CASE SUMMARY

KNOXVILLE·KNOX COUNTY

PLANNING COMMISSION

N N E S S E

APPLICATION TYPE: ORDINANCE AMENDMENT

Related File Number:

Suite 403 • City County Building **Application Filed:** 1/20/2005 Date of Revision: 400 Main Street Knoxville, Tennessee 37902 Applicant: CITY OF KNOXVILLE LAW DEPARTMENT 8 6 5 • 2 1 5 • 2 5 0 0 F A X • 2 1 5 • 2 0 6 8 Owner: $w\ w\ w\ \bullet\ k\ n\ o\ x\ m\ p\ c\ \bullet\ o\ r\ g$ 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:** Amendment to the City of Knoxville Zoning Ordinance, Article IV, Sections 14, to prohibit application for Reason: and issuance of a demolition permit for structures and buildings located within a proposed H-1 Historic Overlay District for a period not to exceed 180 days after the rezoning and designation application process has been initiated, excluding appeals. ZONING INFORMATION (where applicable) **Current Zoning:** Former Zoning: Requested Zoning: **Previous Requests:**

PLAN INFORMATION (where applicable)

Current Plan Category:

Extension of Zone: History of Zoning:

File Number:

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Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

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 IV, Sections 14, to prohibit application for

and issuance of a demolition permit for structures and buildings located within a proposed H-1 Historic Overlay District for a period not to exceed 180 days after the rezoning and designation application

process has been initiated, excluding appeals.

MPC ACTION AND DISPOSITION

Planner In Charge: Ann Bennett

Staff Recomm. (Abbr.): APPROVE amendment to the City of Knoxville Zoning Ordinance, Article IV, Sections 14

Staff Recomm. (Full): On November 22, 2004, the Tennessee Supreme Court ruled in the case of Cherokee Country Club,

Inc. vs. City of Knoxville that the city ordinance establishing a demolition moratorium for properties under consideration for H-1 Historic Overlay or NC-1 Neighborhood Conservation Overlay was improperly enacted, because it should have been incorporated as part of the City of Knoxville's Zoning Ordinance, and that, MPC should also have approved it as part of the City's Building Code. The proposed amendments to the Knoxville Zoning Ordinance will answer the recent Tennessee Supreme Court decision regarding Cherokee Country Club, and will allow a demolition moratorium to prevent the demolition of a property being considered for designation; MPC is also asked to review and recommend

approval of the demolition moratorium modifications to the Knoxville City Code.

Comments: In the interval between official notice to owners that their properties are being considered for an historic

or neighborhood conservation overlay, owners often consider demolishing their historic structures in order to avoid restrictions on demolition that accompany an overlay designation. The effect of these ordinances is to prevent the demolition of historic properties between the filing of an application for

overlay zoning and the enactment or rejection of that overlay.

MPC Action: Approved MPC Meeting Date: 2/10/2005

Details of MPC action:

Summary of MPC action: APPROVE amendment

Date of MPC Approval: 2/10/2005 Date of Denial: Postponements:

Date of Withdrawal: Withdrawn prior to publication?:

Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 3/15/2005 Date of Legislative Action, Second Reading: 3/29/2005

Ordinance Number: Other Ordinance Number References: O-77-05

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

If "Other":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance:

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