

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE KNOXVILLE CITY CODE, APPENDIX B, ZONING CODE, ARTICLE 11.4.B. TO REINSERT LANGUAGE FROM THE PREVIOUS CODE PROVIDING THE DIRECTOR OF PLANS REVIEW AND BUILDING INSPECTIONS THE AUTHORITY TO INTERPRET OFF-STREET PARKING REQUIREMENTS FOR USES NOT SPECIFICALLY MENTIONED, CITY OF KNOXVILLE, APPLICANT. (FILE NO. 4-D-20-OA)

ORDINANCE NO: O-76-2020

REQUESTED BY: Planning Commission

PREPARED BY: Law Department

APPROVED ON 1ST

READING: 5-5-2020

APPROVED ON 2ND

READING: 5-19-2020

APPROVED AS AN EMERGENCY

MEASURE: _____

MINUTE BOOK: 84 PAGE _____

WHEREAS, the City of Knoxville Plans Review and Inspections Department requested approval of minor amendments to the City of Knoxville Zoning Code to reinsert language from the previous code providing the director of plans review and building inspections authority to interpret off-street parking requirements for uses not specifically mentioned, at Article 11.4.B.; and

WHEREAS, Knoxville-Knox County Planning Commission (the "Planning Commission") staff recommended approval of said amendment to Article 11.4.B.; and

WHEREAS, at its meeting on April 9, 2020, the Planning Commission voted to recommend that City Council adopt the ordinance amendment to the Knoxville City Code, Appendix B, Article 11.4.B. to reinsert the language "for uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the director of plans review and inspections," as more fully described in Attachment C and the Planning Commission file attached hereto as Exhibit 1; and

more fully described in Attachment C and the Planning Commission file attached hereto as Exhibit 1; and

WHEREAS, notice of the Planning Commission hearing of the proposed amendment was published in the *Knoxville News Sentinel* on March 20, 2020 and notice of the City Council meeting on May 5, 2020 was published in the *Knoxville News Sentinel* on April 17, 2020; and

WHEREAS, the Law Department has prepared Attachment C for illustration and clarity regarding the amended language recommended by the Planning Commission.

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

SECTION 1: The Knoxville City Code, Appendix B, Article 11.4.B. is hereby amended to reinsert the language “for uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the director of plans review and inspections,” as the new Article 11.4.B.6, as shown in Attachment C to Collective Exhibit 1 hereto, as the sole amendment to Article 11.

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. 4-D-20-OA, with all appendices including an excerpt from the Minutes of the Planning Commission meeting of April 9, 2020, Attachment C, 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 from and after its passage, the welfare of the City requiring it.


Presiding Officer of the Council



City Recorder

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**UPDATED PROPOSED LANGUAGE
FOR COUNCIL’S CONSIDERATION ON MAY 20, 2020**

**ARTICLE 11. OFF-STREET PARKING
Section 11.4 – Required Off-Street Parking Spaces**

[...]

11.4 REQUIRED OFF-STREET PARKING SPACES

[...]

A. Exemptions and Flexibilities

1. The DK District is exempt from required parking. If parking is provided, then the maximum number of spaces applies in all subdistricts.
2. Minimum vehicle parking reductions apply in the following districts. Bicycle parking requirements may not be reduced.
 - a. Required minimum vehicle parking may be reduced by 40% in the C-N District.
 - b. Required minimum vehicle parking may be reduced by 20% in the C-G-2 and C-G-3 District.
3. Off-street parking requirements in any district may be reduced up to 30% from the minimum requirements in Table 11-2, provided the development is located within one-fourth of a mile of a transit route. A Knoxville Area Transit approved shelter may be required on or within one-fourth of a mile of the development site. Bicycle parking requirements may not be reduced. This reduction cannot be coupled with any other parking reduction, such as the reductions offered in items 1 and 2 above.
4. Parking lots may exceed the maximum number of spaces in Table 11-2 by up to 20% provided that the spaces exceeding the maximum number and the access aisles accessing those spaces are constructed of pervious materials approved by the Department of Engineering. Parking spaces exceeding the identified maximum may be approved by the Department of Engineering upon submittal of a parking study justifying the need for additional spaces, and the approval of the parking study by Department of Engineering. All excess spaces and their access ways must be constructed of pervious materials. Pervious paving materials may not be required for excess parking on sites with brownfield agreements upon approval by the Department of Engineering.
5. Upon approval by the Department of Engineering of a parking study for the proposed use(s), the minimum number of parking spaces in Table 11-2 may be reduced.
6. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the director of plans review and inspections.

[...]



