
17.3 NONCONFORMING LOT OF RECORD

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

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

2. In residential zoning districts, only one single family dwelling as a principal use may be constructed on a nonconforming lot of record.

3. If a nonconforming lot of record is in compliance with Article 4.6 and Table 4-4 pertaining to Middle Housing, only one Middle Housing structure may be permitted.

B. Development

Subject to Article 17.3.A, d~~D~~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. Development of a nonconforming lot under Article 4.6 must meet all applicable dimensional and design regulations of the Middle Housing Standards, including lot width per Table 4-4.

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~~ a single-family dwelling 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.

(Ord. No. O-45-2020, § 1, 3-24-20; Ord. No. O-102-2023, § 1, 7-11-23)