



MEMORANDUM

Agenda Item # 7

Date: October 1, 2009
To: Planning Commission
From: Mark Donaldson, Executive Director
Subject: Town Center TC -1 Zoning District Amendments

RECOMMENDATION: APPROVE

I recommend that you approve the attached amendments to the Knoxville Zoning Ordinance and forward a recommendation to the Knoxville City Council to adopt the changes by ordinance.

BACKGROUND

These amendments to the City's Town Center zoning district are similar to those that you approved for the Knox County Town Center district in September. Earlier this decade, MPC and the City Council created the Town Center (TC-1) zoning district, whose purpose was to allow mixed use New Urban-type development. The ordinance called for the creation of a mixed use core area, largely composed of ground floor retail and upper story residential, office or retail uses. Two-story development (minimum) is currently required in the core area. Surrounding residential uses (based on traditional neighborhood development principles) are also allowed in the district.

MPC staff was asked to consider changes to town center zoning in the City to allow limited one-story development, including supermarket uses. Staff examined the New Urban development provisions of several other cities concerning one-story development, grocery stores, and parking standards. Staff also looked to form-based provisions (e.g., Cumberland Avenue) and shared parking formulas in creating the recommended changes. In summary, they are:

- Allow up to 25% percent of the core area development to be composed of one-story building footprints
- Allow supermarkets of 30,000 square feet (a scale that is in keeping with the pedestrian-oriented goals of the district)
- Provide means to break up the facades of structures with liner buildings (e.g., shops with apartments above) to avoid blank wall syndromes associated with parking structure or larger commercial structures
- Require a phasing plan if only a portion of the development is to be pursued
- Permit more flexibility in the required number of parking spaces
- Provide a provision for alternative compliance, enabling the consideration of innovative means for town center development

MPC held a public meeting near Northshore Town Center (the only property currently zoned TC-1) in July to present and discuss potential ordinance changes with both development and neighborhood interests. Approximately 70 citizens attended that meeting. City staff has also commented on the draft and several changes were made to the original draft based on discussions with the City Law Department. This set of proposed changes reflects citizen and County staff comments: clarifying the drive-through requirements, reducing the size of facilities associated with supermarket development (i.e., no fuel islands in such a pedestrian-oriented district), and adding definitions that clarify terms within the ordinance.

**PROPOSED AMENDMENTS TO THE CITY OF KNOXVILLE ZONING ORDINANCE,
ARTICLE 4, SECTION 3.9, TC-1 TOWN CENTER**

**Changing provisions relative to permitted and prohibited uses, height, parking,
development plan requirements, administration and related ordinance provisions**

~~Deleted language struck through~~
New language bolded.

Add to Article 2: Definitions

***Block face:* The portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.**

***Liner building:* A structure that covers one (1) or more sides of a commercial building, parking structure or similar structure. A liner building must have a ground level entrance to the sidewalk and have a minimum depth of thirty (30) feet.**

Article 4

Sec. 3.9. TC-1 town center district.

A. *General description.* The purpose of the town center district is to encourage the creation of pedestrian-oriented, mixed-use urban developments, providing shopping, employment, housing and business and personal services. These developments are intended to promote an efficient, compact land use pattern; encourage use of public transportation; reduce reliance on private automobiles; promote a more functional and attractive community through use of recognized principles of urban design; preserve historic structures and allow developers considerable flexibility in land use and site design. As an incentive, this district offers flexible land use and development standards. A high level of attention to site and building design is required to promote attractive, functional development that is more compatible with residential development than other commercial zoning districts.

