

**ADMINISTRATIVE RULES AND PROCEDURES OF
THE KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION**

AS AMENDED THROUGH JUNE 14, 2018

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION**

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INTRODUCTION

These *Administrative Rules and Procedures* of the Knoxville-Knox County Metropolitan Planning Commission (“Planning Commission”) set forth requirements of the Planning Commission, its staff and applicants regarding proposals submitted to the Planning Commission, and are in addition to the requirements set forth in the *Knoxville Zoning Ordinance*, the *Knox County Zoning Ordinance* and the *Knoxville-Knox County Minimum Subdivision Regulations*. The *Administrative Rules and Procedures* comprise the day-to-day operating manual of the Planning Commission to secure consistent handling of zoning, subdivision matters, the *One-Year Plan*, as well as other matters considered by the Planning Commission.

ARTICLE I – PUBLIC MEETINGS

SECTION 1 – OPEN MEETINGS

All meetings of the Planning 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 the Planning Commission shall be considered in a public hearing that invites and entertains public comment.

SECTION 2 – SCHEDULE OF REGULAR MEETINGS

Subject to change, regular meetings of the Planning Commission shall be scheduled as follows:

- A. The monthly public meeting shall be held at 1:30 PM on the second Thursday of each month.
- B. The agenda review meeting shall be held on the Tuesday immediately preceding the monthly public meeting.

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 notice period shall commence on the first date of posting, 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 sign shall provide:

- A. The nature of the proposal or application; and
- B. The MPC contact information (telephone number and internet address) and the date and time and of the public hearing.

Provided, notice signs shall not be posted for Subdivision Final Plat Applications, amendments to Plan text or general area 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 required public notice sign shall be provided by MPC to the applicant at the time of application. The applicant or their designee shall be responsible for posting the sign per the requirements stated above. Failure to post the notice sign as required shall be sufficient cause for postponement by the Planning Commission. However, failure 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.

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.
- 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 changes to the zoning ordinance text, annexation-related rezonings initiated by the City of Knoxville, or subdivision plats.
- D. For applications for Level II Wireless Communication Facilities review and use on review approval for 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.

ARTICLE III – PROPOSALS AND APPLICATIONS TO THE PLANNING COMMISSION

SECTION 1 – APPLICATIONS

All proposals or applications to the Planning Commission shall be submitted on forms provided by and available at the office of the Planning Commission, Development Services Section. Each application shall be accompanied by the appropriate filing fee.

SECTION 2 – CLOSING DATE FOR FILING APPLICATIONS

- A. Proposals and applications to be heard at a monthly MPC meeting shall meet the following filing deadlines:
 - 1. The standard filing deadline for matters to be heard at a MPC monthly meeting shall be established by MPC staff to permit adequate time for administrative review and public notice.
 - 2. An extended deadline date, for any agenda item, other than concept subdivision and use on review applications, may be filed during the week following the standard deadline by paying a 20% higher fee each day until the double fee deadline date, which may be the first Monday of the month preceding the MPC monthly meeting if adequate public notice can be given as required by these rules or general law.
 - 3. In the event that either deadline date falls on a holiday, the closing date shall be extended to the next business day.
 - 4. A calendar of the filing deadlines will be posted at www.knoxmpc.org or may be obtained by contacting the MPC offices at 865-215-2500.
- B. All applications timely received before the effective closing dates shall be placed on the agenda of the next regular monthly public meeting of the Planning Commission. The agenda will be made available within twelve (12) days of the MPC monthly meeting.

ARTICLE IV – USE ON REVIEW APPLICATIONS

In addition to the requirements of the application form and those of either the *Knox County Zoning Ordinance* or the *City of Knoxville Zoning Ordinance*, as appropriate, every application for use-on-review shall be accompanied by the following:

- A. A site plan, drawn to scale, and showing:
 - 1. The subject property and its relationship to adjacent properties, streets, easements and alleyways.
 - 2. The location of existing and proposed building(s) on the subject property, and distances of each from all property lines.
 - 3. The proposed use of all buildings together with information sufficient to determine off-street parking requirements.
 - 4. An off-street parking plan, if appropriate, showing parking spaces, access aisles, and entrances and exits to streets.
 - 5. All planted areas, recreation areas, play areas and green space.
- B. A detailed landscape plan and floor plan for any proposed use for a church, medical facility, nursing home, lodge hall, or other similar proposed use identified by the Planning Commission staff. Although not required, an architectural rendering is preferred to satisfy this provision.

ARTICLE V – APPLICATION FOR STREET NAME CHANGE

Any application proposing a street name change filed by one other than the City of Knoxville, Knox County or the Planning Commission must be accompanied by a written canvass of all owners and tenants on the subject street, reflecting:

- A. The existing street name;
- B. The proposed new street name;
- C. The point of beginning of the proposed change;
- D. The point of ending of the proposed change; and
- E. The name, signature, address and opinion regarding the proposed street name change of each landowner and tenant on the subject street.

ARTICLE VI – SUBDIVISION APPLICATION

SECTION 1 – COMPLETION OF APPLICATION

Any application for a subdivision submitted timely within the appropriate Closing Date as provided in Article III hereof, shall be scheduled for public hearing at the next scheduled monthly public meeting, provided: (1) requests for variances are submitted with the application; (2) all requirements of Sections 4 and 5 of the *Knoxville-Knox County Minimum Subdivision Regulations* have been satisfied; and (3) all revisions and corrections to the plat or plan required by the Planning Commission staff are submitted not less than nine (9) days prior to the monthly public meeting. Incomplete applications and completed applications not timely submitted to the Planning Commission will not be approved.

SECTION 2 – CONCEPT PLAN APPLICATIONS

- A. **Distribution of Plan** - Upon receipt of a Concept Plan application, Planning Commission staff will prepare a plan file, log the plan on appropriate ledgers, prepare a location map for members of the Planning Commission and staff, and distribute copies of the Concept Plan to the appropriate utilities and governmental agencies.
- B. **Staff Review:**
1. The Concept Plan proposal will be reviewed onsite by the Planning Commission staff, representatives of the other interested agencies, and the developer or his engineer/surveyor, as appropriate.
 2. Planning Commission staff will review the plan and checklist for completeness and compliance with the *Knoxville-Knox County Minimum Subdivision Regulations*, and list the findings of other interested agencies.
 3. Thereafter, the Executive Director of the Planning Commission, representatives of other interested agencies, and members of the Planning Commission staff shall convene to review and discuss all findings, and the preliminary staff recommendation to the Planning Commission.
- C. **Review Conference**
- Two weeks prior to the monthly public meeting, a subdivision review conference shall be held at the offices of the Planning Commission, involving the Executive Director, or his representative, members of the Development Services staff, representative of the other interested agencies, and the developer and his engineer/surveyor. Developers having proposals before the Planning Commission and representatives of other interested agencies will be invited to the subdivision review conference approximately one week in advance of the scheduled conference. At the conference, the following issues as to each Concept Plan application will be reviewed and discussed:
1. Design (suitability of the property subject to the proposal, and suggested improvements).
 2. Drainage (adequacy of the proposed system and suggested improvements and easements).
 3. Comments, requests and recommendations of the Health Department and other interested agencies.

4. Deficiencies and inconsistencies of the proposal with the requirements of the *Knoxville-Knox County Minimum Subdivision Regulations*.
 5. The Planning Commission staff report and recommendation to the Planning Commission.
- D. **Report to Commission** - Not less than (6) days prior to the monthly public meeting, a report of the findings and staff recommendation, along with a location map will be provided to all members of the Planning Commission, with a copy being forwarded to each developer and his engineer/surveyor at the address(es) shown on the Concept Plan.

SECTION 3 – FINAL PLAT APPLICATIONS

- A. **Eligibility** - Upon approval of a Concept Plan, the corresponding Final Plat may be acted upon by the Planning Commission.
- B. **Certificates and Approval Forms** - Except for Planning Commission certificates for recording, all certificates and approval statements as required by the *Knoxville-Knox County Minimum Subdivision Regulations* shall be placed on the original tracings of all Final Plats. If requested, the Planning Commission will place the required certifications and statements on the Final Plat by stamps. Otherwise, the certificates and statements shall be placed on the tracings by the developer or his engineer/surveyor, and shall correspond exactly with the required language provided in the *Knoxville-Knox County Minimum Subdivision Regulations*.
- C. **Distribution of Final Plats** – Upon receipt of a Final Plat, the Planning Commission staff will prepare a plat file, log the plan on the appropriate ledgers, prepare a location map for members of the Planning Commission and staff, and distribute copies of the Final Plat to the appropriate governmental agencies.
- D. **Staff Review** – The procedure for Staff Review for Final Plat shall be the same as for Concept Plans as set forth in Article VI, Section 2, Paragraph B hereof.
- E. **Certification and Distribution** – Upon the approval of a Final Plat, the applicant shall submit the required number of copies of the Final Plat for distribution to appropriate governmental agencies, and for certification and recording in accordance with the *Knoxville-Knox County Minimum Subdivision Regulations*. After a final staff review for discrepancies, the Planning Commission staff shall:
1. Certify a paper copy for recording.
 2. Certify the remaining copies, and distribute them to appropriate public agencies.
 3. Upon request, certify any additional copies for the applicant's file.

SECTION 4 – MINOR SUBDIVISION

For applications or proposals that qualify as Minor Subdivisions under the *Knoxville-Knox County Minimum Subdivision Regulations*, all certificates and approval forms, distribution of plats and staff review shall be identical to the standards employed for Final Plats as described in Section 3 of this Article.

SECTION 5 – ADMINISTRATIVE PLATS

For submittals or proposals that qualify as Administrative Plats under the *Knoxville-Knox County Minimum Subdivision Regulations*, all certificates and approval forms and distribution of plats

shall be identical to the standards employed for Final Plats as described in Section 3 of this Article.

