



**TO:** Knoxville-Knox County Planning Commission  
**FROM:** Lindsay Crockett, AICP | Principal Planner/Design Review Program Manager  
**DATE:** August 25, 2023  
**SUBJECT:** 8-E-23-OA  
Agenda Item #12

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### **STAFF RECOMMENDATION**

Staff recommends denial of amendments as proposed to the City of Knoxville Zoning Code, Article 12. Landscaping and buffer yards have not been identified as a barrier to the creation of middle housing forms in the City. Additionally, the amendments proposed would apply to the entire City and require further evaluation to ensure no unintended consequences result.

### **BACKGROUND**

The attached amendment (Exhibit A) to the City of Knoxville Zoning Code, Article 12 - Landscape was proposed by Mr. R. Bentley Marlow and postponed for thirty days by the Planning Commission in August 2023. See attached text for proposed amendments, which relate to landscape plans and required buffer yards.

### **STAFF ANALYSIS**

#### **Article 12.2.A**

- Per Section 12.2.D, landscape requirements are intended to set minimum standards for quality development and environmental protection. Applicants may submit alternative landscape plans based on site conditions or to provide a more creative interpretation of the requirements. Alternative Landscape Design review can be time-consuming for staff and applicants. The number of Alternative Landscape Design applications would increase significantly if landscape plans are not implemented until after a site is developed with structures and parking.
- If landscaping is not a priority during the initial design phase, sites may be developed without leaving sufficient space for the required landscaping. Enforcement of landscaping requirements after construction would be challenging.
- The landscape standards of the code are intended to create open spaces that are functional for all users, preserve existing natural resources, intentionally design drainage facilities, and establish a natural environment which contributes to air and water quality, stormwater interception, and wildlife habitat, among other benefits. Designating landscape plans as secondary to building construction plans is contradictory to the purpose of the landscape code.

#### **Article 12.8**

- No specific evidence is provided to support the 70% reduction of a buffer yard with a fence or wall. The proposed amendment would apply to all land uses and/or zoning districts where a buffer

yard is required. Unintended consequences could arise when higher-intensity land uses adjoin sites zoned for lower-intensity uses.

- A 70% reduction to a Class B Buffer Yard, required to be a minimum of 20' wide, would result in a buffer yard approximately six feet wide. Within a six-foot wide buffer, it would be challenging to accommodate the required shrubs, evergreen trees, and shade trees alongside a fence or wall.
- As landscaping and buffer yards have not been identified as a priority to support the creation of new middle housing forms in the City, Planning and Plans Review and Inspections staff have not further evaluated amendments to the landscape code. Such amendments would apply to the entire City and would require further evaluation before adoption.
- The *MMH Scan: Analysis + Definition of Barriers to Missing Middle Housing* document, prepared for the City of Knoxville by Opticos Design, Inc., does not identify landscape plans or buffers as a barrier to the creation of middle housing.
  - The Scan's recommendation related to landscaping addresses reducing interior side and rear setbacks for parking areas for multifamily developments from ten feet to five feet, which would allow for a landscape planter between the parking area and the adjacent lots. This recommendation will be incorporated into the proposed Middle Housing Standards.



## 8-E-23-OA

### ARTICLE 12.2A

A. Landscape Plan Required A landscape plan is required as part of a site plan review application for multi-family and townhouse development, nonresidential (including mixed-use) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of ~~a building permit~~ the Certificate of Occupancy/Completion.

### ARTICLE 12.8 Buffer Yards

C. Where the buffer yard incorporates a wall or solid fence, or a combination of such, the buffer yard width may be reduced by ~~30%~~ SEVENTY PERCENT (70%).

E. Buffer yards are required as described in ~~the~~ TABLE 12-2: Buffer Yard Requirements.

[ADD THE FOLLOWING LINE TO TABLE 12-2]

RESIDENTIAL USES (1F, 2F, Townhomes & Detached MF) WITHIN C-N ABUTS RESIDENTIAL DISTRICT – NO BUFFER YARD REQUIRED.



## 8-E-23-OA

### Article 12.2A and Article 12.8

- Proposed language moves the approval of a landscape plan to prior to the issuance of a Certificate of Occupancy (CO). This creates issues with sites not having enough space to implement the required landscaping if it is just before construction is complete. What will be the consequences of not being able to meet the landscape requirements? Tear down of a brand new building or other site features? What would the hardship be to not meet the landscape requirements?
- Landscaping is often an afterthought during the civil design phase, coming in at the end of the design process. This results in leaving little to no room for landscape requirements and is a significant driver in the use of alternative landscape design application. If this language were adopted moving the requirement to before CO it will dramatically increase the number of Alternative Landscape Design applications.



# 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	Zoning District	Existing Land Use
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