

MEMORANDUM

Date: February 4, 2016
To: Planning Commission
From: Thomas Brechko, Principal Planner
Subject: **2-A-16-OB** - Presentation of draft amendments to the *Knoxville-Knox County Minimum Subdivision Regulations* that will be scheduled for review at public workshops

BACKGROUND:

The Planning Commission Staff has been working with both the Knoxville Department of Engineering and Knox County Department of Engineering and Public Works Staff on a major overhaul of the *Knoxville-Knox County Minimum Subdivision Regulations*. The first step in this process was the restructuring (reorganization) of the contents of the Regulations.

The current Regulations, which were last revised on June 14, 2012 regarding development standards within the Hillside and Ridgetop Protection Areas, have not undergone any major revisions in several years. These Regulations consist of eight sections with Section 5 being reserved for future use. This section was previously combined with Section 4 in 2001. In order to make it easier to find the requirements within the Regulations, Staff started the revision process by reorganizing the contents from eight sections into five. In this step, the contents were shifted into the new sections with none of the text being eliminated or modified. Attached to this memorandum you will find a general Table of Contents for both the Existing Regulations and the Proposed Regulations. These two documents provide a general overview of the contents of each Section. The Table of Contents for the Proposed Regulations identify the general contents of each Section and the previous Sections the contents were moved from.

Once the contents of the Subdivision Regulations were reorganized, the process of modifying the contents of the Regulations began. In the Draft Amendments document, the proposed revisions to the text follow the standard procedures for modifications. Existing text that is to be deleted is identified by ~~strikethroughs~~. Any new text is identified by **underlined and bold text**.

The Draft Amendments to the *Knoxville-Knox County Minimum Subdivision Regulations* will be posted on the Planning Commission's web site @ www.knoxmpc.org on or before February 8, 2016. The Planning Commission will be provided with a paper copy of the proposed amendments at the agenda review meeting on February 9, 2016. Staff will provide an overview

of the proposed changes to the Regulations at the Agenda Review meeting and outline the review process that will be used in moving forward with the proposed amendments.

PUBLIC REVIEW PROCESS:

Following the initial presentation of the draft amendments to the Planning Commission, Staff will hold a series of public workshops over the next couple of months to present and receive comments on the proposed amendments from surveying and engineering professionals, the development community and the general public. Following further modifications to the proposed amendments in response to comments received, the changes will be presented at a final workshop before bringing the amendments back to the Planning Commission as official amendments to the *Knoxville-Knox County Minimum Subdivision Regulations*. The Planning Commission will review the proposed amendments through the public hearing process and take a final action. The amendments become effective when the Planning Commission approves them. The amendments are forwarded to Knoxville City Council and Knox County Commission as a matter of practice.

During this review process, Staff will post information regarding the public workshops, proposed changes and written comments that have been received on the MPC web site.

**EXISTING
Knoxville-Knox County
MINIMUM SUBDIVISION REGULATIONS**

TABLE OF CONTENTS

SECTION 1 PURPOSE, TITLE, AUTHORITY

This Section includes the title for the regulations, general purpose statement and authority for the regulations as granted by the *Tennessee Code Annotated*.

SECTION 2 DEFINITIONS

Includes definitions of certain words and terms used in the regulations.

SECTION 3 ADMINISTRATION

This Section identifies the review responsibilities of public agencies, appeal process of actions or decisions by the Planning Commission.

SECTION 4 PROCEDURES AND SPECIFICATIONS FOR SUBMISSION OF PLANS AND PLATS

This Section identifies the procedures and specifications for submission of concept plans, design plans, final plats and administrative plats.

SECTION 5 (Reserved for future use)

This Section had previously been consolidated into Section 4.

SECTION 6 DESIGN STANDARDS

This Section establishes the minimum standards for the design of subdivisions as they relate to blocks and lots, streets, sidewalks and street furniture, storm drainage, utilities and easements.

SECTION 7 REQUIRED IMPROVEMENTS

This Section provides additional minimum standards regarding streets, sidewalks and street furniture, storm drainage, utilities, with additional sub-sections on monuments, pins and reference markers and requirements regarding the completion or guarantee of completion of required improvements.