ARTICLE VII – TRAFFIC ACCESS AND IMPACT STUDY SUBMISSION REQUIREMENTS

The submission of a traffic impact study shall be required with Concept Subdivision Plan, Use-on-Review, and Development Plan requests in accordance with the following table:

24-HOUR TRIP GENERATION	TRAFFIC STUDY SCOPE
750 – 3000 ADT	LEVEL I
3000 – 6000 ADT	LEVEL II
> 6000 ADT	LEVEL III

Upon being provided proof by the developer's traffic engineer that a lower level traffic impact study would be adequate for a proposed development, or that a traffic impact study is not warranted, the Executive Director of the Planning Commission staff may reduce the level of study required or waive the requirement.

For additional information about trip generation analysis, submission requirements and review procedures, please refer to Appendix B: "Traffic Access and Impact Study Guidelines and Procedures."

ARTICLE VIII – LAND DIVISIONS EXCLUDED FROM REGULATION

SECTION 1 – PARTITION AMONG OWNERS

Division of land by owners among themselves by deed or by court order does not require Planning Commission approval. However, plats filed to reflect the division require certification by the Planning Commission prior to recording. A copy of such a plat shall be submitted to the Planning Commission staff for review of accuracy, and shall be certified by the Planning Commission as follows:

“The property shown on this subdivision plat is being divided under the provisions of TENN. CODE ANN. 13-3-408. The Planning Commission does not approve or disapprove, but certifies all information required by TENN. CODE ANN. 13-3-302 as shown on the plat.”

Signed by: _____
KNOXVILLE-KNOX COUNTY METROPOLITAN
PLANNING COMMISSION

Date:

SECTION 2 – DIVISION OF LAND INTO TRACTS OF FIVE OR MORE ACRES WHICH ARE NOT SUBDIVISIONS

State statute specifically excludes this type of division from the definition of subdivision. Therefore, the *Knoxville-Knox County Minimum Subdivision Regulations* do not apply. Some certification is desirable to enable the Register of Deeds to distinguish these divisions from those which must be approved. These plats shall be certified as follows:

“According to this survey, all tracts shown are five acres or larger in size and according to TENN. CODE ANN. 13-3-401, cannot be defined as a subdivision, therefore Planning Commission approval is not required.”

Signed by: _____
KNOXVILLE-KNOX COUNTY METROPOLITAN
PLANNING COMMISSION

Date:

ARTICLE IX – STAFF REVIEW GUIDELINES

Every proposal or application submitted to the Planning Commission shall be reviewed and studied by the Planning Commission staff, who shall render a report and recommendation of appropriate action to the Planning Commission. For all proposals that involve specific property sites, the staff shall visit the site as part of the study and review.

SECTION 1 – REZONING

Staff review of Rezoning Applications shall include the following:

- A. The need and justification for the proposal:
 - 1. Changed or changing conditions in the area.
 - 2. Rate at which land in the vicinity is being developed for the proposed use, and for other uses which may be allowed if the proposal is approved.
 - 3. Zoning history of the property.
- B. The effect of the proposal:
 - 1. Additional demands that would be placed on schools, streets and utilities.
 - 2. The effect upon adjacent properties.
 - 3. The effect upon development patterns in the vicinity and the community as a whole.
- C. The conformity of the proposed rezoning to the *General Plan*, and to the *One-Year Plan*, if appropriate:
 - 1. The compatibility with pre-existing proposed streets, sewers and water plans.
 - 2. Conformity with formal Planning Commission policies.
 - 3. Likelihood that the proposal will stimulate additional similar proposals.
 - 4. Suitability of the proposed boundary change on a permanent basis.
 - 5. Assessment of whether the proposal is the most beneficial development of the community as a whole.

SECTION 2 – USE-ON-REVIEW

Staff review of Use-On-Review Applications shall include the following:

- A. The effect of the proposal on the subject property, surrounding property and the community as a whole.
- B. The conformity of the proposal to criteria established by the *Knoxville Zoning Ordinance* or the *Knox County Zoning Ordinance*, as appropriate.
- C. The conformity of the proposal to the *General Plan* and to the *Knoxville One-Year Plan*, if appropriate.

SECTION 3 – SUBDIVISIONS

Staff review of Subdivision Applications shall be in conformity with the provisions of the *Knoxville-Knox County Minimum Subdivision Regulations*.

SECTION 4 – STREET AND ALLEY CLOSURES AND STREET NAME CHANGES

Interested utilities and operating agencies shall be advised as applications for such proposals are received, but not later than three (3) days following the Closing Date for filing applications. A written response to specific questions regarding the present use and/or future needs of the affected area shall be included in the staff report and recommendations. Each proposal shall be studied by the staff to determine the necessity of the right-of-way to the overall street and road network and the effect of its closing on adjacent properties.

SECTION 5 – ONE-YEAR PLAN AMENDMENTS

Staff review of proposed amendments to the *Knoxville One-Year Plan* shall include the following:

- A. Conformity to the standards for Rezoning Applications as described in Article VIII, Section 1 hereof; and
- B. Conformity to the provisions for Plan Amendments contained in the *Knoxville One-Year Plan*.

SECTION 6 – PUBLIC HEARINGS

Staff review and reports shall incorporate the results of one or more public hearings on all applications for:

- A. Amendments to the text of the *Knoxville Zoning Ordinance*.
- B. Amendments to the text of the *Knox County Zoning Ordinance*.
- C. Amendments to the text of the *Knoxville-Knox County Minimum Subdivision Regulations*.
- D. Amendments to the map or the text of the *Knoxville One-Year Plan*.
- E. Amendments to the *General Plan*.
- F. Amendments to any *Sector Plan*.

ARTICLE X – STAFF RECOMMENDATION

Upon completion of its study and review, the staff will prepare its report and recommendation to the Planning Commission to either: (1) approve as requested; (2) approve subject to conditions; (3) approve a modification of the proposal; (4) postpone; (5) table; or (6) deny.

Not less than six (6) days prior to the date of the monthly public meeting, the staff reports, together with appropriate maps, letters, and petitions, along with the minutes of the previous monthly meeting and the agenda for the meeting shall be forwarded to all Planning Commission members and to appropriate City and County operating agencies. A copy of the appropriate staff report and recommendation shall be mailed to each applicant at the address shown on the application, not less than five (5) days prior to the date of the monthly public meeting.

ARTICLE XI – MONTHLY PUBLIC MEETING

SECTION 1 – ORDER OF MEETING

The monthly public meeting of the Planning Commission shall be conducted in the order of the printed meeting agenda, which shall be prepared in advance, and approved by the Planning Commission at the public meeting. Amendments to the order in which matters appear on the printed agenda may be permitted with the consent of a majority of the MPC members present at the meeting.

SECTION 2 – DISCUSSION AND DEBATE

At the monthly public meeting, the Planning Commission shall consider the views of the applicant and other interested parties, staff reports and recommendations, and the standards set forth in the *Knoxville Zoning Ordinance*, the *Knox County Zoning Ordinance* and/or the *Knoxville-Knox County Minimum Subdivision Regulations*, as is appropriate, and all applicable plans and formal policy statements.

- A. Each matter on the agenda will be considered in the following order:
 - 1. Staff recommendations (questions allowed)
 - 2. Proponents or the proponents may defer to the opponent (questions allowed)
 - 3. Opponents (questions allowed)
 - 4. Rebuttals (questions allowed)
 - 5. Discussion among Planning Commissioners (questions allowed)
 - 6. Motion
 - 7. Second
 - 8. Discussion among Planning Commissioners (questions allowed)
 - 9. Vote
- B. Public participation in the discussion and debate shall be conducted in conformity with the following:
 - 1. Any group in favor of an application will be allowed a total of five (5) minutes to speak. The chair person may grant up to a two (2) minute extension for those speaking in favor of an item. Additional time for speakers in favor of an item may be granted by a majority vote of the members present.
 - 2. Any group in opposition to an application will be allowed a total of five (5) minutes to speak. The chair person may grant up to a two (2) minute extension for those speaking in opposition of an item. Additional time for speakers in opposition to an item may be granted by a majority vote of the members present.
 - 3. Speakers must limit their remarks to the facts of the case and should avoid repeating comments that have been previously presented to the Planning Commission.
 - 4. Any group wishing to speak should select a spokesperson.

ARTICLE XII – PLANNING COMMISSION ACTION ON APPLICATION

SECTION 1 – POSTPONEMENT

Postponements of an application for any proposal for Planning Commission action may be permitted as follows:

- A. Every motion to postpone action on an application shall include the date of the monthly public meeting at which the application will again be considered.
- B. An applicant may postpone an item until the next scheduled public meeting the first time it appears on the MPC agenda without MPC debate or action. The intent to postpone must be submitted in writing, or by facsimile, and received by MPC no later than 3:30 PM on the Monday immediately prior to the MPC meeting at which the application is scheduled to be heard. Any request received after this deadline must be acted upon by MPC consistent with these administrative rules and procedures.
- C. Applications postponed as described in Section 1.B may not be returned to the agenda until the meeting to which they have been postponed.

SECTION 2 – DENIAL OF APPLICATION FOR REZONING OR FOR USE-ON-REVIEW OR ONE-YEAR PLAN AMENDMENT BY MPC, LEGISLATIVE BODY, OR COUNTY BOARD OF ZONING APPEALS

Upon a denial of any application for Rezoning, Use-on-Review, or for One-Year Plan Amendment by the Planning Commission, City Council, County Commission or County Board of Zoning Appeals, 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 proposal” shall be defined as the same zone for Rezoning, or substantially the same use or design for Use-on-Review or same One-Year Plan classification.

If any applicant is denied by the legislative body on appeal from the Planning Commission action, a new application for the same proposal shall not be accepted for a period of one (1) year from the date of the legislative denial.

