



TO: Knoxville RECODE Project Team

FROM: Town Hall East Neighborhood Association Board of Directors

RE: Response to Second Draft of Recode Knoxville

DATE: September 19, 2018

Gentlemen:

Thank you for the opportunity to review and comment on the second draft of Recode Knoxville. Many of the regulations in the proposed code succeed in streamlining the permitting process and providing design flexibility. The proposed code should also: protect and promote residential character; establish a transparent **interactive** development review process; and ensure that our overall community is attractive.

I. The code should ensure that existing and proposed residential development promotes a sense of community. Specifically:

1. Home Occupation – in addition to the proposed regulations there should be a size limit (25% of habitable floor area) and a limit on public visits (by appointment only which can be achieved by not advertising the address). There is no restriction on the number of public visits. No stipulation as to adverse impacts (noise, light, smell, vibration)
2. Day Care Homes – the standards in the existing code should be maintained. As written there is no limit on the number of children and no requirement to maintain residential appearance or character.
3. Kennels – the typical limit of five dogs/cats prevents residential animal hoarding. As proposed, there is no limit.
4. Accessory Dwelling Units – as written, this standard will negatively affect residential property. Encouraging offsite owners often degrades the stability of the neighborhood and social fabric of the community. Escalating values of real estate lessens the availability of affordable/workforce home ownership. However, requiring the homeowner or immediate family member to live on the property provides affordable rental housing and the homeowner with a revenue stream or lodging for family or caretakers and closer control of the property with an on-site contact, should complaints arise. Another concern here is currently traditional lenders frown on accessory dwellings on one parcel. The proposed code would create properties that no longer meet current FHA guidelines; which the majority of buyers for affordable housing require.
5. Multi-family – the code should provide simple design standards to avoid a shoe box appearance; such as façade modulation, variation in texture or color, and porches/balconies/decks. It should retain current permitted zoning.

6. Consistency – EN has a minimum lot size of 22,000 sq. ft. per Table 4-1. EN with a HP overlay has a minimum lot size of 7,200 sq. ft. (6 du per acre) Table 8-1. “Table 8-1: Density and Land Disturbance Limitation establishes the maximum residential density” Why would HP allow greater density?
7. Garage Sales – how frequently can an owner have a garage sale until it becomes a business?

II. The code should establish a transparent, interactive development review process. Specifically:

1. Expand the flow charts to include appeals.
2. Require posted signs to be clearly visible by two-way traffic on each right-of-way contiguous to the property.
3. The required 12 days for sign posting should not include holidays as people are more likely to be away.
4. Provide notice to neighborhood associations.
5. Special Use Conditions should also be able to address use impacts such as hours of operation, noise, etc.
6. Provide mailed notice of applications for Administrative Decisions to contiguous property owners and post a yard sign.
7. For Special Use approval note that this does not set a precedent.
8. For Variance Approval Standards add: The Applicant did not create the situation; and, other options involving a lesser variance have been considered.
9. Extending nonconforming walls should require a variance process

III. The code should ensure that our overall community is attractive.

1. Cell Towers should not be a permitted use in the Neighborhood Commercial Zoning District. This district is “...intended to provide for an environment of integrated residential development and small-scale commercial and service uses, predominantly serving nearby residential neighborhoods.” Town Hall East was able to successfully deter a proposed cell tower in the Burlington commercial center due to notice of public hearing process. Its installation would have changed the character of this historic area and hampered redevelopment efforts.
2. Increase the likelihood that required landscaping will survive either through a two-year landscape maintenance bond or irrigation.

Thank you for considering our concerns.

Town Hall East, Inc.

President, David Lee
Vice President, Sharon Davis

Officers and Directors:

Rachel Honeycutt, Kim Raia, Sam McKenzie, Kim Trent, Clarita Buffaloe,
Michael Aktalay, Mira Nash, Michael Moore, Millie Ward, Clint Waddell,
Sandra Korbelik, Doug Toppenberg