

TO: Knoxville-Knox County Planning Commission
FROM: Lindsay Crockett, AICP | Principal Planner/Design Review Program Manager
DATE: September 20, 2024
SUBJECT: 8-A-23-OA Agenda Item #45

STAFF RECOMMENDATION

Staff recommends denial of the proposed amendments to the City of Knoxville Zoning Code, Article 4.6 because they create contradictions and inconsistencies with existing definitions and other sections of the zoning code, and because they are not aligned with the established intent of the Middle Housing standards.

BACKGROUND

The attached amendments (Exhibit A) to the City of Knoxville Zoning Code, Article 4.6 are a new version of amendments proposed by Mr. R. Bentley Marlow in August and October 2023. The previous proposals were tabled as requested by the applicant by the Planning Commission at the October 2023 meeting, and untabled as requested by the applicant at the September 12, 2024 meeting.

Article 4.6 (Middle Housing Standards) was adopted by the Knoxville City Council in February 2024. In the last seven months, Planning staff have implemented the new zoning standards, developed an application process, and reviewed over twenty projects. As the bodies who review all new Middle Housing projects, along with informal discussions with potential applicants in the pre-application meetings, Planning and City Plans Review and Inspections staff are able to identify issues with the standards based on broad experience. Both agencies aim to collaborate on proposed amendments to the Middle Housing standards, and will only propose amendments based on broad issues, instead of circumstances applicable to one project or property. As requested by the Planning Commission and City Council, an assessment will be presented to both bodies one year from the code's adoption.

SUMMARY OF PROPOSED CHANGES

Article 4.6.A, Middle Housing Types

1. Adds a definition for "Carriage House" to introduce it as an option for a Middle Housing type.

Article 4.6.B, Middle Housing Uses

1. Subsection 1.a: Adds exceptions for nonconforming lots of record:
 - a. To allow the building width and depth to be "varied" by 20%. (*In this instance, "varied" means increased.*)
 - b. To reduce interior side setbacks to 3 ft.
2. Subsection 1.b: Adds a second dwelling to be allowed on lots with single family homes.
3. Subsection 1.c: Permits all Middle Housing types to be combined with single family homes where the base zoning permits multiple primary structures.

Article 4.6.C, Middle Housing Dimensional Standards

1. Subsection 1.c: Calls for carriage houses to adhere to rear setbacks.
2. Table 4-4, Middle Housing Dimensional Standards: Adds carriage houses to the table. It includes 2 footnotes, that the carriage house cannot exceed the height of the primary structure and that it must comply with “2024 IRC BC 101.2.5” (2024 International Residential Codes, Building Code 101.25).

Article 4.6.E, Middle Housing Design Standards

1. Subsection 4.b: Calls for recesses or projections in the horizontal plane to apply only to street facing facades (currently reads front and side facades), and it changes the requirement from one of depth to one of width.
2. Subsection 4.c: Adds exposed rafter tails, beams, or other exposed structural elements as an option for one of the required design elements on a front façade, porch, or stoop.

Article 4.6.F, Middle Housing Conversion Standards

1. Subsection 3.b: Changes a prohibition within the Middle Housing Code. Additions to front facades, which are currently prohibited, would be permitted when converting infill housing, subject to Planning staff approval for appropriateness with surrounding neighborhood.
2. Subsection 3.c: Provides for the addition of additional stories (currently only an additional half-story is permitted) for conversion of infill housing, subject to Planning staff approval for appropriateness with surrounding neighborhood.

STAFF ANALYSIS

The proposed amendments would create contradictions and inconsistencies with existing definitions and other sections of the zoning code. For example, the amendments propose a new type, described as a “Carriage House.” Based on the proposed amendments, a carriage house is similar to an accessory dwelling unit (ADU), but allowed to be taller, does not carry parking or owner-occupancy requirements, and “can be add-ons to multiple unit buildings or single-family homes.” The definition is incomplete and would be difficult to enforce.

Additionally, the proposed amendments are not aligned with the intent of Middle Housing, which is to “promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area.” The amendments attempt to allow for larger structures (increasing building width and depth maximums by 20%) on non-conforming lots of record (which are typically smaller), and allow the combining of Middle Housing types with single-family houses in some zoning districts. Combining multiple structures on one lot is not in character with the existing character of the Traditional Neighborhood Residential (TDR) land use area.

