

Recode Public Hearing Draft December 2018

Office of Redevelopment

01/02/2019

General Note: Review Index for alignment issues.

Article 1, p 1-3, the term “expiration provisions of this Code for variances” is referenced in Section F, that term is not used elsewhere in the document; should a reference be inserted for someone to find more information about the expiration of variances (specifically Article 16 “Expiration of Variance”)?

Article 2, p 2-24, Cumberland Avenue height measurements – why is this here?

P2-28 CU Primary Street definition

Article 3, p 3-1 does not list RN-6 Multi-Family Residential Neighborhood Zoning District, nor RN-7 Multi-Family Residential Neighborhood Zoning District; why?

Article 4, p 4-1, typo, “accommodate Knoxville’s **olderneighborhoods**”

Article 5, p 5-2, **B**. The following use restrictions apply to the DK District subdistricts:

1. Multi-family dwellings are allowed only in the DK-B Subdistrict. [\(This restriction applies only to a development that is residential use only; mixed-use developments are allowed in all DK District subdistricts.\)](#)

This proposal eliminates the potential for another Kendrick Place (historic development) or the Stockyard Lofts in the Old City (current development) to be developed downtown outside of the Boulevard District. It is unnecessary and creates requirements that are unlikely supported by the market economy of downtown; potentially creating vacant, underutilized retail space. Please remove this restriction.

p5-7, C-G-2, C - “Public Entrance” is not defined. What happens with this requirement if there is no sidewalk?

P5-8, C-G-3, C – same issues as previous; same for 5-9, C-H-2, C and C-R-2, C.

p5-11, B.3. “Buildings over 85 feet in height are required to incorporate a stepback a minimum of ten feet from the street facing façade plane. Such stepback must occur above the third story, and below the seventh story.”

Stepback is not defined – what is it? And why is this necessary? What is the justification for this stepback? This would prohibit building development like the Bank of America Building, First Tennessee, BB&T, First Century Bank Building, the Holston Building and the Hilton hotel.

The application of a maximum building height in the Warehouse District should be more in keeping with the height of the buildings in that area if it’s needed. The property on W. Jackson Avenue between Gay Street and Broadway should be removed from the Warehouse District and put in the DK-G district.

The application of 85’ for the DK-H district is arbitrary and does not meet the heights of existing buildings on Gay Street like the Embassy Suites, the Holston Building, the Tennessee Theatre building, etc. Why?

P 5-12, DK-E should not be exempted from DDRB review.

5-12.D.3. “Concrete Wall Panels” restriction would prohibit the development/addition of the State Street Garage as the ordinance is written – this is a problem and should be removed.

5-14 – 5-16, DK-G, DK-H and DK-W, A, This is in conflict with table 5-4, p5-12, which states every 50 feet.

The requirement of entries no less than once every **40 or 50 feet** is unreasonable/arbitrary and is often varied in the Cumberland District with a similar requirement. Remove or change language to be recommended, but not required.

General note – make sure tables and drawings and drawing explanations match.

P 68 of the PDF is blank between Commercial/Office and Industrial. Same for P 71. Intentional?

*p 7-2, CU District Standard – THE PRIMARY STREET AND SIDE STREET FOR CU-2 BTZ CHANGING FROM 0’ – 10’ to 5’-10’

Please reinstate the adopted standard.

*This issue was noted in the previous draft and not addressed. Please correct.

Table reference should be changed from **TABLE 5-5 FOOTNOTES** (previous version) to **TABLE 7-1 FOOTNOTES**.

1 A minimum of 60% of the ground floor windows must allow views into the ground story for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

p 7-7, Shade Trees should be defined.

p 7-8 G. General Standards – Deletes the Cumberland Avenue Sign Code by Reference to Article 13 – the Cumberland standards are not adequately represented in Article 13. Remove Reference and re-instate the Sign requirements of the CU Form District.

Table 8-2 – the minimum lot area and minimum setbacks are in conflict with the developed footprint of Fort Sanders Regional Hospital.

p 8-3 Table 8-3, by the statement “(Setbacks Apply to Structures Only)” and given the definition of a “structure” as presented in the definition section, would this not require playground equipment be setback a minimum of 20’ – is this necessary? Would it be better to change setbacks to apply “only to buildings”, not structures?

p 8-12, H-P Overlay, applying the maximum land disturbance areas across the board to any property with the HP overlay is a significant change to the previous draft and has not been vetted publically. Return to residential application only.

