

AMENDED
7-28-2020ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE KNOXVILLE CITY CODE, APPENDIX B, ZONING CODE, AT ARTICLES 14.2, 14.6, 14.9, 14.12, 14.15, 14.16 AND 16.6 REGARDING THE INFILL HOUSING REVIEW COMMITTEE AND THE DESIGN REVIEW BOARD, KNOXVILLE-KNOX COUNTY PLANNING, APPLICANT. (FILE NO. 5-D-20-OA)

ORDINANCE NO: O-113-2020
Knoxville-Knox CountyREQUESTED BY: Planning CommissionPREPARED BY: Law DepartmentAPPROVED ON 1STREADING: 7-14-2020APPROVED ON 2NDREADING: 7-28-2020

APPROVED AS AN EMERGENCY

MEASURE: _____

MINUTE BOOK: 84 PAGE _____

WHEREAS, the Infill Housing Overlay Committee is currently comprised of staff from the City of Knoxville (4), Knoxville-Knox County Planning (3), and one member from the East Tennessee Community Design Center, and the Committee members review applications for conformance with the Heart of Knoxville Infill Housing Design Guidelines (the “IH Guidelines”) and have the authority to approve or deny applications; and

WHEREAS, the composition of this Committee precludes staff level conversations about the appropriateness of an application in advance of a committee meeting due to the Tennessee Open Meetings Act and the inability of staff to review and discuss applications limits the guidance that staff can provide to an applicant prior to the formal review during the Committee meeting; and

WHEREAS, to allow for coordinated internal reviews and to enhance the ability to assist customers with their submittals, Planning staff recommends that applications submitted for review for conformance with the IH Guidelines be reviewed by the Design Review Board; and

WHEREAS, Knoxville-Knox County Planning Staff (“Planning”) recommends approval of (1) the assignment of the responsibility to review applications within the IH Overlay District for conformance with the IH Guidelines to the Design Review Board, and (2) adding to the Board a non-rotating position for the East Tennessee Community Design Center, or its successor; and

WHEREAS, at its meeting on June 11, 2020, the Planning Commission voted to recommend that City Council adopt the ordinance amendments to Articles 14.2, 14.6, 14.9, 14.12, 14.15, 14.16 and 16.6 of the Knoxville City Code, as more fully described in the Planning Commission file attached hereto as Exhibit 1; and

WHEREAS, notice of the Planning Commission hearing of the proposed amendments was published in the *Knoxville News Sentinel* on April 25, 2020 and May 18, 2020 and notice of the City Council meeting on July 14, 2020 was published in the *Knoxville News Sentinel* on June 19, 2020; and

WHEREAS, at its meeting on July 28, 2020, the City Council of the City of Knoxville amended this ordinance to change the effective date.

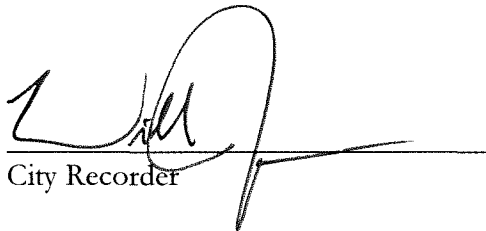
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: The Knoxville City Code, Appendix B, at Articles 14.2, 14.6, 14.9, 14.12, 14.15, 14.16 and 16.6 is hereby amended as shown in the attached Collective Exhibit 1 on the document titled “Proposed Language” so as to (1) assign the responsibility to review applications within the IH Overlay District for conformance with the IH Guidelines to the Design Review Board, and (2) add to the Board a non-rotating position for the East Tennessee Community Design Center, or its successor.

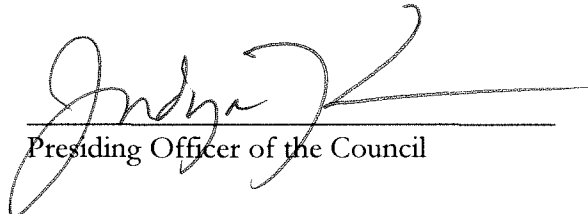
SECTION 2: The following Planning Commission documents are attached as Collective Exhibit 1 to this Ordinance and made a part hereof by reference: The Knoxville-Knox County Planning Commission File No. 5-D-20-OA, with all appendices including an excerpt from the Minutes of the Planning Commission meeting of June 11, 2020, Attachment 1 entitled “Proposed Language,” and public notice.

SECTION 3: If any part, sentence, phrase, clause, term, word, section, subsection, or provision of this ordinance is declared by a court of competent jurisdiction to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared to be unconstitutional, illegal, or invalid.

SECTION 4: This Ordinance shall take effect on August 28, 2020, the welfare of the City requiring it.



