

FORM BASED CODE ADMINISTRATION UPDATES

May 7, 2015

Public Meeting

Form Based Code (FBC)

What is a form based code?

“A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through city or county regulations.”

For more info: <http://www.formbasedcodes.org/>



Columbia Pike, Arlington, VA



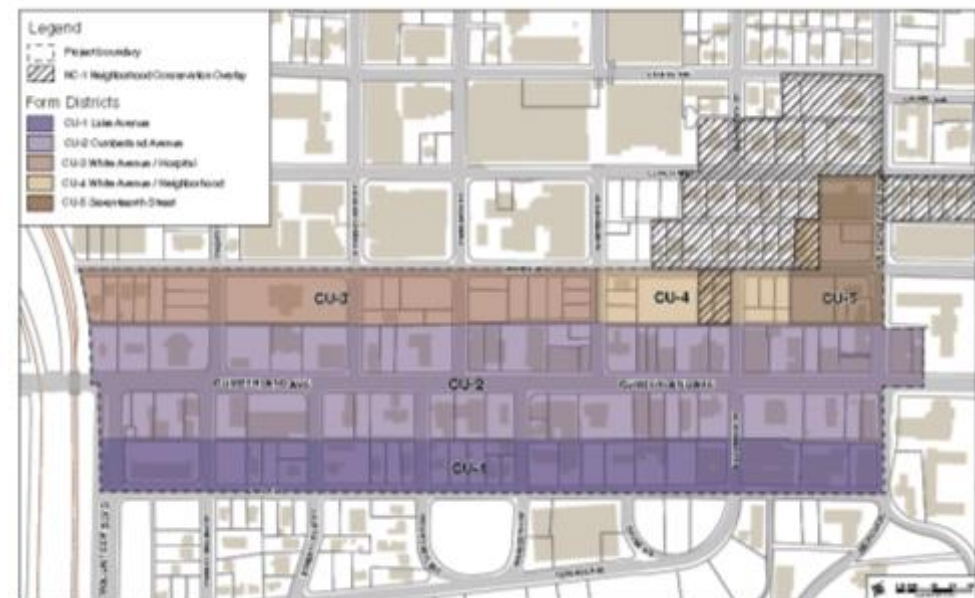
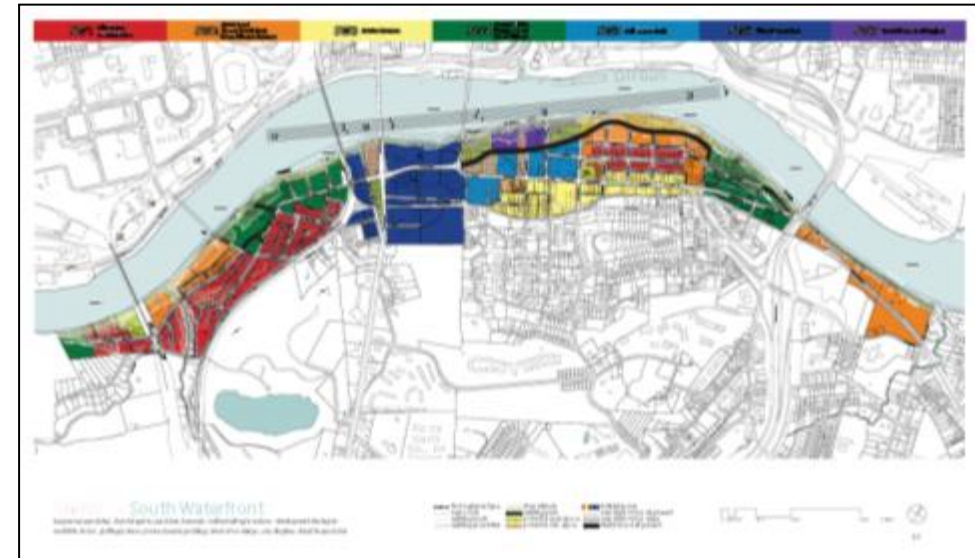
11,000 - building rendering

