
MEMORANDUM

Agenda Items: # 5

To: Planning Commission
From: Mark Donaldson, Executive Director
Date: February 7, 2008
RE: City of Knoxville Zoning Ordinance Amendment Regulating the Size of Residential Accessory Buildings – 7-B-07-OA

REQUEST

In May, 2007, the City of Knoxville Board of Zoning Appeals (BZA) requested that MPC look at increasing the maximum size of an accessory building or structure in the City residential zone districts - from its current limit of 750 square feet in building coverage. MPC recommended amendments to the ordinance at its October, 2007 meeting. City Council, at its November 20, 2007 meeting, referred the amendments back to MPC for reconsideration, with a finding that they wanted to look at a maximum size for accessory buildings and structures in residential zone districts that was smaller than the proposed recommendation.

BACKGROUND

Between January, 2006, and April, 2007, the BZA heard 15 requests for variances to the maximum size of accessory buildings. All but two of those requests were approved. Since then, several additional requests have been made. Each request complied with the requirements of Article 5, Section 4, of the City's Zoning Ordinance that the accessory building be incidental to the principal use, and subordinate in area, extent and purpose to the principal building. The BZA believes this historic data shows a desire and willingness of the community to accept larger accessory buildings than are presently allowed.

MPC's October Recommendation

Rather than increase the current maximum area for accessory buildings from 750 square feet to a maximum size unrelated to principal building size, MPC in October recommended the following actions:

- Provide consistent language in appropriate residential zone districts that accessory buildings and structures *"shall not exceed the building area of the principal building."* Such a standard would be consistent with the provision found at Article 5, Section 4, that accessory uses and buildings be incidental and subordinate to principal uses.
- Require *use-on-review* by the Planning Commission for accessory buildings and structures that exceed 1,100 square feet in building coverage. The 1,100 square

foot threshold will allow a typical 42 feet wide, three-bay building without use-on-review. This size will address the need for boat storage, car storage and work space that the BZA has encountered in variance requests. See attached drawing of typical building.

- Add Paragraph C to Article 5, Section 4 (Accessory Uses, Buildings and Structures) to provide guidance for use-on-review of accessory buildings and structures greater than 1,100 square feet.
- Add the definitions "Building Coverage" and "Lot Coverage" and delete the definition of "Coverage." The term "coverage" currently includes a measure of roof overhangs which is inconsistent with standard measurement formula. The proposed definitions clarify the use of the term coverage.

Each residential zone district has standards for maximum lot coverage. This standard controls the total building area on each lot. As a result of these proposed amendments each residential zone district will be modified so that the principal plus accessory building areas cannot exceed maximum lot coverage.

Building setbacks, height and lot coverage are standards established to control the bulk and coverage of buildings, and conversely the amount of open space, light and air penetration for each lot. It does not make sense that a single principal building (with height up to 35 feet) would be allowed to build up to that maximum lot coverage, but a collection of principal building and several smaller buildings (with height of only 15 feet) surrounded by open space could not, as long as the accessory buildings were no larger than any principal building and met all the other standards applied to them, including setbacks and maximum building height.

The October recommendation allowed smaller accessory buildings as a permitted use without review and required use-on-review for larger (over 1,100 sq. ft.) accessory buildings. The proposed threshold is based on the recent history of variance requests considered by the City's Board of Zoning Appeals. The threshold between small and large is large enough to allow the construction, without variance or use-on-review of an accessory building that can accommodate boat storage, two cars and work space in a typical format that is 42 feet wide and variable depth. In all cases, an accessory building must not exceed the building coverage of the primary building.

The Use-on-Review process for large accessory buildings and structures will allow the Planning Commission to address issues relating to the proposed building site, size, and materials, while maintaining the relationship between primary and accessory buildings within the standards established for maximum lot coverage.

