

TO: Knoxville-Knox County Planning Commission
FROM: Jessie Hillman, AICP | Principal Planner
DATE: April 1, 2025
SUBJECT: 8-E-23-OA, Agenda Item #5

STAFF RECOMMENDATION:

Approve the proposed amendments to the City of Knoxville Zoning Code, Article 12.8 Landscape Buffer Yards because they provide accommodations that facilitate the development of small lots and residences while maintaining the integrity of the purpose of the Landscape Article provided in Article 12.1.

BACKGROUND:

Several amendments to the City of Knoxville Zoning Code, Article 12 – Landscape, were originally proposed by Mr. R. Bentley Marlow in August of 2023 (see Exhibit C). After review by the Planning Commission, a separate list of amendments was proposed by Planning Commissioner Logan Higgins to substitute Mr. Marlow’s amendments, which resulted in the amendments shown in Exhibit D. This item was tabled at the November 2023 Planning Commission meeting, and Mr. Marlow untabled the case to be considered at the November, 2024 meeting. At that time, staff recommended approval of one of the amendments and denial of the remainder. The case was postponed to provide time for more collaboration between the applicant, stakeholders and staff. The final draft amendments resulting from discussion between staff and the applicant are reflected in Exhibit A.

SUMMARY OF PROPOSED CHANGES:

- Article 12.8.B, Buffer Yards
 - Adds a new Class C Buffer, which has a minimum width of 5 feet and contains the same plant composition as a Class A Buffer.
 - The Class C Buffer includes a condition (Article 12.8.B.3.f) that when this buffer yard abuts pavement within the development, 15 feet of the pavement width must be permeable.
 - Clarifies that the existing rule regarding a buffer yard reduction of 30% when a wall or fence is incorporated does not apply to a Class C Buffer.
- Article 12.8.G, Exemptions and Flexibilities (New Section)
 - Removes the requirement for a Class B Buffer when a nonresidential district abuts a residential district if the principal use is a residential development no greater than 35 feet in height.
 - Allows for a Class B Buffer to be substituted with a Class A Buffer when a nonresidential districts abuts a residential district if the principal use is a residential development no greater than 45 feet in height.
 - Allows for a Class C Buffer to substitute a Class B Buffer for a nonresidential district with a lot width no greater than 50 feet and/or a lot area no greater than 7,500 square feet.

- Clarifies that the Class C Buffer substitution does not apply to requirements specified by the Principal Use Standards of Article 9.

STAFF ANALYSIS

The proposed amendments resulted from extensive discussion between the applicant, Planning Staff and Plans Review and Inspections Staff. The City's Urban Forester was also consulted, and the applicant attended a Tree Board meeting to explain some of the challenges faced with the existing landscape standards when developing on small lots.

Article 12.8.B, Class C Buffer.

The new Class C Buffer is intended to facilitate nonresidential development on exceptionally small lots no greater than 7,500 square feet in area or 50 feet in width. On lots like these, a 20-foot Class B Landscape Buffer can pose a substantial obstacle to the construction of a building that meets off-street parking and other requirements of the Code. Staff researched the most intensely zoned lots of 7,500 square feet or less abutting residential zoning districts to evaluate the impact of Class C Buffer substitution in these cases. All the Industrial districts and the C-H (Highway Commercial) district were researched, and there were 42 lots in total that met these criteria (See Exhibit B). Most of these lots were vacant or had existing residential uses on them. Staff determined it was highly unlikely that a Class C Buffer for a nonresidential use on a lot of that scale would have a detrimental effect on abutting property.

The planting composition of a 5-foot Class C Buffer is the same as a 10-foot Class A Buffer. The viability of this more densely planted buffer yard was confirmed by the City's Urban Forester. Pavement abutting a Class C Buffer must also be permeable up to 15 feet in width. The intent of this approach is to provide more flexibility while also upholding the purpose of the Landscape Article to promote urban biodiversity and also consider drainage and stormwater management.

Article 12.8.G, Exemptions and Flexibilities

The other exceptions and flexibilities provided in these amendments to the Buffer Yard section build upon prior staff approval of an earlier proposed amendment specific to residential development in a nonresidential zoning district abutting a residential zoning district. In the case of a residential development no greater than 35 feet in height, a Class B Buffer requirement is eliminated because abutting uses should be similar in scale and intensity. If a residential development in a nonresidential district is no greater than 45 feet, a Class A buffer can be substituted for a Class B Buffer to account for the similarity of abutting uses with a modest increase in scale. For residential development exceeding 45 feet in a nonresidential district, a Class B Buffer between that lot and a residential lot is still required because the scale and massing of development warrants maintenance of a 20-foot buffer yard.



These accommodations in the Landscape Article acknowledge the challenges of developing small lots and make a distinction between constructed development on the ground versus theoretical development permitted by zoning districts. These amendments balance an intent to facilitate development of small lots and residential development on lots that have nonresidential zoning with a need to maintain the purpose of the Landscape Article to provide for a natural environment that limits stormwater impact.



12.8 BUFFER YARDS

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear and/or side yards. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required. Buffer yard requirements apply to new construction and to any additions to a structure existing as of the effective date of this Code of 30% or more in square footage.

- A. Buffer yards may be located within required setbacks but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.

- B. The ~~two~~three types of buffer yards are as follows:

1. **Class A Buffer**

- a. Minimum Width: Ten feet.
- b. Minimum Required Shrubs: One shrub every five feet. A minimum of 50% of the shrubs must be evergreen.
- c. Minimum Required Trees: One evergreen tree for every 25 feet and one shade tree for every 50 feet.
- d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.
- e. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.

2. **Class B Buffer**

- a. Minimum Width: Twenty feet.
- b. Minimum Required Shrubs: One shrub every three feet. A minimum of 50% of the shrubs must be evergreen.
- c. Minimum Required Trees: One evergreen tree for every 20 feet and one shade tree for every 30 feet.
- d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.
- e. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.

