

**Council Initiated Revisions to Recode Draft 5**  
**May 14, 2019 Special-Called Council Meeting**

Color Guide: Green represents Council changes, blue represents staff responses or suggestions, and red represents language removed or to be removed

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
1	<b>Article 1</b> Title, Purpose, and Applicability	1-1	1.2.B. Purpose	Consider <b>adding</b> “one-year” plan in Article 1.2.B	<b>Edit</b> sentence to read as follows: “Promote orderly development of the City and implement the adopted Knoxville-Knox County General Plan which incorporates more specialized adopted plans including <u>adopted one-year plan</u> , sector plans, corridors plans, and small area plans adopted by City Council.”	<b>Approved on 5/30/19 (vote: 9-0)</b>
2	<b>Article 1</b> Title, Purpose, and Applicability	1-1	1.3.A. Applicability -Territorial Application	Staff was directed to <b>draft</b> language to clarify whether the Code applies to land, uses, and structures used for governmental versus private purposes.	Staff recommends editing the subsection to read as follows: “ <u>This Code applies to all land, uses, and structures which are in the City of Knoxville and which are used for a private or non-governmental purpose.</u> ”	<b>Approved on 5/30/19 (vote: 9-0)</b>
3	<b>Article 1</b> Title, Purpose, and Applicability	1-2	1.4.B.2. And 1.4.B.4.  Transition Rules → Existing Uses	<b>Clarify</b> subject still to BZA, Article 17	<b>Edit</b> the last sentences of 1.4.B.2 and 1.4.B.4 to read as follows: “Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses <u>including review by the Board of Zoning Appeals.</u> ”	<b>Approved staff suggestion in both subsections, on 5/30/19 (vote: 9-0)</b>

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4	<b>Article 2</b> General Definitions & Measurements Methodologies	2-1	2.1. Rules of Interpretation	Staff was directed to look into <b>inserting</b> the introductory language from current Code to Article 2.1	Upon review, staff determined that the introductory language of Article II of the current Zoning Code is mostly incorporated with the exception of the definition for <b>“person.”</b> Therefore, staff proposes adding the following to Article 2.3, Definitions (likely page 2-19): <u>“Person. An individual, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.”</u>	<b>Approved addition of definition of “person” on 5/30/19 (vote: 9-0)</b>
5	<b>Article 2</b> General Definitions & Measurements Methodologies	2-1	2.1.D. and 2.1.E. Rules of Interpretation	Consider terminology	Leave as is and update Article 17 (Nonconformities) to reflect mandatory requirements with the use of <u>“shall”</u> rather than “may” or “must.”	<b>On 5/30/19, Council agreed with staff response and made no changes</b>
6	<b>Article 2</b> General Definitions & Measurements Methodologies	2-3	2.3. Definitions -“Animal Care Facilities – Small Animal”	<b>Strike</b> the last sentence in the definition. Also <b>revise</b> what will be the final sentence to read <b>“Animal care facilities do not include animal breeders or kennels.”</b>	Staff will make changes in document	<b>Approved on 5/14/19 (vote: 9-0)</b>
7	<b>Article 2</b> General Definitions & Measurements Methodologies	2-12	2.3. Definitions -“Grade”	Request staff review and consider <b>defining</b> “grade”	Staff proposes adding the following definition from the current Code (likely page 2-12): <u>“Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls <b>Defined in Section 2.4.”</b></u>	<b>Approved on 5/30/19 (vote: 9-0)</b>