SECTION 3 – WITHDRAWALS

Withdrawal of an application for any proposal for Planning Commission Action may be permitted as follows:

- A. **Prior to Public Notice** – Withdrawal of an application shall be permitted upon written request by the applicant, provided that neither public notice of the application has been published nor sign(s) have been posted. In such instance, the applicant’s fee shall be subject to the MPC fee schedule regarding refunds, and a new application for the same proposal may be filed thereafter without restriction.
- B. **After Public Notice** – Withdrawal of an application shall not be permitted after public notice of the application has been published or sign(s) have been posted. In such event, the application shall be placed on the Planning Commission agenda for public hearing.
- C. The Planning Commission may permit withdrawal of a proposal at the monthly public meeting. If withdrawal is permitted, such action shall be deemed a denial of

the application, and a new application for the same proposal shall not be accepted for a period of one (1) year after the date of the withdrawal.

- D. An applicant may withdraw an item without MPC debate or action after it has been placed on the MPC agenda. This withdrawal request must be submitted in writing, or by facsimile, and received by MPC no later than 3:30 PM on the Monday immediately prior to the MPC meeting at which the application is scheduled to be heard. Any request received after this deadline must be acted upon by MPC consistent with these administrative rules and procedures.
- E. Applications withdrawn prior to the meeting, as described in Section 3.D., may not be returned to the agenda from which they are withdrawn. These applications shall be subject to all requirements regarding the status of applications withdrawn before and after the MPC public notice has been published.

SECTION 4 – TABLING

All tabled applications shall be listed on each month's agenda for the purposes of review only.

- A. **Removal from the Table** - Proposals shall be removed from the table and placed on the Planning Commission agenda for consideration as follows:

During the monthly review of tabled proposals, the Chair or any two members of the Planning Commission may request that an application be removed from the table and placed on the agenda for consideration. Such application shall be placed on the agenda for consideration at the next regularly scheduled monthly public meeting. Public notice of the application by publication and posting will be provided in accordance with Article II hereof.

- B. **Removal from the Table for Purpose of Withdrawal** – Proposals shall be removed from the table and placed on the Planning Commission agenda for consideration as follows:

1. The applicant may submit a written request to the Planning Commission staff to remove their proposal from the table for the purpose of withdrawal. If the Chair or any two members of the Planning Commission consent to the request prior to the Closing Date, the application will be placed on the agenda for the next regularly scheduled monthly public meeting for consideration of withdrawal only. Public notice of the application by publication, posting, or otherwise, shall not be required.

2. Unless a time extension has been requested in writing by the applicant and granted by the Planning Commission at its regular monthly meeting all tabled matters must be acted on within twelve (12) months after being placed on the table. If a tabled matter has not been acted on by the Planning Commission within twelve months after being placed on the table, the application will be placed on the agenda of the next regularly scheduled monthly meeting for consideration of withdrawal only. Public notice of the application by publication, posting, or otherwise, shall not be required.

An extension if granted by the Planning Commission will be for a period to not exceed 12 months. Applications that remain on the table after the extension has expired will be placed on the agenda of the next regularly scheduled monthly meeting for consideration of withdrawal only. Public notice of the application by publication, posting, or otherwise, shall not be required. No application will be permitted to remain on the table longer than 24 months.

SECTION 5 – APPLICATIONS REQUIRING LEGISLATIVE ACTION

Applications or proposals to the Planning Commission for (1) rezoning; (2) amendments to the map or text of the *Knoxville One-Year Plan*; (3) closure of a public right of way, and (4) street name changes within the City of Knoxville, require legislative action by the Knoxville City Council or the Knox County Commission, as appropriate. Action on such applications by the Planning Commission shall constitute recommendations to the appropriate legislative bodies.

- A. Subsequent to Planning Commission action, the staff shall:
 - 1. Arrange for publication of the required public notice of the hearing before the legislative body hearing the appeal.
 - 2. Forward copies of the Planning Commission's recommendations, together with related reports, letters and maps to the appropriate city or county agency responsible for preparation of the legislative agendas.
 - 3. Advise the applicant in writing of the Planning Commission action on his application, and the date, time and location the application will be considered in public hearing by the legislative body.

SECTION 6 – APPLICATIONS NOT REQUIRING LEGISLATIVE ACTION

- A. **Use-On-Review** - Planning Commission action on applications for Use-on-Review are final unless an appeal is taken to the appropriate legislative body in accordance with the *Knoxville Zoning Ordinance* or the *Knox County Zoning Ordinance*, as the case may be. Upon Planning Commission approval of any Use-on-Review application, the staff shall notify the appropriate building official(s) of the approval and any conditions imposed by the Planning Commission; and
 - 1. Notify the applicant of the approval, any conditions imposed on the approval, and the effective date.
- B. **Subdivisions** - Planning Commission action on applications for subdivisions outside the corporate boundaries of the City of Knoxville are final. Planning Commission action on applications for subdivisions inside the corporate boundaries of the City of Knoxville are final unless appealed to the City Council for the City of Knoxville in accordance with the *Knoxville-Knox County Minimum Subdivision Regulations*.
- C. **Other Matters Not Requiring Legislative Action** - Proposals such as amendments to the *General Plan*, *Capital Improvements Program*, *Recreation Plan*, *Major Street Plan*, *Major Thoroughfare System Plan*, and similar comprehensive plans, System Plans and Land Development Plans do not require legislative approval for validation, but shall be submitted to the appropriate legislative body for adoption of policy. In such instances, Planning Commission action shall constitute its recommendation to the legislative body. Upon such Planning Commission action, the staff shall:
 - 1. Arrange for publication of the required public notice of the hearing before the legislative body; and
 - 2. Forward copies of the Planning Commission recommendation, together with related reports, documents and maps to the appropriate city or county agency responsible for preparation of the legislative agendas.

ARTICLE XIII – APPEALS

SECTION 1 – RIGHT OF APPEAL

Any decision or action of the Planning Commission rendered under the authority of, or pursuant to, the Knoxville Zoning Ordinance or the Knox County Zoning Ordinance may be appealed in accordance with the provisions of those ordinances.

SECTION 2 – COMPUTATION OF APPEAL

The applicable appeal period shall commence on the date following the action by the Planning Commission. After expiration of the applicable appeal period as defined in the *Knoxville Zoning Ordinance* or the *Knox County Zoning Ordinance*, as is appropriate, any petition for appeal shall not be accepted. In the event that the final day of the applicable appeal period falls on a Saturday, Sunday or Holiday, the appeal period shall be extended to the next following business day.

SECTION 3 – PUBLIC NOTICE - SIGNS

In addition to publication, notice of each matter appealed from the Planning Commission shall be given by conspicuously posting a sign on the property that is the subject of the appeal, not less than twelve (12) days prior to the scheduled hearing date before the appropriate legislative body. The sign shall state:

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

Provided, notice signs shall not be posted for plan amendments, general amendments to the zoning map, amendments to zoning districts, zoning map amendments pertaining solely to public rights-of-way, or amendments to the text of the zoning ordinances.

Failure of the Planning Commission to post notice signs as provided in this section shall not preclude the appropriate legislative body from acting on any appeal properly before it.

ARTICLE XIV – SCHEDULE OF FEES

Refer to the Schedule of Fees available at the offices of MPC.

APPENDIX A

ADDRESSING GUIDELINES AND PROCEDURES

The following documents, together with these guidelines, provide the basis for the Metropolitan Planning Commission staff address and road naming procedures.

Knox County Ordinance Number 0-91-1-102, establishing a Uniform Street Naming and Addressing System within Knox County, approved February 19, 1991, by the Knox County Commission.

City of Knoxville Ordinance Number 0-280-90 establishing a Uniform Street Naming and Addressing System within Knox County, approved September 18, 1990, by the Knoxville City Council.

SECTION 1 – THE ADDRESSING DEPARTMENT

The Addressing Department of the Metropolitan Planning Commission is responsible for assigning addresses and verifying road names within Knox County, and ensuring their conformance with existing regulations and ordinances.

SECTION 2 – ROAD NAME/ADDRESS INFORMATION

The Metropolitan Planning Commission maintains the following information:

- A. Official Road Names and Address Master Plan - This information shall be used to:
 - 1. Assign block numbers (address ranges) to road sections.
 - 2. Assign addresses to all parcels and properties.
 - 3. Maintain a valid road name inventory.
- B. Certified Copies of Subdivision Plats - These plats shall be used to record the street address assigned to each lot.
- C. Approved Development Plans – These plans (as defined in the Knoxville and Knox County Zoning Ordinances) shall be used to assign addresses to each structure as shown on the Development Plan.

SECTION 3 – ASSIGNING, RECORDING AND ISSUING ADDRESSES

Addresses of tracts, subdivision lots, and all structures shall be assigned and recorded by the Addressing Department, and shall be issued to applicants upon the provision of the following information:

- A. Tracts - Applicants shall supply: the valid street name upon which the structure is located or to be located; the county map/group/parcel number; the distance of the structure in feet to the nearest property line; and whether that property line is on the north, south, east, or west side of the property.

- B. One-Lot Subdivisions – When the subdivision or deeded property has been recorded, the applicant shall supply the information required in Section 3A above.
- C. Subdivisions Other Than One Lot – When the subdivision has been recorded, the applicant must supply: name of the subdivision; unit number; lot and block number; and street name upon which the lot is located.
- D. Structures – New and existing commercial and/or office buildings, shopping centers/malls, apartments, condominiums, duplexes, mobile homes, park and recreation facilities, schools, churches, utilities, etc.. Applicants shall supply an approved development or site plan (as defined in the Knoxville and Knox County Zoning Ordinances). The plan must show the name of the street where access is located, the closest lateral street, the location of each building on the property and the layout of all suites or residential units within each building and within each floor of the building.
- E. There are three types of address assignments:
 - 1. Temporary Address: Time limited addresses assigned only for:
 - a. Plans Review Submittal
 - b. Variance Request
 - c. Shell building
 - d. Demolition request
 - e. Special circumstances such as field check requirement
 - f. Special requests such as tent meetings, construction trailers

The time limit before a permanent address is assigned varies according to the type of request.
 - 2. Permanent Address: An official address assigned by the MPC Addressing Department.
 - 3. Address Change: Required when a problem is identified. (See Section 9, 10, and 11)

SECTION 4 – VERIFICATION OF STREET ADDRESS

Street addresses shall be verified by the Addressing Division when the applicant provides the information required in Section 3 above.

