



AGENDA ITEM #: 6

MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Dan Kelly, Development Services Manager
DATE: Thursday, July 01, 2010
SUBJECT: Amendments to the Knoxville -Knox County Minimum Subdivision Regulations regarding review agencies and the number and type of copies of a final or administrative plat to be submitted for review, certification for recording and recording
7-A-10-OA

STAFF RECOMMENDATION:

APPROVE the amendments

BACKGROUND:

These proposed amendments are a result of a recent review by Planning Commission Staff of the number and type of copies of final plats that are submitted for review and recording. After consulting with the Planning Commission's Addressing Department, the City of Knoxville's Department of Engineering and other agencies, it was determined that mylar copies were no longer needed and paper copies were acceptable. It was also discovered that copies provided to some agencies were no longer needed. The proposed amendments reflect these changes and are intended to clarify the number of copies that are to be submitted for final plat review and recording within the City of Knoxville or Knox County.

**Proposed Amendments to the
Knoxville-Knox County Minimum Subdivision Regulations– 7-A-10-OA**

New language is shown as bold and underlined

Deleted language is shown with a strikethrough.

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44 FINAL PLAT

- 44-10 Purpose.** All subdivision plats shall receive their second official consideration by the Planning Commission as Final Plats.
- 44-20 Submission of Final Plat.** After the Design Plan has been approved by the appropriate utilities and reviewing agencies, the applicant may submit his final plat for Planning Commission consideration. ~~Sufficient paper copies of the plat shall be submitted for distribution as prescribed in Section 44-86 of these regulations. The final plat may be submitted in a digital format consistent with Section 44-89 of these regulations.~~ **For all final plats, including minor subdivisions identified in Section 45 below, a total of four paper copies of the plat shall be submitted for review.**
- 44-21 Acceptance of Final Plat.** No Final Plat will be accepted by the Planning Commission staff until and unless a properly certified "Certification of Approval of Design Plans" form has been submitted.
- 44-22 Incomplete Final Plats.** Incomplete final plats must be completed and paper copies containing all relevant corrections, certifications, verifications, and approvals must be submitted not less than 9 days prior to the date of the scheduled public hearing or such plat will not be approved by the Planning Commission. Any plat remaining incomplete after this deadline may be postponed to a subsequent meeting or withdrawn upon request in writing. The Planning Commission may waive the nine (9) day deadline with just cause presented to the Commission at a scheduled meeting.
- 44-30 Time Lapse.** Unless a time extension has been requested by the developer and granted by the commission, the Final Plat of the first unit shall be submitted within twenty-four (24) months of the approval date of the Concept Plan; otherwise the plat cannot receive Final Plat consideration, but shall be considered as, and resubmitted as, a new Concept Plan. Final Plat approval of each unit of the subdivision will extend the valid period of the Concept Plan twenty-four (24) months. However, no Concept Plan shall be in effect after five (5) years unless a time extension of up to five years from the last unit is requested by the developer and granted by the Planning Commission.
- 44-40 Public Hearing.** The Planning Commission shall consider the Final Plat in public hearing at its first regular meeting consistent with the closing date for filing proposals as prescribed in Article 1, Section 3, of the *Knoxville-Knox County Metropolitan Planning Commission Administrative Rules and Procedures*. The developer will be notified of such hearing in accordance with Section 32-26 of these regulations and he or his representative should be present.
- 44-50 Planning Commission Action.** Following the public hearing, the Planning Commission will review all recommendations and information presented at the hearing, and consider approval of the Final Plat.
- 44-70 Certification for Recording.** Within twelve (12) months from the date of approval by the Planning Commission, the Final Plat shall be submitted **to Planning Commission staff for final certification and recorded in the office of the Knox County Register of Deeds**; otherwise, the plat cannot be certified,

but shall be resubmitted for consideration by the Planning Commission. The following copies with all appropriate certifications affixed shall be submitted:

44-70.1 For property within the City of Knoxville. One paper copy each for the Knox County Register of Deeds, Planning Commission's Addressing Department, Knoxville Department of Engineering, Knox County Property Assessor and the applicant (Total of five copies).