Other amendments proposed in 8-A-23-OA are contradictory to the intent of the design standards, including allowing taller additions or additions to a front façade “when converting infill housing,” though infill housing is not defined.



Analysis of Individual Amendments:

Middle Housing Types

1. **The addition of “carriage house”:** As stated previously, this is problematic in that it adds the carriage house as a Middle Housing Type and treats it as an ADU without requiring it to comply with ADU standards. In doing so, a lot with a carriage house would essentially have two houses. In the neighborhoods where Middle Housing is applied, this is not in character with the area and undermines the fabric of the neighborhood.

Middle Housing Uses

1. **20% increase in building width and depth for nonconforming lots of record:** Nonconforming lots are regulated under Article 17. Providing an additional allowance here only serves to increase the nonconformity, which directly contradicts the intent of Article 17.
2. Middle Housing already provides a level of relief from some of the dimensional standards. There is no justification to allow a nonconforming lot using Middle Housing standards to have a bigger exception than a standard lot using middle housing standards.
3. **Reducing interior side setbacks to 3 ft:** This would allow a situation in which structures could be built 6 ft from each other, which could create issues in compliance with fire code separation distance requirements.
4. **Allowing a second dwelling to be built on a nonconforming lot:** There is no justification to make an exception for a nonconforming lot. Additionally, for lots in RN-1 and RN-2, this standard directly contradicts Article 9.1.D, which prohibits more than one primary use in the EN, RN-1, and RN-2 zones, since, as proposed, a carriage house could be built larger than an accessory dwelling unit and therefore would not be considered one.
5. **Permitting Middle Housing Types to be combined with single family houses:** This would likely alter the existing character of Knoxville’s oldest neighborhoods, along with modifying the intent of the Middle Housing standards, which do not pertain to single-family houses.

Middle Housing Design Standards

1. **Removal or projections/recesses from side facades:** Side facades can still be seen from the street regardless of whether they face the street. Moreover, the intent of the design standards is to promote housing forms compatible with existing houses in the neighborhood. Most single-family houses in older neighborhoods feature variations in wall areas on the side elevations.

Middle Housing Conversion Standards

1. **Changing a prohibition in the code to allow additions to front facades:**
 - a. This is direct contradiction with this subsection, along with accepted local design guidelines and the Secretary of the Interior’s Standards for Rehabilitation (the federal basis for design guidelines in historic neighborhoods). Front facades are the most visible. Additions can be made to front facades under the base zoning standards. Middle housing provides relief for many standards already.



- b. Planning staff approval for a prohibition seems a bit out of our purview. Other examples of this type of allowance require board approval (i.e., waivers from the TTCDA, variances from the BZA, variations from historic or neighborhood conservation district guidelines).
2. **Allow additional (full) stories:**
- a. A full-story addition to a structure would dramatically alter the roofline and massing of the structure and is in direct conflict with the intent of this subsection, which currently allows half-story additions (i.e., dormer windows).
 - b. “When converting infill housing” is not clearly defined.
 - c. Again, Planning staff approval for a prohibition is not appropriate.



4.6 MIDDLE HOUSING STANDARDS

Middle Housing types are residential structures, **or a combination of structures**, containing more than one unit, with building footprints and overall scales comparable to single-family houses. Middle Housing types are permitted in RN-1, RN-2, RN-3, and RN-4 zoning districts, and shall be located in land use areas designated Traditional Neighborhood Residential (TDR). The standards in this Section are intended to promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area. To help increase housing options within the City, Middle Housing standards are intended to allow more flexible development of land than is possible under the base district zoning regulations. The dimensional, design, and parking standards of Section 4.6 apply to new construction of Middle Housing types. Standards for conversions of existing buildings to Middle Housing types are subject to the requirements in Section 4.6.F. Flexibility and/or relief from certain standards is provided in Section 4.6.G.

4.6.A. Middle Housing Types

Project applications using the Middle Housing standards and review process are required to use only the Middle Housing types as defined below:

Duplex, side-by-side: a structure up to two stories, containing two dwelling units next to each other with one shared wall. This type of duplex has a building depth, width, and height similar to a typical single-family house. Both units may share a stoop or porch at the center of the building; or each unit may have its own stoop or porch. One unit may face the street with another facing the interior or corner side or rear yard.

