



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Agenda Item 12-A-19-OA, Agenda No. 32

1 message

Carlene Malone <carlene.malone@gmail.com>

Mon, Jan 6, 2020 at 11:02 AM

Reply-To: carlene.malone@gmail.com

To: commission@knoxplanning.org, Gerald Green <gerald.green@knoxplanning.org>

Please see the attached request to deny or postpone the Amendment to Article 8, Sec. 8.2.A, regarding a 5 acre minimum area in Institution District.
Thank you.
Carlene V. Malone

TO: Knox Planning Commissioners
Gerald Green, Executive Director

FROM: Carlene V. Malone

DATE: 1-6-20

RE: Agenda Item 12-A-19-OA, Agenda No. 32, Amendment to "Sec. 8.2.A -- As a follow up to last month's discussion regarding sign standards for the Institutional district, clarifies that the INST designation should be applied to areas with a minimum size of five (5) acres."

Please deny the proposed amendment or postpone the amendment until the Planning Commission staff has had sufficient time to review the amendment in the context of the December, 2019, City Council Resolution regarding signs in the Institutional District.

The amendment adds the following sentence to the Purpose Statement of the Institutional district: ***"Areas zoned Institutional should have a minimum area of five (5) acres."***

The amendment confuses, rather than clarifies, the requirements of the Institutional district.

The amendment causes confusion by:

- Using the undefined term, "area." "Lot" and "parcel" are defined. (See definitions included below.)
- Using the undefined word "should." "Should" is not included in the Zoning Ordinance (**Article 2, 2.1, D.,**) as a mandatory term and is not included as a permissive term. It must be noted that the term "should" does not appear to be used in any other "Purpose Statement" in the zoning ordinance.
- Introducing a five acre "area" requirement, which conflicts with the 20,000 sq. ft. **Minimum Lot Area** requirement (less than half an acre) in **Article 8, Sec. 8.2, C. Table 8-2, INST District Dimensional Standards. Article 2, Sec. 2.1., G.,** further adds to the confusion by stating: ***"G. To the extent that a conflict exists between the text of this Zoning Code and an image, chart, or table, the text of this Zoning Code shall be controlling."***

What exactly is meant by ***"Areas zoned Institutional should have a minimum area of five (5) acres."***? The proposed language is unenforceable. If the intent is to require a five-acre minimum lot size in the Institutional District, **Table 8-2 INST District Dimensional Standards**, should be amended.

As noted above, the term "area" is not defined in the new zoning ordinance. However, the term "Lot" is defined in **Article 2, Sec. 2.4, I.,** which states: ***"A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations. The following describes the types of lot configurations:"*** Definitions of "Interior lot," "corner lot," "through lot" and "flag lot" are then provided as **Sec. 2.4, I., 1-4.**

"Lot Area," "Lot Depth," "Lot Line," "Lot Width" are defined in **Article 2, Sec. 2.4, J., K., L., M.,** respectively.

The term "Parcel" is defined in **Article 2, Sec. 2.3,** which states: ***"Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder."***

It must also be noted that the sign regulations, **Article 13,** of the Zoning Ordinance, are based on "lot" and "parcel," not "area."

Please deny or postpone this amendment

Thank you.

Carlene V. Malone

865-687-8148

--

"To abandon facts is to abandon freedom...If nothing is true, then all is spectacle.
The biggest wallet pays for the most blinding lights."

[-Timothy Snyder, *On Tyranny*]

--

This message was directed to commission@knoxplanning.org



Institution zone area amendment.docx

18K

TO: Knox Planning Commissioners
Gerald Green, Executive Director

FROM: Carlene V. Malone

DATE: 1-6-20

RE: Agenda Item 12-A-19-OA, Agenda No. 32, Amendment to "Sec. 8.2.A -- As a follow up to last month's discussion regarding sign standards for the Institutional district, clarifies that the INST designation should be applied to areas with a minimum size of five (5) acres."

Please deny the proposed amendment or postpone the amendment until the Planning Commission staff has had sufficient time to review the amendment in the context of the December, 2019, City Council Resolution regarding signs in the Institutional District.

The amendment adds the following sentence to the Purpose Statement of the Institutional district: ***"Areas zoned Institutional should have a minimum area of five (5) acres."***

The amendment confuses, rather than clarifies, the requirements of the Institutional district.

The amendment causes confusion by:

- Using the undefined term, "area." "Lot" and "parcel" are defined. (See definitions included below.)
- Using the undefined word "should." "Should" is not included in the Zoning Ordinance (**Article 2, 2.1, D.,**) as a mandatory term and is not included as a permissive term. It must be noted that the term "should" does not appear to be used in any other "Purpose Statement" in the zoning ordinance.
- Introducing a five acre "area" requirement, which conflicts with the 20,000 sq. ft. **Minimum Lot Area** requirement (less than half an acre) in **Article 8, Sec. 8.2, C. Table 8-2, INST District Dimensional Standards.**
Article 2, Sec. 2.1., G., further adds to the confusion by stating: ***"G. To the extent that a conflict exists between the text of this Zoning Code and an image, chart, or table, the text of this Zoning Code shall be controlling."***

What exactly is meant by "**Areas zoned Institutional should have a minimum area of five (5) acres.**"? The proposed language is unenforceable. If the intent is to require a five-acre minimum lot size in the Institutional District, **Table 8-2 INST District Dimensional Standards**, should be amended.

