



**TO:** Knoxville-Knox County Planning Commission  
**FROM:** Lindsay Crockett, AICP | Principal Planner/Design Review Program Manager  
**DATE:** August 2, 2023  
**SUBJECT:** 8-A-23-OA; 8-B-23-OA; 8-C-23-OA; 8-D-23-OA; 8-E-23-OA  
Agenda Items #15-19

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## RECOMMENDATION

Staff recommends zoning code amendments to enable middle housing in the City follow the process of implementation as defined by Opticos Design, Inc. in the September 2022 [Missing Middle Housing \(MMH\) Scan](#) and the *Missing Middle Housing* book (summary provided in Exhibit A).

The staff recommendation applies to agenda items 8-A-23-OA, 8-B-23-OA, 8-C-23-OA, 8-D-23-OA, and 8-E-23-OA, five amendments to the City of Knoxville Zoning Code proposed by Mr. R. Bentley Marlow. Each individual case file contains the exhibits listed below.

The recommended process will include a review of relevant plans to ensure alignment between the code and adopted plans and address discrepancies or errors in the proposed amendments. The process recommended by staff will:

1. focus on a target area naturally supportive to middle housing forms;
2. include dimensional and design standards to guide house-scale buildings which are compatible with the existing neighborhood contexts, and;
3. encourage retention of existing houses via conversions or additions that remain in character with the surrounding neighborhood.

The recommended process will also incorporate public input via workshops, educational opportunities, and/or public meetings.

**Exhibit A:** Summary, Recommended Process to Address Missing Middle Housing  
**Exhibit B:** Memos, City of Knoxville Office of the Mayor; City of Knoxville Law Department  
**Exhibit C:** Individual Case Files  
Proposed Amendment Text  
Planning Staff Summary and Analysis  
City of Knoxville Plans Review and Inspections Analysis



**Exhibit A: Summary, Recommended Processes to Address Missing Middle Housing**

Opticos Design, Inc, *MMH Scan: Analysis + Definition of Barriers to Missing Middle Housing, Prepared for the City of Knoxville, TN* (Berkeley, CA: September 2022).

Daniel Parolek and Arthur C. Nelson, *Missing Middle Housing: Thinking Big and Building Small to Respond to Today's Housing Crisis* (Washington, DC: 2020).

- Definition of Missing Middle Housing: “house-scale buildings with multiple units in walkable neighborhoods”
  - Addressing MMH in Knoxville requires updates to the zoning code to:
    - Accommodate multiple units
    - Ensure house-scale buildings compatible with the context
    - Work within existing and potential walkable neighborhoods

**Recommended process**

1. Identify MMH-ready neighborhoods: “MMH types are most successful when located in an existing or newly built walkable context.”
  - Report identifies MMH-ready neighborhoods in Knoxville, characterized by smaller block sizes, access to bicycle routes, access to mixed-use areas, small-to-medium lot sizes, proximity to amenities
2. Identify and address existing barriers to MMH
  - Recommendations 1-11 focus on small area plans and sector plans
  - Recommendations 13-25 analyze the current zoning code
    - Recommendations discourage blanket regulation of density or minimum lot area by zoning district
      - Recommendations 16 and 17: regulate minimum lot width, maximum building footprint, height, and parking, “according to the needs of the different MMH types.”
    - Recommendation 17: “For MMH developments, do not regulate density. Instead, regulate maximum building footprint, height, and parking.”
  - Recommendation 25: “For MMH development, **allow all MMH types by right if clear standards are applied to control building height, footprint, parking and parking location, building entry/frontage, and streetscapes**. Development that does not use these standards would be required to go through the special use process.”
3. Implement MMH
  - Identify a target area defined by existing and potential walkable centers; prioritize MMH within the 5 to 10-minute walkable environments around the walkable centers
  - Apply the findings of the MMH Scan to the target areas
  - Prioritize fitting the desired MMH types to the actual lot sizes in specific walkable environments; identify additional changes or standards needed
    - Use design standards to ensure “house-scale” buildings
  - “If changing the standards of the RN-2, RN-3, RN-4, and RN-5 zones *only where MMH developments are expected* is not practical, enable MMH through a new MMH zone and standards, or through a set of overlay standards.”

