



Recommendations for ReCode Map Draft 1 and ReCode Text Draft 2

**Comment Submission to ReCode Knoxville
By Knox County Democratic Party Progressive Action Committee**

September 20, 2019

Bring Back the Orange and Allow More Affordable Multifamily Housing in Knoxville

The first draft of the ReCode map does not align well with the City's stated goals for ReCode of reducing non-conformities, reducing reliance on special approvals, and more accurately reflecting on-the-ground development patterns in the zoning code. Instead the Metropolitan Planning Commission (MPC) has chosen to increase zoning restrictions in many neighborhoods across the city, which will ultimately hamper availability of affordable housing and contribute to urban sprawl, pollution, and economic segregation.

Early in the ReCode process, the ReCode Technical Report stated:

"It is recommended that a new district structure be created that **better reflects the character of Knoxville** and helps to implement the adopted planning policies. This will address many of the issues that the City faces in new development, and will help to **facilitate more by-right development**. It will **reduce reliance on special approvals** and contribute to a positive economic development environment." *[Emphasis added.]*

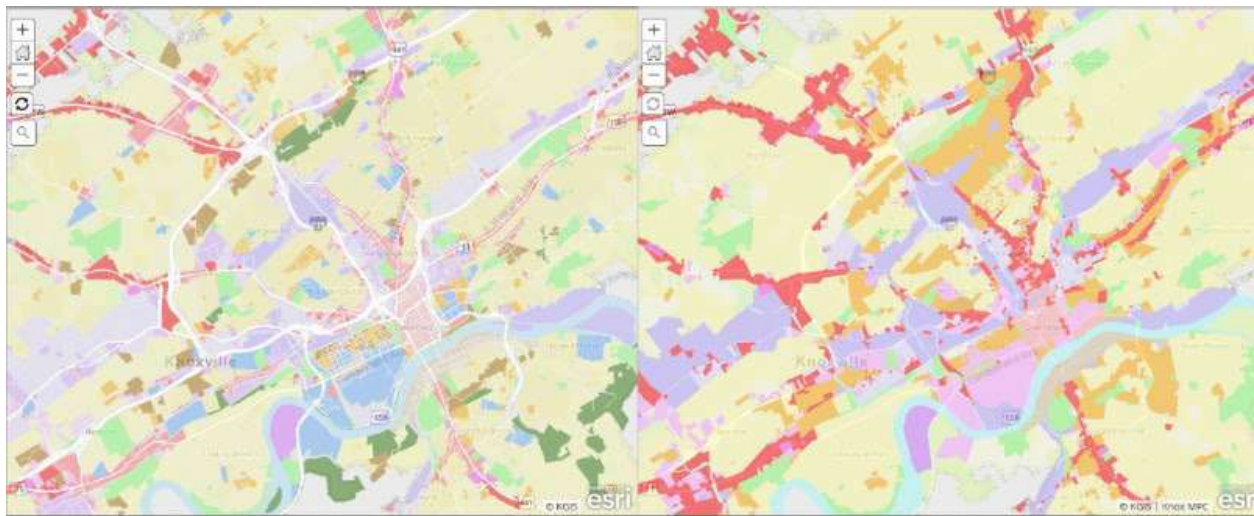
As an example of how this was recommended to play out, the Technical Report stated:

"Similar to the R-1A District, the **standards of the R-2 should be adjusted to ensure that the district adequately represents on-the-ground development patterns**, and allows desired forms of residential development to continue in denser mixed-residential areas of the City." *[Emphasis added.]*

More recently, in the newly published “[Residential District Comparison Table](#)”, MPC states “[e]xisting development patterns will be taken into account when evaluating where the RN Districts should be zoned.”

After PAC’s initial review, it appears that the proposed ReCode map has increased non-conformities, increased special approvals required, and ignored existing development patterns in many areas while down-zoning vast chunks of the city, making zoning more restrictive.

This dynamic can be seen on large scale when comparing the proposed ReCode map overall with the existing zoning map (see below).



