



AGENDA ITEM#: 10

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: December 3, 2010

SUBJECT: Amendments to the Knox County Zoning Ordinance regarding setbacks for side yards adjacent to a street on corner lots and definitions.
12-F-10-OA

REQUEST

MPC has been requested by the Knox County Board of Zoning Appeals, with support from County Commission, Knox County Law Director and the Knox County Building Official, to consider and make a recommendation on amendments to the Knox County zoning ordinance regarding setbacks for side yards adjacent to the side street on corner lots, with appropriate definitions and associated amendments.

BACKGROUND

The Knox County Board of Zoning Appeals, in discussion with several members of the County Commission, identified side yard setbacks when adjacent to a side street on a corner lot as one of the most frequent requests for a variance from the regulations currently found in the Knox County Zoning Ordinance in order to reduce the setback and increase the amount of the lot available for development.

These numerous requests indicate that the current regulations are out of step with the desires of property owners. Strict application of the criteria for granting a variance is difficult to meet. A change in the regulation is in order.

ANALYSIS

Current regulations for setbacks for side yards adjacent to a side street on a corner lot are found at Article 3, Section 3.30 (Highway Set Back Lines):

3.30.01 On corner lots the minimum width of the side yard next to the side road shall be the same as the width of the front yard for the zone in which located, and no accessory use or building shall be located nearer to the side road line than the main building.

In addition, two zone districts, T (Transition) and TC (Town Center), have unique treatment of the setback for side yards adjacent to streets on a corner lot. Each can and should be made consistent with the general regulation.

- The setback language in the T (Transition) district reads: *On corner lots the building may not be located closer than twenty-five feet to the side yard.* This language is unclear at best and needs to be clarified.
- The setback language in the TC (Town Center) district mimics the current general requirement shown at Article 3, Section 3.30.01 and should be changed if the general requirement is changed.

Many cities and counties use the concept of the “key” lot to determine when the minimum depth of a side yard should be the same as the minimum depth of a front yard. A key lot is an interior lot that is adjacent to a corner lot and shares its side property line with the rear property line of the corner lot. A key lot situation is when the corner lot should have a side yard the same minimum depth as a front yard. When a corner lot is not adjacent to a key lot, the setback for a side yard does not have to be the same as a front yard, but could be greater than that of an interior side yard. A setback for a side yard adjacent to a street is often sized somewhere between an interior side yard and a front yard. A setback half the front yard setback is typical and easy to understand.

The proposed amendments:

- Create a definition for a key lot as a lot that shares its side property line with the rear property line of a corner lot;
- Establish a minimum side yard adjacent to a street on a corner lot at ½ the front yard, except when adjacent to a key lot; and
- Amend the language for the corner lot side yard setback in the T (Transition) and TC (Town Center) zone districts

STAFF RECOMMENDATION

Staff recommends that the planning commission recommend approval of the proposed amendments to the Knox County Zoning Ordinance as shown in Exhibits A and B.

EXHIBITS

- Exhibit A – Proposed amendments to Articles 2, 3, and 5; definitions and regulations
- Exhibit B – Diagram showing example lot configuration

Amendments to the Knox County Zoning Ordinance
Proposed Regulations regarding Corner Lots

Strike through represents deletions

Bold represents new language

PROPOSED NEW DEFINITION (Article 2):

