



## MEMORANDUM

**TO:** Knoxville-Knox County Planning Commission  
**FROM:** Amy Brooks, AICP, Planning Services Manager  
**DATE:** March 4, 2020  
**SUBJECT:** **3-A-20-OB:** Consideration of amendments to the Knoxville-Knox County Administrative Rules and Procedures

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### STAFF RECOMMENDATION:

APPROVE proposed amendments to the Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission.

### BACKGROUND:

Planning staff and Knoxville-Knox County Planning Commission Attorney Steve Wise have reviewed the Administrative Rules and Procedures and identified necessary updates, clarifications, as well as recommended changes to ensure consistency and transparency in day to day operating procedures for both Planning staff and Planning Commission.

### OVERVIEW:

Several sections were removed and placed in either the Bylaws of the Knoxville-Knox County Planning Commission, in the newly created Planning Staff Review Guidelines, or established as stand-alone documents made available on Planning's website. The Planning Staff Review Guidelines will cover policies and procedures to guide staff in the review of applications as well as the day to day operations of Knoxville-Knox County Planning. The Guidelines can be amended at the discretion of the Executive Director and copies will be made available for public inspection.

The current version of the Administrative Rules and Procedures can be found [here](#). Amendments for consideration include the following:

**Introduction:** Clarifies the purpose of the Administrative Rules and Procedures and the distinction between the Commission and Staff and acknowledges the Agency's new name Knoxville-Knox County Planning.

**Former Article I Notices:** moved to Bylaws

**Article II Proposals and Applications:**

Added Section 4 – Rezoning and Plan Amendments to acknowledge these application types.

Removed former Section 3 – Final Plan Applications, Section 4 – Minor Subdivisions and Section 5 Administrative Plats and replaced with Section 6 – Subdivision Applications. This change is intended to establish consistency between the Knoxville-Knox County Subdivision Regulations and the Administrative Rules and Procedures.

Added Section 7 – Sequential Applications

Added Section 8 – Supplemental Information

**Former Article VII** – Removed Traffic Access and Impact Study Submission Requirements since it is covered in the newly adopted Transportation Impact Analysis (TIA) Guidelines. The TIA guidelines will be added to the Planning Staff Review Guidelines and will be made available as a stand-alone document on Planning's website.

**Article VIII** – Land Divisions Excluded from Regulation

Section 1 and Section 2- Partition Among Owners - modified stamps language to include current language.

**Article IV** – Staff Review Guidelines

Modified former Sections 1 – 6 to provide basic guidelines on the requirements of staff review. Planning Staff Review Guidelines will contain additional detail as needed to guide staff in their review.

**Article V** – Staff Recommendation

Modified to state applicants will be emailed copies of the appropriate staff reports and recommendations or, if no email address is provided, copies shall be mailed to the applicant's address shown on the application.

**Former Article XI** – Monthly Public Meeting: moved to Bylaws

**Former Article XII** – Planning Commission Action on Application: moved to Bylaws



**Former Appendix A** – Addressing Guidelines and Procedures: removed and will be included in the Planning Staff Review Guidelines and made available as a stand-alone document on Planning’s website.

**Former Appendix B** – Transportation Impact Analysis Guidelines: removed and added to the Planning Staff Review Guidelines and will be made available as a stand-alone document on Planning’s website.

**Former Appendix C** – Infill Housing Design Review Committee: removed and added to the Planning Staff Review Guidelines and made available as a stand-alone document on the Planning’s website under the appropriate page for this Committee. Going forward the Infill Housing Design Review Committee will review and adopt their Administrative Rules & Procedures.

**Former Appendix D** – Wireless Communication Facilities (WCF) Administration: removed and added to the Planning Staff Review Guidelines and will be made available as a stand-alone document on Planning’s website.

**Former Appendix E** – Downtown Design Review Board Administrative Rules & Procedures: removed and added to the Planning Staff Review Guidelines and will be made available as a stand-alone document on Planning’s website. Going forward the Design Review Board will review and adopt their Administrative Rules & Procedures.

If approved, the amended Administrative Rules and Procedures will take effect immediately and supersede previous versions.





# **ADMINISTRATIVE RULES AND PROCEDURES OF THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION**

AS AMENDED THROUGH MARCH 12, 2020

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## INTRODUCTION

The Knoxville-Knox County Planning Commission (the “Commission”) is a regional planning commission established pursuant to the provision of Title 13, Chapter 3 of TENN. CODE ANN. providing services to the City of Knoxville and Knox County, Tennessee, but excepting the Town of Farragut. Knoxville-Knox County Planning (the “Staff”), under the direction of the Commission’s Executive Director, provides professional, technical and clerical support to the Commission.