Memorandum

TO: Knoxville-Knox County Planning Commission
FROM: Amy Brooks, AICP, Planning Services Manager
DATE: April 1, 2020
SUBJECT: 4-D-20-OA

STAFF RECOMMENDATION:

Approve the requested minor amendment to Article 11.4.B of the City of Knoxville Zoning Ordinance to reinsert language from the previous code providing the director of plans review and inspection authority to interpret off street parking requirements for uses not specifically mentioned.

ATTACHMENTS

Attachment A: City of Knoxville Plans Review & Building Inspections memo
Attachment B: Proposed language for Article 11



MEMORANDUM

DATE: April 2, 2020
TO: Planning Staff
FROM: Peter Ahrens
Director of Plans Review & Building Inspections
RE: Minor Zoning Code Amendment
Article 11

Background The Plans Review and Inspections Department requests an amendment to the newly-adopted Zoning Code of the City of Knoxville. The following are minor amendment to Article 11 Off-Street Parking.

- Article 11.4.B is under *Required Off-Street Parking Spaces*. This amendment adds language from the previous zoning ordinance to allow the director of plans review and inspections authority to interpret parking requirements for uses not specifically mentioned in Table 11-2 on required off-street parking. The table is very comprehensive in identifying the bulk of uses associated with land development. However, this amendment language creates flexibility for uses not identified to be determined without the need to amend the zoning code each time a non-existing use is identified.

The Department of Plans Review and Building Inspections recommends the adoption of this minor amendment to Article 11 of new Zoning Code, as indicated in the attachments.

Attachments

- 1) Proposed Language for Articles 11

Sincerely,

Peter Ahrens
Director of Plans Review & Building Inspections
865-215-3938

** proposed revision for this agenda item is limited to 11.4.B

PROPOSED LANGUAGE

ARTICLE 11. OFF-STREET PARKING

Section 11.4 – Required Off-Street Parking Spaces

Section 11.5 – Dimensions of Off-Street Parking Facilities

[...]

11.4 REQUIRED OFF-STREET PARKING SPACES

A. General Application

1. The minimum and maximum number of off-street vehicle parking spaces shall be determined in accordance with Table 11-2: Required Off-Street Parking, unless otherwise specified in the zoning district.
2. In determining the number of parking spaces, when the result contains a fraction, any fraction less than one-half is disregarded and any fraction of one-half or more is counted as one parking space.
3. Structured parking is not subject to the maximum number of parking spaces set forth in Table 11-2.
4. All parking lot elements required by the Americans with Disabilities Act (ADA) must be accessible. All off-street parking lots must have a number of accessible parking spaces as required by Table 11-3: Required Accessible Parking Spaces, or as amended by ADA:

Table 11-2: Required Off-Street Parking		
Use	Minimum Vehicle Parking Required	Maximum Vehicle Parking Allowed
[...]	[...]	[...]
<u>Dwelling - ADU</u>	1	
[...]	[...]	[...]
Dwelling - Single-Family	2 per du + 1 per ADU	No limit
[...]	[...]	[...]

B. Exemptions and Flexibilities

1. The DK District is exempt from required parking. If parking is provided, then the maximum number of spaces applies in all subdistricts.
2. Minimum vehicle parking reductions apply in the following districts. Bicycle parking requirements may not be reduced.
 - a. Required minimum vehicle parking may be reduced by 40% in the C-N District.
 - b. Required minimum vehicle parking may be reduced by 20% in the C-G-2 and C-G-3 District.
3. Off-street parking requirements in any district may be reduced up to 30% from the minimum requirements in Table 11-2, provided the development is located within one-fourth of a mile of a transit route. A Knoxville Area Transit approved shelter may be required on or within one-fourth of a mile of the development site. Bicycle parking requirements may not be reduced. This reduction cannot be coupled with any other parking reduction, such as the reductions offered in items 1 and 2 above.
4. Parking lots may exceed the maximum number of spaces in Table 11-2 by up to 20% provided that the spaces exceeding the maximum number and the access aisles accessing those spaces are constructed of pervious materials approved by the Department of Engineering. Parking spaces exceeding the identified maximum may be

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approved by the Department of Engineering upon submittal of a parking study justifying the need for additional spaces, and the approval of the parking study by Department of Engineering. All excess spaces and their access ways must be constructed of pervious materials. Pervious paving materials may not be required for excess parking on sites with brownfield agreements upon approval by the Department of Engineering.

5. Upon approval by the Department of Engineering of a parking study for the proposed use(s), the minimum number of parking spaces in Table 11-2 may be reduced.

6. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the director of plans review and inspections.

[...]

