



AGENDA ITEM#: 5

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: June 14, 2012

SUBJECT: Amendments to the Knoxville-Knox County Minimum Subdivision Regulations regarding development standards for subdivisions within the Hillside and Ridgetop Protection Area.
4-B-12-OA

REQUEST

This request is initiated by MPC staff in an effort to begin implementing the recommendations of the Hillside and Ridgetop Protection Plan, as adopted by the City of Knoxville in December 2011 and Knox County in January 2012. The proposed amendments to the Knoxville-Knox County Minimum Subdivision Regulations create alternative development standards for streets and lots that are developed within the Hillside and Ridgetop Protection Area (HRPA) in order to implement the recommendations of the Hillside and Ridgetop Protection Plan (Plan) with regard to development and land disturbance criteria.

BACKGROUND

The Plan recommends that conservation of forested hillsides and ridges should be a component of environmental and economic sustainability in Knoxville and Knox County. Maintenance of tree cover and undisturbed land is a key element in protection of land within and outside of the HRPA from potential damages resulting from changes in the amount and velocity of storm water coming from development within the HRPA.

To that end, amendments to the Minimum Subdivision Regulations are proposed to allow the use of alternative street and lot standards for development within the HRPA that will minimize the amount of land disturbance that is necessary for the construction of streets and buildings within these environmentally sensitive areas.

The new alternative development standards proposed at Section 69-10 implement the Plan's recommendations with regard to conservation of resources and street design, street improvements, lot sizes and configurations, and yard requirements. The alternative development standards provide the developer much greater flexibility within the HRPA in order to minimize land disturbance that occurs as a result of development using the current standards.

ANALYSIS

In general, the proposed alternative standards allow smaller street rights-of-way, steeper grades, tighter turning radii, narrower pavement widths, elimination of curb and gutter requirements, the placement of retaining walls near the edge of rights-of-way, flexible on-street parking design, flexible lot dimensions and street frontage, and flexible yard requirements. These recommendations were considered by City and County engineering department staff during the preparation of the Plan and were discussed during the public review process leading to Plan approval.

To accommodate these changes to lot and yard standards within the HRPAs, the City of Knoxville and Knox County zoning ordinances must be amended as well. These proposed amendments are items 6 (4-C-12-OA) and 7 (4-D-12-OA) on this June 2012 MPC agenda. The proposed amendments allow these standards to be established by the planning commission at the time of development plan approval when the development is within a planned residential zone district.

These proposed alternative standards will result in greater flexibility for the developer without the need for approval of variances and should help to reduce the amount of land disturbance within the HRPAs that would be required utilizing existing development regulations.

Staff is also recommending a minor reorganization of the subdivision regulations to clarify existing language and provide an appropriate place for the alternative standards at Section 69 and elimination of unused regulations in Section 82. See EXHIBIT A.

These types of ordinance and subdivision regulation amendments are a part of the annual work program approved each year by the planning commission concurrent with its approval of an annual budget.

MPC is granted authority at TCA 13-3-403 to adopt subdivision regulations for the region, but both the City of Knoxville and Knox County have also adopted these regulations as part of their respective Code of Ordinances. This requires two actions on the part of the planning commission: 1) to adopt the proposed amendments, and 2) to recommend to the City and County legislative bodies that they adopt them as well in order to maintain a current version of these regulations as adopted by MPC in their respective codes.

Staff finds that these proposed amendments to the regulations:

- Are consistent with the intent of state enabling legislation for subdivision regulations by providing for harmonious development within the HRPAs and for the conservation of land resources promoting adequate storm water and drainage protection; and
- Are consistent with the principles found at page 29 and recommendations found at page 40 of the Hillside and Ridgetop Protection Plan with regard to conservation of resources on the ridges and steep slopes of Knoxville and Knox County through the use of alternative development standards which serve to minimize land disturbance within the HRPAs.

