
MEMORANDUM

Agenda Items: # 6 & #124

To: Planning Commission

From: Mark Donaldson, Executive Director

Date: December 5, 2007

RE: Changes to Article 4, Section 26, of the City of Knoxville Zoning Ordinance (12-A-07-OA) and Downtown Design Review Board Administrative Rules and Procedures (12-E-07-OB)

RECOMMENDATION: APPROVE

I recommend that you adopt the proposed changes to Article 4 Section 26, and forward it to the City Council with a recommendation for adoption. Additionally, I recommend that you approved the changes to the Administrative Rules and Procedures adopted by the Downtown Design Review Board.

BACKGROUND & INFORMATION

The Downtown Design Review Board was established to implement Article 4, Section 26 (the D-1 overlay). The D-1 overlay district is intended to foster attractive and harmonious development and rehabilitation in Downtown Knoxville that reflects the goals of adopted plans and the principles of the Downtown Design Guidelines. The Board has been operating for the last 6 months and has recognized the need for changes to the Ordinance and Administrative Rules & Procedures to effectively implement these goals.

The recommended changes to Article 4, Section 26 include: 1) changing the status of the MPC Executive Director (or designee) to ex officio, non-voting member, this provides the Board with an uneven number of voting members in order to break a tie vote; and 2) changing the appeal process to lessen the duration and to clarify rights of appeal.

The changes to the Administrative Rules and Procedures include: 1) reflecting the status change of the MPC Executive Director or designee; 2) clarifying that the minutes will be published once adopted by the Board; 3) clarifying the appeal process of a staff decision; and 4) detailing the appeal process and reducing the length of the process.

**Amendment to the City of Knoxville Zoning Ordinance changing the
Downtown Design Review Boards' appeal process and the status of the
MPC representative on the Board.**

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New language is bolded.**

SECTION 26
D-1 DOWNTOWN DESIGN OVERLAY DISTRICT

A. GENERAL DESCRIPTION

This overlay district is intended to foster attractive and harmonious development and rehabilitation in Downtown Knoxville that reflects the goals of adopted plans, and the principles of the Downtown Design Guidelines that are to be adopted when the zoning map is amended to create this district. Additionally, a Downtown Design Review Board will be established to review and approve the plans for public and private improvements in the district. Pursuant to procedures and conditions provided in this chapter, the Design Review Board shall work to realize the following objectives:

1. Promote downtown as a place for a viable mix of commercial, office, civic and residential uses, including street level development that creates a pedestrian-friendly environment.
2. Create quality publicly-oriented spaces, including streets, pedestrian ways, parks and squares that are safe and beautiful.
3. Create harmony in architectural and landscape architectural elements to provide a pleasing environment and continuous commerce and interest along sidewalks.
4. Create efficient processes for the review and approval of downtown projects.
5. Establish a means for design review for public improvements and building development and renovation to protect overall downtown investments.
6. Foster new development that complements adjacent historic resources.
7. Provide for the development of areas of special character, including the older grid street district (including such streets as Gay and Market streets and Clinch and Cumberland avenues), the Warehouse District

(the Jackson-Central vicinity) and areas that are characterized by boulevard-like streets (such as sites along Summit Hill Drive and Henley Street).

B. PERMITTED USES

Permitted uses shall be determined by the base zone of the property (such as the C-2 or O-2 zoning districts).

C. AREA REGULATIONS

The dimensional requirements of the base zone, such as the five foot front yard setback and the open space requirement for taller buildings in the C-2 zoning district, will not always be consistent with the intent of the Downtown Design Guidelines. The Downtown Design Review Board may issue a Certificate of Appropriateness (referenced in subsection F) to avoid the need for variances in cases where a development has been conceived to respect the historic context of the block, provide greater pedestrian activity at sidewalk level or meet other provisions of the guidelines.

D. DOWNTOWN OVERLAY DISTRICT DEFINED AND REQUIRED GUIDELINES

The Downtown Design Overlay District shall be shown on the City of Knoxville zoning map. Downtown Design Guidelines shall be adopted with changes to the zoning map to create boundaries for this overlay and shall be used by the Design Review Board as a basis of their recommendations and decisions.

Historic Zoning Overlay (H-1) Districts, which have their own boundaries and guidelines, shall not be included within the D-1 overlay.

E. DESIGN REVIEW BOARD: CREATION, RESPONSIBILITIES, MEMBERSHIP, AND ADMINISTRATIVE RULES

For the purposes of making decisions relative to the Downtown Design Guidelines, a Downtown Design Review Board shall be established. The Design Review Board's function is not to impose any architectural preferences. In no way are the guidelines meant to bring uniformity in design or approach or to require specific materials. They are meant to be applied in as flexible manner as possible to meet the needs of the building designer while encouraging the design to respect the context of nearby buildings and the streetscape. The guidelines are thus not a rigid set of rules, but rather a set of key principles to guide development. The Review Board's task is to provide certainty that both immediate surroundings as well as downtown as a whole are taken into account with each building project.

Administrative rules, including rules governing the board, terms of membership and application schedules, shall be approved by the Metropolitan Planning Commission. The responsibilities of the board and its membership are outlined below.

Responsibilities:

1. Review the designs for all public projects, including, but not limited to, street and sidewalk design, landscaping, park improvements, public facility improvements and public way-finding systems.
2. Review and approve private development plans, based upon the adopted design guidelines as set forth at the time of amendments to the zoning map.
3. Advise the Mayor, City Council, Metropolitan Planning Commission and Historic Zoning Commission on means to improve downtown design, incentives that could be used to foster good design, and programs that should be pursued to foster beautification, safety and related public purposes downtown.