Miami 21 - building rendering

Miami 21 Project, Miami, FL

Background of FBC in Knoxville

- South Waterfront Form Based Development Code adopted by MPC & City Council in 2007
- Cumberland Avenue Form Based Code adopted by MPC and City Council in 2013



Changes to General Provisions of FBC

Section 4.0 General Provisions

4.0.1 Introductory Provisions:

Purpose & Intent – no change

Districts Established – no change

How to Use this Code – additions for clarification

4.1. GENERAL PROVISIONS

4.1.1. Introductory Provisions

A. Purpose and Intent

The Form Districts are included to foster a series of mixed use, pedestrian-friendly districts for specific areas of the City upon adoption of a small area plan.

B. Districts Established

The following Form Districts have been established as designated on the City of Knoxville Official Zoning Map.

1. South Waterfront District (SW).
2. Cumberland Avenue District (CU).

C. How to Use this Code for New Development

1. Step One

Determine what Form District your property is located in by going to www.kgk.org.

2. Step Two

Once you have determined what Form District you are in you need to find out what subdivision applies to your property. To do this you will have to look at the specific Form District Regulating Plan.

- a. For the South Waterfront District go to Sec. 4.1.3.
- b. For the Cumberland Avenue District go to Sec. 4.2.2.

3. Step Three

Verify what type of approval process you must go through.

- a. For an application related to a single-family house or two-family duplex go to Sec. 4.0.2.E.
- b. For an application related to an attached dwelling, mixed use or non-residential structure go to Sec. 4.0.2.F.

4. Step Four

To establish the standard building standards for your building or site go to the district pages for the subdivision your property is located in (as determined in Step Two):

- a. For the South Waterfront District go to Sec. 4.1.4.
- b. For the Cumberland Avenue District go to Sec. 4.2.3.

5. Step Five

If you are in the Cumberland Avenue District go to Sec. 4.0.3 for general rules that apply to all subdivisions. The Section includes rules for setbacks as: how to measure building height; what things are allowed to encroach into building setbacks; and how to measure ground floor transparency.

6. Step Six

Determine what uses are allowed in your subdivision.

- a. For the South Waterfront District go to Sec. 4.1.5.
- b. For the Cumberland Avenue District go to Sec. 4.2.5.

7. Step Seven

All Form Districts are subject to a series of site development standards, which cover requirements for such things as parking, landscaping, signs, lighting, outdoor storage and the streetscape.

- a. For the South Waterfront District go to Sec. 4.1.4 thru Sec. 4.1.6.
- b. For the Cumberland Avenue District go to Sec. 4.2.6 thru Sec. 4.2.11.

8. Step Eight

Finally, certain Form Districts have specific requirements that must also be addressed.

- a. For the South Waterfront District go to Sec. 4.1.7 thru Sec. 4.1.9 for requirements that relate to the river, stream, bridge and marinas.
- b. The Cumberland Avenue District does not have any additional specific requirements.

D. How to Use this Code for Additions to Structures or Developments

1. For the purposes of this Section, "addition" shall mean construction that extends or increases the floor area or height of a structure. Addition shall be synonymous with the term expansion, as used in this Section. Alterations, repairs, or new construction shall not be considered an addition.

2. Existing construction that is not modified by the addition may remain and does not have to comply with the provisions of Sections 4.0 through Section 4.3, so long as the existing construction exists legally and was properly permitted.

3. Any addition shall comply with Subsection 4.0.1.C of this Section.

E. How to Use this Code for Alterations to Structures or Developments

1. For the purposes of this Section, "alteration" shall mean any change or modification in the construction of an existing structure or portion of an existing structure that may change the structure, but does not increase the overall area, height, or dimensions of the structure. Alteration may include, but is not limited to, the addition or removal of doors or windows, the extension or rearrangement of any system, the installation of equipment for fixtures, relocation of openings, or any work that reduces the load-bearing capacity of a structural member. Repair, maintenance, demolition, or additions shall not be considered an alteration.

