



MEMORANDUM

Date: November 4, 2019
To: Planning Commission
From: Gerald Green AICP, Executive Director
Subject: **Agenda Item 11-H-19-OB**

One of the items on Knoxville-Knox County Planning's work program for this fiscal year is the drafting of a process for initiating and undertaking a zoning study. Zoning studies can be initiated to assess the feasibility of the application of a historic zoning overlay, as with the Oakwood study currently underway, or for the application of a different zoning designation, such as an Established Neighborhood designation. While the intent of zoning studies may vary, they all require a significant amount of work and the dedication of significant staff resources. Another commonality is that all zoning studies seem to become contentious at some point. Although Planning staff has undertaken several zoning studies, no uniform process for initiating and conducting a zoning study exists to guide this resource intensive, time consuming, and often contentious undertaking.

Staff has drafted a proposed process for initiating and undertaking a zoning study. Goals of the proposed process are:

- To provide a standardized process to be used for all areas desiring a zoning study;
- To assure support among the property owners in the study area for the initiation of the zoning study;
- To assure the study area is large enough to warrant the dedication of resources required to undertake and conduct the zoning study, to develop any new standards or guidelines for the area, and to administer any new standards or guidelines;
- To assure support of property owners in the study area for the recommendations of the zoning study;
- To define the role of the zoning study advocates in the engagement and outreach necessary for a successful zoning study; and
- To encourage participation by property owners and residents of the study area in the zoning study.

The draft process for initiating and undertaking a zoning study is provided for your review and comment. Planning staff recommends approval of the draft process for initiating and undertaking a zoning study.

If you have any questions, comments, or would like additional information, please feel free to contact me by email at gerald.green@knoxplanning.org or by phone at 215-3758.

Initiating and Undertaking A Zoning Study

10/30/2019

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The process described below shall be used by Knoxville-Knox County Planning staff in initiating and undertaking a study to determine the feasibility of assigning a new zone or overlay to a neighborhood or other large area, including the following:

- Infill Housing Overlay (IH)
- Neighborhood Conservation Overlay (NC)
- Historic Overlay (H)
- Established Neighborhood District (EN)
- General Rezoning of Area

Process for Initiating a Zoning Study

1. A request for the initiation of a zoning study shall be submitted to Knoxville-Knox County Planning. The request shall include a description of the zoning study requested and the identification of the area for which the study is to be conducted. The area may be a defined neighborhood, registered with the Office of Neighborhoods, with boundaries as depicted in the records of the Office of Neighborhoods. If the area is not a defined neighborhood registered with the Office of Neighborhoods, defined boundaries shall be identified by the proponents of the zoning study for the area for which the zoning study is proposed. The area shall have a minimum size of four (4) square blocks or ten (10) acres.
2. The request from the proponents requesting the initiation of a zoning study shall be accompanied by a petition signed by 60% of the property owners in the area or owners of 60% of the property in the area. The petition must include the property owner's printed name, physical address, and signature. The petition shall describe the purpose of the zoning study, commit the signer(s) to participate in the zoning study, and contain a statement that the signer(s) acknowledge that the implementation of any zoning change may result in new and additional development standards being applicable to their property.
3. The completed petition shall be presented to Knoxville-Knox County Planning for verification that the threshold for property owner signatures has been met. Upon verification that the threshold for property owners has been met, the zoning study request shall be forwarded to the City Council member in whose district the area proposed for the zoning study is located.
4. Upon receipt of the verified request, the City Council member may direct the preparation of a resolution requesting Knoxville-Knox County Planning to undertake the zoning study as requested. Any resolution drafted shall be presented to City Council for consideration and adoption. The Council member also shall provide a letter of support for the requested zoning study, to be attached to the resolution requesting the zoning study.
5. Upon adoption of a resolution requesting Knoxville-Knox County Planning to undertake a zoning study, the resolution shall be forwarded to the Knoxville-Knox County Planning Commission Executive Committee for consideration.
6. The Executive Committee shall review the resolution and make a decision as to whether to add the zoning study to the Knoxville-Knox County Planning work program, in accordance with the Planning Commission's Administrative Rules and Procedures. If the Executive Committee's decision is to place the zoning study on the work program, its placement and scheduling shall be dependent on availability of staff resources, priority of other projects on the work program,

and funding. If the lack of available resources precludes the study being placed on the current work program, it may be designated for a future work program.

Process for Undertaking a Zoning Study

1. Upon addition of the zoning study to the Knoxville-Knox County Planning work program, proponents of the zoning study are encouraged to begin outreach efforts to make all property owners, business owners, tenants, and residents of the area to be addressed in the study aware of the zoning study and its intent. Proponents may contact Knoxville-Knox County Planning staff for advice on outreach efforts.
2. Upon initiation of the zoning study, Knoxville-Knox County Planning staff will be assigned to the project and a scope of work and schedule for the study shall be prepared. Proponents of the zoning study shall be directed to identify persons to form a stakeholder committee, to be appointed by the Mayor with the endorsement of City Council, to provide input to Planning staff and to serve as a liaison between Planning staff and property owners, business owners, residents, and tenants in the study area.
3. Working with the stakeholder committee, Planning staff shall develop an outreach and engagement strategy designed to ensure that all interested parties are aware of the zoning study and have opportunities to participate in and provide input in the zoning study. The stakeholder committee and proponents of the study shall have a major role in carrying out the outreach and engagement strategy.
4. The requested zoning study is undertaken, adhering to any requirements that may exist for the particular zoning study being conducted. An emphasis shall be placed on outreach and engagement. Any development/design standards or guidelines drafted as part of the zoning study shall be vetted thoroughly with property owners, business owners, residents, tenants, and other interested parties in the study area. Planning staff shall work closely with the stakeholder committee in carrying out the zoning study.
5. The draft final recommendations, development/design standards or guidelines, boundaries of the area affected, and other relevant information shall be presented to the property owners, business owners, residents, tenants, and other interested parties in the study area. Support of the recommendations shall be indicated by a petition signed by 60% of the property owners in the area or owners of 60% of the property in the area. The petition must include the property owner's printed name, physical address, and signature. The petition shall state that the signer is aware of the recommendations of the zoning study, supports the recommendations, and will abide by any standards and regulations imposed by adoption of the recommendations. Stakeholder committee members and proponents of the zoning study shall take the lead in gathering petition signatures.
6. Upon receipt of the petition signifying support for the recommendations of the zoning study, Knoxville-Knox County Planning staff shall verify that the threshold for property owner signatures has been met.
7. Upon verification that the threshold for property owners has been met, the recommendations of the zoning study shall be prepared for consideration and adoption by the appropriate appointed boards and commissions and City Council. Knoxville-Knox County Planning staff shall be responsible for managing the consideration and adoption of the recommendations of the zoning study, in accordance with the procedures established for such consideration and adoption.