



MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: December 3, 2010

SUBJECT: Amendments to the City of Knoxville Zoning Ordinance at Article II (Definitions) and Article IV, Sections 2.4.2, OS-1 (Open Space Preservation) District
12-B-10-OA

REQUEST

MPC has been requested by City Council to consider and make a recommendation on amendments to the City of Knoxville zoning ordinance regarding the OS-1 (Open Space Preservation) district.

BACKGROUND

In April, 2010, City Council initially requested MPC to make a recommendation on rezoning all city parks and park expansion areas to OS-1 (Open Space Preservation). MPC recommended that only a small number of city owned property met the intent and existing development regulations of OS-1 and that changes to the OS-1 district regulations were needed and a new zone district intended for active park and recreation facilities should also be considered. City Council subsequently requested MPC to consider changes to OS-1 and the creation of a new district.

Should City Council determine that it is necessary to protect park land with a zone district, MPC staff feels that the preservation of open space and the protection of active park and recreation land and facilities require two different zone districts because of significantly different development regulation scenarios. This amendment proposes changes to the existing OS-1 district. A separate ordinance amendment, item #7 on this agenda, proposes a new park and open space district.

ANALYSIS

The OS-1 (Open Space Preservation) district appears to have been created following the adoption of an *Open Space Plan for Knoxville/Knox County* in 1978. It has been changed very little since then. While parks and recreation facilities are listed as permitted uses, the primary purpose of the district seems to be the preservation of open space for scenic, environmental, cultural, and passive recreational activities. For example it limits manmade structures and features to only 5 percent of the total land area in the district, excluding earthwork that is returned to its "natural condition".

It is time to revamp the ordinance to clarify its development regulations and provide appropriate definitions for many of its terms.

A section by section summary of the proposed changes is found in Exhibit A, proposed definitions in Exhibit B, and proposed amendments compared to current language in Exhibit C.

STAFF RECOMMENDATION

Staff recommends that the planning commission recommend approval of the proposed amendments to the City of Knoxville Zoning Ordinance adding new definitions at Article II, as found in Exhibit B, and replacing in its entirety Article IV, Section 2.4.2, as found in Exhibit C.

EXHIBITS

- Exhibit A - Analysis of the Proposed District Regulations
- Exhibit B – Proposed New Definitions in Article II
- Exhibit C - Proposed Amendments to Article IV, Section 2.4.2
- Exhibit D - Resolution of City Council

SUMMARY OF
PROPOSED AMENDMENTS TO
OS-1 DISTRICT REGULATIONS

Section 2.4.2	OS-1 Open Space Preservation District
A	The purpose paragraph is simplified by using terms that are defined and brought up to date with current adopted plans. With the addition of a new zone district oriented toward recreational open space, this paragraph can focus on the preservation and conservation of open space for more passive uses.
B.	The name of the district has been placed within parentheses.
B.1	If the permitted types of agricultural uses are listed, it is unnecessary to exclude other types of agricultural uses. The term <i>community garden</i> has been added.
B.2	Stays the same.
B.3	Uses the newly defined term of <i>Recreational Open Space</i> . Replaces the term "scenic routes, wild or scenic rivers or streams" with <i>greenway and blueway corridors</i> , which have been defined.
B.4	Uses the newly defined term of <i>Conservation Open Space</i> .
B.5	Stays the same
B.6	Simplifies and adds "buildings and structures" to uses.
C	Capitalizes Article VII, Section 5
C.1	Stays the same
C.2	Stays the same
C.3	Stays the same
D	Simplifies and adds the term "structures"
D.1	Simplifies by removing unnecessary term
D.2	Changes "main" to "principal", adds "buildings" and uses consistent format
D.3	Changes "main" to "principal", adds "structures" and uses consistent format
D.4	Uses consistent format
D.5	Uses consistent format
D.6	Eliminates use of term "manmade structures and features", changes from maximum lot coverage to maximum coverage of buildings and other impervious surfaces; excludes sidewalks, greenways, cart paths and driveways, and keeps limit at 5% of lot or parcel area.
E	Eliminates use of term "manmade structures and features", keeps maximum height the same
F	Uses reference format consistent with other districts.

