



AGENDA ITEM #: 7

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Ken Pruitt, Assistant Development Services Manager

DATE: Tuesday, April 01, 2008

SUBJECT: Amendments to the Knoxville Zoning Ordinance, Article 1, Section 1, Article 3, Section 4, Article 4, Section 9, Article 5, Section 5, and related sections removing stories as a criteria for determining building height and utilizing feet to determine height

4-A-08-OA

STAFF RECOMMENDATION:

APPROVE the amendments

BACKGROUND:

These amendments delete references to story as a criteria for measuring building height. Several other amendments were already approved by both MPC and City Council dealing with this matter. The amendments being considered today were overlooked by me in that first effort.

Approval of these amendments will eliminate conflicts in the ordinance and further clarify how building height is to measured.

Amendments to the Knoxville Zoning Ordinance removing stories as a criteria for determining building height and utilizing feet instead. 4-A-08-OA

New language in **Bold**

Deleted language Struck Through.

Article 1, Section 1, Title

An ordinance to regulate the location, height, bulk, ~~number of stories~~ and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; and for such purposes to divide the municipality into districts or zones of such number, shape and areas as it may determine, and regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the use of land; to prescribe penalty for the violation of its provisions and to provide for its enforcement; to repeal Ordinance No. 123, and all amendments thereto, the caption of which Ordinance No. 123 is as follows: "An Ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence or other purposes, the height, ~~number of stories~~ and size of buildings and other structures, the size of yards and other open spaces, and the density of population and for said purposes to divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out these regulations; to prescribe penalties for the violation of its provisions and to provide for its enforcement."

Article 4, Section 9, C-3 General Commercial District

F. HEIGHT REGULATIONS:

(Amended by Ordinance No. 5050, 8-40-70.)

No building or structure, except office buildings, shall exceed forty-five feet in height except as provided in Article 5, Section 5.

Office buildings shall not exceed ~~eight stories or~~ ninety feet.

Article 5, Section 5, Height

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 4 herein.

A. ~~— In measuring heights, a habitable basement or attic shall be counted as a story.~~

B becomes A.

C. becomes B.

D. becomes C.

Article 3, Section 4, Summary of Area Requirements (deletions as noted)

**ARTICLE 3, SECTION 4
SUMMARY OF AREA REQUIREMENTS**

A Listing of Important Requirements Set Forth in Articles 4 & 5

DISTRICT	SET BACKS (See Art. V, Section 6; Exceptions)			AREA			SITE PLAN REVIEW AND APPROVAL		
	FRONT	SIDE	REAR	WIDTH	INTENSITY OF USE SEWERS	NO SEWERS		MAXIMUM LOT COVERAGE	HEIGHT
A-1	35 feet	Single story & accessory buildings: 12 feet. Each additional story: + 4 feet. See Note 1 below.	35 feet. Unattached accessory buildings: 10 feet	No minimum.			5%. Permitted non-agricultural buildings: 25%. See Section Article 4, Section 1.D.4.	35 feet- or-2 / 4 See Article 5, Section 5.	Not required except for Uses on Review.
OS-1	50 feet	Single story: 20 feet. Each additional story: + 4 feet.	50 feet. Unattached accessory buildings: 20 feet.	200 feet.	3 acres.		5%, all structures.	35 feet- or-2 / 4 See Article 5, Section 5 & 6.	Not required except for Uses on Review.
R-1	25 feet. See Note 1 below.	Single story: 8 feet. Sum of 2 sides: 20 feet. More than 1 story: 12 feet each side. See Notes 1 & 3 below.	25 feet. Unattached accessory buildings: 5 feet.	75 feet.	House: 7,500 sq. feet. Duplex: 15,000 sq. feet. See Note 2 below.	20,000 sq. feet or Health Department requirement. See Note 2 below.	30%. Churches and other main and accessory buildings: 25%.	35 feet- or-2 / 4 See Article 5, Section 5. Accessory buildings: 15 feet. See Article 5, Section 5.	Not required except for Uses on Review.
R-1A	25 feet. See Note 1 below.	Single story: 8 feet. Sum of 2 sides: 20 feet. More than 1 story: 12 feet each side. See Notes 1 & 3 below.	25 feet. Garage apartment: 10 feet. Unattached accessory buildings: 5 feet.	House and Duplex: 75 feet. Multi-Dwelling Structure: 100 feet.	House: 7,500 sq. feet. Duplex: 10,000 sq. feet. Multi-dwelling structure: 12,000 sq. feet + 3,000 sq. feet per each additional dwelling unit. Garage apartment in rear of duplex or multi-dwelling structure: +1,500 sq. feet. See Notes 2 & 4 ..	20,000 sq. feet. More if required by Health Department/ Planning Commission review. See Note 2 below.	30% & 400 sq. feet minimum open space/ d.u.	35 feet- or-3 - or-4 See Article V, Section 5. Accessory buildings: 15 feet. See Article V, Section 5.	Not required except for Uses on Review.