All street addresses must be verified and certified by the MPC Addressing Department before a building permit is issued.

SECTION 5 – ADDRESSING METHODOLOGY

- A. Address Number - A valid address number can consist of two parts:

1. Address Number
2. Unit Number or Suite Number

	<u>Address Number</u>	<u>Unit/Suite Number</u>
Example	800	# 12
Example	3058	201 (2d floor)
Example	10008	105 (1 st Floor)

The address number is required. A unit or suite number may not be necessary, but it must be shown with the base number if assigned by the MPC Addressing Department.

The unit or suite number represents a unit in a business complex, office suite, an apartment, condominium, loft, penthouse, or mobile home/trailer pad. It can consist of up to four (4) numeric characters.

Multifamily residential or multi-tenant commercial unit/suite numbers are assigned upon review of a site plan. (See Section 3-D)

No half numbers (1/2) are allowed.

Characters of the alphabet (A, B, C,) are used only for utilities and telecommunications towers.

The address number must be in sequence and consist of a numeric value between 100 and 99999; a single alphabetic letter may be appended to the numeric value if no other solution is available.

B. Method of Numbering

Knox County is divided into four quadrants for address numbering purposes as follows:

1. North-South - The north-south division line is Heiskell Road, Central Avenue Pike, N. Central Street, S. Central Street, and Chapman Highway.
2. East-West – The east-west division line is Asheville Highway, Martin Luther King Jr. Avenue, McCalla Avenue, Jackson Avenue, Southern Railway and Kingston Pike.
3. Street Address Master Plan – A master plan of street addresses has been prepared assigning block numbers for Knox County beginning at the intersection of Central Street and Jackson Avenue. The first block beginning at this intersection and proceeding north, south, east, or west, has been designated the 100 block, each succeeding block is numbered consecutively to the county line.
 - a. Block numbers are assigned to road sections that, ideally, extend from one intersection or endpoint to another. A block range should never extend beyond 1000 feet.

- b. A street address is assigned every 25 feet.
- c. Streets running north and south are assigned even numbers on the east side, odd numbers on the west side.
- d. Streets running east and west are assigned even numbers on the south side and odd numbers on the north side.

SECTION 6 – ROAD NAME SPECIFICATIONS

A. Definition/Format of Road Name

A valid road name can consist of up to four parts:

	<u>Prefix</u>	<u>Base Name</u>	<u>Road Type</u>	<u>Post Suffix</u>
Example:	N	Weisgarber	Road	NW

Other commonly used designators for the four parts include:

<u>MPC Designations</u>	<u>Other Commonly Used Designations</u>
Prefix:	Directional, Pre-Directional
Base Name:	Primary Name, Street Name
Road Type:	Suffix, Extension
Post Suffix:	Directional, Post-Directional, Suffix

Using the example of the road name “N Weisgarber Road NW”, the four parts consist of the following: PREFIX: “N” (North), BASE NAME: “Weisgarber”, ROAD TYPE: “Road” and POST SUFFIX: “NW” (Northwest).

A road name must have, at a minimum, a Base Name and a Road Type.

1. Prefix - A Prefix will be applied to any road name that meets the specifications outlined in Section 3 of the *“Uniform Street Naming and Addressing System Ordinance”* (City of Knoxville, 0-280-90, Knox County 0-91-1-102).
2. Base Name – The Base Name is the second part of a road name and is the primary name. Road names should be kept as simple and logical as possible to foster clarity and efficiency. Use of frivolous or complicated words or unconventional spellings should be avoided. In all cases, names which might be perceived to be offensive will not be permitted. The following restrictions apply to assigned base names:
 - a. The base name shall not exceed twenty-six (26) characters.
 - b. The base name shall not exceed two words.

Prohibited Usage

Brown Mountain Loop Road
Prince George Parish Way

Acceptable Usage

Mountain Loop Road
Prince George Way

- c. Prefix and/or Post Suffix (directional) designators as a part of the Base Name are prohibited.

Examples: North, South, East, West, Southwest

- d. References to “Old” or “New”, “Little”, “Big”, or other descriptive terms as a part of the Base Name are prohibited, except when resolving existing road name duplications (see Section 12A).

- e. References to a number as part of the Base Name are prohibited.

Examples: 10, Ten, First, Tenth

- f. Road Types (as outlined in Section 4 of the “Uniform Street Naming and Addressing System Ordinance”) shall not be used as a part of the Base Name.

Examples: Avenue, Boulevard, Circle, Court, Drive, Highway, Lane, Parkway, Pike, Road, Street, Way.

- g. Abbreviations of words or of personal names, such as initials, are prohibited as part of the Base Name. Prohibited examples include: “Salem Sch Road”, “Salem Ch Road”, “Gov John Sevier Highway”, “JR Lane”, “St Edward Pike”.

- h. Street names derived by linking portions of personal names together that do not form a recognizable word as found in a standard dictionary are prohibited.

Examples: Tompat, Kaydee, Bartlebe, Kaymeg, Anderkenn, Delegal

All forms of punctuation as part of the Base Name are prohibited.

Prohibited Usage

Martin-Woodson Road
O’Malley’s Street
St. John’s Avenue

Acceptable Usage

Martin Woodson Road
O Malleys Street
Saint Johns Avenue

- i. References to single alphabetic characters, such as “K”, as a part of the Base Name are prohibited. Examples of prohibited usage includes: “A Drive”, “Duncan B Road”, “V Walker Lane”.

Special exceptions may be allowed for names such as “O Malleys Road” or “Man O War Street”, where the single letters are due to lack of punctuation.

- j. The word “Private” shall not be used as a part of the Base Name.

Example: Elm Private Drive

- k. Foreign language names can be used as a street name if they are easily pronounced, do not sound like a previously assigned street name, and have been reviewed and approved by MPC and E-911 staff.

Prohibited Usage

Magdos
Randelli
Ocyana

Acceptable Usage

Casa Grande
Belle Capri
Mona Lisa

- I. Use of names protected by copyright are prohibited, unless approved in writing by the owner of the copyright, subject to the provisions of this section.

Examples: Harley Davidson, Hewlett Packard

3. Road Type - The road type must conform to the specifications outlined in Section 4 of the "*Uniform Street Naming and Addressing System Ordinance*" (City of Knoxville #O-280-90; Knox County #0-91-1-102). The Ordinances state:

Henceforth, the following street designation guidelines shall apply to street names, street signs, and addresses:

- a. All public streets generally extending easterly/westerly shall be designated Drives or Avenues.
 - b. All public streets generally extending northerly/southerly shall be designated Streets or Roads.
 - c. Deadend public streets that cannot be extended shall be designated Lanes.
 - d. Private easements serving six (6) or more lots or dwelling units in a residential development or lots/buildings in non-residential developments shall be designated Ways. Such easements must be named. When the easement serves fewer than six (6) dwelling units or lots and there are no available numbers, the easement must be named.
 - e. Other designations such as Boulevard, Pike, Circle, etc., may be requested by application to the Knoxville/Knox County Metropolitan Planning Commission. The Planning Commission shall consider such requests in their monthly public meetings and approve or deny the request after consideration of the public interest.
4. Post Suffix - A Post Suffix will be applied to any road name that meets the specifications outlined in Section 3 of the "*Uniform Street Naming and Addressing System Ordinance*" (City of Knoxville 0-280-90, Knox County 0-91-1-102).

SECTION 7 – DUPLICATE ROAD NAMES

In conformance with the established policy of not allowing duplicate road names to exist within Knox County, the following apply to all Base Names submitted to the Addressing Division for approval:

- A. Duplicate Base Names are prohibited. A road name is considered to be a duplicate whenever its Base Name is spelled exactly the same as another road's Base Name.
- B. Phonetic duplications are prohibited. A phonetic duplicate results when a Base Name sounds similar to another Base Name. For example, "Oak Ranch" will be denied if "Oak Branch" has previously been approved.

Examples of existing phonetic duplicates:

Grayland	Greylan	Lindal	Lynndell
Grayston	Grayson	Maple Trace	Maple Chase
Greeley	Greenley	Mays	Mayes
Hanley	Handley	McClellan	McMillan
Henley	Hensley	Mellen	Mellon
Heiskell	High School	Michael	Michaels
Hellerd	Hillard	Montview	Montvue
Scheel	Shell	Pickel	Pickle
Gem	Jim	Queensboro	Queensbury

- C. A word may be used in the Base Name even though previous approval has been given to Base Names that contain that word. For example, “Oak Ranch” will be considered although previous approval has been given to “Oak Gate”, “Oakmont”, “Oak Carriage Wheel”, etc.

Exception to Subsection C: Names of roads that are spelled similarly or have similar parts of Base Names will not be approved for the same subdivision. For example, if “Wood Lake” is approved for a road in a particular subdivision, “Wood Cave” will be denied for that same subdivision.

SECTION 8 – RESERVING ROAD NAMES

After road names are checked by the staff, the names are assigned one of the following three designations:

- A. Denied. The road name is an exact or phonetic duplication or the name does not conform to the naming conventions of the MPC *Addressing Guidelines and Procedures* or the addressing/street naming ordinances of the City of Knoxville and Knox County.
- B. Approved and pending. The road name is approved but has yet to be reserved. Persons requesting a name verification have up to ten days to place an approved road name on the reserved list; otherwise, the name is placed back into circulation; or
- C. Reserved. The road name is reserved for a subdivision, person, or group who requested the use of the name. A road name may be reserved for five years which corresponds to the length of time a concept plan is valid.

SECTION 9 – IDENTIFICATION OF EXISTING PROBLEMS

- A. Identification Methods - The Addressing Department of the Metropolitan Planning Commission is notified of existing problems through one of the following methods:
1. “In-house” (MPC Addressing Department) inspection of addressing and road name documents,

2. General public complaints/identification of addressing and/or road naming problems, or
3. Notification of problem areas by governmental organizations, such as emergency services, fire departments, or post office.

