

TO: Knoxville-Knox County Planning Commission
FROM: Lindsay Crockett, AICP | Principal Planner/Design Review Program Manager
DATE: December 5, 2023
SUBJECT: 8-C-23-OA Agenda Item #7

STAFF RECOMMENDATION

Recommend approval of amendments to Sections 10.3.B.3 (removing requirement that building official certify the utilities are adequate for an ADU), part of 10.B.7 (removing interior side and rear setbacks specific to ADUs), 10.B.8 (removing maximum gross floor area requirements based on lot area).

Recommend denial of amendments to Sections 10.3.A.4 (removing the 18' height requirement for accessory structures), 10.3.B.2 (removing the owner-occupied requirement in TDR land use areas), 10.3.B.4 (removing the minimum lot area requirement for an ADU), part of 10.B.7 (allowing ADUs in front and corner side yards), 10.3.B.9 (adding a new standard based on primary dwellings smaller than 1,250 sq. ft.), and 10.3.B.11 (removing the parking space requirement).

BACKGROUND

The attached amendment (Exhibit A) to the City of Knoxville Zoning Code, Article 10, is a revised version of the amendment originally proposed by Mr. R. Bentley Marlow in August 2023 (Exhibit B). At the August 10, 2023 meeting, the Planning Commission approved an amended version submitted by a Planning Commissioner (Exhibit C). At its September 5, 2023 meeting, City Council referred the ordinance back to the Planning Commission and its staff for their review and consideration. The proposed amendments are summarized below.

SUMMARY OF PROPOSED AMENDMENTS

Article 10.3.A, General Regulations for Accessory Structures

1. Increases the maximum height of any detached accessory structure to 1.5-stories or the height of the principal structure, whichever is less.
2. Creates a definition for “story” and “half-story.”

Article 10.3.B, Accessory Dwelling Units (ADUs)

1. Eliminates the requirement for the owner of the property to occupy one of the dwelling units in land-use areas designated Traditional Neighborhood Residential (TDR).
2. Removes the requirement that the building official certify the utilities as adequate for an ADU.
3. Removes the 5,000 sq ft minimum lot size requirement for an ADU.

4. Decreases the minimum rear setback requirement from 10 ft to 5 ft for an ADU.
5. Allows the ADU in front yards and corner side yards.
6. Removes the maximum gross floor area requirements, which are currently based on the size of the lot.
7. Creates a new standard limiting the maximum size of an ADU when the primary dwelling structure is smaller than 1,250 square feet.
8. Removes the parking space requirement (currently 1 space per ADU).

STAFF ANALYSIS

Recognizing that ADUs are already a permitted use in residential zoning districts, ADUs were not evaluated as part of the MMH Scan. As ADUs are permitted uses in residential zoning districts, they are rarely reviewed by Planning staff unless covered by a zoning overlay. Plans Review and Inspections staff do not retain data and have not completed analyses on the implementation and use of the ADU code standards and regulations.

Article 10.3.A

1. Removing the 18' maximum requirement for all accessory structures could have unintended consequences within neighborhoods. A one-and-one-half story shed or garage may be out of scale and therefore incompatible with the primary structure or neighborhood context.

Article 10.3.B

1. The ADU code received extensive public input as part of the new zoning ordinance process in 2020. Removing the owner-occupancy requirement and minimum parking requirements for ADUs would require additional public input and staff analysis.
2. Certifying utilities as adequate is a routine element of the Plans Review and Inspections process and the line in the code is redundant.
3. As 5,000 sq. ft. is required for a new single-family dwelling in residential zoning districts, requiring the same square footage for an ADU is appropriate.
4. Allowing ADUs within the same rear setbacks as general accessory structures is appropriate. If the ADU includes a garage, additional setback requirements would apply.
5. Placement of an ADU in the front or corner side yard may not be compatible with the neighborhood context.
6. Regulating ADUs by maximum gross floor area based on lot area (10.3.B.8) and the maximum building coverage requirements for accessory structures in 10.3.A.6 creates unnecessary confusion. One set of requirements, along with the base zoning district's building and impervious surface limits, could streamline the process.



10.3 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 10.4. Additional accessory structures not regulated in this section may be regulated in Section 10.4.

