



## MEMORANDUM

Agenda Item # 5

To: Planning Commission  
From: Mark Donaldson, Executive Director  
Date: April 4, 2007  
RE: Creation of a New Residential Zone District (4-A-07-OA)

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### **Staff Recommendation**

Staff recommends approval.

### **Background**

In the current year work program, MPC staff committed to work within the City that was packaged under the heading *Strong Neighborhood Initiatives*. One piece of that work is to create a family of low density residential zone districts that reflect the actual development pattern of established neighborhoods. These new districts would replace the current R-1 zone district where the prevalent development pattern matches the new districts.

The proposed *R-1EN (Established Neighborhood) Residential Zone District*, first tentatively called R-100, creates a zone district for established neighborhoods that were developed with significantly larger lots than their current R-1 zoning. Its intent is twofold:

- to preserve the existing pattern of development by establishing dimensional requirements that more closely match the existing development, and
- to protect the existing character of development by establishing minimum design requirements for new housing within the neighborhood.

The proposed R-1EN district adds three new uses to the mix in the R-1 family of districts:

- It creates a new use-on-review called Accessory Dwelling Units (ADU). These are typically apartments created within existing houses or added to accessory structures such as detached garages. In the older neighborhoods created before zoning there are many examples of these. Many cities allow ADU as a use without review, including many university towns. ADU provide many positive impacts with little or no impact on the character of a neighborhood.

- Duplexes are allowed as a use-on-review if located on a larger corner lot with only a single entry facing each street.
- Bed and Breakfast Inns are allowed as a use-on-review with requirements relating to owner-occupancy, operations, parking and location.

The proposed R-1EN district establishes dimensional and density requirements much less dense than the R-1 district. It also creates side yard requirements that are a percentage of lot width, rather than a fixed distance and front yard requirements that take into account neighboring established yards through an averaging process. It establishes several new concepts:

- Requirements for *accessory buildings* that acknowledge the larger lots and larger primary structures likely in the district;
- a definition of *pervious surface* with requirements for a minimum pervious surface in each required yard;
- a definition of *irregular lot* that allows some flexibility through administrative establishment of setbacks; and
- a definition of *infill parcel* that allows development through a use-on-review style of process.

The proposed R-1EN district establishes design requirements for new primary structures that will encourage thoughtful design that reflects the complex and intricate design that is prevalent in these established neighborhoods. Requirements are created for:

- foundations,
- orientation of structure to the street,
- door openings on attached garages,
- building mass and shape,
- elevations facing the street.

Staff may waive these requirements for buildings on irregular lots that are determined to be not visible from the street.

The proposed R-1EN district establishes requirements for the location of off-street parking spaces and the maximum area of paved driveways and access in front and street side yards.

Additional requirements are prepared for:

- Infill Parcel development,
- Accessory Dwelling Units,
- Bed and Breakfast Inns.

Administration of these requirements will be completed by MPC staff prior to the issuance of a building permit.

Is there a conflict between protecting neighborhoods and increasing development opportunities within the city? At first glance it may seem that creating a new larger lot zone district is contrary to the community goal of encouraging greater density

throughout the city, but the proposed district addresses this conflict in a number of ways.

- First, established neighborhoods need to be protected and the current R-1 zone makes them vulnerable to inappropriate infill development. Established lots can be subdivided, with new lots created in front of existing houses, and new houses can be built or moved in without regard to established development.
- Second, the proposed district allows for increased density through a number of methods:
  - The minimum lot sizes are smaller than the current average lot size;
  - ADUs are allowed with review;
  - Duplexes are allowed with review; and
  - Infill development is allowed on qualified parcels with review at densities greater than current development.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

A. GENERAL DESCRIPTION

This district is intended to protect and preserve older low density neighborhoods established with a prevalent development pattern of large lots on a highly connected street pattern and character of development dominated by large lawns and complex, intricately designed residences. The district establishes dimensional regulations that compliment the prevalent development pattern and residential design requirements that reflect the prevalent building character of the neighborhoods. The district is intended to provide for neighborhood stability while allowing continued development that is in harmony with the existing development pattern. The district is not intended for use on previously undeveloped land that is currently zoned as Agricultural (A-1). It should be used in the context of the prevalent existing development pattern.

