



AGENDA ITEM#: 5

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: November 8, 2012

SUBJECT: Request by Knoxville City Council to permit courtyard development in the Knoxville Zoning Ordinance in appropriate residential zone districts
9-A-12-OA

REQUEST

At its July 10, 2012 meeting Knoxville City Council requested that the MPC review the Knoxville Zoning Ordinance and make a recommendation to allow courtyard development in appropriate residential zone districts.

BACKGROUND

Courtyard development is a style of infill housing that has been introduced in a draft RHK-1 (Residential, Heart of Knoxville) zone district that has been prepared by MPC staff. Several city council members have seen the draft ordinance and have requested that courtyard development be considered in other residential zone districts as well.

Courtyard development is a grouping of small detached or attached houses around a courtyard or common space rather than requiring lot frontage for each house on a public street. Design helps promote a sense of community and neighborliness.

The former houses around Forest Court off Sutherland Avenue in the Bearden area are similar to this style of courtyard development. Development of this type has been successfully completed throughout the U.S. in areas that are redeveloping from a residential pattern of large lots to a development pattern of greater residential density.

PREVIOUS CONSIDERATION

The planning commission initially considered this item at its September 13, 2012 meeting. Prior to that meeting the draft zoning ordinance amendment was posted on the MPC website. The standard for required setbacks shown at subsection e.(3) of the development standards is altered from the original draft posted on the MPC website. The required setbacks from adjacent property

and alley right-of-way have been increased. In addition, the numbering of items 4 through 7 has been changed for clarification.

At its September meeting the planning commission postponed consideration to its November meeting and requested staff meet with neighborhood groups that extended invitations and, in addition, hold a public meeting for discussion of the proposal. Staff was invited to two south Knoxville meetings and attended both. A public meeting was conducted on Thursday evening, October 25th, at the Cansler Family YMCA. Approximately 20 people were in attendance, including several City Council members and planning commissioners.

ANALYSIS

The primary difference between courtyard development and housing of comparable scale and density that can already be achieved in several of the city's residential zone districts is the standard that courtyard development may front upon a dedicated courtyard, rather than the requirement that lots have frontage on a public or private street. This single change makes courtyard development much more flexible as a type of infill development and helps support the sense of community and neighborliness that can be achieved in a courtyard development.

The Knoxville Zoning Ordinance has a number of residential zone districts that generally fall in the following categories:

- Low density residential – R-1, R-1A and R-1E;
- Established Neighborhoods – EN-1 and EN-2;
- Medium and high density residential – R-2, R-3 and R-4; and
- Planned Residential – RP-1, RP-2 and RP-3.

In addition, residential uses are allowed in the O-1 and O-2 zone districts by reference to R-2 and R-3 districts, respectively, and in the C-2 zone district dwelling units are a permitted use.

The established neighborhood zone districts (EN-1 and EN-2) already allow a type of housing similar to courtyard development, except for the frontage requirement, at a density of at least twice the density of the standard requirements, through its infill parcel provisions which may be approved as a use-on-review.

The planned residential zone districts (RP-1, RP-2 and RP-3) already allow a type of housing similar to courtyard development, at a gross density as established by city council, through its provisions documented in development plan approval. Densities within a sub-area of a planned residential zone district can be significantly higher than the overall gross density.

The medium and high density zone districts (R-2, R-3 and R-4) allow the permitted uses of the R-1 zone district as well as other styles of development at much greater scales and densities.

In the O-1 office zone district that allows R-2 uses, courtyard development would be allowed by reference to the R-2 uses if these amendments are approved. In the O-2 (Civic and Institutional) and C-2 (Central Business) districts, courtyard development probably isn't appropriate due to its limited density.

The low density zone districts (R-1, R-1A and R-1E) allow a variety of densities but generally are developed at very low densities. The proposed maximum density of the courtyard development is about twice that recommended for low density residential areas in the Knoxville-Knox County General Plan 2033. Used as infill, courtyard development can help add diversity to the stock of

housing in neighborhoods and increase the existing density in many neighborhoods to a level that is sustainable. This is a type of housing that will allow many residents to “age in place” by providing more housing options within established neighborhoods.

STRATEGY

Courtyard development is compatible in density and style of development to housing that is permitted in the R-2, R-3, R-4, RP-1, RP-2 and RP-3 zone districts, and should be allowed in these districts as a use permitted on review.