3. **Class C Buffer**

- a. Minimum Width: Five feet
- b. Minimum Required Shrubs: One shrub every five feet. A minimum of 50% of the shrubs must be evergreen.
- c. Minimum Required Trees: One evergreen tree for every 25 feet and one shade tree for every 50 feet.
- d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.

e. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.

f. When a Class C Buffer abuts pavement within the development, the pavement must be permeable for a width not less than 15'.

- C. Where the Class A or Class B buffer yard incorporates a wall or solid fence, or a combination of such, the buffer yard width may be reduced by 30%.
- D. When a wall or solid fence is incorporated into a buffer yard, it must be a minimum of six feet up to a maximum of eight feet. When a wall or solid fence is combined with a berm, the combined height of the wall or solid fence and any berm cannot be less than six feet or exceed eight feet.
- E. Parking lots located on properties developed under a common or unified development plan and/or which have a shared access agreement are not required to provide the buffer yard screening area along common property lines where parking areas abut.
- F. Buffer yards are required as described in Table 12-2: Buffer Yard Requirements:

Table 12-2: Buffer Yard Requirements

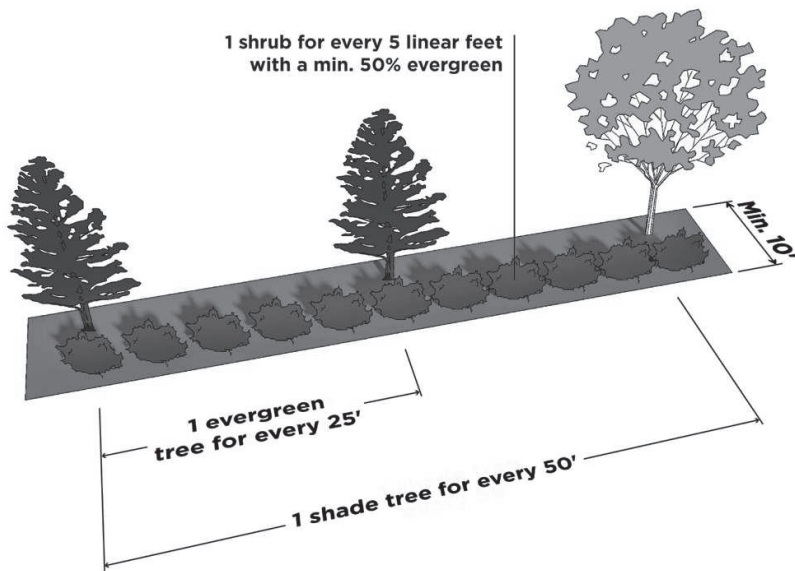
Development	Buffer Yard Class
Nonresidential use located within residential district	Class A Buffer
Nonresidential district abuts a residential district	Class B Buffer
Parking lot of a multi-family dwelling abutting a RN-3, RN-2, RN-1 or EN residential district	Class A Buffer
Per use standards (Article 9)	As determined in the standards of Article 9

G. Exemptions and Flexibilities

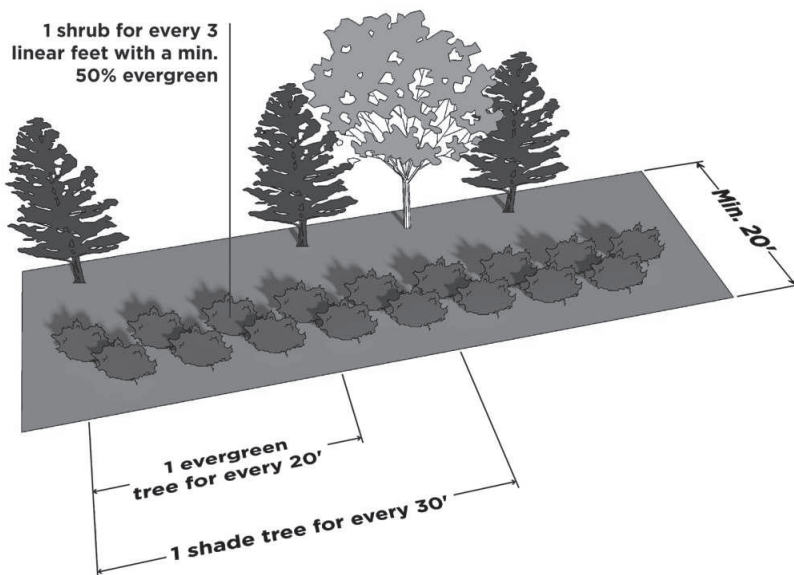
1. A Class B Buffer is not required when a nonresidential district abuts a residential district if the principal use is a residential development not exceeding 35' in height. A Class B Buffer may be substituted with a Class A Buffer if the principal use of a residential development does not exceed 45' in height.

2. For a nonresidential use in a nonresidential district with a lot width no greater than 50' and/or a lot area no greater than 7,500 sf, a Class C Buffer may be substituted for the required Class B Buffer. This Buffer substitution does not apply to requirements specified by the Use Standards of Article 9.

