

# ADMINISTRATION

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## 1.0 GENERAL PROVISIONS

### 1.1 APPLICABILITY

The requirements of this section apply to all development within the South Waterfront District as designated on the Zoning Map (See Article 3, Section 2).

### 1.2 PURPOSE

The South Waterfront District carries out the policies of the South Waterfront Vision Plan by regulating development and land uses within the City's designated South Waterfront, consistent with the Vision Plan. More specifically, the South Waterfront District is intended to:

- A. Provide standards for the continuing orderly growth and development that will assist in enhancing and maintaining a distinct community identity;
- B. Create a comprehensive and stable pattern of development and land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- C. Ensure that proposed development is of human scale, pedestrian-oriented, energy conserving, and is designed to create attractive streetscapes and pedestrian spaces;
- D. Minimize automobile congestion through pedestrian-oriented development, compact community form, safe and effective traffic circulation, and adequate parking facilities; and
- E. Ensure compatibility between different types of development and land uses.

### 1.3 CONFLICTING PROVISIONS

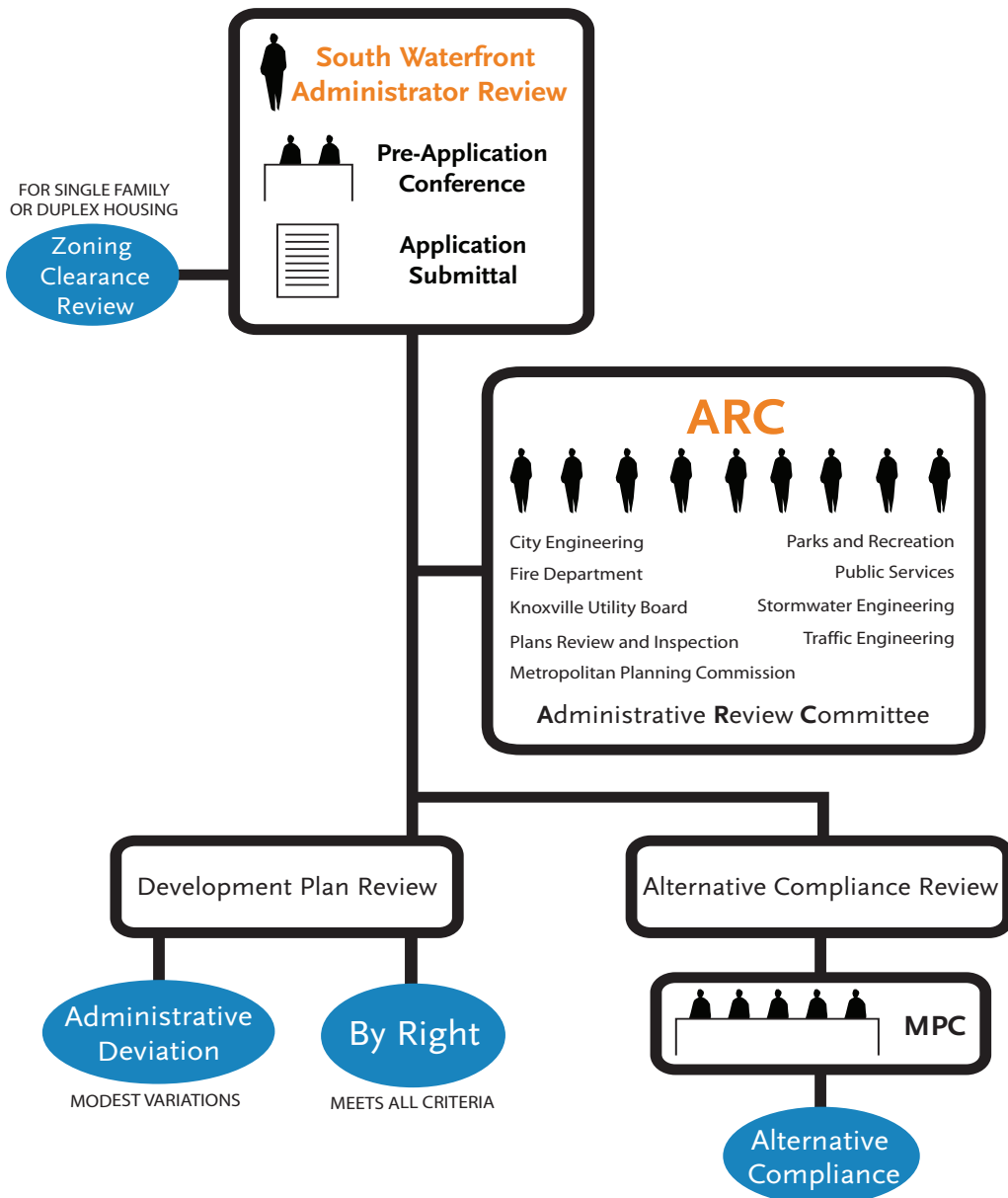
Wherever there appears to be a conflict between these district regulations and other requirements of the Zoning Ordinance or the Knoxville and Knox County Subdivision Regulations, these district regulations shall prevail. For development standards not covered in these district regulations, additional requirements may apply.