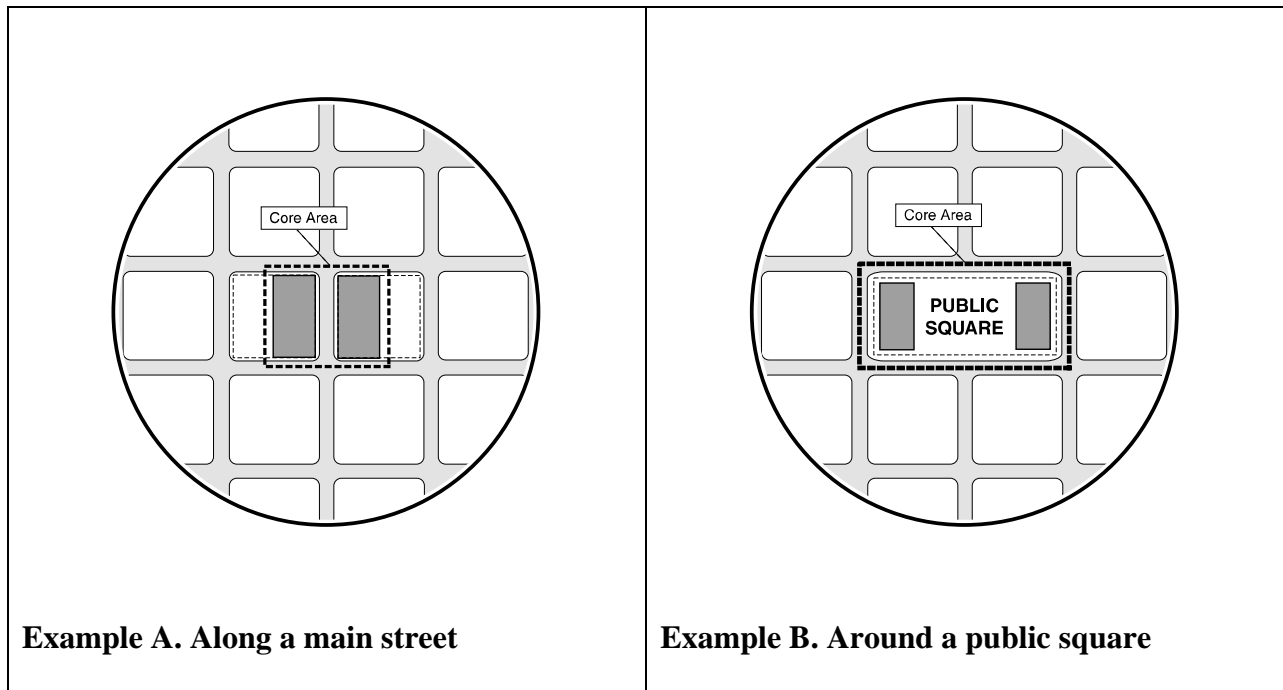
These regulations are intended to prohibit excessive impacts of large-scale development on the district, which depends upon walkability and viable mixed-use development to enhance air and water quality, reduce traffic congestion, promote safety from traffic accidents, and enhance a pedestrian-oriented land use plan. The regulations regarding height and front entrance orientation to a sidewalk and street necessitate that large retail enterprises be creatively designed. Considerations for such design include a height of two (2) or more stories, breaking up the façades of large retail space with other uses that are predominantly two (2) or more stories and maintaining larger retail space within the confines of the block dimensions that are required in this district.

B. *General requirements.* It is necessary that a development plan be approved by the planning commission in order to pursue the development of a TC-1 town center district. The district shall be established adjacent to an arterial or collector street. The district shall contain a core area, and when it does not abut the C-2 district, a peripheral area, which can contain a mix of uses. The general requirements for these areas are:

The core area. Pedestrian-oriented uses are required on the ground floor. Upper-story uses can include dwellings, offices, studios or other permitted uses identified in subsection C. The minimum area shall be two (2) acres. The core area should be created along a main street or public square (see the examples below).

The peripheral area. This area can include a mix of uses on the various floors of buildings or a mix of single-purpose buildings, such as townhouses, apartments and office buildings. Subsection C provides a list of permitted uses. The maximum extension from the core area shall be one thousand two hundred (1,200) feet. A peripheral area is not required in TC-1 districts that abut the C-2 central business district.

The intensity of uses in the core and peripheral areas may be limited by the planning commission, based upon adopted plans, surrounding land use, transportation and environmental impacts or other factors that the commission finds to relevant.