In the Established Neighborhood districts, EN-1 and RN-2, there is already a provision for infill development, but to date there have been no applications for consideration. The provision of courtyard development requiring frontage only on a courtyard rather than on a public street may prove useful in the future but there seems to be no interest in denser infill development at this time.

Resistance to allowing courtyard development in the R-1 and R-1E zone districts has been expressed, even with the public scrutiny, compatibility criteria and approval by the planning commission which comes with consideration as a use permitted on review. There are many areas of the city that are zoned R-1 that would be appropriate for courtyard development, but the majority of post-World War II suburban style development, where courtyard development is less like the prevailing development, is also zoned R-1.

The R-1A zone district can be used within those areas classified as low density residential of the future land use plan of each Sector Plan. The R-1A zone district allows multi-dwelling structures as a use permitted on review at a density of up to twelve dwellings per acre, the same maximum density proposed for courtyard development. Courtyard development would provide a style of development that is compatible with existing development characterized primarily by detached housing and should be allowed.

In areas zoned R-1 that carry a low density residential land use classification, properties that may be appropriate for courtyard development could first be rezoned to R-1A, then considered as a use permitted on review.

STAFF RECOMMENDATION

Staff recommends that the planning commission recommend approval of courtyard development as a use permitted on review in the R-1A, R-2, R-3, R-4, RP-1, RP-2, and RP-3 residential zone districts of the Knoxville Zoning Ordinance as described in Exhibits A, B-2 and C.

EXHIBITS

- Exhibit A, Proposed definition of courtyard development to be added to Article II of the Knoxville Zoning Ordinance
- Exhibit B-2, Proposed addition of courtyard development to Uses Permitted On Review in several residential zone districts in Article IV
- Exhibit C, Proposed standards for courtyard development as a use permitted on review to be added to Article V, section 3

PROPOSED
Courtyard Development
Definition

Proposed addition to Article II

Courtyard development means a residential development of four or more dwelling units arranged on two or more sides of a common open area - the common area having street frontage of sufficient width to allow direct pedestrian access to and from the street.

COURTYARD DEVELOPMENT
PROPOSED
Zone Districts where use is permitted on review

Proposed additions to Article IV:

Section 2.1.2 R-1A Low Density Residential District

C. Uses and structures permitted on review.

12. Courtyard development

Section 2.1.6 R-2 General Residential District

C. Uses and structures permitted on review.

15. Courtyard development

Section 2.1.7 R-3 High Density Residential District

C. Uses and structures permitted on review.

8. Courtyard development

Section 2.1.8 R-4 Residential District

Ba. Uses and structures permitted on review.

5. Courtyard development

Section 3.1 RP-1, RP-2 and RP-3 Planned Residential Districts

C. Uses and structures permitted on review.

8. Courtyard development

Section 2.2.1 O-1 Office, Medical and Related Services District

C. Uses permitted on review. The following uses may be permitted on review by the planning commission in accordance with the provisions contained in Article VII, section 5:

1. Any use permitted on review in the R-2 (General Residential) district, **including courtyard development**, and multi-dwelling structures and developments as regulated in the R-2 district.

PROPOSED
Courtyard Development
Development Standards

Proposed Addition to Article V, Section 3

F. Other Uses Permitted On Review

12. *Courtyard Development.*

These standards shall apply to development plans of proposed courtyard development as a use permitted on review. The intent of these standards is to provide opportunities for individual ownership of small residential lots oriented onto a courtyard or common open area.

- a. *Applicability.* Courtyard developments as principle residential uses permitted on review are subject to the following standards. Accessory dwelling units are not permitted within any courtyard development.
- b. *Ownership.* The lot(s) for houses and courtyard or common open area may be established by one of several methods:
 - (1) Separate lots for each house with permanent easement(s) to create the courtyard or common open area;
 - (2) Condominium ownership through which the courtyard or common open area is established relative to the surrounding houses; or
 - (3) Other methods that are approved through the use-on-review process that realize the intent of mutual ownership of the courtyard or common open area.
- c. *Density.* Courtyard developments shall not exceed a density of twelve (12) dwelling units per acre. Each courtyard development shall contain no less than four (4) or more than ten (10) dwelling units arranged on at least two sides of a courtyard or common open area.
- d. *Orientation of houses.* Houses shall be oriented to, and have a main entry onto, a courtyard or common open area.
 - (1) The courtyard or common open area shall be accessible to all houses in the development and shall have buildings abutting on no less than two (2) sides.
 - (2) However, houses on lots abutting a street shall front the street; that is, the rear of the house or structure shall not face the street. Houses fronting the street shall have a second entrance onto the courtyard or common open area.
 - (3) Vehicular access to residences may be via a street, an alley or private drive.
- e. *Lot and Bulk Standards.* The following lot and bulk standards shall apply:
 - (1) Minimum lot sizes shall be determined by the planning commission with development plan approval.
 - (2) A unified, contiguous courtyard or common open area shall be provided, with total area of no less than two hundred fifty (250) square feet per dwelling