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### 2.1 SUMMARY OF REVIEW AUTHORITY

	Administrator	Administrative Review Committee	Metropolitan Planning Commission	Board of Zoning Appeals	City Council	Cross-reference
Zoning Clearance Review	Decision			Administrator Appeal	BZA Appeal	2.5
Development Plan Review	Decision	Review		Administrator Appeal	BZA Appeal	2.6
Alternative Compliance Review	Review	Review	Decision		MPC Appeal	2.7
Written Interpretations	Decision			Administrator Appeal	BZA Appeal	2.8



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### 2.2 SOUTH WATERFRONT ADMINISTRATOR

#### 2.2.1 Authority

The South Waterfront Administrator is responsible for the day-to-day administration and enforcement of these district regulations and is specifically authorized to approve applications for Zoning Clearance pursuant to 2.5.

#### 2.2.2 Delegation of Authority

The South Waterfront Administrator may designate any Metropolitan Planning Commission staff member to represent the Administrator in any function assigned by these district regulations. The South Waterfront Administrator shall remain responsible for any final action.

### 2.3 SOUTH WATERFRONT ADMINISTRATIVE REVIEW COMMITTEE

#### 2.3.1 Authority

The City Council has delegated review of Development Plans and application to the South Waterfront Administrative Review Committee pursuant to 2.6. The South Waterfront Administrator shall serve as chairman of the South Waterfront Administrative Review Committee and shall be responsible for all final actions.

#### 2.3.2 Composition

In addition to the South Waterfront Administrator, the South Waterfront Administrative Review Committee shall consist of a representative from the following entities:

- A. Civil Engineering
- B. Fire Department
- C. Knoxville Utility Board
- D. Metropolitan Planning Commission
- E. Plans Review and Inspection
- F. Parks and Recreation
- G. Public Services
- H. Stormwater Engineering
- I. Traffic Engineering

### 2.4 COMMON REVIEW PROCEDURES

#### 2.4.1 Pre-Application Conference

- A. Prior to completion of project design and formal submittal of required application, the South Waterfront Administrator shall schedule a pre-application conference with the applicant to discuss the procedures, standards and regulations.
- B. A request by a potential applicant shall be accompanied by preliminary project plans and designs and the required filing fee.
- C. The South Water Administrator shall inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is submitted. Any discussions held shall not be binding for either the applicant or the City.

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### 2.4.2 Application Requirements

#### A. Forms

Applications required under these district regulations shall be submitted to the South Waterfront Administrator on forms and in such numbers as required by the Metropolitan Planning Commission.

#### B. Fees

Filing fees shall be established from time to time to defray the cost of processing the application, as listed with the Metropolitan Planning Commission, as adopted by the City Council. Before review of an application, all associated fees shall be paid in full.

#### C. Completeness Review

1. All applications shall be sufficient for processing before the South Waterfront Administrator is required to review the application. Within **10 working days** of the receipt of the application, the South Waterfront Administrator shall notify the applicant in writing whether or not the application is complete or whether additional information is required.
2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of these district regulations.
3. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of these district regulations. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the South Waterfront Administrator as to whether more or less information should be submitted.
4. Upon receipt of a complete application, the South Waterfront Administrator shall review the application and may confer with the applicant to ensure an understanding of the applicable requirements of the district regulations; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.

