



Memorandum

TO: Knoxville-Knox County Planning Commission
FROM: Amy Brooks, AICP, Planning Services Manager
DATE: April 1, 2020
SUBJECT: 4-F-20-OA

STAFF RECOMMENDATION:

Approve the requested amendment to Article 17.1 of the City of Knoxville Zoning Ordinance creating a new subsection F entitled Damage or Destruction of Nonconforming Structures.

ATTACHMENTS

Attachment A: City of Knoxville Plans Review & Building Inspections memo

Attachment B: Proposed language for Article 17.

**MEMORANDUM**

DATE: April 2, 2020
TO: Planning Staff
FROM: Peter Ahrens
Director of Plans Review & Building Inspections
RE: Minor Zoning Code Amendment
Article 17

Background The Plans Review and Inspections Department requests an amendment to the newly-adopted Zoning Code of the City of Knoxville. The following is a minor amendment to Article 17 Nonconformities.

- Article 17.1 is under *Nonconforming Building, Structures, and Uses of Land*. This amendment creates a new section 17.1.F entitled Damage or Destruction of Nonconforming Structures. This language is taken from Tennessee Code Annotated and requirements set forth by the State of Tennessee.

The Department of Plans Review and Building Inspections recommends the adoption of this minor amendment to Article 17 of new Zoning Code, as indicated in the attachments.

Attachments

- 1) Proposed Language for Article 17

Sincerely,

Peter Ahrens
Director of Plans Review & Building Inspections
865-215-3938

Attachment: Proposed Language**F. Damage or Destruction of Nonconforming Structure**

A legally-existing nonconforming structure shall be allowed to be rebuilt if damaged by unplanned casualty or act of God; provided, that:

(A) The replacement structure shall not create any new nonconformities or increase the degree of any nonconformities in existence prior to the damage caused by unplanned casualty or act of God;

(B) The construction of the replacement structure shall commence within thirty (30) months of the date of the damage caused by unplanned casualty or act of God; and

(C) There is a reasonable amount of space for the replacement structure on the property within the area that is affected by the adoption of the land use restrictions or an amendment of the restrictions, so as to avoid nuisances to adjoining landowners.

This section applies only to land owned and in use prior to the damage caused by unplanned casualty or act of God to a nonconforming structure, and does not operate to permit the relocation of a legally-existing nonconforming structure on additional land acquired after the structure is rendered nonconforming.

This section applies only to damage by unplanned casualty or act of God to nonconforming structures occurring on or after the enactment of this provision.

Attachment: Redlined State Law
Tenn. Code Ann. § 13-7-208(m) – Proposed Language Redlined

F. Damage or Destruction of Nonconforming Structure

~~Immediately preceding an initial adoption of the land use restrictions or an amendment of the restrictions, industrial, commercial, and other business establishments in operation and permitted to operate~~ A legally-existing nonconforming structure [...] shall be allowed [...] to ~~rebuild~~ be rebuilt if facilities if they are damaged by unplanned casualty or act of God; provided, that:

(A) The replacement ~~facilities shall not be larger in size than the facilities~~ structure shall not create any new nonconformities or increase the degree of any nonconformities in existence prior to the [...] damage caused by unplanned casualty or act of God;

(B) The construction of the replacement ~~facilities~~ structure shall commence within thirty (30) months of the date of the [...] damage caused by unplanned casualty or act of God; and

(C) There is a reasonable amount of space for the replacement ~~facilities~~ structure on the property ~~owned by the industry or business situated~~ within the area that is affected by the adoption of the land use restrictions or an amendment of the restrictions, so as to avoid nuisances to adjoining landowners.

~~Subdivision (m)(2)~~ This section applies only to land owned and in use [...] prior to [...] the damage caused by unplanned casualty or act of God to ~~facilities~~ a nonconforming structure, and does not operate to permit the ~~replacement of facilities necessary to the conduct of the industry or business through the acquisition of additional land~~ relocation of a legally-existing nonconforming structure on additional land acquired after the structure is rendered nonconforming.

[...] This section applies only to damage by unplanned casualty or act of God to ~~facilities~~ nonconforming structures occurring on or after ~~July 1, 2015~~ the enactment of this provision.