Duplex, stacked: a structure up to two stories, containing two dwelling units, with one on the ground floor and the other on top. This type of duplex has a building depth, width, and height similar to a typical single-family house. Both entries may face the street, or one unit may face the street with another facing the interior or corner side or rear yard.

Triplex: a structure up to three stories, containing three dwelling units typically stacked on top of each other, in locations where there is a transition from a commercial corridor and/or higher intensity area into single-family neighborhoods. Within neighborhoods, away from transition areas adjacent to corridors, a 2.5-story triplex may feature other configurations to accommodate three units.

Fourplex: a structure up to 2.5 stories, containing two units on the ground floor and two units stacked directly above. The type has a building depth, width, and height similar to a single-family house.

Townhouse (small): a small-to-medium sized structure up to two stories with up to four attached units, featuring shared side walls between units. The narrow side of the unit faces the street, with an entry oriented towards the street, and the larger attached side along the depth of the lot.

Townhouse (large): a medium-sized structure up to 2.5 stories with up to eight units, featuring shared side walls between units. The narrow side of the unit faces the street, with an entry oriented towards the street, and the larger attached side along the depth of the lot.

Multiplex (small): a small-to-medium-sized structure that consists of five to ten units arranged side-by-side and/or stacked, often with a shared entry on the ground floor.

Carriage House¹: This type is a secondary structure, typically located at the rear of a lot, providing space for a small residential unit. This unit could be combined with a garage or workshop. Carriage houses are unique in that they complement other buildings exclusively. They can be add-ons to multiple-unit buildings or single-family homes. They are only appropriate for side and rear yard placement.

4.6.B. Middle Housing Uses

1. Middle Housing types are permitted based on the zoning district and housing type in Table 4-3, and conformance to the applicable standards in Article 4.6. Proposals which do not meet the dimensional standards in Table 4-4 default to the dimensional standards of the base zoning district, subject to the requirements in Article 4.6.G.
 - a. Exceptions for Nonconforming Lot of Record as defined in Article 17.3. The dimensional standards in Table 4-4 for the building width and building depth may be varied by twenty percent (20%); and may reduce interior side setbacks reduced to three (3) feet.
 - b. The Carriage House type is permitted to be combined with single family homes in all zones.
 - c. All Middle Housing types are permitted to be combined with single family homes where the base zoning permits multiple primary structures.

Table 4-3: Middle Housing Development Types

Middle Housing Type	Permitted Use + Planning Staff Review
Duplex (side-by-side)	RN-1, RN-2, RN-3, RN-4
Duplex (stacked)	RN-1, RN-2, RN-3, RN-4
Triplex*	RN-2, RN-3, RN-4
Fourplex	RN-2, RN-3, RN-4
Townhouse (small)	RN-2, RN-3, RN-4
Townhouse (large)	RN-3, RN-4
Multiplex (small)	RN-3, RN-4

2. Location criteria for triplexes:

¹ Missing Middle Housing Close Up: Carriage Houses — Missing Middle Housing.
<https://missingmiddlehousing.com/missing-middle-housing-close-up-carriage-houses/> (“carriage houses are an important type of Missing Middle Housing.”)

- a. Three-story triplexes are only permitted on lots with frontage on arterial roads as defined in the Major Road Plan. Three-story triplexes are not permitted on flag lots.

4.6.C. Middle Housing Dimensional Standards

1. The dimensional standards of this Section supersede the base zoning district dimensional standards as defined in Article 4.
2. Table 4-4: Middle Housing Dimensional Standards establishes the dimensional standards for new construction of Middle Housing types within the permitted area.
3. Building setbacks:
 - a. Front setbacks for Middle Housing types shall be the average of the blockface, plus or minus five feet, in no case less than 10'.
 - b. Rear setbacks for Middle Housing types shall be no less than 15 feet.
 - c. Carriage House types shall adhere to rear setbacks specified in Article 10.3 for accessory structures.
4. Building heights shall not exceed the maximum building height of the base zoning district, or the maximum height in stories as noted in Table 4-4, whichever is less. For Middle Housing types, story and half-story are defined below.
 - 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 a 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 when its top wall plates, on at least two opposite exterior walls, are four feet or more above the floor of such story.
5. Dormers:
 - a. The combined width of dormers shall not exceed 50% of the width of the wall area beneath.
 - b. Dormers shall be set back from the nearest rake or eave by at least two feet.
6. Building width for Middle Housing types is defined as follows: the length of the building façade wall that does not include permitted encroachments, as measured along the foundation that generally faces the front lot line or a public space.
7. Building depth for Middle Housing types is defined as follows: the length of the building façade wall that does not include permitted encroachments, as measured along the foundation that generally faces an interior or corner side lot line or a public space.

