



MEMORANDUM

To: Knoxville-Knox County Planning Commission
From: Amy Brooks, AICP, Executive Director
Date: January 4, 2024
Subject: **11-C-23-OB – Agenda Item #49**, Consideration of Amendments to the Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission

On January 9, 2024, the Executive Committee of the Knoxville-Knox County Planning Commission recommended approval of the proposed amendments to the Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission.

STAFF RECOMMENDATION:

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

BACKGROUND

Planning staff reviewed the Administrative Rules and Procedures concurrently with the Bylaws to determine the need for updates and maintain alignment between the two documents and identified sections with outdated information and several opportunities to improve clarity in the language.

PROPOSED AMENDMENTS

The proposed amendments are summarized below.

Entire Document: Made language more concise where appropriate, revised all mentions of “Staff” to “Planning” and consolidated mentions of the “Executive Director and Staff” to “Planning”.

Article I, Notices:

- **Section 1, Public Notice, Newspaper Advertisement:** Revised to reflect the information provided on public notice signage and added a section on readvertisement of cases.

- Section 2, Public Notice, Signs: Made language more concise, corrected information contained on public notice signage, revised list of signs to be the cases that do require signs (as opposed to listing those that do not) and added information about who is responsible for posting a public notice sign.
- Section 3, Public Notice, Mail: Specified 30- and 60-day postponements are not required to be noticed and this reflects our current practice of notification for 90-day postponements.
- Section 4, Public Notice, Planning Website: New section added to reflect the items posted on the website and the timing of those posts, where applicable.

Article II, Proposals and Applications:

- Section 1, Applications: Updated to include the signature requirement.
- Section 2, Closing Date for Filing Applications: Removed references to extended deadlines and moved references to posting of the agenda list to Article I, Section 4 Public Notice, Planning Website.
- Section 4, Rezoning and Plan Amendments: Added requirements for maps to be provided.
- Section 5, Street or Subdivision Name Change Applications: Deleted redundancy between the applications and this document, clarified the information to be provided, and when a petition or application would not be required.
- Section 6, Subdivisions: Added a section on requests for a variance or to use an alternative design standard. Removed reference to the revisions to subdivision applications to be submitted nine (9) days prior to the Commission meeting.
- Section 7, Sequential Applications: Revised language to improve clarity.
- Section 8, Supplemental Information: Moved the sentence about when these guidelines could be amended to the end of the document as Article VIII (created new Article).

Article III, Land Divisions Excluded from Regulation:

- Section 1, Partition Among Owners: Revised language to refer to state law and removed the certification stamp since these types of subdivision plats are not reviewed by Planning.
- Section 2, Division of Land into Tracts of Five or More Acres which are Not Subdivisions: Revised language to refer to state law and removed the certification stamp since these types of subdivision plats are not reviewed by Planning.

Article IV, Staff Review Guidelines:

- Deleted this section since it describes the information already in this document.



Article V, Staff Recommendation (now Article IV):

- Updated this article to reflect the current practice of sharing information via the website instead of physical copies. Removed reference to the actions contained in staff recommendation comments.

Article VI, Appeals (now Article V):

- Section 3, Public Notice Signs: Revised text to reflect the information provided on public notice signage and revised the list of signs to reflect the types of cases that do require signs as opposed to listing those that do not.

Article VII Schedule of Fees (now Article VI):

- Updated references to “Staff” to say “Planning.”

Article VII: Amendments to the Admin Rules:

- New article with the information from Article II, Section 8 as listed above.

NEXT STEPS

If approved by the Knoxville-Knox County Planning Commission, the Administrative Rules and Procedures will be considered amended and posted on Planning’s website.



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

AS AMENDED THROUGH January 11, 2024

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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 the *Tennessee Code Annotated* providing services to the City of Knoxville and Knox County, Tennessee, but excepting the Town of Farragut. Knoxville-Knox County Planning (Planning), 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, Planning, 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 Planning, to ensure consistent handling of all matters considered by the Commission.

ARTICLE I – NOTICES

SECTION 1 – PUBLIC NOTICE, NEWSPAPER ADVERTISEMENT

PUBLICATION

Planning 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 case file number(s).
- B. The name of the applicant(s).
- C. The nature of the proposal or application.
- D. An assigned street address, or a general description of the location of the property that is the subject of the proposal or application, if an address has not been assigned.

READVERTISEMENT

Applications will be readvertised following a 90-day postponement of an application, a substantial revision to the request, or when an item is removed from the table to be heard.

Readvertisement notice is not required for postponed hearing dates of 30 or 60 days.

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” Section.

- 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.

PUBLICATION COSTS

The cost of publishing notices provided under this Article shall be borne by Planning, except that Planning 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 2 – PUBLIC NOTICE, SIGNS

- A. Notice shall be given by conspicuously posting a sign on the property that is the subject of the proposal or application, except as noted in Section 4.B, 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 those proposals or applications for which a sign is posted, the notice sign shall provide:
 - 1. Case file number and website.
 - 2. Agency telephone number.
- B. Notice signs shall not be posted for subdivision plat applications, similar use determinations, plan text amendments, general amendments to the Zoning Map, amendments to the text of the zoning ordinances, or similar use determinations.
- C. The required public notice sign shall be provided by Planning to the applicant at the time of application if the application is submitted in person, in which case the applicant or their designee shall be responsible for posting the sign per the requirements of this Section. Planning will post signs for applications submitted electronically.
- D. Failure to post the notice sign as required shall be sufficient cause for postponement of action on the application by the Commission. However, the Commission retains the authority to act upon the application if it so chooses..

SECTION 3 –PUBLIC NOTICE, MAIL

- A. Planning 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 Knox County 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 for withdrawal only. Notices are not required for postponed hearing dates of 30 or 60 days.
- 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. 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 pertaining to comprehensive updates to the zoning ordinance, zoning ordinance text, annexation-related rezonings initiated by the City of Knoxville or subdivision plats.