# CITY OF KNOXVILLE

INDYA KINCANNON, MAYOR



**Erin Gill**  
Chief Policy Officer  
Deputy to the Mayor

July 19, 2023

Amy Brooks  
Executive Director  
Knoxville-Knox County Planning  
400 Main Street, #403  
Knoxville, TN 37902

Re: Planning Files 8-A-23-OA through 8-E-23-OA

Dear Ms. Brooks:

Knoxville-Knox County Planning asked several City departments to review the aforementioned files, which contain proposed amendments to the City Zoning Code to promote the development of "missing middle" housing.

As you know, the City has been actively working to compile and propose amendments to the Zoning Code to support middle housing since March 2023. To ensure our proposal is thorough and comprehensive, we have engaged a cross-departmental team with staff from Knoxville-Knox County Planning, Plans Review & Inspections, Engineering, Law, Zoning, Policy, the Fire Marshall, Economic Development, and Housing and Neighborhood Development. We hope to bring proposed amendments to Knoxville-Knox County Planning Commission in October 2023.

We are concerned that the amendments proposed in 8-A-23-OA through 8-E-23-OA may ultimately create points of conflict within the existing code that complicate, rather than streamline, the process of developing middle housing. We are designing our forthcoming proposal to avoid these conflicts, as well as to be more comprehensive in scope, taking into consideration the impact and needs of all areas of Knoxville, as well as recommendations from the Opticos Design scan in the fall of 2022.

We look forward to sharing more about our plans in the coming weeks.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Gill".

Erin Gill  
Chief Policy Officer, Deputy to the Mayor

# CITY OF KNOXVILLE



**Law Department**  
Charles W. Swanson  
Law Director

July 17, 2023

Amy Brooks  
Executive Director  
Knoxville-Knox County Planning  
400 Main St. #403  
Knoxville, TN 37902

Re: Planning Files 8-A-23-OA through 8-E-23-OA

Dear Ms. Brooks,

Knoxville-Knox County Planning asked the City Law Department to review files 8-A-23-OA through 8-E-23-OA, which contain proposed amendments to the City Zoning Code to promote the development of “missing middle” housing.

The City prioritizes changes to the Zoning Code to promote the development of missing middle housing. For that purpose, City staff members are working actively to compile and propose various amendments to the Zoning Code. The working group includes members from the departments of Planning, Law, Zoning, Building, Engineering, Policy, and Economic Development. While working on what will be the City’s proposal, the working group is taking into consideration the impact and needs of all areas of Knoxville.

The working group anticipates bringing proposed amendments to the Knoxville-Knox County Planning Commission in October.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christina Magrans-Tillery".

Christina Magráns-Tillery  
Staff Attorney  
City of Knoxville Law Department

## 8-A-23-OA

### ARTICLE 2.3

Dwelling – Multi-Family. A structure containing three or more attached dwelling units used for residential occupancy. A multi-family dwelling does not include a townhouse dwelling.

Dwelling – Detached Multi-Family. A collection of detached Single-Family or Two-Family structures built on a single lot. [See Missing Middle Housing Report, “Cottage Court/Bungalow Court” page 24]

### ARTICLE 4.1 [See Missing Middle Housing Report, Section 3.2, pages 56-65]

B. RN-1 Single-Family Residential Neighborhood Zoning District The RN-1 Single-Family Residential Neighborhood Zoning District is intended to accommodate traditional low density residential neighborhoods in the City of Knoxville, exhibiting a predominant development pattern of single-family homes on relatively large lots and with generous setbacks. Two-family dwellings AND accessory dwelling units ~~may also be~~ ARE allowed ~~by special use approval~~. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

C. RN-2 Single-Family Residential Neighborhood Zoning District The RN-2 Single-Family Residential Neighborhood Zoning District is intended to accommodate low density single-family residential development on relatively small lots with smaller setbacks within the City of Knoxville. Two-family dwellings ~~may also be~~ and accessory dwelling units ARE allowed ~~by special use approval~~. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

D. RN-3 General Residential Neighborhood Zoning District The RN-3 General Residential Neighborhood Zoning District is intended to accommodate medium density residential neighborhoods in the City of Knoxville characterized by one and two-family homes. Detached multi-family dwellings are allowed. Townhouse dwellings may be allowed by special use approval to facilitate a more urban development form. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