P9-2 The CU and SW standards should be kept separate.

CU following uses are not currently permitted in the existing code; remove from proposed: Animal Care Facility – small animal, body modification establishment, broadcasting facility no antennae.

P9-3 by putting CU standards in this table and format, you miss that CU-2 requires retail on the first floor and does not allow dwellings fronting Cumberland Avenue; additionally, having multi-family and townhouse dwellings Permitted by Right misses that they are not allowed fronting Cumberland.

Why is a Gas Station not a permitted or special use in CU? It is a retail sales establishment.

Another issue comes up with the CU Use Table vs. USE MATRIX; Research & Development is a permitted use and that is not reflected in the proposed chart.

P9-4 Government Office/Facility was not intended to be included as a permitted use in CU, CU prohibits all industrial outside of R&D – “Industrial – Craft” is not permitted. Industrial design as defined could be considered R&D.

Live Performance Venue is not permitted in CU.

Micro-brewery/distillery is not permitted in CU.

Commercial Parking is a permitted use without special permission – adjust.

9-5 Research & Development is currently permitted in CU – why is it now prohibited?!?

Retail Liquor Stores – why is this considered a special use in CU? It is retail sales – adjust to permit.

Please remove CU from the Use Matrix and let it keep its own Use Table as adopted and defined by its own process

Additional Section 9-1 Use Matrix Comments

Airport – the only airport in Knoxville is DKX at Island Home Airport, it is a general aviation airport adjacent to a neighborhood in the middle of the Tennessee River – it does not need to be zoned heavy industrial and the only zone in the Use Matrix that allows Airport is I-H. Currently the airport is mapped Institutional , INST. That seems reasonable – adjust the matrix.

Alternative Correctional Facilities – why is permitted by right in South Waterfront? If the logic is that the only things prohibited are “major agriculture, heavy industrial, waste-related services, truck depots, cremation facilities, cemeteries, and storage facilities for class 1 flammable...” then why isn’t an airport include as a permitted use. A country club could be allowed in the SW as long as it is not gated or prohibited access to the public (see Art 4 Section 4.1.4. General Development Standards A. Uses, 2. Gated Communities).

Dwelling – Manufactured Home – why isn’t this permitted in the South Waterfront?

A Funeral Home would be permitted in SW as long as it does not include cremation facilities.

A Heliport is permitted by right in SW and Special Use everywhere else – why?

A Homeless Shelter is listed as a Permitted Use in SW and Special Use everywhere else except for Institutional. The one location in the City where Homeless Shelters are actually located are on Broadway at I-40 which is proposed for DK-E zoning – which does not permit them even as a special use permit. This is a major problem!

Again if the logic for SW is to permit everything that isn’t expressly prohibited, why is an “Impound Lot” not permitted? The best recommendation would be to leave the Use Standards for SW with the SW Form Code and not shove it into the Use Matrix.

With the presence of several reception facilities in the DK districts – why are they being classified as a special use?

Map Notes:
Jackson Avenue parcels are still listed as DK-W with

Recode Knoxville – Text Changes

Pg. 2-14

Parking Lot. ~~(Principal Use)~~– An open, hard-surfaced area, excluding a street or public way, used only for the storage of **6 or more** operable vehicles....

Parking Structure. ~~(Principal Use)~~,

Permeable Pavement. ~~A pavement material for vehicle and pedestrian pathways that allows for infiltration of stormwater. Gravel and loose rock are not considered permeable pavement.~~

A pavement system designed to achieve water quality and quantity benefits by allowing movement of stormwater through the pavement surface and into a base/sub base reservoir. Examples include pervious concrete, porous asphalt, and permeable paving blocks.

Pg. 2-23

E. Building Height

1. “or, when on ~~a waterway~~” change to “or, when on **The Tennessee River**”

Pg. 2-25

H. Impervious Surface Coverage

2. When **a permeable paving pavement system** is used, it is calculated...

Pg. 4-1

4.1.A. older neighborhoods

Pg. 7-5 - Carry over to Pg. 7-6

E. Building Elements

Intro paragraph: “as per ~~Table 5-5~~. Change to **7-1?**”

5. Awning/~~Canopy~~

~~c. An awning/canopy may not encroach into the public right of way without a license for the use of the public right of way.~~

Pg. 9-8

D. Car Wash

2. ~~The lot must be graded to drain away from adjoining properties~~ – Already covered by SWM.