Proposed New Definitions

Proposed New Definitions at Article II, Definitions:

Garden, Community - A private or public facility for the growing of fruits, flowers, vegetables, or ornamental plants by one or more persons. "Community garden" use includes associated buildings and structures incidental to or necessary for the use's operation, including but not limited to detached utility buildings for storage and irrigation systems/equipment.

Greenway Corridor - A linear park, alternative transportation route, or open space conservation area approved by the city that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas, as indicated in The Knoxville – Knox County Park, Recreation and Greenways Plan.

Blueway Corridor – A water path or trail corridor that is developed with launch points, camping locations and points of interest for canoeists and kayakers.

Open Space, Conservation – Any public or privately owned parcel, lot or area of land or water essentially unimproved with any residential, commercial, or industrial uses or structures, and set aside or reserved for scenic, environmental, or preservation purposes. Conservation open space may include horticulture, floriculture, forests and woods, home and community gardens, recreational open space, and natural features located on a site, such as steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources.

Open Space, Recreational – An area of land developed or intended for development with landscaping, specialized structures, and other features that promote passive or active recreational activities. May be accessible to only a segment of the public with or without payment of a fee, or may be open and accessible to the general public.

Park - An outdoor recreation facility accessible to the public that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities or areas.

City of Knoxville
Proposed
OS-1 (Open Space Preservation) Zone District Regulations

2.4.2 OS-1 Open Space Preservation District	
Current Text	Proposed OS-1 Text
<p>A. General description. This open space preservation district is established to provide areas in which the principal use of land is devoted to open space and/or the preservation and protection of park and recreation lands, wilderness areas, beach and shoreline areas, scenic routes, wild and scenic rivers, historical and archeological sites, watersheds and water supply areas, hiking, cycling and equestrian trails and fish and wildlife and their habitats. Property classified under this district shall meet the criteria set forth in the open space plan approved by the City of Knoxville, and only property so zoned shall be considered as open space for the purposes of property assessment under the "Agricultural, Forest and Open Space Land Act of 1976," provided the other conditions for inclusion under the act are satisfied.</p>	<p>A. General description. This open space preservation district is established to provide areas in which the principal use of land is devoted to the preservation and protection of recreational and conservation open space. The district is intended to preserve, and enhance land as permanent open space that contributes to the creation of a network of lands that provide safe and enjoyable areas and routes for non-intensive recreational opportunities, is protective of natural resources, and is compatible with surrounding land uses. The district is consistent with and intended to implement the Park, Public Institutional, Open Space and Environmental Protection land use classifications of the <i>Knoxville – Knox County General Plan 2033</i>, or its successor documents.</p>
<p>B. Permitted principal and accessory uses and structures. The following uses shall be permitted in the OS-1 open space preservation district:</p>	<p>B. Permitted principal and accessory uses and structures. The following uses shall be permitted in the OS-1 (Open Space Preservation) district:</p>
<p>1. The following agricultural uses: Horticulture, floriculture, forests and woods, home gardens, but not dairying, the commercial raising and maintaining of poultry and other livestock, feedlots, the raising of fur-bearing animals, fish or minnow hatcheries, riding academies, livery or boarding stables or dog kennels.</p>	<p>1. Horticulture, floriculture, forests and woods, home and community gardens.</p>

City of Knoxville
Proposed
OS-1 (Open Space Preservation) Zone District Regulations

