

Council Letter
City of Knoxville
February 20, 2023

Agenda Item: Revisions to the Knoxville Zoning Code to accommodate the division of duplex dwellings in R-2 and duplex and row house dwellings in R-3 into individual parcels.

Background:

- **December 19, 2022:** **City Council** instructed Staff to prepare an amendment to the Zoning Code to accommodate the division of duplex and row house parcels for separate owner occupancy; and to acknowledge that the division of 501 6th Street in East Village will be addressed by the Board of Adjustment.
- **December 21, 2022:** The **Board of Adjustment** rejected the KEDC application requesting three variances necessary to approve the subdivision of 501 S Sixth Street into two separate parcels, citing the following reason: “That the hardship has been created by the actions of the applicant.”
- **January 24, 2023:** The **Planning & Zoning Commission** reviewed the approach proposed by City Staff regarding the R-2 and R-3 districts of the Zoning Code and asked Staff to bring forward to its next meeting the actual proposed textual changes.
- **February 15, 2023:** The **Planning & Zoning Commission** reviewed the proposed amendments to the Zoning Code and recommended their adoption by City Council based on the following vote: Ayes: Cox, Meyers, Stotland, Young, Ziller; Nays: None; Absent: Swayne.

As discussed in the December 19, 2022, City Council Letter, the current Zoning Code does not include a process by which duplexes and row house units may be divided for individual sale and ownership.

As demonstrated by the December 21, 2022, Board of Adjustment decision, there are no alternate means under the current Zoning Code to divide duplexes and row houses into individual parcels.

This pressing need to allow for the division of duplex and row house buildings for individual sale and ownership is the justification for the proposed Zoning Code changes. Without these changes, Knoxville will be unable to accommodate a wider variety of housing types and price points.

Proposed Zoning Code Amendments – Principal Changes

The Planning and Zoning Administrator, with the assistance of the Economic Development Director, reviewed both the existing Zoning Code provisions with respect to this matter, as well as approaches taken in other communities.

While there are many other changes to the current Zoning Code which warrant review, the proposed Amendments are focused solely on the matter at hand.

The proposed amendments correct two related deficiencies in the Zoning Code, namely:

- The current inconsistent use of general and specific terms related to residential development contained within various sections of the Zoning Code; and
- Bulk regulations that are designed to accommodate duplex and row house buildings, but impede the creation of individually owned units.

Housing Definitions

The current Zoning Code employs housing-related terminology inconsistently. The Code, for example, uses the following terms:

- Apartment;*
- Dwelling;*
- Dwelling Unit;*
- Dwelling – Condominium;*
- Dwelling – Multiple Family;*
- Dwelling – Single Family;*
- Dwelling – Single Family Attached;*
- Dwelling unit – Row House;*
- Dwelling – Two Family;*
- Cooperative Apartment Houses;
- Multiple Dwellings;

- One Family Dwellings;
- One Family Detached Dwellings;
- Townhouses.

*Currently Defined in the Zoning Code.

The proposed amendment utilizes only four types of residential dwellings:

- Detached Dwellings;
- Duplex Dwellings;
- Attached Dwellings; and
- Apartment Dwellings.

Detached Dwellings have only one unit. Duplex Dwellings have two units. Attached dwellings have 3 or more units connected by a common party wall. Apartment dwellings have 3 or more units connected by common walls and/or floors and attached to one another vertically and/or horizontally.

Similarly, the proposed amendments utilize only four types of dwelling units:

- Detached Dwelling Units;
- Duplex Dwelling Units;
- Attached Dwelling Units; and
- Apartment Dwelling Units.

The consistent use of these terms in the proposed Amendments will make it easier to understand and use the Zoning Code.

Bulk Regulations

The Bulk Regulations contained in the existing R-2 and R-3 districts do not distinguish between Dwellings and Dwelling Units. As a result, while a duplex or row house dwelling may meet the required bulk regulations, their individual units cannot. For example: there is no provision for a zero side yard for duplex or row house units that share a common party wall in the current Zoning Code.

The proposed amendments to the R-2 and R-3 districts introduce one set of Bulk Regulations for Duplex and Attached Dwellings, and another for their individual units. This change will allow for the division of Duplex and Attached Dwellings into individual units and parcels.

The introduction of Bulk Regulations for Duplex and Attached Dwelling Units, requires the inclusion of definitions for:

- End Unit;
- Interior Unit;
- Party Wall; and
- Party Wall Agreement.

Administrative Approval of Lot Divisions

The proposed Zoning Code amendments also allow the Planning & Zoning Administrator to approve Duplex and Attached Dwelling lot divisions to create individual units and parcels.

The premise for this procedural change is that the Duplex or Attached Dwelling has already been approved by the Planning & Zoning Administrator as a condition of issuing the building permit. The lot division(s) to create individual unit parcels can be a perfunctory exercise if the proposed division meets the Bulk Regulations for Duplex and Attached Dwelling Units contained in the R-2 and R-3 districts.

Proposed Zoning Code Changes in Summary

The proposed zoning changes will provide a process for the division of Duplex and Attached Dwellings into individual unit parcels. In doing so, City Council will create a system within the Zoning Code that allows for a greater diversity of housing types and tenure – something that is a key component of Knoxville’s *Comprehensive Plan*.

Policy Question: Should City Council approve the proposed amendments to the Knoxville Zoning Code?

Budget Impact: None

Recommendation: That City Council approve the proposed amendments to the Knoxville Zoning Code.

Supporting Information: (1) Proposed Draft Amendments - Redline and Blackline versions; and (2) January 19, 2023 Staff Report to Planning & Zoning Commission Regarding Subdivision of Duplex and Rowhouse Dwellings.