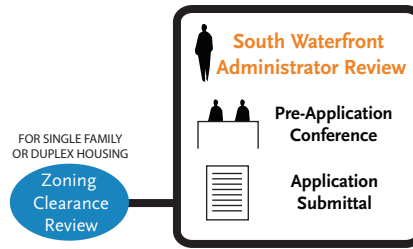
#### D. Concurrent Applications

1. Applications may be filed and reviewed concurrently, at the option of the applicant. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

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### 2.5 ZONING CLEARANCE REVIEW



- 2.5.1 Purpose  
Zoning Clearance review is intended to ensure that all single-family houses and duplexes comply with the requirements of these district regulations.
- 2.5.2 Applicability  
Zoning Clearance is required for the construction of, or major addition to **(greater than 50 percent of existing square footage)**, a single-family house or duplex on an individual lot.
- A. Where an administrative deviation is requested, the application shall be reviewed pursuant to 2.6, Development Plan Review.
- B. Where a variance is requested it shall be granted by the Board of Zoning Appeals in accordance with Article 7, Section 2, Variances, prior to approval of an application for Zoning Clearance.
- 2.5.3 Authority  
The South Waterfront Administrator is authorized to approve applications for Zoning Clearance within the South Waterfront District. No building permit shall be issued or structure or building erected, and no existing building or structure shall be altered, remodeled, or enlarged or extended until the South Waterfront Administrator has approved the application for Zoning Clearance.
- 2.5.4 Pre-Application Conference  
An applicant requesting Zoning Clearance shall schedule a pre-application conference in accordance with 2.4.1.
- 2.5.5 Application Requirements  
An application for Zoning Clearance shall be submitted in accordance with 2.4.2, Application Requirements.
- 2.5.6 South Waterfront Administrator Action
- A. Upon submission of a completed application, the South Waterfront Administrator shall review the application for consistency with the requirements of these district regulations.
- B. Within **10 working days** after the application has been determined complete, the South Waterfront Administrator shall approve or deny the application for Zoning Clearance.

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### 2.5.7 Approval Criteria

In approving an application for Zoning Clearance, the South Waterfront Coordinator shall consider the following:

- A. Compliance with all applicable district standards;
- B. Compliance with all applicable Zoning Ordinance standards; and
- C. Compliance with all applicable Subdivision regulations.

### 2.5.8 Modifications to Approved Applications

The South Waterfront Administrator has the authority to grant modifications to approved applications for Zoning Clearance in accordance with the provisions of this section.

### 2.5.9 Effect of Zoning Clearance Approval

Approval of Zoning Clearance shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by this Zoning Ordinance, the Subdivision regulations, or the Building Code.

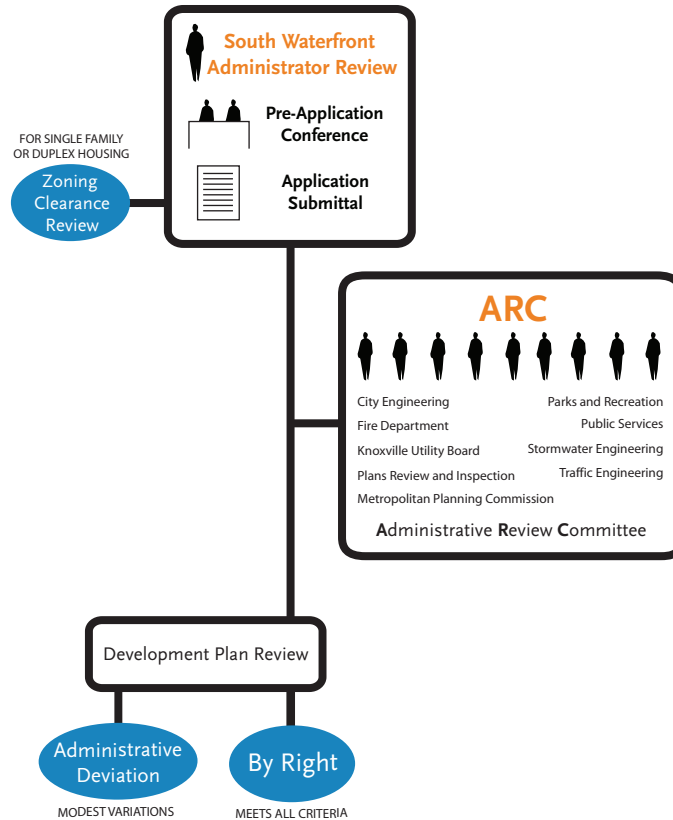
### 2.5.10 Appeals

Any person, firm or corporation aggrieved by any decision of the South Waterfront Administrator may appeal the decision to the Board of Zoning Appeals pursuant to Article 7, Section 1C.