44-70.2 For property within Knox County. One paper copy each for the Knox County Register of Deeds, Planning Commission's Addressing Department, Knox County Property Assessor and the applicant (Total of four copies).

~~44-70.1 Copy to be Recorded. One (1) copy to be recorded in the office of the Knox County Register of Deeds. Such copy shall be on paper, mylar or other medium suitable to and approved by the Register of Deeds.~~

~~44-70.2 Official Copy. One (1) translucent mylar reproducible copy for Planning Commission or office of City Engineer, or official file as appropriate.~~

~~44-70.3 Utility and Administrative Agency Copies. Sufficient copies for distribution to each utility and administrative agency having subdivision review responsibility.~~

44-80 Plat. The Final Plat is the official survey instrument to be recorded with the Knox County Register of Deeds. It provides all surveying data necessary for the accurate and legal transfer of property. The record plat, together with statements from the appropriate agencies certifying approval of the Design Plan and its related documents, comprises the Final Plat submission package. The Final Plat shall conform to the Design Plan and shall be prepared in the following manner:

~~**44-81 Materials.** The Final Plat of a subdivision shall be drawn on translucent mylar or other permanent material approved by the Secretary of the Planning Commission.~~

44-82 Scale. The Final Plat shall be drawn to a scale of one hundred (100) feet or less to the inch. Under special circumstances, the plat may be drawn at a larger scale with the approval of the Secretary of the Planning Commission and so long as the information required to be placed on the plat is legible.

44-83 Size. The Final Plat shall be drawn on a sheet eighteen (18) inches by twenty-four (24) inches with a border of two (2) inches on the left-hand edge along the eighteen (18) inch side of the sheet. The margin on the remaining three sides shall be one half (1/2) inch.

44-84 North Point. The Final Plat shall be so oriented that the north point will be directed as nearly as possible toward the top of the page with the two (2) inch binding edge on the left.

44-85 Page Numbering. When more than one sheet is used for any Final Plat, each sheet shall be numbered consecutively and shall contain a notation indicating the total number of sheets in the plat. In addition, an index sheet of the same

dimensions shall be required showing the entire subdivision, the sheet numbers, and outlines for each separate sheet of the Final Plat.

~~44-86 **Number of Copies.** At the time of final application, sufficient paper copies of the Final Plat shall be submitted for distribution to each utility and administrative agency having subdivision review responsibility. Submission of digital copies is optional.~~

~~44-87 **Copy to be Recorded – Reproducible Official Copy.** One (1) copy on mylar, plus additional copies for distribution as prescribed in Section 44-70 of these regulations, shall be submitted at the time of certification for recording.~~

44-88 Survey Accuracy. All subdivision plats shall comply with the standards of practice of the current edition of *Tennessee Land Surveyors Laws and Regulations*, and shall be Category I surveys as defined by those regulations.

~~44-89 **Digital Media.** In addition to the required mylar and paper copies, the Final Plat may be submitted in a digital format which is compatible with the geographic information systems of KGIS and other public review agencies.~~

44-90 Mapping and Engineering Information. The Final Plat of the subdivision shall include sufficient data to accurately reproduce the subdivision on the ground. The following items shall be required in addition to the approved Design Plan file:

46 ADMINISTRATIVE PLAT REVIEWS

46-10 Purpose. The purpose of this section is to establish special procedures for administrative plat review with minimum delay in processing such subdivisions for recording.

46-20 Qualifications for Administrative Plat Review. The subdivision shall be classified as an administrative plat when the plat divides the tract into no more than two (2) lots thereby creating only one (1) new lot, where the plat combines existing lots into no more than two lots, where an adjustment is made to the lot line(s) between two existing recorded lots, where a plat is required for recording an easement or new information and no subdivision of land is involved, or, where the plat meets the requirements for an exempt or corrected plat.