B. DEFINITIONS APPLICABLE TO THIS SECTION.

1. *Accessory Dwelling Unit* – A separate and complete dwelling unit that is contained on the same lot as a house.
2. *Façade, front* – The exterior walls of a structure that face a public right-of-way.
3. *Infill Parcel* - A tract of land that is at least 250 wide at the street boundary and at least 2 acres in area.
4. *Irregular Lot* – A lot or tract that one or more of the following apply:
  - a. The lot or tract has 6 or more sides; or
  - b. The natural slope within the required front yard is 25% or greater from the front property line to the setback line; or
  - c. The proposed first floor finished elevation is greater than 20 feet above or below the average adjacent street elevation; or
  - d. The proposed building site is not visible from the street.
5. *Pervious Surface* – A surface that presents an opportunity for precipitation to infiltrate into the ground.

C. USES PERMITTED

1. The following residential uses shall be permitted:
  - a. **Houses**, but not including house trailers and mobile homes.
2. The following nonresidential uses shall be permitted:
  - a. **Utilities**, including but not limited to electric sub-stations and other electric system facilities, water and wastewater facilities, storm water facilities, and transportation related easements, alleys and right-of-ways.
  - b. **Accessory uses** described at Article 5, Section 4.
  - c. **Accessory buildings and structures**, subject to the following condition.  
The roof area of the accessory building or structure shall not exceed the roof

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

area of the primary building and shall be less than thirty (30) percent of the rear yard area.

- d. **Signs** as regulated in Article 5, Section 10.

D. USES PERMITTED ON REVIEW

1. The following residential uses may be permitted on review by the Planning Commission in accordance with provisions contained in Article 7, Section 5.
  - a. **Duplex**, provided the duplex is located on a lot with two street frontages and each primary entrance faces a different street.
  - b. **Accessory Dwelling Unit**, subject to the provisions of Article 5, Section \_\_\_\_, except that an accessory dwelling unit shall not be provided on a lot already having a duplex.
  - c. **Bed and Breakfast Inn**, subject to the provisions of Article 5, Section \_\_\_\_.
2. The following nonresidential uses may be permitted on review by the Planning Commission in accordance with provisions contained in Article 7, Section 5.
  - a. **Churches** or similar places of worship, with accessory structures, but not including missions or revival tents.
  - b. Elementary or high **schools**, public or private.
  - c. **Parks, playgrounds** and **playfields**, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
  - d. **Libraries, museums**, and historical **monuments** or structures.
  - e. **Plant nursery** in which no building or structure is maintained in connection therewith.
  - f. **Country clubs** with eighteen hole golf course having grounds of not less than one hundred forty acres, or country club with nine hole golf course having grounds of not less than sixty acres, but not miniature golf courses or driving ranges operated for commercial purposes.
  - g. **Cemeteries**.
  - h. **Home occupation** as regulated in Article 5, Section 12.
  - i. **Community swimming pool** as regulated in Article 5, Section 16.
  - j. **Club house** for a civic, non-profit organization such as a garden club, women's club or a local community club. Off-street parking shall be provided as specified for private clubs in Article 5, Section 7.
  - k. Private day **nurseries** and kindergartens as regulated in Article 5, Section
  - l. Commercial **telecommunications towers**.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

E. DIMENSIONAL AND DENSITY REGULATIONS1. Lot Area:

- a. In newly platted subdivisions other than MPC approved infill parcels:
  - i. For each primary use except duplexes there shall be a minimum lot area of not less than twenty-two thousand (22,000) square feet.
  - ii. For each duplex there shall be a minimum lot area of not less than thirty-three thousand (33,000) square feet.
  - iii. To qualify for an accessory dwelling unit, a lot with a primary house must be not less than thirty-three thousand (33,000) square feet.
- b. In replats of existing subdivisions other than MPC approved infill parcels:
  - i. For each primary use except duplexes the minimum lot area shall be equal to the average of those lots within the same subdivision and within five hundred (500) feet of the subject property.
  - ii. For each duplex the minimum lot area shall be equal to one hundred fifty (150) percent of average of those lots within the same subdivision and within five hundred (500) feet of the subject property.
  - iii. To qualify for an accessory dwelling unit, a lot with a primary house must be not less than ten thousand (10,000) square feet larger than the average of those lots within the same subdivision and within five hundred (500) feet of the subject property.

2. Lot Width:

- a. For each primary use except duplexes the minimum lot width shall be not less than one hundred (100) feet at the front building line and such lots shall abut for a distance not less than fifty (50) feet on a public street or an approved permanent easement meeting the requirements of the Knoxville/Knox County Minimum Subdivision Regulations.
- b. For each duplex the minimum lot width shall be not less than one hundred thirty (130) feet at two street frontages (it must be one a corner lot).