These *Administrative Rules and Procedures* set forth requirements, processes and procedures of the Commission, its Executive Director, the Staff and applicants regarding proposals submitted to the Commission, and are in addition to requirements of the *Knoxville Zoning Ordinance*, the *Knox County Zoning Ordinance* and the *Knoxville-Knox County Subdivision Regulations*. These *Administrative Rules and Procedures* comprise the day-to-day operating manual of the Commission and Staff, to secure consistent handling of zoning, subdivision and plan matters, as well as other matters considered by the Commission.

## ARTICLE I – NOTICES

### SECTION 1 – PUBLIC NOTICE

Staff shall give public notice of the date, time and location of all public hearings of the Commission, by publication in a daily newspaper of general circulation in Knox County, Tennessee, not less than fifteen (15) days prior to the scheduled hearing date. Commission meetings held to consider the adoption of, or amendments to, the *General Plan* and its sub-elements, such as sector plans and the *Knoxville One Year Plan*, require thirty (30) days public notice. Calculation of the notice period shall commence on the first date of publication, but shall not include the hearing date. For each proposal or application to be considered by the Commission, the notice shall provide:

- A. The name of the applicant.
- B. The nature of the proposal or application.
- C. A general description of the location of the property that is the subject of the proposal or application.

### SECTION 2 – NOTICE PUBLICATION CRITERIA

All notices published pursuant to Section 1 of this Article shall meet the following criteria:

- A. The notice shall be placed in the “Classified Ads” section of the newspaper in the “Legal/Public Notices” classification.
- B. The caption shall be all capital letters in no less than two-line type and shall contain the words “PUBLIC NOTICE,” and a description of the type of matter being heard.
- C. The body copy shall be no less than the standard one-line type used generally throughout the “Classified Ads” section.

### SECTION 3 – PUBLICATION COSTS

The cost of publishing notices provided under this Article shall be borne by the Commission, except that the Commission shall not be responsible for the cost of publishing notices related to general amendments to the Zoning Map of the City of Knoxville or of Knox County initiated by the administration or legislative bodies of Knoxville and Knox County, or as otherwise provided herein.

## **SECTION 4 – PUBLIC NOTICE SIGNS**

For each proposal or application to be considered by the Commission, notice shall be given by conspicuously posting a sign on the property that is the subject of the proposal or application, not less than twelve (12) days prior to the scheduled hearing date. Calculation of the notice period shall commence on the first date of posting, but shall not include the hearing date. For each proposal or application to be considered by the Commission at the public hearing, the notice sign shall provide:

- A. The nature of the proposal or application.
- B. Staff contact information (telephone number and website) and the date and time of the public hearing.

Provided, the posting of notice signs shall not be required for subdivision final plat applications, amendments to Plan text or general area amendments, general amendments to the Zoning Map, Zoning Map amendments pertaining solely to public rights-of-way or amendments to the text of the *Knoxville Zoning Ordinance* or the *Knox County Zoning Ordinance*.

The required public notice sign shall be provided by Staff to the applicant at the time of application. The applicant or their designee shall be responsible for posting the sign per the requirements of this Section. Failure to post the notice sign as required shall be sufficient cause for postponement of action on the application by the Commission. However, failure to post notice signs as provided in this Section shall not preclude the Commission from acting on any application or proposal properly before it.

## **SECTION 5 – NOTIFICATION BY MAIL**

- A. Staff shall send written notice of the application and the scheduled Commission hearing date to all property owners whose property is within 300 feet of the property which is the subject of an application for a rezoning, special use, use on review, sector plan amendment, or one-year plan amendment, except as noted in Sections 5B or 5C. Such notice shall be to the last known addresses of the property owners as listed on the tax rolls. Notices shall be mailed at least twelve (12) days before the date of the first scheduled hearing, using the method of counting days described in Section 1 of this Article. This notice shall also be required when an application of the type listed above is removed from the table, unless the matter is being removed from the table for withdrawal only. Notices are not required for postponed hearing dates.



- B. Written notice for general amendments to the Zoning Map shall be provided to all property owners whose property is within the area effected by the proposed general amendment, the cost of which shall be borne by the initiator of the request. Provided, no such written notice is required for proposed comprehensive zoning ordinance amendments or comprehensive zoning map amendments.
  
- C. Written notice is not required for changes for comprehensive updates to the zoning ordinance, zoning ordinance text, annexation-related rezonings initiated by the City of Knoxville or subdivision plats.

## ARTICLE II – PROPOSALS AND APPLICATIONS

### SECTION 1 – APPLICATIONS

All proposals or applications to the Commission shall be submitted on forms provided by Staff and available at [knoxplanning.org](http://knoxplanning.org), and at the offices of Staff. Each application shall be accompanied by the appropriate filing fee, application checklist (if applicable) and all other submittals required under these Administrative Rules, and any ancillary procedures and documents.

