accomplished, must be based upon substantial difference between the situation of such class or classes of other individuals or classes to which it does not apply.”

In one of the few cases that discusses conditional zoning directly, the plaintiff was challenging the dedication of a right-of-way and other conditions accompanying a rezoning, including a buffer zone, access road, and construction of other roads. *O'Dell v. Bd. of Comm'rs of City of Johnson City*, 910 S.W.2d 436 (Tenn. Ct. App. 1995). The court looked at the negotiation of the right of way and conditions to determine if the negotiation was unilateral or bilateral. Bilateral negotiations imply contract zoning, which is not permissible. The court stated that there was no illegal contract zoning. In fact, the Court stated that the **“City's imposition of conditions as a requirement of rezoning were reasonable and were a valid exercise of their police power for the good of the general public. The conditions imposed were to regulate traffic, was for the safety of the general public and was to provide a buffer zone adjacent to Mountcastle Hills Subdivision. All of these conditions are reasonable.”** Thus, in the instance of conditional zoning, a case must be made that the condition is for the good of the general public.

The *O'dell* Court further noted that “[i]t is the use of governmental power as a bargaining chip that the *Ambrister* and *Haymon* courts criticized as the unsavory aspect of contract zoning. When a government negotiates in this manner it agrees to limit its right and duty to act on behalf of the public. Rezoning is approved not based upon the merit of the zone change request nor because it is in the public interest, but because a deal has been struck. On the other hand the mere unilateral imposition of conditions for public benefit is quite different. **In contract zoning the government entity sacrifices its authority. In conditional zoning it exercises it.**” And in this case the Court said “[b]y imposing conditions under which homesteads property could be rezoned, Chattanooga did not bargain away its authority, but rather exercised it for the public safety reasons.”

Interestingly, the *O'dell* Court's reference to Chattanooga merits further discussion. A Ct. of Appeals case arising out of Chattanooga, *Copeland v. City of Chattanooga Board of Commissioners*, briefly discussed conditional zoning where a property was rezoned and the City required dedication of a right of way. The Court explained that conditional zoning is an exercise of police power authority, and furthermore, Chattanooga is specifically empowered to engage in conditional zoning by Tenn. Code Ann. 13-7-201(b). It seems as though this statute was specifically created for Chattanooga—the statute states:

In any county having a population of not less than two hundred eighty-seven thousand seven hundred (287,700) nor greater than two hundred eighty-seven thousand eight hundred (287,800), according to the 1980 federal census or any subsequent federal census, **the chief legislative body of any municipality is further authorized and**

empowered to rezone properties conditionally or based upon contract, where the agreed conditions are designed to ameliorate injuries created by the rezoning to surrounding property interests or to municipal interests.

A quick check of the 1980 census shows that Knox County would not fall under this provision of the statute.

Tennessee’s lack of discussion on the topic can be contrasted with Maryland, where courts have often taken up the issue of conditional zoning. For example, in a case factually similar to tonight’s rezoning, the Washington County Board of Commissioners rezoned a property, but limited uses to four of the eight allowed in the district. The Court considered whether the Commissioners had the authority to impose use restrictions as a condition to the rezoning. The Court examined Maryland code, which provided language allowing a rezoning to have additional restrictions, conditions, or limitations to preserve or improve the surrounding area. However, after looking at the statute as a whole, the Court noted that the language specifically meant such limitations or conditions could relate to physical characteristics of the property, but not to the use. Additionally, the Court pointed to language in another section of the code that stated, “All such [zoning] regulations shall be uniform for each class or kind of development throughout each district, but the regulations in one district may differ from those in other districts.” Neither the Tennessee Code nor Knoxville’s ordinances currently include similar language broadly allowing restrictions on rezoning and stating that the characteristics of the district shall be uniform.

Conclusion

Although I haven’t done a survey, I believe other states allow conditional zoning. Ultimately, in Tennessee, it’s not clear whether conditional zoning is allowed. Considering that 13-7-201(b) specifically permits conditional zoning, but no other part of the code on municipal zoning does, it’s reasonable to conclude that Knox County and Knoxville may engage in conditional zoning. However, in proceeding with conditional zoning, it is important to note that 201(b) may allow only Chattanooga to conditionally zone property. Furthermore, it’s less clear whether local governments should or can place conditions on rezonings that restricts the use.

TOPIC (18): STANDARDS FOR APPROVAL OF REZONINGS

Article 15, ZONING APPLICATIONS, 15.1, ZONING TEXT AND MAP AMENDMENT, E. Approval Standards for Map Amendments, 1.-3., page 15-2.

As proposed, all mandatory standards for rezoning are removed. Rezoning of property would be totally discretionary. Furthermore, the proposed language conflicts with the requirements of the **Knoxville Charter, Article VIII, 801, B 5, 15.1, E.**

Please see the 8-14-18 Community Forum letter to City Council, copied below.