As noted above, the term "area" is not defined in the new zoning ordinance. However, the term "Lot" is defined in **Article 2, Sec. 2.4, I.**, which states: "**A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations. The following describes the types of lot configurations:**" Definitions of "Interior lot," "corner lot," "through lot" and "flag lot" are then provided as **Sec. 2.4, I., 1-4.**

"Lot Area," "Lot Depth," "Lot Line," "Lot Width" are defined in **Article 2, Sec. 2.4, J., K., L., M.**, respectively.

The term "Parcel" is defined in **Article 2, Sec. 2.3**, which states: "**Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder.**"

It must also be noted that the sign regulations, **Article 13**, of the Zoning Ordinance, are based on "lot" and "parcel," not "area."

Please deny or postpone this amendment

Thank you.

Carlene V. Malone

865-687-8148



Laura Edmonds <laura.edmonds@knoxplanning.org>

[Planning Commission Comment] Request for Postponement--12-A-19-OA

2 messages

Carlene Malone <carlene.malone@gmail.com>

Mon, Dec 9, 2019 at 9:47 AM

Reply-To: carlene.malone@gmail.com

To: commission@knoxplanning.org, Gerald Green <gerald.green@knoxplanning.org>, Amy Brooks <amy.brooks@knoxplanning.org>

Dear Commissioners and Staff:

I request this item be postponed. The language proposed for consideration did not appear on the Planning Commission website on Friday and is not available on the website at this time.

The public deserves reasonable time to consider this item if they are expected to give thoughtful comments.

12-A-19-OA is described as **"minor amendments to the newly adopted City of Knoxville Zoning Ordinance to clarify review of special uses, appointments to Design Review Board, application of sign standards, and minimum size for Institutional District zoning."**

There may not be agreement on what constitutes a "minor amendment".

Additionally, at least three of the stated topics, "clarify review of special uses", "application of sign standards" and "minimum size for Institutional District Zoning" are potentially complex and of interest to a broad range of Knoxville taxpayers.

For these reasons, I request the item be postponed.

Thank you.

Carlene V. Malone

--

"To abandon facts is to abandon freedom...If nothing is true, then all is spectacle.

The biggest wallet pays for the most blinding lights."

[-Timothy Snyder, *On Tyranny*]

--

This message was directed to commission@knoxplanning.org

Gerald Green <gerald.green@knoxplanning.org>

Mon, Dec 9, 2019 at 11:55 AM

Reply-To: gerald.green@knoxplanning.org

To: Carlene Malone <carlene.malone@gmail.com>

Cc: Commission <commission@knoxplanning.org>, Amy Brooks <amy.brooks@knoxplanning.org>

Carlene,

I apologize for the amendment not being on the website and available to the public Friday. I completed the draft of the ordinance amendments early last week and thought the amendments would be posted. Staff will request that the item be postponed until January to permit time for public review. I have attached the proposed amendment to this email. If you have any questions regarding the proposed amendment or would like to discuss it, please let me know.

Again, I apologize for the failure to have the amendment posted in a timely manner.

Regards,

Gerald

Gerald Green AICP

Executive Director

Knoxville-Knox County Planning | KnoxPlanning.org

400 Main Street, Suite 403 | Knoxville, TN 37902

865.215.3758




[Quoted text hidden]

2 attachments**Zoning Code Minor Amendments_2019-12-05.docx**

12/9/2019

Knoxville - Knox County Planning Mail - [Planning Commission Comment] Request for Postponement--12-A-19-OA

 32K

 **Agenda Item 12-A-19-OA Memo_2019-12-05.doc**
212K



MEMORANDUM

Date: December 5, 2019
To: Planning Commission
From: Gerald Green AICP, Executive Director
Subject: **Agenda Item 12-A-19-OA**

Planning staff has worked with City of Knoxville staff to identify minor amendments to the new City of Knoxville Zoning Ordinance to clarify language, correct inconsistencies, and to align ordinance language with processes and procedures. The proposed amendments will have little, if any, impact on the administration of the new zoning ordinance.