An Alternative Proposal

In referring the matter back to MPC for further review, the desire for a cap on the maximum size of an accessory building or structure that was less than the size of the primary structure was cited by City Council. This alternative proposes the following table,

added to the zoning ordinance at Article 5, Section 4, which describes for a list of lot sizes:

- the maximum accessory building size as a permitted use;
- the maximum accessory building size as a use-on-review; and
- the maximum building coverage for any combination of accessory buildings or structures

This approach creates a relationship between maximum accessory building size and lot area.

C. MAXIMUM SIZE OF ACCESSORY BUILDINGS AND STRUCTURES IN THE R-1, R-1A, R-1E, R-1EN, R-2, R-4, RP-1, RP-2, RP-3, AND TND-1 ZONE DISTRICTS

Accessory buildings and structures for houses, duplexes and attached houses are permitted in accordance with the following table:

Lot Size of Primary Use	Maximum building coverage for a single accessory building or structure as a PERMITTED USE	Maximum building coverage for a single accessory building or structure as a USE-ON-REVIEW	Maximum building coverage for any combination of accessory buildings or structures
15,000 square feet or less	750 square feet or the building coverage of the primary structure, whichever is less.	1,100 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.
More than 15,000 square feet to less than 1 acre	1,100 square feet or the building coverage of the primary structure, whichever is less.	1,500 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.
1 acre or more	1,500 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.	The building coverage of the primary structure.

STAFF RECOMMENDATION:

APPROVE the proposed amendments to the City of Knoxville Zoning Ordinance as originally recommended October 2007. Though the new proposed amendments have merit, the proposed maximum size of accessory buildings, while having some rationale because they are related to lot area, are still arbitrary in nature. It is staff’s position that

the October recommendation is true to the definition of accessory buildings and structures contained in the code; and the maximum lot coverage, maximum height, and use-on-review process proposed for buildings or structures larger than the 750 square foot threshold provides adequate safeguards to protect the interests of neighboring property owners.

Article 2 DEFINITIONS

- The term "building area" which is currently used in the regulations is not defined.
- Need to delete current definition:

COVERAGE – The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

- Need to add following definitions:

BUILDING COVERAGE – The gross area of a lot or parcel occupied by all of the ground floor of the building(s) or structure(s), including porches, patios and breezeways, which is under roof.

LOT COVERAGE – The building coverage expressed as a percentage of the total lot or parcel area.

Article 4, Section 2 R-1 Low Density Residential District

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

~~4. Accessory buildings and structures, subject to the provisions of Article 5, Section 4. The total of the following area calculations shall not exceed the building area of the principal building, or 750 square feet, whichever is lesser:~~

- ~~a. Building area of accessory buildings.~~
- ~~b. Area covered by the roofs of accessory structures which are not buildings.~~

~~Recreational improvements that can be construed as structures but do not contain covered or enclosed areas (including, but not limited to: swimming pools; tennis courts; and patios) shall be exempt from this provision.~~

4. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building or 1,100 square feet, whichever is less.

C. USES **AND STRUCTURES** PERMITTED ON REVIEW

14. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building, but exceeds 1,100 square feet.

E. AREA REGULATIONS

6. Maximum Lot Coverage

- a. ~~Dwellings and buildings accessory thereto~~ **Principal residential and accessory buildings** shall cover not more than thirty **(30)** percent of the lot area.
- b. ~~Churches and other main and~~ **Other principal non-residential and** accessory buildings shall cover not more than twenty-five **(25)** percent of the lot area.

Article 4, Section 2a R-1A Low Density Residential District

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

~~5. Accessory buildings and structures, subject to the provisions of Article 5, Section 4. The total of the following area calculations shall not exceed the building area of the principal building:~~

- ~~a. Building area of accessory buildings, excluding garage apartments as regulated in subsection 4. above.~~
- ~~b. Area covered by the roofs of accessory structures which are not buildings.~~

~~For houses and duplexes, the total of the preceding area calculations shall not exceed 750 square feet.~~

~~Recreational improvements that can be construed as structures but do not contain covered or enclosed areas (including, but not limited to: swimming pools; tennis courts; and patios) shall be exempt from this provision.~~

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C. USES **AND STRUCTURES** PERMITTED ON REVIEW

12. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building, but exceeds 1,100 square feet.