REQUEST: Restore the standards of the existing zoning ordinance, **Article VII, 6. E.**

-----LETTER-----

August 14, 2018

Dear Council Member:

The Community Forum, an organization of Knoxville and Knox County neighborhood organizations and individuals, continues to review drafts of the Recode proposed zoning ordinance.

The standards which form the basis of all zoning decisions are of great importance. For this reason, we call to your attention **Recode Draft 2.0, Article 15, Zoning Applications, Section 15.1, Zoning Text and Map Amendment, E., Approval Standards for Map Amendments, page 15-2.**

Taken in its entirety, Recode **Section 15.1, E.**, incredibly proposes to remove all mandatory standards for rezoning. MPC and City Council are simply called upon to "**consider**" five standards. The standards are **not required to be followed or met** when considering a change in zoning. Additionally, by not requiring that zoning conform to adopted development plans, this section conflicts with the **City Charter, Article VIII, 801, B. 5. Section 15.1, E.**,

is a stunning change from the existing zoning ordinance, **Article VII, Section 6. E.**, which provides mandatory standards and conforms to the City Charter.

We believe the citizens of Knoxville deserve better than this. We cannot understand the rationale for this very drastic proposed change from the existing Knoxville Zoning Ordinance. Rezoning applications are frequently considered and often are appropriate. However, these applications should be carefully reviewed and only approved after a rigorous examination and determination that mandatory standards have been complied with and after the public's participation.

We respectfully urge you to reject the proposed **Article 15, 15.1, E.**, and we urge you to restore the Standards for amendments in the present Knoxville Zoning Ordinance, **Article VII, Section 6. E.**

For your convenience, we have provided below excerpts from:

Recode, Article 15, Section 15.1, E., Page 15-2;

Existing Knoxville Zoning Ordinance, Article VII, Section 6, E;

Knoxville City Charter, Article VIII, 801, B. 5.

Proposed **Section 15.1, E. 1.**, states: "***The Metropolitan Planning Commission recommendations and the City Council decision on a map amendment is a matter of legislative discretion that is not controlled by any particular standard.***" (Emphasis added.)

Further, proposed **Section 15.1, E. 3.**, simply requires that MPC and City Council "...consider the following standards" when making a rezoning recommendation or decision. There is **no** requirement that the standards be **followed or met**. The requirement is simply that the standards be "**considered**." (Emphasis added.)

Proposed standard **Section 15.1, E. 3. d.**, deals with the relationship between planning and zoning and states: "**d. The consistency of the proposed amendment with the General Plan and any adopted land use policies.**" Again, in deciding a rezoning, MPC and City Council simply have to consider, but are **not** required to **follow**, adopted plans. (Emphasis added.)

Proposed **Section 15.1, E. 3.**, conflicts with the *Knoxville Charter, Article VIII, Section 801, B. 5.*, which states: "(5) Following the annual update and adoption of the city's development plans, the council shall amend the city's zoning ordinance to conform it to the updated development plans in accordance with procedures prescribed by general law." (Emphasis added.)

In contrast to what is being proposed in Recode, the **existing Knoxville Zoning Ordinance, Article VII, Section 6, E.**, requires that standards be met, not simply "considered," in order to rezone property. Furthermore, the standards in the existing ordinance are consistent with the Knoxville Charter, specifically the existing ordinance **Article VII, 6. E. d.**, standard, which states: "**d. The proposed amendment shall be consistent with and not in conflict with the general plan of Knoxville and Knox County, including any of its elements, major road plan, land use plan, community facilities plan, and others.**"

The standards for rezoning property and the relationship between planning and zoning, are fundamental to citizens' effectively participating in formulating a vision for their community as well as land-use decision making.

It should also be considered that if these proposed changes to the Zoning Ordinance are adopted, it will be practically impossible to successfully appeal a decision of City Council to Chancery Court. The Motion to Approve at City Council will just include the words, "The City Council has considered the following standards, ..." There will really be nothing for the Chancery Court to review if they do not have to determine whether mandatory standards were met.

We urge you reject the proposed **Article 15, Section 15.1**, and urge you to restore **Article VII, Section 6. E.**, of the existing zoning ordinance.

We look forward to talking with you about our concerns and requests about proposed changes to the Zoning Ordinance.

Sincerely,

Ms. Sue Mauer, Chairperson
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RECODE, ARTICLE 15, SECTION 15.1, E.

"E. Approval Standards for Map Amendments

1. The Metropolitan Planning Commission recommendation and the City Council decision on a map amendment is a matter of legislative discretion that is not controlled by any particular standard.

2. In addition to the standards below, evaluation of proposed amendments must consider the appropriateness of the zoning district to the subject property, and all the district's permissions, and not for a specific development and/or use of the subject property.

