



Recommendations for ReCode Knoxville Draft One

Comment Submission to ReCode Knoxville
By Knox County Democratic Party Progressive Action Committee
May 24, 2018

The Knox County Democratic Party (KCDP) Progressive Action Committee (PAC) welcomes this first draft of ReCode Knoxville. Since our major priority for ReCode Knoxville is to increase options for affordable housing in the city, that priority informs most of our comments.

This first ReCode draft takes some positive steps to promote access to more affordable housing options. We welcome the allowance of accessory dwelling units in all residential zones, the reduction of some residential minimum lot sizes, and the increase of mixed-use options, among other changes. However, we have some concerns about increased restrictions on duplexes in some residential zones, restrictions on mobile home parks and social service-related uses, and restrictions on the use of vinyl in multi-family dwellings, among other issues.

Our detailed, though incomplete, comments follow. Due to its length and the technical, complicated nature of ReCode, it has taken some time for our group to review the draft and carry out related research. A lack of comment on a particular article does not imply a stance on that article in either support or opposition. We may simply have not had time to review that article thoroughly enough to make informed comments. We look forward to continuing our research process and making further comments on subsequent drafts.

Thank you to everyone who continues to work and comment on this complicated project.

Article 1 - Title, Purpose, and Applicability

- Article 1.2 - Purpose
 - We encourage adding to the zoning code statement of purpose a bullet point on encouraging development and preservation of diverse housing options available, affordable, and accessible (both in terms of proximity to work and transit options as well as physically accessible to people with special needs) to Knoxville residents of all income levels and abilities/disabilities. As an example, the city of Providence, Rhode Island, has such a statement in their [zoning code purpose](#), as follows:
 - “Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety, and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.”

Article 4 - Residential Neighborhood Districts

- Article 4.1 and Table 4-1
 - The ReCode draft seems to have increased restrictions on duplexes and multidwelling/multi-family structures. Considering Knoxville's current affordable housing shortage and the need for the city to approach the problem from as many angles as possible, we encourage revising the draft ReCode to allow duplexes and multidwelling/multi-family structures in more of Knoxville's residential zoning districts, in order to encourage the development of more affordable housing types and units across the city.
 - As reference, we list the uses for which the ReCode is more restrictive than Knoxville's current zoning code:
 - Current Code Appendix B Article IV Section 2.1.2.B.2 allows duplexes in R1-A; whereas ReCode Article 4.1.C requires special use approval for duplexes in the correlating RN-2 district
 - Current Code Appendix B Article IV Section 2.1.2.C.2 allows multi-dwelling structures as a use on review in R1-A; whereas ReCode Article 4.1.C and Table 4-1 do not allow multi-family structures in the correlating RN-2 district
 - Current Code Appendix B Article IV Section 2.1.4.D allows duplexes as a use on review and multi-dwelling structures as infill in the EN-1 and EN-2; whereas ReCode Article 4.1.A and Table 4-1 do not allow for either duplexes or multi-dwelling/multi-family structures
 - While in general we do not support extensive design standards, the design standards included in the ReCode for the EN district could be revised to help ensure that new duplexes and multi-family structures fit with the design character of the district and make the existence of those housing types more acceptable to EN communities.

- We are glad to see that all residential districts allow some nonresidential uses, as this enables communities to easily access amenities and reduce automotive travel miles, thus reducing congestion and pollution. However, in Table 4-1, there is no minimum lot area for nonresidential uses in EN (though we were told by Metropolitan Planning Commission (MPC) that it should be 22,000 sq ft), and the minimum lot area for nonresidential uses in RN-1 is set at a quite large 20,000 sq ft. We are concerned that such a large minimum lot size requirement would preclude smaller nonresidential uses that would be assets to any community, such as small daycare facilities or community grocery marts. We encourage MPC to reduce the minimum lot requirement for nonresidential uses in RN-1 in order to allow for such smaller nonresidential uses that contribute to convenience and a stronger sense of community.
- We are pleased to see that the minimum lot sizes listed in Table 4-1 for RN-2 (R-1A in the current code) and RN-5 (R-2 in the current code) have been reduced. This will help encourage development of smaller, more affordable housing units. However, it appears that the ReCode draft has increased the minimum lot size for RN-1 from 7,5000 to 10,000 sq ft (see ReCode Table 4-1 for the new RN-1 district; Current Code Appendix B Article IV Section 2.1.1.E.5 for RN-1 equivalent R-1; see Current Code Appendix B Article IV Section 2.1.3.D.4 for RN-1 equivalent R-1E). We understand that this change was made to better reflect the existing lot sizes in that district. However, in order to promote availability of slightly more dense, smaller housing units, we would encourage the MPC to preserve the original minimum lot size requirements for RN-1-equivalent districts in the current code (R-1 and R-1E).