### SECTION 2 – CLOSING DATE FOR FILING APPLICATIONS

A. Proposals and applications shall meet the following filing deadlines:

- 1 Staff shall establish standard filing deadlines for matters to be heard at the Commission's monthly meetings to permit adequate time for review and public notice.
- 2 An extended deadline date is available for applications, other than concept subdivision plans, use on review and special use applications. Such applications will be accepted by Staff during the week following the standard deadline by paying a 20% higher fee each day, until the double fee deadline date. The double fee deadline is established as the later of: (i) the first Monday of the month immediately preceding the month of the Commission meeting; or, (ii) the last day prior to such Monday allowing for adequate public notice as required by these Administrative Rules and general law.
- 3 In the event that either the standard filing deadline or the double fee deadline falls on a holiday, such deadline shall be extended to the next business day.
- 4 A calendar of the filing deadlines will be made available at [knoxplanning.org](http://knoxplanning.org) and at Staff offices.

B. All completed applications received before the effective deadline shall be placed on the agenda of the regular monthly public meeting of the Commission. The agenda will be made available to the public not less than twelve (12) days prior to the monthly meeting.

### **SECTION 3 – USE ON REVIEW AND SPECIAL USE APPLICATIONS**

In addition to the requirements of the application forms and those of either the *Knox County Zoning Ordinance* or the *Knoxville Zoning Ordinance*, as appropriate, every application for use on review or special use shall be accompanied by a site plan, drawn to scale, showing, at a minimum:

- A. The subject property and its relationship to adjacent properties, streets, easements and alleyways.
- B. The location of existing and proposed building(s) on the subject property, and distances of each from all property lines.
- C. The proposed use of all buildings, together with information sufficient to determine off-street parking requirements.
- D. An off-street parking plan, if appropriate, showing parking spaces, access aisles and entrances and exits to streets.
- E. All planted areas, recreation areas, play areas and green space.
- F. A detailed landscape plan, unless such plan is deemed not applicable by Staff.

### **SECTION 4 – REZONING AND PLAN AMENDMENTS**

Applications for rezoning or plan amendments must be submitted in accord with this Article II.

### **SECTION 5 – STREET OR SUBDIVISION NAME CHANGE APPLICATION**

Any application proposing a street or subdivision name change filed by a person or entity other than the City of Knoxville, Knox County or the Commission must be accompanied by the following:

- A. A completed application form including:
  - 1 The existing name of the street or subdivision.
  - 2 The proposed name of the street or subdivision.
  - 3 The location of the street or subdivision proposed for change.
  - 4 The reason for the proposed change.

- B. A petition regarding the proposed change which sets forth in form and detail satisfactory to Staff:
- 1 The typewritten or printed name of the owner(s) of every property abutting the street or located in the subdivision subject to the proposed change of name (the “Owners”).
  - 2 The street address of each such Owner.
  - 3 The signature of each such Owner.
  - 4 The opinion of each such Owner regarding the proposed change of name.

The petition set forth in Sub-Section B above shall not be required for any application for change of name to correct a typographical error or misspelling in a recorded subdivision plat.

## **SECTION 6 – SUBDIVISION APPLICATIONS**

Applications for subdivision concept plans and for final plats shall be in conformity with the *Knoxville-Knox County Minimum Subdivision Regulations*, and shall be accompanied by all requests for variances. Revisions to such applications, based on Staff review or otherwise, will be accepted if submitted not later than nine (9) days prior to the Commission meeting at which the application is scheduled for hearing.

## **SECTION 7 – SEQUENTIAL APPLICATIONS**

Applications for a use on review, specific use, special exception or concept plan may not be scheduled by Staff for hearing at the monthly meeting at which an application for rezoning or plan amendment for that same property, or any portion thereof, is being considered by Commission.

## **SECTION 8 – SUPPLEMENTAL INFORMATION**

Staff may request supplemental information for any application when deemed necessary to facilitate a competent review of the application.

The Executive Director shall establish and maintain written guidelines, procedures and methodologies for:

- A. Addressing requests.
- B. Required and requested transportation impact analysis reports.
- C. Wireless communication facility application.
- D. Zoning study application for neighborhoods or other large areas.

- E. Such other application requests as the Executive Director may deem appropriate from time to time.

The written guidelines shall be amended from time to time to facilitate efficient and complete staff review. Copies of all such guidelines will be made available at [knoxplanning.org](https://knoxplanning.org) and at the office of Staff.