(Left side is ReCode map. Right side is current existing zoning map.)

On the existing map (right side above), large sections of dark orange appear throughout the city, representing the R-2 zone. In the existing R-2 zone, duplexes and multi-dwelling structures are allowed by right.

However, on the proposed ReCode map (left side above), much of that dark orange is gone, replaced instead with a much more restrictive RN-2 zone that does not allow multifamily developments and only allows duplexes by special use approval. (The ReCode equivalent of the existing R-2 zone would have been RN-5.)

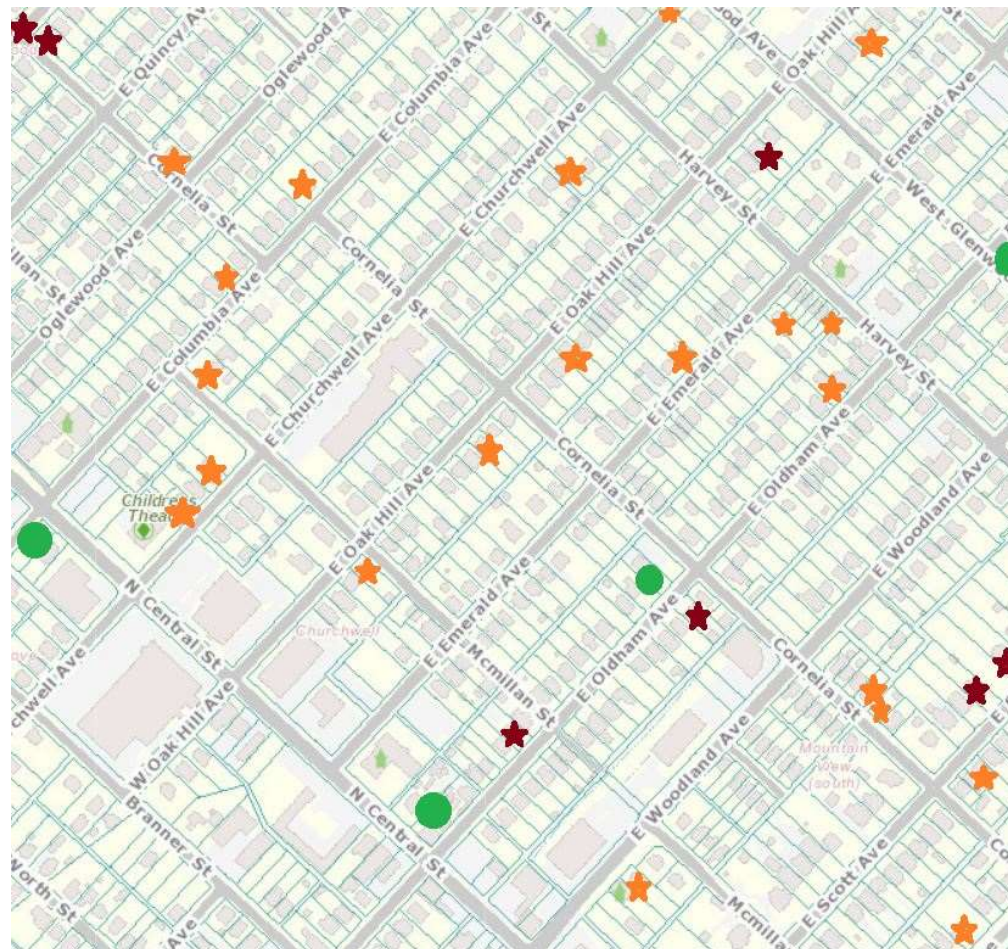
The result of this down-zoning is that options for the development of affordable housing, such as smaller lot single-family homes, duplexes, or multi-family dwellings, are restricted. In the medium-to-long-term, this will restrict availability of affordable housing - particularly “missing middle” and “workforce” housing - right at a time when the city is facing an affordable housing shortage.