C. *Uses permitted.* Only the following uses shall be permitted in the TC-1 town center district:

	Use	Core Area Ground Level	Core Area Upper Level/s	Peripheral Area
1.	Retail sales and trade	X	X	
2.	Offices, including medical offices and clinics		X	X
3.	Hotels and motels	X	X	X
4.	Banks, savings and loans, mortgage companies and stockbrokers	X	X	X
5.	Eating and drinking establishments	X	X	X

6.	Personal service establishments	X	X	X
7.	Business service establishments	X	X	X
8.	Commercial and job printing	X	X	X
9.	Establishments offering repair services on small appliances, electronic equipment, watches, furniture, and similar items brought in by customers	X	X	X
10.	Amusement, entertainment and recreation establishments	X	X	
11.	Wholesaling from sample stocks only, provided that no manufacturing or storage for distribution shall be permitted on the premises		X	X
12.	Business schools, studios and vocational schools not involving processes of light or heavy industrial nature		X	X
13.	Laboratories and establishments for production and repair of jewelry, eyeglasses, electronic equipment, small appliances, hearing aids, and prosthetic appliances		X	X
14.	Clubs and lodges		X	X
15.	Churches and similar places of worship			X
16.	Governmental, educational, and cultural facilities, other than middle or high schools		X	X
17.	Bed and breakfast inns	X	X	X
18.	Utility sub-stations, easements, and transportation easements			X
19.	Other uses and structures which are customarily accessory and clearly subordinate and incidental to permitted uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures"	X	X	X
20.	Any other store or shop for retail trade or for rendering personal, professional, or business service, which the Planning Commission finds, does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above	*	*	*
21.	Dwelling units		X	X
22.	Live/work units	X	X	X
23.	Parks and recreational establishments and facilities	*	*	*
24.	Recycling collection facility as an accessory use only as regulated by article V, section 18, B.			X
25.	Call centers, not exceeding 20,000 square feet at the ground floor		X	X

*To be considered as part of development plan review.

D. *Uses permitted on review and regulations regarding those uses.*

1. Private day nurseries and kindergartens, subject to **article V, section 3.F.4.** the following standards:

- ~~a. Total building area shall equal seventy (70) square feet of usable play area per child. At least thirty five (35) square feet of this area per child shall be designated for large motor skill activities.~~
- ~~b. There shall be a minimum of fifty (50) square feet of usable outdoor play area for each child on the playground at one (1) time (maximum number of children to be permitted on the playground at one (1) time to be established by the state department of human services at the time of licensing).~~
- ~~c. The outdoor play area shall be fenced to a minimum height of four (4) feet.~~
- ~~d. The fenced play area shall be thirty five (35) feet from any public street. Where the thirty five (35) foot setback cannot be met, the applicant may have the option of installing a vehicle barrier that will meet the objectives of separation and safety. The barrier alternative shall be subject to approval by the department of engineering.~~
- ~~e. Asphalt, concrete, and other non-resilient surfaces shall be prohibited under and around outdoor play equipment where children could possibly fall more than one (1) foot. This includes:
 - ~~(1) At least two (2) feet around any climbing apparatus.~~
 - ~~(2) At least four (4) feet beyond the end of any slide.~~
 - ~~(3) At least two (2) feet beyond the end of the arc of any swing.~~~~

~~As an alternative to a and b above, the following minimum requirements may be used:~~

- ~~a. The total lot area shall not be less than ten thousand (10,000) square feet.~~
- ~~b. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.~~
- ~~c. A fenced play area of not less than two thousand five hundred (2,500) square feet for the first twenty (20) children shall be provided. For every additional child, an additional one hundred (100) square feet shall be provided.~~

2. Marinas, subject to the standards in article V, section 3.

3. Parking structures, provided that retail, office or other non-residential uses are established at ground level along seventy (70) percent of street-oriented facades.

