

**COMMUNITY FORUM: SUPPLEMENT 2, RECODE DRAFT 3,-- DECEMBER 5, 2018**

**TOPIC 3.27: HP HILLSIDE PROTECTION OVERLAY ZONING DISTRICT: 8.5, B., Applicability, page 8-8.**

*"These regulations apply to all lots within the HP Overlay District, with the exception of existing single-family homes and existing lots of record for a single-family dwelling existing as of the effective date of this Code."*

**REQUEST:** Define "lots of record".

**QUESTION:** Does the underlined language, which was added in Draft 3, provide a large loop-hole? Does it mean that, for instance, a 10-acre lot zoned RN-1 (R-1), with a Hillside Protection Overlay at the effective date of the code, is exempt from the regulations, and can be excavated without regard to Hillside Protection? Following excavation, can the 10-acre lot be subdivided into smaller lots? If so, there would be no meaningful hillside protection of large residential parcels. What is the rationale for this significant change?

**8.5, A., Purpose, Page 8-8.**

**REQUEST:** The "Purpose" statement refers to the word "development." In order to make it explicitly clear what is meant by "development" and how the Hillside Protection Overlay Zoning District applies to the protection of property, please add to the end of the Purpose section 8.5, A. the entire definition of Development as defined in **Article 2, 2.3, Page 2-6** as follows: "Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill or land disturbance, or any alteration of land."

**8.5, D. Site Plan Review, page 8-8.** *"All development of property zoned residential within the HP Overlay District is subject to site plan review per Section 15.5."*

**QUESTION:** Is site plan review intended to only apply to property zoned "residential", and not to property zoned office, commercial or industrial?

Please see Community Forum comments regarding **Section 15.5**, Site plan review **TOPIC 3.18, 10-31-18**.

**TOPIC 3.28: GENERAL DEVELOPMENT REQUIREMENTS: 10.1, E., Utility and Maintenance Easements, page 10-1.**

**REQUEST:** Define "utility and maintenance easements"

**QUESTION:** What is prohibited? All structures--principal and accessory? Are temporary structures permitted?

**QUESTION:** What is a "stormwater pond"? Are all stormwater facilities prohibited or just retention and detention ponds?

**TOPIC 3.29: ACCESSORY STRUCTURES AND USES: 10.3, T., Outdoor Sales and Display (Accessory), page 10-11.**

**QUESTION:** *"These regulations apply only to outdoor sales and display located on the lot."* Should it say "....on the lot with the principal use."

**T. 1.** applies to all Retail Goods Establishments in all nonresidential zoning districts, as long as the merchandise is customarily sold on the premises.

The outdoor sale and display of merchandise in the C-N (Neighborhood Commercial) and C-G (General Commercial) zoning districts should be more tightly regulated.

**REQUEST:** Consider limiting Outdoor Sales and Display (Accessory), in both the N-C and C-G zoning districts. Consider adding language similar to **T. 5. c. and d.**, for N-C and C-G zoning districts.

The existing C-3, General Commercial zoning district, which lines many of Knoxville's arterials, does **not** allow outdoor display of merchandise (Article IV, 2.2.6, D. 8) and the language specifically regulating each use makes clear that the C-3 zoning district is meant to be indoor retail and uses. (Article IV, 2.2.6). In fact, that is the clear difference between C-3 and C-4 (Article IV, 2.2.7) zoning districts. The C-1 zoning district limits the range of commercial uses. (Article IV, 2.2.4).

**Related to TOPIC 3.29: PURPOSE STATEMENTS, ARTICLE 5, 5.1, A. Commercial Districts, page 5-1.**

**REQUEST/QUESTION: A. 1. C-N:** Define "commercial uses" and "service uses". Is it supposed to say "retail and personal service" as stated in C-G?

**A.2. C-G:** The Purpose Statement should make clear that indoor uses are intended in this district.