

Article 8. Overlay Districts

- **Hillside Protection Overlay.** It's high time the 2011 Plan was codified, but why exclude non-residential districts?

❖ *The HP Overlay should apply to all types of districts – residential and non-residential – as it did in the 2011 Hillside and Ridgetop Protection Plan adopted by City Council.*

- **Infill Housing Overlay.** This overlay, included in the existing code as Article IV, Section 5.4, was dropped from the proposed code. Why?

The stated purposes of the IH-1 overlay are:

- To promote neighborhood and economic stability;
- To strengthen desirable physical features and design characteristics, and a neighborhood's identity, charm and flavor;
- To enhance pedestrian-oriented streets;
- To prevent blight, caused by incompatible and insensitive development;
- To promote and retain affordable housing; and
- To encourage the harmonious, orderly, and efficient growth and redevelopment in older Knoxville neighborhoods.

These purposes remain important in Knoxville. The existing IH-1 overlay enables different lot sizes and setbacks as well as different height, open space, and off-street parking regulations than the base zoning would otherwise allow. While the IH-1 overlay was thought of as primarily a tool for the heart of Knoxville when it was added to the zoning code roughly 10 years ago, the city has many other small, old neighborhoods that could benefit from it.

❖ *To foster affordable, compatible housing in older neighborhoods scattered around the city, we should keep the Infill Housing overlay.*

Article 10. Site Development Standards

- **Accessory Dwelling Units.** Section 10.3.B of the draft code specifies the requirements for accessory dwelling units (ADUs). Allowable uses of ADUs are not specified, but presumably they can be rented. This raises two concerns:
 1. Long-term rentals of ADUs will add to Knoxville's stock of affordable housing. Short-term rentals (STRs) will have the opposite effect. If Knoxville wants to increase its affordable housing stock in part through ADUs, it should reserve them for personal use or long-term rentals only.
 2. ADUs create the opportunity to have two rentable housing units on a lot with a single-family residence, making it more likely that outside investors, not prospective homeowners, will purchase these properties when they come up for sale. This will drive up the cost of homeownership in Knoxville, and it will destabilize Knoxville's neighborhoods. In EN, RN-1, and RN-2 neighborhoods, a business permit should be required for ADU long-term rentals, restricting them to owner-occupied properties.

❖ *To add to the stock of affordable housing in Knoxville while minimizing disruption of stable neighborhoods, ADUs should have two restrictions:*

- (1) their use as short-term rentals should be prohibited, and
(2) in EN, RN-1, and RN-2 neighborhoods, they should be limited to owner-occupied properties.*

Article 14. Application Process

- **Required Notice.** Section 14.2 of the draft code indicates the types of notice required for various types of requests involving zoning: zoning text or map amendments, variances, special uses, planned developments, and appeals from zoning decisions made by the Zoning Administrator or the relevant administrative body.

Section 14.2 only requires notice of when and where a public meeting or hearing will be held. It does not also require notice of how people can submit comments. Why not? People who are unable to attend a scheduled meeting should have a voice as well.

❖ *Section 14.2 should include required notice of how to submit written comments in lieu of attending a publicized hearing/meeting.*

Article 15. Zoning Application

- **Administrative Modifications.** According to Section 15.4, the Zoning Administrator could, upon a property owner's request, unilaterally approve a 10% or less modification to any zoning district dimensional standard. Before granting an administrative modification, the Zoning Administrator must determine that the change would not be to the substantial detriment of the public health, safety and welfare.

The draft code does not include a provision for public notice of the requested administrative modification, nor does it include an opportunity for public input prior to the Zoning Administrator's decision. Property owners directly affected by Zoning Administrator's decision could appeal it, but they would have to file for an appeal within 30 days of the decision. How would they learn about the decision in time to file?

- ❖ *The Zoning Administrator should send notice of a request for an administrative modification to abutting and adjacent property owners, allowing them 10 business days to comment before the decision is made. Immediately after the decision is reached, they should be advised of (a) the decision made, and (b) their right to appeal it.*

- **Planned Developments.** Per Section 15.7 a planned development (PD) is "intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations..." A PD has three major steps: a concept plan followed by a preliminary plan and then a final plan.

The preliminary plan is reviewed by MPC, which sends it to City Council for approval or denial. If the final plan is in "substantial compliance" with the approved preliminary plan, MPC staff will recommend approval to MPC, which will then review the plan and approve or deny it. The same process would be used regardless of the type of zoning district.

Planned developments are big deals: They can throw out zoning regulations, and they can have good or bad ripple effects. The sole specified opportunity for public input on a PD is at the preliminary plan stage. This is grossly inadequate.

- ❖ *Neighborhood associations, business associations, potentially affected property owners, and other members of the public should get notice of the proposed project early in the process, as soon as a concept plan has been developed. Their opportunity for comment should not be limited to the preliminary plan stage. They also should get notice of the staff*

review for “substantial compliance” prior to MPC’s review and approval of the final plan.