

# 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  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

**File Number:** 4-C-15-OA  
**Application Filed:** 3/19/2015  
**Applicant:** KNOXVILLE CITY COUNCIL

**Related File Number:**  
**Date of Revision:**

## 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:** Consider recommending adoption of an ordinance of the Council of the City of Knoxville to amend the City of Knoxville Code of Ordinances, known and cited as the "Zoning Ordinance of the City of Knoxville, Tennessee," amending Article III, "Definitions," Article IV, Section 5.1, "H-1 historic overlay district," Article IV, Section 5.2, "NC-1 neighborhood conservation overlay district," and Article V, "Supplementary regulations applying to a specific, to several, or to all districts," related to TN Code Ann. § 7-51-1201.

## 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.:** Consider recommending adoption of an ordinance of the Council of the City of Knoxville to amend the City of Knoxville Code of Ordinances, known and cited as the "Zoning Ordinance of the City of Knoxville, Tennessee," amending Article III, "Definitions," Article IV, Section 5.1, "H-1 historic overlay district," Article IV, Section 5.2, "NC-1 neighborhood conservation overlay district," and Article V, "Supplementary regulations applying to a specific, to several, or to all districts," related to TN Code Ann. § 7-51-1201.

**MPC ACTION AND DISPOSITION**

**Planner In Charge:** Dave Hill

**Staff Recomm. (Abbr.):** Staff recommends approval of the proposed amendments.

**Staff Recomm. (Full):** Staff recommends approval of the proposed amendments.

**Comments:** BACKGROUND  
On September 2, 2014, the Knoxville City Council approved Resolution R-303-2014 titled "A Resolution of the Council of the City of Knoxville respectfully requesting the Metropolitan Planning Commission to consider and make a recommendation to the City Council on amendments to the Zoning Code and Building Code regarding review of the demolition of residential structures built before 1865 and a demolition delay."

The stated purposes of the proposed amendments to the Zoning Code and Building Code are (1) to encourage owners to seek alternatives to demolition of historic structures (i.e., preservation, rehabilitation, restoration), and (2) to establish a demolition delay period to provide an opportunity for the negotiation of a preservation solution.

MPC staff conducted research and prepared a report as requested by City Council, which was completed on January 22, 2015, and discussed at a City Council Workshop on February 12, 2015. The research looked at other cities' ordinances, with Nashville, Tennessee being the most comparable, reviewed state law requirements related to demolition review procedures for residential structures originally constructed before 1865 (Tenn. Code Ann. § 7-51-1201), suggested an appropriate administrative process to implement the proposed amendments, and provided a series of lists containing historic structures that could potentially be affected by the demolition delay.

During the Council workshop and subsequent discussions, a concern was expressed that, due to the age of the most recent historic inventory (2006), several historic structures might not be protected by the demolition delay requirements. The proposed amendments have been changed to allow the MPC Historic Preservation Planner to delay demolition of "structures of local historic significance" in addition to those either National Register listed or eligible. An updated inventory, if conducted, will provide further recommendations and justification for local designations. The MPC Historic Preservation Planner will make determinations of local historic significance for individual structures only (and not make any district designations), and will use the National Register Criteria for Evaluation, provided below, to make such decisions. Some criteria will not be applicable since they do not address structures (i.e. – cemeteries).

U.S. Department of the Interior, National Park Service  
II. NATIONAL REGISTER CRITERIA FOR EVALUATION

Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

- B. That are associated with the lives of significant persons in or past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.

**Criteria Considerations**

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
- d. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

[Source: [http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15\\_2.htm](http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm)]

Furthermore, the MPC Historic Preservation Planner will also use the 60-page National Register Bulletin, "How to Apply the National Register Criteria for Evaluation," 1997 Edition, for more specific guidance when making determinations of local historic significance. This publication is not included as an attachment, but may be found online at <http://www.nps.gov/NR/PUBLICATIONS/bulletins/pdfs/nrb15.pdf>.

**PROPOSED CODE AMENDMENTS**

A summary of the specific amendments proposed include:

- A 60-day demolition delay for historic properties;
- Creation of a defined "Historic Structures Inventory" list that identifies known structures potentially affected by the demolition delay requirements;
- Acknowledgement of Tenn. Code Ann. § 7-51-1201, which prescribes procedural requirements for review of pre-1865 residential structures; and
- Corrections needed regarding Historic Zoning Commission appeals.

**ANALYSIS**

The primary purpose of the proposed amendments is to enact a 60-day demolition delay for historically significant structures that would not otherwise be reviewed by the City Historic Zoning Commission. The flowchart below illustrates the process – proposed changes are outlined in the dashed box.

**Action:** Approved **Meeting Date:** 4/9/2015

**Details of Action:**

**Summary of Action:** Approved the proposed amendments.

**Date of Approval:** 4/9/2015 **Date of Denial:** **Postponements:**

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

**LEGISLATIVE ACTION AND DISPOSITION**

<b>Legislative Body:</b>	Knoxville City Council		
<b>Date of Legislative Action:</b>	5/12/2015	<b>Date of Legislative Action, Second Reading:</b>	5/26/2015
<b>Ordinance Number:</b>	O-76-2015	<b>Other Ordinance Number References:</b>	O-76-2015
<b>Disposition of Case:</b>	Approved	<b>Disposition of Case, Second Reading:</b>	Approved

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**