



AGENDA ITEM#: 7

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 IV to provide a new zone district for active parks and recreation land
12-C-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 at Article IV to provide a new zone district for active parks and recreation land.

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 a new park and open space zone district.

ANALYSIS

The proposed OS-2 (Park and Open Space) district uses the same format as the OS-1 zone district with several distinct regulatory differences:

- Its purpose is oriented toward active parks and recreational facilities accessible to the public or available on a membership basis rather than the conservation of open space.
 - Its permitted uses include recreation centers rather than houses.
 - Its uses permitted on review include museums, libraries, police, fire or EMS stations, or other similar public facilities, rather than multi-dwelling structures or developments.
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- Its dimensional regulations allow much more intensive development:
 - The minimum required front yard is 20 feet rather than 50 feet;
 - The minimum required side yard is equal to the adjacent district rather than a minimum of 20 feet;
 - The minimum required rear yard is equal to the adjacent district or 10 feet for accessory buildings rather than 50 feet or 20 feet for accessory buildings;
 - There is no minimum lot width or lot area, rather than a minimum lot width of 200 feet and a minimum lot area of 3 acres; and
 - The maximum lot coverage (for buildings) is 20 percent, with development plan approval by MPC for greater lot coverage, rather than a maximum impervious coverage of 5 percent.

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 adding in its entirety Article IV, Section 2.4.3, 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 2.4.3
- Exhibit D - Resolution of City Council

Comparison of Proposed
Amended OS-1 and New OS-2 Zone Districts
12/09/10

Proposed Amended OS-1 Text	Proposed OS-2 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 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>A. General description. This park and open space district is established to create, preserve and enhance land accessible to the public as permanent space to meet the active park and recreational needs of the population. The district is intended to provide for both improved and unimproved park and recreation lands. Facilities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, recreational fields, ball-fields, sport courts, dog parks and associated accessory facilities such as recreation and community centers, administrative offices, parking areas and restrooms. The district is also intended to accommodate buildings of a public nature such as museums, libraries, police, fire or EMS stations. 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> and the <i>Knoxville – Knox County Park, Recreation and Greenways Plan</i>, or 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-2 (park and open space) district:</p>
<p>1. Horticulture, floriculture, forests and woods, home and community gardens.</p>	<p>1. Horticulture, floriculture, forests and woods, and community gardens.</p>
<p>2. Houses.</p>	<p>2. Recreation centers, public or private.</p>
<p>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.</p>	<p>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.</p>

Comparison of Proposed
Amended OS-1 and New OS-2 Zone Districts
12/09/10

Proposed Amended OS-1 Text	Proposed OS-2 Text
4. Conservation open space, such as 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 sites.	5. Historic and archeological sites.
6. Accessory buildings, structures and uses.	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 per development site.	1. Museums, libraries, police, fire or EMS stations, or other similar public facilities, provided such uses shall not exceed ten percent of the lot area.
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.
	4. Recreation centers that bring the total lot coverage to greater than twenty (20) percent
D. Area regulations. All buildings and structures shall comply with the following requirements:	D. Area regulations. All buildings and structures shall comply with the following requirements:
1. Front yard. The minimum front yard shall be fifty (50) feet.	1. Front yard. The minimum front yard shall be twenty (20) feet.
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.	2. Side yard. For principal and accessory buildings the minimum side yard shall be equal to the requirements of the adjacent zone district.
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.	3. Rear yard. a. For principal buildings and structures the minimum rear yard shall be equal to the requirements of the adjacent zone district. b. For accessory buildings and structures the minimum rear yard shall be ten (10) feet.

Comparison of Proposed
Amended OS-1 and New OS-2 Zone Districts
12/09/10

Proposed Amended OS-1 Text	Proposed OS-2 Text
4. Lot width. The minimum lot width shall be two hundred (200) feet.	4. Lot width. There shall be no minimum lot width.
5. Minimum lot area. The minimum lot area for subdivisions of parcels shall be three (3) acres.	5. Minimum lot area. There shall be no minimum 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.	6. Maximum lot coverage. The maximum lot coverage shall be twenty (20) percent of a lot or parcel area; except that recreational centers that bring the total lot coverage to greater than twenty (20) percent may be permitted after a development plan has been approval by MPC.
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.	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. Off-street parking shall be provided in accordance with Article V, Section 7.	F. Off-street parking. Off-street parking shall be provided in accordance with Article V, Section 7.