2.4.2 OS-1 Open Space Preservation District	
Current Text	Proposed OS-1 Text
2. Houses.	2. Houses.
3. Park and recreation uses including: Parks, playgrounds, golf courses, cycling, hiking and equestrian trails, parkways, country clubs (excluding primary and accessory structures), hunting preserves, camps and resorts, fishing lakes, scenic routes, wild or scenic rivers or streams.	3. Recreational open space, such as parks, playgrounds, golf courses and country clubs, cycling, hiking and equestrian trails, parkways, hunting preserves, camps and resorts, fishing lakes, and greenway and blueway corridors.
4. Conservation areas including: Watershed protection areas, public water supply points, lakes and reservoirs, wildlife management areas and significant natural areas.	4. Conservation open space, such as watershed protection areas, public water supply points, lakes and reservoirs, wildlife management areas, and significant natural areas.
5. Historic and archeological areas.	5. Historic and archeological sites.
6. Accessory uses incidental to the primary use of the property when located on the same lot.	6. Accessory buildings, structures and uses.
C. Uses permitted on review. The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:	C. Uses permitted on review. The following uses may be permitted on review by the planning commission in accordance with provisions contained in Article VII, Section 5:
1. Multi-dwelling structures or developments at a maximum gross density of twelve (12) units per acre.	1. Multi-dwelling structures or developments at a maximum gross density of twelve (12) units per acre per development site.
2. Marinas, subject to the requirements set forth in article V, section 3.F.	2. Marinas, subject to the requirements set forth in Article V, Section 3.F.
3. Commercial telecommunications towers.	3. Commercial telecommunications towers.
D. Area regulations. All buildings shall be set back from the street right-of-way lines, and property lines to comply with the following yard requirements:	D. Area regulations. All buildings and structures shall comply with the following requirements:
1. Front yard. The minimum depth of the front yard shall be fifty (50) feet.	1. Front yard. The minimum front yard shall be fifty (50) feet.

City of Knoxville
Proposed
OS-1 (Open Space Preservation) Zone District Regulations

2.4.2 OS-1 Open Space Preservation District	
Current Text	Proposed OS-1 Text
2. Side yard. For single-story main and accessory structures side yards shall be no less than twenty (20) feet and an additional four (4) feet shall be provided on each side yard for each additional story or part thereof, for structures exceeding one (1) story.	2. Side yard. For single-story principal and accessory buildings and structures the minimum side yard shall be twenty (20) feet and an additional four (4) feet shall be provided on each side yard for each additional story or part thereof, for structures exceeding one (1) story.
3. Rear yard. a. There shall be a rear yard for main buildings of not less than fifty (50) feet. b. Unattached building of accessory use shall not be located closer to any rear lot line than twenty (20) feet.	3. Rear yard. a. For principal buildings and structures the minimum rear yard shall be fifty (50) feet. b. For accessory buildings and structures the minimum rear yard shall be twenty (20) feet.
4. Lot width. No lot shall be less than two hundred (200) feet wide at the building line.	4. Lot width. The minimum lot width shall be two hundred (200) feet.
5. Intensity of use. No parcel of land shall be reduced in area to provide separate lots or building sites containing less than three (3) acres.	5. Minimum lot area. The minimum lot area for subdivisions of parcels shall be three (3) acres.
6. Maximum lot coverage. All manmade structures or features, excluding earthwork which has been seeded or otherwise returned to its natural condition, shall cover not more than five (5) percent of the lot area.	6. Maximum coverage by impervious surfaces. The maximum coverage of buildings and other impervious surfaces shall be five (5) percent of a lot or parcel area; except that paths such as sidewalks, greenway trails, and golf cart paths or driveways less than twelve feet in width shall not be a part of the calculation.
E. Height regulations. No manmade structure or feature shall exceed thirty-five (35) feet in height, except as provided in article V, section 5 and section 6.	E. Height regulations. The maximum height of buildings and structures shall be thirty-five (35) feet; except as provided in Article V, Section 5 and Section 6.
F. Off-street parking. As regulated in article V, section 7.	F. Off-street parking. Off-street parking shall be provided in accordance with Article V, Section 7.

