



AGENDA ITEM#: 35

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: March 10, 2011

SUBJECT: Amendments to the Administrative Rules of the MPC to reflect a recent change in the requirement for notice to property owners within an area identified for a general amendment of the zoning map of the City of Knoxville.

REQUEST

City Council recently amended the City of Knoxville Zoning Ordinance to require the notification of all property owners of a proposed general amendment to its zoning map. Previously, general amendments to the zoning map were exempt from individual notice of proposed changes. To accommodate this change in the zoning ordinance, MPC administrative rules must be amended as well.

BACKGROUND

City council originally proposed written notice by first class mail to all property owners and the posting of signs on all property within an area proposed for a general amendment of the zoning map. After receiving a recommendation from the planning commission, the amendment to the ordinance was changed to require only a notice to all property owners within the proposed area of map amendment.

The proposed amendments to the MPC administrative rules reflect the zoning ordinance amendments and allow the MPC to recover the costs of mailing from the initiator of the proposal in the event of a significantly large general map amendment.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to the MPC administrative rules as shown in Exhibit A

ATTACHMENTS

- Exhibit A – proposed amendments to Article II (Notices) of the MPC Administrative Rules and Procedures

MP
ADMINISTRATIVE RULES AND PROCEDURES

ARTICLE II – NOTICES

SECTION 1 – PUBLIC NOTICE

The Planning Commission shall give public notice of the date, time and location of all public hearings, by publication in a daily newspaper of general circulation in Knox County, Tennessee, not less than twelve (12) days prior to the scheduled hearing date, and adoption or amendments to the General Plan and its sub elements, such as the sector plans and the Knoxville One Year Plan, will require thirty (30) days of public notice. Calculation of the notice period shall commence on the first date of publication, but shall not include the hearing date. For each proposal or application to be considered by the Planning Commission at the public hearing, the notice shall provide:

- A. The name of the applicant.
- B. The nature of the proposal or application.
- C. A general description of the location of the property that is the subject of the proposal or application.

SECTION 2 – NOTICE PUBLICATION CRITERION

All notices published pursuant to Section 1 of this Article shall meet the following criterion:

- A. **Location in paper** - The notice shall be placed in the Classified Ads section of the newspaper in the "Legal/Public Notices" classification.
- B. **Caption** - The caption shall be all capital letters in no less than two-line type and shall contain the words "PUBLIC NOTICE" and a description of the type of matter being heard.
- C. **Body Copy** - The body copy shall be no less than the standard one-line type used generally throughout the "Want Ads" section.

SECTION 3 – PUBLICATION COSTS

The cost of publishing notices provided under this Article shall be borne by the Planning Commission; **except that the Planning Commission shall not be responsible for the cost of publishing notices related to general amendments to the Zoning Map of the City of Knoxville or Knox County initiated by the administration or legislative bodies of Knoxville and Knox County.**

SECTION 4 – PUBLIC NOTICE SIGNS

For each proposal or application to be considered by the Planning Commission, notice shall be given by conspicuously posting a sign on the property that is the subject of the proposal or application, not less than twelve (12) days prior to the scheduled hearing date. Calculation of the time for notification shall be the same as is provided in Article II, Section 1, hereof. The sign shall state:

- A. The nature of the proposal or application; and
- B. The date, time and location of the public hearing.

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Provided, notice signs shall not be posted for Subdivision Final Plat Applications, Plans, Plan Amendments (except for One-Year Plan Amendments), General Amendments to the Zoning Map, Zoning Map Amendments pertaining solely to public rights-of-way, or Amendments to the text of the Zoning Ordinances.

The failure of the Planning Commission to post notice signs as provided in this Section shall not preclude the Planning Commission from acting on any application or proposal properly before it.

The MPC may require the applicant to post the signs required in this section.

SECTION 5 – NOTIFICATION BY MAIL

A. The MPC shall send written notice of the application and MPC hearing date to all property owners whose property is within 200 feet of the property which is the subject of an application for a rezoning, use on review, or one year plan amendment except as noted in Section 5B. Such notice shall be to the last known address of the property owner as listed on the tax rolls. Notices shall be mailed at least 12 days before the date of the first advertised hearing, using the method of counting days described in Section 1 of this Article. This notice shall also be required when an application of the type listed above is removed from the table unless the matter is being untabled for withdrawal only. ~~Written notice shall not be required for general amendments to the zoning map, changes to the zoning ordinance text, annexation-related rezonings initiated by the City of Knoxville, or subdivision plats.~~

B. Written notice for general amendments to the zoning map shall be provided to all property owners whose property is within the proposed general amendment to the zoning map, the cost of which shall be born by the initiator of the request.

C. ~~Written notice shall not be required for general amendments to the zoning map, changes to the zoning ordinance text, annexation-related rezonings initiated by the City of Knoxville, or subdivision plats.~~

D. For applications for use on review approval for commercial telecommunications towers, methadone clinics or facilities, landfills, mining or mineral extraction, any commercial or industrial rezoning of more than 20 acres, and any use on review in the I or I-4 heavy industrial zoning districts, the notice described above shall be distributed to property owners within 500 feet of the parcel property that is the subject of the application.