CLASS A BUFFER YARD



CLASS B BUFFER YARD

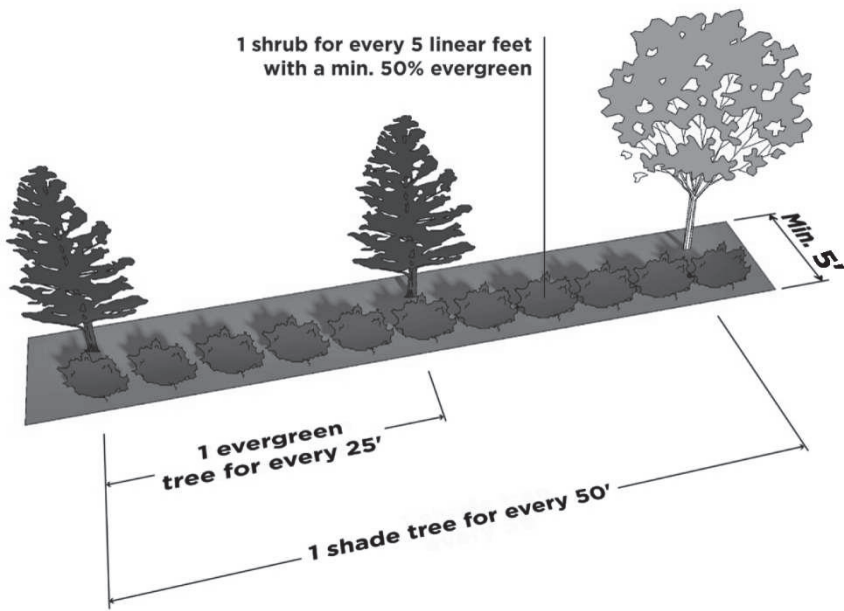


(Ord. No. O-88-2020, § 1, 5-19-20)

(Supp. No. 78)

Created: 2025-02-14 15:06:27 [EST]

CLASS C BUFFER YARD



8-E-23-OA

ARTICLE 12.2A

A. Landscape Plan Required A landscape plan is required as part of a site plan review application for multi-family and townhouse development, nonresidential (including mixed-use) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of a ~~building permit~~ the Certificate of Occupancy/Completion.

ARTICLE 12.8 Buffer Yards

C. Where the buffer yard incorporates a wall or solid fence, or a combination of such, the buffer yard width may be reduced by ~~30%~~ SEVENTY PERCENT (70%).

E. Buffer yards are required as described in ~~the~~ TABLE 12-2: Buffer Yard Requirements.

[ADD THE FOLLOWING LINE TO TABLE 12-2]

RESIDENTIAL USES (1F, 2F, Townhomes & Detached MF) WITHIN C-N ABUTS RESIDENTIAL DISTRICT – NO BUFFER YARD REQUIRED.

----- Forwarded message -----

From: **R Bentley Marlow** <rbentleymarlow@gmail.com>

Date: Mon, Sep 18, 2023 at 2:51 PM

Subject: 8-E-23-OA

To: Amy Brooks <amy.brooks@knoxplanning.org>

Amy,

I wish to substitute Logan Higgins' version in place of my own for consideration.

Thanks,

Bentley

--

R. Bentley Marlow, J.D., M.A.

322 Douglas Avenue

Knoxville, Tennessee 37921-4813

Cellular: (865) 607-4357

rbentleymarlow@gmail.com



Proposed modifications to the City of Knoxville's Zoning Ordinance - Article 12 (2).pdf

1159K

**Proposed changes to the City of Knoxville Zoning Code Article 12 by Knoxville
Knox County Planning case 8-E-23-OA, Modified by Planning Commissioner
Logan Higgins.**

Fellow Commissioners,

As a principal architect, I have extensive experience in planning, drafting, and reviewing landscape plans for various projects within the City of Knoxville. This experience has allowed me to become intimately acquainted with the implementation and purpose of zoning Article 12. Consequently, I am well-positioned to grasp the concerns associated with the current requirements and propose adjustments that can alleviate the compliance burden without compromising the requirement's intent.

The landscape buffer yard requirement serves as a valuable tool for delineating separations between different land uses. When required by Article 12.8, it primarily aims to establish buffers between commercial and residential uses or between parking lots and low-density residential areas.

However, I have observed instances in my practice as well as with cases brought to this body and the BZA where residential developments and development on small lots have faced an undue burden due to the incongruity or impracticality of the buffer yard requirements. Hence, I strongly advocate for minor modifications to Article 12, and willingly volunteered to refine the applicant's proposal for the consideration of the Planning Commission and City Council.

In the following pages, I have provided commentary on the applicant's requests, proposed changes to those requests, rationale for why I believe these changes are warranted and appropriate, and excerpts from the code with these changes written in.

Thank you for your consideration,

Logan Higgins, AIA

Applicable Definitions referenced in this proposal:

- From City of Knoxville Ordinance Chapter 22.5 - STORMWATER
 - Development, large residential and commercial. Any development, commercial, office, industrial, multiple single-family lots, any nonresidential use, or any development of a single residential lot with a disturbed area of ten thousand (10,000) square feet or more.
 - Development, small single-family residential. Development of a single recorded residential lot with less than ten thousand (10,000) square feet of disturbed area.

Proposed modification #1 - Landscape Plan Approval

Original proposed modification by applicant:

“ARTICLE 12.2A A. Landscape Plan Required A landscape plan is required as part of a site plan review application for multi-family and townhouse development, nonresidential (including mixeduse) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of a building permit the Certificate of Occupancy/Completion. “

Commentary by LH:

While I am sympathetic of the additional work and potential delays from planning compliance of this Article prior to attaining a building permit, doing so after the fact would be far worse.

Specifically in regards buffer yards; it is essential that this element is planned out early to ensure there will be no conflicts with the overall. Therefore, I reject this proposed modification as it is written. However, I do have a recommendations for how this could be made more simple for smaller residential projects that may not have the resources to go through this effort.

If agreeable with the City of Knoxville’s Plans Review & Inspections Division, I am proposing the following modification to Article 12.2:

12.2.A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and townhouse developments that exceed 10,000 sf of disturbed area or when landscaping is required by this article, nonresidential (including mixed-use) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of a building permit.

12.2.B. Content of Landscape Plan

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3.The location, quantity, size, and name, both botanical and common, of all proposed plant material. This includes lawn and turf applications.