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RESOLUTION

RESOLUTION NO:

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RESOLUTION NO: _____

REQUESTED BY: Councilmember Grieve

PREPARED BY: Council

APPROVED AS TO FORM AND CORRECTNESS: _____

Director of Law

FINANCIAL IMPACT STATEMENT: _____

APPROVED: _____

MINUTE BOOK _____ PAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF KNOXVILLE RESPECTFULLY REQUESTING THAT THE PROFESSIONAL PLANNING STAFF OF THE METROPOLITAN PLANNING COMMISSION REVIEW AND STUDY THE CURRENT ZONING CODE AND UTILIZE THEIR PROFESSIONAL SKILL AND EXPERTISE IN DETERMINING THE BEST AND MOST EFFECTIVE METHOD TO AFFORD ZONING PROTECTION TO ALL CITY PARKS, GIVING APPROPRIATE CONSIDERATION TO AMENDING THE CURRENT OS-1 DESIGNATION, AS WELL AS TO CREATING A NEW ZONING DESIGNATION DESIGNED TO PROVIDE THE NEEDED PROTECTION.

WHEREAS, public parks dedicated for the public to enjoy for recreation, relaxation and renewal are of vital importance to the health and vitality of any community; and,

WHEREAS, only under the most exceptional circumstances should public lands devoted to use as a public park be utilized for any other purpose; and,

WHEREAS, one method of protecting public parks from adverse uses is to afford them zoning protection so that any proposed use which would alter their use as a public park could occur only after notice and multiple opportunities for the public to have meaningful input upon the issue; and,

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2 WHEREAS, City Council previously adopted Resolution No. R-116-2010, urging the
3 Metropolitan Planning Commission to rezone all city parks to the OS-1 zoning designation; and,

4 WHEREAS, principally because the OS-1 zoning designation has a maximum
5 coverage requirement which is inconsistent with the current use of many public parks, the OS-1
6 designation was recommended for only a very limited number of public parks; and,

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8 WHEREAS, City Council continues to desire a mechanism by which all public parks
9 in the City of Knoxville may be afforded protection from adverse uses under the zoning code; and,

10 WHEREAS, the professional staff of the Metropolitan Planning Commission, by
11 virtue of education, training and expertise should be well situated to provide City Council with advice
12 and recommendations with respect to the most appropriate means to afford zoning protection for city
13 parks, whether that involves an amendment to the current OS-1 designation such as but not limited
14 to elimination of certain permitted uses, uses permitted on review and limitations on maximum lot
15 coverage on land within City parks, the creation of a new zoning designation specifically for the
16 purpose of protecting city parks, or some other means; and,

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18 WHEREAS, City Council is of the opinion that it would benefit from the unbiased
19 advice, skill and expertise of the professional planning staff of the Metropolitan Planning
20 Commission with respect to this subject

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22 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
23 KNOXVILLE:

24 SECTION 1: The Council of the City of Knoxville hereby respectfully requests that
25 the professional planning staff of the Metropolitan Planning Commission review and study the
26 current zoning code, utilizing their professional skill and expertise in determining the best and most
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effective method to afford zoning protection to all city parks, giving appropriate consideration to amending the current OS-1 designation as well to creating a new zoning designation specifically designed for providing the needed protection.

SECTION 2: After evaluating and analyzing the best available method to afford zoning protection to the public parks within the City of Knoxville, City Council respectfully requests that the Metropolitan Planning Commission take any and all action necessary to initiate the proper method of affording zoning protection for all city parks.

SECTION 3: Upon adoption, the City Recorder is respectfully requested and directed to forward a true and correct copy of this Resolution to Mark Donaldson, Executive Director of the Metropolitan Planning Commission, in order to advise him of City Council's action with regard to this matter.

SECTION 4: This Resolution shall take effect from and after its passage, the public welfare requiring it

Presiding Officer of the Council

City Recorder