4. Drive-through facilities:

- a. Banks, each of which may have two (2) drive-through lanes;**
- b. Pharmacies, each of which may have one (1) drive-through lane.**
- c. All drive-through facilities must be designed in similar architectural style to the main building and be located to the rear of the bank or pharmacy. They should be separated from parking areas with at least six (6) feet of continuous landscaped space, planted with similar trees and shrubbery that is used in other portions of the parking lot; the exit from the drive-through shall be back to the alley or parking area exit to minimize vehicle/pedestrian conflicts. Landscaping should not block sight distance to driveways, alley or streets.**

E. *Prohibited uses and structures.* All uses and structures not of a nature specifically permitted herein are prohibited in the TC-1 town center district. ~~Any drive-through business is prohibited in the TC-1 town center district with the exception of banks, which may have two (2) drive-~~

~~through lanes and pharmacies, which may have one (1) drive through lane. All drive through facilities must be designed in similar architectural style to the main building and be located to the rear of the bank or drug store. They should be separated from parking areas with at least six (6) feet of continuous landscaped space, planted with similar trees and shrubbery that is used in other portions of the parking lot; the exit from the drive through shall be back to the alley or parking area exit to minimize vehicle/pedestrian conflicts.~~

F. *Area regulations.*

1. Minimum size of a TC-1 district: If a TC-1 district abuts the C-2 district, two (2) acres. In all other locations, eight (8) acres. Minimum core area, two (2) acres. The district shall include the area of streets, alleys, squares and other public places.
2. Maximum size of a TC-1 district: The edge of the peripheral area shall not exceed a distance of one thousand two hundred (1,200) feet from the core area.
3. Area regulations for houses, attached houses and duplexes, see article IV, section 3.11 (the traditional neighborhood development district).
4. Area regulations for other uses are as follows:
 - a. Front yard: To be determined by the planning commission through approval of a master development plan.
 - b. Minimum side yard:
 - (1) Exterior lots: same as abutting zoning district.
 - (2) Corner lots: same as front yard.
 - (3) Interior lots: none.
 - c. Minimum rear yard: to be determined by the planning commission through approval of a master development plan.
 - d. The maximum site coverage is:
 - (1) With all parking under the building, ninety (90) percent.
 - (2) With a parking structure of two (2) or more levels on the same lot, seventy-five (75) percent.
 - (3) With surface parking on the same lot, fifty (50) percent.
 - (4) When abutting C-2 (central business district) zoning, one hundred (100) percent.
5. Build-to lines: To be determined by the planning commission through approval of a master development plan.

G. *Building Height and Number of Stories in the Core Area:*

1. Minimum. Two (2) stories, with the following exceptions **and limitations**:
 - a. **One (1) story and one and one-half (1 ½) story construction is acceptable for new buildings with a ground floor of ~~three~~ seven thousand (37,000) square feet or less.**
 - b. **One-story supermarket, not to exceed thirty thousand (30,000) square feet. One-story supermarkets that exceed thirty thousand (30,000) square feet must have two-story liner buildings, with a use on each floor, that face the most prominent adjacent street(s) as determined in the development plan approval process.**
 - ~~b-c.~~ Theatres, churches and other places of worship, and such public facilities as auditoriums may be based on one-story construction, which the planning commission finds to be compatible in height with other buildings on the street.
 - ~~e-d.~~ Pre-existing one-story buildings may be included in the district.

- e. **Other one (1) story retail uses provided that each block face that contains those buildings has a majority of multi-story buildings. Two (2) or greater story liner buildings may be used to meet this requirement (see definitions, Article 2).**
 - f. **The ground floor area of all one (1) story buildings and one and one-half (1 ½) story buildings shall not exceed twenty-five (25) percent of the total ground floor area of all buildings in the development plan. If the development plan is to be constructed in phases, the ground floor area for all one (1) story buildings and one and one-half (1 ½) story buildings in any one phase shall not exceed twenty-five (25) percent of all buildings in that phase.**
2. Maximum to be determined by the planning commission through approval of a development plan (see subsection L), with the following exceptions:
- a. Buildings along streets at the edge of the peripheral area shall not exceed two and one-half (2 1/2) stories (and thirty-five (35) feet) when a low density residential area (as identified in the applicable sector plan) is adjacent to a TC-1 town center district.
 - b. The overall density of residential development in the peripheral area shall not exceed sixteen (16) dwelling units per acre.