To illustrate the degree to which the ReCode draft map does not reflect existing development patterns, we will highlight a few of the neighborhoods we examined - Oakwood-Lincoln Park,

Fountain City west of the lake, and Parkridge. The incongruity between the ReCode map and the on-the-ground development patterns in these neighborhoods is either a result of down-zoning in the ReCode or because of previously existing zone designations carried over into the ReCode that were - and still are - more restrictive than what the existing development patterns would call for. We chose these neighborhoods to highlight because of the degree of inconsistency between the on-the-ground development patterns and the proposed ReCode zone for the areas, as well as the fact that at least one of our drafting committee members lives in each of these areas. However, there are many other areas of Knoxville that would equally or better illustrate our key points as well.

The accompanying maps below were compiled by our drafting committee drawing on information from KGIS maps and some observations from the street. We are new to interpreting KGIS maps and sometimes the information on the KGIS maps is contradictory, difficult to interpret, or out of date. We did our best to accurately tally all the duplexes and multifamily units, but it is likely that we both did not include some that do exist and we may have also mistakenly marked some units as duplex/multifamily when they no longer have such use.

Oakwood-Lincoln Park



-  Existing Duplex, non-conforming under proposed ReCode zone RN-2
-  Existing Multi-Family Dwelling, non-conforming under proposed ReCode zone RN-2
-  Existing Multi-Family Dwelling, conforming under proposed ReCode zone RN-5

Oakwood-Lincoln Park (OLP) is a good example of a neighborhood with many blocks/parcels that have been down-zoned and options for development of affordable multifamily housing have decreased through the ReCode draft map proposal. Big chunks of the neighborhood north of E. Quincy Ave. are currently zoned R-2 with an IH-1 infill design overlay, which means that duplexes and multifamily housing are currently allowed by right. However, the newly proposed ReCode zone for much of this area is RN-2, which does not allow multifamily housing and only allows duplexes by special use.

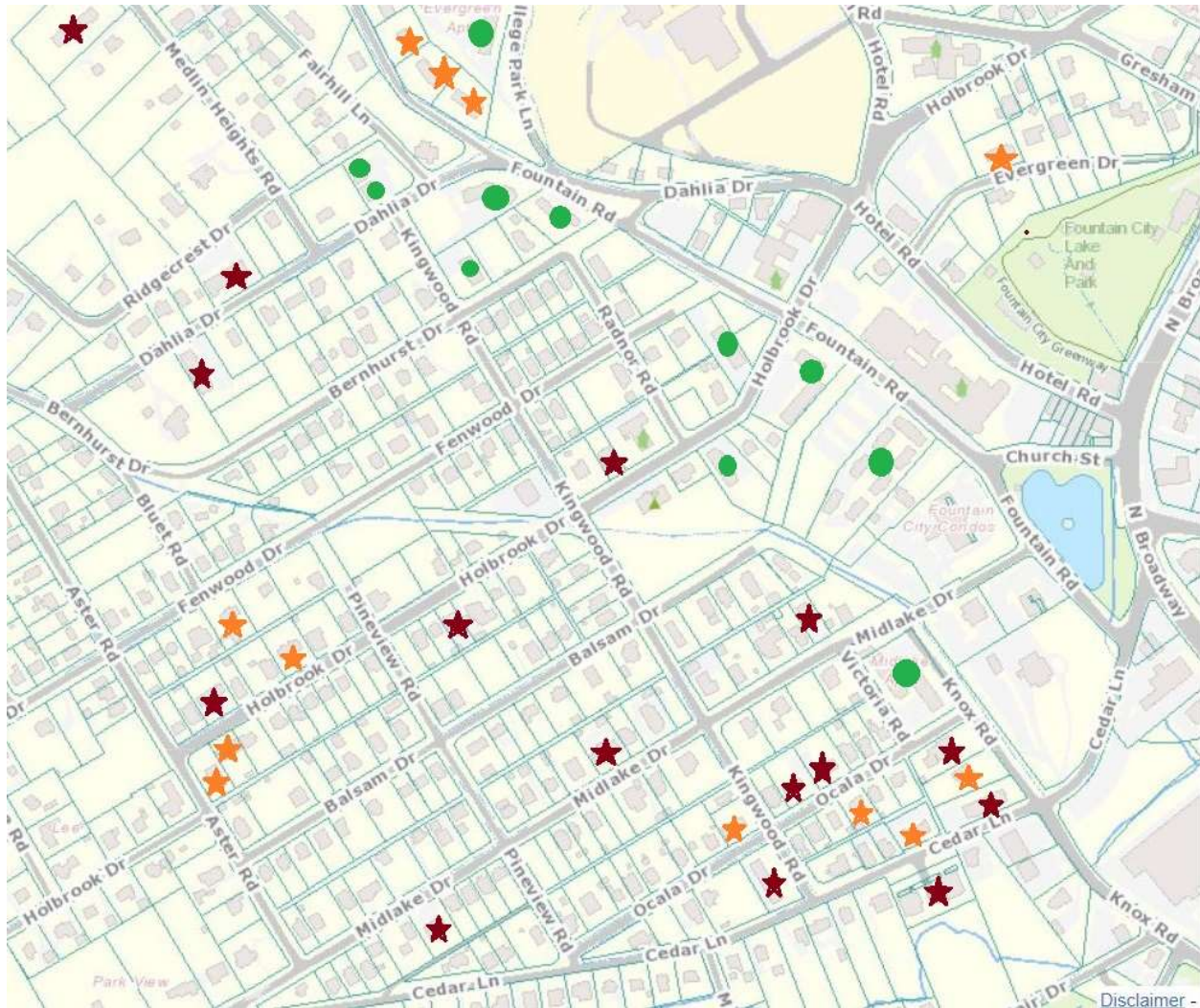
Even in parts of OLP, such as some areas south of E. Quincy Ave., that were not down-zoned in the proposal because the original zoning was already the restrictive R-1/IH-1 zone (which allows duplexes only by special use and does not allow multifamily units), the proposed RN-2 zone still does not reflect on-the-ground development patterns when it comes to the number of existing duplexes and multifamily units.