SECTION 4 – PUBLIC NOTICE, PLANNING WEBSITE

The Planning website shall also post case-related information for all cases going before the Planning Commission on its monthly agenda.

POSTING OF THE AGENDA

The preliminary agenda (list of cases to be heard by the Commission) will be made available to the public three (3) weeks prior to the monthly meeting.

The final agenda (list of cases to be heard by the Commission that also notes which cases are requested to be postponed, withdrawn, or tabled) will be made available to the public not less than six (6) days prior to the monthly meeting.

The consent list (list of cases to be voted on at the beginning of the meeting as one agenda item) will be made available not less than two (2) days prior to the Planning Commission meeting.

CASE DOCUMENTATION

The website shall provide links to all case documents, including the application, staff report, any supplemental information, and site plans, if applicable. Final versions of site plans will be made available as received prior to the monthly meeting.

PUBLIC COMMENTS

All Public comments will be posted on the website and retained as part of the applicable case record.

ARTICLE II – PROPOSALS AND APPLICATIONS

SECTION 1 – APPLICATIONS

All proposals or applications to the Commission shall be submitted on forms provided by Planning, which are available at knoxplanning.org and at Planning’s offices. Each application shall be accompanied by the appropriate filing fee, other submittals required under these *Administrative Rules and Procedures*, and any ancillary procedures and documents as determined by Planning.

Applications for development plans, planned developments, uses on review, special uses, concept plans, rezonings, plan amendments, and hillside protection certificates of appropriateness (COA) shall be signed by the property owner. An application signed by an option holder may be accepted if the application is accompanied by a redacted contract signed by the owner and the option holder.

SECTION 2 – CLOSING DATE FOR FILING APPLICATIONS

- A. All proposals and applications shall meet the following filing deadlines:
- 1 Planning shall establish filing deadlines for matters to be heard at the Commission’s monthly meetings to permit adequate time for review and public notice.
 - 2 In the event that the filing deadline falls on a holiday, such deadline shall be extended to the next business day.
 - 3 A calendar of the filing deadlines will be made available at knoxplanning.org and at Planning’s offices.

ALL COMPLETED APPLICATIONS RECEIVED BEFORE THE EFFECTIVE DEADLINE SHALL BE PLACED ON THE AGENDA OF THE REGULAR MONTHLY PUBLIC MEETING OF THE COMMISSION. 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 Planning.

SECTION 4 – REZONINGS AND PLAN AMENDMENTS

A map of the subject property may be required for clarification purposes. For example, in instances where a rezoning request includes multiple parcels or a portion of a parcel.

If a rezoning request would create multiple zones or zoning districts within a parcel, the application shall include a map showing dimensions to clarify where the delineation between zones or zoning districts is to occur.

SECTION 5 – STREET OR SUBDIVISION NAME CHANGE APPLICATIONS

Any application proposing a street or subdivision name change must include the following:

- A. The location of the street or subdivision proposed for change.
- B. The reason for the proposed change.
- C. A petition regarding the proposed change which sets forth in form and detail satisfactory to Planning that includes:

- 1 The typewritten or printed name of the owner(s) of every property abutting the street (for street name change applications), or owners located in the subdivision subject to the proposed change of name (for subdivision name changes) (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 a street name change deemed necessary to preserve the safety and welfare of the community when the application is filed by the City of Knoxville, Knox County, Knox County Emergency Communications District, or Planning.

An application for change of name shall not be required to correct a typographical error or misspelling of either a street or subdivision name on 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 Subdivision Regulations*.

All requests for variances shall use the Variance Request Form, with each variance listed individually along with the justification for each hardship, as defined in the Subdivision Regulations, Section 1.05.

All requests for alternative design standards shall use the Alternative Design Standards Form, with each alternative design standard listed individually. Each alternative design standard shall note whether it requires approval by either the planning commission or the engineering department of the appropriate jurisdiction.

SECTION 7 – SEQUENTIAL APPLICATIONS

Applications for a use on review, special use, or concept plan may not be scheduled 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

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

Planning 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 applications.
- D. Zoning study application for neighborhoods or other large areas.
- E. Such other application requests as the Executive Director may deem appropriate.

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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 pursuant to *Tennessee Code, Annotated* Section 13-3-408. However, subdivision plats filed to reflect the division shall contain the information required by *Tennessee Code Annotated* Section 13-3-402 even though the land has been partitioned by a court of competent jurisdiction. A copy of such a plat shall be submitted to Planning for review, and, if in compliance with the law, shall be certified by the Executive Director prior to recording, pursuant to *Tennessee Code Annotated* Section 13-3-402.

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 does not require Commission approval pursuant to *Tennessee Code Annotated* Section 13-3-401. A copy of such plat shall be certified as exempt from the Knoxville-Knox County Subdivision Regulations by the surveyor.

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ARTICLE IV – STAFF RECOMMENDATION

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 made available online.

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ARTICLE V – 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 Planning and posted by the appellant, shall state:

- A. Case file number and website.
- B. Agency telephone number.

Notice signs for appeals shall be posted for rezonings, plan amendments, uses on review, special uses, development plans, concept plans, right-of-way closures, and street name changes.

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 that is otherwise properly before it.

ARTICLE VI – SCHEDULE OF FEES

Planning shall maintain a *Schedule of Fees* for filings with the Commission, available for public review at knoxplanning.org and at Planning's offices.

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ARTICLE VII AMENDMENTS TO THESE ADMINISTRATIVE RULES AND PROCEDURES

These Administrative Rules and Procedures 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 will be made available for public inspection at Planning offices or at knoxplanning.org.

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