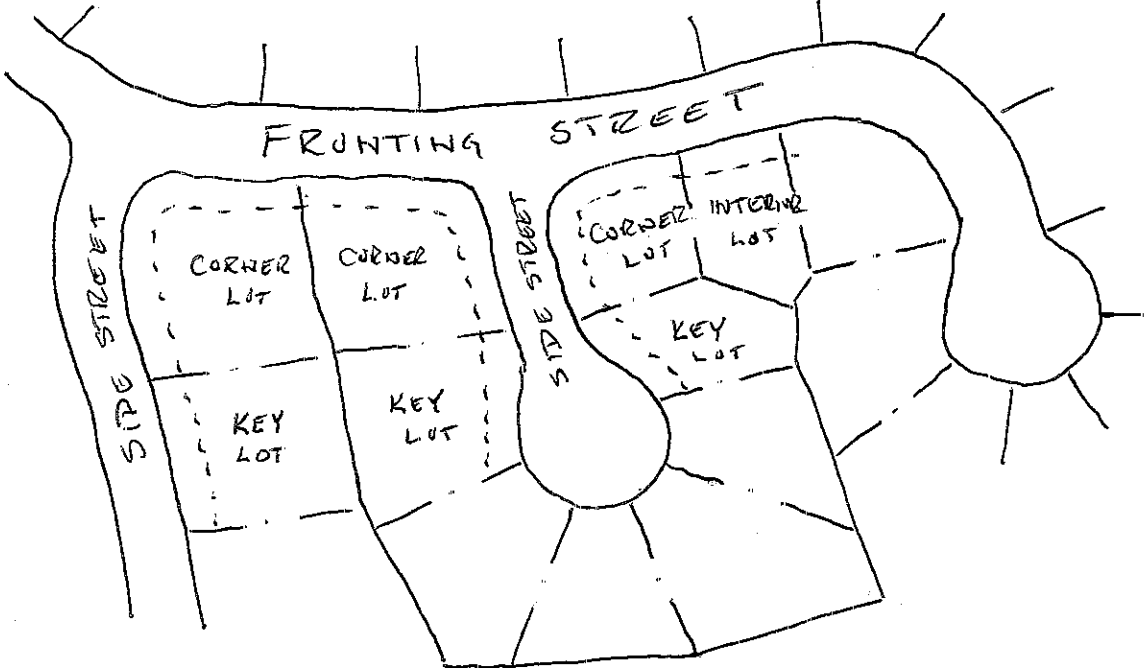
LOT, KEY - A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

PROPOSED AMENDMENTS (Articles 3 and 5):

Current Regulations	Proposed Amendment
3.30 HIGHWAY SET BACK LINES	3.30 HIGHWAY SET BACK LINES
3.30.01 On corner lots the minimum width of the side yard next to the side road shall be the same as the width of the front yard for the zone in which located, and no accessory use or building shall be located nearer to the side road line than the main building.	3.30.01 A. For principal and accessory structures on corner lots adjacent to a key lot, the minimum width of the side yard next to the side road shall be the same as the minimum required front yard for the key lot. B. For principal and accessory structures on corners lots not adjacent to a key lot, the minimum width of the side yard next to the side road shall be half the minimum width of the front yard.
5.36 TRANSITION ZONE (T) 5.36.07 Side and Rear Yards The side and rear yards of every main building shall have a minimum width of thirty feet when adjoining a residentially zoned district, and fifteen feet when adjoining a commercial zone. On corner lots the building may not be located closer than twenty-five feet to the side yard.	5.36 TRANSITION ZONE (T) 5.36.07 Side and Rear Yards The side and rear yards of every main building shall have a minimum width of thirty feet when adjoining a residentially zoned district, and fifteen feet when adjoining a commercial zone. On corner lots the building may not be located closer than twenty five feet to the side yard. On corner lots the building shall be located in accordance with Article 3, Section 3.30.01.
5.91 TOWN CENTER DISTRICT (TC) 5.91.06 (D) Area regulations for other uses are as follows: 1. Front yard: to be determined by the Planning Commission through approval of a master development plan. 2. Minimum side yard: a. Exterior lots: same as abutting zoning district. b. Corner lots: same as front yard. c. Interior lots: none.	5.91 TOWN CENTER DISTRICT (TC) 5.91.06 (D) Area regulations for other uses are as follows: 1. Front yard: to be determined by the Planning Commission through approval of a master development plan. 2. Minimum side yard: a. Exterior lots: same as abutting zoning district. b. Corner lots: same as front yard Article 3, Section 3.30.01. c. Interior lots: none.

KEY LOT CONCEPT DIAGRAMS

EXAMPLE: Corner lots with adjacent "key" lots



EXAMPLE: Corner lots with adjacent interior lots