SECTION 8 GENERAL PROVISIONS

This Section includes provisions regarding area of jurisdiction, variance procedures, procedures for amending the regulations, enforcement, penalties for violations and sub-sections regarding large-scale development and design innovations and regulations regarding hillside development.

APPENDIX A Amendments to *Knoxville/Knox County Minimum Subdivision Regulations* from July 31, 1992 to present

APPENDIX B Traffic Access and Impact Study Guidelines and Procedures

Proposed Amendments to the Knoxville-Knox County Minimum Subdivision Regulations

The Planning Commission Staff has been working with both the Knoxville Department of Engineering and Knox County Department of Engineering and Public Works Staff in developing the draft amendments to the Subdivision Regulations.

Staff's proposed amendments to the Subdivision Regulations include a major restructuring of the regulations that will reduce the number of Articles from 8 to 5 by combining similar standards and procedures. These changes should make it easier to maneuver through the document. The proposed document includes the following major changes:

- **ARTICLE 1 - GENERAL PROVISIONS:** This Article consolidates Article 1 and 8 and the Appeals provision from Article 3 of the existing regulations. Sections to be included are: title; general purpose statement; authority; area of jurisdiction; variance procedures; appeal procedure; amendments; enforcement and penalties for violations; separability; repealer; and effective date.

Major Changes:

- Removing "Minimum" from the title of the document since the regulations include both procedures for the subdivision of property and design standards and are not just minimum design standards.
- Updating the language in this Article based on current Tennessee Code, Annotated.

- **ARTICLE 2 - ADMINISTRATION AND PROCEDURES AND SPECIFICATIONS FOR SUBMISSION OF PLANS AND PLATS:** This Article combines existing Articles 3 and 4 which identify the subdivision review responsibilities of public agencies, and the procedures and specifications for submission of preliminary plats, design plans, final plats and administrative plats.

Major Change:

- Changing "Concept Plan" to "Preliminary Plat" which is the name commonly used in most subdivision regulations to describe the first phase of the subdivision review process.

- **ARTICLE 3 - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS:** This Article combines the design standards located in Articles 6 and 7 of the existing regulations. The new Article includes: lot standards; access standards; streets standards; sidewalk standards; stormwater management and grading requirements; monuments, pins and reference markers; guarantee of improvements; utilities; required easements; and public open space requirements.

Major Changes:

- One of the primary goals in the proposed amendments is to eliminate conflict between the design standards of the Subdivision Regulations and design standards that have been adopted by the City of Knoxville and Knox County through their own Ordinances or design regulations.
 - Access standards for lots have increased from three forms of legal access to six.
 - Right-of-way dedication on existing streets will only be required for subdivisions that include an increase in the number of lots. A waiver provision has also been added for right-of-way dedication along completed TDOT road projects.
 - Street connectivity standards have been expanded.
 - A provision has been added to allow consideration of reduced pavement widths for both public and private streets.
 - Sight distance requirements have been added for the creation of new lots.
 - A provision has been added for consideration of alternatives to curb and gutters at the edge of the roadway.
 - Standards have been added for requiring sidewalks or alternative pedestrian circulation systems within subdivisions.
 - Site grading plan requirements have been identified for the Preliminary Plat review process.
 - Performance Bond requirements have been modified.
 - The standard utility and drainage (U&D) easement requirements have been changed requiring a 10 foot U&D easement along the street right-of-way and only a drainage easement of 5 feet along all other property lines.
- **ARTICLE 4 - ALTERNATIVE DESIGN STANDARDS AND REQUIRED IMPROVEMENTS:** This Article includes design standards that will under special circumstances replace or supplement the general design standards required in Article 3. The provisions regarding Hillside and Ridgetop Protection Area Development Standards that are presently located in Article 6 have been moved to this Article. This Article also includes the cross-references to the Form Based Development Codes (Knoxville South Waterfront) that include streetscape standards that differ from the general street standards in the Subdivision Regulations. The Planning Commission Staff is preparing conservation subdivision regulations that will be included in this Article.
 - **ARTICLE 5 – DEFINITIONS:** The definitions Article is being moved to the back of the regulations since it normally is used as a reference source.

Major Change:

- Eliminating words that are no longer found in the Regulations.