

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 4-A-13-OA **Related File Number:**
Application Filed: 3/20/2013 **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: Ordinance amendment regarding funeral establishments, crematories, cemeteries and associated facilities.

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.: Ordinance amendment regarding funeral establishments, crematories, cemeteries and associated facilities.

MPC ACTION AND DISPOSITION

Planner In Charge:

Mark Donaldson

Staff Recomm. (Abbr.):

approval of the proposed amendments as shown in Exhibits B and E

Staff Recomm. (Full):

Staff recommends that the Planning Commission recommend to City Council approval of the proposed amendments to the zoning ordinance as shown in Exhibits B and E. The highlighted text represents changes from previous recommendations.

Comments:

In the fall of 2011, a funeral establishment in Fountain City obtained a license from the State of Tennessee, approval by the Knox County Health Department, and a building permit from the City of Knoxville and began construction of a crematory within its Fountain City facility.

At its December 13, 2011 meeting, City Council asked MPC to study this issue and make recommendations on amendments to the zoning ordinance, with discussion by Council members related to crematories as an accessory use, a use-on-review, or a permitted use with respect to the zoning ordinance.

At its January 19, 2012 meeting, the City's Board of Zoning Appeals (BZA) considered an appeal by residents of the Fountain City area of the decision by the City's building official to issue a permit for this construction. The BZA denied the appeal, thereby upholding the decision of the Building Official to issue a building permit for the crematory.

At its February 21, 2012 meeting, City Council considered an appeal of the BZA decision. City Council, in a 4 - 5 vote, failed to approve a motion to approve the appeal, thereby letting stand the decision by the Building Official.

At its March 8, 2012 meeting, MPC postponed consideration to its May 10, 2012 meeting and requested that staff invite local funeral directors to an additional public meeting. Staff conducted a meeting on Thursday, May 3, 2012 at the Cansler YMCA building and described the proposed amendments to those in attendance.

At its May 10, 2012 meeting, MPC recommended to City Council that new facilities for cremation be considered as accessory uses permitted on review in funeral establishments, including those establishments currently operating, and that crematories be allowed as a use permitted on review in the I-4 (Heavy Industrial) zone district.

At an August 30, 2012 City Council workshop, there was consensus among council members on the following direction:

- * Existing funeral establishments may install crematory facilities without further regulation.
 - * Funeral establishments should not be allowed in residential zone districts.
 - * Funeral establishments and crematories could be considered in industrial zone districts.
 - * There should be a separation distance of 500 feet from the smokestack of a facility for cremation and the nearest property line of an established residential property, park, school or day care facility, unless there is evidence on record that demonstrates that a smaller separation distance is safe.
 - * There shall be no more than a single facility for cremation (a cremator having two chambers, a primary chamber in which the cremation takes place and a secondary chamber to control air emissions) allowed in a funeral establishment.
 - * There shall be no more than 33% of the floor area of a funeral establishment devoted to a single facility for cremation.
 - * Facilities for cremation should be allowed as a use-on-review in cemeteries.
 - * Crematories should be allowed as a use-on-review only in the I-4 (Heavy Industrial) zone district.
 - * Funeral establishments should be limited to the C-3, C-4 and C-6 zone district as a use-on-review.
- Funeral establishments should no longer be allowed in the O-1 zone district.

At its October 11, 2012 meeting, MPC considered amendments consistent with the results of the August City Council workshop and forwarded a recommendation to City Council.

Following a February 29, 2013 workshop, City Council requested at its March 5, 2013 meeting that MPC review several minor changes to Exhibits B and E of the amendments and make a recommendation.

ANALYSIS

These amendments are minor and are best characterized as wordsmithing. They make no significant change to the previously recommended amendments.

Action: Approved **Meeting Date:** 4/11/2013

Details of Action:

Summary of Action: approve of the proposed amendments as shown in Exhibits B and E.

Date of Approval: 4/11/2013 **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: 5/14/2013 **Date of Legislative Action, Second Reading:** 5/28/2013

Ordinance Number: O-83-2013 **Other Ordinance Number References:** O-18-2013

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

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

Amendments: **Amendments:**

Started in Jan 2012 as 1-A-12-OA referred back to MPC 3/2013

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