



MEMORANDUM

Date: August 29, 2020
To: Planning Commission
From: Amy Brooks AICP, Interim Executive Director
On behalf of: City of Knoxville, Plans Review and Inspections
Subject: **4-A-20-OA, Agenda Item # 33**

Background

This item was originally heard at Planning Commission's April 2020 meeting and recommended for approval to City Council. City Council postponed consideration of the item on May 5, 2020, May 19, 2020 and again on June 2, 2020 pending a Council workshop on the agenda item. That workshop was held on July 9, 2020 to review the purpose of the transition rules found in Section 1.4.G, Appendix B of the Knoxville City Code. At its July 28, 2020 meeting, the Knoxville City Council adopted a motion to refer this agenda item back to the Planning Commission for its reconsideration.

Planning and City staff took feedback from the Council workshop as well as community members into consideration when re-evaluating the proposed amendments. Based on this feedback and internal analysis, additional changes were identified to clarify how previously approved planned districts would be reviewed under the new zoning code.

Unlike what was proposed in April, former commercial planned districts will remain in effect per Article 1.4G. However, these former planned districts will be subject to the special use approval procedures, formally called use on review, and not the new Planned Development procedures created as part of the new zoning ordinance. They will be mapped with (C) to identify them as a previously approved planned district.

The intent of these amendments is to ensure the review of these previously approved planned district properties is consistent with the process under which they were originally approved.

Staff Recommendation

Planning staff recommends approval of the draft amendments to Knoxville City Code, Appendix B, Zoning Code, to Articles 1.4, 3.1, 14.1, 14.2, and 16.2 to address transition rules associated with previously approved planned districts.

If you have any questions, comments, or would like additional information, please feel free to contact me by email at amy.brooks@knoxplanning.org or by phone at 215-4001.

Exhibit 1: City of Knoxville memo

Exhibit 2: Proposed amendments to Articles 1.4, 3.1, 14.1, 14.2, and 16.2



MEMORANDUM

DATE: August 31, 2020

TO: Planning Commission & City Council

FROM: Stephanie Welch
Chief of Economic and Community Development Officer
Deputy to the Mayor

RE: Transition Rules for Previously Approved Planned Districts

Background

Under the *prior* City Zoning Code, property owners could apply to have their properties zoned under a Planned District. Often, conditions would be placed on the property during the process. Under the *new* City Zoning Code, which went into effect on January 1, 2020, previously approved Planned Districts remained in place and subject to all plans, regulations, and/or conditions of their approval.

Initially, City staff proposed the removal of certain Planned Districts from the transition rules of Article 1.4 because the updated development standards in the new Zoning Code have made many of these Planned Districts obsolete. However, during a City Council workshop on July 9, 2020, City Council expressed concern about this proposal because of the lack of public input during the process.

Proposed Amendment

City staff drafted the attached proposal to provide additional clarification, address Council’s concern, and avoid unnecessary barriers to quality development in Knoxville. If adopted, all Planned Districts will remain in effect and subject to the plans, regulations, and/or conditions of their initial approval. Planned Districts will be designated with a “(C)” on the official zoning map.

The proposed amendment allows a clear path forward in the event that a property owner wants to remove the Planned District designation and requirements entirely, or to modify those requirements. Under the proposal, these requests will follow the Special Use review process, which includes the opportunity for the public to express support or opposition to the property owner’s application.

If the request is to make a **modification**, the Knoxville-Knox County Planning Commission (the "Planning Commission") will approve, approve with conditions, or deny the application. However, if the request is to **remove** the Planned District designation and requirements, the Planning Commission will recommend to City Council that the application be approved or denied. City Council will hold a public hearing and make a final decision.

Public Process

By requiring applications to modify or remove Planned District requirements to follow the Special Use review process, the public will be notified in three ways. First, the public will be notified by publication in the *Knoxville News Sentinel* at least 15 days before the Planning Commission reviews the item at their normal monthly meeting. Additionally, written notice of the application will be sent to every property owner within 200 feet of the property, and these notices will be mailed at least 12 days before the Planning Commission meeting. Finally, a sign will be posted at the subject property at least 12 days before the Planning Commission meeting. Those who sign up to receive email updates from Knoxville-Knox County Planning will also receive notice of the items on the agenda for the monthly Planning Commission meetings.

Members of the public will have an opportunity to speak in favor of, or opposition to, an application to modify or remove the Planned District requirements at the monthly Planning Commission meeting. If the application is to **remove** the Planned District requirements, the Planning Commission's recommendation will be sent to City Council for approval or denial at another hearing, which will provide additional opportunities for public review and input.

Recommendation

City staff supports the adoption of the attached proposed amendment.