PROPOSED
Courtyard Development
Development Standards

unit. The courtyard or common area shall have street frontage of sufficient width to allow direct pedestrian access to and from the street.

- (3) Rear and side yard setbacks for principal structures such as houses shall be a minimum of ten (10) feet from the property line of lots adjacent to the courtyard development and alley right-of-way, and setbacks from the defined courtyard or common open space shall be a minimum of five (5) feet. For accessory structures the rear and side yard setbacks shall be a minimum of five (5) feet from property lines and from the defined courtyard or common open space. Accessory buildings shall not be permitted in any yard abutting a public street.
- (4) Lots abutting a public street shall provide a front yard consistent with surrounding development as approved by the planning commission.
- (5) A minimum separation of ten (10) feet is required between principle structures such as houses. A minimum separation of six (6) feet is required between principle and accessory structures.
- (6) In lieu of the requirement for frontage on a public street found at Article V. Section 6.D.9, lots shall provide a minimum of eighteen (18) feet of frontage on a courtyard or common open area or public street.
- (7) The maximum height of a structure shall be thirty-five (35) feet.
- (8) The maximum building coverage for each house, excluding covered porches, shall be one thousand (1,000) square feet. Building coverage for accessory structures shall be determined by the planning commission with development plan approval.
- (9) Where a proposed development cannot comply with the standards of this section, the planning commission may approve alternative standards provided that the intent of this section is met.

f. *Criteria for Design Features.*

- (1) Permanent foundation systems for primary structures, surrounded by a perimeter wall of solid masonry or concrete, shall be provided in accordance with plans approved by the planning commission.
- (2) Orientation of primary structures that front on a public street shall be provided in context to the façade and porch orientation of the surrounding neighborhood in accordance with plans approved by the planning commission.
- (3) Roof design of all structures shall be constructed in accordance with plans approved by the planning commission.
- (4) Exterior materials and window and door openings of primary structures that front on a public street shall be provided in context to the exterior materials and window and door openings of the surrounding neighborhood in accordance with plans approved by the planning commission.
- (5) Fences and trees in a front yard shall be provided in accordance with plans approved by the planning commission so that adequate tree canopy is provided in the front yard. No wire or wire-like fence material may be used and fences in the front yard may not exceed forty-two (42) inches in height.

PROPOSED
Courtyard Development
Development Standards

- g. *Parking Requirements.* The requirements for the provision of parking for courtyard development shall be as follows:
- (1) In lieu of the required number of parking spaces established in Article V, Section 7, parking for courtyard development shall be provided at a rate of 1.5 parking spaces per dwelling unit.
 - (2) Parking shall be located on the courtyard development property.
 - (3) Parking shall be provided on each lot, or in the form of shared parking sites in commonly owned space, or a combination of the two.
 - (4) Commonly owned parking sites shall be no more than six (6) adjoining spaces without an intervening landscape feature and shall be screened from any public street by landscaping. Commonly owned parking sites shall be screened from adjacent residential uses by landscaping or architectural screening. Property located across an alley from the commonly owned parking sites shall not be considered adjacent in this context.
 - (5) Parking spaces shall not be permitted in an established front yard or required courtyard or common open area.
 - (6) Parking spaces may be permitted between, or to the side of structures, only when it is behind the leading edge of the front facade of the structure and is accessed by a side or rear alley, or a side or rear private driveway.
 - (7) The planning commission may approve alternative parking provided the intent of this section is met. In reviewing alternative parking provisions, the planning commission shall consider the following:
 - i. Consistency with the Knoxville-Knox County General Plan 2033, and those plans adopted by reference in it;
 - ii. That the alternative parking provisions will not have a substantial or undue adverse effect upon the neighborhood, the character of the property and adjoining properties and other matters affecting the public health, safety and general welfare; and
 - iii. That the alternative parking provisions will be designed and constructed to be compatible with the neighborhood.