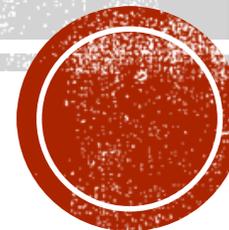


# PROPOSED REVISIONS, COUNTY SUBDIVISION REGULATIONS

Informational Meeting  
January 8, 2019  
Sumner County Commission Chambers,  
355 N. Belvedere Drive  
Gallatin, Tennessee





# POWERS OF A REGIONAL PLANNING COMMISSION

- Promote the mutual cooperation of municipal planning commissions within the region, coordinate the plans of the municipalities with the regional plan, and confer with and advise municipal and county legislative bodies and officials to promote the coordinated and adjusted development of the region. (TCA 13-3-104).
- Advise county and municipal legislative bodies in the formulation of public improvement programs and the financing thereof. (TCA 13-3-104).
- Prepare and adopt a general regional plan for physical development of the region. (TCA 13-3-301).





# POWERS OF A REGIONAL PLANNING COMMISSION (CONTINUED)

- Review and approve the design, opening, grading, paving, or lighting of any road or any utilities to be authorized or placed in any such road prior to any public officials or agency's action. (TCA 13-3-406).
- Prepare and certify to the chief legislative body a zoning ordinance and map. (TCA 13-7-102).
- Review and make recommendations for any amendment to the zoning ordinance and map. (TCA 13-7-105).
- *Regulate the development of land through subdivision regulations and site plan review. (TCA 13-3-403)*





# SUBDIVISION REGULATIONS

- **Per Tennessee Code Annotated Title 13 Chapter 3:**
  - “In exercising the powers granted to it...the regional planning commission shall adopt regulations governing the subdivision of land within its jurisdiction.”
  - “Such regulations may provide for:
    - The harmonious development of the region and its environs;
    - The coordination of roads within the subdivided land with other existing or planned roads or with the state or regional plan or with the plans of municipalities in or near the region;
    - Adequate open spaces for traffic, light, air and recreation;
    - The conservation of or production of adequate transportation, water, drainage and sanitary facilities;
    - The avoidance of population congestion; and
    - The avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services...”



# COUNTY SUBDIVISION REGULATIONS

- First adopted on March 28, 1958 (earliest version in our records)
- Amended many times since, most significantly in August 1989 with the assistance of Tennessee Department of Economic and Community Development, State Planning Office



# PROPOSED REVISIONS

- Overall, the current regulations provide a framework for subdividing property in the County.
- In general, that basic framework is established in state law and has been maintained by the proposed revisions.
- The hope is that the proposed regulations communicate the most basic requirements in a straightforward and easy to understand way, while providing more detailed technical information in the appendices.
- Objective has been to craft a reasonable set of regulations that keeps essential parts of the County's regulations in place while incorporating good ideas from peers across the state.
  - Ex: Rutherford, Wilson, Williamson, Maury, Washington, Sullivan Counties



# PROPOSED REVISIONS TO REGULATIONS

- The **biggest issue** with the current regulations is the way that the County's Regulatory environment has changed over the decades.
- EPA & TDEC mandates related to stormwater are the biggest change
  - Current Subdivision Regs basically just require that property to be subdivided provide adequate drainage away from the lots.
  - Sumner County's MS4 permit and Stormwater Management Resolution, first adopted in 2004, has made these requirements much more stringent.
  - Proposed revisions try to match up the language of the Subdivision Regs with the spirit and intent of the County Stormwater Resolution.



# PROPOSED REVISIONS TO REGULATIONS

- Other items:
  - General Language updates
    - References to submitting plats in pencil
    - Obsolete standards for how to line ditches with concrete, etc
  - General reorganization of important information:
    - Amendments over the years have added language in random places.
    - Cross-references within the regulations are wrong in places.



# PROPOSED REVISIONS TO REGULATIONS

- Overall:
  - Formatting
  - Searchable PDF
  - Clickable tables of contents
  - Whenever possible, information has been consolidated into an appendix at the end.