- a. When a landscape plan is required for residential lots with a disturbed area of less than 10,000 sf, the landscape plan is not required to specify the exact species or name of the plantings when the location, quantity, size, and criteria of Section 12.4 *Landscape Design Standards* are provided on the landscape plan. A list of the names for plants to be used and evidence of compliance with this Article is required to be kept on site for inspection approval.

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Rationale:

- Both modifications use language inline with the City of Knoxville’s Ordinance *Chapter 25.5 - Stormwater*:

A stormwater plan is required for “Any development, commercial, office, industrial, multiple single-family lots, any nonresidential use, or any development of a single residential lot with a disturbed area of ten thousand (10,000) square feet or more.”

This does not require a stormwater plan for multi-family and townhouse developments when the “disturbed area” is less than 10,000 SF. Typically, developments that do not pass the stormwater threshold do not have civil engineers or landscape architects and will have a more difficult time navigating the landscape plan requirements.

- Furthermore, landscape plan review will still be required when landscaping is required by Article 12, (in instances of buffer yards and multifamily landscaping) even if the development does not exceed the disturbed area threshold.
- The modification to 12.2.B.3 creates an exception for small developments that removes the hardship of planning out the botanical makeup of the landscaping early in the process and instead allows the landscape provider to make a list that is appropriate for the site and meets the requirements.

Proposed Modification #2 - Buffer Yards: Width Reduction.

Original proposed modification by applicant:

“ARTICLE 12.8.C. Where the buffer yard incorporates a wall or solid fence, or a combination of such, the buffer yard width may be reduced by ~~30%~~ SEVENTY PERCENT (70%). “

Commentary by LH:

If the landscape buffer is meant to create a screen or buffer between uses, the application of a wall should (in theory) accomplish this entirely. However, a 6’- 8’ wall does not grow, and brings no biodiversity. Therefore, it is logical that we still require landscaping even with the implementation of a fence.

Proposed Change by LH:

The modification I am proposing to this is that a wall or fence may reduce the buffer yard width by 40% instead of 30%.

Allowing the two buffer types to be as follows:

Buffer Yard Type	Min. width	Mid. width with fence or wall
Class A	10ft	6ft
Class B	20ft	12ft

*note, this does not apply to the parking lot landscape requirements of Section 12.5, only buffer yards.

Rationale:

The elements of a buffer yard are still fully required even with a fence or wall. Typically, when a fence or wall is used to reduce the width, it is due to lot restrictions and not cost or a desire for

less landscaping (since a fence costs more than additional groundcover). This is a helpful allowance on smaller lots. However, in my opinion a reduction greater than 40% would limit the ability for the plants to grow in Class A and negate the intent of a Class B buffer.

Proposed modification #3 - Buffer Yards: When Required

Original proposed modification by applicant:

Table 12-2: Buffer Yard Requirements	
Development	Buffer Yard Class
Nonresidential use located within residential district	Class A Buffer
Nonresidential district abuts a residential district	Class B Buffer
Parking lot of a multi-family dwelling abutting a RN-3, RN-2, RN-1 or EN residential district except as follows:	Class A Buffer
<i>RESIDENTIAL USES (1F, 2F, Townhomes & Detached MF) WITHIN C-N ABUTS RESIDENTIAL DISTRICT</i>	<i>No Buffer Yard required</i>
Per use standards (Article 9)	As determined in the standards of Article 9

Commentary by LH:

This proposed modification hints to a problem in the buffer yard requirements, but does not fully resolve it.

Proposed Change by LH:

My modification to this proposal acknowledge the concerns behind the request, but with broader applicability. I have propose two modifications to Table 12-2:

Table 12-2: Buffer Yard Requirements	
Development	Buffer Yard Class
Nonresidential use located within residential district	Class A Buffer
Nonresidential use in a nonresidential district abuts a residential district	Class B Buffer
Parking lot of a multi-family dwelling abutting a RN-3, RN-2, RN-1 or EN residential district except as follows: When a parking lot is serving fewer than 5 du and a fence or wall per 12.8.D is installed, no buffer yard is required.	Class A Buffer
Per use standards (Article 9)	As determined in the standards of Article 9

Rationale:

It is important to point out that the locations where buffer yards are required *in this section* are meant to provide a separation in two instances: 1. Residential and Nonresidential. 2. Parking lots and low density residential. The intent is **not** meant to require a buffer between residential **uses** of differing density.

#1 Zoning Districts - As currently written, a 20ft wide buffer is required in any instance where **any** development in a **non-residential zoning** is adjacent to a **residential zoning**. However, there are multiple instances across the city where **residential uses** are built in **non-residential zonings**.

Case Study:

As written, if a single family house is built in a C-N zone next to an apartment complex with a RN-7 zoning, the the single family home would technically be required to install a 20' wide buffer yard to buffer **their** presence from the apartment complex in the RN district.

Although this is an extreme example, it is representative of a common occurrence.

#2 Multifamily parking - The second modification is in response to a scenario that creates a challenging requirement to the pursuit of missing middle type housing. As written, the parking for any multifamily development must have a Class A buffer if next to RN-3, RN-2, RN-1, or EN zoning. This seems appropriate when there is a high number of units, but doesn't consider that often times parking is placed adjacent to other parking.

However, the proposed modification only removes the requirement for 5 or fewer units to allow for smoother application of missing middle principles, and maintains the requirement for anything greater.

Proposed modification #4 - *Walking Paths within Buffer Yards*

Proposed Change by LH:

In addition to the original changes proposed by the applicant, I would like to proposed one other modification to Section 12.8 regarding impervious surface within a buffer yard as written below:

12.8 - Buffer Yards

- A. Buffer yards may be located within required setbacks but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.
 - 1. Exception: A walking path may be placed within a buffer yard under the following conditions: no reduction of buffer yard width is utilized, the walking path does not abut other impervious area, and the the width of the path is not greater than 30% of a Class A buffer or 25% of a Class B buffer.