11.5 DIMENSIONS OF OFF-STREET PARKING FACILITIES

Off-street parking facilities must be laid out in accordance with the following regulations:

A. Accessible Spaces

1. Accessible vehicle spaces must be at least eight feet wide with an adjacent pedestrian access aisle of at least five feet in width.
2. Van accessible spaces must be either:
 - a. At least 11 feet wide with an adjacent pedestrian access aisle of at least five feet in width.
 - b. At least eight feet wide with an adjacent pedestrian access aisle of at least eight feet in width.
3. **Pedestrian access aisles must be hatched and include a painted “No Parking” designation.**

B. Stall and Aisle Dimensions

1. The minimum dimensions for parking stalls and aisles is specified in Table 11-6: Minimum Stall and Aisle Dimensions. Maximum dimensions are the minimum value plus four feet.

Parking Angle	Minimum Depth to Wall or Interlock (feet)	Minimum Depth to Curb (feet)	Minimum Stall Width (feet)	Minimum Aisle Width (feet)	
				One-Way	Two-Way
45 degrees	16.5	15.0	9.0	15	26
60 degrees	18.0	16.5	9.0	18	26
75 degrees	18.5	17.5	9.0	22	26
90 degrees	17.5	15.5	9.0	26	26
Parallel	22.5	20.5	9.0	15	25

2. Up to 20% of the total number of parking spaces provided may be designed for compact vehicles. Where possible, these spaces must be clustered together and marked with signs restricting their use to compact vehicles. Compact spaces with a parking angle of 90 degrees must have the following minimum dimensions: eight feet in width, 13.5 feet in depth to curb, and 15.5 feet in depth to a wall or interlock. **Other angles will be reviewed on a case by case basis and are subject to the approval of the Department of Engineering.**
3. **Stall lengths, stall depths, and aisle widths for parking angles, other than those indicated in Table 11-6, shall be consistent with the above values and are subject to the approval of the Department of Engineering.**

C. Pedestrian Access Aisles

Pedestrian access aisles **shall be clearly marked (or indicated).** ~~must be hatched and include a painted “No Parking” designation identified.~~

D. Encroachments

Columns, light poles, and/or other protrusions may encroach into a parking module up to a maximum of one foot for modules with parking on one side or a maximum of two feet for modules with parking on two sides, one-foot protrusion into each parking row. The protrusions cannot affect more ~~that~~ **than** 25% of the spaces.

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E. Structured Parking

Structured parking must comply with the following requirements:

(NOTE TO BE REMOVED AND NOT CODIFIED: SECTIONS BELOW WILL NEED TO BE REDESIGNATED)

a. Parking spaces must comply with Table 11-6. The City of Knoxville Department of Engineering may approve adjustments to the dimensions while maintaining safety and function.

~~b. Stairways, elevators, or other provisions must separate vehicular and pedestrian movements between the various levels of parking structures.~~

c. The maximum approach, departure, and ramp angles are subject to the review and approval of the Department of Engineering.

~~d. A minimum nine-foot clearance must be maintained on all levels containing accessible spaces and on all levels providing ingress to and egress from the accessible spaces. A minimum seven-foot clearance must be maintained throughout the remainder of the structured parking.~~

[...]

11.7 ACCESS AND DRIVEWAY DESIGN

These regulations are applicable in zoning districts without access and driveway requirements specific to the zoning district. If the district specifically requires access and driveway design, those requirements control. The Department of Engineering is authorized to develop and implement such policies and procedures as may be necessary and desirable to control the design and construction of driveways that are consistent with this Code.

A. The number of driveways on a given street or access easement is based on the following:

1. Typical developments per Table 11-7 4: Maximum Number of Driveways for Lot Frontages:

(NOTE TO BE REMOVED LATER AND NOT CODIFIED: ALL REMAINING TABLES IN ARTICLE 11 TO BE RENUMBERED)

Lot Frontage	Maximum Number of Driveways
Less than 150 feet	1 For single-family dwellings with lot frontages of 100' or more, a circular driveway is allowed
150 feet – 450 feet	2
Greater than 450 feet – 600 feet	3
Greater than 600 feet – 750 feet	4
Greater than 750 feet	Determined by Department of Engineering

2. Gas stations and establishments where services are normally provided to customers without leaving their vehicles may have two driveways.
3. Projects required to prepare a Traffic Impact Study are considered individually based on the recommendation of the study and the approval of the Department of Engineering.
4. Boulevard driveways (with raised median separation), one way driveways, and right-in/right-out driveway pairs will be considered one driveway
5. The Department of Engineering may impose other access and driveway requirements as necessary based on specific site conditions.

B. The minimum distance between a driveway and the intersecting street is described in Table 11-8 5: Corner Clearance Requirements.

Classification of Intersecting Street	Classification of Street to be Accessed		
	Arterial	Collector	Local
Arterial	200'	150'	100'
Collector	150'	100'	50'

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Local	100'	50'	50'
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[...]