H. *Parking*: Off-street, surface parking in the core area shall be located behind buildings, **with the exception of one (1) aisle as outlined in subsection M.** Off-street parking for nonresidential uses in the peripheral area shall be located behind or to the side of buildings.

On-street parking is to be provided. The number of on-street parking spaces that are created adjacent to the street frontage of a building shall be subtracted from the number of required off-street parking spaces. The planning commission may waive the requirement for on-street parking on arterial or collector streets or on existing streets that cannot, as determined by the director of the department of engineering, be reasonably reconstructed to include on-street parking.

Off-street surface parking for retail uses shall be based on a minimum of seventy (70) percent and a maximum of ninety (90) percent of the required spaces in article 5, section 7. There is no maximum for parking spaces when the off-street parking is contained in a parking structure.

Off-street **surface parking for other uses** shall be based on providing a **maximum of ninety (90) percent** of the required spaces in article V, section 7, with the following exceptions:

- 1. If the TC-1 district abuts C-2 (the central business district) on two (2) or more sides, no off-street parking shall be required.
- 2. When the core area of the TC-1 district is within a one-quarter (1/4) mile walk via sidewalks of a Knoxville Area Transit stop, ~~eighty-five (85) percent of the number of parking spaces are required~~ **an additional reduction may be requested of or may be required by the planning commission. Factors that must be considered in reducing parking related to transit include the level of transit service, sidewalk connectivity within and adjacent to the town center, and analyses relating to traffic generation and parking requirements associated with the proposed uses.**
- 3. The number of required off-street parking spaces for various types of dwelling units is as follows:
 - a. One (1) space for each house or attached house; two (2) spaces for each duplex.
 - b. One (1) space for each efficiency or one-bedroom unit in an apartment.

- c. One and one-half (1.5) spaces for the first twenty (20) dwelling units of two (2) or more bedrooms in an apartment building and one (1) space for each dwelling unit exceeding twenty (20) units.

Other than houses, attached houses and duplexes, the number of off-street, surface parking spaces cannot exceed the preceding requirements. All off-street residential parking is to be located off alleys unless the planning commission finds that the extent of existing development or topographic conditions limit such access provisions.

4. Shared parking arrangements are encouraged and shall be identified in the development plan. An agreement for the use of shared parking shall be submitted with the development plan.
5. Parking structures that are constructed within the district may be used to meet the preceding requirements, provided that the development plan identifies the number of spaces that are to be created and the land uses that are to be served by the structure.

I. *Loading and storage of refuse:*

1. Loading: For sites abutting a C-2 district on two (2) or more sides, the loading requirements are the same as those for the C-2 district.
2. Loading: For other sites, loading space shall be accommodated to the rear of buildings and shall not include alley or driveway areas.
3. Storage of refuse: Commercial units shall maintain a separate refuse storage container from that used by residents. It shall be clearly marked for commercial use only and use by residential tenants is prohibited. Refuse storage containers shall be screened on all sides from ground-level view and by screening with the same finishing material used on the principal building.

J. *Landscaping:*

1. Native shade trees that grow to a minimum height of forty (40) feet at maturity shall be planted along all streets at a maximum average spacing of forty (40) feet on center (note: for the purposes of this requirement, alleys and unimproved rights-of-way are not to be considered streets).
2. Parking lots containing more than five thousand (5,000) square feet shall be landscaped in compliance with article V, section 7, using native shade trees.
3. For monument or ground-mounted shingle signs: Appropriately sized shrubbery or flowers shall be planted around the base of the sign.
4. Along building foundations: for those buildings with front, side or rear yard space, eighty (80) percent of the exterior wall (exclusive of doors, loading docks and similar entrances to a building) shall be landscaped with shrubbery. This provision does not apply to the front of buildings that meet a sidewalk.