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8	<b>Article 2</b> General Definitions & Measurements Methodologies	2-14 (now 2-15)	2.3. Definitions -“Kennel”	5/14/19 - In “Kennel” definition, <b>revise</b> “boarded” to “ <b>kept</b> ”	Staff will make changes in document	<b>Approved on 5/14/19 (vote: 9-0)</b>
				5/30/19 – Change kennel definition to match current Code	Staff will make changes in document	<b>Approved on 5/30/19 (vote: 9-0)</b>
9	<b>Article 2</b> General Definitions & Measurements Methodologies	2-21	2.3. Definitions -“Public Safety Facility”	<b>Consider clarifying</b> definition and allowed areas for “public safety facility.”	Upon review, staff suggests that no changes be made to this definition. Public safety facilities that are non- governmental and/or for profit must go through the public process in Article 16.4 to get permission for the special use in residential areas (see p. 9-5, Use Matrix). Consider addressing any concerns regarding allowed areas in Article 9 Use Matrix.	<b>Council agreed to keep current definition without changes.</b>
10	<b>Article 2</b> General Definitions & Measurements Methodologies	2-32	2.4.E.1.d. Rules of Measurement -Building Height	Under Article 2.4.E. “Building Height,” request staff to review and <b>define</b> “grade.”	If “grade” is defined in #7 of this list in Article 2.3, this proposed change likely becomes unnecessary.	<b>Council adopted “grade” in #7 of this list and agreed with staff response.</b>
11	<b>Article 4.</b> Residential Neighborhood Districts	4-2	4.2.B. Uses	Consider <b>creating</b> a chart to help visualize 4.2.B	Consider Attachment 1: Staff Proposed RN-4 District Table, which staff created at Council’s suggestion, to be added immediately after Article 4.2.B.2.b	<b>Approved addition of Attachment 1 on 5/30/19 (vote: 9-0)</b>

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12	<b>Article 4.</b> Residential Neighborhood Districts	4-2 (now 4-2 through 4-4)	4.2. Uses	<b>Revise</b> section to add current Code’s language on Residential Occupancy Standards and Functional Families as Article 4.2 subparts C. and D.	<b>Inserted</b> from current Code’s language in Sec. 21-22 in Article V – see Attachment 2: Staff-Proposed Language for Article 4.2 (C) and (D) with staff suggestions on zone equivalents	<b>Approved adding current Code language back into 4.2 on 5/14/19 (vote: 5-4)</b>
				<b>Recommend</b> newly-named zone equivalents for Attachment 2.		<b>Approved new designations for Attachment 2 on 5/30/19 (vote: 6-3)</b>
13	<b>Article 4.</b> Residential Neighborhood Districts	4-8 (now 4-10)	4.5. Pocket Neighborhood Design Standards	<b>Strike</b> “RN-4” from the title bar of Section 4.5  <b>Insert</b> at the end of the first sentence “ <b>and which may be permitted in RN-4, RN-5, RN-6, and RN-7 districts</b> ”	Staff will make changes in the document	<b>Approved both changes on 5/14/19 (vote: 9-0)</b>
14	<b>Article 5.</b> Commercial and Office Districts	5-1	5.1.A.2. Purpose Statements	Request staff to <b>revise</b> language to clarify that C-G is intended primarily for indoor commercial uses	<b>Insert</b> as last sentence of Article 5.1.A.2: “ <b><u>This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.</u></b> ”	<b>Approved on 5/30/19 (vote: 9-0)</b>
15	<b>Article 5.</b> Commercial and Office Districts	5-6	5.4.B.2. Design Standards	<b>Strike</b> “(does not apply to C-N and O)”	Staff will make changes in document	<b>Approved on 5/14/19 (vote: 8-1)</b>
16	<b>Article 6.</b> Industrial Districts	6-2	6.4.A. Design Standards	<b>Clarify</b> language to make it clear that this applies to all buildings – including nonconforming buildings	<b>Revise</b> 6.4.A. to read as follows: “Table 6-2: “ <b><u>Subject to Article 17 of this Code,</u></b> Industrial Districts [...]” leaving the remainder of the sentence unchanged	<b>Council decided change was not needed</b>