E. RN-4 General Residential Neighborhood Zoning District The RN-4 General Residential Neighborhood Zoning District is intended to accommodate mixed medium density residential development within the City of Knoxville. Single-family, two-family, ~~and~~ townhouse dwelling, and detached multi-family dwelling ~~residential development is~~ ARE allowed. ~~L with~~ low-rise multi-family dwellings and new development forms such as pocket neighborhoods allowed by review and in some cases with special use approval. The RN-4 District is intended to be applied to neighborhoods that are characterized by such mixed residential development, or that have been identified as areas where such

development would be suitable in the future. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

F. RN-5 General Residential Neighborhood Zoning District The RN-5 General Residential Neighborhood Zoning District is intended to accommodate medium density residential neighborhoods in the City of Knoxville comprising a heterogeneous mix of single-family, two-family, townhouse, and **detached multi-family and multi-family** dwellings. The RN-5 District may also serve as a functional transition between traditionally single-family and two-family residential neighborhoods within the City, and more intensely developed residential or commercial areas. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

G. RN-6 Multi-Family Residential Neighborhood Zoning District The RN-6 Multi-Family Residential Neighborhood Zoning District is intended to accommodate high density neighborhoods in the City of Knoxville characterized by a mixture of all housing types including single-family, two-family, townhouse, **detached multi-family**, and multi-family. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

H. RN-7 Multi-Family Residential Neighborhood Zoning District The RN-7 Multi-Family Residential Neighborhood Zoning District is intended to accommodate the most intense high density residential development in the City of Knoxville in townhouse and **all** multi-family development forms. Limited nonresidential uses that are compatible with the character of the districts may also be permitted.

**ARTICLE 4.3A** [See Missing Middle Housing Report, Section 3.2, pages 56-65]

A. Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. **Small Lots of Record – when calculating maximum building coverage and maximum impervious coverage the value shall be calculated as the percentage stated in Table 4-1 applied to the minimum lot area – not the actual area of the lot. i.e. a 25 x 100 lot zoned RN2 would be permitted a maximum building coverage area of 1,500 sf (30% of 5,000) or an effective coverage of 60%.**

**ARTICLE 4.3 TABLE 4-1** [See Missing Middle Housing Report, Section 3.2, Recommendations Nos. 21-24, pages 63-65]

- i. Minimum Front Setback for RN2  
**20' TEN FEET (10')**, or the average of blockface, whichever is less; ~~in no case less than 10-in no case less than FIVE FEET (5')~~
- ii. Minimum Interior Side Setback for RN2-RN7

Proposed amendment text

5' or 15% of lot width, whichever is less; in no case less than ~~15'~~ TEN FEET (10')  
combined



**TO:** Knoxville-Knox County Planning Commission  
**FROM:** Lindsay Crockett, AICP | Principal Planner  
**DATE:** August 2, 2023  
**SUBJECT:** 8-A-23-OA Agenda Item #15

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A series of amendments was proposed by Mr. R. Bentley Marlow. These are included in the meeting packets and have been divided up by article into different case files so each article can have a separate vote. Below is a summary of the changes proposed for Article 4, followed by Planning staff analysis.

### **SUMMARY OF PROPOSED CHANGES**

#### **Article 2.3, Definitions (to coincide with amendments proposed below)**

1. Added a definition of “Dwelling – Detached Multifamily,” which has been proposed as an additional use to be allowed in subsequent sections.

#### **Article 4.1, Purpose Statements**

1. **RN-1:**
  - a. Changes duplex from a special use to a permitted use
  - b. Adds verbiage for Accessory Dwelling Units to be added as a permitted use (subject to Article 10.3.B).
2. **RN-2:**
  - a. Changes duplex from a special use to a permitted use
  - b. Adds accessory dwelling units as a permitted use (subject to Article 10.3.B)
3. **RN-3:** Adds detached multifamily dwellings as a permitted use.
4. **RN-4:** Adds detached multifamily dwellings as a permitted use.
5. **RN-5:** Adds detached multifamily dwellings to the list of allowed uses.
6. **RN-6:** Adds detached multifamily dwellings to the list of allowed uses.
7. **RN-7:** No changes

#### **Article 4.3.A., Introduction to Table 4-1**

Adds new language for small lots of record and how the maximum building coverage and impervious area should be calculated.