Rationale:

Rightfully so, the buffer yard is not allowed to have buildings or parking in it (not much of a landscape buffer if it does!) However, when installing landscaping on a site, allowing users to walk through the landscaped area can be of benefit to the users and the community. Therefore, I recommend that we allow for accessible pathways of up to 3 ft wide in a Class A buffer and 5 ft wide in a Class B buffer if the buffer width is not being reduced with a fence.

This modification also prohibits the walking path from abutting other impervious area so to prevent the exception from being used to essentially expand a parking lot with a sidewalk.

Article 12, Modified

12.2 - LANDSCAPE PLAN

A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and townhouse developments that exceed 10,000 sf of disturbed area or when landscaping is required by this article, nonresidential (including mixed-use) development, parking lots, and planned developments. The landscape plan must be approved prior to the issuance of a building permit.

B. Content of Landscape Plan

1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales. Identify lines of sight at all access points and at locations adjacent to intersections.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing trees equal to or greater than 2.5 inches in caliper, indicating trees to be retained and to be removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material. This includes lawn and turf applications.
 - a. When a landscape plan is required for residential lots with disturbed area of less than 10,000 sf, the landscape plan is not required to specify the exact species or name of the plantings when the location, quantity, size, and criteria of Section 12.4 *Landscape Design Standards* are provided on the landscape plan. A list of the names for plants to be used and evidence of compliance with this Article is required to be kept on site for inspection approval.
4. The existing and proposed grading of the site indicating contours at two-foot intervals. Any proposed berming, earthwork, or stormwater management basins must also be indicated using two-foot contour intervals.
5. Elevations of all existing and proposed fences, stairs, and retaining walls.
6. Existing and proposed plantings in the right-of-way.
7. Any proposed irrigation plan, if irrigation is provided.
8. Any other details as determined necessary by the review body.

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12.8 BUFFER YARDS

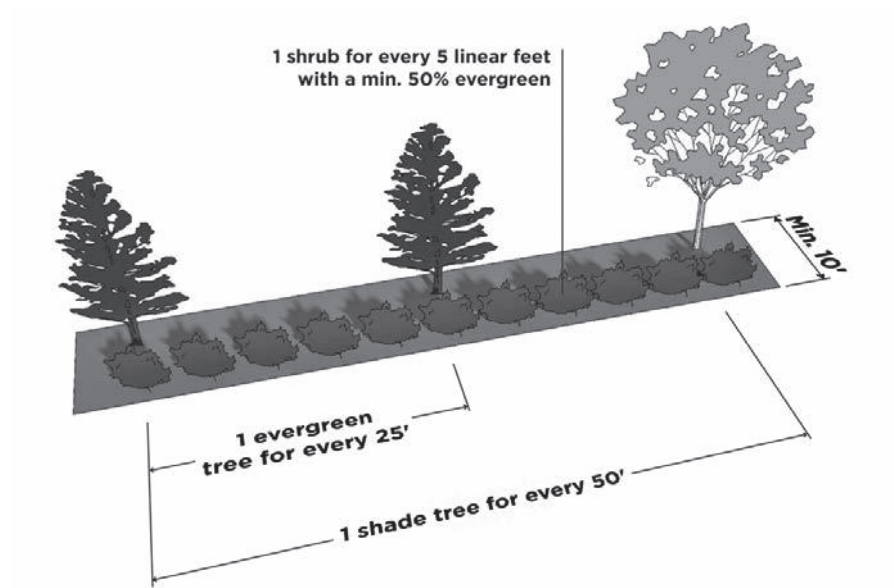
This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear and/or side yards. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required. Buffer yard requirements apply to new construction and to any additions to a structure existing as of the effective date of this Code of 30% or more in square footage.

- A. Buffer yards may be located within required setbacks but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.

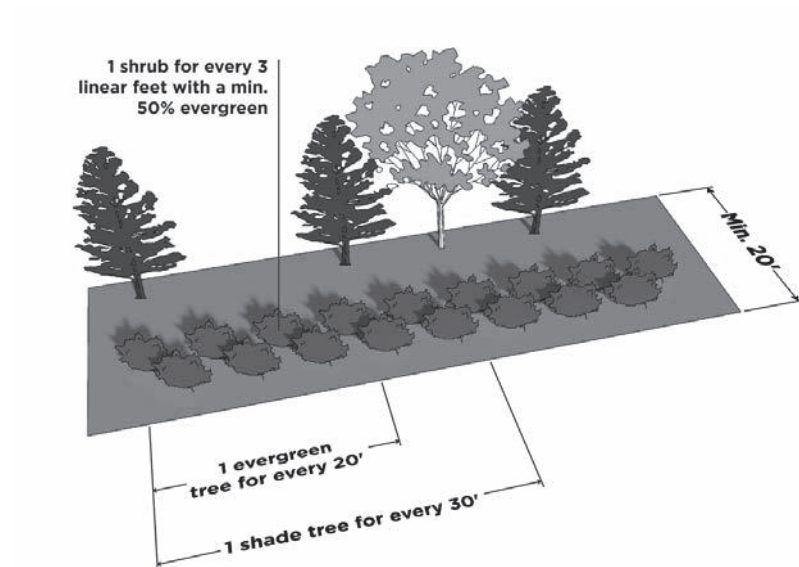
1. Exception: A walking path may be placed within a buffer yard under the following conditions: no reduction of buffer yard width is utilized, the walking path does not abut other impervious area, and the the width of the path is not greater than 30% of a Class A buffer or 25% of a Class B buffer.
- B. The two types of buffer yards are as follows:
1. **Class A Buffer**
 - a. Minimum Width: Ten feet.
 - b. Minimum Required Shrubs: One shrub every five feet. A minimum of 50% of the shrubs must be evergreen.
 - c. Minimum Required Trees: One evergreen tree for every 25 feet and one shade tree for every 50 feet.
 - d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.
 - e. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.
 2. **Class B Buffer**
 - a. Minimum Width: Twenty feet.
 - b. Minimum Required Shrubs: One shrub every three feet. A minimum of 50% of the shrubs must be evergreen.
 - c. Minimum Required Trees: One evergreen tree for every 20 feet and one shade tree for every 30 feet.
 - d. Planting locations may be varied, but the total number of trees must be no less than as required in this section.
 - e. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials may be used for the remaining area.
- C. Where the buffer yard incorporates a wall or solid fence, or a combination of such, the buffer yard width may be reduced by ~~30%~~ 40%.
- D. When a wall or solid fence is incorporated into a buffer yard, it must be a minimum of six feet up to a maximum of eight feet. When a wall or solid fence is combined with a berm, the combined height of the wall or solid fence and any berm cannot be less than six feet or exceed eight feet.
- E. Parking lots located on properties developed under a common or unified development plan and/or which have a shared access agreement are not required to provide the buffer yard screening area along common property lines where parking areas abut.
- F. Buffer yards are required as described in Table 12-2: Buffer Yard Requirements:

Table 12-2: Buffer Yard Requirements	
Development	Buffer Yard Class
Nonresidential use located within residential district	Class A Buffer
Nonresidential use in a nonresidential district abuts a residential district	Class B Buffer
Parking lot of a multi-family dwelling abutting a RN-3, RN-2, RN-1 or EN residential district except as follows: When a parking lot is serving fewer than 5 du and a fence or wall per 12.8.D is installed, no buffer yard is required.	Class A Buffer
Per use standards (Article 9)	As determined in the standards of Article 9

CLASS A BUFFER YARD



CLASS B BUFFER YARD



(Ord. No. O-88-2020 , § 1, 5-19-20)

(Supp. No. 75)

April 10, 2025
Planning Commission meeting

Public Comments

20 Comments for 8-E-23-OA and

Finbarr (37919), July 31, 2023 at 11:24 AM

this recommendation seems reasonable.

Christina (37921), August 2, 2023 at 8:24 PM

This application again reveals that the code was written with exclusive expectation for heavy development in these districts (not just C-N, but also I-MU, C-G, etc). Why are buffer yards required for low density housing developments in C-N (and others) but not for the same developments in any RN district? Obviously there is a discrepancy here that needs to be corrected.

Ron (37919), August 3, 2023 at 3:43 PM

What sense does it make to require buffer zones between multifamily housing and traditional housing developments? Just because my quadruplex next door is owned a particular way does that somehow change its effective use as a house? The quadruplex has nothing more than a large house with four doors. Because of the affordability crisis in Knoxville right now people are renting out rooms people are renting out floors of their entire houses, or we've got multi-generational families where parents are living upstairs adult children in the basement This is far more common than people believe.

And yet I'm unaware of any large protest or complaints about these situations.

Let's move beyond the restrictive zoning that has made affordable housing almost unbuildable in Knoxville. I support this zoning amendment.

George (3), August 7, 2023 at 12:15 PM

Agenda items (8A23OA,8B23OA,8C23OA,8D23OA,8E23OA)all relate to defining ADU's and relaxing set backs, buffers and the like. These requests can be construed to introduce ADU's to Knoxville. However, may also be construed as method to simply increase building density way tighter than current standards. They also can allow a rental property be added to nearly any lot/location.

I am against each of these agenda items.

And I think the County, the Planning Commission and residents need A LOT more conversations about introducing and controlling ADU's (like the ADU must be occupied by an immediate family member) prior to introduction of this concept.

Following this research, the concept should be trialed in one district to learn impact and control, and NOT just open the floodgates in all districts!

Aaron (37917), August 8, 2023 at 10:16 PM

I support this application with regard to the reduction in buffer yard width requirements, but I oppose

removal of the landscape plan requirement to obtain a building permit. Landscape design is often overlooked and disrespected, but is as or more important for aesthetics and placemaking than building architecture. The ability to submit a landscape plan after a building permit has been issued will lead to disjointed site designs that do not take advantage of landscaping's ability to provide shade, clean and retain runoff, and contribute to ecosystems.

Drew (37917), August 9, 2023 at 12:20 PM

Please see attached PDF.

[View Attachment](#)

R. Bentley (37921), August 10, 2023 at 12:19 PM

Please see attached...

[View Attachment](#)

Kevin (37918), September 11, 2023 at 1:30 PM

The Board of Directors for the Knox County Planning Alliance supports the staff recommendation to deny this proposed amendment to the zoning code. The proposal to reduce buffer yard depth (changes to 12.8.C) applies to all buffer yards across all zoning districts. As staff points out, reducing the width that much would make it difficult to install the required planting, and would have unintended consequences across all districts in the city.

Patricia (37920), September 12, 2023 at 3:16 AM

I disapprove of 70% decrease in a buffer 30% and landscaping. I live in SW-1 which is low density (homes) and we had Hensons 12 units built where 3 homes had been. They stand out like a sore thumb to the existing cottages and bungalows. There are issues with storm water run-off because the development was allowed to be build higher than the original lots. They're concrete, no landscaping so the businesses across the alley get flooded. The cottage next door has. 5 feet high clay hill so water runs down onto their yard causing water issues with only 5' side yard (no Variance). Buffers are more for the home next door for privacy with trees and vegetation not a planter. There are 12 garage and recycle bins too. Parking ends up on Dixie and Phillips and the alley way so car can't get though nor waste trucks. I also disapprove of removing the owner occupied living on site for ADUs which can end up as a short term rental. A duplex would have been more in line with the vision plan and low density and blending with the character on the neighborhood. This is one dev. That should have been denied and should not get a C of O until issues are taken care of for the surrounding homes. Phase II could have been built at 1 1/2 story which could have fit better. This is a case of speculator getting the good old boy pat on the back when you read his permit. Henson appears to be oblivious to the SW-1 FBC.