STAFF RECOMMENDATION

Staff recommends that the planning commission:

1. Adopt the amendments to the Knoxville-Knox County Minimum Subdivision Regulations as shown in EXHIBIT A and EXHIBIT B; and
2. Recommend to the City Council of Knoxville and the Knox County Commission that their respective versions of the subdivision regulations be amended as well, so that they are kept current with the Knoxville-Knox County Minimum Subdivision Regulations as adopted by MPC.

ATTACHMENT

- EXHIBIT A
- EXHIBIT B

Added text is **bold and underlined**.
Deleted language is ~~struck through~~.

SECTION 6

DESIGN STANDARDS

61 PURPOSE

The purpose of this section is to assist in insuring that sound residential subdivision development will take place in Knox County by the establishment of minimum standards for use in the design of subdivisions. **Alternative minimum standards for subdivisions located within the Hillside and Ridgetop Protection Area are located in Section 69 below.**

67 UTILITIES AND REQUIRED EASEMENTS

67-10 General. These standards for the design and construction of utilities are established to insure that all proposed subdivisions are provided with adequate, safe, and sufficient utility services.

67-20 Water Supply. Every lot in all proposed subdivisions shall have available a public water supply, or an individual water supply if a public water supply cannot be feasibly provided.

67-21 Installation and Maintenance of Systems. All subdivision water supply systems shall be designed, installed, and maintained in accordance with state and local regulations.

67-22 Individual Water Supply. In subdivisions which cannot feasibly provide a public water supply, the subdivision shall be so designed as to provide an individual water supply to each and every lot; provided, however, that no lots of less than one (1) acre shall be developed on individual water supply systems and, no lots in the City of Knoxville and no lot served by a utility district of Knox County with a public water supply, shall be developed on an individual water supply system.

67-30 Electric, Gas, Telephone, and Other Utilities. All utility services shall be so designed as to conform with all appropriate state, local, and utility agency requirements.

67-31 Underground Distribution. All telephone and electrical systems shall be designed to be underground, unless this is not economically feasible in the judgment of the utility company involved.

67-40 **Utility and Drainage Easements. Easements of five (5) feet in width, situated along both sides of all interior lot lines in a subdivision, shall**

be dedicated to the public and to appropriate utilities agencies. These required easements shall be ten (10) feet in width inside all exterior lot lines, including road right-of-way lines, where the adjoining lot or property is not subject to a similar easement at least five (5) feet in width. Other special drainage and utility easements may be required. Such dedication shall be noted on the Final Plat of a subdivision.

67-41 Easements: Zero Lot-Line Development. All easements required in Section 69-10 shall apply to zero lot line developments, except that no easements shall be required along interior lot lines underneath buildings.

68 PUBLIC OPEN SPACES

For the purpose of providing for adequate public land, the Planning Commission may require the dedication or reservation of usable open space within a subdivision up to a total of ten (10) percent of the gross area or water frontage of the subdivision for park, school, or recreation purposes.

69 ~~REQUIRED EASEMENTS~~ ALTERNATIVE DEVELOPMENT STANDARDS

~~69-10 Utility and Drainage Easements.~~ Easements of five (5) feet in width, situated along both sides of all interior lot lines in a subdivision, shall be dedicated to the public and to appropriate utilities agencies. These required easements shall be ten (10) feet in width inside all exterior lot lines, including road right-of-way lines, where the adjoining lot or property is not subject to a similar easement at least five (5) feet in width. Other special drainage and utility easements may be required. Such dedication shall be noted on the Final Plat of a subdivision.

~~69-20 Easements: Zero Lot-Line Development.~~ All easements required in Section 69-10 shall apply to zero lot line developments, except that no easements shall be required along interior lot lines underneath buildings which have been approved by the Planning Commission for such development.

SECTION 8

GENERAL PROVISIONS

81 AREA OF JURISDICTION

The Knoxville and Knox County Metropolitan Planning Commission, through these subdivision regulations, shall have jurisdiction and control over the subdivision of all land in Knox County, Tennessee, including the incorporated City of Knoxville which area shall also be considered as the planning area, but excluding all land located within the corporate boundaries of the Town of Farragut.