Composition:

1. Membership: The Design Review Board shall be appointed by the Mayor with the approval of a majority of the City Council and shall be composed of permanent staff and other rotating members set forth as outlined below.

Staff (Permanent Members):

- (a) Metropolitan Planning Commission Executive Director (or designee), **who shall be an *ex officio*, non-voting member.**
- (b) City's Director of Policy Development (or designee)

Other (Rotating Members):

- (c) One architect (from a slate recommended by AIA Knoxville)
- (d) One urban design professional with a background in architecture or urban planning (selected from nominations from AIA Knoxville and the local chapter of the American Planning Association)
- (e) Two downtown residents
- (f) Two businesses, development or real estate professionals whose work is largely focused upon Downtown
- (g) A member of the Central Business Improvement District Board (from a slate proposed by the Board)
- (f) A member of the City's Historic Zoning Commission.

Ex-Officio Members:

The following may be called on to serve as non-voting members when cases require their technical and professional expertise.

- (a) Metropolitan Planning Commission and Historic Zoning Commission staff
- (b) Building Official (or designee)
- (c) City Engineering Director (or designee)
- (d) Central Business Improvement District staff
- (e) Knoxville Utilities Board staff
- (f) Knoxville's Community Development Corporation staff.

Administrative Rules: The board shall adopt administrative rules and shall submit the rules to the Metropolitan Planning Commission for adoption. The rules shall outline the terms of Board members, election of its Chair, its schedule of meetings, voting procedures, application requirements regarding certificates of appropriateness, and appeal processes to the Planning Commission.

F. ADMINISTRATIVE PROCEDURES

Public Improvements

- 1. The design of projects that are initiated by the City and Knoxville Utility Board, such as improvements to or new construction of streets, sidewalks, way-finding and other signs, lighting, parks and civic buildings, must be submitted to the Review Board for approval. The Board shall send a report to the Mayor and City Council, and utility board director regarding their findings.
- 2. The Board may request the Mayor's assistance to pursue Board review of other public projects, including those of county, state and federal governments.

Private Development:

The Board must issue a Certificate of Appropriateness before a building permit can be issued. The following procedures are to be utilized:

- 1. The developer shall meet with staff (see Subsection E) to discuss preliminary concepts of the proposed development; staff may waive this provision should they find the project to be of a minor nature (such as window, door or sign board replacement) or if the renovation is not oriented to a publicly-oriented space (such as a street, plaza or pedestrian way). Sketches, draft architectural drawings or

photographs of similar projects are means which may be used to provide an understanding of the project. Staff, in turn, will discuss the implications of the design guidelines relative to the proposed concept. A brief report will be provided to the developer. Any requests for sign lighting or electronic message center exceptions within the D-1 (Downtown Design Overlay) shall be reviewed and approved by the Downtown Design Review Board and a certificate of appropriateness issued to the applicant.

2. An application for a Certificate of Appropriateness shall be filed with the Metropolitan Planning Commission and shall include the application form and the following information for the Review Board's consideration:
 - a. a site plan, including property lines, sidewalk location, building footprint, landscaping, and parking and access points (as applicable);
 - b. building elevations, showing entrances, windows, sign(s), construction materials and parapet or other structures to avoid visual or noise problems associated with heating/cooling or other utility units (other drawings such as perspectives are encouraged, but not required by the Review Board); and
 - c. a written description, stating the intended uses for the floors of the building(s); these may be presented as notes on the elevation(s).

3. Certificates of Appropriateness will be issued in accordance with the following:
 - a. all applications for Certificates of Appropriateness shall be considered by the Review Board, which shall have the power to approve, approve with conditions or deny Certificates of Appropriateness.
 - b. no permit shall be issued for the following activities without issuance of a Certificate of Appropriateness by the Design Review Board:
 - (1) new construction,
 - (2) façade changes to a publicly-oriented space or interior changes that would obscure windows and doors (such as drop ceilings or display cases), and
 - (3) parking facility development or redevelopment.
 - c. exemptions to the Board's review include ordinary repairs, removal of signs (without replacement), temporary signs or structures, emergency safety repairs and interior alterations that do not obscure windows.
 - d. staff may approve the following when they find that the design conforms to adopted guidelines: new signs, replacement of

windows at ground level with transparent glass, or other replacements of building features that are consistent with the Design Guidelines.

- e. the Review Board shall, within thirty (30) days following the availability of sufficient data, grant a Certificate of Appropriateness with or without attached conditions or deny said Certificate, and shall state the reasons for denial or the conditions attendant with the granting of a Certificate in writing.
- ~~f. appeals of the Review Board's decision shall be directed to the Metropolitan Planning Commission within 16 days of the notice of the Board's decision. Such appeals will be considered by MPC, consistent with their Administrative Rules and Procedures, which are established by the Review Board and approved by the Planning Commission.~~

Appeals:

As to application for Certificates of Appropriateness located within the D-1 Design Guidelines Overlay boundaries of the City of Knoxville, the applicant submitting an application, or any person who was a party for or against the application at the Downtown Design Review Board meeting, may appeal approval, conditions of approval, or disapproval of such application to the Metropolitan Planning Commission, in accordance with Article IX of the City of Knoxville Downtown Design Review Board Administrative Rules and Procedures. A staff decision, based on judgment, may be appealed to the Downtown Design Review Board, in accordance with Article VII, Section 3 City of Knoxville Downtown Design Review Board Administrative Rules and Procedures.