City Recorder



Presiding Officer of the Council

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Memorandum

TO: Knoxville-Knox County Planning Commission
FROM: Amy Brooks, AICP, Planning Services Manager
DATE: May 27, 2020
SUBJECT: 5-D-20-OA

BACKGROUND:

The Infill Housing Overlay Committee is currently comprised of staff from the City of Knoxville (4), Knoxville-Knox County Planning (3), and one member from the East Tennessee Community Design Center. Committee members review applications for conformance with the Heart of Knoxville Infill Housing Design Guidelines and has the authority to approve or deny applications.

The composition of this Committee precludes staff level conversations about the appropriateness of an application in advance of a committee meeting due to the Tennessee Open Meetings Act. The inability of staff to review and discuss applications limits the guidance staff can provide to an applicant prior to the formal review during the Committee meeting.

To allow for coordinated internal reviews and enhance our ability to assist customers with their submittals, staff recommends that applications submitted for review for conformance with the Heart of Knoxville Infill Housing Guidelines be reviewed by the Design Review Board.

STAFF RECOMMENDATION:

Assign responsibilities for review of applications for IH Overlay District for conformance to the Heart of Knoxville Infill Housing Design Guidelines to the Design Review Board and add to the Board a non-rotating position for the East Tennessee Community Design Center, or their successor.

Enclosure: Exhibit 1

Exhibit 1: Proposed Language
Infill Housing Review Committee & Design Review Board

ARTICLE 14. - CODE ADMINISTRATORS

14.1 – CITY COUNCIL POWERS

[...]

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.
- C. To hear appeals on decisions of the Design Review Board.
- ~~D. To hear appeals on decisions of the Infill Housing Review Committee.~~
- E. To make recommendations to the City Council on preliminary plans for planned development applications and final decisions on final plans for planned development.
- F. 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.

[...]

14.3 – BOARD OF ZONING APPEALS POWERS

[...]

14.4 – ZONING ADMINISTRATOR POWERS

[...]

14.5 – DIRECTOR OF PLANS REVIEW AND BUILDING INSPECTIONS POWERS

[...]

14.6 - DESIGN REVIEW BOARD POWERS

The Design Review Board has the following powers pursuant to this Code:

- A. To make final decisions on downtown design review applications in the DK District.
- B. Using the Heart of Knoxville Infill Housing Design guidelines, to make final decisions on design review applications in the IH Overlay and issue certificates of appropriateness. In addition to setbacks and lot

dimensions, the Board reviews the proposed development in terms of roof pitch, porch, door, window, and related features that were characteristic of the original pattern of development.

[...]

14.7 – HISTORIC ZONING COMMISSION POWERS

[...]

14.8 – ADMINISTRATIVE REVIEW COMMITTEE POWERS

[...]

~~14.9 – INFILL HOUSING REVIEW COMMITTEE POWERS~~

~~The Infill Housing Review Committee has the following powers pursuant to this Code:~~

~~A. To make final decisions on design review applications in the IH Overlay District and issue certificates of appropriateness.~~

Commented [CFM1]: Moved to 14.6

~~14.9.10~~ – TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY POWERS

[...]

~~14.10.11~~ – BOARD OF ZONING APPEALS ORGANIZATION

[...]

~~14.11.12~~ – DESIGN REVIEW BOARD ORGANIZATION

A. **Members Generally**

The Design Review Board is appointed by the Mayor with the approval of a majority of the City Council and composed of permanent staff and other rotating members as outlined below.

1. Permanent members:
 - a. Knoxville-Knox County Planning Executive Director, or his/her designee, who is an ex officio non-voting member.
 - b. One representative from the East Tennessee Community Design Center or their successor.
2. Rotating members:
 - a. One architect from a slate recommended by AIA East Tennessee.
 - b. One urban design professional with a background in architecture or urban planning selected from nominations from AIA East Tennessee and the local chapter of the American Planning Association, Knoxville Section of the Tennessee American Planning Association (KAPA).
 - c. Two Downtown residents.
 - d. Two businesses, development, or real estate professionals whose work is largely focused upon Downtown.

- e. A member of the Central Business Improvement District Board from a slate proposed by the board.
- f. A member of the Historic Zoning Commission.
- g. A City of Knoxville resident knowledgeable in design and development.
- 3. Ex-officio members—The following may be called on to serve as non-voting members when cases require their technical and professional expertise:
 - a. Knoxville-Knox County Planning and Historic Zoning Commission staff.
 - b. Building official or his/her designee.
 - c. City Engineering Director or his/her designee.
 - d. Central Business Improvement District staff.
 - e. Knoxville Utilities Board staff.
 - f. Knoxville's Community Development Corporation staff.
 - g. City Law Department staff.
 - h. City's Director of Policy and Redevelopment, or his/her designee.