46-30 Administrative Plat Review Procedures. Administrative plat review procedures may vary depending on conditions involved. The procedures are as follows:

46-31 When Variance Is Not Requested. When no variance is requested no formal application is required. ~~Only two (2) copies of the subdivision plat, accompanied by the final plat checklist certified by the surveyor, must be submitted for review.~~

46-31.1 Review and Certification by Staff – Endorsement of Approval by Secretary. The staff of the Planning Commission shall review the subdivision plat with ten (10) working days and, a) certify to the secretary of the commission that such plat complies with all requirements of these regulations, or b) advise the surveyor of the plat's deficiencies.

46-31.2 Approval and Certification for Recording. Upon correction of all deficiencies, if any, and a determination by the Planning Commission staff that all requirements have been met, approval and certification for recording may be endorsed on the plat by the Secretary of the Planning Commission.

46-32 When Variance Is Requested. When any variance to these regulations has been requested, a formal application for final plat approval shall be required.

46-32.1 Review and Recommendation to Planning Commission and Certification.

Such subdivision plats shall be placed for consideration on the next appropriate Planning Commission agenda consistent with filing date of application. Final Plat procedure will be followed in reviewing and making recommendations to the Planning Commission and, if approved, certified for recording.

46-40 Exempt Plats. A plat shall be considered as an exempt plat if the division of property meets all of the following criteria:

46-40.1 All lots being created by the division of property are five (5) acres or greater in area.

46-40.2 All lots shall have at a minimum, twenty-five (25) feet of frontage on a public street or access to a public street by an exclusive permanent easement pursuant to the requirements of Section 64-24. Such public street does not qualify if the street was constructed and dedicated for the purpose of subdividing lots for residential or nonresidential use within the last ten (10) years.

46-40.3 No new road construction is required to serve the subdivision. If the construction of a joint permanent easement is required, the subdivision would not qualify.

46-40.4 No new utility construction is required other than individual service lines to a lot.

46-40.5 The proposed lots are not a result of the combination of lots smaller than five acres.

46-41 While an exempt plat is not subject to all the requirements of these regulations, an administrative plat review is required to determine if the plat complies with the above referenced criteria, and if the plat meets a mathematical property boundary closure and computed area requirements.

46-42 An exempt plat shall include the surveyor's seal (signed and dated) and the following certification stamps: survey accuracy stamp, Planning Commission's address and zoning classification stamps, ownership certification stamp (and notary stamp if in the City of Knoxville), and the Knox County Health Department certification stamp. In addition, the following surveyor's certification stamp for an exempt plat shall be included:

I certify that this plat qualifies under the provisions of Section 13-3-401 of the *Tennessee Code, Annotated* and is exempt from the requirements of the *Knoxville/Knox County Minimum Subdivision Regulations*, because (a) no new

street or utility construction is required, and (b) all resultant tracts are five (5) acres or greater in size.

Surveyor: _____

Reg. No. _____ Date _____

46-50 Corrected Plats

46-50.1 A plat shall be considered as a corrected plat if an error is discovered after recording, and the correction of the error does not result in a change affecting the size of any lot; the location of any property line or easement; add any new information that is not required for the correction; or eliminate any dedicated usage of the property (i.e. drainage or access easement)

46-50.2 A corrected plat shall identify the plat in the title block as a "Corrected Plat"; include a note stating what has been corrected on the plat; include the date of the corrected plat revision; and make reference to the instrument number of the previously recorded plat as recorded in the Register of Deeds Office.

46-60 Number of Copies Required for Review. For all administrative plats, four paper copies shall be submitted for review when the property is within the City of Knoxville and only two paper copies to be submitted for review when the property is only within Knox County's jurisdiction.