Sincerely,



Stephanie Welch
Chief of Economic and Community Development Officer
Deputy to the Mayor

Attachments

Proposed language, Articles 1.4, 3.1, 14.1, 14.2, and 16.2

Changes proposed to:

- Article 1.4.**
- Article 3.1.**
- Article 14.1 and 14.2.**
- Article 16.2.**

ARTICLE 1 – TITLE, PURPOSE, AND APPLICABILITY

1.4 - TRANSITION RULES

[...] G. Previously Approved Planned Districts

1. As of the effective date of this Code, all previously approved planned districts of RP-1, RP-2, RP-3, PC-1, PC-2, SC-1, SC-2, SC-3, I-1, BP-1, TND-1, and TC-1 remain in effect and are subject to all plans, regulations, and/or conditions of their approval.
2. ~~These developments are subject to the Planned Development (PD) amendment and/or development approval procedures, as applicable, of this Code.~~
3. ~~For the purposes of the Zoning Map, existing planned districts may be indicated as planned developments (PD).~~
2. For the purposes of the Zoning Map, previously approved planned districts will be designated with a “(C)”.
3. Any changes to a previously approved planned district, or request to remove the planned district designation from a property shall be made through the Special Use process in Article 16.2.

[...]

(Ord. No. [O-38-2020](#), § 1, 2-25-20; Ord. No. [O-87-2020](#), § 1, 5-19-20)

ARTICLE 3 – ZONING DISTRICTS AND ZONING MAP

3.1 - ZONING DISTRICTS

In order to carry out the purpose and intent of this Code, the City is divided into the following zoning districts:

- A. **Residential Districts**
[...]
- B. **Commercial and Office Districts**
[...]
- C. **Industrial Districts**
[...]
- D. **Form-Based Code Districts**

[...]

E. Special Purpose and Overlay Districts

AG Agricultural Zoning District

INST Institutional Zoning District

OS Parks and Open Space Zoning District

NA Natural Areas Zoning District

H Historic Overlay Zoning District

NC Neighborhood Conservation Overlay Zoning District

IH Infill Housing Overlay Zoning District

TO-1 Technology Park Overlay Zoning District

HP Hillside Protection Overlay Zoning District

F Floodplain Overlay Zoning District

(C) Planned Districts under Article 1.4.G.

ARTICLE 14 – CODE ADMINISTRATORS

14.1 - CITY COUNCIL POWERS

The City Council has the following specific powers pursuant to this Code:

- A. To make final decisions on zoning text and map amendment applications.
- B. To make final decisions on preliminary plans of planned development applications.
- C. To hear appeals on decisions of the Knoxville-Knox County Planning Commission and the Board of Zoning Appeals.
- D. **To make final decisions on requests to remove a previously approved planned district designation from the official map and all associated plans, regulations, and conditions from a property.**

14.2 - KNOXVILLE-KNOX COUNTY PLANNING COMMISSION POWERS

The Knoxville-Knox County Planning Commission has the following powers pursuant to this Code:

- A. To make recommendations to the City Council on zoning text and map amendment applications.
- B. To make final decisions on special use applications, **including requests to modify the requirements of any plans and/or conditions placed on properties during the special use review process except as applicable under Article 16.2.D.3.**

- C. To make final decisions on special use applications for previously approved planned districts, to modify or remove the requirements of any plans or conditions placed on the properties.
- D. To hear appeals on decisions of the Design Review Board.
- E. To hear appeals on decisions of the Infill Housing Review Committee.
- F. To make recommendations to the City Council on preliminary plans for planned development applications and final decisions on final plans for planned development.
- G. In addition, Knoxville-Knox County Planning staff will make final decisions on site plan review applications as follows:
 - 1. Site plan review applications in the EN District.
 - 2. Site plan review applications for townhouse and multi-family dwellings in the RN-4 District per Section 4.2.B.2.
- H. To make recommendations to the City Council on requests to remove a previously approved planned district designation from a property on the zoning map, and thereby removing the previously approved planned district status, including removing all requirements of any plans or conditions.

ARTICLE 16 – ZONING APPLICATIONS

16.2 - SPECIAL USE REVIEW

A. Purpose

This Code is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, are potentially incompatible with existing development, or because the effects of such uses cannot be foreseen.

B. Initiation

1. A property owner in the City, or his/her designee, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.
2. For the purpose of this section, special use applications include requests for previously approved planned district properties to modify and/or remove requirements of any plans or conditions placed on properties, or requests to remove the planned district designation from the zoning map.

C. Authorization

The Knoxville-Knox County Planning Commission will take formal action on special use applications.

D. Procedure

An application for a special use must be filed with the Knoxville-Knox County Planning staff. An application. Once it is determined that the application is complete, the staff will schedule the application for consideration by the Knoxville-Knox County Planning Commission.