B. Terms and Renewals for Members

Each rotating member (after the initial members) of the Design Review Board are appointed for terms of three years commencing on the date of confirmation of appointment by the City Council. No member may serve more than two full terms or six years.

C. Powers and Responsibilities

The responsibilities of the Design Review Board are to:

- 1. Review the designs for all public projects, including, but not limited to, street and sidewalk design, landscaping, park improvements, public facility improvements, and public way-finding systems.
- 2. Review and approve private development plans, based upon the adopted design guidelines for the Downtown Knoxville zone and for the Infill Housing overlay, as set forth at the time of amendments to the Zoning Map.
- 3. Advise the Mayor, City Council, Knoxville-Knox County Planning Commission, and Historic Zoning Commission on means to improve Downtown and Infill Housing design, incentives that could be used to foster good design, and programs that should be pursued to foster beautification, safety and related public purposes Downtown.

4. Fulfill all responsibilities listed in Section 14.6.

D. No Compensation

All members serve without compensation.

E. Adoption of Administrative Rules

The Design ~~and~~ Review Board must adopt administrative rules and submit the rules to the Knoxville-Knox County Planning Commission for adoption. The rules must outline the terms of board members, election of its chair, its schedule of meetings, voting procedures, application requirements regarding certificates of appropriateness, and appeal processes to the Knoxville-Knox County Planning Commission.

F. Changes to Rules

The Design Review Board has the authority to make changes, revisions, modifications, and additions to its administrative rules as necessary and to submit the same for approval in accordance with item E above.

(Ord. No. 0-38-2020, § 1, 2-25-20)

14. ~~12~~ **13** - HISTORIC ZONING COMMISSION ORGANIZATION

[...]

14. ~~13~~ **14** - ADMINISTRATIVE REVIEW COMMITTEE ORGANIZATION

[...]

~~14.15 - INFILL HOUSING REVIEW COMMITTEE ORGANIZATION~~

~~A. — Members Generally~~

~~The Infill Housing Review Committee consists of nine persons.~~

~~B. — Terms and Renewals for Members~~

~~The Infill Housing Review Committee is comprised of staff from Knoxville-Knox County Planning (three members), the Community Development Division (two members), Plans Review and Inspection Division (two members), City Engineering (one member) and the East Tennessee Community Design Center or their successors (one member).~~

~~C. — Powers and Responsibilities~~

~~The responsibilities of the Infill Housing Review Committee are to review the applications for IH Overlay District for conformance to the Heart of Knoxville Infill Housing Design Guidelines. In addition to setbacks and lot dimensions, the committee reviews the proposed development in terms of roof pitch, porch, door, window, and related features that were characteristic of the original pattern of development.~~

~~D. — No Compensation~~

~~All members serve without compensation.~~

~~E. — Adoption of Administrative Rules~~

~~The Infill Housing Review Committee must adopt administrative rules and submit these rules to the City Council or Knoxville-Knox County Planning Commission, as appropriate, for adoption. These rules must outline terms including, but not limited to, election process for the chairperson, meeting schedules, voting procedures, application requirements, and the appeals process.~~

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16.6 - INFILL HOUSING OVERLAY DISTRICT REVIEW

A. Purpose

Design review within the IH Overlay District. Review is intended to ensure conformity with the standards of the applicable design guidelines.

B. Initiation

No building permit will be issued for the following activities within an IH Overlay District without issuance of a certificate of appropriateness by the Design Review Board Infill Housing Review Committee:

1. New primary structure.
2. Additions visible from the primary street.
3. Changes to porches visible from the primary street.
4. Driveways, parking pads, access points, garages or similar facilities.

C. Authorization

All applications for certificates of appropriateness within an IH Overlay District will be reviewed by the Design Review Board Infill Housing Review Committee within 30 days following the availability of sufficient data. The Design Review Board Infill Housing Review Committee has the power to approve, approve with conditions, or deny a certificate of appropriateness.

D. Design Review Standards

Design review and approval of a certificate of appropriateness is required for any building permit or request for subdivision approval within the IH Overlay District. Review must be based on conformity with the standards of the applicable design guidelines, which are made a part of this Code amendment by reference.

