



AGENDA ITEM #: 46

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Dan Kelly, Deputy Director/Development Service Manager

DATE: Thursday, November 03, 2016

SUBJECT: Amendment to the MPC's Administrative Rules and Procedures regarding procedures for special exceptions
11-C-16-OB

STAFF RECOMMENDATION:

ADOPT the amendment to Article 4 of the Administrative Rules and Procedures as shown:

BACKGROUND:

Staff is recommending that MPC amend Article 4 (Use on Review Applications) of its Administrative Rules and Procedures incorporating language that will clarify what a "special exception" is and establish a fee schedule and review procedures for matters that are being heard as special exceptions.

Presently in the City of Knoxville Zoning Ordinance under prohibited uses in the C-3 General Commercial zone prohibited uses (Article 4 Section 2.2.6.D.1) states that residential uses are prohibited in the C-3 zone except as a special exception which may be permitted by MPC. This is the only reference to a special exception in the entire Zoning Ordinance. However, the term special exception is not uncommon in the planning vocabulary. What our ordinance refers to a use-on-review other communities use terms such as conditional use or special exception.

We now have a developer who wants to redevelop a site, currently zoned C-3, with a mixture of commercial and residential uses. At the present time we do not have a zone other than C-2 (Central Business District) that will permit mixed use developments. Since a special exception in other communities is similar to our use on review, staff is recommending that such requests be handled the same as a use-on-review. We recommend that the fee charged for a special exception and the plans required for review be the same as are currently required to proceed through the use-on-review process.

Staff looks at this amendment to the Administrative Rules as a temporary fix to address a question at hand. The rewrite of the City Zoning Ordinance will provide an opportunity for consideration of a long term solution to this matter.

Amendment to MPC Administrative Rules & Procedures

New language is in bold, underlined.

ARTICLE IV – USE ON REVIEW APPLICATIONS

In addition to the requirements of the application form and those of either the *Knox County Zoning Ordinance* or the *City of Knoxville Zoning Ordinance*, as appropriate, every application for use-on-review shall be accompanied by the following:

- A. A site plan, drawn to scale, and showing:
 - 1. The subject property and its relationship to adjacent properties, streets, easements and alleyways.
 - 2. The location of existing and proposed building(s) on the subject property, and distances of each from all property lines.
 - 3. The proposed use of all buildings together with information sufficient to determine off-street parking requirements.
 - 4. An off-street parking plan, if appropriate, showing parking spaces, access aisles, and entrances and exits to streets.
 - 5. All planted areas, recreation areas, play areas and green space.
- B. A detailed landscape plan and floor plan for any proposed use for a church, medical facility, nursing home, lodge hall, or other similar proposed use identified by the Planning Commission staff. Although not required, an architectural rendering is preferred to satisfy this provision.

C. "Special exceptions" as called for in Article 4, Section 2.2.6.D.1. (C-3 General Commercial District) shall be administered as a Use Permitted On Review and in accordance with Article 5, Section 3 (Development Standards For Uses Permitted on Review) and Article 7, Section 5 (Procedure for Considering Subdivisions, Development Plans and Use on Review).