

Knoxville Historic Zoning Commission

Administrative Rules

Revised and adopted January 17, 2008

Article 1: Purpose

The purpose of these Administrative Rules is to establish procedures for conducting business by the Knoxville Historic Zoning Commission (the "Commission") in processing of applications for designation, for Certificates of Appropriateness, and for other matters that may come before them.

Article 2: Members, Officers and Duties

The Commission consists of nine members appointed by the Mayor of Knoxville and the Knoxville City Council, as set forth in the ordinance.

Section 1: Officers

A Chair and Vice-Chair shall be elected by the Commission from among its members. Each term of office shall consist of one year, with elections to be held annually at the regular December monthly meeting; no office holder shall be eligible to serve more than two successive one year terms. Terms of office shall begin in January. The holder of the Vice-Chair position shall be considered the logical successor to the Chair's position, if the term of appointment will allow succession. The Commission member elected Vice Chair must have served on the Commission for at least half a year prior to consideration for that office.

Should vacancies occur in any term of office, they shall be filled by the Commission members.

Section 2: Attendance at meetings.

Any Commission member who fails to attend any three (3) consecutive Commission meetings or any four (4) meetings in any 12-month period without a written excuse filed with the Chairman may be replaced by the City of Knoxville, following the process set forth in the governing ordinance.

Section 3: Applications Involving Members; Conflicts of Interest

No Commission member shall take part in the hearing, consideration, or determination of any application in which he/she is a party or has a financial interest.

Article 3: Meetings

Section 1: Open Meetings

All meetings of the Commission convened in order to make a decision or to deliberate toward a decision on any matter shall be an “open meeting” in accordance with the requirements set forth in TENN CODE ANN 8-44-101 et seq. All proposals or applications submitted to Commission shall be considered in a public hearing that invites and entertains public comment.

Section 2: Schedule of Meetings

The regular meetings of the Commission shall be held on the third Thursday of each month at 8:30 a.m., and shall be held in the Small Assembly Room of the City County Building, 403 Main Street, Knoxville, Tennessee.

Called meetings of the Commission shall be held as necessary, provided adequate notice of the meeting and the matters to be discussed are given as noted below.

Section 3: Joint Meetings

The Commission and Knox County Historic Zoning Commission, although they are each appointed separately by their respective governments, shall meet jointly in order to integrate historic preservation for Knoxville and Knox County. Agenda items which concern properties designated by the City of Knoxville and matters located exclusively within Knoxville’s boundaries shall be considered by the Commission only. Agenda items which concern properties designated by Knox County and matters located within Knox County but outside the city boundaries shall be considered by the Knox County Historic Zoning Commission only. All other matters may be considered jointly by the Knoxville Historic Zoning Commission and the Knox County Historic Zoning Commission, as appropriate.

Section 4: Quorum

Five (5) members of the Commission and shall constitute a quorum for voting on matters coming before the Commission.

Section 5: Conducting Meetings.

Decisions of the Commission shall be made in accordance with Robert’s Rules of Order.

Section 6: Minutes.

The staff of the Commission shall keep minutes of all meetings.

Section 7: Reports

The Commission shall complete a summary report of the State of Preservation within the City of Knoxville for presentation to the City Mayor by April 30 of each year.

Section 8: Forms of motions:

The forms of motions shall be as follows:

To approve all or part of the petition as submitted:

I move that the Knoxville Historic Zoning Commission approve the petition of _____ requesting _____ because the petition is in accordance with the adopted design guidelines for _____ and/or with the Secretary of Interior's Standards for Rehabilitation.

To deny all or part of the petition with reasons stated based on compatibility factors:

I move that the Knoxville Historic Zoning Commission deny the petition of _____ based on incompatibility of the project with the adopted design guidelines for _____ and/or with the Secretary of Interior's Standards for Rehabilitation.

For modification and approval of all or part of the petition:

I move that the Knoxville Historic Zoning Commission deny the applicant's proposal for _____ based on incompatibility of the project with the adopted design guidelines, and modify the proposed work to be _____, which is in conformance with the adopted design guidelines, and which is acceptable to the applicant.

For denial without prejudice:

I move that the Knoxville Historic Zoning Commission deny without prejudice the applicant's proposal for _____ based on incompatibility of the project with the adopted design guidelines for _____ and/or with the Secretary of Interior's Standards for Rehabilitation.

Section 9: Design Standards

In reviewing applications for Certificates of Appropriateness, the Commission shall take into account: (1) the adopted design guidelines for each district or individual property; and, (2) the Secretary of Interior's Standards for Rehabilitation.

In reviewing applications for Certificates of Appropriateness, the Commission shall consider only the impact on the portions of structures that are visible from the exterior.

In considering applications for Certificates of Appropriateness, the documented original exterior appearance of the structure may be considered.

No action of the Commission shall establish a precedent. Each case shall be decided upon its merits using the appropriate design guidelines or the Secretary of Interior's

Standards for Rehabilitation.

Article 4 – Notices

Section 1: Public Notices

The 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. Calculation of the notice period shall commence on the first date of publication, but shall not include the hearing date. For example, a hearing scheduled on the 15th day of the month shall be noticed by publication commencing not later than the 4th day of that same month. For each proposal or application to be considered by the Commission at the public hearing, the notice shall provide:

The address of the property for which application is being made; and

The general nature of the application.