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 limited residential development, recreational open space, agricultural uses and natural features located on a site, including but not limited to 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.

Recreation Center - Recreational facilities, such as community centers, playgrounds, parks, swimming pools and playing fields that are available on a membership basis or the general public. Recreation centers may include administrative offices, classroom and meeting space and other space associated with park and recreation facilities or programs.

PROPOSED
OS-2 (Park and Open Space) Zone District Regulations
Article IV, Section 2.4.3
(with F-1 district renumbered to 2.4.4)

Article IV, Section 2.4.3 Park and Open Space District
[F-1 (Floodway) District to be renumbered to 2.4.4]

A. *General description.* This park and open space district is established to create, preserve and enhance land accessible to the public as permanent space to meet the active park and recreational needs of the population. The district is intended to provide for both improved and unimproved park and recreation lands. Facilities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, recreational fields, ball-fields, sport courts, dog parks and associated accessory facilities such as recreation and community centers, administrative offices, parking areas and restrooms. The district is also intended to accommodate buildings of a public nature such as museums, libraries, police, fire or EMS stations. The district is consistent with and intended to implement the Park, Public Institutional, Open Space and Environmental Protection land use classifications of the *Knoxville – Knox County General Plan 2033* and the *Knoxville – Knox County Park, Recreation and Greenways Plan*, or successor documents.

B. *Permitted principal and accessory uses and structures.* The following uses shall be permitted in the OS-2 (park and open space) district:

1. Horticulture, floriculture, forests and woods, and community gardens.
2. Recreation and community centers, public or private, and administrative offices associated with park and recreation facilities.
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 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 sites.
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:

1. Museums, libraries, police, fire or EMS stations, or other similar public facilities, provided such uses shall not exceed ten percent of the lot area.

PROPOSED
OS-2 (Park and Open Space) Zone District Regulations
Article IV, Section 2.4.3
(with F-1 district renumbered to 2.4.4)

2. Marinas, subject to the requirements set forth in Article V, Section 3.F.
3. Commercial telecommunications towers.
4. Recreational centers that bring the total lot coverage to greater than twenty (20) percent.

D. *Area regulations.* All buildings and structures shall comply with the following requirements:

1. Front yard. The minimum front yard shall be twenty (20) feet.
2. Side yard. For principal and accessory buildings the minimum side yard shall be equal to the requirements of the adjacent zone district.
3. Rear yard.
 - a. For principal buildings and structures the minimum rear yard shall be equal to the requirements of the adjacent zone district.
 - b. For accessory buildings and structures the minimum rear yard shall be ten (10) feet.
4. Lot width. There shall be no minimum lot width.
5. Minimum lot area. There shall be no minimum lot area.
6. Maximum lot coverage. The maximum lot coverage shall be twenty (20) percent of a lot or parcel area; except that recreational centers that bring the total lot coverage to greater than twenty (20) percent may be permitted after a development plan has been approval by MPC.

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.* Off-street parking shall be provided in accordance with Article V, Section 7.

RESOLUTION

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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,

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

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

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

19 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
20 KNOXVILLE:

21 SECTION 1: The Council of the City of Knoxville hereby respectfully requests that
22 the professional planning staff of the Metropolitan Planning Commission review and study the
23 current zoning code, utilizing their professional skill and expertise in determining the best and most
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2 effective method to afford zoning protection to all city parks, giving appropriate consideration to
3 ^① amending the current OS-1 designation as well to creating a new zoning designation specifically
4 designed for providing the needed protection.
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6 SECTION 2: After evaluating and analyzing the best available method to afford
7 zoning protection to the public parks within the City of Knoxville, City Council respectfully requests
8 that the Metropolitan Planning Commission take any and all action necessary to initiate the proper
9 method of affording zoning protection for all city parks.

10 SECTION 3: Upon adoption, the City Recorder is respectfully requested and directed
11 to forward a true and correct copy of this Resolution to Mark Donaldson, Executive Director of the
12 Metropolitan Planning Commission, in order to advise him of City Council's action with regard to
13 this matter.
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15 SECTION 4: This Resolution shall take effect from and after its passage, the public
16 welfare requiring it
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Presiding Officer of the Council

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City Recorder
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