1. Upon receipt of a complete application, the Knoxville-Knox County Planning Commission will consider the special use at a public hearing.
2. The Knoxville-Knox County Planning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. Except as provided in 16.2.D.3 below, the Knoxville-Knox County Planning Commission must either approve, approve with conditions, or deny the special use application.
3. Applications to remove the planned district designation from the zoning map are subject to review by the Planning Commission, which shall recommend that the City Council approve or deny the application.
4. The City Council will hold a public hearing on the application following receipt of the Knoxville-Knox County Planning Commission recommendation. The City Council must approve or deny the application. If approved, the zoning district standards shall apply.

E. Conditions

1. Conditions placed upon the special use related to the physical development of the site must be shown on the site plan. A statement must be submitted with the site plan indicating any conditions placed upon the operation of the special use.
2. Prior to final approval of the special use by the Knoxville-Knox County Planning Commission, the proposed conditions must be sent to City staff and Knoxville-Knox County Planning staff for review and recommendation. The Knoxville-Knox County Planning Commission may approve the special use with conditions after receipt of the staff recommendation.
3. A revised site plan showing all required conditions must be submitted prior to issuance of a building permit and/or required licenses.

F. Standards

1. The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The proposed special use must meet all of the following criteria which Knoxville-Knox County Planning will support with documented findings.
2. The Knoxville-Knox County Planning Commission, in the exercise of its administrative judgment, will be guided by adopted plans and policies, including the General Plan and the One-Year Plan, and by the following general standards:
 - a. The use is consistent with adopted plans and policies, including the General Plan and the One-Year Plan.
 - b. The use is in harmony with the general purpose and intent of this Zoning Code.
 - c. The use is compatible with the character of the neighborhood where it is proposed, and with the size and location of buildings in the vicinity.
 - d. The use will not significantly injure the value of adjacent property or by noise, lights, fumes, odors, vibration, traffic, congestion, or other impacts detract from the immediate environment.

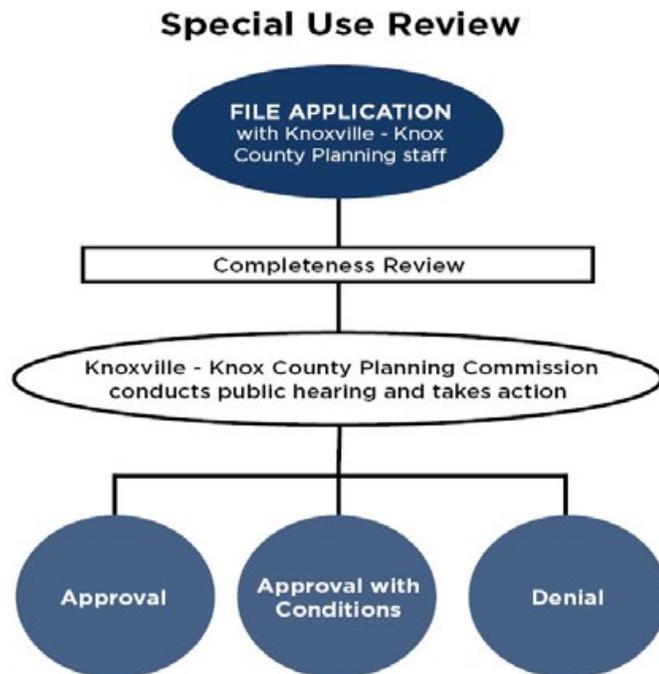
- e. The use is not of a nature or so located as to draw substantial additional traffic through residential streets.
- f. The nature of development in the surrounding area is not such as to pose a potential hazard to the proposed use or to create an undesirable environment for the proposed use.

G. **Requests for Modifications to Approved Special Uses**

- 1. Any modifications to the conditions of approval for a previously approved special use must be resubmitted as a new special use application.
- 2. **Any modifications to the conditions of development within a previously approved planned district must be submitted as a new special use application following the procedure in D.1 and D.2. of this Article.**

H. **Appeals**

Anyone aggrieved by a final determination of the Knoxville-Knox County Planning Commission may file an appeal in accordance with Section 16.12.





CITY OF KNOXVILLE, TENNESSEE

Agenda Item #33

4-A-20-OA

OFFICE OF THE CITY COUNCIL

Memorandum

To: Amy Brooks, Interim Executive Director

Knoxville-Knox County Planning Commission

From: Will Johnson, City Recorder

Date: August 4, 2020

Re: File No. 4-A-20-OA

At its July 28, 2020 meeting, the Knoxville City Council adopted a motion to refer this ordinance to the Planning Commission for its consideration.

Please let me know if you require additional information.