

CASE SUMMARY

APPLICATION TYPE: ORDINANCE AMENDMENT

KNOXVILLE · KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 12-D-10-OA **Related File Number:**
Application Filed: 11/18/2010 **Date of Revision:**
Applicant: METROPOLITAN PLANNING COMMISSION

PROPERTY INFORMATION

General Location:
Other Parcel Info.:
Tax ID Number: 999 999 **Jurisdiction:**
Size of Tract:
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: **Sector Plan Designation:**
Growth Policy Plan:
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason: Amendment to the City of Knoxville Zoning Ordinance, Article VII, Section 6, regarding the requirement of public notice to property owners in cases of general amendments to the zoning map

ZONING INFORMATION (where applicable)

Current Zoning:
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: Amendment to the City of Knoxville Zoning Ordinance, Article VII, Section 6, regarding the requirement of public notice to property owners in cases of general amendments to the zoning map

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): Approve the ordinance amendment to include mailing of postcards to property owners and not the posting of signs, with advisement that MPC will probably modify its administrative rules to require that the applicant pay for those mailings,

Staff Recomm. (Full):

Comments: MPC has been requested by the City Council to consider and make a recommendation on a proposed amendment to the City of Knoxville zoning ordinance at Article VII, Section 6, regarding a requirement to provide written notice by first class mail to property owners in a general amendment to the zoning map and the posting of signs on the property.

At the December meeting of MPC, the planning commission postponed making a recommendation and staff prepared amendments to the MPC administrative rules and procedures to reflect a change in MPC policy in the event of the adoption by City Council of the alternative recommendation to require the mailing of notice to all property owners within an area proposed for a general amendment to the zoning map but not the posting of the proposed rezoning area with signs.

The current City of Knoxville zoning ordinance, at Article VII, Section 6(B)(2), exempts general amendments to the zoning map and amendments to zoning text from the requirement of written notice to property owners 10 days prior to the scheduled public hearing at an MPC meeting.

City Council recently requested that MPC initiate a general amendment to the zoning map to change the zoning of all city parks and all park expansion areas. Many parcels that are considered city parks or are identified in the Knoxville/Knox County Park, Recreation and Greenways Plan as park expansion areas are not owned by the City of Knoxville. In this recent case, in conformity with the zoning ordinance, owners of parcels considered city parks or park expansion areas were not provided mailed written notice of the proposed rezoning nor were signs posted on each property.

As an outcome of its discussion about changing the zoning of all city parks, the proposed amendment was forwarded by City Council to MPC for its consideration and review.

ANALYSIS

General amendments to the zoning map often involve hundreds, sometimes thousands, of parcels of land. For example, the general rezoning of the Holston Hills/Chilhowee Hills area from R-1 to R-1EN (now EN-1) involved more than one thousand parcels and the change of district name from R-1EN to EN-2 affected nearly two thousand parcels. Current regulations exempting general amendments to the zoning map and amendments of zoning text from written notice to property owners have been in place for a long time, presumably to save government staff time and money. There currently is no requirement in the zoning ordinance to post a sign on a property proposed for a change in zoning.

MPC currently bears all the cost of public notice for amendments to the zoning map through newspaper ads, signs on the property and written notice to surrounding property owners for the public hearings at the MPC meeting as well as the public hearings required at City Council. Application fees are charged to individual property owners to recover these costs. But a general amendment to the zoning map is usually initiated by the legislative body, in this case City Council. City Council does not currently pay application fees nor bear any of the cost of public notice. In addition to the hard cost of signs and materials, the preparation of first class mail and signs is extremely labor intensive and the cost of labor dedicated to this task would be very significant. Labor devoted to these mailings and sign postings would not be available to complete other necessary tasks.

The requirement that MPC send written notice by first class mail to property owners in a general amendment to the zoning map would impose a financial burden on MPC that is significant and beyond

its control. The direct result could be a change of MPC administrative rules that requires the applicant to bear all the costs of public notice. In most cases of a general amendment to the zoning map, the applicant would be the City Council.

The proposed requirement to post signs on all individual property when not contiguous would be particularly onerous. Two examples:

1) The current request from City Council asking MPC to make a recommendation on a change of zoning for all city parks includes more than 100 noncontiguous parcels. To post each of these properties would require the acquisition of new signs, the formatting of each sign, the posting of signs on each property, and the tracking of all signs.

2) A future general amendment to the zoning map involves the recalculation of the F-1 (Floodway) district boundaries based on recent flood studies of all the waters in the City. This effort will involve thousands of parcels in many noncontiguous situations.

General amendments to the zoning map should be encouraged. They are often directed toward correcting errors, reflecting changes in policy or development trends, implementing new zoning concepts, or implementing the land use recommendations of the Knoxville-Knox County General Plan 2033. Requiring the MPC to shoulder the entire cost burden of these general amendments to the zoning map could have a dramatic impact on the MPC budget, and could serve as a deterrent to efforts which should be completed and would have a positive impact on the community.

From a technical perspective, the proposed ordinance amendment imposes greater requirements in the zoning ordinance than currently exist for applicant-initiated amendments to the zoning map. Currently there are no requirements for written notice, unless the proposal includes property owners who were not a part of the application, or the posting of signs, nor is there such a requirement in Tennessee Code. Rules requiring mailed notice and posting of signs for zoning requests by property owners are in the MPC Administrative Rules and Procedures.

Staff understands that public information is an important and necessary portion of the zoning process. General amendments to the zoning map, when initiated by City Council, will have no fewer than four public hearings (three at City Council and one at MPC) before an ordinance to change the zoning map is effective. This process alone will generate public interest and media coverage, particularly if the proposed change of zoning is controversial in any way. Such a public process, coupled with the published public notice and internet presence of the MPC and City Council should provide adequate notice to property owners.

Action: Approved as Modified **Meeting Date:** 1/13/2011

Details of Action:

Summary of Action: Approve the ordinance amendment to include mailing of postcards to property owners and not the posting of signs, with advisement that MPC will probably modify its administrative rules to require that the applicant pay for those mailings,

Date of Approval: 1/13/2011 **Date of Denial:** **Postponements:** 12/9/2010

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 2/8/2011 **Date of Legislative Action, Second Reading:** 2/22/2011

Ordinance Number: O-14-2011 **Other Ordinance Number References:** O-14-2011

Disposition of Case: Approved **Disposition of Case, Second Reading:** Approved

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**