



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,

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-E-23-OA

ARTICLE 12.2A

A. Landscape Plan Required A landscape plan is required as part of a site plan review application for multi-family and townhouse development, nonresidential (including mixed-use) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of ~~a building permit~~ the Certificate of Occupancy/Completion.

ARTICLE 12.8 Buffer Yards

C. Where the buffer yard incorporates a wall or solid fence, or a combination of such, the buffer yard width may be reduced by ~~30%~~ SEVENTY PERCENT (70%).

E. Buffer yards are required as described in ~~the~~ TABLE 12-2: Buffer Yard Requirements.

[ADD THE FOLLOWING LINE TO TABLE 12-2]

RESIDENTIAL USES (1F, 2F, Townhomes & Detached MF) WITHIN C-N ABUTS RESIDENTIAL DISTRICT – NO BUFFER YARD REQUIRED.



TO: Knoxville-Knox County Planning Commission
FROM: Lindsay Crockett, AICP | Principal Planner
DATE: August 2, 2023
SUBJECT: 8-E-23-OA Agenda Item #19

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 5, followed by Planning staff analysis.

SUMMARY OF PROPOSED CHANGES

Article 12.2.A, Landscape Plan Required:

1. Require a landscape plan approval prior to the issuance of the Certificate of Occupancy, instead of the building permit.

Article 12.8, Buffer Yards:

1. Increase required landscape for buffer yards between land uses and/or zoning districts from 30% to 70%.

Article 12.8, Table 12-2, Buffer Yard Requirements:

1. Establishes a new standard in cases where residential uses within the C-N zone directly abut residential districts, in which case no buffer yard is required.

STAFF ANALYSIS

Article 12.2.A

- The MMH Scan does not identify landscaping plans or buffers as a barrier to the creation of middle housing.

Article 12.8

- It is unclear what the 70% threshold is based on.



8-E-23-OA

Article 12.2A and Article 12.8

- Proposed language moves the approval of a landscape plan to prior to the issuance of a Certificate of Occupancy (CO). This creates issues with sites not having enough space to implement the required landscaping if it is just before construction is complete. What will be the consequences of not being able to meet the landscape requirements? Tear down of a brand new building or other site features? What would the hardship be to not meet the landscape requirements?
- Landscaping is often an afterthought during the civil design phase, coming in at the end of the design process. This results in leaving little to no room for landscape requirements and is a significant driver in the use of alternative landscape design application. If this language were adopted moving the requirement to before CO it will dramatically increase the number of Alternative Landscape Design applications.



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

R Bentley Marlow
Applicant Signature

R. Bentley Marlow

26 June 2023

Please Print

Date

865-607-4357

rbentleymarlow@gmail.com

Phone Number

Email

R Bentley Marlow
Property Owner Signature

R. Bentley Marlow / Marlow Properties, LLC

SG,07/07/2023

Please Print

Date Paid