

# 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:** 8-C-12-OA                      **Related File Number:**  
**Application Filed:** 7/3/2012              **Date of Revision:**  
**Applicant:** KNOX COUNTY 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:** Amendments to the Knox County Zoning Ordinance, Article 5, Section 5.80, HZ Historic Overlay Zone, to conform to State law regarding the composition of and appointment of members to the Knox County Historic Zoning Commission

## 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.: Amendments to the Knox County Zoning Ordinance, Article 5, Section 5.80, HZ Historic Overlay Zone, to conform to State law regarding the composition of and appointment of members to the Knox County Historic Zoning Commission

***MPC ACTION AND DISPOSITION***

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): Recommend approval of the proposed amendments to Knox County Zoning Ordinance Article 5, Historical Overlay Zone (HZ), Section 5.80.06, in order to bring the ordinance into conformance with state enabling legislation

Staff Recomm. (Full):

Comments:

**REQUEST**

The request is initiated by the Knox County Commission via resolution R-12-6-802 in order to bring Knox County zoning ordinance Article 5, Historic overlay zone (HZ) into conformance with state enabling legislation regarding the composition and appointment of members to the Knox County Historic Zoning Commission.

**BACKGROUND**

The state legislation regarding the composition of the Historic Zoning Commission (HZA) membership requires inclusion of a person who is a member of the local planning commission at the time of such person's appointment. This requirement is in addition to the existing and currently implemented HZA membership requirements in the ordinance for a representative of a local historical organization and an architect, if available, with the remainder of members appointed from the community at large.

Section 3.03.H of the ordinance, Part I "Charter", states that the Mayor's duties include the authority to "appoint members of all boards, authorities and commissions not delegated by this Charter to appointment by the Commission."

The appointment of HZA members is not delegated to the Commission in this Section.

**ANALYSIS**

The appointment of a Metropolitan Planning Commission member to the HZA helps to assure that historic preservation interests and concerns are represented by and integrated into the overall planning process. With representation by a common member, recommendations from the two commissions impacting historic preservation concerns can be better coordinated.

Additionally, Tennessee courts have consistently ruled that county ordinances that are in conflict with state law, regardless of whether the county is governed by a home rule charter, are universally held to be invalid.

Action: Approved

Meeting Date: 8/9/2012

Details of Action:

Summary of Action: Recommend approval of the proposed amendments

Date of Approval: 8/9/2012

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?:  Action Appealed?:

***LEGISLATIVE ACTION AND DISPOSITION***

Legislative Body: Knox County Commission

Date of Legislative Action: 9/24/2012

Date of Legislative Action, Second Reading: 10/22/2012

**Ordinance Number:** O-12-9-103

**Disposition of Case:** Approved

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Other Ordinance Number References:** O-12-9-103

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

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**