#### **Article 4.3, Table 4-1: Residential Districts Dimensional Standards**

1. RN-2 District: Changes the minimum front setback from 20 ft to 10 ft, or the average of the blockface from a minimum of 10 ft to a minimum of 5 ft.
2. RN-2 – RN-7 zones: Changes the combined total minimum interior side setback to from 15 ft to 10 ft (retaining the first part of the setback standard, 5 ft or 15% of the lot width, whichever is less)



## STAFF ANALYSIS

### Article 2.3

- As described in the *MMH Scan: Analysis + Definition of Barriers to Missing Middle Housing*, prepared for the City of Knoxville by Opticos Design, Inc. (hereafter referred to as MMH Scan), a cottage court has specific lot widths and depths, maximum building heights, defined building orientation and shared open space.
- Definition of “detached multi-family” does not specify number of units or reference dimensional standards. Additional standards would be necessary. As defined, “detached multi-family” does not reflect the MMH Scan’s definition of cottage court.
- The zoning code already provides for multiple dwellings on one lot in residential zones RN-3 through RN-7. Additionally, in situations where applicants want to develop a small group of dwellings, they could do so under the pocket neighborhood provision (Article 4.5).
- In *Missing Middle Housing* (Parolek, 2020), the authors state “do not allow multiple single-family homes on a lot,” providing the following note: “these types are unlikely to deliver the range of affordability and attainability desired because they primarily deliver large units. They are also bad urban form, with one major flaw being that the three-story massing of the buildings is often pushed right up against the rear property line, impacting the privacy of neighbors” (p. 257-258).

### Article 4.1

- Most of the proposed modifications to the purpose statements would require amendments to the One Year Plan, the Land Use Classification Table, and the Use Matrix in the zoning code.
- Accessory dwelling units (ADUs) are already permitted in all residential zoning districts (Article 10.3.B).
- Unclear where principal use standards would be evaluated outside of the special use process.

### Article 4.3

- “Small Lot of Record” is not defined in the zoning code.
- Impervious surface limits are not identified as a barrier to Missing Middle Housing in the MMH Scan, and increasing potential maximum impervious surface city-wide could create potential stormwater management issues.

### Article 4.3, Table 4-1 Dimensional Standards

- The MMH Scan notes that front setbacks are not a barrier to MMH in RN-2, RN-3, or RN-4 Districts.
- 5-10’ front setbacks would be inconsistent with most blockfaces in the RN-2 zoning district. Additionally, a 10-ft utility and drainage easement is required along lot lines abutting a public street to allow for utility facilities. The proposed amendment conflicts with that requirement.
- The MMH Scan notes that side setbacks do not propose barriers to MMH in RN-2, RN-3, or RN-5.
- The MMH Scan recommends specifying side setbacks by middle housing type. If applied up to RN-7, multi-family structures up to 65’ tall could be set 5’ from property lines of adjacent single-family residence.





## 8-A-23-OA

### Article 2.3

- Article 10.1.A Number of Structures on a Lot states, *“There must be no more than one principal building per lot in the EN, RN-1, and RN-2 Districts.”* However, multiple detached structures are allowed in the remaining residential and non-residential zoning districts as determined by lot area, type of proposed use, and lot area needed for type of proposed use. Does the applicant want to allow for multiple detached structures in EN, RN-1 and RN-2?
- The zoning code does provide for pocket neighborhood, which is a clustered group of dwellings gathered around a common courtyard or open space which are maintained in a shared stewardship by residents.
- This adds a definition that does not make sense, which is why I think the goal is to be able to do this in RN-1 and RN-2. As an example, in Table 4-1 if a lot has 15,000 square feet and is zoned RN-3 one could potentially do:
  - Three single-family dwellings that require minimum lot area of 5,000 square feet. Totaling 15,000 square feet.
  - Two duplexes requiring minimum lot area of 7,500 square feet for each duplex. Totaling 15,000 square feet.
  - Duplex (7,500 square feet) and then a single-family dwelling (5,000 square feet). Totaling 12,500 square feet.
  - All of this hinges on the RN-3 dimensional requirements like setbacks, lot width, building and impervious coverage, parking, etc. So the “dwelling – detached multi-family” can already be done with multiple structures if the lot area is sufficient and it is designed to meet code.

