

The language supporting OS-1 (Open Space Preservation District) is still being dropped from the current ReCode draft 4 ordinance. This is a mistake.

Here's why: OS-1 was passed by City Council on June 26, 1977 to lend support to the State's "Greenbelt" laws offering tax incentives for private landowners to preserve lands in a natural state. A News Sentinel article at the time reads, "The commissioners also reviewed the proposed open-space plan for the city and county called for by the state Legislature in the Agricultural, Forest, and Open Space Land Act of 1976."

The State says "Open Space Land" can be an area as small as three acres, which may consist of aggregations of adjacent, smaller parcels:

*Open space land is defined as land containing at least three acres characterized principally by an open or a natural condition and whose preservation would tend to provide the public with one or more of the benefits found in [T.C.A. § 67-5-100233](#):*

- *The use, enjoyment, and economic value of surrounding residential, commercial, industrial, or public use lands.*
- *The conservation of natural resources, water, air, and wildlife.*
- *The planning and preservation of land in an open condition for the general welfare.*
- *A relief from the monotony of continued urban sprawl.*
- *An opportunity for the study and enjoyment of natural areas by urban and suburban residents who might not otherwise have access to such amenities.*

There is no minimum lot size on "OS" under ReCode, but ReCode Draft 4 still reads that "Open Space" lands in Knoxville are "for both improved and unimproved park and recreation lands."

Could that not be interpreted in the future to mean that only park and recreation lands are eligible for 'Open Space' designation?

If so, this could effectively mean private property maintained in a natural state is excluded from participating in the State's Open Space "Greenbelt" laws and incentives, because lands must first be designated "Open Space" by the local municipal planning board (according to state law) to qualify (see page 14, <https://www.comptroller.tn.gov/pa/pdf/GreenbeltHandbook.pdf>):

*For land to qualify as open space, the planning commission for the county or municipality must designate the area for preservation as open space land. Once the planning commission adopts an area, then land within that area may be classified as open space. If the planning commission has not designated an area, then this classification is not available.*

In addition, there is also an archaeological / anthropological / cultural value to OS-1 (e.g., cemeteries and battlefields are appropriate to zone as OS-1, along with scenic but

developed ridges like Cherokee Heights) that is being dropped from the OS (and not picked up by NA) definitions in ReCode.

The new "OS" goes part way to recognizing the "cultural value" of these lands in Ordinance Draft 4 by including "cemeteries," but it does not codify the "non-recreational" uses of Open Space, (e.g., historical / cultural value or benefits to "the general welfare" as noted in [T.C.A. § 67-5-100233](#)).

Here is an excerpt from an article in the Murfreesboro Post about the Tennessee "Greenbelt" law of 1976 explaining the rationale behind the "general welfare" provision:

*"[T]he Agricultural, Forest and Open Space Land Act of 1976 [...] was passed to combat urban sprawl and and for the preservation of open space for sound, healthful, and well-planned urban development, that the economic development of urban and suburban areas can be enhanced by the preservation of such open space."*

Retaining OS-1 in Knoxville could reward private land owners for preserving land in a natural state to deliver a number of public benefits (carbon sequestration, stormwater retention, air quality, floodway, etc, or other benefits to "the general welfare" as noted in T.C.A 67-5-1002)

I already submitted comments to ReCode concerning OS-1; my bottom line is this statement: "OS-1 has not been used to its full potential; the full potential will be lost if it is merged with OS-2 as 'OS' in ReCode."

I also added comments to the [ReCode map draft 2](#) that small parcels (some less than 3 acres) along the Interstate should be zoned "OS" to recognize and preserve the benefits of parcels acting as natural buffers between residential areas and the incompatible land use of a major freeway. Modern public health science suggests it is not appropriate to locate residential housing next to major freeways: California air quality regulators say it's unhealthy to put homes, schools and day cares within 500 feet of a freeway (see: <https://www.arb.ca.gov/ch/handbook.pdf>). Yet, Knoxville seems dead set on building these along major freeways. If modern science says this is not healthy - why are we doing this as part of an effort to "modernize" our zoning code?

My suggestions concerning using open space to buffer incompatible uses were not taken up in Map Draft 3, even though this is a best practice in the 2006 book "Planning and Urban Design Standards" encouraging planners to "[p]hysically buffer incompatible uses with open space, trees and shrubs, fences, earth berms, or transitional use areas."

That's possibly because the parcels are "too small" to be Natural Areas - which in Draft 4 fill the role of OS-1 in offering a "network of lands" that "provide safe and enjoyable areas and routes for non-intensive recreational opportunities, is protective of natural resources, and is compatible with surrounding land uses." But they're not "park lands" either, so the new OS doesn't intuitively apply. Why not change the definitions of the

zones to allow them to be used more broadly to fit best practices in planning and public health?

**All this to say: (1) Please bring back more of the original language for OS-1 as it is directly tied to State laws promoting the conservation of natural and open space and cultural values in Tennessee (2) Please also drop the "1 acre" requirement from the "Natural Areas" zone so that smaller parcels, such as those at the Williams Creek Urban Wilderness, can be cobbled together piecemeal to form larger "Natural Areas" in older neighborhoods where smaller parcels are more prevalent. (3) Please follow best practices from urban planning and public health fields, and modify your OS and NA zones to allow "Open Space" or "Natural Area" buffers on smaller parcels along major freeways.**