



MEMORANDUM

TO: Planning Commission
FROM: Mark Donaldson, Executive Director
DATE: September 6, 2006
SUBJECT: **Knoxville Zoning Ordinance Amendment Providing a Method to Record Substandard Lots that Existed at the Time of Annexation - 9-B-06-OA**

STAFF RECOMMENDATION

Staff recommends approval of this amendment to the City of Knoxville Zoning Ordinance.

BACKGROUND

At the request of City of Knoxville Legal and Code Enforcement offices, MPC staff has reviewed Article 5, Section 6, of the City of Knoxville Zoning Ordinance with respect to the Division of Lots.

Two situations led to this request:

1. On many lots with historic buildings there are multiple buildings with multiple uses. Rehabilitation of these structures often requires the platting of separate lots for each of the buildings. These lots are currently nonconforming with respect to the dimensional requirements of the zoning ordinance and are unable to seek variances that would alleviate this nonconforming status. The proposed amendment allows the creation of separate lots for individual buildings that are classified as "contributing" in a historic designation and allows the owner of the proposed lots to seek variances from dimensional requirements of the zoning ordinance.
2. Currently, owners of legal lots that were recorded by deed prior to these lots being annexed into the city are left in nonconforming status with respect to minimum lot area and minimum lot width if these lots do not meet the minimum standards of the current zoning code. Many of these lots were created prior to 1962 in the area of the city that was annexed in 1962 – an annexation that tripled the area within the city boundary from 25 square miles to 75 square miles. A smaller number of lots may exist in areas that were recorded prior to the annexation of 1917 (the last annexation prior to 1962). Because they are currently nonconforming with respect to the dimensional requirements of the zoning ordinance, they currently are unable to seek variances that would alleviate this nonconforming status. The proposed

amendment allows the owner of the lot to seek variances from dimensional requirements of the zoning ordinance.

The proposed amendment to Article 5, Section 6.D.5 (Division of Lots) addresses both of these situations in a fair and equitable manner and allows owners to pursue building permits for the improvement of these lots, which is prevented without the amendment.

The following changes are proposed:

- Paragraph "c" has been added to address contributing historic structures on new proposed lots;
- Old paragraph "c" has been changed to new paragraph "d;" and
- Paragraph "e" has been added to address lots of record prior to annexation.

PROPOSED AMENDMENT TO THE KNOXVILLE ZONING ORDINANCE

Article 5, Section 6, Yard, Setback, & Space Exceptions

5. Division of a lot. No recorded lot shall be divided into two or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the district in which the property is located and no reduction in the size of a recorded lot below the minimum requirements of this ordinance shall be permitted with the following exceptions:
 - a. When a dedication [unchanged]
 - b. When a legal, nonconforming structure [unchanged]
 - c. ***When a subdivision of property is proposed and each proposed new lot will contain a principal building categorized as contributing in an H-1 or NC-1 overlay zone district. If each proposed new lot meets this criteria, and the existing principal buildings are non-conforming with requirements for minimum yards, building setbacks, and/or lot coverage, the property owner may seek a variance as prescribed by law.***
 - d. Subsections "a", "b" and "c" above shall also apply to one-lot subdivisions, as defined in the Knoxville – Knox County Minimum Subdivision Regulations, which combine two or more existing lots into one lot or where an adjustment is made to one lot line between two existing recorded lots.
 - e. ***In any residential district, a single family dwelling may be constructed on a lot created by deed provided the lot is:***
 - i. ***Located in the area within the city boundary resulting from an annexation in 1917; is described by a deed recorded prior to February 3, 1947; and has remained in tact with the same boundary configuration since the recorded date; or***
 - ii. ***Located in the area within the city boundary resulting from a series of annexations in 1962 (Ordinances 3049, 3050, 3052, 3053 and 3054); is described by a deed recorded prior to October 16, 1962, and has remained in tact with the same boundary configuration since the recorded date.***

If a lot created by deed meets the criteria cited above, and is nonconforming with requirements for minimum yards, building setbacks, and/or lot coverage, the property owner may seek a variance as prescribed by law. Upon application for a building permit, the owner will be required to submit a survey completed by a registered land surveyor that has been recorded with the Register of Deeds.