

POLICY ISSUES

4/4/19

ADU's as Permitted Use or Special Use in Single-Family Residential Districts

ADU's (Accessory Dwelling Units) are proposed to be permitted by right in the EN, RN-1, and RN-2 neighborhoods. Standards for ADU's, which address size, owner-occupancy of property, etc., are set forth in the draft code. Based on direction from Council, the requirement for one (1) off-street parking space has been added to the standards for ADU's. While we have heard from many advocates for ADU's and research of similar cities that permit ADU's has not shown a proliferation of this housing type, we also have heard concerns that ADU's will result in unwanted density in residential neighborhoods. Some commenters request that ADU's be identified as a special use, subject to Planning Commission approval, in the single-family residential districts. The Planning Commission recommendation is that ADU's be permitted in the single-family residential districts.

Delete size limit (10,000 sf) unless minimal design standards are met in Office district; limit lot coverage to 30% in lieu of limit on building size

The draft code limits structures in the Office district to 10,000 square feet unless certain design standards are met. These are:

1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.
3. The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design must minimize potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

The Office district is often used as a transition between residential neighborhoods and commercial development. It is felt that the proposed size limit, which can be exceeded if the design standards are met, better aligns with the goal of being a transition from commercial development to residential neighborhoods. Concern has been expressed that the proposed design standards would make the cost of office building construction prohibitive. Requests have been received that the current standard limiting structures in the Office district to 30% of lot size be maintained in lieu of the design standards. Note that with this standard, a 30,000 SF structure could be constructed on a lot of less than 2 acres. An option may be to maintain the size limit/design standard provision only for those Office district properties that abut a single-family residential district.

Increase lot size for duplexes in RN-2 and RN-3 from the proposed 7500 SF (RN-2) and 7000 SF (RN-3) to 10,000 SF

In an effort to provide opportunities for development of duplexes in the RN-2 (special use) and RN-3 (permitted use) zones, the required minimum lot size was decreased from 10,000 SF to 7500 SF (RN-2) and 7000 SF (RN-3) by the Planning Commission. Concerns have been heard from older neighborhoods that the reduced lot size will lead to the conversion of existing single-family homes to duplexes. An option may be to increase the minimum lot size to 8000 SF in both districts and make duplexes a special use in both districts.

Revise standards for home occupations

The proposed home occupation standards reflect the goal of acknowledging and permitting new approaches to working while protecting residential neighborhoods. Comments have been received that the proposed standards are too restrictive; comments also have been received that the standards proposed are not restrictive enough. The proposed standards with some revisions, as shown below, are recommended.

1. No more than one person, other than members of the household residing on the premises, may be engaged in such occupation.
2. There must be no change in the outside residential appearance of the building. Outdoor storage is prohibited and no other visible evidence of the conduct of such home occupation is allowed except one sign not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
3. No traffic may be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
4. No equipment or process may be used in such home occupation that increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or outside the dwelling unit. In the case of electrical interference, no equipment or process may be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
5. Motor vehicle repair and vehicle dispatch for any business where vehicles to be dispatched congregate on site are prohibited as home occupations. **Other businesses that shall not be conducted as a home occupation include funeral homes, animal hospitals, and welding shops.**
6. Day care homes are not considered a home occupation and are regulated as a principal use per Article 9.
7. Only products produced on premises may be **physically** sold from the premises. ~~Sales of products produced on premise must be conducted by appointment only.~~ Internet and mail order sales are permitted.
8. **The gross floor area devoted to the home occupation shall not exceed 25% of the gross floor area of the dwelling.**

Increase maximum height in DK-W subdistrict from 125' to ___

The maximum height in the Downtown Warehouse subdistrict was proposed to maintain the character of the subdistrict, which currently is comprised largely of one to three story warehouse type structures. There are taller structures intermingled with the warehouse type structures. Comments received on this issue note that the area is a prime area for the expansion of downtown and that structure height should not be limited.

An option may be to allow greater height but expressly provide the Design Review Board with the authority to restrict the height of new structures in order to ensure compatibility with the surrounding area.

Options for commercial design standards – prescriptive review by Plans Review & Inspections (estimated 90% of applications), performance review by Planning (estimated 10% of applications)

The draft zoning code proposes basic design standards for new structures and additions to existing structures exceeding 30% of the existing structure’s square footage in the CN, CG-2, CG-3, CH-2, and CR-2 commercial districts. For each district except the CN district, the trade-off for the design standard requirement is increased intensity of development. Material limitations are proposed for the CG-2 and CG-3 districts. Some questions arose about the design standard requirement and material limitations with respect to their impact/applicability. In an effort to address these questions, Knoxville-Knox County Planning worked with the East Tennessee Section of the American Institute of Architects and the East Tennessee Design Center to hold a design roundtable to test the proposed design standards and material limitations. The outcome of the roundtable was a recommendation for a two-tier approach. Those designs meeting the standards and limitations would be reviewed and approved by Plans Review & Inspections (prescriptive review). Those design approaches desiring flexibility in meeting the intent of the standards and limitations would be subject to a performance review by Knoxville-Knox County Planning staff. Incorporation of this two-tier approach into the proposed zoning code is recommended by staff.

Enhanced Lighting Standards

Exterior lighting standards are proposed in Section 10.2 of the draft zoning code. The proposed standards are the first effort by the City of Knoxville to comprehensively address outdoor lighting. Comments have been received that provide more explicit, and in some cases limiting, standards for exterior lighting. Given that the proposed standards reflect the first effort by the City to regulate exterior lighting, the following is recommended:

- Review comments submitted and incorporate those that would enhance and complement the initial effort to regulate exterior lighting; and
- Direct staff to review the impact of the lighting standards and undertake an update to enhance the standards within 18 months of the adoption of the updated zoning code.