3. Front Yard:

- a. For each house or duplex the minimum depth of the front yard shall be equal to the average [plus or minus ten (10) feet] of developed lots on the same street within 500 feet of the subject property, but not less than forty (40) feet and in no case shall an accessory building be located or extend into the front yard.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

- b. For each primary nonresidential structure the minimum depth of the front yard shall be fifty (50) feet and in no case shall an accessory building be located or extend into the front yard.
    - c. A covered, but not enclosed, porch may extend up to eight (8) feet into a front yard.
4. Side Yard:
  - a. For each house or duplex the minimum width of a side yard, except a side yard adjacent to a street, shall be equal to ten (10) percent of the lot width at the front building line.
  - b. For each primary nonresidential structure the minimum width of a side yard, except a side yard adjacent to a street, shall be equal to twenty (20) percent of the lot width at the front building line.
  - c. For any accessory building the minimum width of a side yard, except a side yard adjacent to a street, shall be equal to five (5) percent of the lot width at the front building line, and in no case shall be less than five (5) feet.
5. Side Yard Adjacent to Street:
  - a. For each house or duplex, and any accessory structures thereto, the minimum width of a side yard adjacent to a street shall be equal to fifteen (15) percent of the lot width at the front building line, except a side yard adjacent to a street that is also adjacent to a front yard of an abutting property must match the adjacent front yard, plus or minus ten (10) feet.
  - b. For each primary nonresidential structure, and any accessory structures thereto, the minimum width of a side yard adjacent to a street shall be equal to twenty (20) percent of the lot width at the front building line, except a side yard adjacent to a street that is also adjacent to a front yard of an abutting property must match the adjacent front yard, plus or minus ten (10) feet.
6. Rear Yard:
  - a. For each primary building or structure the minimum depth of the rear yard shall be twenty-five (25) feet.
  - b. For any accessory building or structure the minimum depth of the rear yard shall be five (5) feet.
7. Pervious Surface of Yards:

Each yard shall be required to maintain not less than seventy-five (75) percent of its area as pervious surface and shall be covered with lawn, ground cover, landscaping or left in natural condition so as to allow absorption of storm water.
8. Lot Coverage:
  - a. The total area of all buildings on a lot shall cover not more than twenty-five (25) percent of the lot area.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

- b. An accessory building shall not cover more than fifty (50) percent of the primary structure or five (5) percent of the lot area, whichever is less.
9. Height:
  - a. For primary buildings the maximum height shall be thirty-five (35) feet.
  - b. For accessory buildings the maximum height shall be fifteen (15) feet, except that the maximum height may be increased one (1) foot for each foot of side and/or rear yard greater than the minimum, up to a maximum of twenty-five (25) feet.
10. Exception for Irregular Lots:

Where a building site on an irregular lot is situated such that any of the front, side or rear property lines are not readily determinable or cannot be literally applied, required setbacks shall be as determined by the director in compliance with the following criterion: required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.
11. Infill Parcels:

Qualifying infill parcels may be developed upon approval of a development plan by the MPC utilizing the use-on-review process with the following density calculations:

  - a. Base density of 2 dwelling units per acre.
  - b. Additional density of up to 1 dwelling unit per acre may be awarded if the proposed development provides for owner-occupancy by creating attached houses with fee simple lots or recording of condominium documents.
  - c. Additional density of up to 1 dwelling unit per acre may be awarded if the proposed development is located with access to a major collector or arterial road as shown on the Major Road Plan.



## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

F. DESIGN REQUIREMENTS FOR NEW STRUCTURES

The intent of this section is to require new structures to reflect the character of the existing development within the district. New primary structures shall meet the following design requirements:

1. Foundations.

- a. All primary structures shall be attached to a permanent foundation, such as a slab-on-grade, piles, piers, concrete footing or other form designed to give permanent and un-movable stability to a structure.
- b. The foundation system shall be surrounded by a perimeter wall of solid masonry, concrete or other approved material.

2. Orientation of Structure to Street.

It is important that new structures reflect the prevalent orientation of structures toward the street that is prevalent in the district. Front façade of the primary structure shall be parallel to the street or tangent to the curve of the street.

- a. Primary entrance to a structure shall face the street and provide a hard-surfaced pedestrian connection of driveway and/or sidewalk from the street to the entry; or the primary entrance to a structure shall open upon a covered porch or courtyard that faces the street and that is at least sixty (60) square feet with a minimum depth of six (6) feet and provides a hard surface pedestrian connection of driveway and/or sidewalk from the street to the porch or courtyard.

3. Door Openings on Attached Garages.

- a. Front facing garage door opening(s) may comprise no more than forty (40) percent of the front elevation. Detached garages may not be located in front of a primary structure and are not a part of this calculation.
- b. Attached garages with front facing garage door openings must be set back from the front façade of the structure no less than four (4) feet.

