

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

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,



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, reading "Christina Magrans-Tillery".

Christina Magráns-Tillery
Staff Attorney
City of Knoxville Law Department

8-C-23-OA

ARTICLE 10.3B

B. Accessory Dwelling Unit (ADU)

1. The design and size of the accessory dwelling unit (ADU) must conform to all applicable building codes.

2. An ADU may be located only on a lot with one single-family dwelling. However, in EN districts, ADUs shall be permitted unless the neighborhood prohibits them in a new approved EN application. ~~One of the dwelling units must be occupied by the owner of the property.~~

3. The building official must certify that utilities are adequate for the ADU.

~~4. A lot must have a minimum area of 5,000 square feet to qualify for an ADU.~~

~~4.5.~~ Only one ADU is permitted per lot.

~~5.6.~~ The ADU may be within, attached to, or detached from the primary dwelling structure and may be a part of a detached accessory structure. An ADU may be developed within an existing structure or as new development.

~~6.7.~~ A detached ADU must be set back five feet from an interior side lot line and ~~ten~~ FIVE (5') feet from a rear lot line. A detached ADU is not permitted in a front yard or corner side yard.

~~8. An ADU is limited to the following maximum gross floor areas: Lot Area Maximum GFA 20,000sf or greater 1,200sf 10,000sf but less than 20,000sf 1,000sf 7,000sf but less than 10,000sf 800sf 5,000sf but less than 7,000sf 600sf~~

~~7.9.~~ In no case may an ADU exceed ~~40%~~ FIFTY PERCENT (50%) of the primary dwelling floor area nor more than 2 bedrooms.

~~8.10.~~ The ADU must be designed so that the appearance of the primary structure remains that of a house. The entrance to the ADU must be located in such a manner as to be unobtrusive from the same view of the structure that encompasses the entrance to the principal dwelling.

~~11. One off-street parking space is required for the ADU.~~

9. The maximum height of a detached ADU is THIRTY FEET (30'), not to exceed the height of the principal structure.

TO: Knoxville-Knox County Planning Commission
FROM: Lindsay Crockett, AICP | Principal Planner
DATE: August 2, 2023
SUBJECT: 8-C-23-OA Agenda Item #17

This is the next in a series of amendments proposed by Mr. R. Bentley Marlow. Below is a summary of the changes proposed for Article 10, followed by Planning staff analysis.

SUMMARY OF PROPOSED CHANGES

Article 10.3.B, Accessory Dwelling Units (ADUs)

1. Eliminate the requirement for the owner of the property to occupy one of the dwelling units.
2. Remove the 5,000 sq ft minimum lot size requirement for an ADU.
3. Decrease the minimum rear setback requirement from 10 ft to 5 ft for an ADU.
4. Remove the maximum gross floor area requirements, which are currently based on the size of the lot.
5. Increase the ratio of an ADU to the primary dwelling on the lot from 40% to 50% of the primary structure.
6. Reduce the parking space requirement (currently 1 space per ADU).
7. Add a new provision capping the maximum height of an ADU at 30 ft or the height of the primary structure, whichever is greater.

STAFF ANALYSIS

Article 10.3.B

- Removing the minimum lot area and maximum gross floor areas for ADUs could create unintended consequences in stormwater management and overall scale of accessory buildings, along with conflicts with dimensional standards and other elements of the zoning code.
- Subdivision regulations require a 10' utility and drainage easement along streets and private rights-of-way. Reduction of rear setbacks would require further input from the utility districts.
- Parking reductions in one section of code would also require modifications to Article 11, Off-Street Parking.
- The current maximum height of a secondary structure (including ADUs) is 18', so the proposal is almost double the current allotment.
- A maximum height of 30' for a detached ADU would create accessory structures out of scale with the related primary structure, as the maximum building height through the RN-5 zoning district is 35'.
- Removal of the maximum gross floor area and increase in the height of an ADU, when grouped together, could result in structures that are larger and taller than the original intent of the ADU.



8-C-23-OA

Article 10.3B

- Doing away with one of the dwelling units must be occupied by the owner of the property. This is difficult, if not almost impossible to enforce.
- 5,000 square feet is the minimum lot area for a single family dwelling in all residential zoning districts. There needs to be some standard to determine if a lot has adequate area to support an accessory dwelling unit (ADU) since an ADU can be within, attached or detached from the principal SF residence.
- The minimum rear setback is 25 feet in almost all residential districts for principal structures (i.e. single-family dwelling). The existing ten feet rear lot line setback for an ADU should not be reduced to five. If the rear lot is along an alley then a utility and drainage easement of 10 feet is required according to the subdivision regulations.
- Removing the maximum gross floor area, increasing the ADU from 40% to 50% of primary dwelling floor area and allowing a maximum height of ADU to be 30 feet will create large two story structures that seems counter to the ADU being incidental by definition.



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

Date Filed

Meeting Date (if applicable)

File Number(s)

8-A-23-OA,
8-B-23-OA,
8-C-23-OA,
8-D-23-OA,
8-E-23-OA

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

☒ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel _____ Total Number of Lots Created _____☐ Other (specify) _____☐ Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST☐ Zoning Change _____

Proposed Zoning _____

☐ Plan Amendment Change _____

Proposed Plan Designation(s) _____

Pending Plat File Number

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 \$5,000.00
1203	\$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