A brief overview of the proposed amendments follows:

- Sec 1.4.B – Recognizes and clarifies that the Planning Commission, not the BZA, reviews special use applications.
- Sec 1.4.J – Confirms that Downtown Design Review Guidelines apply to properties in downtown Knoxville.
- Sec 4.1.A – Confirms that the EN district designation can be applied to any neighborhood, as directed by City Council.
- Sec 8.2.A – As a follow up to last month's discussion regarding sign standards for the Institutional district, clarifies that the INST designation should be applied to areas with a minimum size of 5 acres.
- Sec 13.9.F – Clarifies that the identified sign standards apply in the commercial, industrial, and institutional districts.
- Sec 14.12.A and B – Assigns full administration of Downtown Design Review to Planning staff and adds a citizen member to the Design Review Board to replace the City staff appointment that was eliminated.

Planning staff recommends approval of the draft ordinance amendment making minor revisions to the new City of Knoxville Zoning Ordinance.

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.

Zoning Code Minor Amendments
December 5, 2019
DRAFT

Sec 1.4.B.2.

1.4 TRANSITION RULES

B. Existing Uses

4. Any use classified as a use on review prior to the effective date of this Code, and that use is now classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses including review by the **Planning Commission.~~Board of Zoning Appeals.~~**

J. Downtown Design Review Guidelines

The Guidelines that applied to each property on December 31, 2019 shall continue to apply to each property, until the Downtown Design Review Guidelines are updated to reflect the new names of the DK Downtown Knoxville sub-districts.

Sec 4.1.A.

4.1 PURPOSE STATEMENTS

A. EN Established Residential Neighborhood Zoning District

The EN Established Residential Neighborhood Zoning District is intended to accommodate Knoxville's older ~~low density~~ neighborhoods, ~~exhibiting a predominant~~ which exhibit a uniform character and have a development pattern of ~~large lots with generous yards and~~ complex, intricately designed homes on a highly connected street network. The EN District provides for the stability of these established neighborhoods, while allowing for continued development that is compatible with the existing development pattern. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

Sec 8.2.A.

8.2 INST INSTITUTIONAL DISTRICT

A. Purpose Statement

The INST Institutional District is intended to accommodate federal, state, county, and municipal governmental operations (with the exception of those operations that are industrial in nature), and campus institutional uses such as healthcare institutions and educational facilities, to allow for their expansion in a manner that protects surrounding neighborhoods. **Areas zoned Institutional should have a minimum area of five (5) acres.** Additional uses may also be permitted, such as residential, and professional office or business uses that are compatible with the character of the district

Sec 13.9.F.

13.9 SIGNS PERMITTED IN SPECIFIC DISTRICTS

F. Commercial, Industrial, and Institutional Districts: C-N, C-G, C-H, C-R, DK, I-MU, I-RD, I-G, I-H, INST

To each subpart 1-4, modify the beginning phrase as follows: "In the commercial, ~~and~~ industrial, ~~and~~ institutional districts, [...]" (Article 13.9.F. parts 1-4)

Sec 14.12.A. and B.

14.12 DESIGN REVIEW BOARD ORGANIZATION

A. Members Generally

The Design Review Board is appointed by the Mayor with the approval of a majority of the City Council and composed of permanent staff and other rotating members as outlined below.

1. Staff (permanent members):

a. Knoxville-Knox County Planning Executive Director, or his/her designee, who is an ex officio non-voting member.

~~b. City's Director of Policy Development, or his/her designee, who is an ex officio non-voting member.~~

2. Other (rotating members):

a. One architect from a slate recommended by AIA East Tennessee.

b. One urban design professional with a background in architecture or urban planning selected from nominations from AIA East Tennessee and the local chapter of the American Planning Association, Knoxville Section of the Tennessee American Planning Association (KAPA).

c. Two Downtown residents.

d. Two business, development, or real estate professionals whose work is largely focused upon Downtown.

e. A member of the Central Business Improvement District Board from a slate proposed by the board.

f. A member of the Historic Zoning Commission.

g. A City of Knoxville resident knowledgeable in design and development

3. Ex-officio members - The following may be called on to serve as non-voting members when cases require their technical and professional expertise:

a. Knoxville-Knox County Planning and Historic Zoning Commission staff.

b. Building official or his/her designee.

c. City Engineering Director or his/her designee.

d. Central Business Improvement District staff.

e. Knoxville Utilities Board staff.

f. Knoxville's Community Development Corporation staff.

g. City Law Department staff.

h. City's Director of Policy and Redevelopment, or his/her designee

B. Terms and Renewals for Members

Each rotating member (after the initial members) of the Design ~~and~~ Review Board are appointed for terms of three years commencing on the date of confirmation of appointment by the City Council. No member may serve more than two full terms or six years.

Sec 16.5.C.

C. Modification of Dimensional Regulations

The dimensional requirements of the DK District may not always be consistent with the intent of the Downtown Design Guidelines. The Design Review Board may issue a certificate of appropriateness to avoid the need for variances in cases where a development has been conceived to respect the historic context of the block, provide greater pedestrian activity at sidewalk level, and/or meet other provisions of the guidelines. **The Design Review Board may approve waivers from the Downtown Design Guidelines when the design guidelines are not appropriate for the particular use or are not feasible due to site constraints or other situations out of control of the property owner or applicant.**