



TO: Knoxville-Knox County Planning Commission
FROM: Jeff Welch, AICP, Executive Director
DATE: 6/2/2023
SUBJECT: 6-B-23-OA Agenda Item #22

RECOMMENDATION

Staff recommends approval of amendments to the Knoxville City Code, Appendix B, Zoning Code, Article 17.3.E Nonconforming Lot of Record, to provide clarity with respect to development on lots created by deed, and to provide additional flexibility in limited situations upon approval by the Department of Engineering, and to Article 2.3 Definitions, relocating the definition of Lot of Record from Article 17.3 to Article 2.3.

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Exhibit 1: City of Knoxville Memo

Exhibit 2: Proposed amendments to Article 17.3 Nonconforming Lot of Record and Article 2.3 Definitions

**MEMORANDUM**

DATE: June 2, 2023
TO: Planning Staff
FROM: Peter Ahrens
Director of Plans Review & Building Inspections
RE: Zoning Code Amendment

Article 17.3 Nonconforming Lot Of Record

Background The Plans Review and Inspections Department requests the following amendments to the Zoning Code of the City of Knoxville Article 17.3 Nonconforming Lot of Record and Article 2.3 Definitions.

- In Article 17.3.E, the proposed amendment provides clarity with respect to development on lots created by deed. Additional flexibility is also provided in limited situations upon approval by the Department of Engineering.
- Relocating the definition of Lot of Record from Article 17.3 Nonconforming Lot of Record to Article 2.3 Definitions

The Department of Plans Review and Building Inspections recommends the adoption of this amendment to Article 17.3 of the Zoning Code, as indicated in the attachment.

Attachments

- 1) Proposed amendments to Article 17.3 Nonconforming Lot of Record and Article 2.3 Definitions.

Sincerely,

Peter Ahrens
Director of Plans Review & Building Inspections
865-215-3938

17.3 - NONCONFORMING LOT OF RECORD

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTION](#) [EMAIL SECTION](#) [COMPARE VERSIONS](#)

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of this Code, or a subsequent amendment to this Code, does not conform. This includes nonconformities created by prior zoning codes or amendments to those codes.

A. Use

A nonconforming lot of record may be used for a permitted or special use allowed within the zoning district.

B. Development

Development of a nonconforming lot of record must meet all applicable dimensional and design regulations of the district in which it is located with the exception of the lot area and/or width requirement that renders it nonconforming.

C. Lot Division

No recorded lot may be divided into two or more lots unless such division results in the creation of lots each of which conform to all of the applicable regulations of the district where the property is located. No reduction in the size of a recorded lot below the minimum requirements of this Code is permitted except in the following situations:

1. When the dedication of right-of-way is required and approved under the provisions of the Knoxville-Knox County Minimum Subdivision Regulations, and this dedication makes a lot or structure nonconforming with requirements for setbacks, building coverage, lot area, or lot width, a final plat may be approved which results in no other new nonconformity and no other increase in the extent of a nonconformity.
2. When a legal, nonconforming structure exists on the property being subdivided and this structure is nonconforming with requirements for setbacks or height, a final plat may be approved which results in no new nonconformity and no increase in the extent of any existing nonconformity.
3. When a subdivision of property is proposed and each proposed new lot will contain a principal building categorized as contributing in an H or NC Overlay District. If each proposed new lot meets this criteria, and the existing principal buildings are nonconforming with requirements for setbacks and/or lot coverage, the property owner may seek a variance as prescribed by law.
4. Items 1, 2, and 3 above also apply to one lot subdivisions, as defined in the Knoxville-Knox County Minimum Subdivision Regulations, which combine two or more lots into one lot or where an adjustment is made to one lot line between two existing recorded lots.

D. Lot Consolidation

A nonconforming lot is permitted to consolidate with an adjacent lot, even if such consolidation still does not conform to the lot dimension requirements of the zoning district in which it is located. Such consolidation is seen as a reduction of the nonconformity.

E. Lot Created by Deed

In any residential district, a house may be constructed on a lot created by deed provided the lot is located in the area within the City boundary, is described by a deed recorded prior to July 8, 1971 and has remained intact with the same boundary configuration since the recorded date.

If a lot created by deed meets the criteria cited above, and is nonconforming with requirements for minimum yards, building setbacks, and/or lot coverage, the property owners may request a final plat. Upon application for a building permit, the property must be a lot of record (platted and recorded at the Knox County Register of Deeds). In limited situations, the Department of Engineering may grant approval for a property that is not a lot of record.

Lot of Record. A lot which has been platted and recorded with the Knox County Register of Deeds.

Note: Move “lot of record” to definitions

Clean wording below

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