Notes:

1. Churches and other main and accessory buildings other than dwellings: 35 feet.
2. Churches and other main and accessory buildings: 30,000 sq. feet.
3. Unattached accessory buildings: 8 feet. More than 90 feet behind front line: 5 feet.
4. Lot area requirements may be reduced 200 sq. feet per parking space provided within the main building.
5. No rear yard required where lot abuts existing or proposed railroad R.O.W. or spur.

**ARTICLE 3, SECTION 4
SUMMARY OF AREA REQUIREMENTS**

A Listing of Important Requirements Set Forth in Articles 4 & 5

DISTRICT	SET BACKS (See Art. V, Section 6; Exceptions)				AREA				SITE PLAN REVIEW AND APPROVAL
	FRONT	SIDE	REAR	WIDTH	SEWERS	NO SEWERS	MAXIMUM LOT COVERAGE	HEIGHT	
R-1E	25 feet.	Single story: 8 feet. More than one story: 12 feet. Unattached accessory buildings: 5 feet.	25 feet. Unattached accessory buildings: 5 feet.	No minimum.	7,500 sq. feet/d.u.	20,000 sq. feet or Health Department requirement.	30%	35 feet or 2 1/2 stories. Accessory building: 15 feet. See Article 5, Section 5.	Not required except for Uses on Review.
R-2	25 feet. See Note 1.	Single story: 8 feet. Sum of 2 sides: 20 feet minimum. More than 1 story: 12 feet. See Note 1 & 3.	25 feet. Garage apt. in rear of d.u.: 10 feet. Unattached accessory buildings: 5 feet.	House and Duplex: 75 feet. Multi-dwelling structure: 100 feet.	House: 7,500 sq. ft. Multi-dwelling structure: 7,500 sq. feet + 1,500 sq. feet per each additional dwelling unit. Accessory buildings: 5 feet. Garage apt in rear of multi-dwelling structure: 1,500 sq. feet. See Notes 2 & 4 below.	20,000 sq. feet or Health Department requirement. Multidwelling structure: requires review by Planning Commission based on Health Department recommendation. See Note 2.	30%. 400 sq. feet usable open space/ d.u.	35 feet or 3 stories. Accessory building: 15 feet. See Article 5, Section 5.	Not required except for Uses on Review.
R-3	3 stories, 35 feet, or less; 25 feet. More than 3 stories or 35 feet: 35 feet. See Note 1.	Single story: 8 feet. Sum of 2 sides: 20 feet minimum. More than 1 story: 12 feet. Each additional story: + 1 foot. See Note 1 & 3.	3 stories or less: 25 feet. More than 3 stories: 30 feet.	No minimum.	See Article 4, Section 4, D-4.	See Article 4, D-4.	See Article 4, Section 4, D.5 & E.	Unlimited.	Not required except for Uses on Review.

Notes:

1. Churches and other main and accessory buildings other than dwellings: 35 feet.
2. Churches and other main and accessory buildings: 30,000 sq. feet.
3. Unattached accessory buildings: 8 feet. More than 90 feet behind front line: 5 feet.
4. Lot area requirements may be reduced 200 sq. feet per parking space provided within the main building.
5. No rear yard required where lot abuts existing or proposed railroad R.O.W. or spur.

ARTICLE 3, SECTION 4 SUMMARY OF AREA REQUIREMENTS

A Listing of Important Requirements Set Forth in Articles 4 & 5

DISTRICT	SET BACKS (See Art. V, Section 6: Exceptions)			AREA			SITE PLAN REVIEW AND APPROVAL
	FRONT	SIDE	REAR	WIDTH	INTENSITY OF USE SEWERS NO SEWERS	MAXIMUM LOT COVERAGE	
RP-1 RP-2 RP-3	Front yard for house: 25 feet. Frontage: 60 feet. See Article 4, Section 4a.D. Other yards as determined by MPC. Peripheral boundary - 1 & 2 story: 25 feet. Each story over 2: + 2 feet.			No minimum.		Density: 24 d.u./acre in RP-1, 40 d.u./acre in RP- 2, 80 d.u./acre in RP-3. Lot area for a house: 6000 sq. feet.	No minimum. Detailed plan review and approval by Planning Commission is required.
R-4	Exterior yard: 15 feet or average setback of d.u.'s on adjoining property on same street provided it does not extend into visibility triangle on corner lots. Interior yard: 5 feet. None where buildings are joined by firewall or where a 10 foot easement is given on adjacent property.			No minimum.	One principle building or house and duplex: 5000 sq. feet. 3 or more dwelling units, see Article 4, Section 4b, C3c.	For multi-dwelling structures or developments: 400 sq. feet usable open space per dwelling unit.	35 feet or 3-4000sq. feet. See Article 5, Section 5.
O-1	25 feet.	Residential uses: see R-2. Non-residential uses adjoining residential district: 20 feet. All others: 15 feet.	30 feet.	No minimum.		Residential: 30%. Other main and accessory buildings: 35%.	See Article 4, Section 5, E. Not required except for Uses on Review.
O-2	Offices of non-profits, private clubs, lodges: See O-1 District. Public uses and high density, multi-dwelling structures or developments as described in Article 4, Section 6, C.4, to be in accordance with the recommendations of the Planning Commission.						
O-3	25 feet.	Adjoining R-1 district: 20 feet. All others: same as adjoining district.		No minimum.		35%.	35 feet. Not required except for Uses on Review.