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### 2.6 DEVELOPMENT PLAN REVIEW



- 2.6.1 Purpose  
Development Plan review is intended to ensure that all multifamily and nonresidential development complies with the requirements of these district regulations.
- 2.6.2 Applicability  
Except for houses and duplexes on individual lots, all proposed development, including new construction or expansion of an existing structure or building, is subject to the Development Plan review process as set forth below.
- 2.6.3 Authority  
The South Waterfront Administrator, with review by the South Waterfront Administrative Review Committee, is authorized to approve Development Plans within the South Waterfront District. No building permit shall be issued or structure or building shall be erected, and no existing building or structure shall be altered, remodeled, or enlarged or extended until the South Waterfront Administrator has approved the Development Plan.
- 2.6.4 Pre-Application Conference  
An applicant requesting Development Plan approval shall schedule a pre-application conference in accordance with 2.4.1.
- 2.6.5 Application Requirements  
An application for Development Plan review shall be submitted in accordance with 2.4.2, Application Requirements.

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- 2.6.6 South Waterfront Administrator Action
- A. Upon submission of a completed application, the South Waterfront Administrator shall schedule the Development Plan for review by the South Waterfront Administrative Review Committee. The South Waterfront Administrative Review Committee shall review the Development Plan for consistency with the requirements of these district regulations.
  - B. Upon completion of the technical review, the South Waterfront Administrator may meet with the applicant to discuss any changes in development design.
  - C. Within **20 working days** after the application has been determined complete, the South Waterfront Administrator shall determine whether the Development Plan conforms to all applicable requirements of these district regulations.
- 2.6.7 Approval Criteria
- In approving a Development Plan, the South Waterfront Administrator shall consider the following:
- A. Recommendations from the South Waterfront Administrative Review Committee;
  - B. Compliance with all applicable district standards;
  - C. Compliance with all applicable Zoning Ordinance standards;
  - D. Compliance with all applicable Subdivision regulations;
  - E. Compliance with the Major Road Plan; and
  - F. Compliance with the One Year Plan.
- 2.6.8 Administrative Deviations
- A. Authority  
During the Development Plan review process, the South Waterfront Administrator is authorized to approve limited administrative deviations to certain provisions of these district regulations, where, owing to special conditions, strict enforcement would be physically impractical. This optional process shall occur only where the applicant requests an administration deviation to a standard as specified below.
  - B. Permitted Deviations  
The South Waterfront Administrator shall review the request in light of the intent and purpose of the district requirements. The South Waterfront Administrator is authorized to approve an administration deviation for the following standards:
    1. Building and Siting Configuration
      - a. Front Setback – increase or decrease of up to ten percent of the permitted setback.
      - b. Frontage at Setback (minimum percentage of build-to) – reduction of up to five percent of required length.
      - c. Side Setback – reduction of up to 50 percent of the required minimum setback.
  - C. Unlisted Standards  
Any request for relief from a required standard, other than those listed above, shall be reviewed by the Board of Zoning Appeals in accordance with Article 7, Section 2, Variances.
- 2.6.9 Modifications to Approved Development Plans
- The South Waterfront Administrator, with review by the South Waterfront Administrative Review Committee, has the authority to grant modifications to approved Development Plans in accordance with the provisions of this section.

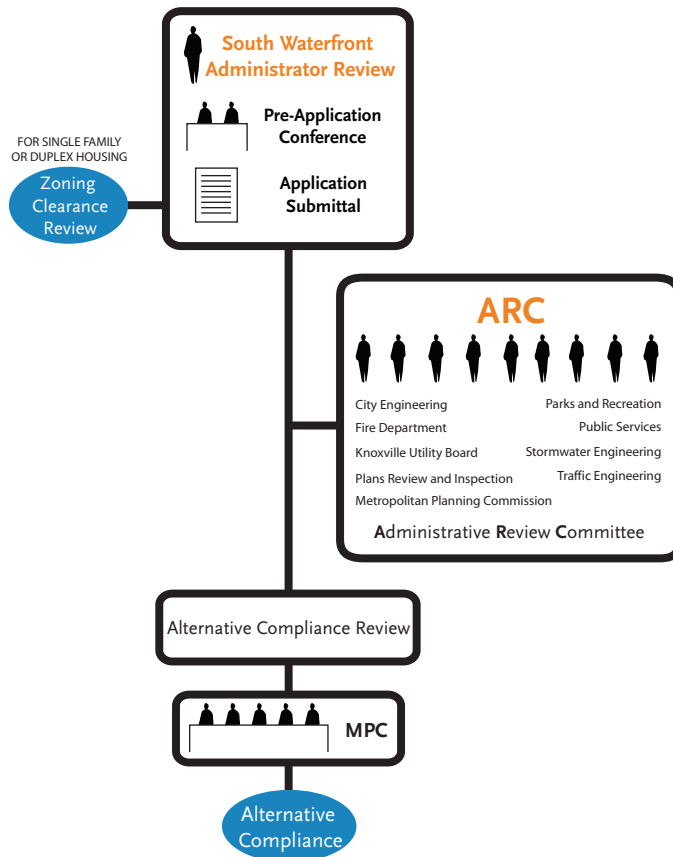
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2.6.10 Effect of Development Plan Approval  
Approval of a Development Plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by this Zoning Ordinance, the Subdivision regulations, or the Building Code.

