



**AGENDA ITEM #: 9**

**MEMORANDUM**

**TO:** Metropolitan Planning Commission  
**FROM:** Ken Pruitt, Assistant Development Services Manager  
**DATE:** Thursday, February 07, 2008  
**SUBJECT:** Amendments to the City Zoning Ordinance dealing with substandard parcels and lots of record.  
2-B-08-OA

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**STAFF RECOMMENDATION:**

APPROVE the amendment.

**BACKGROUND:**

This amendment to Article 5 Section 6 D. will clarify that combining substandard lots into larger lots that do not yet meet the district's minimum requirements may be appealed to the City Board of Zoning Appeals.

This amendment will allow substandard property owners to move toward conformity with the City Zoning Ordinance by obtaining relief from the terms of the City Zoning Ordinance, affirming their property's legal status, and permit residential redevelopment to be proposed on the lots.

Proposed Amendment to the Knoxville Zoning Ordinance dealing with substandard parcels and lots of record (2-B-08-OA)

New language is in **Bold** and old language is struck through.

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

D. The purpose here is to clarify certain conditions pertaining to the use of lots and access points.

1. In Residential Districts, if twenty-five percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but, this regulation shall not require a front yard of greater depth than fifty feet.
2. Double frontage lots shall provide the required front yard setbacks along those streets.
3. For all buildings located on corner lots there shall be a side yard setback from all intersecting streets the same as the required front setback. The interior side yard shall be the same as required for interior lots.
4. On corner lots, all exterior lots shall conform to the district regulations except where existing yards on the same side and in the same block of the street do not meet the requirements of the district. The exterior yard on such street may be equal to the average depth of the existing yards, provided such average depth does not extend into the visibility triangle.
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 of right of way is required and approved under the provisions of the *Knoxville Knox County Minimum Subdivision Regulations*, and this dedication makes a lot, building or structure nonconforming with requirements for minimum yards, building setbacks, building coverage, lot area, lot width or lot depth, a final~~

~~plat may be approved which results in no other new non-conformity and no other increase in the extent of any existing non-conformity.~~

~~b. When a legal, non-conforming structure exists on the property being subdivided and this structure is non-conforming with requirements for minimum yards, building setback or height, a final plat may be approved which results in no new non-conformity and no increase in the extent of any existing non-conformity.~~

~~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 house 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 intact 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 intact with the same boundary configuration since the recorded date.~~

~~— If a lot created by deed meets the criteria cited above, and is noneonforming 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.~~

**5. Division of a lot. All recorded lots shall conform to all the applicable zoning district regulations in which the property is located unless it can be shown**

**that the lot meets one of the following exceptions, in which case a variance may be sought:**

- a. The recorded lot, building or structure is made nonconforming to the zoning district regulations by the required dedication of right-of-way provision of the Knoxville-Knox County Minimum Subdivision Regulations.**
- b. The recorded lot has a legal non-conforming structure on the property and the recording of this plat will result in no new non-conformity or increase in the extent of any existing non-conformity.**
- c. The recorded lot will contain a contributing building in an H-1 (Historic Overlay) District or NC-1 (Neighborhood Conservation) District and has obtained a certificate of appropriateness from the Historic Zoning Commission.**
- d. The recorded lot results in a larger recorded lot than existed prior to such subdivision, but does not yet achieve conformity with the zoning district regulations.**
- e. The recorded lot does not conform to the property's zoning district regulations but is a deeded parcel that can be shown to have been deeded in its present configuration prior to annexation into the City of Knoxville.**