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## 16.12 ZONING APPEALS

### A. Preliminary Appeals of Administrative Decisions

#### 1. Purpose

This appeals process is intended to provide appropriate checks and balances both on the administrative zoning authority of the Zoning Administrator or Director of Plans Review and Building Inspections and on the administrative planning authority of the Knoxville-Knox County Planning staff.

#### 2. Initiation

Any person or entity may appeal a decision made by the Zoning Administrator, Director of Plans Review and Building Inspections, or Knoxville-Knox County Planning staff, regarding a site plan review, zoning interpretation, temporary use permit, or any other administrative zoning decision related to this Code.

#### 3. Authorization

- a. The Board of Zoning Appeals will take formal action on appeals of the decisions made by the Zoning Administrator or Director of Plans Review and Inspections.
- b. The Knoxville-Knox County Planning Commission will take formal action on all other decisions made by the Knoxville-Knox County Planning staff.

#### 4. Procedure

- a. All applications to appeal a decision by the Zoning Administrator or Director of Plans Review and Building Inspections must be filed with the Zoning Administrator.
  - i. The Zoning Administrator will schedule the completed application for consideration by the Board of Zoning Appeals and shall post a sign no less than 12 days prior to the public hearing/ meeting date. Calculation of the notice period commences on the first date of posting, but does not include the hearing date.
  - ii. The Board of Zoning Appeals will consider the appeal at a public hearing.
  - iii. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing.
  - iv. Following the close of the public hearing, the Board of Zoning Appeals may affirm, modify, impose restrictions, or overrule the initial decision.
- b. All applications to appeal a decision by the Knoxville-Knox County Planning staff must be filed with the Knoxville-Knox County Planning Commission.
  - i. The Knoxville-Knox County Planning staff will schedule the completed application for consideration by the Knoxville-Knox County Planning Commission.
  - ii. The Knoxville-Knox County Planning Commission will consider the appeal at a public hearing.
  - iii. The Knoxville-Knox County Planning Commission must evaluate the application based upon the evidence presented at the public hearing.
  - iv. Following the close of the public hearing, the Knoxville-Knox County Planning Commission may affirm, modify, impose restrictions, or overrule the initial decision.

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## **5. Limitations on Zoning Appeals**

**A zoning decision of the Zoning Administrator, Director of Plans Review and Building Inspections, or Knoxville-Knox County Planning staff may only be appealed if an appeal application is filed within thirty (30) days of the date of denial or the date when the permit is issued pursuant to an approval. Daily notice of permits issued within the previous thirty (30) days shall be made available to the public on the City's website.**

### **B. Final Appeals from Administrative Body Decisions to City Council**

#### **1. Purpose**

The final appeals process is intended to provide appropriate checks and balances on the authority of the Knoxville-Knox County Planning Commission or Board of Zoning Appeals.

#### **2. Initiation**

Any person aggrieved by any land use-related decision of the Knoxville-Knox County Planning Commission or the Board of Zoning Appeals may appeal to the City Council.

#### **3. Authorization**

The City Council will take formal action on appeals of Knoxville-Knox County Planning Commission or Board of Zoning Appeals decisions.

#### **4. Procedure**

The petition must be filed with the Knoxville-Knox County Planning Commission no more than 15 days from the date of the Commission's decision to be considered, and must be scheduled for public hearing before City Council at the earliest date possible consistent with these regulations. The same applies to petitions regarding a decision from the Board of Zoning Appeals, except that these petitions must be filed with the Director of Plans Review and Building Inspections.

- a. The petition must be in writing. All such petitions must be submitted on forms available in the Knoxville-Knox County Planning Commission office or the Director of Plans Review and Building Inspections. Each petition must clearly describe the petitioner's grounds for the appeal.
- b. The Knoxville-Knox County Planning Commission will mail a copy of such petition by certified mail, return receipt requested, to any opposing party who registered as such at the time the matter was heard by the Knoxville-Knox County Planning Commission. If the petition is in regard to a decision from the Board of Zoning Appeals, the Director of Plans Review and Building Inspections will follow the same procedure.
- c. The City Council will consider de novo in public hearing and may affirm, modify, impose restrictions, or overrule the action of the Knoxville-Knox County Planning Commission or Board of Zoning Appeals.
- d. Prior to holding such public hearing, at least 15-day notice of time and place of said hearing must be published once in a daily newspaper of general circulation in the City of Knoxville and Knox County. The notice must meet the following requirements:
  - i. It must be placed in the "Want Ads" section of the newspaper before the "Legal Notices" classification or similar section.
  - ii. The caption must be all capital letters no smaller than two-line type and contain the words "PUBLIC NOTICE—APPEAL OF (action to be appealed)."

#### **5. Limitations on Appeals**

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A decision of Knoxville-Knox County Planning Commission or the Board of Zoning Appeals may only be appealed if an application is filed within 15 days of the date the decision is made.

**6. Issuance of Building Permit**

No building permit will be issued until 16 days after action by the Knoxville-Knox County Planning Commission or Board of Zoning Appeals. If the action of the Knoxville-Knox County Planning Commission or Board of Zoning Appeals is appealed to City Council, no building permit will be issued until City Council has acted on the appeal.

[Images skipped and unaltered]

(Ord. No. O-21-2023, § 1, 1-24-23)