Article 5 - Commercial Districts

- Mixed-Use Districts
 - We support any effort to increase the supply of affordable housing, and we consider the proposed Article 5 an improvement over the current zoning for office and commercial districts. The express provisions for mixed-use zoning, and the inclusion of multi-family and townhouse dwellings as a permitted use in the proposed O, C-N, and C-G districts, is a positive first step. We encourage the City to fully preserve these mixed-use provisions in the adopted ordinance.
 - Yet mixed-use zoning will not make housing affordable on its own. As a [recent study](#) of affordable housing in Toronto found, mixed-use zones can backfire, especially when targeted towards areas where housing costs are already high. The authors concluded that mixed-use zoning is not a silver bullet to increase supply, and must be implemented alongside other tools to increase affordable housing supply, such as land trusts, inclusionary zoning, and density bonuses.
 - We are aware that under state law, the City is restricted from adopting certain measures (such as a mandatory inclusionary zoning ordinance). However, in

drawing the zoning map, the City can ensure that mixed-use zones are targeted to areas where they will be most effective and coupled with legal development incentives.

Article 7 - Special Purpose Districts

- We appreciate the allowance of agricultural and garden uses in the ReCode draft, as such uses increase access to affordable fresh, local food, strengthen local communities, diversify local neighborhood economies, and contribute to a reduction of food deserts and pollution. We are concerned, however, that the large five-acre minimum lot size requirement for the AG Zoning District (see Table 7-1) may prevent reasonable agricultural uses that require less space. It is not clear what types of agricultural uses would fall under that minimum lot size requirement though, seeing as many uses that are typically thought of as “agricultural”, such as gardens, beekeeping, raising chickens, etc. are allowed for in other sections of the ReCode:
 - Chickens - It appears that the ReCode draft Article 10.3.G (which refers to Current Code Chapter 5, Sec. 5-107) allows “residents to keep a small number of female chickens on a noncommercial basis”, if the resident successfully obtains a permit. That section of the current code does not specify any restrictions regarding minimum lot size or in what districts such chickens are permitted.
 - Gardens - It is clear from ReCode draft Table 9-1 Use Matrix that community and personal gardens are permitted in all zones and market gardens are permitted or require special use approval in all districts. Those types of gardens do not seem to have any minimum lot size requirements in the ReCode draft.
 - Beekeeping, Aquaponics/Hydroponics, Composting, High Tunnels and Greenhouses, and Low Tunnels and Cold Frames are allowed by ReCode draft Article 10.3, and no restrictions are listed regarding minimum lot size or districts.
- From Table 9-1, it is clear that Animal Breeding and Large Animal Care Facilities are only permitted in AG District; however, that table does not mention specifically any other agricultural sub-uses, such as keeping of cattle, horses, sheep, goats, or swine, nor does it refer to Article IV, Chapter 5, Sec. 5-101 or 5-102 of the Current City Code (which outline restrictions on keeping of such animals).
- We recommend clarifying what uses fall under the term “agriculture” so that it will be more clear whether the five-acre minimum lot size is necessary for those uses.

Article 8 - Overlay Districts

- KCDP PAC hopes to make detailed comments on Article 8 in subsequent comment rounds after we have more time to build a consensus position among our group participants.

