

TO: Knoxville-Knox County Planning Commission
FROM: Lindsay Crockett, AICP | Principal Planner/Design Review Program Manager
DATE: December 5, 2023
SUBJECT: 8-B-23-OA Agenda Item #6

STAFF RECOMMENDATION

Recommend denial of amendments as proposed to the City of Knoxville Zoning Code, Article 5.

As permitting for residential uses in the C-N zone occurs within Plans Review and Inspections, Planning staff do not evaluate residential development in this zone and further analysis would be needed from both departments. Additionally, setback reductions based on housing forms are incorporated into the City's proposed Middle Housing standards.

BACKGROUND

The attached amendment (Exhibit A) to the City of Knoxville Zoning Code, Article 5 was proposed by Mr. R. Bentley Marlow in August 2023. At the August 10, 2023 meeting, the Planning Commission recommended zoning code amendments to enable middle housing in the City follow the process of implementation as defined in the September 2022 [Missing Middle Housing \(MMH\) scan](#) and the Missing Middle Housing book, and the applicant appealed the recommendation to the Knoxville City Council. At its September 5, 2023 meeting, City Council referred the ordinance back to the Planning Commission for further for review and consideration. The proposed amendments are summarized below.

SUMMARY OF PROPOSED AMENDMENTS

Article 5.3, Table 5-1, Commercial and Office Districts Dimensional Standards:

1. Establishes a new setback standard in cases where the C-N zone features a residential use and abuts residential districts, in which case the minimum interior side setback along shared lot lines with residential districts would be 10 ft or 20% of the lot depth, whichever is less.
2. Eliminates the minimum corner side setback in the C-N zone except when sight distance cannot be achieved, in which case, the minimum would be 15 ft.
3. Reduces the minimum rear setback from 20 ft to 10 ft unless the property abuts a residential district, in which case the rear setback would be 20 ft or 20% of the lot depth, whichever is less.

STAFF ANALYSIS

Article 5.3, Table 5-1

- The MMH Scan did not evaluate the C-N district. Setbacks in the C-N district were not identified as a barrier to Middle Housing.

- The City’s proposed Middle Housing Standards incorporates interior side, rear, and corner side setback reductions for Middle Housing forms. The setback reductions correspond to the scale of the proposed form and are intended to ensure compatibility with the neighborhood context.
- Eliminating minimum corner side and reducing rear and interior side setbacks could result in the construction of buildings which are out of scale with the surrounding neighborhood and could lead to overcrowding if multiple buildings are constructed.
- Allowing the City Engineering Department to “set the setback” during permitting would create a situation in which applicants could submit plans that were not approvable due to the uncertainty of the setback standards. This could cause possible modifications to site plans and delays in receiving permits.



5.3 DIMENSIONAL STANDARDS

- A. Table 5-1: Commercial and Office Districts Dimensional Standards establishes the dimensional standards for the office and commercial districts, with the exception of the DK District. The dimensional standards for development for the DK District are found in Sections 5.5 below. These regulations apply to all uses within each district unless a different standard is listed for a specific use.
- B. In the C-N District, and in the O District when the lot abuts a single-family residential district, nonresidential development is limited to the maximum gross floor area indicated in Table 5-1. Additional gross floor area may be permitted if, during site plan review, it is found that the development meets all of the following standards. If the development is being approved in conjunction with a special use, then a request for increased floor area will be reviewed as part of the special use, rather than site plan review.
 - 1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
 - 2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.
 - 3. The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design must minimize potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

Table 5-1: Commercial and Office Districts Dimensional Standards				
	C-N	C-G-1	C-G-2	C-G-3
Bulk				
Minimum Lot Area	None	None	None	None
Minimum Lot Width	None	None	None	None
Maximum Gross Floor Area (Nonresidential Uses Only)	5,000 sf unless meeting the standards of 5.3.B	N/A	N/A	N/A
Maximum Building Height	45'	45'	70'; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line	Unlimited; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line