D. AREA REGULATIONS

6. Maximum Lot Coverage

- a. ~~Main~~ **Principal** and accessory buildings shall cover not more than thirty **(30)** percent of the lot area.

Article 4, Section 2b R-1E Low Density Exclusive Residential District

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

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- ~~a. Building area of accessory buildings.~~
- ~~b. Area covered by the roofs of accessory structures which are not buildings.~~

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2. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building, but exceeds 1,100 square feet.

D. AREA REGULATIONS

5. Maximum Lot Coverage

- a. ~~Dwellings and buildings accessory thereto~~ **Principal and accessory buildings** shall cover not more than thirty **(30)** percent of the lot area.

Article 4, Section 2c R-1EN Established Neighborhood District

C. ~~USES PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES~~

~~2. c. Accessory buildings and structures, subject to the following condition. The roof area of the accessory building or structure shall not exceed the roof area of the primary building and shall be less than thirty (30) percent of the rear yard area.~~

2. c. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building or 1,100 square feet, whichever is less.

D. USES **AND STRUCTURES** PERMITTED ON REVIEW

2. m. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building, but exceeds 1,100 square feet.

E. DIMENSIONAL AND DENSITY REGULATIONS

8. Lot Coverage

- a. ~~The total area of all buildings on a lot~~ **Principal and accessory buildings** shall cover not more than twenty-five (25) percent of the lot area.
- 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.~~

Article 4, Section 3 R-2 General Residential District

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

~~6. Accessory buildings and structures, subject to the provisions of Article 5, Section 4. The total of the following area calculations shall not exceed the building area of the principal building:~~

- ~~a. Building area of accessory buildings, excluding garage apartments as regulated in subsection 5. above.~~
- ~~b. Area covered by the roofs of accessory structures which are not buildings.~~

~~For houses and duplexes, the total of the preceding area calculations shall not exceed 750 square feet.~~

~~Recreational improvements that can be construed as structures but do not contain covered or enclosed areas (including, but not limited to: swimming pools; tennis courts; and patios) shall be exempt from this provision.~~

6. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building. For buildings and structures accessory to houses and duplexes, the building coverage shall not exceed 1,100 square feet.

C. USES **AND STRUCTURES** PERMITTED ON REVIEW

14. Buildings and structures accessory to houses and duplexes, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building, but exceeds 1,100 square feet.

Article 4, Section 4b R-4 Residential District

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

~~7. Accessory buildings and structures, subject to the provisions of Article 5, Section 4. The total of the following area calculations shall not exceed the building area of the principal building(s):~~

- ~~a. Building area of accessory buildings.~~
- ~~b. Area covered by the roofs of accessory structures which are not buildings.~~

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Ba. USES **AND STRUCTURES** PERMITTED ON REVIEW

4. Buildings and structures accessory to houses, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building, but exceeds 1,100 square feet.

Article 4, Section 4a RP-1, RP-2, RP-3 Planned Residential Districts

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

1. Houses, including attached houses.

- ~~5. Accessory buildings and structures, subject to the provisions of Article 5, Section 4. The total of the following area calculations shall not exceed the building area of the principal building, or 750 square feet, whichever is lesser:~~
- ~~a. Building area of accessory buildings.~~
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5. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building. For buildings and structures accessory to houses (including attached houses) and duplexes, the building coverage shall not exceed 1,100 square feet.

C. USES AND STRUCTURES PERMITTED ON REVIEW

7. Buildings and structures accessory to houses and duplexes, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building, but exceeds 1,100 square feet.

Article 4, Section 23 TND-1 Traditional Neighborhood Development District

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

~~10. Accessory buildings and structures, subject to the provisions of Article 5, Section 4.~~

10. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, with building coverage that does not exceed the building coverage of the principal building.

