

## Exhibit A. Proposed Amendments and Previously Approved Amendments

Previously approved amendments to this section are highlighted in yellow below.

- Approved by Planning Commission at the October 5, 2023 meeting
- Approved by City Council at the November 14 and November 28, 2023 meetings.
- **Non-highlighted, red text/strikethroughs:** revisions for the December 14, 2023 Planning Commission meeting.

### 7.0.2. COMMON APPROVAL PROCEDURES

#### A. Summary of Review Authority

The following table provides a summary of the review authority established for all Form Districts. The rules for each procedure are provided below.

|  | ARC | Administrator | <del>MPC</del> Planning Commission | Appeal Body |
|--|-----|---------------|------------------------------------|-------------|
| Level 1: Zoning Clearance Review       |     | ■             |                                    | [BZA]       |
| Level 2: Development Plan Review       | □   | ■             |                                    | [BZA]       |
| Level 3: Alternative Compliance Review | □   | □             | [■]                                | [CC]        |
| Written Interpretations                |     | ■             |                                    | [BZA]       |

■ = Decision

□ = Recommendation

[ ] = Public Hearing

CC = City Council

BZA = Board of Zoning Appeals

~~MPC~~ = Metropolitan Planning Commission

Planning Commission = Knoxville-Knox County Planning Commission

ARC = Administrative Review Committee

#### B. Administrator

##### 1. Authority

The Administrator is the Chief Building Official for the City of Knoxville. The Administrator is responsible for the day-to-day administration and enforcement of each Form District.

##### 2. Delegation of Authority

The Administrator may designate any City of Knoxville or ~~Metropolitan~~ Knoxville-Knox County Planning Commission staff member to represent the Administrator in any function assigned by this Section. The Administrator remains responsible for any final action.

#### C. Administrative Review Committee

##### 1. Authority

The City Council has delegated review of Development Plans and applications to the Administrative Review Committee. The Administrator will serve as chairman of the Administrative Review Committee and is responsible for all final actions.

## Exhibit A. Proposed Amendments and Previously Approved Amendments

### 2. Composition

In addition to the Administrator, the Administrative Review Committee must consist of a representative from the following entities:

- a. Civil Engineering;
- b. Fire Department;
- c. Knoxville Utility Board;
- d. ~~Metropolitan~~ **Knoxville-Knox County** Planning Commission;
- e. Plans Review and Inspection;
- f. Parks and Recreation;
- g. Public Services;
- h. Stormwater Engineering;
- i. Traffic Engineering; and
- j. Other City Staff as deemed necessary by the Administrator.

### D. Procedures of General Applicability

#### 1. Pre-Application Conference

- a. Prior to completion of project design and formal submittal of required application, the applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards and regulations.
- b. A request by a potential applicant must be accompanied by preliminary project plans and designs and the required filing fee.
- c. The Administrator must inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is submitted. Any discussions held are not binding for either the applicant or the City.

#### 2. Application Requirements

##### a. Forms

Applications must be submitted to the Administrator on forms and in such numbers as required by the Administrator.

##### b. Fees

Filing fees have been established to defray the cost of processing an application and holding a pre-application conference, such fees as adopted by the City Council. Before review of an application, all associated fees must be paid in full.

##### c. Completeness Review

- i. All applications must be sufficient for processing before the Administrator is required to review the application. Within 10 working days of the receipt of the application, the Administrator must notify the applicant in writing whether or not the application is complete or whether additional information is required.

## Exhibit A. Proposed Amendments and Previously Approved Amendments

- ii. An application is sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of the Form District regulations.
- iii. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of these regulations. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Administrator as to whether more or less information should be submitted.
- iv. Upon receipt of a complete application, the Administrator must review the application and may confer with the applicant to ensure: an understanding of the applicable requirements of the Form District regulations; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.

### E. Level I: Zoning Clearance Review

#### 1. Purpose

Zoning Clearance Review is intended to ensure that all houses and duplexes comply with the requirements of the applicable Form District.

#### 2. Applicability

- a. Zoning Clearance Review is required for the construction of, or an addition of greater than 50% of existing square footage to a house or duplex on an individual lot, including associated accessory structures.
- b. Where an administrative deviation is requested, the application must be reviewed pursuant to Sec. 7.0.2.F.
- c. Where a variance is requested, the application must be reviewed pursuant to **Article 7 14. Section 2 3**, "City of Knoxville Board of Zoning Appeals."

