



MEMORANDUM

Agenda Item # 5

TO: Metropolitan Planning Commission
FROM: Buz Johnson, Deputy Director
DATE: May 4, 2010
SUBJECT: Amendments to the Knox County Zoning Ordinance (Article 6, Section 6.60) regarding the composition and term of office for members of the Knox County BZA (3-A-10-OA)

STAFF RECOMMENDATION:

RECOMMEND APPROVAL of the amendments, with a revision proposing a two-year term limit.

BACKGROUND:

At their March 11, 2010, meeting, the Metropolitan Planning Commission approved a recommendation to amend the Knox County Zoning Ordinance to clarify the composition of members to the Knox County Board of Zoning Appeals and to stipulate a new term of office. The substance of those changes is summarized below:

- Requires that each of the Board's nine members represent one of the nine geographic County Commission districts in which they reside. No district shall include more than one member.
- Stipulates that the term of office shall be four years. Two new members would be selected each year, except that in the fourth year, three new members would be selected.
- Includes a provision that no BZA member may hold appointed or elected public office in Knox County.
- Allows for the removal of any member for cause upon written charges and after a public hearing.

After some discussion at their April 26, 2010, monthly meeting, the County Commission referred the amendments back to MPC for consideration of a two-year term as an alternative term of office.

ANALYSIS:

The MPC staff conducted a brief analysis of four different approaches for determining district representation, as well as length of terms, and these are summarized in the table below. The staff also noted that the dates when terms begin and end should also be analyzed to avoid the possibility of the board being able to establish a quorum to conduct business. This is explained in further detail below.

SUMMARY OF OPTIONAL BZA SELECTION METHODS

TERMS	SELECTION DATE	TERM BEGINS	TERM ENDS	MEMBER(S) SELECTED
Nine-year	September County Commission meeting	September County Commission meeting	September 1 st of the following year	One new district member each year (1 thru 9).
Four-year	September County Commission Meeting	October 1 st	September 30 th	Two new district members each year, except during the fourth year (1 & 2; 3 & 4; 5 & 6; 7, 8 & 9).
Three-year	September County Commission Meeting	October 1 st	September 30 th	Three new district members (1,2 & 3; 4,5, & 6; 7,8, & 9) each year.
Two-year	September County Commission meeting	October 1 st	September 30 th	Five new district members (1,3,5,7 & 9) one year, then four new district members (2,4,6 & 8) the next.

Based primarily on the length of terms, the options that support the current one-year system, or propose a three-year term, are rather unconventional, in that the terms involve an odd number of years. The more typical approach would be to select an even number of years, as proposed by the four-year and two-year term options. Either of these approaches would work.

The date of selection, and when a term ends and begins, also need to be considered, since the ability to establish a quorum to conduct BZA business at

their September meeting might be affected. Currently, a member's term ends on the first day of September, but a replacement is not selected until the September meeting of the County Commission. The 2010 BZA meeting schedule indicates that the September BZA meeting would occur before the September County Commission meeting, at which time new members would be selected. If the two-year term is adopted, there would be a gap of several days where there could be as many as five vacant seats on the nine-member board. To avoid this possibility, changing the term ending date to September 30th would be appropriate, while the new term would begin on October 1st. The new term designation would also ensure that all districts under both the two-year and four-year term proposals would always be represented on the BZA board.

PROPOSAL:

The staff recommends the two-year term, as described in the amended ordinance language below:

New language is **bold**.
Old language is ~~struck through~~.

Existing Language

6.60 BOARD OF ZONING APPEALS

6.60.01

The establishment of a Board of Zoning Appeals to be known as the Knox County Board of Zoning Appeals and hereafter referred to by the word, "Board," is hereby authorized. Such Board shall consist of nine (9) members appointed by the County Commission. The members of the Board of Zoning Appeals shall occupy seats hereinafter denominated as 1 – 9. The term of seat 1 shall expire on September 1, 1993, and shall be refilled by act of the Knox County Commission during its regular September meeting. Each successive September 1st, the term of the next numbered seat shall expire and be filled by the Knox County Commission.

Proposed Change

6.60 BOARD OF ZONING APPEALS

6.60.01

The establishment of a Board of Zoning Appeals to be known as the Knox County Board of Zoning Appeals and hereafter referred to by the word, "Board," is hereby authorized. Such Board shall

consist of nine (9) members appointed by the County Commission. The members of the Board of Zoning Appeals shall occupy seats hereinafter denominated as 1 – 9, **with each member residing in one of the nine (9) Knox County Commission districts that they represent, such that no district will have more than one Board member.** ~~The term of seat 1 shall expire on September 1, 1993, and shall be refilled by act of the Knox County Commission during its regular September meeting. Each successive September 1st, the term of the next numbered seat shall expire and be filled by the Knox County Commission.~~ **The term of office shall be for two (2) years. The terms of those members representing the 1st, 3rd, 5th, 7th and 9th districts shall expire on September 30th, 2010, and shall be refilled by act of the Knox County Commission during its regular September meeting. Thereafter, the terms of the members representing the 2nd, 4th, 6th, and 8th districts shall expire on the following September 30th and shall be refilled by the Knox County Commission during the regular September meeting. All new terms of office shall begin on October 1st. Members of the Board serving as of the effective date of this ordinance shall continue to serve until their terms are affected by these requirements. Members of the Board of Zoning Appeals shall hold no other appointed or elected public office in Knox County. The Knox County Commission may remove any member for cause upon written charges and after a public hearing.**

The revised amendment does the following:

- Retains the requirement that each of the Board's nine members represent one of the nine geographic County Commission districts in which they reside.
- Stipulates that the term of office shall be two years. Members would be selected, based on the following rotation: Members representing the 1st, 3rd, 5th, 7th, and 9th districts, would be selected one year, while members representing the 2nd, 4th, 6th, and 8th districts would be selected the next.
- Changes the term ending date to September 30th and the term beginning date to October 1st.
- Retains the provisions stipulating that no BZA member may hold another appointed or elected public office in Knox County and the provisions for removing members from the board under certain conditions.

Please let me know if you have any questions.