Notes:

1. Churches and other main and accessory buildings other than dwellings: 35 feet.
2. Churches and other main and accessory buildings: 30,000 sq. feet.
3. Unattached accessory buildings: 8 feet. More than 90 feet behind front line; 5 feet.
4. Lot area requirements may be reduced 200 sq. feet per parking space provided within the main building.
5. No rear yard required where lot abuts existing or proposed railroad R.O.W. or spur.

**ARTICLE 3, SECTION 4
SUMMARY OF AREA REQUIREMENTS**

A Listing of Important Requirements Set Forth in Articles 4 & 5

DISTRICT	SET BACKS (See Art. V, Section 6; Exceptions)				AREA			SITE PLAN REVIEW AND APPROVAL	
	FRONT	SIDE	REAR	WIDTH	INTENSITY OF USE SEWERS NO SEWERS		MAXIMUM LOT COVERAGE		HEIGHT
C-1	25 feet.	Commercial only: none required. Combined w/residential: 12 feet. Adjoining residential district: 20 feet. See Article 4, Section 7, D.2.	30 feet (may include alley or service court).	No minimum.			35%.	35 feet or 3 stories . See Article 5, Section 5.	Not required except for Uses on Review.
C-2	First story: 5 feet.	No minimum.					See Article 4, Section 8.E.3.	Unlimited.	Not required except for Uses on Review.
C-3	25 feet.	Adjoining residential district: 25 feet. All others: none required.	Commercial, if serviced from the rear: 30 feet (may include alley or service court). Adjoining residential district: 15 feet. All others: none required.	No minimum.			75%	45 feet or 4 stories . Office buildings: 90 feet or 8 stories . See Article 5, Section 5.	Not required except for Uses on Review.
C-4	On arterial street: 50 feet. All other lots: 35 feet.	Adjoining residential district: 50 feet. All others: 12 feet.	Commercial building serviced from rear: 30 feet. Adjoining residential district: 50 feet. All others: 10 feet.	No minimum.			Governed by floor ratio. Section 10.F.	See Article 4, Section 5.	Not required except for Uses on Review.

Notes:

1. Churches and other main and accessory buildings other than dwellings: 35 feet.
2. Churches and other main and accessory buildings: 30,000 sq. feet.
3. Unattached accessory buildings: 8 feet. More than 90 feet behind front line; 5 feet.
4. Lot area requirements may be reduced 200 sq. feet per parking space provided within the main building.
5. No rear yard required where lot abuts existing or proposed railroad R.O.W. or spur.

**ARTICLE 3, SECTION 4
SUMMARY OF AREA REQUIREMENTS**

A Listing of Important Requirements Set Forth in Articles 4 & 5

DISTRICT	SET BACKS (See Art. V, Section 6; Exceptions)			AREA			SITE PLAN REVIEW AND APPROVAL	
	FRONT	SIDE	REAR	WIDTH	INTENSITY OF USE SEWERS	NO SEWERS		MAXIMUM LOT COVERAGE
C-5	See C-4 District.			No minimum.			Governed by floor area ratio. See Article 4, Section 11, F.	Not required except for Uses on Review.
C-6	25 feet.	Adjoining residential district: 60 feet. All others: 20 feet.	Adjoining residential district: 60 feet. Building serviced from rear: 30 feet. All others: none required.	No minimum.			Governed by floor area ratio. See Article 4, Section 11 a, D.	Plan approval by MPC staff required for permitted uses. Planning Commission approval required for Uses on Review.
C-7	See Article 4, Section 11b.							90 feet or 8 stories . See Article 5, Section 5.
SC-1 SC-2 SC-3	25 feet.	None	30 feet (may include alley or service court).	No minimum.			20%	35 feet or three stories . See Article 5, Section 5.
PC-1	25 feet.	Not required. Peripheral boundary: 50 feet.		No minimum.			50%. Minimum land area: 5 acres.	No minimum. Detailed plan review and approval by Planning Commission is required.