82 VARIANCES

These land subdivision regulations are adopted only as minimum requirements, and all developers should consider developing their subdivisions at higher standards. Thus, the developer is encouraged to go beyond the standards of these regulations and the Planning Commission may require standards above the minimum contained herein ~~whenever it feels that public health, safety, and welfare justify such increases~~ **upon finding that the public health, safety, and welfare justify such standards.**

The Planning Commission also may reduce or otherwise vary the requirements of these regulations whenever it encounters the situation described below. In granting such variances, the Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the varied regulations. Any variance granted by the Planning Commission shall be noted in its official minutes along with the reasons which justified the granting of the variance.

82-10 Hardships. The Planning Commission may reduce or otherwise vary the requirements of these regulations when a definite hardship would occur as a result of strict enforcement of these regulations.

82-11 Conditions Required. Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from the strict compliance with these regulations, they may, after written application by the developer, grant variations to the regulations, subject to specified conditions, so that substantial justice may be done and the public interest secured, provided that such variations shall not have the effect of nullifying the intent and purpose of these regulations or the comprehensive plan.

82-12 Evidence of Hardship Required. The Planning Commission shall not grant variations to these regulations unless they make findings based upon the evidence presented to them in each specific case that:

82-12.1 Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.

82-12.2 The conditions upon which the request for a variation is based is unique to the property for which the variation is sought and is not applicable, generally, to other property, and has not been created by any person having an interest in the property.

82-12.3 The purpose of the variation is not based exclusively upon a desire for financial gain.

82-12.4 The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

~~**82-20 Large-Scale Development and Design Innovations.**—The Planning Commission shall make a thorough analysis of subdivisions for which this section might be applicable and shall satisfy itself that the public interest will continue to be served in the granting of variances from the strict application of the provisions of these regulations. Prior to the approval of concept plans and/or final plats, the Planning Commission may require evidence of bonds, covenants, deed restrictions, and contracts to assure that developments as proposed will materialize.~~

~~**82-21 Development.**—The standards and requirements of these regulations may be modified in the case of large-scale developments when the Planning Commission finds that a plan and program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.~~

~~**82-22 Design Innovation.**—From time to time subdivisions may be conceived and designed to provide unusual amenities and at the same time fail to conform strictly to the provisions of these regulations. The Planning Commission may waive the requirements of these regulations in the approving of subdivisions involving thoroughly studied design innovations. The developments allowable under this provision are those which might call for smaller lot sizes than usual, and which might call for the preservation of land for recreational, scenic, historical, and/or park purposes, and for the maintenance of the drainage capacity of watercourses in such a manner as to yield wholesome living environments for future occupants.~~

~~**82-30 Hillside Subdivisions.**—For the purposes of this section, the term “hillside lands” shall be construed to mean land proposed to be subdivided which has at least a sixteen (16) percent slope (an average difference in elevation of at least sixteen (16) feet in a horizontal distance of one hundred (100) feet). Any street frontage having a length of three hundred (300) feet or more shall be considered a hillside land area if the slope of thirty (30) percent or more of its length equals or exceeds sixteen (16) percent. All provisions of these~~

~~regulations as set forth herein shall apply to "hillside land subdivision" except as superseded by this Section 82-30 which is hereby made expressly applicable to hillside land subdivisions only.~~

~~82-31 Street Design~~

~~82-31.1 **Widths.** In the unincorporated area of Knox County and within the corporate limits of the City of Knoxville local streets shall have a right-of-way of at least fifty (50) feet except that a right-of-way of forty (40) feet will be permitted if:~~

~~82-31.11 The average cross slope of the hillside is thirty-five (35) percent or more, or;~~

~~82-31.12 Lots front on only one (1) side of street and the cross slope is twenty-six (26) percent or more.~~

~~82-32 Street Improvements~~

~~82-32.1 **Pavement Widths.** Pavement widths shall be not less than twenty-six (26) feet (same as for local streets in standard regulations) except that where the average cross slope is twenty-six (26) percent or greater, pavement widths may be reduced by the Planning Commission as follows:~~

~~82-32.11 Where the average cross slope is between twenty-six (26) percent and forty (40) percent, the minimum pavement width may be reduced to 20 feet.~~