# PROPOSED REVISIONS TO REGULATIONS

## ■ Article I: General Provisions

- Lays out the reasons for having subdivision regulations, authority, jurisdiction of the Planning Commission etc.
- Spells out process for requesting a variance or waiver from any of the regulations.
  - Written request required (Staff has already created a form for this in recent months)



# PROPOSED REVISIONS TO REGULATIONS

## ■ Article II: Procedure for Subdivision Plat Approval

- Clarifies difference between major and minor subdivisions in accordance with State Law (amendments had made this unclear in places)
- Clarifies review procedures; when a sketch plat is required; that construction plans are required for major subdivisions; that a complete application is required; expiration periods for approved plats.
- Clarifies that Construction Plans are to be submitted with the Preliminary Plat (this is currently required by existing Sub Regs, but hasn't been followed until recently)



# PROPOSED REVISIONS TO REGULATIONS

- **Article II: Procedure for Subdivision Plat Approval (Continued)**
  - Provides listing of required information for Preliminary Plat, Construction Drawings, Final Plat
  - Clarifies that approval of 3-5 lots at same meeting must meet applicable requirements, including stormwater
  - Clarifies signature requirements. Current regs require signatures with application for final plat approval. Revisions require it by second submittal deadline (two weeks later).
  - GIS Submittal



# PROPOSED REVISIONS TO REGULATIONS

## ■ Article III: Minimum Design Standards

- Explicitly requires that Stormwater Resolution Requirements must be met
- Requires connection to adjoining neighborhood streets whenever feasible
- Clarifies that Planning Commission may restrict access to major roads
- Provides cross sections and ROW widths for all street types identified in the County's Comprehensive Plan
- Encourages alleys accessing rear of lots (this would have the effect of discouraging curb cuts, particularly along arterial and collector streets)
- Discourages cul-de-sacs and encourages developers to plan for interconnected street network
- Strongly discourages private streets



# PROPOSED REVISIONS TO REGULATIONS

- **Article III: Minimum Design Standards (Continued)**
  - Maintains requirements related to minimum road frontage (50 feet)
  - Provides clear guidance for Stormwater Management Facilities; requires maintenance agreements and requires HOA's to set fees sufficient to maintain stormwater infrastructure
  - Alters language re: Flag Lots to require all subdivisions containing a flag lot to submit a sketch plat for Planning Commission review and comment
  - Sets forth requirements for water supply and fire protection
    - Hydrants required if available infrastructure will support it
    - If not, applicant shall install "stub out" fittings
    - If utility won't allow it, funds must be escrowed
    - If utility won't allow that, the Planning Commission may require other equivalent payment that would further the goal of fire protection such as contribution to volunteer fire department
    - Requires HOA to set fees at adequate level to pay volunteer fire department for service



# PROPOSED REVISIONS TO REGULATIONS

- **Article III: Minimum Design Standards (Continued)**
  - Maintains requirements and clarifies language for In-Lieu-of Fund for sidewalk improvements (this is in current subdivision regs, but language is unclear and funds haven't been collected in a long time)
  - If Planning Commission does not require sidewalk installation, a contribution must be made to In-Lieu-Of Fund
  - Sets rate of contribution to Sidewalk In-Lieu-Of Fund at \$10.00 per linear foot.
  - Clarifies that Planning Commission may require developer to improve substandard county road if it is called for in the Major Thoroughfare Plan and/or if the improvement is called for in a Traffic Study.