2. Existing construction that is not modified by the alteration may remain and does not have to comply with the provisions of Sections 4.0 through Section 4.3, so long as the existing construction exists legally and was properly permitted.

3. Any alteration shall comply with Subsection 4.0.1.C of this Section.

F. How to Use this Code for Repairs to Structures or Developments

1. For the purposes of this Section, "repair" shall mean the reconstruction, replacement, or renewal of any portion of existing construction or one of its constituent systems for the purpose of maintenance, with similar material while retaining sound parts or elements. Repair shall be synonymous with the terms renovation and restoration. Alterations, additions, or demolition shall not be considered repair.

2. Existing construction that is not modified by the repair may remain and does not have to comply with the provisions of Sections 4.0 through Section 4.3, so long as the existing construction exists legally and was properly permitted.

Changes to General Provisions of FBC

- Section C. How to Use this Code
 - becomes *“How to Use this Code for New Development”*
- Added *“Section D. How to Use this Code for Additions to Structures or Developments”*
 - *“addition” - construction that extends or increases the floor area or height of a structure*
 - *Alterations, repairs, or new construction shall not be considered an addition*
- *Existing construction that is not modified by the addition may remain and does not have to comply with the provisions of Sections 4.0 through Section 4.3 – as long as legally permitted*
- *Any addition shall comply with Subsection 4.0.1.C of this Section.*

Changes to General Provisions of FBC

- Added “Section E. How to Use this Code for Alterations to Structures or Developments”
 - “alteration” - any change or modification in the construction of an existing structure or portion of an existing structure that may change the structure, but does not increase the overall area, height, or dimensions of the structure.
 - Repair, maintenance, demolition, or additions shall not be considered an alteration.
- Existing construction that is not modified by the alteration may remain and does not have to comply with the provisions of Sections 4.0 through Section 4.3 – as long as legally permitted
- Any alteration shall comply with Subsection 4.0.1.C of this Section.

Changes to General Provisions of FBC

- Added “Section F. How to Use this Code for Repairs to Structures or Developments”
 - “repair” - the reconstruction, replacement, or renewal of any part of existing construction or one of its constituent systems for the purpose of maintenance, with similar material while retaining sound parts or elements
 - Repair shall be synonymous with the terms renovation and restoration
 - Alterations, additions, or demolition shall not be considered repair.
 - Existing construction that is not modified by the repair may remain and does not have to comply with the provisions of Sections 4.0 through Section 4.3 - as long as legally permitted

Legal Pre-Existing Non-Conforming (Art. VI)

- Land uses which existed legally upon the effective date of a zoning change, but which are not in conformance with all the applicable provisions of the adopted or amended zoning regulation, shall be subject to the provisions of this section to the fullest extent permitted by state law.
- A nonconforming building, structure or use of land lawfully existing at the time of the adoption or amendment of this ordinance may be continued and maintained as provided in this article; provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

Legal Pre-Existing Non-Conforming (Art. VI)

2. Where a building or structure is conforming as to use, but nonconforming as to yard, height, or off-street parking requirements, such building or structure may be enlarged or added to along existing building lines providing:

- a. Addition or enlargement does not extend into any other required yard or exceed the existing height of the building or structure.
- b. Existing building together with addition or enlargement does not exceed the maximum lot coverage permitted in the district in which it is located.
- c. All off-street parking requirements for both existing building and addition or enlargement are complied with.



Current Fee Schedule

Knoxville-Knox County Metropolitan Planning Commission Schedule of Fees

To place your item on the MPC meeting agenda, you must submit a completed application form and pay the specified fee. MPC may approve or deny an application, or take other appropriate action.