As can be seen in the above map, this slice of OLP south of E. Quincy Ave. already has 21 existing duplexes (orange stars) and 7 existing multifamily housing units (red stars) that would not be allowed to be built by right under the proposed RN-2 ReCode zone. In proposing to zone this area RN-2, MPC has not followed its pledge to make sure the new zoning district “adequately represents on-the-ground development patterns”.

PAC recommends that OLP be zoned RN-4 to more accurately reflect the existing development pattern of the neighborhood and allow for future development of more affordable multifamily housing options by right. Appropriate, not overly expensive or burdensome, design standards as well as tear-down restrictions for historic structures can be utilized to ensure future development is in character with the existing neighborhood and that significant portions of this historic neighborhood are not replaced with all new development.

Not only would an RN-4 zoning designation align with the on-the-ground development patterns in these parts of OLP, but it would also achieve the MPC’s previously stated objective of focusing more density around the city’s main commercial corridors. Within walking distance of North Central and North Broadway commercial corridors, this edge of OLP is a natural transition zone between the commercial corridor and the rest of the nearby residential areas.

Fountain City West of the Lake



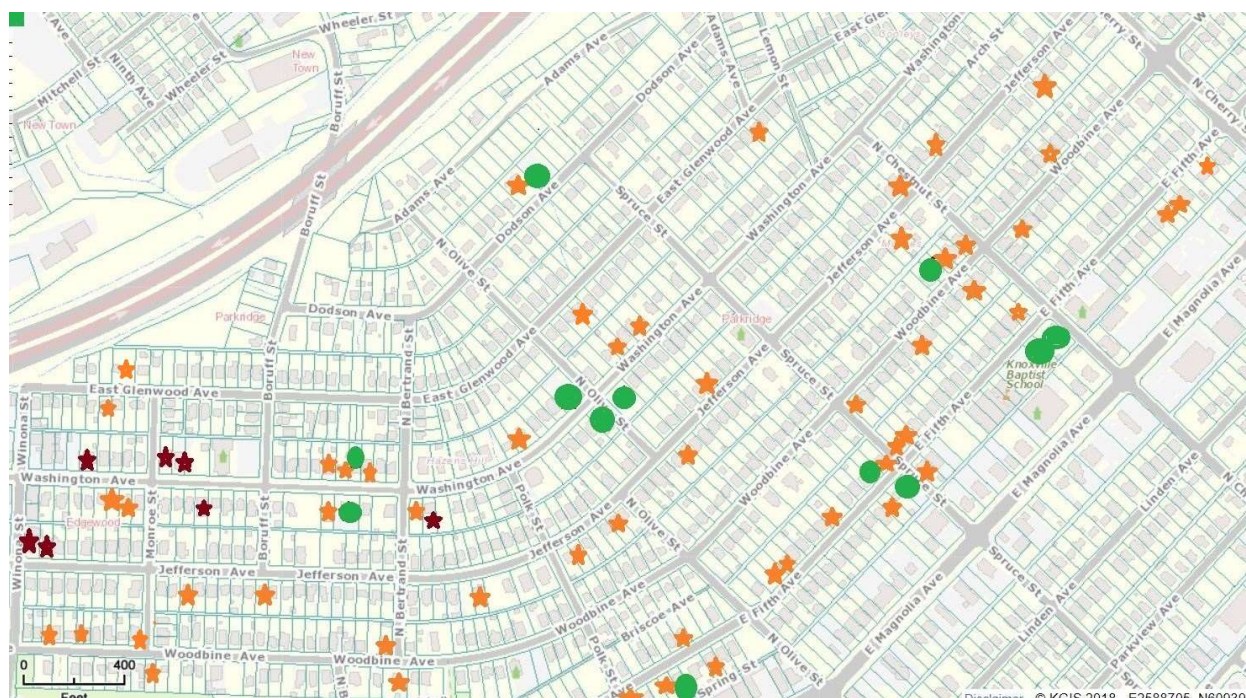
-  Existing Duplex, non-conforming under proposed ReCode zone RN-2
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Much of the area on the above map of Fountain City is zoned RN-2 on the new draft ReCode map. As mentioned above, that means that multifamily developments are not allowed and duplexes are allowed only by special use approval. Yet, this area already has 12 duplexes (orange stars) and 11 multifamily developments (red stars or green circles) that blend well into the character of the community. For the zoning designation to align with the existing character of the neighborhood, RN-4 for most of the area would be a much more appropriate

designation, allowing duplexes, townhouses, and multifamily developments up to 6 units by right. (The green circles are larger multifamily developments that are already appropriately zoned as RN-5 on the proposed ReCode map.)

Not only would an RN-4 zoning designation align with the on-the-ground development patterns in this part of Fountain City not already zoned RN-5, but it would also achieve the MPC's previously stated objective of focusing more density around the city's main commercial corridors. Within walking distance of North Broadway commercial corridor, this part of Fountain City is a natural buffer between the commercial corridor and other less dense neighborhoods further to the west.

Parkridge



-  Existing Duplex, non-conforming under proposed ReCode zone RN-2
-  Existing Multi-Family Dwelling, non-conforming under proposed ReCode zone RN-2
-  Existing Multi-Family Dwelling, conforming under proposed ReCode zone RN-5

Like OLP and Fountain City west of the lake, Parkridge is also adjacent to a commercial corridor - Magnolia Ave. - and therefore zoning Parkridge to allow a higher level of density would align with the MPC's objective of focusing more density near commercial corridors. Likewise, Parkridge also has a significant number of existing duplexes and multifamily units, as can be

seen on the above map. Yet, also like with OLP and Fountain City, MPC has decided to set the new ReCode zone at RN-2, more restrictive than what the on-the-ground development patterns would call for.

PAC recommends designating Parkridge as RN-4 in the ReCode draft map to better align the zoning requirements to the on-the-ground development patterns and to allow for more future development of affordable multifamily housing in the neighborhood. As illustrated below, appropriate design standards and historic tear-down restrictions can be utilized to ensure future development is in character with the existing neighborhood.