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
17	<b>Article 8.</b> Special Purpose and Overlay Districts	8-10	8.9.B. HP Hillside Protection Overlay Zoning District	By 5/30/19, staff to <b>prepare</b> amendment which applies the HP overlay to districts under 8.9.B	Staff proposal is as follows for Article 8.9.B: “The regulations of the HP Overlay District apply to all lots in <del>residential</del> <b>all</b> districts [...]”	<b>Approved on 5/14/19 (vote: 7-2)</b>
18	<b>Article 9.</b> Uses	9-1 to 9-33 (now 9-1 to 9-32)	9.1. through 9.4. (Entire Article)	<b>Insert</b> correct references throughout – change 12.9 and 16.11, to 12.8 or 16.12 respectively (when incorrect)	Staff will make changes in document to correct inconsistencies	<b>Approved corrections throughout on 5/14/19 (vote: 9-0)</b>
19	<b>Article 9.</b> Uses	9-7	9.3.A.1. Principal Use Standards -Animal Care Facility [...]	<b>Update</b> “Animal Care Facility” regarding the number of animals to “ <b>five</b> ” instead of “four”	Staff will make changes in document	<b>Approved on 5/14/19 (vote: 9-0)</b>
20	<b>Article 9.</b> Uses	9-14	9.3.L.10. Principal Use Standards -Food Truck Park	<b>Edit</b> sentence to read as follows: “ <del>Permanent restroom</del> <b>Restroom</b> facilities must be provided and available for both customers and employees”	Staff will make changes in the document	<b>Approved on 5/14/19 (vote: 9-0)</b>
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21	Article 9. Uses	9-26	9.3.FF.8. Principal Use Standards -Wireless  Communications	Council passed to staff to make <b>clarifications</b>	<b>Switch</b> order of sentences under “8. Application submittal requirements” and <b>correct typo</b> to read as follows: “ <a href="#">An application must be filed with the Knoxville-Knox County Planning Commission</a> <del>Planning Commission</del> <a href="#">on forms provided for that purpose. In addition to the required application information, the application must include the following:</a> ”	Approved on 5/30/19 (vote: 9-0)
						Approved on 5/30/19 the deletion of extra “Planning Commission” throughout article (vote: 9-0)
22	Article 9. Uses	9-32 (now 9-31)	9.4.H.5. Temporary Use Standards -Temporary Outdoor Sales	Correct typo in H.5; might be able to be corrected by adding “ <b>sales</b> ”	Staff proposes <b>editing</b> the subsection to read as follows: “5. A portion of a parking area may be used for temporary outdoor <a href="#">sales</a> . Permanent outdoor display structures [...]”	Approved on 5/30/19 (vote: 9-0)
23	Article 9. Uses	9-31	9.4.H. Temporary Use Standards -Temporary Outdoor Sales	Councilmembers McKenzie and Roberto began discussing Temporary Outdoor Events, but Councilwoman Rider suggested tabling it to the 5/30/19 Special Called Meeting because of the importance of the topic and the late hour. Council agreed to do so.	(No response needed)	To be discussed at May 30, 2019 Special-Called Meeting

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24	<b>Article 2</b> General Definitions & Measurements Methodologies	2-24	2.3. Definitions	Council <b>directed</b> staff to revise 7 definitions beginning at “Temporary Contractor Office and Contractor Yard” through “Temporary Warehouse Sales (Indoor)” in a way that does not include the word “temporary” in the definition.	Staff suggests replacing “temporary” in the definitions with “ <a href="#">short-term</a> ” but leaving the terms unchanged.  Note that “short-term” does not need to be defined because the permit terms are covered in Article 10.	
25	<b>Article 6.</b> Industrial Districts	6-1	6.3. Table 6-1	<b>Increase</b> “Maximum Building Height” for I-G and I-H to <b>90’</b>	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>
26	<b>Article 8.</b> Special Purpose and Overlay Districts	8-10	8.9.B. HP Hillside Protection Overlay Zoning District	<b>Directed</b> staff to propose additional changes to clarify application of overlay	Staff proposes the following in part B. “The <a href="#">HP Overlay regulations</a> apply to all lots in all districts <a href="#">within the HP Overlay</a> , with the following exceptions: [...]”	
27	<b>Article 9.</b> Uses	9-31 (now 9-30 & 9-31)	9.4.G.4.d. Temporary Use Standards -Temporary Outdoor Entertainment & 9.4.H.4.e. Temporary Use Standards -Temporary Outdoor Sales	<b>Edit</b> sentences in 9.4.G.4.d. and 9.4.H.4.e. to read as follows: “The <b>Administrative Review Committee Zoning Administrator</b> , upon review of the temporary use permit, may increase these timeframes.”	Staff will make changes in the document	<b>Approved changes to both subsections on 5/30/19 (vote: 9-0)</b>