Article 5, Section 4 Accessory Uses, Buildings, and Structures

C. CRITERIA FOR REVIEW OF ACCESSORY STRUCTURES EXCEEDING 1,100 SQUARE FEET IN A RESIDENTIAL ZONE DISTRICT

Accessory buildings should be compatible to the principal building on the lot with respect to:

- a. Scale
- b. Proportions of facades
- c. Massing
- d. Height
- e. Exterior materials
- f. Roof Shapes
- g. Details and Ornamentation

Compatible does not mean "the same as." Rather, compatible refers to the sensitivity of the proposed building in maintaining the character of the primary building.

The same or similar quality exterior material shall be used in the accessory building as in the principal building; except brick, stucco and stone dwellings may justify an exemption for required matched building exteriors.

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4. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, C.

C. USES AND STRUCTURES PERMITTED ON REVIEW

14. Accessory buildings and structures, subject to the provisions of Article 5, Section 4, C & D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.

E. AREA REGULATIONS

- 6. Maximum Lot Coverage
 - a. ~~Dwellings and buildings accessory thereto~~ **Principal residential and accessory buildings** shall cover not more than thirty **(30)** percent of the lot area.
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Article 4, Section 4b R-4 Residential District

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Ba. USES **AND STRUCTURES** PERMITTED ON REVIEW

4. Buildings and structures accessory to houses, subject to the provisions of Article 5, Section 4, C & D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.

Article 4, Section 4a RP-1, RP-2, RP-3 Planned Residential Districts

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Article 4, Section 23

TND-1 Traditional Neighborhood Development District

B. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

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Article 5, Section 4
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C. MAXIMUM SIZE OF ACCESSORY BUILDINGS AND STRUCTURES IN THE R-1, R-1A, R-1E, R-1EN, R-2, R-4, RP-1, RP-2, RP-3, AND TND-1 ZONE DISTRICTS

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More than 15,000 square feet to less than 1 acre	1,100 square feet or the building coverage of the primary structure, whichever is less.	1,500 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.
1 acre or more	1,500 square feet or the building coverage of the primary structure, whichever is less.	The building coverage of the primary structure.	The building coverage of the primary structure.

D. CRITERIA FOR USE-ON-REVIEW OF ACCESSORY STRUCTURES EXCEEDING 1,100 SQUARE FEET IN A RESIDENTIAL ZONE DISTRICT

Accessory buildings should be compatible to the principal building on the lot with respect to:

- a. Scale
- b. Proportions of facades

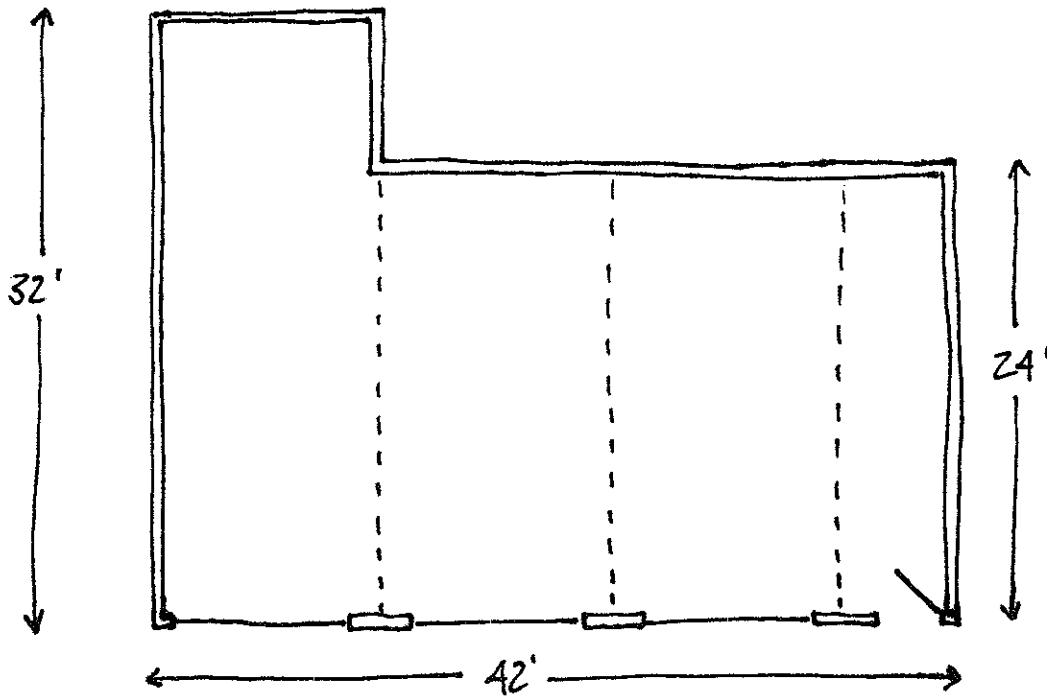
- c. **Massing**
- d. **Height**
- e. **Exterior materials**
- f. **Roof Shapes**
- g. **Details and Ornamentation**