Dale (37909), September 13, 2023 at 9:33 PM

As chair of Trees Knoxville, a non-profit with a focus on tree canopy promotion and preservation, we oppose the amendment to this ordinance. The landscape buffer possess both an environmental and aesthetic importance. Decreasing this buffer requirement will lead to further canopy loss of valuable tree canopy and increased canopy fragmentation. These are two critical components for maintaining a healthy wildlife habitat and preventing further degradation of our urban tree canopy.

Sandra (37914), September 13, 2023 at 10:59 PM

Do not reduce our landscape regulations. Landscape plants, especially trees, are important because they:
screen disparate development
buffer concrete, asphalt, buildings, vehicles
reduce heat islands
aid wildlife
improve mental health
and make our community more attractive

Fences are not trees. Trees provide shade, beauty, and soften our surroundings. Fences are six feet tall. Trees are at least 20 feet tall (or more). Trees are as tall as buildings. Fences barely screen trucks. Please do not change our landscape regulations. Landscaping has no relationship with midrange housing.

Thomas (37917), September 19, 2023 at 8:05 AM

I support the staff recommendation to deny this proposed amendment to the zoning code. The proposal to reduce buffer yard depth (changes to 12.8.C) applies to all buffer yards across all zoning districts. As staff points out, reducing the width would make it difficult to install the required planting, and would have unintended consequences across the city. Although I understand the need for more housing, I can't support the amendment. Many other comments have indicated the public benefit of trees and shrubs provided to our community. Trees Knoxville has been conducting a master planning process and the majority of the public has recommended a review of existing ordinances to improve, tighten, and increase the requirements for trees to meet the changing environmental conditions that are causing public harm and issues. Landscaping requirements are a minor cost to the overall development cost and have not been documented to be prohibitive or costly. Studies in Knoxville have shown that the largest need for more trees is on private property and efforts being considered in the master plan will be made to increase canopy cover across the city on all properties. The people who would be living in these new homes would greatly benefit from the added landscaping by reduced heating and cooling as well as other public health benefits. The present requirements should be maintained.

Carlene (37918), September 21, 2023 at 12:24 PM

Please deny this request. The professional staff recommendation provides convincing reasons why the presently existing, thoughtful standards and processes, are both appropriate and necessary. They are based on experience and the community is well-served by them.

Gordon (37917), October 5, 2023 at 10:04 AM

As a member of the City of Knoxville Tree Board, we were not informed of this possible change in the landscape ordinance. We strongly oppose this proposal.

Bob (37919), October 11, 2023 at 10:12 AM

I oppose this amendment. Article 12.2A - As a landscape architect I feel that it is important to include a landscape plan prior to issuing a building permit, not at the certificate of occupancy phase. Including a landscape plan prior to issuing a building permit ensures that the developer is considering the code implications as well as budgeting for an appropriate, compliant design. Landscaping is a vital part of a community infrastructure and often overlooked already. The use as a visual buffer is only part of the benefits, which include noise buffering, stormwater mitigation, heat island effect, providing wildlife habitat and beautification. Article 12.8 - Reducing landscaping buffers by using a fence or wall does not benefit anyone except the developer. As mentioned above, buffer yards ensure landscaping is provided for all of the aspects listed.

Jessica (37920), October 17, 2023 at 5:54 PM

As a member of the City of Knoxville Tree Board and its subcommittee looking at the landscaping ordinance, I believe any changes to policy should be informed by the upcoming Urban Forestry Master Plan and the work our subcommittee is doing. This work is all slated to be completed in the upcoming few months, and while the problems Mr. Marlow is attempting to address are real and pressing, the process to make changes needs to be more inclusive and informed.

Jessica (37920), October 23, 2023 at 5:54 PM

I would like to add this letter to the comments I previously submitted.

[View Attachment](#)

Kevin (37918), November 11, 2024 at 7:41 AM

Regarding the buffer yard for non-residential use that abuts a residential district, this applies when let's say:

Condos are built in a C-1 district that abuts an R-1 district. Or an apartment complex is built next to a house. Note that if it's a multi-family dwelling, there's still a requirement to put in a Class A buffer for the multifamily parking lot if it's abutting RN-1/2/3 or EN residential districts (this is still part of 12-2.)

For example: when a 3 or 4 story apartment complex is built next to my single family residence, I'd really like there to be a buffer yard so the upper floor apartments don't look down into my yard. So maybe the suggestion is to make it:

Nonresidential use in a nonresidential district 3 or more stories in height abuts a residential district - Class B buffer required

Sandra (37914), November 13, 2024 at 3:51 PM

The proposal to reduce landscape buffers threatens one of the most sacred benefits of single-family residential; PRIVACY.

Buffers do more than filter noise, provide ecological benefits, and soften appearance. Buffers provide privacy to the backyard of a homeowner who wishes to relax in their backyard, maybe some grilling, maybe a swimming pool, maybe just hanging out. Who is comfortable with the windows of an adjacent building looking down on them? Or balconies? How do you know if your every move is being watched?

Joyce (37919), November 14, 2024 at 4:30 PM

Please see the attached statement.

[View Attachment](#)

The Planning Commission met in regular session on April 10, 2025, at 1:30 p.m. in the Small Assembly Room of the City County Building.

Item No.