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28	<b>Article 9.</b> Uses	9-31	9.4.H.1. Temporary Use Standards -Temporary Outdoor Sales	<b>Edit</b> sentence to read as follows: “Temporary outdoor sales in the residential districts <b>is are</b> restricted to those events <del>associated with and</del> conducted by <b>and located on the site of</b> a place of worship, educational facility, or registered neighborhood association’s <b>facilities.</b> ”	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>
29	<b>Article 9.</b> Uses	9-2 through 9-6	9.2. Use Matrix Table 9-1	<b>Update</b> uses in chart as follows: -Delete “S” for “Amusement Facility-Outdoor” in C-G -Delete “P” for “Day Care Center” in OP -Delete “P” for “Eating and Drinking Establishment” in OP -Delete “P” from “Personal Service Establishment” in OP -Delete “P” for “Retail Goods Establishment” in OP -Insert “T” for C-G, C-H, C-R, DK, OP, I-MU, I-RD, I-G, I-H, and OS	Staff will make changes in the document	<b>Approved all listed changes on 5/30/19 (vote: 8-1)</b>
30	<b>Article 9.</b> Uses	9-4	9.2. Use Matrix Table 9-1	For “Halfway House,” <b>consider</b> including all permitted and special uses as they exist in the current Code	To match current Code’s equivalents, staff suggests adding “S” for halfway houses in RN-5, RN-6, RN-7, O, OP, and I-MU; staff also suggests adding “P” for halfway houses in C-G, C-H, C-R, and DK	



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31	<b>Article 9.</b> Uses	9-4	9.2. Use Matrix Table 9-1	<b>Delete</b> "S" for "Kennel" in C-G	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 8-1)</b>
32	<b>Article 9.</b> Uses	9-6	9.2. Use Matrix Table 9-1	<b>Insert</b> "T" for C-G, C-H, C-R, DK, OP, I-MU, I-RD, I-G, I-H, and OS	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>
33	<b>Article 9.</b> Uses	9-5	9.2. Use Matrix Table 9-1	<b>Revise</b> title as follows for "Vehicle Rental – <b>Indoor Enclosed</b> "	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>
34	<b>Article 10.</b> Site Development Standards	10-4	10.3.A.6. General Regulations for Accessory Structures	<b>Update</b> chart to include maximum building coverage for any combination of buildings or structures from Art. 5, Sec. 4(C) of the current Code	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>
35	<b>Article 10.</b> Site Development Standards	10-4	10.3.A.7. General Regulations for Accessory Structures	<b>Add</b> the following sentence: " <b>No accessory structure may contain both a permanent cooking facility and plumbing, unless the structures also complies with Article 10.3.B.</b> "	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 8-1)</b>
36	<b>Article 10.</b> Site Development Standards	10-10	10.3.R.1. General Regulations for Accessory Structures	<b>Edit</b> sentence to read as follows: "No more than <b>three people</b> <del>one person</del> , other than members of the household residing on the premises, may be engaged in such occupation <b>than can comply with each provision of this section in the home.</b> "	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 7-2)</b>