Persons wishing to call attention to addressing problems should contact the Addressing Department by telephone, fax, e-mail, or by coming to the office in person. Types of existing problems may include, but are not limited to, the following:

1. Duplicate road names (see Section 7 of these Guidelines).
2. Segments of the same physical road that have the same Base Names yet have different Types (e.g., "Sheehan Road" and "Sheehan Lane" both on a single continuous street).
3. A road name's official spelling is not consistent with general public usage (e.g., "Meadowrun Lane" vs. "Meadow Run Lane").
4. Incorrect placement of road name parts within the road name, such as "Mall Road S", where the "S" is placed incorrectly at the end of the name.
5. Any road names not conforming to the established *Uniform Street Naming and Addressing System Ordinances* (City #O-280-90, County #O-91-1-102) or to the provisions of the *Addressing Guidelines and Procedures* found in Sections 5 and 6.
6. Any address that needs to be changed due to subdivision of the surrounding property, no available numbers, easements that require a name, and any other address or road name occurrence that is not in agreement with the *Uniform Street Naming and Addressing System Ordinances* or the *Addressing Guidelines and Procedures*
7. Any road name that is part of a project that has not met the Addressing Department's prior approval.
8. Other addressing related concerns brought to the attention of the MPC Addressing Department.

SECTION 10- EVALUATION OF EXISTING PROBLEMS

Each identified problem that is brought to the attention of the addressing staff shall be reviewed and verified. Field checks may be conducted. The following factors will be examined in determining how the problem will be resolved:

- A. The problem's negative impact on the delivery of emergency services,
- B. Public complaints concerning the problem, and
- C. The likelihood that the problem will impair other governmental or non-governmental services.

Assuming that one of the above three factors has been met, the addressing staff will begin to resolve the identified problem.

SECTION 11 – RESOLUTION OF EXISTING PROBLEMS

The Addressing Department will examine each of the identified problems on a systematic basis. No one, single type of problem or geographic area will be consciously targeted for, or excluded from, resolution. The original submitter(s) of the problem will be notified by the MPC Addressing Department of the recommended solution. If the Addressing Department recognizes the need for a road name change, the original initiator will be asked to submit an official request for a street/road name change.

The MPC Addressing Department will properly notify the residents of necessary road and/or address changes required to resolve the existing problem. Suggestions concerning the problem resolution will be gathered from the residents and other interested organizations/groups. The Addressing Department will then summarize the findings (if needed) and present the valid options. A single solution will be acted upon.

Any resolution to existing problems must conform to the specifications of this document and to the City and County Addressing Ordinances. The Addressing Department will not recommend approval of any solutions that do not meet these requirements.

SECTION 12 – SPECIAL ROAD NAMING RULES AND CONVENTIONS

- A. Use of “Old” in Street Names - The usage of the word “Old” as part of the Street Name is only allowed in cases where an existing road name problem is being resolved and when the previously existing road name contained the word “Old”.
- B. Road Development Projects - When road development results in the creation, relocation, closure or interruption of streets, existing street names and/or house numbers may need to be reassigned.

The Addressing Division shall coordinate Federal, State, City, or County agencies.

SECTION 13 – NOTIFICATION OF ROAD NAME ADDRESS CHANGES

The Addressing Division maintains mailing lists of government agencies, utilities and individuals to be notified of changes in road names or addresses. After changes have occurred, the Addressing Division will notify all individuals and/or agencies on the most current mailing list.

SECTION 14 – APPEALS PROCESS

MPC staff’s road naming or addressing actions may be appealed to the Planning Commission, or as provided in the appropriate ordinances.

STANDARD ABBREVIATIONS FOR ROAD NAME TYPES	
TYPE	ABBREVIATION
Avenue	AVE
Boulevard	BLVD
Circle	CIR
Court	CT
Drive	DR
Freeway	FRWY
Highway	HWY
Lane	LN
Parkway	PKWY
Pike	PIKE
Road	RD
Street	ST
Trail	TRL
Way	WAY

Amended July 14, 2005. (7-C-05-OB)

APPENDIX B

TRAFFIC ACCESS AND IMPACT STUDY GUIDELINES AND PROCEDURES

SECTION 1 – PURPOSE FOR SUBMISSION OF TRAFFIC ACCESS AND IMPACT STUDIES

These traffic access and impact study guidelines and procedures define when proposed concept subdivision plans, Uses-on-Review, or development plans warrant a detailed traffic study and what information should be included in it. All applicants will be required to follow the MPC guidelines and will be treated equally under the same or similar circumstances.

The purpose of performing a traffic impact and access study, as defined by the Institute of Traffic Engineers (ITE), is to:

1. Provide guidance for short and long-range planning of site access;
2. Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic;
3. Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily so as to accommodate site and non-site traffic;
4. Assist developers and landowners in making land use site planning decisions regarding traffic;
5. Identify the contribution a particular development makes to roadway system traffic volumes;
6. Provide a basis for estimating roadway improvement requirements attributable to a particular project;
7. Assess the compatibility with local transportation plans;
8. Enable staff to better evaluate zoning changes and development plans;
9. Allow appointed and elected officials to know implications of their voting decisions.

SECTION 2 – SCOPE OF REQUIRED TRAFFIC ACCESS AND IMPACT STUDIES

Three levels of study have been identified based on the number of trips that a development is projected to generate in a 24-hour period:

Level 1 studies require analysis of each access that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent easements, and private driveways. This level of study is commonly required for large residential subdivisions, office developments, and smaller commercial developments.

Level II studies require analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where a traffic control device does not exist, MPC staff will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, MPC staff will determine if the ramps need to be included in the study. This level of study is commonly required for moderately sized commercial developments and larger office complexes.

Level III studies require a complete traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by MPC staff. The exact area to be studied will be determined by MPC with input from the study preparer. Level III studies are uncommon, as they are usually warranted only with very large mixed-use and commercial developments.

SECTION 3 – WHEN TRAFFIC ACCESS AND IMPACT STUDIES ARE REQUIRED

Traffic access and impact studies shall be submitted along with applications for **Concept Subdivision Plan, Use-on-Review, and Development Plan** requests which fall within the following 24-hour trip generation ranges:

<u>24-HOUR TRIP GENERATION</u>	<u>TRAFFIC STUDY SCOPE</u>
750-3000 ADT	LEVEL I
3000-6000 ADT	LEVEL II
> 6000 ADT	LEVEL III

Trip generation rates for proposed uses shall be calculated using the ITE Trip Generation Manual, or using local data when it is available.

Upon being provided proof by the developer’s traffic engineer that a lower level traffic impact study would be adequate for a proposed development, or that a traffic impact study is not warranted, the Executive Director of the Planning Commission staff may reduce the level of study required or waive the requirement.

SECTION 4 – SUBMISSION AND REVIEW PROCEDURES FOR TRAFFIC ACCESS AND IMPACT STUDIES

1. Applicants should conduct a preliminary trip generation assessment of any proposed Concept Subdivision Plan, Use-on-Review, or Development Plan to determine if a traffic study will be required. **This preliminary assessment should be conducted well in advance of the actual submission of plans.**
2. If the preliminary assessment indicates that a traffic study will be required, the applicant should immediately consult with MPC staff to verify a development’s projected trip generation, and to confirm whether or not a study will be required. If a study is required, the required level can be determined at that time.
3. The applicant shall then select a traffic or transportation engineer to prepare the study, who may need to consult with MPC staff periodically to review the collected data and any assumptions made in the draft report.

4. Ten copies of the completed draft traffic study shall be submitted along with the development application and all other materials required for submission.
5. MPC staff, along with local and state government, shall review the draft traffic study in conjunction with the other elements of the development application. If the draft traffic study is not of the proper scope or is executed improperly, the applicant shall be notified of the deficiencies and be required to submit corrections on the same schedule that applies to the other elements of the development application. Failure to submit corrections in a timely fashion may lead to a postponement of the application until the next regularly scheduled MPC meeting.

Note: Since a completed traffic study must be submitted at the same time as the application for a development, it is critical that the applicant conduct steps 1-3 early in their planning of a proposed development. Failure to submit a traffic study, or submission of an inadequate study, is likely to slow the review process and may lead to postponements.

SECTION 5 – REQUIRED QUALIFICATIONS FOR PREPARERS OF TRAFFIC ACCESS AND IMPACT STUDIES

Traffic access and impact studies shall be prepared under the supervision of a qualified engineer who has specific training in traffic and transportation engineering and several years of experience related to preparing traffic studies for existing or proposed developments. The study shall be signed and sealed by the supervising engineer. The ability to forecast and analyze traffic needs for both developments and roadway systems is essential. All traffic operations and design work shall be completed under the supervision of a registered professional engineer.

SECTION 6 – REQUIRED SPECIFICATIONS FOR TRAFFIC ACCESS AND IMPACT STUDIES - REPORT REQUIREMENTS – LEVEL I AND II STUDIES

- I. **Introduction**
 - A. Description of site including a location map
 - B. Type of project
 1. If residential, number and type of dwelling units
 2. If commercial or industrial, square footage and type of development
 - C. Other planning data which may be pertinent
 - D. Map of project with proposed access points shown

II. Existing Conditions

- A. Directional traffic counts on roads adjacent to property with access to development
 - 1. Traffic counts should be not more than one year old
- B. Level of service of intersection(s) (if applicable)
 - 1. Highway capacity software is recommended
 - 2. Other nationally recognized software can be used

III. Trip Generation Rates

- A. Listing of trip generation rates
- B. Listing of sources for rates used
 - 1. ITE 5th Edition of Trip Generation manual or latest edition
 - 2. If the type of proposed development is not addressed in the ITE manual, then other rates may be used as long as they are documented and have been approved by MPC staff.
- C. Calculation of trip ends by type of generator
 - 1. Traffic generated by phase.
 - 2. 100 percent occupancy and development.