ARTICLE III – LAND DIVISIONS EXCLUDED FROM REGULATION

**SECTION 1 – PARTITION AMONG OWNERS**

Division of land partitioned by a court of competent jurisdiction does not require Commission approval. However, plats filed to reflect the division require certification by Staff prior to recording. A copy of such a plat shall be submitted to Staff for review for accuracy, and, if in compliance with the law, shall be certified by Staff as follows:

*“The property shown on this subdivision plat is divided pursuant to the provisions of TENN. CODE ANN. 13-3-408. This certificate does not constitute approval or disapproval of the plat, but certifies that the plat contains all the information required by TENN. CODE ANN. 13-3-402.”*

Signed by: \_\_\_\_\_

KNOXVILLE-KNOX COUNTY PLANNING

Date: \_\_\_\_\_

**SECTION 2 – DIVISION OF LAND INTO TRACTS OF FIVE OR MORE ACRES WHICH ARE NOT SUBDIVISIONS**

The division of land into tracts of five or more acres and not requiring new street or utility construction do not require Commission approval. A copy of such plats shall be submitted to Staff for review and certification as follows:

*“All tracts shown are five acres or larger, do not require new street or utility construction and do not constitute a subdivision per the provisions of TENN. CODE ANN. 13-3-401(4)(B)(i). Planning Commission approval is not required.”*

Signed by: \_\_\_\_\_

KNOXVILLE-KNOX COUNTY PLANNING

Date: \_\_\_\_\_

## ARTICLE IV – STAFF REVIEW GUIDELINES

Every proposal or application submitted to the Commission shall be reviewed and studied by Staff, who shall render a report and a recommendation of action to the Commission, if action is required. For all proposals that involve specific property sites, Staff shall assess the site as part of the study and review.

The Executive Director shall establish and maintain written guidelines for Staff review and analysis of all applications submitted to the Commission. The written guidelines shall include:

- A. Standard application forms.
- B. Procedures for the initial processing of applications.
- C. Supplemental information or documentation that may be required or requested by Staff to accompany application filings.
- D. Standard procedures for the Staff analysis and review.
- E. Reporting requirements to appropriate government agencies and utilities.
- F. Timelines for stages of the review.
- G. Certification requirements for completed applications.
- H. Such other matters as the Executive Director may deem appropriate to facilitate an efficient and comprehensive review of applications.

The guidelines shall be amended from time to time at the discretion of the Executive Director to ensure conformity with current, prudent planning practices and with the law. Copies of the guidelines will be made available for public inspection at Staff offices.

## ARTICLE V – STAFF RECOMMENDATION

Upon completion of its study and review, Staff will prepare a report to Commission, including a recommendation to either: (1) approve an application as requested; (2) approve the application subject to conditions; (3) approve the application with modifications or conditions; (4) postpone consideration of the application; (5) table the application; or, (6) deny.

Not less than six (6) days prior to the date of Commission’s monthly public meeting, the Staff reports, together with appropriate maps, letters and petitions, along with the minutes of the previous monthly meeting, and the agenda for the meeting shall be forwarded to all Commission members and to appropriate City and County agencies. Not less than five (5) days prior to the date of the Commission’s monthly public meeting, a copy of the appropriate Staff reports and recommendations shall be emailed to each applicant, or, if no email address is provided, mailed to the applicant’s address shown on the application.



## ARTICLE VI – APPEALS

### SECTION 1 – RIGHT OF APPEAL

Any decision or action of the Commission rendered under the authority of, or pursuant to, the *Knoxville Zoning Ordinance* or the *Knox County Zoning Ordinance* may be appealed in accordance with the provisions of those ordinances.

### SECTION 2 – COMPUTATION OF APPEAL

The applicable appeal period shall commence on the date following the action by the Commission. After expiration of the applicable appeal period as defined in the *Knoxville Zoning Ordinance* or the *Knox County Zoning Ordinance*, as is appropriate, any petition for appeal shall not be accepted. In the event that the final day of the applicable appeal period falls on a Saturday, Sunday or holiday, the appeal period shall be extended to the next business day.

### SECTION 3 – PUBLIC NOTICE SIGNS

Notice of each matter appealed from the Commission to a legislative body shall be given by the applicant by conspicuously posting a sign on the property that is the subject of the appeal, not less than twelve (12) days prior to the scheduled hearing date before the appropriate legislative body. The sign, which shall be provided by Staff and posted by the appellant, shall state:

- A. The nature of the appeal.
- B. The date, time and location of the public hearing.

Provided, notice signs shall not be posted for plan amendments, general amendments to the Zoning Map, amendments to zoning districts, Zoning Map amendments pertaining solely to public rights-of-way or amendments to the text of the zoning ordinances.

Failure of the appellant to post notice signs as provided in this section shall not preclude the appropriate legislative body from acting on any appeal otherwise properly before it.

## ARTICLE VII – SCHEDULE OF FEES

Staff shall maintain a *Schedule of Fees* for filings with the Commission, available for public review at [knoxplanning.org](https://knoxplanning.org) and at Staff offices.