# PROPOSED REVISIONS TO REGULATIONS

- **Article IV: Assurance for Completion and Warranty of Improvements**
  - Clarifies that there are two options for when public improvements are to be installed:
    - After being granted preliminary plat approval, but before application for final plat approval (preferred)
    - After final plat approval, provided that the applicant bonds the full cost of all public improvements
  - Maintains requirements for Performance Agreement and Letter of Credit for bonding of improvements
  - Performance Agreement has been a County Requirement for many years
  - Lays out process to reduce performance security
  - Establishes time requirement (three years) when, after installation of asphalt surface binder, or after 75% of lots have CO's, whichever is sooner, roads must be completed, to include final asphalt
    - Current regs don't have a time requirement



# PROPOSED REVISIONS TO REGULATIONS

- **Article V: Enforcement and Penalties**
  - Pulled directly from current state statute; no significant changes



# PROPOSED REVISIONS TO REGULATIONS

- Appendix A: Definitions and Abbreviations
  - Attempted to be comprehensive, but to create a common sense list of terms



# PROPOSED REVISIONS TO REGULATIONS

- **Appendix B: Plat Certifications**
  - Most are almost completely unchanged
  - Added Certificate of Engineering and Design for Major Subdivisions
  - Added Certificate of Adequacy of Storm Drainage for Major Subdivisions
  - Both are to be signed by Professional Engineer.
  - Goal of these two signature areas is to ensure that quality engineering work is done on the front end, and that someone is held as the responsible party if issues arise.
  - Clarified that Septic approval is responsibility of County Environmentalist



# PROPOSED REVISIONS TO REGULATIONS

- **Appendix C: Roadway and Drainage Technical Standards**
  - Expands on standards for Construction Plans
  - Provides technical guidance for design of Roads and Pavement
  - Provides basic requirements for how roads are to be constructed
  - Provides specifications for drainage structures related to road construction(culverts, headwalls, curbs and gutters)
  - Provides guidance for traffic signs and markings



# PROPOSED REVISIONS TO REGULATIONS

- **Appendix C: Roadway and Drainage Technical Standards (Continued)**
  - Provides guidance on design of drainage infrastructure
    - Parallels other requirements in Subdivision Regs, and references Stormwater Resolution
  - Provides a set of 13 standard construction details for typical road cross-sections, curbs, headwalls etc
  - Basic criteria for road construction will remain essentially unchanged as far as pavement thickness, depth of base (7 inches) etc. Same for drainage improvements. Goal of this section is to create a set of guidelines to fall back on rather than having a situation where staff is directing construction without written policies.



# PROPOSED REVISIONS TO REGULATIONS

- **Appendix D: Irrevocable Letter of Credit Form**
  - Standard Template currently used by counties and cities across the state
  - Bank completes the form
  - This document accompanies the Performance Agreement (next Appendix).



# PROPOSED REVISIONS TO REGULATIONS

- **Appendix E: Performance Agreement Form**
  - Basic template used; two pages long
  - Contractual Document whereby the developer agrees to complete infrastructure improvements as approved on the plat and construction plans by the Planning Commission
  - Sets a timeline and requires maintenance bond





# CONCLUSION

- Goal of this effort has been to establish a basic set of guidelines for the subdivision of property that:
  - Ensures that state and federal mandates are met from the County's perspective;
  - Is understandable and predictable from the perspective of the developer and their representatives;
  - Guarantees adequate Planning Commission review and oversight in accordance with their powers as established in State Law;
  - Ensures that to the extent possible, the public is reasonably protected from the unintended consequences of development (stormwater particularly).





# NEXT STEPS

- The Sumner County Regional Planning Commission will continue to seek input for these proposed revisions to their Subdivision Regulations.
  - Copy of latest draft is available on the County's website: <https://www.sumnertn.org/offices/planning-and-zoning>
  - A hard copy of the latest draft is available for review at the Sumner County Planning and Stormwater Department Office at 355 N. Belvedere Drive, Room 202 in Gallatin.
- State Law requires that a public hearing be held when the Planning Commission formally considers the adoption of any amendments to their Subdivision Regulations.
- State Law requires that this Public Hearing must be advertised **one time** at least 30 days in advance in a newspaper of general circulation in the County.
- The Planning and Stormwater Department plans to advertise this public hearing in the Gallatin News **twice** during the month of January.
- The Planning Commission is tentatively scheduled to hold the required public hearing on this item at their February 26, 2019 meeting.





**THANK YOU!**

**Questions?**

