

**McKENZIE MUNICIPAL REGIONAL
PLANNING COMMISSION MEETING**

November 23, 2010

4:30 PM

I. Call to Order/Establishment of a Quorum

Members of the Planning Commission are: Chairperson Dean Robb, Commissioners Ed Dillon, Lisa Norris, Keith Priestley, Jeanene Jones, Jessie Townes and Mayor Jill Holland

Meeting was called to order by Chairperson Robb and a quorum was established.

Commissioners present were Chairperson Robb, Commissioners Dillon, Townes, Priestley, Mayor Holland and State Planner Shelton Merrell.

II. Approval of Agenda

Motion was made by Commissioner Dillon, seconded by Commissioner Priestley, to approve the agenda. Motion passed.

Chairperson Robb performed the swearing in ceremony of Jill Holland as the new member of the Planning Commission by having Jill to affirm the oath of office.

III. Reading and Approval of the Minutes

Motion was made by Commissioner Dillon, seconded by Commissioner Priestley to approve the minutes of the October 28, 2010 Planning Commission meeting. Motion passed.

IV. Old Business

A. Review of the 2010 McKenzie Municipal Zoning Ordinance pertaining to non-conforming uses, structures and land and zoning map proposal

The McKenzie Board of Mayor and Council tabled the adoption of the 2010 McKenzie Municipal Zoning Ordinance during the October 14, 2010 meeting. Apparently the ordinance failed to get a motion due to the discussion which was held during the meeting pertaining to the verbiage found within Section 11-402 relative to non-conforming uses, structures and land. This section basically amortizes the continuation certain non-conforming uses, structures and land. After effected property owners appeared in opposition to having their residential properties being zoned to B-2 (General Business) during the October 28, 2010 Planning Commission meeting, the members decided to have the City Attorney

render an opinion on the proposed amended Section 11-402 which included residential structures within the non-conforming section clauses before a recommendation from the body could be made unto the Board of Mayor and Council. Following said meeting, the City Attorney subsequently opined the amended Section was indeed legal and permissible.

In light of the opinion offered by the City Attorney, State Planner Shelton Merrill submitted the following amended version to the members present at the McKenzie Planning Commission agenda meeting held on Monday, November 15, 2010:

11-402. Non-Conformities

1. Within the districts established by this Ordinance or amendments that may later be adopted there exist:
 - (a) Non-conforming structures
 - (b) Non-conforming uses of land
 - (c) Non-conforming uses of structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing structures or uses of land or structures that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to so administer the elimination of non-conformities as to avoid any unreasonable invasion of established private property rights.
2. Any non-conforming structure with the exception of non-conforming residential structures **excluding mobile homes** may not be:
 - (a) Extended except in conformity with this Ordinance except as permitted by Section 13-7-208, Tennessee Code Annotated.
 - (b) Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provision of this Ordinance or as permitted by Section 13-7-208, Tennessee Code Annotated.
3. Any non-conforming use of land may not be:
 - (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
 - (b) Extended, except in conformity with this Ordinance or as permitted

by Section 13-7-208 Tennessee Code Annotated. **The Board of Zoning Appeals may allow single-family residential structures excluding mobile homes to be extended.**

4. Any non-conforming use of structure may not be:
 - (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
 - (b) Re-established after discontinuance of one year except as permitted by Section 13-7-208, Tennessee Code Annotated. **Non-conforming residential structures excluding mobile homes may be re-established after discontinuance of one year.**
5. Any structure used for a non-conforming use except for non-conforming residential structures **excluding mobile homes** shall not be rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement cost unless the use and structure conform to the provisions of this Ordinance or as permitted by Section 13-7-208, Tennessee Code Annotated.

The members present were all in agreement to move forward with the aforementioned. However, several citizens were present at the meeting to voice their concerns. These citizens lived on Highland Drive (U.S. Highway 79). Their sentiments were indeed the aforementioned amended section of the ordinance was better than that of the previously proposed one. However, they desired to have their property zoned R-1 (Low Density Residential). During the meeting, Mr. Ed Dillon addressed the members and the citizens present with a recommendation to keep their properties zoned R-1. Following the presentation, State Planner Shelton Merrell was asked to develop a map depicting the proposal made by Mr. Dillon. Shelton has attached the map with the agenda and will present copies during the meeting.

Recommendation:

State Planner Shelton Merrell recommends the following to be forwarded to the McKenzie Board of Mayor and Council with a positive endorsement.

- 1.) Forward the amended proposed Zoning Map which reflects the subject properties as R-1.
- 2.) Forward the aforementioned amended section of 11-402 of the 2010 McKenzie Zoning Ordinance.

Motion was made by Commissioner Dillon, seconded by Commissioner Priestley to forward with a positive recommendation to the City Council for approval. Motion passed.

V. New Business

- A. Any other properly presented other business

State Planner Shelton Merrell will provide training material at the next scheduled planning commission meeting.

VI. Other Business

- A. Discussion and Regular Meeting Schedules Dates

Schedule for December Planning Commission Meeting dates:

Agenda/Workshop: None

Monthly: 4:30 PM, Thursday, December 9, 2010

VII. Adjournment

A motion was made by Commissioner Priestley, seconded by Commissioner Dillon, to adjourn. The motion passed.

Meeting was adjourned at 4:45 p.m.