A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section and Code.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory. This does not apply when the use does not have an associated principal structure, such as a personal, community, or market garden.
2. A building permit may be required for the construction of an accessory structure, per the Building Code.
3. Only those accessory structures permitted by this section and Section 10.4 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards.
 - a. The use of the term "yard" refers to the area between the applicable building facade line and lot line. The distinction is made because certain principal buildings may not be built at required setback lines, thereby creating a yard larger than the minimum setback dimension.
 - b. If a structure is permitted within a yard, it is permitted within the required setback but may be subject to additional limitations.
 - c. Where there is no structure on the lot, no accessory structure is permitted in the setback required by the district.
 - d. On a through lot, the parallel street that does not address the front of the principal building where the building is numerically addressed is considered a "through lot rear" for accessory structures. On a through lot rear, the accessory structure must be set back the same distance as the front setback for the designated zoning district, or the average of blockface for existing principal buildings numerically addressed along the parallel street, whichever is greater.
4. The maximum height of any detached accessory structure ~~is 18 feet, unless otherwise permitted or restricted by this Code.~~ one and one-half stories, as defined below in this subpart, or the height of the principal structure, whichever is less. ~~An accessory structure cannot exceed the height of the principal structure.~~ These height limitations do not apply to any structure accessory to an active agricultural use, which are not limited in height.
 - a. Story: the portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, the space

between the floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than six feet above grade for more than 50 percent of the total perimeter, such basement or cellar shall be considered a story.

- b. Half-story: conditioned space that rests primarily underneath the slope of the roof, usually having dormer windows. The half story is identified by the “.5” in the description of maximum height (e.g., 2.5). A half-story is considered a story the roof is elevated four feet or more, measured from the floor, by an exterior wall (excluding dormers which cannot exceed 50% width of the total wall area beneath).
5. Detached accessory structures, including those listed in this section and Section 10.4, must be setback five feet from any lot line, unless otherwise permitted or restricted by this Code.
6. The maximum coverage of detached accessory structure is as shown in the chart below. In addition, all structures and must comply with the building coverage requirements of the district.

Lot Area	Maximum building coverage for a single accessory structure	Maximum building coverage for any combination of buildings or structures
15,000 sf or less	750 sf or the building coverage of the primary structure, whichever is less	Building coverage of the primary structure
More than 15,000 sf, but less than acre	900 sf or the building coverage of the primary structure, whichever is less	Building coverage of the primary structure
One acre or more	1,100 sf or the building coverage of the primary structure, whichever is less	Building coverage of the primary structure

7. Cooking facilities are prohibited in an accessory structure, unless the structure also complies with Article 10.3.B.

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, except in land-use areas designated Traditional Neighborhood Residential (TDR) where there shall be no owner-occupied restriction.

-
- ~~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.~~
 - ~~5.3.~~ Only one ADU is permitted per lot.
 - ~~6.4..~~ 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.
 - ~~7. A detached ADU must be set back five feet from an interior side lot line and ten feet from a rear lot line. A detached ADU is not permitted in a front yard or corner side yard. See Article 10.3.A.3.d for ADU requirements in through lot rear.~~
 - ~~8. An ADU is limited to the following maximum gross floor areas:~~

Lot Area	Maximum GFA
20,000 sf or greater	1,200 sf
10,000 sf but less than 20,000 sf	1,000 sf
7,000 sf but less than 10,000 sf	800 sf
5,000 sf but less than 7,000 sf	600 sf

- ~~95.. In no case may an~~ An ADU shall not exceed 40% of the primary dwelling floor area nor more than ~~2~~ TWO (2) bedrooms~~., except when the primary dwelling structure is smaller than 1,250 square feet, then the maximum size ADU shall be 500 square feet, or equal size to the principal structure, whichever is smaller, and be limited to ONE (1) bedroom.~~
- ~~10.6.~~ 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.~~

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.

8-C-23-OA

As amended 8.10.2023

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



MEMORANDUM

DATE: September 28, 2023
TO: Planning Staff
FROM: Peter Ahrens
Director of Plans Review & Building Inspections
RE: 8-C-23-OA - ADU

Plans Review & Inspections has evaluated the proposed changes and provide the following comments relating to Zoning Code usage and enforcement:

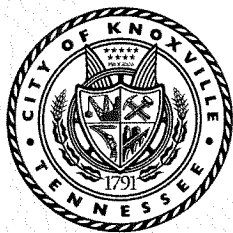
- 10.3.A.4 Inserting new definitions outside of Article 2 of the Zoning Code is inappropriate.

Regulating structure heights by story vs. a defined measurement creates a level of subjectivity, which hampers enforcement.
- 10.3.B.2 These areas can be validated in KGIS, no issue with enforcement.
- 10.3.B.3 This certification is not unique to ADU's, no issue with enforcement.
- 10.3.B.4 Building & Impervious Coverage are already regulated in the Zoning Districts, no issue with enforcement.
- 10.3.B.7 Detached Accessory Structure locations are already regulated in Section 10.3.A, no issue with enforcement.
- 10.3.B.8 Detached Accessory Structure size is already regulated in Section 10.3.A, ADU's within a dwelling are regulated in 10.3.B.9, no issue with enforcement.
- 10.3.B.9 Added language adds confusion to customers.

Added language does not align with existing definitions of "Accessory Use" or "Accessory Structure".
- 10.3.B.11 No issue with enforcement.

Sincerely,


Peter Ahrens
Director of Plans Review & Building Inspections



**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

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

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