~~82-32.12 Where the average cross slope is greater than forty (40) percent, the minimum pavement width may be reduced to sixteen (16) feet, provided the subdivision road system on such slopes is designed for one-way traffic.~~

~~82-32.2 **Curb and Gutter.** Curb and gutter shall be required as follows:~~

~~82-32.21 Where street grades are six (6) percent or under, curb and gutters shall be required in accordance with general regulations.~~

~~82-32.22 Where street grades are greater than six (6) percent, six-inch (6") vertical curb and gutters will be required.~~

82-33 Lots

~~82-33.1—When the average cross slope is between sixteen (16) and twenty-five (25) percent, design requirements for lots are the same as those in the general requirements of these regulations.~~

~~82-33.2—When the average cross slope is between twenty-six (26) and forty (40) percent, design requirements for lots is as follows:~~

~~82-33.21—The average minimum lot area for the entire subdivided area will be twenty-five thousand (25,000) square feet. Not less than eighty (80) percent of the lots shall have a minimum area of twenty-five thousand (25,000) square feet and no lot shall have an area of less than twenty thousand (20,000) square feet.~~

~~82-33.22—Minimum lot frontage will be one hundred (100) feet, except a minimum frontage of fifty (50) feet may be permitted at the end of a cul-de-sac.~~

~~82-33.23—Minimum average lot width will be one hundred (100) feet.~~

~~82-33.3—When the average cross slope is greater than forty (40) percent, design requirements for lots are as follows:~~

~~82-33.31—The average minimum lot area for the entire subdivided area will be one (1) acre. Not less than eighty (80) percent of the lots shall have a minimum area of one (1) acre and no lot shall have an area less than twenty-five thousand (25,000) square feet.~~

~~82-33.32—Minimum lot frontage will be one hundred forty (140) feet except a minimum frontage of sixty (60) feet may be permitted at the end of a cul-de-sac.~~

~~82-33.33—Minimum average lot width will be one hundred thirty (130) feet.~~

82-34 Front Setback

~~82-34.1—Within the corporate limits of the City of Knoxville the front setback requirements for hillside land subdivision shall conform to the requirements of the zoning ordinance for the City of Knoxville.~~

~~82-34.2—In the unincorporated area of Knox County the front yard setback shall conform to the requirement of the *Knox County Zoning Ordinance* or such greater setback as may be imposed by the Knox County Health Department or the Planning Commission.~~

**SUBDIVISION REGULATIONS
DEVELOPMENT STANDARDS FOR HILLSIDE AND RIDGETOP SUBDIVISIONS**

PROPOSED NEW ALTERNATIVE STANDARDS:

69-10 Hillside and Ridgetop Protection Area Development Standards.

69-11 Purpose

The purpose of this section is to establish alternative street design standards, setbacks and lot sizes for subdivisions and development within the Hillside and Ridgetop Protection Area (HRPA) as established by the *Hillside and Ridgetop Protection Plan*, as adopted by the City of Knoxville in 2011 and Knox County in 2012. The foundation of these regulations is the desire to minimize the disturbance of natural land within the protection area in order to preserve its capacity to accommodate storm events, to protect valuable vegetation that contributes to the enhancement of air and water quality, and to minimize damage to the land and structures within and outside the HRPA caused by downhill and downstream flooding and severe erosion. The intent of these regulations is to promote low impact development on sensitive lands within the protection area through regulations that represent an alternative to regulations described elsewhere in the Subdivision Regulations.

This section shall supersede any other provision of the Subdivision Regulations as set forth herein and is expressly applicable to subdivisions and development of land within the HRPA.

69-12 Applicability

These standards may be applied within the established HRPA, subject to the following criteria:

1. The development is subject to development plan approval by the planning commission as required by a planned zone district; and
2. The planning commission finds that the proposed development preserves and protects undisturbed land consistent with the intent of the land disturbance recommendations of the *Hillside and Ridgetop Protection Plan*.