C. Table 11-96: Driveway Width and Curb Cut Length Standards provides minimum and maximum driveway widths and curb cut lengths.

Table 11-6: Driveway Width and Curb Cut Length Standards				
Lot Frontage (feet)	Driveway Dimensions		Length of Curb Cut	
	Min.	Max.	Min.	Max.
Single-Family, Two-Family, & Townhouse: By Lot Width				
50 feet or less	10'	18'	15'	24'
> 50 - 74	10'	20'	15'	26'
Greater than 74	10'	25'	15'	32'
<i>A circular driveway can be no wider than 18'</i>				
Other Development				
Land Use: Uses serving a substantial number of large trucks (5/day or 25/week)	20'	40'	60'	90'
Land Use: All other	20'	30'	25'	60'

[...]

11.9 BICYCLE PARKING PROVISIONS

A. Bicycle parking must be provided for all uses where vehicular off-street parking is required and/or provided, with the exception of single-family and two-family dwellings. Bicycle parking must be provided for uses in the amount indicated in Table 11-407: Required Bicycle Parking. In determining the number of bicycle spaces, when the result contains a fraction, any fraction less than one-half is disregarded and any fraction of one-half or more is counted as one space.

Table 11-7: Required Bicycle Parking		
Land Use Category	Total Required Motor Vehicle Parking Spaces (Minimum)	Required Number of Bicycle Parking Spaces
Non-Residential <i>Shopping centers and mixed-use multi-tenant structures are to be considered as a whole, not as individual tenants; bike racks must be spaced throughout the shopping center</i>	Less than 50	4
	51 - 100	8
	101 - 500	12
	501 – 1,000	16
	1,001 or more	16 for the first 1,000 + 8 for every 500 thereafter of vehicle parking spaces over 1,000
Land Use Category	Residential Dwelling Type	Required Number of Bicycle Parking Spaces
Residential	Single-family or two-family dwellings	0
	Multi-family or townhouse	0.25 per unit, or none if interior storage space is provided for each unit

[...]

** proposed revision for this agenda item is limited to 11.4.B

11.10 REQUIRED OFF-STREET LOADING SPACES

[...]

Table 11-8: Off-Street Loading Requirements	
Use Type	Number of Spaces Required
Multi-Family Dwelling	
Total of 50 dwelling units or more	1 loading space
Commercial & Institutional Use	
20,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 200,000sf)	1 additional loading space
Industrial Use	
10,000 - 40,000sf GFA	1 loading space
40,001 - 100,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 100,000sf)	1 additional loading space

[...]

The Planning Commission met in regular session on April 9, 2020 at 1:30 p.m. via an electronic meeting thorough ZOOM.

Item No. _____ **File No.** _____

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Tamara Boyer	Ms. Gayle Bustin	A Mr. Louis Browning
Mr. Art Clancy	Mr. Mike Crowder	Ms. Elizabeth Eason
Open	Mr. Richard Graf	Open
Mr. Chris Ooten	Mr. Patrick Phillips, Vice-Chair	Mr. Jeff Roth
Mr. Scott Smith	Mr. Tim Hill	Ms. Janice Tocher, Chair

* Arrived late to the meeting, ** Left early in the meeting, A – Absent from the meeting

40. CITY OF KNOXVILLE **4-D-20-OA**

Consideration of a minor amendment to the City of Knoxville Zoning Ordinance to Section 11.4.B to reinsert language from previous code providing the director of plans review and inspection authority to interpret “for uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the director of plans review and inspections”. All Districts.

1. STAFF RECOMMENDATION

Approve the requested minor amendment to Article 11.4.B of the City of Knoxville Zoning Ordinance to reinsert language from the previous code providing the director of plans review and inspection authority to interpret off street parking requirements for uses not specifically mentioned.

APPROVED ON CONSENT EARLIER IN THE MEETING

Commissioner Smith recused himself.

MOTION (CLANCY) AND SECOND (CROWDER) WERE MADE TO HEAR THE CONSENT ITEMS AS READ.

Item No.

File No.

A roll call vote was taken.

MOTION CARRIED UNANIMOUSLY 11-0. APPROVED

2. **MOTION (CLANCY) AND SECOND (CROWDER) WERE MADE TO APPROVE THE CONSENT ITEMS AS HEARD.**

A roll call vote was taken.

MOTION CARRIED UNANIMOUSLY 11-0. APPROVED

**UPDATED PROPOSED LANGUAGE
FOR COUNCIL'S CONSIDERATION ON MAY 20, 2020**

ARTICLE 11. OFF-STREET PARKING

Section 11.4 – Required Off-Street Parking Spaces

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