Pg. 9-16 – Carried over from Pg. 9-15

2. Area Regulations

- d. “Yards may be used for parking but in no case may parking be located closer than 15 feet to any property and ~~no closer than 25 feet to the normal summer pool elevation~~”

shall not enter a Riparian Buffer Zone without approval of COK Engineering.

Pg. 9-20

Z. Salvage Yard

Already covered in Article 11, Items 3 and 4 not needed here.

~~3. The number of vehicular access driveways permitted on any single street frontage is limited to:~~

~~——— a. One driveway where there is a street frontage of 100 feet or less.~~

~~——— b. Two driveways where there is a street frontage that exceeds 100 feet.~~

~~4. Driveways used for ingress and egress are limited to 25 feet in width, exclusive of curb returns.~~

Pg. 9-23

FF.2. b. – Replace “County” references with “City”

Pg. 9-25

~~v. Driveway Access~~

~~Driveways must be paved and meet the standards of the 2012 International Fire Code (IFC), section 503.1.4. The driveway must follow the existing topography as much as possible and limit views of the base station from the public street.~~ – Already covered in 11.15.

Pg. 9-30

11. Maintenance

b. All graffiti on WCFs must be removed at the sole expense of the permittee after notification by the ~~County~~ **City** to the owner/operator.

Pg. 10-1 General Development Requirements

E. Utility and ~~Maintenance~~ **Drainage Easements**

Permanent structures, stormwater ~~ponds~~ **facilities**, retaining walls, fences, decks, and accessory structures are prohibited within utility and ~~maintenance~~ **drainage** easements.

F. Line of Sight Requirements

Developments **near intersections** must provide for adequate sight distance, as approved by Department of Engineering.

Pg. 10-7F. Awnings, ~~Canopies~~, and Marquees

1. Awnings, ~~canopies~~, and marquees....
2. Awnings, ~~canopies~~, and marquees....
 - c. Awnings, ~~canopies~~, and marquees....
 - d. In no case are awnings, ~~canopies~~, and marquees....

Pg. 10-8

L. Fences and Walls

1. Fences – General

- a. From five feet behind the front of the building line forward to the front lot line and in the corner side yard, privacy fences ~~and walls~~ are limited to 42 inches ~~and a masonry wall is limited to 48 inches.~~

Note: Removing because it conflicts with site distance regulations.

Pg. 11-2 under **11.3 Location and Setbacks**

C-3. Multi – dwelling ~~dwellings~~ **developments** abutting agricultural or EN, RN-1 and RN-2 districts: 10 feet

D. ~~In EN, RN 1, RN 2, RN 3, RN 4, and RN 5 Districts~~, Parking for 1 and 2 family dwellings is prohibited in the front and corner side yard ~~of residential uses~~ except as follows:

Pg. 11-3

E. ~~In EN, RN 1, RN 2, RN 3, RN 4, and RN 5 Districts~~, For 1 and 2 family dwellings, approved parking and driveway(s) in the front and corner side yard are limited to the following:

Pg. 11-4

~~F.~~ **3.**

~~G.~~ **F.** For the purpose of this section, lot frontage for any lot except a small lot of record that does not have 75 feet or greater frontage on any street, **private right of way** (joint permanent easement) (~~private right-of-way~~) or access easement, is measured at the front building line.

~~H.~~ **G.**

Pg. 11-10

Replace current table with this one:

| Table 11-6: Minimum Stall and Aisle Dimensions | | | | | |
|---|------------------------------------|-----------------------|--------------------|--------------------|---------|
| Parking Angle | Depth to Wall or Interlock (feet) | Depth to Curb (feet) | Stall Width (feet) | Aisle Width (feet) | |
| | | | | One-Way | Two-Way |
| 45 degrees | 16.5 | 15.0 | 9.0 | 15 | 26 |
| 60 degrees | 18.0 | 16.5 | 9.0 | 18 | 26 |
| 75 degrees | 18.5 | 17.5 | 9.0 | 22 | 26 |
| 90 degrees | 17.5 | 15.5 | 9.0 | 26 | 26 |
| Parking Angle | Length to Wall or Interlock (feet) | Length to Curb (feet) | Stall Width (feet) | Aisle Width (feet) | |
| | | | | One-Way | Two-Way |
| Parallel | 22.5 | 20.5 | 9.0 | 15 | 25 |
| Stall depth measured perpendicular to aisle. | | | | | |
| Stall lengths, stall depths, and aisle widths for parking angles, other than those indicated, shall be consistent with the above values and are subject to the approval of the Department of Engineering. | | | | | |

Pg. 11-11

C. Pedestrian Access Aisles

Pedestrian access aisles must be hatched and include a painted "No Parking" designation.