Compatible does not mean "the same as." Rather, compatible refers to the sensitivity of the proposed building in maintaining the character of the primary building.

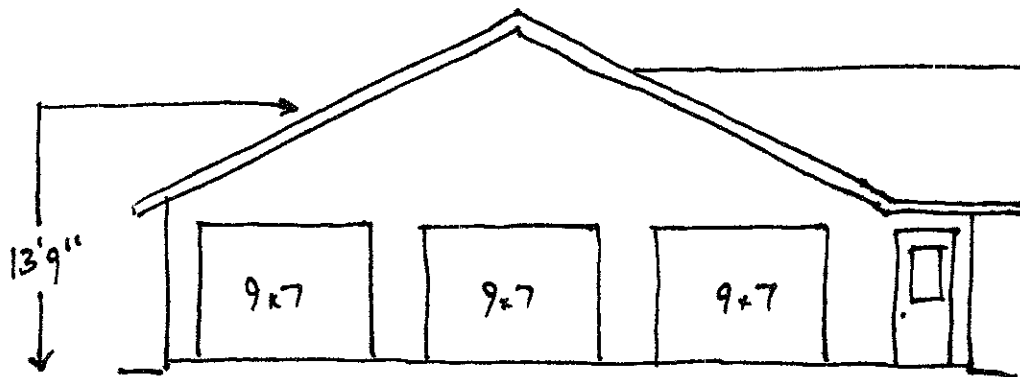
The same or similar quality exterior material shall be used in the accessory building as in the principal building; except brick, stucco and stone dwellings may justify an exemption for required matched building exteriors.

Typical Accessory Building
Approximately 1,100 Sq. Ft.

Plan View

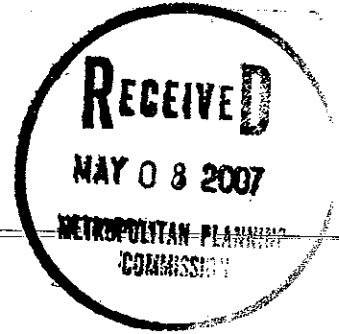


Elevation





May 7, 2007



City of Knoxville
City Council
400 Main Street
Suite 460
Knoxville, TN 37902

RE: Maximum Size of Residential Accessory Buildings

Dear City Council Member:

As chair of the Board of Zoning Appeals this letter is a formal request that you request the Metropolitan Planning Commission staff prepare an amendment to the City of Knoxville Zoning Ordinance as it relates to maximum accessory building square footage in residential zones.

Currently the maximum allowable size is 750 square feet. The Board is asking that a maximum size of 1,100 square feet be considered. A review of the meeting agendas from January 2006 through April 2007 shows there have been fifteen variance requests before the Board to increase this square footage.

Thank you for your attention to this matter.

Sincerely,

Rob Dansereau
by ajc

Rob Dansereau, Chairman
Board of Zoning Appeals

- c: Mayor Haslam
Sam Anderson, Sr. Director, Community & Neighborhood Services
Gary Norman, Director, Building Inspections
Mark Donaldson, Executive Director, Metropolitan Planning Commission