2.6.11 Appeals  
Any person, firm or corporation aggrieved by any decision of the South Waterfront Administrator may appeal the decision to the Board of Zoning Appeals pursuant to Article 7, Section 1C.

## 2.7 ALTERNATIVE COMPLIANCE REVIEW



2.7.1 Purpose  
Alternative Compliance is intended to permit innovative, high quality developments that would not otherwise be allowed under a strict interpretation of the district regulations but nevertheless comply with the intent of the Vision Plan. The Alternative Compliance mechanism is also intended to provide a review process for requests by applicants for reconstruction or expansion of certain nonconforming structures in which nonconforming industrial uses operate in the SW2, SW3, SW4, SW5, SW6, or SW7 districts.

2.7.2 Authority  
The South Waterfront Administrator, with review by the South Waterfront Administrative Review Committee, is authorized to approve applications for Alternative Compliance within the South Waterfront District. No building permit shall be issued or structure or building shall be erected, and no existing building or structure shall be altered, remodeled, or enlarged or extended until the South Waterfront Administrator has approved the application for Alternative Compliance.

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- 2.7.3 Applicability  
Any development that does not meet the requirements of 2.5, Zoning Clearance or 2.6, Development Plan Review, or Article 7, Section 2, Variances may submit an application for Alternative Compliance.
- 2.7.4 Pre-Application Conference  
An applicant requesting Alternative Compliance shall schedule a pre-application conference in accordance with 2.4.1.
- 2.7.5 Application Requirements  
An application for Alternative Compliance shall be submitted in accordance with 2.4.2, Application Requirements.
- 2.7.6 South Waterfront Administrator Action
- A. Upon submission of a completed application, the South Waterfront Administrator shall schedule the application for review by the South Waterfront Administrative Review Committee. The South Waterfront Administrative Review Committee shall review the application for consistency with the requirements of these district regulations.
  - B. Upon completion of the technical review, the South Waterfront Administrator may meet with the applicant to discuss any changes in development design.
  - C. The South Waterfront Administrator shall prepare a report that reviews the application in light of comments provided by the South Waterfront Administrative Review Committee, and in light of the South Waterfront Vision Plan and the general requirements of these district regulations. The report and any related application materials shall be forwarded to the Metropolitan Planning Commission.
- 2.7.7 Metropolitan Planning Commission Action
- A. The Metropolitan Planning Commission shall hold a public hearing subsequent to notification consistent with its Administrative Rules and Procedures.
  - B. Within **25 working days** after the application has been determined complete, the Metropolitan Planning Commission shall approve or disapprove the application, or send the application back to the South Waterfront Administrative Review Committee for additional consideration.
  - C. In the exercise of its approval, the Metropolitan Planning Commission may impose such conditions regarding the location, character or other features of the proposed buildings as it may deem advisable in the furtherance of the general purposes of the South Waterfront Vision Plan.
- 2.7.8 Approval Criteria
- A. In reviewing an application for Alternative Compliance in cases other than applications concerning reconstruction or expansion of nonconforming structures in which nonconforming industrial uses operate in the SW2, SW3, SW4, SW5, SW6 or SW7 districts, the Metropolitan Planning Commission shall consider the following:
    - 1. Consistency with the South Waterfront Vision Plan;
    - 2. That the development will not have a substantial or undue adverse effect upon the neighborhood, the character of the South Waterfront area, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;
    - 3. That the development will be constructed and operated to be compatible with the neighborhood;

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4. That the proposed development can be adequately served by public facilities;
5. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature;
6. Compliance with all applicable district standards, including height;
7. Compliance with all applicable Zoning Ordinance standards;
8. Compliance with all applicable Subdivision regulations;
9. Compliance with the Major Road Plan; and
10. Compliance with the One Year Plan.