E. Structured Parking

1. Parking spaces must comply with Table 11-6. The Department of Engineering may approve a reduction in parking dimensions when columns and light poles protrude into a parking module a combined maximum of two feet as long as they do not affect more than 25% of the ~~stalls in that bay~~ spaces.
2. Stairways, elevators, or other provisions must ~~be,~~ separate vehicular and pedestrian movements between the various levels of parking structures.
3. The maximum approach, departure, and ramp angles ~~is~~ are subject to the review and approval of the Department of Engineering.

Pg. 11-12 under 11.6 Design of Off-Street Parking Facilities

A. 1. Off-street residential parking for single-family, two-family and town house dwellings when the lot is accessed from a local street, **or alley.**

Pg. 11-13 carried over from Pg. 11-12 under 11.6 Design of Off-Street Parking Facilities

4. Back to original (stricken in red) due to Landscape needs.

Pg. 11-13 under 11.7 Access and Driveway Design

B. ~~On a corner lot,~~ **T**he minimum distance between a driveway and the intersecting street is described in Table 11-8: Corner Clearance Requirements.

Pg. 11-15 carried over from Pg. 11-14

C. 5. Major traffic generators will be considered as individual cases and are not subject to Table 11-9. A major traffic generator is defined as any facility that is required by this ~~section~~ **Article** to provide 400 or more parking spaces.

Pg. 11-15 under 11.8 Shared Parking

D. Any crossing of a roadway **at grade** with a classification higher than local roadway must be ~~a longitudinal~~ marked ~~crosswalk~~ per the most recent edition of ~~MUCTD~~ **MUTCD**.

~~D.~~ **F.** Off-site parking must be in a zoning district that permits the principal use it will serve and off-site parking is not located in a residential ~~zoning~~ district.

~~E.~~ **G.**

~~F.~~ **H.**

Pg. 11-16 under 11.9 Bicycle Parking Provisions

A. ~~For newly provided off-street vehicular parking.~~

Table 11-10 excludes CU & SW Districts.

In the body of Table 11-10, under Required Number of Bicycle Parking Spaces, it should read **"16 for the first 1,000"**.

Pg. 11-17

J. Bicycle parking and access to bicycle parking must be constructed in accordance with the applicable standards of Section 11.6.**D.**

In the body of Table 11-11, under Short-Term/Long-Term split for Commercial Uses it should read **80%/20%**.

Pg. 11-18

A. ~~For example, if only one commercial tenant of a multi-tenant development is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required.~~

D. 3. All off-street loading spaces must be ~~paved~~ surfaced with a durable, all-weather material paving.

In the body of Table 11-12 under number of spaces require for Industrial Use 10,000 – 40,000 it should read 1 loading space, not spaces.

Pg. 12-1 under **12.2.B.1**, at end of last line add: Identify lines of sight at all access points and at locations adjacent to intersections.

Pg. 12-4 under **12.5 Parking Lot Perimeter Landscape Yard**

E. Areas devoted to off-street parking with egress directly from parking spaces to alleys are exempt from perimeter screening area requirements between the alley and adjacent parking spaces areas.

Pg. 12-7 under **12.8 Buffer Yards****After:**

“Buffer yard requirements apply to new construction and to any additions to a structure existing as of the effective date of this Code of 30% or more in square footage.”

Insert: Areas devoted to off-street parking with egress directly from parking spaces to alleys are exempt from perimeter screening area requirements between the alley and adjacent parking spaces areas.

Pgs. 9-2 through 9-6 User Matrix:

Add "P" (Permitted Use) under SW for:

Airport
Campground
Shelter
Dwelling – Manufactured Home
Financial Service, Alternative
Food Bank
Industrial – General
Kennel
Neighborhood Non-Residential Use
Warehouse and Distribution
Wholesale Establishment

Remove "P" (Permitted Use) under SW for:
Greenhouse Nursery Retail

Add "T" (Temporary Use) under SW for:

Temporary Recreational Vehicle Park
Temporary Warehouse Sales (Indoor)