



AGENDA ITEM #: 8

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mike Reynolds

DATE: Friday, July 28, 2017

SUBJECT: Amendment to the City of Knoxville Zoning Ordinance regarding establishing business size standards in the C-1(Neighborhood Commercial) District.

7-C-17-OA

STAFF RECOMMENDATION:

Approve the attached amendment to the C-1 (Neighborhood Commercial) district.

BACKGROUND:

The C-1, Neighborhood Commercial, zone district is intended to "provide areas in which the principal use of land is devoted to the neighborhood store... limited to a narrow range of retail, service and convenience goods only..., and where large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood." In the past, the vast majority of businesses located in the C-1 district have had small footprints in comparison to those in other commercial districts because the allowed uses do not lend themselves to larger footprint businesses. However, a recent decision by City Council to approve an appeal and overturn the determination of the Chief Building Official that a particular retail business was not permitted in the C-1 district, has established that general retail businesses are allowed in this district which opens the door for uses that are larger commercial operations. These type of uses are stated s being "undesirable" in the general description of the district.

The primary purpose of the proposed amendments are to ensure the size of all businesses meet the intent of the C-1 district, which is for small, neighborhood-oriented businesses and to clarify that general retail, or "retail trade", is a use permitted on review by the planning commission. Several similar neighborhood commercial districts in other municipalities have a maximum size for buildings or establishments of 5,000 square feet which would allow the types of uses consistent with the intent of the C-1 district. In analyzing the gross building footprints in the C-1 district, 81% (131 of 161) had a footprint of 5,000 sqft or less. For the buildings that are larger than 5,000 sqft, many of them are commercial strip centers where the individual businesses are less than 5,000 sqft but the entire building is larger than 5,000 sqft. Being that the vast majority of the existing establishments within the C-1 district are 5,000 sqft or less, staff feels that this standard is appropriate in Knoxville as well. A provision has been added to this maximum establishment size that pre-existing businesses, or their successors, can maintain the nonconforming size (larger than 5,000 sqft) and can expand in accordance with the article VI, section A, which allows the Board of Zoning Appeals to permit an expansion of a nonconforming business. These provisions are to ensure that existing, established businesses are not overly impacted by the adoption of this new standard.

Red text – new text

Strikeout text – deleted text

Blue text – new location for moved text

Blue-strikeout text – text to be deleted in current location and moved to new location

2.2.4. - C-1 neighborhood commercial district.

A. *General description.* This district is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of retail, service and convenience goods only and to the first floor of a structure. This district is designed for areas where large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood.

~~Offices of nonprofit organizations, private clubs and lodges [are] to be in accordance with the regulations in the O-1 district.~~

B. *Uses permitted.* Property and buildings in a C-1 neighborhood commercial district shall be used only for the following purposes:

1. Reserved.
2. Food market including specialty foods such as:
 - a. Bakery goods.
 - b. Delicatessen goods.
 - c. Meats.
3. Drugstore or fountain including:
 - a. Book and reading matter.
 - b. Stationery.
 - c. Tobacco.
 - d. Vanity goods.
 - e. Pharmacy.
4. Barbershop and beauty shop.
5. Cleaning and pressing collection stations.
6. Gift shop.
7. Self-service laundry and/or dry cleaning establishment, either coin- or attendant-operated; provided, however, that notwithstanding other requirements of this section, no such establishment shall exceed four thousand (4,000) square feet of gross floor area and no variance to such maximum floor area shall be granted.
8. Gasoline service station. (See article V, section 11, for additional requirements.)
9. Shoe repair and shoeshine service.
10. Professional and business offices.
- ~~11. Nameplate and sign, as regulated in article V, section 10.~~ **Reserved.**
12. Accessory buildings and uses customarily incidental to the above uses.

13. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys and rights-of-way.
 14. Recycling collection facility as an accessory use only as regulated by article V, section 18.B.
 15. Personal gardens.
 16. Community gardens.
 17. Market gardens.
 18. Offices of nonprofit organizations, private clubs and lodges in accordance with the regulations in the O-1 district.
- 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, and article V, section 3:
1. ~~Specialty shops dealing in men's or women's wearing apparel.~~ Retail trade.
 2. ~~Dry goods stores.~~ Reserved.
 3. Libraries.
 4. Eating and drinking establishments excluding brewpubs.
 5. Churches.
 6. Commercial telecommunications towers.
 7. Dwelling units in conjunction with another permitted use.
- D. *Area regulations.* The following requirements shall apply to all uses permitted in this district:
1. *Front yard.* All buildings shall [be] set back from the street right-of-way lines not less than twenty-five (25) feet.
 2. *Side yard.*
 - a. *Commercial uses only.* No side yard is required except as hereinafter provided.
 - b. *Combined commercial and residential uses.* Side yards shall be not less than twelve (12) feet each.
 - c. *All uses.* Where side yard is adjacent to a residential district, such side yard shall be not less than twenty (20) feet.
 3. *Rear yard.* There shall be a rear yard, alley, service court, or combination thereof, of not less than thirty (30) feet in depth, and all of the service areas of all buildings shall be completely screened from public view with plant materials or fencing.
 4. *Maximum lot coverage.* No building or buildings shall cover more than thirty-five (35) percent of the lot area.
 5. *Maximum establishment size.* No individual establishment, excluding libraries and churches, shall have a gross floor area exceeding five thousand (5,000) square feet. Establishments determined to be pre-existing nonconforming with the requirements of this section, or their successors, may expand in accordance with article VI, section A.
- E. *Height regulations.* No building shall exceed thirty-five (35) feet in height, except as provided in article V, section 5.
- F. *Off-street parking.* As regulated in article V, section 7.