#### 3. Authority

The Administrator is authorized to approve applications for Zoning Clearance Review within a Form District. No permit may be issued from any department, including but not limited to City of Knoxville Permits and Inspections or Engineering Department, or structure or building erected, and no existing building or structure may be altered, remodeled, enlarged or extended until the Administrator has approved the application for Zoning Clearance.

#### 4. Pre-Application Conference

An applicant requesting Zoning Clearance Review must schedule a pre-application conference pursuant with Sec. 7.0.2.D.1.

#### 5. Application Requirements

An application for Zoning Clearance Review must be submitted pursuant with Sec. 7.0.2.D.2.

#### 6. Administrator Action

- a. Upon submission of a completed application, the Administrator must review the application for consistency with the requirements of the applicable Form District.
- b. Within ten working days after the application has been determined complete, the Administrator must approve or deny the application for Zoning Clearance Review.

## Exhibit A. Proposed Amendments and Previously Approved Amendments

### 7. **Approval Criteria**

In approving an application for Zoning Clearance Review, the Administrator must consider the following:

- a. Compliance with all applicable Form District standards; and
- b. Compliance with all applicable Zoning Ordinance requirements.

### 8. **Modifications to Approved Applications**

The Administrator has the authority to grant modifications to approved applications for Zoning Clearance Review pursuant to the provisions of this Section.

### 9. **Effect of Zoning Clearance Approval**

After the approval of Zoning Clearance Review, the applicant may apply for any other permits and approvals including, but not limited to, those permits and approvals required by the Zoning Ordinance, the Subdivision regulations, the Building Code or the Stormwater and Street Ordinance.

### 10. **Appeals**

Any person, firm or corporation aggrieved by any decision of the Administrator may appeal the decision pursuant to **Article 7 14. Section 2 3**, "City of Knoxville Board of Zoning Appeals."

## F. **Level II: Development Plan Review**

### 1. **Purpose**

Development Plan Review is intended to ensure that all multi-dwelling, mixed use and nonresidential structures comply with the requirements of the applicable Form District.

### 2. **Applicability**

Except for houses and duplexes on individual lots, including associated accessory structures, all new construction or expansion of an existing structure or building, is subject to the Development Plan Review process as set forth below.

### 3. **Authority**

The Administrator, with review by the Administrative Review Committee, is authorized to approve applications for Development Plan Review. No permit may be issued from any department, including but not limited to City of Knoxville Permits and Inspections or Engineering Department, or structure or building erected, and no existing building or structure may be altered, remodeled, enlarged or extended until the Administrator has approved the Development Plan.

### 4. **Pre-Application Conference**

An applicant requesting Development Plan Review must schedule a pre-application conference pursuant with Sec. 7.0.2.D.1.

### 5. **Application Requirements**

An application for Development Plan Review must be submitted pursuant with Sec. 7.0.2.D.2.

### 6. **Administrator Action**

- a. Upon submission of a completed application, the Administrator must schedule the application for review by the Administrative Review Committee. The Administrative Review Committee must review the application for consistency with the requirements of the applicable Form District.

## Exhibit A. Proposed Amendments and Previously Approved Amendments

- b. Upon completion of the review, the Administrator may meet with the applicant to discuss any changes in development design.
- c. Within 20 working days after the application has been determined complete, the Administrator must determine whether the application conforms to all requirements of the applicable Form District.

### 7. Approval Criteria

In approving an application for Development Plan Review, the Administrator must consider the following:

- a. Recommendations from the Administrative Review Committee;
- b. Compliance with all applicable Form District standards;
- c. Compliance with all applicable Zoning Ordinance requirements;
- d. Compliance with all applicable Subdivision Regulations;
- e. Compliance with the Major Road Plan; and
- f. Compliance with the One Year Plan.

### 8. Administrative Deviations

#### a. Authority

During the Development Plan Review process, the Administrator is authorized to approve limited administrative deviations to certain provisions of the Form District regulations, where, due to special conditions, strict enforcement would be physically impractical. This optional process may occur only where the applicant requests an administrative deviation to a standard as specified below.