Notes:

1. Churches and other main and accessory buildings other than dwellings: 35 feet.
2. Churches and other main and accessory buildings: 30,000 sq. feet.
3. Unattached accessory buildings: 8 feet. More than 90 feet behind front line; 5 feet.
4. Lot area requirements may be reduced 200 sq. feet per parking space provided within the main building.
5. No rear yard required where lot abuts existing or proposed railroad R.O.W. or spur.

**SECTION 4
SUMMARY OF AREA REQUIREMENTS**

A Listing of Important Requirements Set Forth in Articles 4 & 5

DISTRICT	SET BACKS (See Art. V, Section 6; Exceptions)			AREA			SITE PLAN REVIEW AND APPROVAL
	FRONT	SIDE	REAR	WIDTH	INTENSITY OF USE SEWERS NO SEWERS	MAXIMUM LOT COVERAGE	
PC-2	25 feet.	Not required. Peripheral boundary: 50 feet.	50	No minimum.		50%. Minimum land area: 15 acres.	No minimum. Detailed plan review and approval by Planning Commission is required.
H-1	In accordance with base zoning district requirements in effect at the time of historic zoning overlay or subsequent amendment and adopted design review guidelines.						
I-1	25 feet.	30 feet. Adjoining residential district: 50 feet.	30 feet. Adjoining residential district: 50 feet. See Note 5.	No minimum.		30%	35 feet or 3 stories . See Article 5, Section 5. Detailed plan review and approval by Planning Commission is required.
I-2	25 feet.	10 feet or distance = 1/2 building height, whichever is greater.	10 feet or distance = 1/2 building height, whichever is greater. Adjoining residential district: 50 feet. See Note 5.	No minimum.		50%.	45 feet or 4 stories . See Article 5, Section 5. Not required.
I-3	35 feet.	25 feet. Adjoining residential district: 75 feet.	25 feet. Adjoining residential district: 50 feet. See Note 5.	No minimum.		80%, including all buildings, off-street parking and loading facilities.	45 feet or 4 stories . See Article 5, Section 5. Not required except for certain Uses on Review.
Notes:	1. Churches and other main and accessory buildings other than dwellings: 35 feet. 2. Churches and other main and accessory buildings: 30,000 sq. feet. 3. Unattached accessory buildings: 8 feet. More than 90 feet behind front line; 5 feet. 4. Lot area requirements may be reduced 200 sq. feet per parking space provided within the main building. 5. No rear yard required where lot abuts existing or proposed railroad R.O.W. or spur.						

**ARTICLE 3, SECTION 4
SUMMARY OF AREA REQUIREMENTS**

A Listing of Important Requirements Set Forth in Articles 4 & 5

DISTRICT	SET BACKS (See Art. V, Section 6; Exceptions)				AREA			SITE PLAN REVIEW AND APPROVAL	
	FRONT	SIDE	REAR	WIDTH	SEWERS	NO SEWERS	MAXIMUM LOT COVERAGE		HEIGHT
I-4	75 feet. Offices: 50 feet.	50 feet. Adjoining residential district: 100 feet.	30 feet. Adjoining residential district: 75 feet. See Note 5.	No minimum.			80%, including all buildings, off- street parking and loading facilities.	55 feet or 5 stories. See Article 5, Section 5.	Not required except for certain Uses on Review.
F-1	See Article 4, Section 19.								
BP-1	50 feet.	40 feet. Peripheral boundary: 50 feet.	30 feet. Adjoining residential district: 50 feet. See Note 5.	No minimum.			Governed by ground area coverage ratio, not to exceed .25. Minimum size of zone: 5 acres. See Article 4, Section 20.F.	Governed by floor area ratio, not to exceed .30. See Article 4, Section 20.F.	Detailed plan review and approval by Planning Commission is required.
TO-1	Requirements are to be in accordance with any recommendations of the Tennessee Technology Corridor Development Authority (TTCCA) pursuant to its adopted design guidelines and with base zoning district requirements in effect at the time of Technology Overlay zoning or as subsequently amended.								Plan approval by TTCCA is required.
NC-1	See Article 4, Section 22.C.								Detailed plan approval by Historic Zoning Commission is required.
TND-1	See Article 4, Section 23.D & E.								Detailed plan review and approval by Planning Commission is required.

Notes:

1. Churches and other main and accessory buildings other than dwellings: 35 feet.
2. Churches and other main and accessory buildings: 30,000 sq. feet.
3. Unattached accessory buildings: 8 feet. More than 90 feet behind front line; 5 feet.

4. Lot area requirements may be reduced 200 sq. feet per parking space provided within the main building.
5. No rear yard required where lot abuts existing or proposed railroad R.O.W. or spur.