*3. In making their recommendation and decision, the Metropolitan Planning Commission and the City Council **must consider** the following standards. The approval of map amendments is based on a balancing of these standards:*

a. The compatibility with the existing use and zoning of nearby property.

b. The extent to which the proposed amendment creates nonconformities.

c. The trend of development, if any, in the general area of the property in question.

d. The consistency of the proposed amendment with the General Plan and any adopted land use policies.

e. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the subject property if the amendment were adopted.

F. Appeal

City Council decisions may be appealed to Chancery Court."

EXISTING KNOXVILLE ZONING ORDINANCE, ARTICLE VII, SECTION 6, E.

E. Standards for amendments. A proposed amendment shall be considered on its own merits using the following criteria as a guide:

*1. Text or map amendments. **The following conditions shall be met for all amendments:***

a. The proposed amendment shall be necessary because of substantially changed or changing conditions in the area and districts affected, or in the city generally.

b. The proposed amendment shall be consistent with the intent and purposes of this ordinance.

c. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from such amendment.

*d. **The proposed amendment shall be consistent with and not in conflict with the general plan of Knoxville and Knox County, including any of its elements, major road plan, land use plan, community facilities plan, and others.***

2. Reserved.

3. Errors or oversights as may be found in the ordinance as originally adopted shall be corrected under the normal amendment procedure.

CITY CHARTER, ARTICLE VIII, 801:

"(B) Implementation, update and revision of comprehensive development plans:

(1) The mayor shall submit to the council such plans that will include a fifteen-year, five-year and one-year comprehensive development plan, along with a comprehensive zoning plan of all properties within city limits. The fifteen- and five-year plans, updated annually, shall be submitted to the council before its second regular meeting in January of each year. After conducting public hearings on such plans, the council shall adopt the plans, after making any amendments or revisions council considers appropriate, by not later than the first regular council meeting in March of the year.

The one-year comprehensive development plan and zoning plan, updated annually, shall be submitted to the council before its first regular meeting in April of each year. After conducting public hearings on the plan, the council shall adopt the plan, after making any amendments or revisions the council considers appropriate, by not later than the first regular meeting in May of each year.

(2) Amendments to a comprehensive development plan may be made at any time during the year following the submission to and action thereon by the metropolitan planning commission. These amendments shall become effective when adopted by a majority vote of the membership of the council.

(3) All approved comprehensive development plans shall be used as a guide in preparing the city's capital improvements program and capital budget.

(4) The mayor shall cause to be maintained an up-to-date zoning map for all properties within city limits.

(5) Following the annual update and adoption of the city's development plans, the council shall amend the city's zoning ordinance to conform it to the updated development plans in accordance with procedures prescribed by general law."

TOPIC (19): OFFICE PARK DISTRICT (OP)

ARTICLE 6. INDUSTRIAL DISTRICTS, 6.1 PURPOSE STATEMENTS, A. OP OFFICE PARK ZONING DISTRICT. page 6-1. The purpose of the district states: *"...The district is oriented toward larger-scale complexes that may include ancillary services for employees such as personal services, restaurants, and retail establishments."*

Article 2, 2.3, page 2-2, provides the following definition: *"Ancillary: In regard to principal uses (Article 9), an additional structure or use that provides support and is typically integral to a principal structure or use."*

The Use Matrix, **Article 9, 9.1,** shows "Eating and Drinking Establishments", and "Retail Goods Establishments" as permitted principal uses in the OP District. As permitted principal uses, the "Eating and Drinking Establishment", etc., would intend to serve the general public, not the employees, as stated in the purpose of the OP district.

Note that many OP proposed sites are presently zoned O-3, **Office Park Districts, (Article IV, 2.2.3. B)** under the existing zoning ordinance. In O-3, Restaurants and Retail Goods Establishments are not permitted as free-standing uses intended to serve the general public.

QUESTION: Are Eating and Drinking Establishments and Retail Goods Establishments, intended to be free-standing uses serving the general public, in the OP zoning district?

REQUEST: Clarify the distinction between "Ancillary" and "Accessory". "Ancillary" appears to add confusion while being of limited benefit. For example, see the definition of "**Healthcare Institution**", **Article 2, 2.3, page 2.9.**

For a more complete discussion, please see Community Forum, **TOPIC (7).**

TOPIC (20): NON-CONFORMING MANUFACTURED HOMES

ARTICLE 9, USES, 9.3, PRINCIPAL USE STANDARDS, H. 3, Nonconforming Manufactured Homes, page 9-6. This section directs you to **Article 16. ARTICLE 16, 16.3, Nonconforming Structure, E. Nonconforming Single-Wide Manufactured Homes, page 16-3.** It is unclear if this section applies only to single-wide manufactured homes in existing mobile-home parks, or, if the section applies to single-wide mobile homes outside of mobile home parks.