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37	<b>Article 10.</b> Site Development Standards	10-10	10.3.R.2. General Regulations for Accessory Structures	After subpart R.1. insert as new R.2. the following: <b>“The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants.”</b>  <b>Re-number</b> all remaining sections accordingly.	Staff will make changes in the document	<b>Approved new R.2. and renumbering of sections on 5/30/19 (vote: 7-2)</b>
38	<b>Article 12.</b> Landscape	12-2	12.2.D.2. Alternative Landscape Design	<b>Edit</b> last sentence of D.2. to read as follows: “The Alternative Landscape Plan must be submitted to and <del>approved</del> <b>reviewed by the Administrative Review Committee. In approving making a recommendation regarding</b> the alternative landscape plan, the Administrative Review Committee must find that:”	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>
39	<b>Article 12.</b> Landscape	12-4	12.5.A. Parking Lot Perimeter Landscape Yard	<b>Edit</b> last sentence of A. to read as follows: “Parking lots of less than 10,000 square feet <del>or more</del> <b>more</b> in area are exempt from parking lot perimeter landscape yard.”	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>

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40	<b>Article 13.</b> Signs	13-15	13.9.C. H Historic Overlay Zoning Districts	<b>Consider</b> whether subpart C should be updated in light of the change to part D below.	Staff reviewed and determined that the introductory language under the title bar for 13.9 and in subpart C match the current Code's language and therefore recommend no changes. The signs in 13.9.C in the Historic Overlays are in addition to those allowed in base zones.	
41	<b>Article 13.</b> Signs	13-15	13.9.D. Residential Districts	<b>Edit</b> part D's title to include <b>RN-6 and RN-7</b>	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>
42	<b>Article 14.</b> Code Administrators	14-2 and 14-3	14.4.F. Zoning Administrator Powers	<b>Insert</b> new subsection: " <b>F. To allow temporary use permit timeframe extensions per Article 9.4.</b> " (Language moved from Art. 14.8.C.)	Staff will make both changes in the document	<b>Approved both changes on 5/30/19 (vote: 9-0)</b>
			14.8.C. Administrative Review Committee Powers	<b>Delete</b> subpart C (moved to 14.4.F. per #39 on this list).		
43	<b>Article 14.</b> Code Administrators	14-5	14.13.B. Historic Zoning Commission Organization	<b>Insert</b> current Code language: " <b>The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but no more than two (2) members shall expire each year.</b> "	Staff will make changes in the document	<b>Approved on 5/30/19 (vote: 9-0)</b>

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44	Article 14. Code Administrators	14-6	14.15.B. Infill Housing Review Committee Organization	Council <b>direction</b> was to insert current Code language regarding the terms for Committee members, if any such language exists in the current Code.	Staff has reviewed the current Code and determined that this Committee (which only makes recommendations and not decisions) has no term or renewal language in the current Code; therefore, no changes are recommended at this time.	
45	Article 16. Zoning Applications	16-1 through 16-39	Entire Article	<b>Correct</b> name of board to read as follows throughout the entire article: " <b>Downtown</b> Design Review Board."	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
46	Article 16. Zoning Applications	16-3 through 16-39	Entire Article (All images)	<b>Council direction</b> was to update this image in light of possible confusion regarding path to Council from Planning Commission, appeals, etc.	See Attachment 3	
47	Article 16. Zoning Applications	16-4	16.2.A. Special Use Review	<b>Edit</b> final sentence to read: "It is recognized, however, that there are certain uses which, because of their unique characteristics, <b>are potentially incompatible with existing development, or because the effects of such uses cannot be foreseen. cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.</b> "	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
					Staff seeks clarification from Council regarding the deletion of the remaining sentence following "foreseen."	