SUBDIVISION	
CONCEPT PLAN	
Less than 6 lots	\$500
6 or more lots	\$500 + \$30 per lot
Concept Plan Extension	\$200

FINAL PLAT	
Review Fees	
Less than 6 lots	\$500
6 or more lots	\$500 + \$20 per lot
Administrative (no variance request)	\$200
Exempt Subdivision	\$250
Corrected	\$200
Resubmission of Final Plat (120 days after MPC denial)	\$250

Additional Fees	
Variance Request (any number)	\$250
County Boundary Closure (each submittal)	\$100
Postponement Request (each request)	\$50

DEVELOPMENT PLAN	
Non-Residential	\$600 + \$50 per acre
Residential*	\$600 + \$30 per unit
BP-1 Administrative Review	\$600
C-6	\$600
R-1 EN	\$50

USE ON REVIEW	
Telecommunications Tower Consultant Review	\$1,500
Non-Residential Zone	\$1,500
Residential Zone - More than 1 acre*	\$1,200
Residential Zone - 1 acre or less*	\$450
Similar Use Determination	\$200

FORM CODE DEVELOPMENT	
Alternative Compliance	\$1,500
Development Plan Review	\$1,000
Zoning Clearance	\$50

OTHER REQUESTS	
Appeal of MPC Decision	\$500
Appeal of Staff Decision to MPC	\$200

ZONING	
REZONING - Basic/Overlay Districts (see districts below)	
Residential - Less than 5 acres*	\$500
Residential - More than 5 acres*	\$500 + \$75 per acre (\$4,000 max.)
Non-Residential - Less than 5 acres	\$1,000
Non-Residential - More than 5 acres	\$1,000 + \$100 per acre (\$4,000 max.)

REZONING - Planned District (see districts below)	
Less than 5 acres	\$600
More than 5 acres	\$600 + \$50 per acre
Ordinance Amendment (Change of Zoning Text)	\$500
Zoning Certification Letter	\$60

PLAN AMENDMENT	
One Year Plan or Sector Plan - Less than 5 acres	\$600
One Year Plan or Sector Plan - 5 acres or more	\$800

STREETS AND ADDRESSING	
Street Closure	\$750
Alley Closure	\$400
Street Name Change	\$500
Subdivision Name Change	\$500
Address Assignment - 25 or more lots/units	\$150

CITY OF KNOXVILLE ZONING DISTRICTS

BASIC				OVERLAY	PLANNED	
R-1	R-3	C-2	I-2	H-1	RP-1	PC-1
R-1A	R-4	C-3	I-3	NC-1	RP-2	PC-2
R-1E	O-1	C-4	I-4	TO-1	RP-3	I-1
R-1EN	O-2	C-5	A-1	IH-1	SC-1	BP-1
R-1HK	O-3	C-6	OS-1	D-1	SC-2	TND-1
R-2	C-1	C-7	F-1		SC-3	TC-1

KNOX COUNTY ZONING DISTRICTS

BASIC			OVERLAY	PLANNED
RAE	OA	CR	HZ	PR
RA	OB	CN	TO	PC
RB	OC	T		SC
OS	CA	LI		BP
E	CB	I		TC
A	CH	F		EC

*Note: For fee purposes Agriculture, Open Space and Estate zones are also considered "residential"

New Fee Schedule

FORM CODE DEVELOPMENT FEE SCHEDULE **	
Alternative Compliance	\$1,500
Development Plan Review	
Value of Work from \$0 to \$500.00	\$50
Value of Work from 500.01 to \$5,000.00	\$100
Value of Work from \$5,000.01 to \$50,000.00	\$500
Value of Work from \$50,000.01 and above	\$1,000
Zoning Clearance	
Value of Work from \$0 to \$500.00	\$25
Value of Work from \$500.01 and above	\$50

**Form Based Code fees are collected by the Plans Review and Inspections Department

Questions and Comments

For more information please visit:

www.cityofknoxville.org/policy/formbasedcode.pdf

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