REQUEST: Please clarify--does this section apply to single-wide manufactured homes outside of mobile-home parks?

Please see the **Knoxville Code, Chapter 25, 25-1 (a)**, regarding single-wide manufactured homes outside of mobile-home parks.

For a more complete discussion, please see Community Forum, **Supplement 1, Topic (1), May 10, 2018.**

TOPIC (21): ELECTRIC VEHICLE CHARGING STATION

ARTICLE 10, SITE DEVELOPMENT STANDARDS, 10.3, Accessory Structures and Uses, I. Electrical Vehicle Charging Station, 1. and 2., page 10-6.

The standards in 1 and 2 state that Electric Vehicle Charging Stations are permitted as an accessory use in all zoning districts and are permitted for both private use and public use.

QUESTION: Is it the city's intention to allow Electric Vehicle Charging Stations for use by the general public, as an Accessory Use in such districts as RN-1 and RN-2?

REQUEST: Charging stations for use by the general public are inappropriate in some residential zoning districts. Please remove Charging Stations for use by the general public from RN-1, RN-2 and perhaps other residential zoning districts.

TOPIC (22): LANDSCAPE BOND

ARTICLE 12, LANDSCAPE, 12.3 Enforcement of Landscape Plan, page 12-2: Performance Bond:

Draft 1 included a “draft” performance bond requirement.

To the disappointment of many, in Draft 2, the proposed 2-year landscaping bond has been removed from consideration. If the city actually believes that landscaping is important and is essential to providing effective buffers, etc., as stated in **Article 12.1, D, Purpose**, it is imperative that a performance bond be required.

In the absence of bonding, the health of the plant materials and the effectiveness of the buffer will be left to the whim of the property owner. The city will have no leverage to enforce the replacement of plant materials that have not survived two years after installation.

When the City Council adopted the Off-street Parking and Landscaping Ordinance in late 2016, the issue of a landscape bonding requirement was discussed and deferred to the consideration of the anticipated new Zoning Ordinance.

REQUEST: Require a landscaping performance bond as was discussed previously by City Council

TOPIC (23): OFFICE (O) AND OFFICE PARK (OP) ZONING DISTRICTS AND ONE-YEAR PLAN LAND USE DESIGNATIONS:

There is no Office category, or Office/Commercial category, of zoning districts in **Article 3, Zoning Districts and Zoning Map, 3.1, page 3-1**. The Office (O) zoning district is listed as a Commercial Zoning District, and the Office Park (OP) zoning district is listed as an Industrial Zoning District.

The One-Year Plan includes an Office land use designation, in addition to Commercial and Industrial land use designations.

QUESTIONS:

1. Should there be an Office category, or Office/Commercial category, of zoning districts in Recode?
2. Changes were made to the OP zoning district between Recode Draft 1 and Draft 2. Given the changes to the OP zoning district, should OP be removed from the Industrial Districts category?
3. To which One-Year Plan Designation will the Office zoning district be assigned?
4. To which One-Year Plan Designation will the Office Park (OP) zoning district be assigned?

TOPIC (24): FENCES FOR PRIVATE (BACKYARD) SWIMMING POOL

Article 10, Site Development Standards, Section 10.3, Accessory Structures and Uses, X, Swimming Pool (Private), Page 10-14 deletes the existing zoning ordinance's, **Article V., Section 16, A. 3**, long-standing fence requirement.

QUESTION: Even if State Law and/or the adopted Building Code, include private swimming pool fence requirements, should a private swimming pool fence requirement remain in the zoning ordinance as an additional enforcement tool?

Please note that the proposed zoning ordinance, **Article 10, 10.3, Accessory Structures and Uses, J.**, provides three **pages, 10-6, 10-7, 10-8**, of standards for fences, including prohibited materials. It seems reasonable to devote a few lines in **Swimming Pool Section X**, to required fencing.

REQUEST: Restore the existing zoning ordinance private swimming pool fence requirement.

TOPIC (25): CITE DOCUMENTS THAT INCLUDE "ADOPTED LAND USE POLICIES

Throughout the Recode Drafts 1 and 2, the phrase "***adopted land use policies***" is used. The documents which detail the "adopted land use policies" are not specified. It is vitally important that the documents be specified. It is

unreasonable to expect the citizens of Knoxville to examine every document generated by the City to determine if a new land use policy has been formulated or adopted.

Furthermore, State law and the Knoxville Charter require the adoption of a Comprehensive Plan and establish a comprehensive planning process. All land use policies should be set out in the adopted components of the Comprehensive Plan. The existing zoning ordinance refers to adopted plans.

REQUEST: Refer to "Adopted Comprehensive Plan" rather than "Adopted Land Use Policies."