B. In reviewing an application for Alternative Compliance, in cases concerning nonconforming structures in which nonconforming industrial uses operate in the SW2, SW3, SW4, SW5, SW6, or SW7 districts, the Metropolitan Planning Commission shall consider the following:

1. That the application concerns such nonconforming structures that are proposed to be reconstructed due to a voluntary or involuntary destruction of 50 percent or more of their value, or that are proposed to be expanded; and
2. That the application only concerns the reconstruction or expansion of such structures that the South Waterfront Administrator has determined are not addressed by the dimensional, locational, or building design requirements applicable in the SW2, SW3, SW4, SW5, SW6, or SW7 districts; and
3. That the application demonstrates that the design of the proposed structures is compatible with the existing structures on the property and, to the maximum extent feasible, with the intent of the dimensional, locational, or building design requirements applicable in the SW2, SW3, SW4, SW5, SW6, or SW7 districts.

### 2.7.9 Modifications to Approved Applications

#### A. Minor Modifications

The South Waterfront Review Administrative Review Committee has the authority to grant minor modifications to an approved application. The applicant shall file a written application for such amendment with the South Waterfront Administrator. Minor modifications shall include, but not be limited to the following:

1. A less than five percent change in floor area, number of units, parking area, or parking spaces; and
2. A ten percent decrease in open space; and
3. The minor relocation of any structure, dedicated street, easement, or landscape screen in any direction from the location shown on the approved application unless deemed by the South Waterfront Administrator to significantly alter the approved application.

#### B. Major Modifications

If the proposed amendment is not considered a minor modification, the approved application shall be amended in accordance with the procedures and standards that governed its original approval.

### 2.7.10 Appeals

Any person, firm or corporation aggrieved by any decision of the Metropolitan Planning Commission may petition the decision to the City Council. Such petition shall be in writing and shall state:

- A. The name of the owner of the subject property.
- B. A description of the subject property, including the City Block and Parcel or lot number.
- C. A statement of the petitioner's interest in the matter, including a description of affected property owned by petitioner where petitioner is not the owner of the subject property.

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- D. A statement of the reason appeal, including a map of the zoning of all property located within 300 feet of the subject property.
- E. The petition shall be filed with the Metropolitan Planning Commission not more than **15 working days** from the date of the Metropolitan Planning Commission decision to be considered and shall be scheduled for public hearing before City Council at the earliest date possible consistent with these regulations.
- F. All such petitions shall be submitted on forms available at the Metropolitan Planning Commission.
- G. Metropolitan Planning Commission shall mail a copy of such petition by certified mail return receipt requested to any opposing, adverse party who registered as such at the time the matter was heard by Metropolitan Planning Commission.
- H. The City Council shall consider de novo in public hearing and may affirm, modify, impose restrictions or overrule the action of the Metropolitan Planning Commission

## 2.8 WRITTEN INTERPRETATIONS

### 2.8.1 Applicability

When uncertainty exists, the South Waterfront Administrator, after consultation with the City Attorney, shall be authorized to make all interpretations concerning the provisions of these district regulations.

### 2.8.2 Application Requirements

An application for a written interpretation shall be submitted in accordance with 2.4.2, Application Requirements.

### 2.8.3 South Waterfront Administrative Review Committee Action

A. The South Waterfront Administrator shall review and evaluate the request in light of the text of these district regulations, the Zoning Map, the South Waterfront Vision Plan and any other relevant information;

B. Following completion of staff review, the South Waterfront Administrator shall render an opinion.

C. The interpretation shall be provided to the applicant in writing.

### 2.8.4 Official Record

The South Waterfront Administrator shall maintain an official record of all interpretations and shall provide a copy of all interpretations to the City Attorney. The record of interpretations shall be available for public inspection during normal business hours.

### 2.8.5 Appeals

Any person, firm or corporation aggrieved by any decision of the South Waterfront Administrator may appeal the decision to the Board of Zoning Appeals pursuant to Article 7, Section 1C.