IV. Trip Distribution

- A. Assumptions as to the directional distribution of traffic to and from the development.
- B. Assumptions as to the peak hour percentages.
- C. Assumptions as to the peak hour directional splits.
- D. Assumptions as to the pass-by trips if applicable – must be approved by MPC staff.

V. Analysis

- A. Level of Service (LOS) and capacity analysis for peak periods
 - 1. Compute the projected LOS and capacity analysis for each access point and control point to the adjacent road system based on the development by phase
 - a. Highway Capacity Software is recommended
 - b. Other nationally recognized software can be used
 - 2. Compare LOS before development to LOS after development, if applicable
 - 3. Link Analysis, if applicable
- B. Intersection and roadway geometry – existing and proposed
 - 1. Distances from existing streets, driveways, and/or median cuts
 - 2. Alignment with existing streets, driveways, and/or median cuts
 - 3. Intersection layout
 - 4. Sight distance
 - 5. Right-of-way width
 - 6. Lane width(s)
- C. Site Circulation
- D. Pedestrian facilities

1. Sidewalks
2. Transit stop(s)
3. School bus stops

VI. Recommendations

- A. Site access
- B. Intersection improvements
 1. Traffic control device(s) – modify existing or need for new
 2. Left and/or right turn lanes
 3. Acceleration and/or deceleration lanes
 4. Length of storage bays
- C. Off-site improvements
 1. Modification to existing traffic control device(s)
 2. Additional traffic control device(s)
 3. Additional lanes at major intersections
 4. Additional roads
- D. Improvements by phasing (if applicable)

VII. Appendix

- A. Raw traffic count data
- B. Documentation of analysis

REPORT REQUIREMENTS – LEVEL III STUDIES

In addition to the preceding information required for Level I and II studies, the following information on Trip Assignment shall be provided in the report prior to the Analysis and Recommendation sections:

VIII. Trip Assignment

- A. Show existing ADTs, proposed development traffic and total traffic for all affected links on map which identifies the project and the surrounding roads.
- B. Show AM and PM peak hour turning movements for the existing traffic, the proposed development traffic, and the combined traffic at all project entrance intersections, and affected intersections within the study area.
- C. Discuss the effects of phasing of the proposed project.

SECTION 7 – ADDITIONAL TECHNICAL INFORMATION ON TRAFFIC ACCESS AND IMPACT STUDIES

Additional information on Traffic Access and Impact Studies can be obtained from *Traffic Access and Impact Studies for Site Development – A Recommended Practice* by the Institute of Transportation Engineers.

APPENDIX C

INFILL HOUSING DESIGN REVIEW COMMITTEE

SECTION 1 - PURPOSE

The purpose of the Administrative Rules and Procedures is to establish operating rules that govern the operation and conduct of the Infill Housing Design Review Committee when processing applications for Certificate of Appropriateness (Infill).

SECTION 2 - MEMBERS

The committee shall be comprised of staff from Metropolitan Planning Commission (3 members), Community Development Division (2 members), Plans Review and Inspection Division (2 members), City Engineering (one member) and the East Tennessee Community Design Center or their successors (one member).

One of the staff members from the Metropolitan Planning Commission will serve as the Committee's administrator, which will entail such functions as running meetings, organizing material, and communicating with applicant.

SECTION 3 - MEETINGS

- A. Open Meetings - All meetings of the Committee 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 Committee shall be considered in a public hearing that invites and entertains public comment.
- B. Schedule of Meetings - The regular meetings of the Committee shall be held on the first Thursday of the month at 9 a.m.
- C. Quorum - Five (5) members of the Committee shall constitute a quorum for voting on matters coming before the Committee.
- D. Conducting Meetings - The Committee's approval, approval with conditions or denial of a Certificate of Appropriateness (Infill) shall be made by a vote of the committee members.
- E. Reports - The administrator shall report to the Metropolitan Planning Commission at each regular monthly meeting on all Certificates issued since the prior monthly meeting.
- F. Design Standards - No action of the Committee shall establish a precedent. Each application shall be decided upon its own merits using the Heart of Knoxville Infill Housing Design Guidelines.

SECTION 4 - NOTICES

- A. Public Notice of Application - The Committee shall give public notice of all Certificate of Appropriateness (Infill), applications by means of the Metropolitan Planning Commission's website and emailing neighborhood associations/leaders within five (5) days following the monthly application deadline.
- B. Public Notice of Committee Decision - Within twenty-four (24) hours of the issuance of a Certificate of Appropriateness (Infill) the applicant shall post a sign on the property issued by the Metropolitan Planning Commission, noting the approval of the Certificate

of Appropriateness (Infill) and the right to appeal the decision. The sign shall remain posted for fifteen days (15) days after a Certificate of Appropriateness (Infill) is issued.

C. Closing Date for Filing Applications

1. Regular Closing Date - Applications filed with the Committee shall be completed and filed fifteen (15) days prior to the regularly scheduled meeting. In the event that the closing date of the application falls on a Saturday, Sunday or Holiday then deadline will be on the next business day.
2. Special Meeting Closing Dates - The Committee may, at its discretion, set special meeting times.

SECTION 5 - APPLICATIONS, DOCUMENTATION AND REVIEW

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

- A. An incomplete application will not be accepted.
- B. A complete application must include nine (9) copies of the official form and the following material:
 1. An application for Certificate of Appropriateness (Infill)
 2. Proposed site plan - including:
 - a. Lot dimensions
 - b. Proposed building dimensions
 - c. Proposed front, side and rear setbacks
 - d. Existing/proposed driveways
 - e. Adjacent streets and alleys
 3. Proposed front and side elevations including:
 - a. Location, size and style of windows and doors
 - b. Front porch (and size)
 - c. Height to eave
 - d. Height of foundation
 - e. Roof pitch and materials (labeled)
 - f. Additions to structures
 - g. Type of siding materials (labeled)
- C. If a Certificate of Appropriateness (Infill) 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 (Infill). Expired Certificates must be reheard as a new application.

SECTION 6 - APPEALS

During the fifteen (15) day cycle there is an opportunity to appeal the Infill Housing Design Review Committee's decision. Anyone wishing to appeal the Committee's decision should fill out the Metropolitan Planning Commission's Appeal of Decision form.

The appeal process is in accordance with Article XIII.

APPENDIX D

WIRELESS COMMUNICATION FACILITIES (WCF) ADMINISTRATION

SECTION 1 - PURPOSE

The purpose of the Administrative Rules and Procedures is to establish operating rules for processing applications for WCF Certificate of Appropriateness (COA).

SECTION 2 – APPLICATION

The application shall be completely filled out, including submitting all the relevant additional information as stated on the application and in the WCF ordinance. An application is considered complete only after the “Complete Application Date” section of the application is filled out by staff. Staff will notify the applicant of whether their application is complete or incomplete within 10 working days.

SECTION 3 – APPLICATION REVIEW

There are two levels of review; Level I which is reviewed by staff and Level II which is a Metropolitan Planning Commission (MPC) review. The following rules apply to these types of review:

LEVEL I REVIEW:

- Approval: If the application is approved, a COA shall be granted within 45 days of the application being complete. However, the COA is not considered official until 15 days after issuance, provided no appeals are filed.
- Denial: If the application is denied, the applicant will be notified within 45 days of the application being complete.
- Notice: Staff will post the COA on its website.
- Appeals: Appeals shall be filed within 15 days of a decision. The City of Knoxville or Knox County building official shall be notified of any appeals filed. Appeals are heard by the MPC and follow their applicable administrative rules and procedures.
- Deadline: There is no application deadline.

LEVEL II REVIEW:

- Pre-application: A pre-application meeting with staff is required.
- Approval: If approved by the MPC, a COA will be issued by staff. The COA is not official until 15 days after the MPC approval.
- Denial: If the application is denied by the MPC, the applicant will be provided notification in writing.
- Notice: Staff will post the COA on its website.
- Appeals: Appeals shall be filed within 15 days of a decision. The City of Knoxville or Knox County building official shall be notified of any appeals filed. Appeals are heard by Knoxville City Council or Knox County Board of Zoning Appeals.
- Deadline: The MPC application deadlines and notification procedures shall apply.

SECTION 4 – APPLICATION FEES

Shall be in accordance with the MPC schedule of fees.

APPENDIX E CITY OF KNOXVILLE DOWNTOWN DESIGN REVIEW BOARD ADMINISTRATIVE RULES AND PROCEDURES

These Administrative Rules and Procedures are adopted by the Knoxville-Knox County Metropolitan Planning Commission in furtherance of the provisions of Appendix B, Article V, Section 5.5 of the City of Knoxville Zoning Ordinance creating the Downtown Design Review Board (the “Board”).

ARTICLE I - ORGANIZATION SECTION 1 – MEMBERSHIP

A. Composition

The Board shall consist of ten (10) members appointed by the Mayor with the approval of a majority of the City Council and shall be composed of permanent staff and other rotating members set forth below:

1. Staff (Permanent Members):

- (a) Metropolitan Planning Commission Executive Director (or designee), who shall be an *ex officio*, non-voting member.
- (b) City’s Director of Policy and Redevelopment (or designee)

2. Rotating Members:

- (a) One architect (from a slate recommended by AIA Knoxville)
- (b) One urban design professional with a background in architecture or urban planning (selected from nominations from AIA Knoxville and the local chapter of the American Planning Association)
- (c) Two downtown residents
- (d) Two businesses, development of real estate professionals whose work is largely focused upon Downtown
- (e) A member of the Central Business Improvement District Board (from a slate proposed by the Board)
- (f) A member of the City’s Historic Zoning Commission

3. Ex-Officio Members: The following may be called on to serve as non-voting members when cases require their technical and professional expertise.

- (a) Metropolitan Planning Commission and Historic Zoning Commission staff
- (b) Building Official (or designee)
- (c) City Engineering Director (or designee)
- (d) Central Business Improvement District staff
- (e) Knoxville Utilities Board staff
- (f) Knoxville’s Community Development Corporation staff
- (g) City Law Department staff

B. Term of Office

Each Rotating Member (after the initial members) of the Board shall be appointed for terms of three (3) years commencing on the date of confirmation of appointment by the City Council. No Member shall serve more than two (2) full terms or six (6) years.