Section 2: Publication Criterion

The notice shall be placed in the Classified Ads section of the newspaper in the “Legal/Public Notices” classification.

The caption shall be in capital letters in no less than two-line type and contain the words “PUBLIC NOTICE” and a description of the type of matter being heard.

The body copy shall be no less than the standard one-line type used generally throughout the “Want Ads”.

Section 3: Notice Signs

Each applicant for a Certificate of Appropriateness shall receive a sign stating the general nature of the application and the address for which the application is being made. At the time of application, the applicant shall be made aware of his/her responsibility to post the sign in a location clearly visible from the street on the property for which application is being made. The sign shall remain posted until a ruling has been made by the Commission.

The failure of the applicant to post a sign as required in this Section shall not preclude the Commission from acting on any application or proposal properly before it.

Section 4: Closing Date for Filing Applications

Regular Closing Date

Applications filed with the Commission shall be complete and filed fourteen (14)

days before the monthly meeting of the Commission in order to be considered at that meeting. For example, an application for a hearing scheduled on the 15th day of the month shall be completed and filed by 4:30 p.m. on the 1st day of the month of the same meeting.

Special Meeting Closing Dates

The Commission may, at its discretion, set special meeting times. All provisions of public notice for any special meetings (twelve days prior to the scheduled meeting) must be followed.

Article 5 – Applications, Documentation and Review

Section 1: Applications

Applications for Certificates of Appropriateness shall be made on an official form filed with the offices of the Knoxville-Knox County Metropolitan Planning Commission.

If a Certificate of Appropriateness is issued for approved construction, the time for completion of any construction under the Certificate is twenty-four (24) months from the date of issuance of the Certificate of Appropriateness. Expired Certificates must be reheard as new applications.

Upon the denial of any application for a Certificate of Appropriateness by the Commission, a new application for the same proposal shall not be accepted for a period of one (1) year from the date of the denial. For purposes of this paragraph, “same application” shall consist of the use of the same materials and/or the same design scheme for the same property.

The Commission may, at its option, deny any application for a Certificate of Appropriateness “without prejudice.” If a denial is made “without prejudice,” the applicant shall have the option of resubmitting that application to the Commission at any time.

Section 2: Types of Applications and Required Documentation

A: Levels of Certificates

Description of Work

Level I:

Standard repair of siding, fascia, soffit, windows, roof or other features using identical materials and design;
Removal of artificial siding or additions in order to determine the original materials or configuration of the designated structure;
Erection of signage that meets the adopted design guidelines of the district where the property is located.

Level II:

Major structural repair and replacement, such as complete

exterior rehabilitation, or the construction of a new addition or outbuilding.

Level III: Construction of a new primary building;
The subdivision of a designated property;
Utilization of replacement material or a design which deviates from the adopted design guidelines.

Level IV: Demolition or relocation of a contributing structure.

B. Levels of Review

<u>Type of Work</u>	<u>Staff Review</u>	<u>Commission Review</u>
Exterior Repair/Changes in Materials/Alterations	X	X
Signage	X	X
Moving		X
Demolition	X	X
Construction of New Buildings		X
Additions to Existing Buildings		X

C. Documentation for Applications

<u>Type of Work</u>	<u>Description of Proposed Changes</u>	<u>Building Elevation Drawing(s)</u>	<u>Site Map</u>	<u>Current Photos or Historic Material Documentation</u>	<u>Samples</u>
Exterior Repair	X			X	
Changes in Materials/Alterations	X	X	X	X	X
Moving	X		X	X	
Demolition				X	
Constructing New Structure	X	X	X	X	X
Additions to Existing Buildings	X	X	X	X	X
Signage	X				

D. Requests for Designation

Requests for designation as an H-1 or NC-1 property or district must be accompanied by a map of the proposed district, petitions of property owners seeking designation, black and white photographs of the properties to be designated, an architectural description of the properties to be designated, and a history of the property or the proposed district. The district nomination shall include histories of individual properties as available.

E. Requests for Decertification

Requests for decertification of a designated structure must be accompanied by photographs of the structure(s) proposed for decertification, petitions of property

owners of the structure(s) requesting decertification, evidence that the structure no longer possesses architectural or historical significance, and an assessment of the effect of decertification on the individual historic resource and on the surrounding historic district.

Article 6 – Staff Recommendations and Reviews

Section 1: Staff Recommendations

Following study and review, the staff will prepare a report to the Commission, recommending that the application be approved as requested, approved with modifications, denied, or denied without prejudice. These staff reports shall be mailed to the members of the Commission, together with minutes of the previous monthly meeting and other items to be considered at the meeting, not less than five (5) days before the date of the upcoming meeting.

Section 2: Staff Reviews

Decisions may be rendered and acted on by staff in accordance with the adopted design guidelines and/or the Secretary of Interior's Standards for Rehabilitation if: (i) the proposed improvements will make no change in the external visual appearance of the structure; or, (ii) the application is for a sign that is consistent with the adopted design guidelines; or, (iii) the application is to remove additions or artificial siding in order to determine the condition and extent of the original structure or wall covering; or, (iv) in the case of a Neighborhood Conservation Overlay (NC-1), the proposed improvements are consistent with the adopted design guidelines. At the next regularly scheduled meeting following any such Staff decisions, the Commission shall review all such staff decisions concerning H-1 (Historic Overlay) properties.

The Staff shall report to the Commission at each regular monthly meeting on all Level I Certificates issued since the prior monthly meeting.