#### b. Permitted Deviations

The Administrator must review the request in light of the intent and purpose of the applicable Form District. The Administrator is authorized to approve an administrative deviation for the following standards:

- i. Minimum and Maximum Street Setback—increase or decrease of up to 10% of the permitted setback.
- ii. Build-to zone (minimum percentage of build-to)—reduction of up to 5%.
- iii. Side Setback—reduction of up to 50% of the required minimum side setback.

#### c. Unlisted Standards

Any request for relief from a required standard, other than those listed above, must be reviewed pursuant to **Article 7 14. Section 2 3**, "City of Knoxville Board of Zoning Appeals."

- i. **No variance can be granted to reduce transparency by more than 10% in the South Waterfront District.**
- ii. **No variance or permitted deviations can be granted to reduce minimum interior and rear setbacks of stand-alone surface parking lots in the South Waterfront District.**

### 9. Modifications to Approved Development Plans

## Exhibit A. Proposed Amendments and Previously Approved Amendments

The Administrator, with review by the Administrative Review Committee, has the authority to grant modifications to approved application for Development Plan Review pursuant to the provisions of this Section.

### 10. Effect of Development Plan Approval

After the approval of Development Plan, the applicant may apply for any other permits and approvals including, but not limited to, those permits and approvals required by the Zoning Ordinance, the Subdivision regulations, the Building Code or the Stormwater and Street Ordinance.

### 11. Appeals

Any person, firm or corporation aggrieved by any decision of the Administrator may appeal the decision pursuant to **Article 7 14. Section 2 3**, "City of Knoxville Board of Zoning Appeals."

## G. Level III: Alternative Compliance Review

### 1. Purpose

Alternative Compliance Review is intended to allow ~~innovative, high-quality~~ developments **and non-prohibited uses** that would not otherwise be allowed under a strict interpretation of the Form District regulations but nevertheless comply with the intent of the applicable Form District and Plan. The Alternative Compliance Review mechanism is also intended to provide a process for requests by applicants for reconstruction or expansion of nonconforming structures in which nonconforming uses operate.

### 2. Authority

No permit may be issued from any department, including but not limited to City of Knoxville Permits and Inspections or Engineering Department, nor structure or building erected, and no existing building or structure may be altered, remodeled, enlarged or extended until the ~~Metropolitan~~ **Knoxville-Knox County** Planning Commission has approved the application for Alternative Compliance after review and recommendations by the Administrator and the Administrative Review Committee.

### 3. Applicability

Any development that does not meet the requirements of Sec. 7.0.2.E or Sec. 7.0.2.F, or **Article 7 16, Section 2 3 "Variances"** may submit an application for Alternative Compliance Review.

### 4. Pre-Application Conference

An applicant requesting Alternative Compliance Review must schedule a pre-application conference pursuant with Sec. 7.0.2.D.1.

### 5. Application Requirements

An application for Alternative Compliance Review must be submitted pursuant with Sec. 7.0.2.D.2.

### 6. Administrator Action

- a. Upon submission of a completed application, the Administrator must schedule the application for review by the Administrative Review Committee. The Administrative Review Committee must review the application for consistency with the requirements of the applicable Form District.
- b. Upon completion of the review, the Administrator may meet with the applicant to discuss any changes in development design.
- c. The Administrator must prepare a report that reviews the application in light of comments provided by the Administrative Review Committee, and in light of the applicable Form District

## Exhibit A. Proposed Amendments and Previously Approved Amendments

and Plan. The report recommendations, and any related application materials must be forwarded to the Metropolitan Knoxville-Knox County Planning Commission.

### 7. Metropolitan Knoxville-Knox County Planning Commission Action

- a. The Metropolitan Knoxville-Knox County Planning Commission must hold a public hearing subsequent to notification consistent with its Administrative Rules and Procedures.
- b. The Metropolitan Knoxville-Knox County Planning Commission must approve or deny the application, or send the application back to the Administrative Review Committee for additional consideration.
- c. In the exercise of its approval, the Metropolitan Knoxville-Knox County Planning Commission may impose such conditions regarding the location, character or other features of the proposed buildings as it may deem advisable in the furtherance of the general purposes of the applicable Form District Plan.