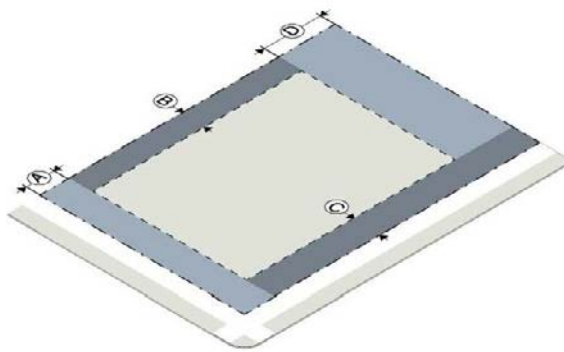
Setbacks				
Minimum Front Setback	None, unless average of adjacent lots is 15' or greater, then 15'	None	Build-To Zone: 0' to 20'	Build-To Zone: 0' to 20'
Minimum Build-To Percentage	N/A	N/A	50%	70%
Minimum Interior Side Setback	None, unless abutting a residential district, then 20' When C-N is exclusively residential setback abutting residential district is TEN FEET (10'), or 20% of lot depth, whichever is less	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'
Minimum Corner Side Setback	15' None, unless sight (visibility) triangle is adversely impacted, Department of Engineering shall set the setback, no greater than FIFTEEN FEET (15')	None	Build-To Zone: 0' to 10'	Build-To Zone: 0' to 15'
Minimum Build-To Percentage	N/A	N/A	30%	60%
Minimum Rear Setback	20' 10', unless abutting a residential district, then 30' 20' or 20% of lot depth, whichever is less. When C-N is exclusively residential setback abutting residential district is TEN FEET (10'), or 20% of lot depth, whichever is less	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 25'

Table 5-1: Commercial and Office Districts Dimensional Standards				
	C-H-1	C-H-2	C-R-1	C-R-2
Bulk				
Minimum Lot Area	10,000 sf	10,000 sf	15,000 sf	15,000 sf
Minimum Lot Width	60'	60'	80'	80'
Maximum Gross Floor Area (Nonresidential Uses Only)	N/A	N/A	N/A	N/A
Maximum Building Height	45'	90'; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line	50'	90'; however, structures must set back an additional 1' for every 2' of height over 45' from any required setback abutting a residential district lot line
Setbacks				
Minimum Front Setback	20'	20'	20'	20'
Minimum Interior Side Setback	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 35'	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 35'
Minimum Corner Side Setback	20'	20'	20'	20'
Minimum Rear Setback	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'	10', unless abutting a residential district, then 30'

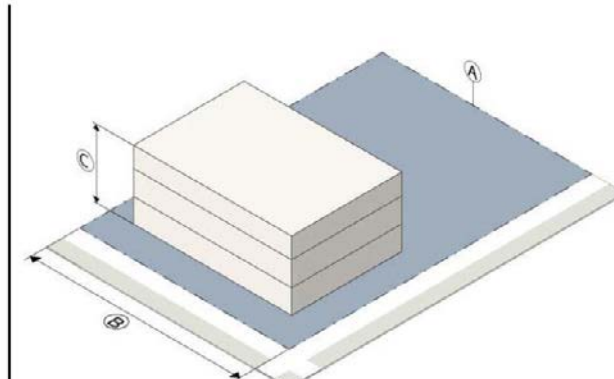
Table 5-1: Commercial and Office Districts Dimensional Standards		
	O	OP
Bulk		
Minimum Lot Area	10,000 sf TH: 3,000 sf/du MF—Up to 6 du: 2,000 sf/du	20,000 sf
Minimum Lot Width	60'	80'

Maximum Gross Floor Area (Nonresidential Uses Only)	5,000 sf when the lot abuts a single-family district unless meeting the standards of 5.3.B	N/A
Maximum Building Height	45'	50'
Setbacks		
Minimum Front Setback	15'	25'
Minimum Interior Side Setback	15', unless abutting a residential district, then 20'	20', unless abutting a residential district, then 35'
Minimum Corner Side Setback	15'	25'
Minimum Rear Setback	20', unless abutting a residential district, then 30' or 20% of lot depth, whichever is less	20', unless abutting a residential district, then 35'

COMMERCIAL DISTRICT DIMENSIONAL STANDARDS



*A - Front Setback
B - Interior Side Setback
C - Corner Side Setback
D - Rear Setback*



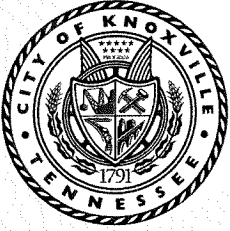
*A - Lot Area
B - Lot Width
C - Building Height*



8-B-23-OA

Article 5.3 Table 5-1


- I don't have any concern with the proposed reduction in the minimum interior side setback or the rear setback for C-N.
- Reducing the corner side setback from 15 to zero feet conflicts with the utility and drainage easement requirements in the subdivision regulations.



**CITY OF KNOXVILLE, TENNESSEE
OFFICE OF THE CITY COUNCIL**

Memorandum

**To: Amy Brooks, Executive Director
Knoxville-Knox County Planning Commission**

From: Will Johnson, City Recorder 

Date: 9/7/2023

Re: File Numbers 8-A-23-OA, 8-B-23-OA, 8-C-23-OA, 8-D-23-OA

At its September 5, 2023 meeting, the Knoxville City Council remanded or referred the above ordinances back to the Planning Commission and Staff for their review and consideration.

Please contact me if you require additional information.





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	Existing Land Use
Zoning District		
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