Article 9 - Uses

- Article 9.2, Use Matrix Table 9-1
 - The Use Matrix restricts manufactured home parks to only the Open Space (OS) District with special use approval. Considering that manufactured homes are an important option for affordable housing, we recommend allowing manufactured home parks in more districts than just OS. Given Knoxville's affordable housing shortage, we believe it is important to maintain as many affordable housing options as possible, and if a type of affordable housing is restricted or reduced in availability, the loss of that option should be offset with increased availability of another equally affordable option. Otherwise we risk exacerbating Knoxville's affordable housing shortage.
 - The Use Matrix restricts food pantries, social service centers, homeless shelters, drug treatment clinics, halfway houses, and domestic violence shelters to one of two newly created zones - Highway Commercial or Regional Commercial - often only under special use approval. Considering the importance of these uses to vulnerable populations, we ask that these uses be permitted in more zoning districts. In particular, if these uses are not located conveniently enough to residential areas and public transportation, it could be difficult for individuals who need those services to access them.
- Article 9.3.I.5.b - Dwelling - Multi-Family or Townhouse: "The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade...Vinyl."
 - We are concerned that this blanket restriction on the use of vinyl, an affordable building material, in all multi-family dwellings and townhouses in Knoxville could contribute to an increase in housing costs and discourage development of affordable multi-family units. This is particularly concerning given Knoxville is facing a shortage of affordable housing. We understand the intent of this restriction is to make the development of multi-family dwellings and townhouses more palatable to some members of the community. However, we believe it is not appropriate to make an across-the-board restriction of vinyl for multi-family dwellings and townhouses in all zoning districts, since residents in some zoning districts may find vinyl an appropriate and acceptable primary building material.
- Article 9.3.N.1.C. - Garden: Community, Market, Personal: "No accessory building may be used, erected, or maintained as living quarters."
 - We recommend that accessory dwelling units be permitted in any community, market, or personal garden that is located in any zone that permits residential or accessory dwelling units. This would enable the owner of the garden to live on site and take care of the garden, or enable a community to hire a caretaker for their garden while providing an affordable housing option for that caretaker.

- Article 9.3.T.16 - Manufactured Home Parks: "...Outside drying yards must be enclosed with a six foot high solid fence."
 - We recommend that this requirement to build a fence around a laundry drying yard in manufactured home parks be removed. Drying laundry outside is an inexpensive and environmentally sound method that should not be discouraged by imposing the unnecessary cost of building a fence around the drying yard.
- Article 9.3.W - Neighborhood Nonresidential Reuse:
 - We support the idea of repurposing buildings that originally had a low-level commercial use in a neighborhood to be used that way again. Such reuse preserves existing building stock and cuts down on waste sent to landfills by reducing the unnecessary destruction of usable buildings. It also enables communities to easily access amenities and reduce automotive travel miles, thus reducing congestion and pollution.

Article 11 - Off-Street Parking

- Article 11.12.B: "Recreational vehicles must be located within the interior side yard behind the front building line or in the rear yard. If stored in the interior side or rear yard, the recreational vehicle must be located at least ten feet from any lot line and screened from view from any public right-of-way by a solid fence or wall."
 - These parking restrictions for RVs seem overly restrictive, because if someone has a small lot, they may be prohibited by these restrictions from owning an RV.
- Article 11.12.C: "No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities."
 - We recommend the permission of RV's for living, sleeping, or housekeeping purposes when they are part of any supportive services program that might be offered on the grounds of a faith community, business, or city entity. Programs such as this have been approved in other cities: <https://www.eugene-or.gov/3706/Rest-Stops>, <https://sbnbcc.org/safe-parking/>

Article 12 - Landscape

- Article 12.3: "Prior to issuance of a certificate of occupancy, the developer or owner is required to post a landscape maintenance bond guaranteeing all landscaping materials and work for a period of two years after approval or acceptance thereof by the City in a sum established by the Metropolitan Planning Commission."

- We appreciate the inclusion of the landscape maintenance bond for multi-family and townhouse development, nonresidential (including mixed-use) development, parking lots, and planned developments. Any gardener knows that the first one-to-two years after planting new plants and trees are the most crucial for ensuring the plants' and trees' survival. The bond will ensure that the plants and trees are watered during hot Knoxville summers and that they become established and survive long enough to serve their intended purpose to the community. Without such a bond, there is no guarantee that the plants and trees will survive post-planting, and the money spent on the landscape may be wasted.
- Article 12.5 B: "Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease."
 - We appreciate the inclusion of species diversity requirements to help maintain biodiversity levels and mitigate the impacts of plant and tree death due to disease.

For questions on this comment submission, please contact kcdpprogressives@outlook.com.