69-13 Street Standards

The following street standards may be approved by the planning commission for development within the HRPA, provided that design plans are approved by the City and County engineering divisions, whichever is appropriate:

1. **Right-of-Way Widths.** The minimum width for a right-of-way for a local street may be reduced to forty (40) feet.
2. **Grade of Streets.** The maximum grade for a local street may be up to fifteen (15) percent.
3. **Horizontal Curves.** The minimum allowable horizontal radius of curvature at the centerline of a local street may be reduced to one hundred and five (105) feet; consistent with AASHTO standards for a twenty-five (25) mph design speed with an eight (8) percent super elevation (banking of the curve);

**SUBDIVISION REGULATIONS
DEVELOPMENT STANDARDS FOR HILLSIDE AND RIDGETOP SUBDIVISIONS**

4. **Pavement Widths.** The minimum pavement width for a local street may be reduced to twenty (20) feet; and in areas that are demonstrated to have slopes greater than forty (40) percent, the minimum pavement width may be reduced to twelve (12) feet of pavement, with two (2) foot shoulders on both sides, provided the subdivision road system on such slopes is designed for one-way traffic.
5. **Curbs.** The requirement for curbs may be waived, provided that adequate edge of pavement and storm water conveyance are constructed.
6. **Parking within the Right-of-Way.** Parallel parking areas may be approved outside the minimum width of pavement. Such parallel parking areas may be configured to accommodate up to four (4) vehicles in a parking bay, provided the area is separated from any other parking areas by no less than twenty (20) feet of landscaped area. Parking areas shall not interfere with minimum sight distance requirements.
7. **For streets both inside and outside of the HRP.** For continuous streets that lie both within and outside the HRP, the appropriate street improvements may be approved by the planning commission upon consideration of the topographic conditions and estimated traffic volume of the street.

69-14 Lots

1. **Minimum Lot Dimensions.** The minimum lot size, lot width and lot depth shall be approved by the planning commission; provided that lots are large enough to satisfy the requirements of the adopted building codes of the City of Knoxville and Knox County.
2. **Minimum Lot Frontage.** The minimum lot frontage shall be twenty-five (25) feet.

69-15 Minimum Yard Requirements

The minimum yard requirements for front, side and rear yards on residential lots shall be approved by the planning commission, except that the periphery boundary setback, when not a front yard setback, shall conform to the requirements of the City of Knoxville and Knox County zoning ordinances.

COUNCIL OF WEST KNOX COUNTY HOMEOWNERS, INC.
Representing Homeowners since 1971

- Admiral's Landing**
- Ashley Oaks**
- Belmont West**
- Bunker Hill**
- Cedardale
- Charles Town Landing**
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- Greywood Crossing
- Gulf Park Civic Assoc.**
- Gulfwood**
- Highgate
- Highlands at Northshore
- Karns Community Club**
- Kincer Farm**
- Lakeridge**
- Lovell Hills**
- Lovell Road/Lovell View
- Lyons Crossing**
- Madison Ridge
- McKenzie Meadows**
- New Kensington**
- Northshore Landing**
- Plantation Springs
- Seven Oaks East**
- Seven Oaks West**
- Sherman Oaks**
- Statesview
- Suburban Hills**
- Tan Rara Oeste**
- Trails End**
- View Harbour**
- Wayne Provence
- Westland - West**
- Westshore**
- Woods at Bluegrass**
- Woods at West Valley**

Knoxville/Knox County MPC May 7, 2012

re: 4-B-12-OA, 4-D-12-OA, and 5-A-12-OA

Dear MPC commissioners and staff,

At the May 1, 2012 meeting of the Council of West Knox County Homeowners, some members expressed concern about the above agenda items, which have to do with amending the Knox County minimum subdivision requirements and the zoning ordinance to comply with development standards for subdivisions in Knox County that lie within the hillside and ridgetop protection areas.

The Council of West Knox Homeowners asks the MPC to delay action on items 4-B-12-OA, 4-D-12-OA, and 5-A-12-OA until such time as the county law director can review the items to ascertain that they comport with and are in spirit with the action taken by the county commission on hilltop and ridgetop development.

Thank you,

Margot Kline

Margot Kline
President, Council of West Knox County Homeowners

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