### 8. Approval Criteria

- a. In reviewing an application for Alternative Compliance Review in cases other than applications concerning reconstruction or expansion of nonconforming structures in which nonconforming uses operate, the Metropolitan Knoxville-Knox County Planning Commission must consider the following:
  - i. Consistency with the applicable adopted Plan;
  - ii. That the development will not have a substantial or undue adverse effect upon the neighborhood, the character of the area, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;
  - iii. That the development will be constructed and operated to be compatible with the district;
  - iv. That the proposed development can be adequately served by public facilities;
  - v. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature;
  - vi. Compliance with the intent of the applicable Form District and Plan;
  - vii. Compliance with all applicable Zoning Ordinance requirements;
  - viii. Compliance with all applicable Subdivision regulations;
  - ix. Compliance with the Major Road Plan;
  - x. Compliance with the One Year Plan; and
  - xi. Compliance with the Stormwater and Street Ordinance.
- b. In reviewing an application for Alternative Compliance Review, in cases concerning nonconforming structures in which nonconforming uses operate, the Metropolitan Knoxville-Knox County Planning Commission must consider the following:
  - i. That the application concerns such nonconforming structures that are proposed to be reconstructed due to a voluntary or involuntary destruction, or that are proposed to be expanded;
  - ii. That the application only concerns the reconstruction or expansion of such structures that the Administrator has determined are not compliant with the dimensional, locational, or building design requirements of the applicable Form District; and

## Exhibit A. Proposed Amendments and Previously Approved Amendments

- iii. That the application demonstrates that the design of the proposed structures is compatible with the existing structures on the property and, to the maximum extent feasible, with the intent of the dimensional, locational, or building design requirements of the applicable Form District.

### 9. Modifications to Approved Applications

#### a. Minor Modifications

The Administrator, with the review of the Administrative Review Committee, has the authority to grant minor modifications to an approved application. The applicant must file a written application for such amendment with the Administrator. Minor modifications include, but are not limited to the following:

- i. A less than 5% change in floor area, number of units, parking area, or parking spaces;
- ii. A 10% decrease in open space; and
- iii. The minor relocation of any structure, dedicated street, easement, or landscape screen in any direction from the location shown on the approved application unless deemed by the Administrator to significantly alter the approved application.

#### b. Major Modifications

If the proposed amendment is not considered a minor modification, the approved application must be amended pursuant with the procedures and standards that governed its original approval.

### 10. Appeals

Any person, firm or corporation aggrieved by any decision of the Metropolitan Knoxville-Knox County Planning Commission may petition the decision to the City Council. Such petition must be in writing and state:

- a. The name of the owner of the subject property.
- b. A description of the subject property, including the City Block and Parcel or lot number.
- c. A statement of the petitioner's interest in the matter, including a description of affected property owned by petitioner where petitioner is not the owner of the subject property.
- d. A statement of the reason for appeal, including a map of the zoning of all property located within 300 feet of the subject property.
- e. The petition must be filed with the Metropolitan Knoxville-Knox County Planning Commission not more than 15 working days from the date of the Metropolitan Knoxville-Knox County Planning Commission decision to be considered and must be scheduled for public hearing before City Council.
- f. All petitions must be submitted on forms available at the Metropolitan Knoxville-Knox County Planning Commission.
- g. Metropolitan Knoxville-Knox County Planning Commission must mail a copy of such petition by certified mail return receipt requested to any opposing, adverse party who registered as such at the time the matter was heard by Metropolitan Knoxville-Knox County Planning Commission.
- h. The City Council must consider de novo in a public hearing and may affirm, modify, impose restrictions or overrule the action of the Metropolitan Knoxville-Knox County Planning Commission.



## Exhibit A. Proposed Amendments and Previously Approved Amendments

### H. Written Interpretations

#### 1. Applicability

When uncertainty exists, the Administrator, is authorized to make all interpretations concerning the provisions of a Form District.

#### 2. Application Requirements

An application for a written interpretation must be submitted pursuant with Sec. 7.0.2.D.2.

#### 3. Administrator Action

- a. The Administrator must review and evaluate the request in light of the applicable Form District and Plan, the Zoning Map, the Regulating Plan and any other relevant information;
- b. Following completion of the review and evaluation, the Administrator must render an opinion.
- c. The interpretation must be provided to the applicant in writing.

#### 4. Official Record

The Administrator must maintain an official record of all interpretations. The record of interpretations must be available for public inspection during normal business hours.

#### 5. Appeals

Any person, firm or corporation aggrieved by any decision of the Administrator may appeal the decision pursuant to **Article 7 14. Section 2 3, "City of Knoxville Board of Zoning Appeals."**