Table 4-4: Middle Housing Dimensional Standards

Middle Housing type	Lot width with alley (min., ft.)	Lot width without alley (min., ft.)	Building height (max. stories)	Building width (max., ft.)	Building depth (max., ft.)	Interior side setbacks	Corner side setbacks
Duplex (side-by-side)	45'	50'	2	40'	55'	5'	8'
Duplex (stacked)	45'	50'	2	35'	50'	5'	8'
Triplex	45'	50'	2.5 -3	40'	55'	5'	10'
Fourplex	45'	50'	2.5	45'	60'	5'	10'
Townhouse (small)	18'/du	20'/du	2	25'/du	50'	5'	12'
Townhouse (large)	18'/du	20'/du	2.5	25'/du	55'	5'	12'
Multiplex (small)	70'	80'	2.5	75'	80'	5'	12'
Carriage House	N/A	N/A	2.0 ²	N/A ³	N/A'	5'	5'

4.6.D. Middle Housing Parking Standards

1. The parking requirements below apply to Middle Housing types. Where applicable, the below parking requirements supersede the off-street parking requirements in Table 11-2.
2. No off-street vehicle parking is required within one-fourth of a mile of a transit route.
3. Off-street vehicle parking: each dwelling unit requires 0.70 spaces.
4. Specific to triplex, fourplex, townhouse, and multiplex developments: **Unless the parking area is located along an alley and entirely within the rear setback, the parking areas must be set a minimum of five feet from the interior side and rear lot lines, and may be grouped in shared parking areas per Article 11.8.**
 - a. Where applicable, landscape buffers required by Section 12.8 may be reduced to five feet with the use of a wall or solid fence.
5. Location:
 - a. Parking must be located in the interior side or rear yards.

² Carriage House cannot exceed the height of the primary structure.

³ Carriage House must comply with 2024 IRC BC101.2.5 Conditions, i.e. not less than 190 square feet, no more than 1,200 square feet and/or 50% of the primary dwelling unit.

- b. Where operable alleys are present, the alley must serve as the primary means of vehicular ingress and egress unless Planning determines that special site circumstances or conditions prohibit alley access.
- c. Middle Housing types may be designed to back into an alley. Egress directly from parking spaces to alleys may be allowed when the aisle width, including the alley width, meets the minimum aisle width specified in Table 11-4.
- d. Where parking is located in a side yard, the spaces must be located behind the front building façade line of the principal building. When a driveway extends through a front yard, the driveway must extend at least 20 feet behind the building façade line, to provide parking behind the street-facing elevation of the structure.
- e. Front-facing garages are not permitted as part of the primary structure on Middle Housing types.
- f. Circular driveways located in a front yard are not permitted.
- g. Driveway access: the driveway shall be at least 10 feet wide and not more than 14 feet wide.

4.6.E. Middle Housing Design Standards

1. The following standards apply only to new construction of Middle Housing types and are intended to promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area.
2. New construction and certain expansion and exterior alteration actions within the IH, NC, and H overlays, as described in Sections 16.6 and 16.8, are subject to review and approval by the Design Review Board or Historic Zoning Commission, per Sections 16.6 and 16.8.
3. The principal use standards for two-family, multi-family, and townhouse dwellings, as described in Sections 9.3.I and 9.3.J, apply alongside the below design standards.
4. In order to generate new Middle Housing buildings that are similar in footprint, height, and setbacks with the existing neighborhood and increase visual interest, yet allow for flexibility in design, the following requirements apply to all Middle Housing types:
 - a. Rooflines must be either:
 - i. Flat, featuring a cornice, parapet, or decorative band to serve as a building cap for portions of the roof visible from the street;
 - ii. Steep, with a roof pitch of 6/12 or more;
 - iii. Articulated, with at least two pitches, planes, or ridge line directions, or displaying hips and valleys.
 - b. Recesses or projections in the building wall are required in the horizontal plane of any front **elevation**, or side elevation **that faces a street**, that exceeds a length of 50 feet. Each recess or projection shall be at least two feet **wide**.