#	Article	Page #	Section	Council initiated change	Staff Response and/or Proposed Edits	Council Action
48	Article 16. Zoning Applications	16-7 (now 16-6)	16.3.E. Variance -Standards	Edit sentence to read as follows: "in accordance with all <b>three</b> of the following criteria:"	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
49	Article 16. Zoning Applications	16-6 & 16-7	16.3. Variance	Insert current Code language regarding the requirements for the granting of a variance.	Staff will make changes in the document as new subpart (F).	Approved on 5/30/19 (vote: 9-0)
					Staff recommends re-lettering the subsequent subsections in light of this change	
50	Article 16. Zoning Applications	16-10 (now 16-8)	16.4.C.2.d. Required Site Plan Review	Delete subpart 2.d. to allow landscape review to go to the Zoning Administrator per part C.	Staff will make changes in the document	Approved on 5/30/19 (vote: 9-0)
		14-1 & 14-2	14.2.F.2 & 14.4.G.		Note: in light of the change above, Art. 14.2.F.2. should be <b>moved</b> to Art. 14.4. as new subpart G. for consistency	
51	Article 16. Zoning Applications	16-35 (now 16-32)	16.12.A.5. Zoning Appeals -Limitations on Zoning Appeals	Revise subsection A.5. to remove 30-day time limit, <b>edit</b> title accordingly, and <b>clarify</b> which body reviews the appeal	If the 30-day time limit is removed, then this subsection likely becomes unnecessary. The reviewing body is in subpart A.3.	
52	Article 17. Nonconforming Buildings, Structures and Uses of Land	17-1	17.1.A.1. Alteration or enlargement of buildings and structures	Propose revisions to clarify non-conforming buildings, uses, and structures as well as when each subsection applies.	Add the title " <b>Nonconforming use and/or structure/building.</b> " Immediately before the text of 17.1.A.1. begins	
			17.1.A.2. Alteration or enlargement of buildings and structures		Add the title " <b>Nonconforming structures/buildings only.</b> " immediately before the text of 17.1.A.2. begins	

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53	<b>Article 17.</b> Nonconforming Buildings, Structures and Uses of Land	17-2	17.1.C. -Building vacancy; nonconforming	<b>Delete</b> subsections 1.C. (“Building vacancy; nonconforming”) and 1.D. (“Change in use”)	Staff will make both changes in the document	<b>Approved on 5/30/19 (vote: 90)</b>
			17.1.D -Change in use			<b>Insert</b> as new 1.C. the previously-removed part D entitled “Discontinuation or Abandonment” on p. 17-5 with “12 months” revised to “24 months”

**See following page: Items for Future Discussion or Possible Action following Adoption of “Recode”**

## Items for Future Discussion or Possible Action following Adoption of “Recode”

May 14, 2019

Updated June 3, 2019

#	Article	Page #	Section	Future Discussion/Possible Action	Speaker(s)
1	<b>Article 4.</b> Residential Neighborhood Districts	4-1 to 4-9	Throughout Article 4	Is there a need for another Residential Neighborhood District?	Councilmember Lauren Rider (in favor)
2	<del><b>Article 6.</b></del> Industrial Districts	<del>6-1</del>	<del>6.3.</del> Dimensional Standards	Chamber of Commerce would like to discuss the possibility of changing Table 6-1 of Article 6.3 to allow maximum heights for buildings in I-G and I-H to be 90 feet instead of 50 feet. <b style="color: green;">(Update: Council approved on 5/30/19 - see above at Art. 6.3, Table 6-1)</b>	<del>Amy Nolan, Chamber of Commerce (in favor)</del>
3	<b>Article 4.</b> Residential Neighborhood Districts	4-2 & 4-3	4.2 Uses	Revisit “Residential Occupancy Standards” and “Functional Family.” Is there a better way to address the issues but in an enforceable and more meaningful way?	Councilmember Lauren Rider (in favor)
4	<b>Article 10.</b> Site Development Standards	10-4 & 10-5	10.3B	Is there a need to divide the EN district into EN-1 and EN-2?	Councilman Andrew Roberto (in favor)
5	<b>Article 12.</b> Landscape	12-10	12.9	Is there a need for a “Tree Mitigation Bank/Fund” or a landscape bond?	Joyce Feld, Scenic Knoxville (in favor)