Balancing Priorities

PAC recognizes that many neighborhoods in Knoxville, including OLP, Fountain City, Parkridge, and others, have historic and unique structures and character that is worth preserving. It is important that in promoting density and affordable housing through the ReCode that steps are also taken to ensure that historic structures are protected. However, it is also important that in preserving such historic structures and character, that the cost and barriers to development of affordable housing are not unduly increased. Striking this balance can be challenging, but it is crucially important for Knoxville as a beautiful, historic city and a city that is currently facing an affordable housing crisis.

PAC's main priority in submitting these comments is to ensure that the ReCode facilitates greater availability of affordable housing options across the city, because only with diverse affordable housing options can Knoxville become a more economically and racially integrated city with equal opportunity for all the city's residents. We urge MPC to "Bring Back the Orange" and to up-zone (or, at a minimum, avoid down-zoning) more neighborhoods across Knoxville to help facilitate affordable housing options. However, we are open to moderate and appropriate design standards and/or historic tear-down restrictions going hand-in-hand with the up-zoning as a way to mitigate any perceived risks of historic homes being torn down or buildings being built in historic neighborhoods that are drastically out of character with the rest of the neighborhood.

Maintain Allowance of Accessory Dwelling Units Across Knoxville

PAC would also like to reinforce our support for ReCode's allowance of accessory dwelling units (ADUs) in residential zones across the city. In particular, we support allowing ADUs to be used as rental property *AND* as owner-occupied dwelling units. Allowing both alternatives facilitates a broader array of options for affordable housing - either affordable rental housing or affordable housing for an older child, grandparent, or caregiver of the owner.

In addition, PAC supports an open, transparent process that allows variances for renovation of already existing historic accessory structures to convert them into dwelling units. This could

help increase diversity and availability of affordable, small-square-footage living space while preserving and enhancing historic structures.

Some have claimed that ADUs could make housing less affordable by making property with an ADU more expensive to buy. However, if such a property is being purchased by multiple generations of a family for the purposes of intergenerational living or care-giving, that mitigates the expense. Alternatively, if a buyer is able to supplement their income with rental income from the ADU, that would mitigate extra cost that may arise from purchasing a property with an ADU on it. Furthermore, with 53.4% of Knoxville residents renting, according to the [Tennessee Housing Development Agency](#) (2015), ADUs provide more desperately needed affordable rental options in the city.

Ensuring ADU Regulations Consistent with Viable ADU Development

In all of the research that currently exists regarding ADUs, their adoption, and their development, there are four poison-pill zoning regulations that substantially reduce the opportunity for viable permitted ADU construction.

- Owner occupancy requirements
- Off-street parking requirements
- Discretionary and/or Conditional-Use (i.e., not by right)
- Prohibitively Restrictive Development Regulations

As written in the current ReCode Draft, the ADU section does an excellent job properly addressing the first three poison-pills.

Regarding the final barrier...

Prohibitively Restrictive Development Regulations.

- Lot area minimum of 5000 sq.ft. is excellent and best practice.
- Allowing attached or detached is excellent and best practice.
- Side setback of 8' and rear setback of 10' are too restrictive for small lots.
 - In areas where ADUs are most needed (in or near transit-oriented development) residential lots often range from 50 x 100-150 feet.
 - A 10' setback requirement makes detached ADU placement extremely challenging on small lots.
 - In walkable urban neighborhoods, setback requirements should be kept to a minimum to enable detached ADU development: 5 feet is a reasonable setback requirement for such lots.
 - As written, ADU setbacks are more restrictive than the setback for other comparable accessory structures, such as garages.
 - Setback regulations for detached accessory structures may also consider tiered standards based on the detached structure's height, to protect light and air for adjacent lots.

