
MEMORANDUM

Agenda Item # 7

DATE: May 3, 2007
TO: Metropolitan Planning Commission
FROM: Mark Donaldson, Executive Director
SUBJECT: **Amend the City of Knoxville Zoning Ordinance, Article 6, Part C (Building Vacancy, Non-conforming) and Part F (Damage) to provide continued use of houses and duplexes in non-residential zones (5-B-07-OA)**

STAFF RECOMMENDATION:

Approve these amendments to Article 6 of the Knoxville Zoning Ordinance.

Background: In the 1960s, as part of Urban Renewal Programs, older residential areas were rezoned for industrial uses to foster economic development. However, programs to consolidate small lots, often used with houses, were not forthcoming. Consequently, many dozens of residential properties were left among an occasional industrial operation. Such areas as North Knoxville (particularly east and west of Baxter Avenue), the Cherry Street area, and Marble City (south of Sutherland Avenue) are representative of the situation.

In recent years, occasional rezonings have been requested to allow residential uses in such areas. Rather than place individuals in a situation to have to rezone individual properties, this amendment provides the recognition that such housing can continue as a viable use in certain districts.

A similar, but less common, phenomenon occurs along sections of C-3 commercial corridors. For instance, along Magnolia Avenue, which was once lined with houses and apartments, there are over twenty houses or duplexes which are now vacant. This amendment provides the opportunity to inject life back into such properties without having to provide an office or commercial use.

Amendment purposes: This amendment would create a provision to allow continued use of houses and duplexes in industrial and commercial zoning districts should such residential properties be lost to fire or related disaster or be vacated for a period of six months. The objectives in creating this provision are:

- To offer the potential for property owners and developers to pursue mortgages for the continued use or reuse of residential properties within commercial and industrial districts;
- To provide affordable housing, especially because the houses in the areas are smaller, older units which can meet the needs of low to moderate income households.
- To allow an extension in the useful life of a residential structure that could otherwise result in vacant, unused and/or blighted property.
- To resolve problems with redevelopment of substandard lots of record.

Proposed amendment to the Knoxville Zoning Ordinance regarding continued use of low density residential properties in identified commercial and industrial districts when damaged or destroyed by fire or other disaster. (5-B-07-OA)

New language is bolded.

Article 6
NON-CONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

C. BUILDING VACANCY, NON-CONFORMING:

With the exception of houses or duplexes, a non-conforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six months shall not thereafter be occupied except by the uses which conform to the use regulations of the district in which it is located.

F. DAMAGE:

With the exception of houses or duplexes, a building which by reason of the passage of this ordinance has become nonconforming, which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent of its value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located.

When damaged by less than fifty percent of its value, a non-conforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs