

Demolition by Neglect Zoning Text Amendment

Property Information	Within City historic zones		
Address			
Tax Map, Group, Parcel			
Civil District			
Overlay District	H-20		
Land Use Designation			
Acres			
Existing Use		Existing Zoning	
Proposed Use		Proposed Zoning	
Owner /Applicant Information			
Name: Kingsport Regional Planning Commission Address: City Staff Initiated City: State: Zip Code: Email: Phone Number:		Intent: To amend Chapter 114, Article VIII, Demolition by Neglect, of Kingsport’s Zoning Code to remove historic landmark designation requirements and replace the review committee requirement with the Historic Zoning Commission.	
Planning Department Recommendation			
(Approve, Deny, or Defer)			
The Kingsport Planning Division recommends APPROVAL			
Planner:	Ken Weems	Date:	2/29/24
Historic Zoning Commission Action		Meeting Date:	3/11/24
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

INTENT

To amend Chapter 114, , Article VIII, Demolition by Neglect, of Kingsport's Zoning Code to remove historic landmark designation requirements and replace the review committee requirement with the Historic Zoning Commission.

Introduction:

In an effort to streamline the demolition by neglect process, staff identified two changes to the demolition by neglect ordinance that will better serve City needs. Staff proposes the following two changes to the demolition by neglect ordinance:

1. Removal of the historic landmark designation requirement to qualify for demolition by neglect.
2. Changing the membership of the demolition by neglect review committee by replacing the committee with the entire Commission.

With recent increased interest in the City's demolition by neglect ordinance, staff reviewed the subject ordinance for compliance with state law and the City's needs. The current version of the demolition by neglect ordinance requires that a property receive a historic landmark designation by the Historic Zoning Commission prior to being considered for demolition by neglect review. The current version of the demolition by neglect ordinance contains a process for designation of historic landmarks both with and without property owner consent. Staff, after review with the City Attorney, cannot find a reason or mandate for designation of historic landmarks (with or without a request from the property owner for such) in the demolition by neglect process. Subsequently, removal of the historic landmark designation and associated processes is proposed as an amendment to the demolition by neglect ordinance.

The current version of the demolition by neglect ordinance contains a requirement for a review committee to investigate demolition by neglect complaints. The review committee must currently be comprised of the building official, a member of the historic zoning commission, and a licensed engineer familiar with structural engineering (if such individual is reasonably available). It is a concern of the City's Building Official, that serving as both the hearing officer for a demolition by neglect case and being a member of the demolition by neglect review committee at the same time could be considered a conflict of interest. Therefore, staff proposes replacing the review committee responsibilities to become the responsibilities of the entire Historic Zoning Commission.

A redlined version of *Article VIII. – Demolition by Neglect* that supports the proposed changes in detail will be found on the following pages of this report.