- Basic design standards such as no low windows or doors are allowed within the sides of the structures that are within 5 feet of the property line.
 - This nuanced, tiered setback approach protects neighboring properties' light, air, and privacy while affording smaller lots the same development entitlements as larger lots. It is the same development standard that applies to garages and other accessory structures.
- Limits to max gross floor area.
 - Capping ADU size is useful at responding to market needs for smaller dwellings.
 - A reasonable cap should be smaller than the primary structure.
 - However, *adequate* cap size would allow for two people to comfortably live.
 - We need to ensure that ADUs can be **at least** up to 600 sq. ft.
 - Many cities have a floor area ratio between the main house and the ADU that restricts the ADU to 300– 400 sq. ft. That does not work for someone who is fifty-five and has lived in a single-family home for decades.
 - 300-400 sq. ft. doesn't work for a couple who is going to have a kid and going to live a normal life with friends and family that come and visit.
 - A home that is 600 sq. ft. can function as a real home by the standards of what people want and expect from a home.
 - The cap **should not** be tied to the existing floor area ratio of the primary structure.
 - For example, a standard 800 sq. ft. post-war cottage (abundant in our urban neighborhoods) should not be restricted to a 320 sq. ft. ADU.
 - With current building codes not allowing sleeping lofts, it is quite difficult to adequately provide all that is necessary for a dwelling within such a small space.
 - The cap **should be** tied to Lot Size (as written) not to exceed the primary dwelling.
 - A 600 sq. ft. ADU should be allowed on a 5000 sq. ft. lot even with an 800 sq. ft. primary structure.
 - The 40% cap of primary dwelling should be removed from the code.
- Omit or clarify the subjective statement “9. The ADU must be designed so that the appearance of the primary structure remains that of a house.”
- No additional parking requirement is excellent and best practice.

Allow At Least One More Round of Public Comments

KCDP PAC urges MPC and the City of Knoxville to allow for one more round of ReCode text and map comments/revisions. Allowing the public sufficient time to learn, research, understand, and develop comments on the ReCode is crucially important to ensuring we end up with the best, most equitable, and reasonable zoning code for our city.

PAC has been involved in learning about and submitting comments on the ReCode since summer of 2017. We have been attending ReCode meetings, learning and researching zoning

and related issues, and getting input from community members and stakeholders for over a year. Yet despite this intense involvement, we still do not feel like we have had time as non-experts to fully grasp the issues and provide sufficient, thoroughly researched, comprehensive comments. There are many aspects of ReCode, such as the historic overlay or hillside protection overlay, that we have had to set aside and not comment on because we simply have not had time to fully research those important issues and develop consensus recommendations.

Simply put, democratic engagement is slow. Community groups attempting to participate in the ReCode comments process have to motivate and coordinate many people with conflicting time schedules, divide responsibilities, research, reconvene, build consensus, and more - and all that before even putting pencil to paper to draft the actual comments. In this context, MPC's current timeline for public comment feels very rushed.

Even if democratic engagement were not slow, however, MPC still did not provide enough comment periods, particularly on the draft map. The map was released August 6. The one and only comment period on the draft map ends Sept 20. Our understanding is that MPC plans to then finalize the map and send it to City Council for a vote without any further comment/revision periods. The changes that the ReCode draft map proposes are simply too vast to reasonably expect community members to absorb, understand, and comment on in a month and a half.

We therefore urge MPC and the City of Knoxville to allow for at least one more round of ReCode text and map public comments/revisions to ensure sufficient public input.

Revisiting Recommendations from Previous Comments Submitted

In closing, we would like to reiterate support for the recommendations we submitted in previous comment rounds, many of which have not yet been implemented in the ReCode draft. In particular:

- 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.
- More clarity is needed on what agricultural/animal-related uses are permitted in the Agriculture District.
- We encourage allowing mobile home parks in the city as an important option for affordable housing.
- We encourage keeping the bond requirement for development landscaping to ensure that the landscaping lives long enough to serve its intended purpose.
- We urge allowing vinyl to be used as a primary surface finish material on multifamily developments, considering that it is an affordable building material.

- 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.
- We recommend loosening restrictions on RV parking and usage as a living space.

For more details on these bullet point recommendations, please see our previously submitted ReCode comments.