1. The district is intended to foster compatible infill housing, which may have different open space, height, and off-street parking regulations than those found in the base district. Minimum lot sizes and setbacks may differ from those required by the base district in order to realize the principles associated with the guidelines. The Design Review Board Infill Housing Review Committee may vary the base district regulations by issuance of a certificate of appropriateness. The issuance of a certificate of appropriateness will relinquish any need for variances within the overlay district.
2. Lot sizes, front, side and rear setbacks, and off-street parking are to be in accordance with the principles of the applicable design guidelines.
3. An alley must serve as the primary means of ingress and egress for all dwelling units unless special site circumstances or conditions prohibit alley access, such as exceptional narrowness or topography.

E. Applications

An application for a certificate of appropriateness must include:

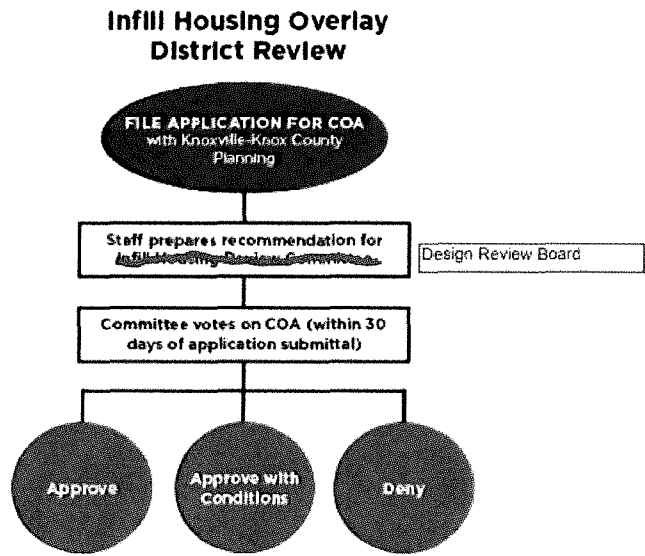
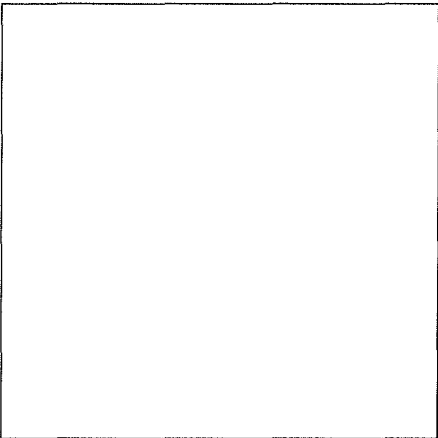
1. Front and side elevation drawings;
2. Plot plan with address and CLT#;
3. Elevation of corners;
4. Finished floor elevation (approximate);
5. Setbacks;
6. Driveway and sidewalks locations (proposed and existing);
7. Alley location if lot is adjacent to an alley;
8. Applicable design guidelines checklist.

F. Issuance of Building Permits

No building permit will be issued until after the appeal period expires. If an appeal is filed, no building permit will issue until the appeal is resolved.

G. Appeals

Anyone aggrieved by a final determination of the Design Review Board ~~Infill Housing Review Committee~~ may file an appeal in accordance with Section 16.12.A.



Consideration of review authority for projects in the Infill Overlay Districts

Discussions related to the transfer of responsibility for review of development/redevelopment requests for properties within the Infill Housing overlay neighborhoods from the Infill Housing Committee to the Design Review Board occurred on the following dates.

- 9.5.2019: an announcement was made at the Infill Housing meeting that the committee would convene in the fall to review Infill Housing Guidelines and committee structure
- 10.15.2019: Infill Housing Committee workshop held, during which the guidelines and committee structure were discussed (9.28.2020: IH workshop was publicly advertised)
- 2.19.2020: staff presented the proposal to transfer review authority for applications submitted within the Infill Housing District to the Design Review Board

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~~The Infill Housing Review Committee has the following powers pursuant to this Code:~~

~~A. —To make final decisions on design review applications in the IH Overlay District and issue certificates of appropriateness.~~

14.~~9~~¹⁰ – TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY POWERS

[...]

14.~~10~~¹¹ – BOARD OF ZONING APPEALS ORGANIZATION

[...]

14.~~11~~¹² - DESIGN REVIEW BOARD ORGANIZATION

A. **Members Generally**

The Design Review Board is appointed by the Mayor with the approval of a majority of the City Council and composed of permanent staff and other rotating members as outlined below.

1. Permanent members:
 - a. Knoxville-Knox County Planning Executive Director, or his/her designee, who is an ex officio non-voting member.
 - b. One representative from the East Tennessee Community Design Center or their successor.
2. Rotating members:
 - a. One architect from a slate recommended by AIA East Tennessee.
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B. Terms and Renewals for Members

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4. Fulfill all responsibilities listed in Section 14.6.

D. No Compensation

All members serve without compensation.

E. Adoption of Administrative Rules

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F. Changes to Rules

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