### Article 4.1

- Accessory dwelling units (ADU) are allowed in RN-1 and RN-2 zoning districts. There are requirements to locate an ADU on property. So I don’t really see what adding this to the purpose statements accomplishes.
- Again, the detached multi-family dwelling can already be done in specific zoning districts if the property has sufficient lot area for the proposed uses.

### Article 4.3A

- I am not certain why, but the Article 4.3A is not in Municode online.
- There is no definition for small lot of record in the zoning code. There are nonconforming lots of record in Article 17.3, which is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of this Code, or a subsequent amendment to this Code, does not conform. Article 17.3.B allows for development of a nonconforming lot of record, but it must meet all applicable dimensional and design regulations of

the district in which it is located with the exception of the lot area and/or width requirement that renders it nonconforming.

- I don't see making an exception for impervious coverage as these lots often end up before the Board of Zoning Appeals (BZA) requesting a variance(s) due to the difficulty developing on a small lot. There is a standard in Article 16.3.E.1 on Variances that is for special circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the findings of the Board, do not apply generally in the district. The BZA should continue to make these determinations as it is laid out in the zoning code.

#### **Article 4.3 Table 4-1**

- Could a GIS analysis be done on what the average front setback is for existing SF structures in the RN-2 zoning district throughout the city is? The average allows for a reduction if the established setback of existing homes along the block warrant it. However, I don't know what the justification for reducing it to ten feet is.
- Reducing the front setback from "in no case less than 10 feet" to five feet conflicts with the utility and drainage easement requirements in the subdivision regulations.
- I don't have any concern with reducing the combined interior side setbacks from 15 feet to 10 feet.



# Development Request

## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - SP
  - OYP
- Rezoning

R. Bentley Marlow

Applicant Name		Affiliation
22 June 2023	10 August 2023	File Number(s) 8-A-23-OA, 8-B-23-OA, 8-C-23-OA, 8-D-23-OA, 8-E-23-OA
Date Filed	Meeting Date (if applicable)	

### CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

R. Bentley Marlow

Name	Company		
322 Douglas Avenue	Knoxville	Tenn.	37921
Address	City	State	ZIP
865-607-4357	rbentleymarlow@gmail.com		
Phone	Email		

### CURRENT PROPERTY INFO

Marlow Properties, LLC	322 Douglas Avenue	865-607-4357
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

### STAFF USE ONLY

General Location		Tract Size
<input checked="" type="checkbox"/> City	<input type="checkbox"/> County	
District	Zoning District	Existing Land Use
Planning Sector	Sector Plan Land Use Classification	Growth Policy Plan Designation

**DEVELOPMENT REQUEST**

- Development Plan     Use on Review / Special Use     Hillside Protection COA  
 Residential     Non-Residential

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

**SUBDIVISION REQUEST**

Related Rezoning File Number

Proposed Subdivision Name \_\_\_\_\_

Unit / Phase Number     Combine Parcels     Divide Parcel    Total Number of Lots Created

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

**ZONING REQUEST**

Pending Plat File Number

Zoning Change    Proposed Zoning \_\_\_\_\_

Plan Amendment Change    Proposed Plan Designation(s) \_\_\_\_\_

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) Ordinance Amendment (change zoning text) - Proposed changes attached.

**STAFF USE ONLY**

**PLAT TYPE**

- Staff Review     Planning Commission

**ATTACHMENTS**

- Property Owners / Option Holders     Variance Request

**ADDITIONAL REQUIREMENTS**

- Design Plan Certification (*Final Plat*)  
 Use on Review / Special Use (*Concept Plan*)  
 Traffic Impact Study  
 COA Checklist (*Hillside Protection*)

Fee 1		Total
1203	\$5,000.00	\$5,000.00
Fee 2		
Fee 3		

**AUTHORIZATION**

- I declare under penalty of perjury the foregoing is true and correct:  
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

  
 Applicant Signature

R. Bentley Marlow

26 June 2023

Please Print

Date

865-607-4357

rbentleymarlow@gmail.com

Phone Number

Email

  
 Property Owner Signature

R. Bentley Marlow / Marlow Properties, LLC

SG,07/07/2023

Please Print

Date Paid