4. Building Mass and Shape.

To increase architectural variation within neighborhoods and increase architectural interest, yet allow for flexibility in design, primary structures shall have two (2) of the three following characteristics:

- a. Roofs shall be either:
  - i. Flat – with roof pitch less than 1/12 and a single plane;
  - ii. Steep – with roof pitch of 6/12 or more, or
  - iii. Articulated – with multiple pitches, planes, ridge line directions or heights, or displaying hips and valleys.
- b. More than one finished floor level.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

- c. The shape of habitable and attached garage space must have no less than eight (8) sides. For the purpose of these regulations a side is an exterior wall segment, from change of direction to change of direction, no less than four (4) feet in length.
5. Elevations Facing a Street

To increase architectural variation along streetscapes and increase architectural interest, yet allow for flexibility in design the following requirements apply to elevations that face a street, except for a rear elevation if property abuts a street on the rear of the lot:

    - a. Street-facing elevations must contain window and door systems no less than twenty-five (25) percent of the wall surface area;
    - b. Street-facing elevations must contain wall articulation so that no more than twenty-four (24) feet of wall is continuous without one of the following:
      - i. A recess or projection of habitable space of more than sixteen (16) inches;
      - ii. An entry door system recessed more than sixteen (16) inches; or
      - iii. A covered porch with roof integrated into the primary structure;
    - c. In addition, street-facing elevations must contain three (3) of the following design elements:
      - i. Dormers;
      - ii. Gabled or hipped roof for a portion of the façade that is a projection from the balance of the elevation;
      - iii. Recessed or projecting entry of at least 16 inches in depth and 8 feet in width;
      - iv. Covered porch that is at least 6 feet in depth and no less than 25% of the street-facing elevation in width;
      - v. Architectural columns supporting a porch roof;
      - vi. Bay window of at least 12 inches in depth that creates a bay or alcove in a room within;
      - vii. Window and door trim of a least 4 inches in width;
      - viii. Front facing balcony that projects from the façade and is enclosed by a railing or parapet;
      - ix. All masonry wall surface; or multiple surface coverings, with a masonry surface no less than 25% of the total façade surface;
      - x. Habitable space above the garage equal to no less than 50% of the garage space below.
  6. Exceptions for Irregular Lots

On irregular lots where it is determined by MPC staff that a proposed building site is not visible from the street, these requirements may be waived.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

G. OFF STREET PARKING.

Off street parking shall be provided in accordance with Article 5, Section 7 of these regulations; except:

1. Required off-street parking spaces must be located behind the front building line.
2. Paved vehicle parking and access facilities in the front yard and street side yard shall be limited to not more than the greater of the following:
  - a. 25% of the front or street side yard area; or
  - b. The hard surface area leading directly to a carport or enclosed garage; or
  - c. 400 square feet.

H. ADMINISTRATION.

1. Prior to the construction or placement of any new structure within the district, and the issuance of any permits therefore, a site plan and street facing elevation for any primary building must be submitted to the staff of the MPC for approval and appropriate certification of the plans. These plans are to be used by the staff to insure that any proposed development is in conformance with the intent, regulations and requirements of this section.
2. The site plan shall be drawn to scale and must include the following:
  - a. Lot boundaries, dimensions and calculation of area;
  - b. Topography, if the applicant wishes to demonstrate status as an irregular lot;
  - c. Street boundaries and names;
  - d. Building locations, dimensions and calculations of area, including details of wall articulation of the street facing elevations if applicable;
  - e. Roof plan showing roof pitches and location of dormers, hips, valleys, and ridge lines; and roof area for purposes of calculation lot coverage.
  - f. Driveway and sidewalk locations, dimensions, materials and calculation of area;
  - g. Any other hard surfaced areas, including dimensions, materials and area calculations
3. The drawings of street facing elevations shall be drawn to scale and must include the following:
  - a. Location and dimensions of window and door openings;
  - b. Dimension and details on window and door trim;
  - c. Covered porch and courtyard dimensions and area calculations;
  - d. Identification of exterior materials and area calculations of each type;
  - e. Identification of habitable space above a garage, if proposed, and calculations of area.
4. The applicant may appeal any decisions of staff regarding the certification of these plans to the City Board of Zoning Appeals pursuant to the procedures for application for variances to the zoning regulations.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

I. INFILL PARCEL DEVELOPMENT STANDARDS

These standards would be applied during the Use-on-Review process if development does not choose to use the dimensional requirements shown in "D" above.