- c. The front façade must contain (1) a porch or stoop, and (2) at least three of the following design elements:
 - i. Dormer(s);
 - ii. Eave overhangs, a minimum of 12 inches;
 - iii. Decorative cornice;
 - iv. Covered porches at least eight feet in depth, composing a minimum of 25% of the width of the street facing elevations (this item may satisfy the requirement for a porch or stoop, and one design element);
 - v. A recessed or projecting entry feature of 18 inches or more in depth, and of at least six feet in width;
 - vi. A bay window projecting a minimum of 12 inches from the front façade;
 - vii. Articulated window and door trim, a minimum of 3.5 inches in width, to include projecting window sills;
 - viii. Brick masonry composing at least 25% of any street-facing elevation.
 - ix. Exposed rafter tails, beams, or other exposed structural elements.
5. Building Orientation to Street
- a. Middle Housing types shall be oriented with their front elevations facing the street. At least one ground-level entrance must be oriented towards the street.
 - b. Townhouses shall not be oriented so the fronts of units face the rear elevations of units.
 - c. Townhouses shall not be oriented perpendicular to the street. The narrow side of townhouse units must face the street.

4.6.F Middle Housing Conversion Standards

- 1. To retain existing housing stock and neighborhood character, while facilitating the creation of additional housing units, existing buildings may be converted to Middle Housing types via interior renovation or additions.
- 2. Conversions to Middle Housing types must comply with Table 4-3.
- 3. Middle Housing Conversion Design Standards
 - a. Additions must comply with the dimensional standards in Section 4.6.C and Table 4-4.
 - b. Additions to the front façade are ~~not~~ only permitted when converting infill housing and is subject to planning staff approval for appropriateness with surrounding neighborhood. Additions may be made to the rear and side elevations where setbacks permit.
 - c. Additions may also be made to the roofline via an additional half story (the addition of dormers). Roofline additions shall be proportionally consistent with the existing

house and shall not be so large as to dramatically alter scale of the original building mass. Additional stories, subject to the limitations in Table 4-4, maybe added when converting infill housing and is subject to planning staff approval for appropriateness with surrounding neighborhood.

- d. Additions to rear and side elevations must not be taller in height than the existing building.

4.6.G. Administrative Variations, Variances, and Appeals

1. In some instances, it may be practical to provide relief from certain standards due to existing conditions on the site. A project may receive an administrative variation during Planning staff review based on the below criteria only.
 - a. Allowable administrative variations are as follows:
 - i. Lot width: a decrease in the minimum required lot width, up to 20 percent, provided the existing lot can be developed following the intent of Middle Housing standards, meets all other applicable dimensional standards of Section 4.6, and is similar in scale and placement of buildings on the subject block face and the block face directly across the street;
 - ii. Corner side, side, and rear setbacks: a decrease in minimum setbacks, up to 20 percent, provided the reduction receives approval from the Department of Engineering;
 - iii. Design standards: a variation on the design standards in Section 4.6.E may be permitted, provided the project meets all applicable dimensional standards of Section 4.6, and variation from the design standards is necessary to achieve a creative architectural design which is similar in scale with the buildings on the subject block face and the block face directly across the street.
 - iv. Front setbacks: a decrease in minimum front setbacks, up to 50 percent, provided the setback is consistent with the blockface.
 - b. No other administrative variations to Article 4.6 are allowed.
2. The intent of Article 4.6 is to allow Middle Housing types which are in harmony with the character of the surrounding neighborhood and will not be injurious to it or to the public welfare. Therefore, variances which would allow developments which are larger scale, allow for greater density, or otherwise are out of character with the surrounding neighborhood are discouraged, unless there is a legal hardship and all standards and requirements for variances are met as set forth in Article 16.3.
3. Any person may appeal a Planning staff approval or denial under Article 4.6 to the Knoxville-Knox County Planning Commission as provided in Article 16.12.A. Requests for variances follow the procedure under Article 16.3.

(Ord. No. O-10-2024, § 1, 2-6-24)