

To: Members of Knoxville City Council, Recode Knoxville, Gerald Green

From: Community Forum, Larry Silverstein, Chairperson

Subject: Community Forum Response to Recode Draft 5, as amended through the May 30, 2019, Special Meeting of Council

Date: July 11, 2019

Community Forum submits the attached comprehensive Response to Recode Draft 5, as amended during the May 14 and May 30, Special-Called Council Meetings, and as recommended by the Knoxville-Knox County Planning Commission at the June 13, 2019, meeting.

Community Forum previously submitted its original Response to Draft 5 on May 27, 2019.

We urge City Council to postpone first reading approval of Recode on July 16, 2019. Progress has been made in addressing many important provisions in Recode since Draft 5 came out on May 1, 2019. However, the length of the Special-Called Council Meetings, coupled with the very late hour, resulted in some issues not being adequately addressed, and they require further consideration. Additionally, Council directed Planning staff to propose language to address other specific issues.

To date, we have not seen proposed language for several important issues, including the Hillside Protection Overlay. We do not know whether or not we, or Council members will see updates before the July 16, 2019, City Council meeting.

It can be presumed from just the material contained in this Community Forum Response, that there likely will be many proposed amendments to be considered and voted upon on July 16, 2019. No doubt other amendments will be proposed that neither Council members nor the public are familiar with. It is likely at the meeting that there will be discussion about the latest maps which could lead to further changes that will need to be considered.

From past experience at the two Special Meetings in May, everybody realizes the difficulty of drafting important and substantive amendments on the fly and understanding the meaning and impact of the exact language of the amendment. This leads to confusion as to what is being voted on when there is not adequate time to fully understand the amendment or contemplate its impact. It is also extremely difficult for the public to offer input if it does not understand the amendment that is being considered..

Therefore, given that there have already been many substantial amendments made to the proposed Ordinance since May 1, 2019, members of City Council and the public deserve a reasonable amount of time to review Recode in its entirety, after it is further amended on July 16, 2019, and before it is considered on First Reading.

Throughout this lengthy Recode process, Community Forum and its individual members have repeatedly asserted both in writing and orally, that City Council must understand the rationale for any significant changes to the existing Zoning Ordinance. Further, City Council must fully understand the impact such changes would have on properties and neighborhoods. It is crucial that this analysis continues up until votes are taken to adopt this proposed Ordinance. City Council must conclude that all questions have been answered to their complete satisfaction, and they have received all the information necessary to make informed decisions.

City Council must understand that approving the proposed Ordinance is not just changing the law, but in many instances is significantly changing the entire zoning approval process from application, to exhaustion of appeals, and to final implementation of what has been approved.

The zoning Ordinance is law, and every word is important to the entire zoning process. The Ordinance language must be clear in order:

- (A) for the city to be able to enforce the Ordinance;
- (B) for the public to be able to comply with the Ordinance when making applications;
- (C) for the public, particularly adjacent property owners and neighborhoods, to be able to understand the process for responding to applications;
- (D) for the Planning Commission staff to be able to apply the Ordinance to the applications it receives and make its recommendations to the Planning Commission;
- (E) for the Planning Commission to be able to consider the application, consider the staff recommendation, apply the Ordinance to the application, and vote on what comes before it; and
- (F) for the City Zoning Administrator, City Council, BZA, and the courts to be able to handle requests for modifications and appeals provided for in the Ordinance.

Due to "grandfathering", our city will have to live with any negative effects. For these reasons, every effort must be made to avoid oversights and unintended consequences. Providing reasonable time to reflect on the amended ordinance before voting on first reading, is important if errors are to be avoided.

Community Forum has worked extremely hard since Draft 1 went public on March 21, 2018, to carefully review the proposed Ordinance, to compare it to the existing Ordinance, to ask pertinent questions, and to make specific recommendations to improve the proposed Ordinance. We intend to continue this course for as long as it takes to get it right before it gets adopted. As our attached Response indicates in great detail, there is still work to be done. City Council must set the appropriate timetable.

We look forward to continuing the discussion on July 16, 2019, or at any time before the meeting at your convenience.

Sincerely,

Larry Silverstein, Chairperson, Community Forum

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