1. Use and Density/Intensity. Use, Residential Types and Density/Intensity factors shall be approved by MPC and documented on the Development Plan.
2. Minimum Lot Dimensions and Setbacks. Minimum lot dimensions and setbacks shall be approved by MPC and documented on the Development Plan.
3. Residential Design Requirements. Residential design requirements consistent with the intent of this section shall be approved by MPC and documented on the Development Plan.
4. Required Open Space.
  - a. No less than 25% of the development shall be required to be maintained as permanent open space such as a park, playground, natural area or other approved open space.
  - b. Required open space may not be a part of any private yard and shall be maintained for common access.
5. Landscaping Requirements.
  - a. Within any new street right of way or joint permanent easement, street trees (species and minimum size approved by MPC) shall be provided at a rate of 1 tree per 50 lineal feet of street or easement frontage.
  - b. On residential lots, canopy trees (species and minimum size approved by MPC) shall be provided at a rate of 1 tree per 2,500 square feet of lot area.
  - c. Within required open space, canopy and ornamental trees (species and minimum size approved by MPC) shall be provided at a rate of 1 tree per 1,000 square feet of lot area. Existing trees with dbh greater than 6 inches may be preserved and counted toward this requirement.

## R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

J. ACCESSORY DWELLING UNIT STANDARDS.

These standards shall apply to applications for use-on-review of proposed accessory dwelling units within the R-1EN Zone District.

1. Ownership. The property owner must occupy either the primary dwelling or the ADU as their permanent residence.
2. Applicability of Building Codes. The design and size of the Accessory Dwelling Unit (ADU) shall conform to all applicable building codes. When there are practical difficulties involved in carrying out the provisions of the Building Codes, the Building Official may grant modifications for individual cases.
3. Water, Sewer and other Utilities. Building officials shall certify that utilities are adequate for the ADU.
4. Number of ADU per lot. Only one ADU may be created per lot in the R-1EN district, except that lots with an existing duplex may not add any additional ADU.
5. Location. The ADU may be within, attached to, or detached from the primary dwelling structure and may be a part of a detached accessory structure. An ADU may be developed within an existing structure or as new development.
6. Lot Coverage and Yards. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into required yards.
7. Size of ADU. In no case shall an ADU exceed 40 percent of the primary dwelling habitable floor area, nor more than 800 square feet or less than 300 square feet, nor more than 2 bedrooms, unless warranted by the circumstances of the particular building.
8. Appearance. The ADU shall be designed so that the appearance of the primary structure remains that of a house. The entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the structure which encompasses the entrance to the principal dwelling.
9. Parking. One parking space per bedroom, in addition to those required for the primary dwelling, shall be created for the ADU. This space shall be located behind the front of the primary structure and shall not obstruct access to any garage openings of the primary dwelling, whether required or not.

R-1EN ESTABLISHED NEIGHBORHOOD DISTRICT

K. R-1EN BED AND BREAKFAST INN STANDARDS

A Bed and Breakfast Inn is an allowed use-on-review provided the following standards are met:

- 1. Ownership. A bed and breakfast inn may only be operated by an owner who also resides in the building.
- 2. Location. A bed and breakfast inn must be operated in the principal building on the site and not in accessory structures.
- 3. Number of guest rooms. The number of guest rooms allowed is based on the following square footage requirements:

Gross Sq. Ft. of Principal Building	Guest Rooms Permitted
Less than 1,200 square feet	One (1) room
1,201 to 1,800 square feet	Two (2) rooms
1,801 to 2,400 square feet	Three (3) rooms
2,301 to 3,000 square feet	Four (4) rooms
3,001 to 3,600 square feet	Five (5) rooms
Over 3,600 square feet	Six (6) rooms

- 5. Operation.
  - a. The maximum length of stay for a transient paying guest is limited to thirty (30) days in any twelve (12) month period, and the owner shall maintain a current guest register.
  - b. Only incidental retail sale of goods or merchandise will be allowed on the premises.
  - c. No receptions, meetings or other functions shall be allowed on the premises.
  - d. The serving of meals shall be limited to breakfast for registered guests only.
  - e. At least one (1) bathroom for use exclusively by guests is required on each floor of the building.
- 6. Parking. All required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences. No required off-street parking shall be allowed in the front yard.
- 7. Spacing. Bed and breakfast inns with more than one guest room must be 1,000 feet apart from each other as measured along the centerline of right-of-way from edge of lot to edge of lot.
- 8. Appearance.
  - a. Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area.
  - b. One (1) wall sign of no more than two (2) square feet identifying the bed and breakfast inn shall be permitted. This sign shall not be directly or internally lighted.