K. *Signs:*

1. Approval of a master signage plan is required at the time of development plan approval. After approval of a master signage plan by the planning commission, the MPC staff may approve minor changes to the signage plan administratively. For the purpose of these regulations, minor changes include:
 - a. An increase in the size of any sign by up to ten (10) percent, provided this does not exceed the maximum sizes permitted below.

- b. Changing the text, message, design or material of any sign shall not require approval by MPC or MPC staff, providing that the sign is consistent with the standards contained in the master signage plan.
- 2. Types of signs permitted, subject to approval of master signage plan:
 - a. Monument signs: Surface area not to exceed twenty (20) square feet on lots with a frontage of one hundred (100) feet or less and thirty (30) square feet on other lots within the district. Monument signs that are used at entrances to identify the overall district may be up to one hundred (100) square feet.
 - b. Shingle signs: Surface area not to exceed twelve (12) square feet on lots with a frontage of one hundred (100) feet or less and eighteen (18) square feet on other lots within the district. Height shall not exceed six (6) feet.
 - c. Directional signs.
 - d. Wall signs including projected and face mounted signs.
 - e. Window signs, not exceeding ten (10) percent of that window space.
- 3. Advertising signs, billboards, and ground signs, with the exception of monument signs, are prohibited.

L. *Development plan and standards:* The purpose of the development plan and standards is to create buildings that are of varied design yet complementary to each other. Consistency is expected in establishing setbacks, sidewalks, landscaping, lighting and related features. The development plan must address the following features. Design guidelines already approved for historic or neighborhood conservation overlay districts may be accepted in fulfillment of this requirement to the extent that the features listed below are addressed.

If the development plan does not include the entire area of the conceptual site plan that was approved at the time of rezoning, then a phasing plan must be submitted for planning commission approval. ~~which addresses the requirements of this section and depicts the maximum square feet of the proposed uses and the height of the proposed buildings in each phase.~~ A phasing plan must include the minimum and maximum square feet and minimum and maximum height of the proposed uses, as well as the projected open space, pedestrian and road systems.

- 1. Architectural features:
 - a. Building type (for example, slot commercial buildings constructed to sidewalk, townhouses);
 - b. Building facade;
 - c. Exterior features;
 - d. Building height, set backs and built-to-line standards;
 - e. Roofs and rooftops;
 - f. Exterior materials;
 - g. Exterior colors;
 - h. Permitted signs;
 - i. Prohibited signs;
 - j. Sign design standards.
- 2. On-site and off-site improvements:
 - a. Fences and walls;
 - b. Main street, square or plaza;
 - c. Landscaping;

- d. Special pavement and sidewalk treatments;
 - (1) Sidewalks;
 - (2) Accent patterns at street intersections;
- e. Setbacks and sidewalk easements;
- f. Street lighting;
- g. Street furniture;
- h. Parking standards;
- i. Refuse storage;
- j. Utilities: all utility lines shall be placed underground with the exception of redevelopment areas in which this provision may be waived by the planning commission.

A plan for the maintenance of the preceding improvements, including appropriate agreements, may be required

M. *Standards for specific improvements:*

1. Where public transit is available: loading/unloading space and appropriate shelter shall be provided when the planning commission finds that the district is large enough to warrant such a facility.
2. Sidewalks are to be established throughout the district as follows:
 - a. Core area (minimum standards):
 - (1) Ten-foot-wide sidewalks (with street trees in tree wells), when one and one-half-story and/or two-story buildings compose the area. A yard space may be established between the buildings and the sidewalk.
 - (2) Twelve-foot-wide sidewalks for two-story buildings, constructed to the edge of the sidewalk (street trees to be established in tree wells).
 - (3) Fourteen-foot-wide sidewalks for buildings higher than two (2) stories, constructed to the edge of the sidewalk (street trees to be established in tree wells).
 - b. Peripheral area (minimum standards):
 - (1) Five-foot-wide sidewalks with a seven-foot planting strip (measured from the street-side edge of the curb) when at least five (5) feet of yard space is provided between buildings and sidewalks.
 - (2) Twelve-foot-wide sidewalks when buildings are established to the edge of the sidewalk (street trees to be established in tree wells).