File No.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner	Present	Absent	Arrive late/left early
John Huber, Vice-Chair	✓		
Louis Browning	✓		
Rich Levenson	✓		
Tamara Boyer		✓	
Nancy Barger	✓		
Katie Overton	✓		
Marité Pérez	✓		
Matt Anderson	✓		
Logan Higgins	✓		
Miles Biggs	✓		
Kara Daley	✓		
Nick Gill	✓		
Amy Midis	✓		
Karyn Adams	✓		
Tim Hill, Chair	✓		

CONSENT ITEMS READ

1. MOTION (BARGER) AND SECOND (ADAMS) WERE MADE TO APPROVE THE CONSENT ITEMS AS READ.

MOTION CARRIED UNANIMOUSLY 14-0. APPROVED

5. R. BENTLEY MARLOW**8-E-23-OA**

Consideration of an amendment to the Knoxville City Code, Appendix B, Zoning Code, Article 12 Landscape.

1. STAFF RECOMMENDATION

Approve the proposed amendments to the City of Knoxville Zoning Code, Article 12.8 Landscape Buffer Yards because they provide accommodations that facilitate the development of small lots while maintaining the integrity of the purpose of the Landscape Article provided in Article 12.1.

APPROVED ON CONSENT EARLIER IN THE MEETING



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☐ Rezoning

R. Bentley Marlow

Applicant Name		Affiliation
22 June 2023	10 August 2023	File Number(s) 8-A-23-OA, 8-B-23-OA, 8-C-23-OA, 8-D-23-OA, 8-E-23-OA
Date Filed	Meeting Date (if applicable)	

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☒ Property Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

R. Bentley Marlow

Name	Company		
322 Douglas Avenue	Knoxville	Tenn.	37921
Address	City	State	ZIP
865-607-4357	rbentleymarlow@gmail.com		
Phone	Email		

CURRENT PROPERTY INFO

Marlow Properties, LLC	322 Douglas Avenue	865-607-4357
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

General Location	Tract Size
<input checked="" type="checkbox"/> City <input type="checkbox"/> County	
District	Zoning District
	Existing Land Use
Planning Sector	Sector Plan Land Use Classification
	Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

☐ Combine Parcels☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☐ Zoning Change

Proposed Zoning _____

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

☒ Other (specify) Ordinance Amendment (change zoning text) - Proposed changes attached.**STAFF USE ONLY****PLAT TYPE**
☒ Staff Review ☐ Planning Commission
ATTACHMENTS
☐ Property Owners / Option Holders ☐ Variance Request
ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (*Final Plat*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1		Total \$5,000.00
1203	\$5,000.00	
Fee 2		
Fee 3		

AUTHORIZATION☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent



Applicant Signature

R. Bentley Marlow

Please Print

26 June 2023

Date

865-607-4357

Phone Number

rbentleymarlow@gmail.com

Email



Property Owner Signature

R. Bentley Marlow / Marlow Properties, LLC

Please Print

SG,07/07/2023

Date Paid

THANK YOU for your submission!

Your notice has been submitted for publication. Below is a confirmation of your order. You will also receive an email confirmation.

ORDER DETAILS

Order Number:

LOKR0277651

Order Status:

Submitted

Classification:

Public Notices

Package:

General Package

Total payment:

173.96

Payment Type:

Account Billed

User ID:

L0013876

External User ID:

676064

ACCOUNT INFORMATION

Knoxville-Knox County Planning

400 W Main ST # 403 DALLAS DEARMOND

Knoxville, TN 37902-2427

865-215-3810

dallas.dearmond@knoxplanning.org

Knoxville-Knox County Planning

Contract ID: GOVT

TRANSACTION REPORT

Date

April 11, 2025 11:21:51 AM EDT

Amount:

173.96

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LOKR02776510

April 15, 2025

Knoxville News Sentinel

PREVIEW FOR AD NUMBER LOKR02776510

PUBLIC NOTICE

The following items will be considered by the Knoxville City Council on May 13, 2025, at 6:00 p.m. in the Main Assembly Room, City County Bldg., 400 Main St., Knoxville, TN. For information related to these items, visit [KnoxPlanning.org/agenda](https://knoxplanning.org/agenda). If you need assistance or accommodation for a disability, please contact the City ADA coordinator at (865) 215-2104.

ORDINANCE AMENDMENTS

8-E-23-OA – R. BENTLEY MARLOW – Consideration of an amendment to the Knoxville City Code, Appendix B, Zoning Code, Article 12 Landscape. Planning Commission Action: Approve requested Ordinance Amendments

REZONINGS/PLAN AMENDMENTS

4-F-25-RZ - GARRETT JERNIGAN- 1608, 1612, 1616 EIGHTH AVE. Proposed rezoning. Planning Commission Action: Approve I-MU (Industrial Mixed Use)

4-G-25-RZ - BRANDON BOLDING- 6907 CENTRAL AVENUE PIKE. Proposed rezoning. Planning Commission Action: Approve C-G-1 (General Commercial) and F (Floodplain Overlay)

4-L-25-RZ - NORTHCREEK RENOVATION AND CONSTRUCTION, LLC- 0, 6714 KECK RD. Property located southeast of Callahan Dr., northeast side of Keck Rd. Proposed rezoning. Planning Commission Action: Approve C-G-1 (General Commercial)

4-Q-25-RZ - KATHRYN GREER - 305 RANDOLPH ST; 600 E MAGNOLIA AVE; 611 E DEPOT AVE. Proposed rezoning. Planning Commission Action: Approve DK-W (Downtown Knoxville-Warehouse Subdistrict)

4-S-25-RZ - J SCOTT BUSBY, AIA- 1908 GRAND AVE. Proposed rezoning. Planning Commission Action: Approve I-MU (Industrial Mixed Use)

4-E-25-SP, 4-E-25-PA AND 4-T-25-RZ - MIKE BALLINGER- 4602 MILLERTOWN PIKE. Proposed Sector Plan and One Year Plan amendments, proposed rezoning. Planning Commission Action: Approve Sector Plan and One Year Plan Amendments to MDR (Medium Density Residential) and rezoning to RN-4 (General Residential Neighborhood)
April 15 2025
LOKR0277651

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