

Carlene Malone 1-30-23, comments on the undated PC Staff Memo titled: "LIST OF PROPOSED REVISIONS FOR THE 2023 ONE YEAR PLAN (OYP)"

Proposed Revision, Memo, page 1: "Chapter 2. 1) All mentions of dwelling units per acre (du/ac) densities were removed to maintain consistency with the Zoning Ordinance. Zoning regulations reference dimensional standards instead of du/ac."

Land Use Classifications are assigned to each property and comprise the OYP map. Each Land Use Classification includes a list of permitted zoning districts.

REQUEST 1: Maintain the term "dwelling units/acre (du/ac) densities" for the following reasons:

"Density" is defined as a quantity of something per unit volume, unit area or unit length. Housing density is expressed as dwelling units per acre. "Density" is meaningless without a number. The proposed change to the long-standing framework would keep the Land Use Classifications "Low Density Residential (LDR)", "Medium Density Residential (MDR)", and "High Density Residential (HDR)", but remove the number, or range of numbers, of dwelling units/acre (du/ac), from the definitions/descriptions of the Land Use Classifications. Removing the number will make the Land Use Classifications, LDR, MDR, HDR, meaningless.

Uncertainty: Numbers are integral to the definition/description of Low, Medium, and High Density Residential. The benefit of clarity, consistency, and certainty in a complex development process has been documented. Various interest groups generally agree that the process, rules, and definitions should be as clear and consistent as possible. Lengthy, unproductive disputes are best avoided. Why create uncertainty where certainty and clarity presently exist?

Consistency Among the Elements of the Adopted Comprehensive Plan and the Growth Policy Plan: All other elements of the Comprehensive Development Plan, i.e., the General Plan (p 69), and the Sector Plans, use the term "number of dwelling units/acre" in the definition/description of the LDR, MDR and HDR, Land Use Classifications. "Dwelling units per acre" is also used in the adopted Growth Policy Plan. What is gained by causing inconsistencies and confusion among the legally-required adopted plans?

Tail Wagging the Dog: The PC Memo states that the du/ac densities should be removed from the OYP *“to maintain consistency with the Zoning Ordinance”* which references dimensional standards instead of du/ac.

However, the **Knoxville Charter, Article VIII, 801, (A)(3)**, states: *“The one-year development plan shall provide the basis for zoning of all properties within the city limits.”* And, **Article VIII, 801, (B)(5)**, states: *“Following the annual update and adoption of the city’s development plans, the council shall amend the city’s zoning ordinance to conform it to the updated development plans in accordance with procedures prescribed by general law.”*

Given the clear intent of the Charter that the zoning ordinance be amended to conform to the plans, proposing to amend the OYP for the purpose of making the plan consistent with the zoning ordinance, is incorrect and perplexing.

Also, the Knoxville Zoning Ordinance in effect prior to the RECODE provided dimensional standards for the various zoning districts. Including dimensional standards in a zoning ordinance is not new.

Proposed Revision, Memo, page 2: *“Appendix B, 1) The land use classification table was removed to avoid confusion with the One Year Plan Classifications already described in the Plan.”*

REQUEST 2: Re-insert the Land Use Classification Table (Table) as Appendix B, for the following reasons:

Removing the Land Use Classification Table (Table) from the OYP means the Table would not be part of a legally-required public review and adoption process. There would be no legal requirement that the Table ever be publicly reviewed or adopted by PC or City Council and no legal requirement that revisions or amendments to the Table be publicly reviewed or adopted by the PC and Council.

Including the Land Use Classification Table in the OYP Establishes a Legal Requirement that the Table be Publicly Reviewed and Adopted. Changes to the Table Would Require Public Review by the PC and City Council. The Table is a useful aid. It gives a description of each Land Use Classification (for instance, Low Density, Medium Density, High Density Residential, Office, Agricultural, General Commercial, etc.) and lists the zoning districts permitted in each Land Use Classification. Imagine the confusion that would result if the Table could be

changed without public review and adoption. Imagine the confusion if several different versions of the same Table existed. Which Table would you rely on?

Unfortunately, the review of the 2020 OYP exposed the chaos and confusion that occurs when the Table is not adopted as part of the OYP. The Table had been approved by the PC and City Council as a free-standing document. A very short time later the Table was substantively changed administratively—without public review. Additional zoning districts were added to the list of permitted zoning districts in several Land Use Classifications. These changes had not been approved by the PC or City Council as part of their approval of the free-standing Table. And, the Table that appeared on the PC website for the purpose of informing interested parties, was, in fact, the changed, unapproved version of the Land Use Classification Table.

As a result of the mess, former PC Executive Director, Gerald Green, outlined the problems in a 3-10-20 email and reached this conclusion:

“Based upon further thought and in light of comments received, Planning staff has agreed that inclusion of the Land Use Table in the One Year Plan, and its adoption as part of the Plan, would enhance the recognition of the updated Table as the official Land Use Classification Table. Additionally, the annual review of the Table as part of the One Year Plan update will provide an opportunity to keep the Table updated and reflective of the land use policies and goals of the City and County. This also will provide an opportunity for public vetting of amendments and revisions to the Table.”

In recent email exchanges, Ms. Hillman, PC Senior Planner, made clear that a Land Use Classification Table will continue to be on the PC website. And, the present PC staff leadership intends to have all changes to the Table approved by the PC and City Council. PC staff no longer considers administrative changes to the Table acceptable. Despite these good intentions, if the Table is removed from the OYP, there would be no legal requirement for formal public review and adoption by PC and City Council.

Given the intentions of the PC to continue to maintain the Land Use Classification Table and to have changes publicly reviewed and adopted, it makes sense to include the Table as part of the OYP and, therefore subject to the legally-required OYP public review and adoption process.

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