The planning commission may approve different sidewalk configurations if it finds that the intent of preceding standards (safe, comfortable pedestrian circulation) can be realized through another design. The commission may waive the preceding dimensional requirements in areas with preexisting sidewalks.

3. The provision of public open space, including squares, plazas, greens and parks shall be required by the planning commission. The amount of required open space(s) shall not exceed ten (10) percent of area within the district. Yards, planting strips and landscaped road medians are not to be considered in fulfilling this requirement.

4. **Provisions for block size, building orientation and functional entrances:**
 - a. **Each side of a block shall be no longer than three hundred (300) feet in the core area, unless broken by pedestrian corridor**
 - b. **All buildings and liner buildings must front on and have front entrances that are oriented to a street with the exception in section 4.c. below.**

- c. **One (1) aisle of off street parking (two (2) rows with drive aisle) may be considered in front of buildings that are not in the mixed use, “main street” portion of the core area (i.e., the retail mixed use “main street core”; this would allow, for instance, a location for parking that would not compete with a natural feature that is on the site such as parking between a water body and a building.).**
- d. **Functioning entry door(s) shall be provided along ground story facades at intervals not greater than fifty (50) linear feet for retail uses.**

N. *Administrative procedures:* A TC-1 district shall be established through a two-step procedure:

1. Rezoning, including a conceptual site plan, depicting (1) the configuration of streets, public spaces, core area and, if applicable, peripheral area; and (2) the general location, intensity and mix of uses.
2. Approval of a development plan, subject to the requirements of article VII, section 5, procedures for authorizing uses on review; article V, section 3, development standards for uses permitted on review, and the additional requirements of this section. The development plan shall include:
 - a. A site plan showing compliance with the requirements of the zoning ordinance and other applicable city ordinances.
 - b. A landscaping plan.
 - c. A signage plan.
 - d. Architectural design guidelines for new development and any changes to the exterior of buildings visible from public roads. Architectural elevation drawings drawn to scale and showing materials to be used may be substituted for architectural design guidelines.
 - e. A schedule of permitted uses, including the proposed residential densities. The applicant may ask for approval for all uses listed in subsection C, above, or the schedule of permitted uses may exclude some of the uses listed in subsection C. The schedule may also limit the size of individual buildings.
 - f. Specific operational standards for permitted hours of operation for any business, delivery of stock in trade or supplies for any business, permitted levels of noise, including amplified sound, from any business or entertainment event, and other such operating restrictions needed to promote compatible coexistence of mixed uses in the development.
 - g. If a certificate of appropriateness for the design of buildings, signs, landscaping or parking lots has been approved by the historic zoning commission or their designee, then the planning commission may accept this approval in lieu of a development plan for these project elements.
 - h. As part of the development plan, the owner or owners of property within the district may voluntarily establish a design review committee and enter into covenants or binding agreements to enforce design standards and provide for design review. Documents outlining the committee's responsibilities and review procedures shall be filed with the development plan.
3. **Alternative compliance may be permitted under use on review by the planning commission. The purpose of alternative compliance is to foster innovative, high quality, environmentally-sustainable development that meets the intent of this pedestrian-oriented, mixed use district that would not otherwise be allowed by a strict interpretation of the district regulations.**

34. After consideration of the development plan, the planning commission may approve, deny, or approve the plan subject to conditions or modifications.

45. It is the intention of these TC-1 district regulations that after approval of a development plan, new construction, changes of tenants or land uses, and changes in signage, landscaping or parking layout may be approved administratively by MPC staff, providing that the executive director certifies that these changes comply with the standards of this ordinance and the approved development plan.