The initial Rotating Members shall be assigned staggered terms of 1 year for two (2) members, 2 years for three (3) members, and 3 years for three (3) members, with the assignment of terms to be established by lot at the first meeting of the Board.

C. Vacancy

In the event a vacancy occurs in any membership position, a successor shall be appointed by the Mayor with approval of the City Council to serve the balance of the term being vacated.

SECTION 2 - OFFICERS

A. Election

The officers of the Board shall consist of a Chair, a Vice-Chair and a Secretary. The Chair and the Vice-Chair shall be elected by a majority of a quorum of the Board for terms of one year at the first regular meeting of the Board in each calendar year. Elected Officers shall be eligible for re-election. Notwithstanding the term of office, each Chair and Vice-Chair shall serve until the election of their successors. If a vacancy occurs in the office of the Chair or Vice-Chair, the Board shall, as soon as practicable, elect a successor to serve their balance of the existing term.

The Secretary shall be the Executive Director of the Knoxville/Knox County Metropolitan Planning Commission, or his/her designee.

B. Removal

The Chair or the Vice-Chair may be removed by a majority vote of the entire Board (not less than six (6) votes) when in the Board's judgment the best interest of the Board and/or the Community will be served.

C. Chair

The Chair shall preside at all meetings of the Board, act as spokesperson for the Board and shall perform such duties as the Board shall from time to time prescribe. The Chair may participate in all discussions, and shall be entitled to vote as any other Member of the Board, but shall not offer nor second any motion before the Board.

D. Vice-Chair

The Vice-Chair shall exercise the duties of the Chair in the absence, disability or disqualification of the Chair. In the event of the absence of both the Chair and Vice-Chair, the Member shall elect a Chair *Pro-Tem*, who shall be empowered with the authority of the Chair only during the pending meeting, with all authority to cease upon adjournment of the meeting.

E. Secretary

The Secretary shall provide and publish notice of meetings and hearings, prepare the agenda, keep records and minutes of meetings and hearings, maintain Board records as public records, attend to Board correspondence, maintain attendance records for each Board member, notify the City Recorder of any members who violate the attendance requirement, and perform other duties normally carried out by a secretary.

ARTICLE II - MEETINGS

SECTION 1 - REGULAR MEETINGS

In December of each year, a schedule of regular Board meetings for the following calendar year shall be adopted by the Board, and published in a newspaper of general circulation in Knox County, Tennessee, and posted in the MPC office. Such schedule shall also be provided to the City Recorder.

SECTION 2 - SPECIAL MEETINGS

Special meetings of the Board may be called by the Chair or any two (2) members of the Board, by written notice stating the date, time, location and purpose of the meeting, provided by the Secretary to each member, not less than five (5) working days prior to the meeting date. Any member of the Board

may waive notice of the Special meeting, either before or after the meeting, with such waiver hereby deemed the equivalent of Notice. Attendance at a Special meeting shall constitute waiver of notice, unless the attendance is for the express purpose of objecting to the transaction of business or grounds that the meeting is not lawfully convened.

SECTION 3 - AGENDA

A written agenda shall be furnished by the Secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least 24 hours prior to any special meeting.

SECTION 4 - PROXY

Members shall not be permitted to vote by proxy.

SECTION 5 - QUORUM

A majority of the members of the Board shall constitute a quorum.

SECTION 6 - OPEN MEETINGS

All meetings of the Board convened to make a decision or deliberate toward a decision on any matter shall be an "open meeting" in accord with the requirements set forth in TENN CODE ANN. §8-44-101, *et seq.* The Secretary, with the assistance of the City Recorder, shall prepare and provide all appropriate notices and publications. All meetings shall be held in a public place that meets the requirements of the American's with Disabilities Act.

SECTION 7 - VOTING

All matters to be voted on by the Board shall be put in the form of a motion duly seconded. Each member present shall vote and shall not be permitted to abstain or pass on the vote unless such member claims a conflict of interest. Any such member abstaining from the vote shall state for the record the basis and nature of the conflict of interest in conformity with the City's adopted policies on conflict of interest. In the event of any question about the result of a voice vote, or upon the request of any member, a roll call vote shall be taken and recorded. A majority of the votes cast by members present and voting shall be sufficient for the adoption of any motion, except as otherwise provided, herein. Any motion considered by the Board which fails adoption may be reconsidered at any time prior to adjournment.

SECTION 8 - ATTENDANCE

Any member who is unable to attend a meeting shall advise the Secretary as soon as possible. Any member, who, for reason other than sickness or bona fide emergency, fails to attend three (3) consecutive regular meetings of all meetings or 30% in any calendar year, shall be subject to removal by the City Council.

SECTION 9 - RULES OF ORDER

Roberts Rules of Order may be used as a reference for the conduct of meetings except as otherwise provided by these Rules and Procedures.

SECTION 10 - MINUTES

A record, or minutes, of the proceedings of all meetings shall be kept by a recording secretary, appointed by the Secretary. The minutes shall reflect:

- A. Every motion upon which a vote is taken by the Board.
- B. The names of the members of the Board making and seconding any such motion.
- C. The number of "Yes" votes and "No" votes on each motion.
- D. A record of any roll call vote taken.
- E. The name of any member of the Board that abstains from the discussion and vote on any matter. The minutes shall be published once approved by the Board.

ARTICLE III - DESIGN GUIDELINES FOR CERTIFICATE OF APPROPRIATENESS

In deliberating on an application for certificate of appropriateness in the Downtown Overlay District, properties zoned D-1, the Board (and the Planning Commission, if appropriate) shall use guidelines adopted by the Board and approved by the Knoxville/Knox County Metropolitan Planning Commission and City Council.

ARTICLE IV - APPLICATION PROCEDURE

SECTION 1 - FORM OF APPLICATION AND PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS

Applications for certificate of appropriateness shall be filed on forms approved by the Board and provided to applicants by the Secretary. The required information and procedure for the application is outlined in Appendix B, Article IV, Section 5.5 of the Knoxville Zoning Code. The Board may require additional information deemed necessary or appropriate. The failure to submit information as outlined in the application or as requested by the Board may be grounds for denial. All applications shall be signed by the property owner, or include a written statement, signed by the property owner, designating the applicant as an agent.

SECTION 2 - TIME FOR APPLICATION

Complete applications must be filed with the Secretary at least 19 days prior to the next regularly scheduled meeting of the Board in order to be included in that meeting's agenda. Applications deemed incomplete by the Secretary shall not be included on an agenda until all required items are satisfactorily submitted.

SECTION 3 - REHEARING

Any application for certificate of appropriateness which is denied by the Board may be resubmitted for rehearing at any subsequent meeting of the Board if, in the opinion of the Secretary, the resubmittal is accompanied by new relevant information, or modifications which address the reasons for the prior denial.

SECTION 4 - FEES

The Metropolitan Planning Commission may, from time to time, establish a fee schedule for the filing of the applications, which fees shall be collected by the Secretary.

ARTICLE V - HEARING PROCEDURES

SECTION 1 - STAFF REPORTS AND RECOMMENDATIONS

The Secretary shall submit reports and recommendations for those agenda items requiring decisions or recommendations by the Board. Other staff having experience, education, and professional training in the subject matter (including staff from The Metropolitan Planning Commission, City Building Officers, City Engineers, Central Business Improvement District staff, Knoxville Utilities Board staff, Knoxville's Community Development Corporation staff, and City Law Department staff), may provide input or additional reports and recommendations. A written report on each application shall be presented to the Board. Oral, written, and graphic presentations may also be used at the Board meeting.

The reports and recommendations shall be accepted as evidence to the same extent as oral testimony and exhibits accepted from applicants, opponents, subjects of an inquiry, other witnesses to the facts, and members of the public who provide information for the record of the proceedings.

SECTION 2 - APPEARANCES

The applicant or any person interested in an application may appear and be heard at a Board meeting in person, by agent, or by attorney. The extent of participation by any party at a meeting shall be at the control of the Chair.

SECTION 3 - DOCUMENTATION

Relevant documents, photographs, maps, plans, drawings, and like items will be received in the record without authentication in the form of legible copies. Relevant comments which are not cumulative or hearsay will be received. Documents and comments may be placed in the record with an objection noted by a member of the Board.

SECTION 4 - CONDUCT OF HEARING

The normal order of hearing, subject to modification by the Chair, shall be:

- Statement of the matter to be heard (chairperson or secretary),
- Presentation by applicant (5-minute limit),
- Presentation by opposition (5-minute limit),
- Rebuttal by applicant (3-minute limit),
- Public comment when appropriate,
- Discussions and deliberation among Board members.
- Vote

Members of the Board may question participants at any point in the hearing.

SECTION 5 - DISPOSITION

As to each application for Certificate of Appropriateness, the Board shall either: (a) approve as requested; (b) approve subject to conditions; (c) approve a modification of the application; (d) deny; (e) table; or (f) postpone, based only upon the unavailability of sufficient data upon which to make a decision. Any denial shall set forth the reasons therefore, in conformity with the Knoxville Zoning Ordinance.

A. Postponement

Postponements of an application for any proposal for Downtown Design Review Board ("Board") action may be permitted as follows:

1. Every motion to postpone action on an application shall include the date of the monthly public meeting at which the application will again be considered.
2. An applicant may postpone an item until the next scheduled public meeting the first time it appears on the Board agenda without Board debate or action. The intent to postpone must be submitted in writing, or by facsimile, and received by the Metropolitan Planning Commission no later than 3:30PM on the second Monday of the month of the meeting. Any request received after this deadline must be acted upon by Board consistent with these administrative rules and procedures.
3. Applicants postponed as described in A.2 may not be returned to the agenda until the meeting to which they have been postponed.

B. Tabling

All tabled applications shall be listed on each month's agenda for the purpose of review only.

