



Agenda Item # 6

TO: Metropolitan Planning Commission
FROM: Mark Donaldson, Executive Director
DATE: August 9, 2012

SUBJECT: Amendments to Knoxville Zoning Ordinance Article IV, Section 4.5.1 H-1 *Historic Overlay District* to conform with Tennessee Code Annotated [§ 13-7-403 (2012) Title 13, Public Planning And Housing, Chapter 7 Zoning, Part 4 Historic Zoning] regarding the membership composition of the Knoxville Historic Zoning Commission – 8-B-12-OA

REQUEST

The request is initiated by the Metropolitan Planning Commission in order to bring Knoxville Zoning Ordinance Article IV, Section 4.5.1 - H-1 *Historic Overlay District* into conformance with state enabling legislation regarding the membership composition of the Knoxville Historic Zoning Commission (HZC).

BACKGROUND

The state legislation regarding the composition of HZC 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 HZC 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.

ANALYSIS

The appointment of a Metropolitan Planning Commission member to the HZC 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.

Conformance with State enabling legislation on regulations for historic overlay zones also improves the City's ranking in the Certified Local Government program. This certification program is administered by the State Historic Preservation Office and compliance with state standards improves the City's

chances of being awarded federally funded preservation grants for historic property surveys and designations.

Additionally, Tennessee courts have consistently ruled that ordinances that are in conflict with State law are universally held to be invalid.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Knoxville Zoning Ordinance Article IV, Section 4.5.1 - H-1 *Historic Overlay District* in order to bring the ordinance into conformance with state enabling legislation.

AMENDMENT TO THE CITY OF KNOXVILLE CODE OF ORDINANCES

New language is bolded.

Article IV

Section 4.5.1 – H-1 HISTORIC OVERLAY DISTRICT

Historic zoning commission, creation, appointment of members, term of office, jurisdiction and powers. For the purpose of enforcing the H-1 historic overlay district requirements and making a recommendation on the designation of landmark and historic signs, a historic zoning commission is hereby established. Said commission shall consist of nine (9) persons of which one (1) shall be a representative of a local patriotic or historic organization, one (1) shall be an architect, if available; **a person who is a member of the local planning commission at the time of such person's appointment**; and the remainder shall be from the community in general. Historic zoning commission members shall be appointed by the mayor of the City of Knoxville, subject to confirmation by the city council for the City of Knoxville. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but no more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with the provisions of this part.