1. Adding to the Table – An applicant can request the application be moved to the table. This action must be approved by the Board.
2. Removal from the Table – Proposals shall be removed from the table and placed on the Board agenda for consideration as follows:
At the request of the applicant, during the monthly review of tabled proposals, the Chair or any two members of the Board may request that an application be removed from the table and placed on the agenda for consideration. Such application shall be placed on the agenda for consideration at the next regularly scheduled monthly public meeting. Public notice of the application by publication will be provided in accordance with Article II hereof.
3. Removal from the Table for Purpose of Withdrawal – The applicant may submit a written request to the Board staff to remove the proposal from the table for the purpose of withdrawal. If the Chair or any two members of the Board consent to the request prior to the Closing Date, the application will be placed on the agenda for the next regularly scheduled monthly public

meeting for consideration of withdrawal only. Public notice of the application by publication shall not be required.

ARTICLE VI - RECORDS

SECTION 1 - MINUTES

The Secretary shall record all meetings and hearings of the Board on tape, which shall be preserved until the final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

SECTION 2 - ORDERS AND DOCUMENTS

The Secretary shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documents, orders and forms shall be maintained as public records.

ARTICLE VII - DELEGATION TO STAFF

SECTION 1 - STAFF DEFINED

Staff is defined as the Metropolitan Planning Commission Executive Director and the City's Director of Policy and Redevelopment (or their respective designees).

SECTION 2 - RESPONSIBILITIES

Pursuant to Appendix B, Article IV, Section 5.5, the Board hereby delegates to staff the authority to approve applications for new signs, in-kind replacement of building features, removal of non-historic building features facing a publicly-oriented space, replacement of windows at ground level with transparent glass, or other replacements that are consistent with the Design Guidelines and the provisions of the Knoxville Zoning Ordinance.

SECTION 3 - DISPUTES

Any party aggrieved by any staff determination under this Article may appeal the same to the Board. Such appeal must be filed within 7 days of the date of the staff decision being appealed. Form for such appeal shall be made available by the Secretary. The Board shall take final action on any such appeal at its next regularly scheduled meeting at which a quorum is present, unless the appellee requests or agrees to a postponement. Otherwise, the application as submitted by the applicant shall be deemed to have been approved, and a Certificate of Appropriateness shall be issued by the Staff on demand.

ARTICLE VIII - CONFLICT OF INTEREST

Any member of the Board having a conflict of interest regarding a proposal before the Board, shall abstain from any discussion or voting on such proposal, and shall advise the Chair of such conflict prior to the meeting at which the proposal is scheduled to be heard. The Board member will not be considered present for purposes of establishing a quorum. A conflict of interest shall exist under the following conditions:

- A. When a member of the Board or any member of his immediate family has a financial interest in property that is the subject of a proposal being considered by the Board.
- B. When a member of the Board or any member of his immediate family has a financial interest in a company or other entity that is seeking consideration of a proposal by the Board or is actively working for or against the proposed project that is before the Board.
- C. When a member of the Board or any member of his immediate family may receive some private benefit, either direct or indirect from the approval or the disapproval of a proposal being considered by the Board.

- D. When a member of the Board determines in his own mind that there are compelling reasons that will prohibit him from acting in the best interest of the community, or that his participation will create the impression of impropriety in the eyes of the general public.

ARTICLE IX - APPEALS

As to application for Certificates of Appropriateness located within the Downtown Design Overlay boundaries of the City of Knoxville, the applicant submitting an application, or any person who was a party for or against the application at the Downtown Design Review Board meeting, may appeal approval, conditions of approval, or disapproval of such application to the Metropolitan Planning Commission.

- A. Appeal Period: such appeal shall be filed not more than (seven) 7 days from the date of the Design Review Board action being appealed.
- B. Public Hearing on Appeal: the Metropolitan Planning Commission shall hold a public hearing at the earliest practical date after the Review Board action and the required public notice.
- C. Public Notice of Appeal: prior to holding the public hearing on an appeal, at least 15 (fifteen) days' notice of time and place of such hearing shall first have been published in a daily newspaper of general circulation in the City of Knoxville and Knox County. All costs incident to publication of such notice shall be borne by the applicant.
- D. Appeal Procedure: all appeals shall be filed in the code administration office of the Planning Commission which will be responsible for placing such appeal on the agenda of the MPC at the earliest date possible consistent with these regulations.
- E. Filing Appeal: the appeal shall be filed on forms available in the Planning Commission office and shall state the specific conditions, requirements, or grounds for disapproval, being appealed.
- F. Appeal Fee: the standard MPC appeal fee is applicable to appeals filed regarding the Downtown Design Review Board or staff decisions.

ARTICLE X - AMENDMENT

These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board, held not less than seven days after the proposed amendment is delivered to all members. Amendments shall not become effective until approved by the Knoxville/Knox County Metropolitan Planning Commission.

ARTICLE XI - ADOPTION

These rules were originally adopted by vote of a majority of the members of the Board at a public meeting on June 6, 2007 and approved by resolution by the Knoxville/Knox County Metropolitan Planning Commission on June 14, 2007.

Amendments regarding membership and appeal process were voted on and approved by the Board on October 17, 2007. Approved by the Knoxville/Knox County Metropolitan Planning Commission on December 13, 2007. Approved by the City Council on January 29, 2008.

Amendments regarding the responsibilities delegated to staff were voted on and approved by the Board on June 18, 2008. Approved by the Knoxville/Knox County Metropolitan Planning Commission on July 10, 2008.

Amendments regarding postponement or tabling of applications for Certificate of Appropriateness were approved by the Knoxville/Knox County Metropolitan Planning Commission on June 14, 2012.

Amendments regarding the removal of certain demolitions as a staff responsibility were voted on and approved by the Board on February 19, 2014. Approved by the Knoxville/Knox County Metropolitan Planning Commission on March 13, 2014.

AMENDMENTS – Revision History

- A. *May 13, 2004*
Article 1, Section 2, C.
Article II, Section 4
Section 5, A., B.
Article III, Section 2, B.
Article XI, Section 1
Article XII, Section 3, A.
Article XIV, Schedule of Fees - Effective July 1, 2004
Appendix A, Section 6, A., 2, a., g., k., l.
- B. *June 9, 2005*
Article III, Section 2, A. - Closing Date for Filing Applications
- C. *July 14, 2005*
Appendix A
- D. *September 8, 2005*
Article II, Section 5, A., B.
- E. *June 8, 2006*
Article VI Section 3, E.1.
- F. *July 13, 2006*
Article III, Section 2, A., B.
Article XIV, Schedule of Fees - Effective August 1, 2006
- G. *September 14, 2006*
Revised Appendix C: added new amendment “Infill Housing Design Review Committee”
Moved amendment revision history page from Appendix C to new Appendix D
- H. *February 8, 2007*
Revised Appendix D: added new amendment to designate a South Waterfront Zoning Coordinator, review procedures for proposals within the South Waterfront Mixed Use Area, and schedule of fees - Approved February 27, 2007
Moved amendment revision history page from Appendix D to new Appendix E
- I. *March 13, 2008*
Revised Article XIII, Sections 1, 2, & 3 to remove references to the Minimum Subdivision Regulations regarding appeals of action.
- J. *October 9, 2008*
Article II Section 1.
Article III Section 2, A.1., 2., and 4.
Revised Appendix E: added City of Knoxville “Downtown Design Review Board Administrative Rules and Procedures”
Downtown Design Review Board Administrative Rules and Procedures:
Article VII Section 2 - Approved August 26, 2008

Moved amendment revision history page from Appendix E to new Appendix F

- K. *February 12, 2009*
Article III Section 2, A2. fee schedule to allow concept plans to be filed up to the extended deadline date

- L. *July 8, 2010*
Article VI Sections 3 and 5. Regarding distribution for review and certification of final plat applications, minor subdivisions and administrative plats and changing the term one-lot subdivisions to administrative plats. (7-A-10-OB)

- M. *March 10, 2011*
Article II Section 3 change in the Zoning Ordinance regarding notice to property owners on general amendments to the zoning map
Section 5, A. deleted last sentence regarding written notice
Section 5, B inserted "new" B, written notice for general amendments to the zoning map, and moved "old" B to Section 5, D
Section 5, C added

- N. *June 14, 2012*
Appendix E Downtown Design Review Board Administrative Rules and Procedures to amend Article V, Section 5, Disposition to add subsections on postponement or tabling of applications for Certificate of Appropriateness. (6-A-12-OB)

- O. *December 12, 2013*
Appendix F Records Management Policy added (12-C-13-OB)

- P. *March 13, 2014*
Appendix E Downtown Design Review Board Administrative Rules and Procedures regarding the removal of certain demolitions as a staff responsibility (3-B-14-OB)

- Q. *May 11, 2017*
Article II, Section 4, Public Notice Signs revised to applicant posting signs; Article XI, Monthly Public Meeting, Sections 1 and 2, dealing with order of meeting and rules for debate; and deleting Appendix F from this document making the Public Record Management Policy a free-standing document. (5-A-17-OB)

- R. *August 10, 2017*
Appendix C Downtown Design Review Board Administrative Rules and Procedures regarding meeting date change and deleting application form.
Appendix D South Waterfront District Administration was removed since the City of Knoxville staff has taken over administration of the South Waterfront Form District. (8-A-17-OB)

- S. *December 14, 2017*
Article 11 Section 5.D. Addresses public notice requirements for Level II review of wireless communication facilities.
Appendix D Established which creates rules for processing applications for W.C.F. Certificate of Appropriateness (COA). (12-C-17-OB)

- T. *April 12, 2018*
Article XII *Section 7, Regarding the length of time a matter may remain on the table. (4C-18-OB)*

- U. *June 14, 2018*
Article III *Section 3, Eliminates the acceptance of Concept Subdivision plans and Use on Review applications after the standard deadline. (6-D-18-OB)*

- V. *June 14, 2018*
Article III *Section 1, Revises the MPC fee schedule by revising the address assignment fees and adding a tabled item extension fee. (6-E-OB-18)*