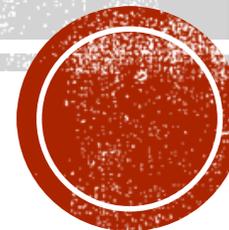


# PROPOSED REVISIONS, COUNTY SUBDIVISION REGULATIONS

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.
- Continues the existing sub regs policy of ensuring that documents are submitted as **early in the process as possible** (Generally at Prelim Plat phase
  - Fewer steps for Regional PC approval, such as no city council approval, etc)
- 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.
    - Amendments were added through the years and language being replaced wasn't removed
    - 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.
  - Following feedback given during the Surveyor/Engineer stakeholder meeting, January 8, some changes have been made to the proposed subdivision regulations. Changes are highlighted in red throughout this presentation.



# 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: Currently on the Planning Department Website)



# 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)
  - **Removed requirement to show existing tree masses (leftover from earlier draft).**
  - **Added requirement to utilize NAD 1983 instead of NAD 1928 (recommended by surveyors)**



# PROPOSED REVISIONS TO REGULATIONS

- **Article II: Procedure for Subdivision Plat Approval (Continued)**
  - Provides listing of required information for Preliminary Plat, Construction Drawings, Final Plat (Final Plat wording, Page 12)
  - 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 (Changed effective date from 2022 to 2020)
  - For Final Plat specs, clarified lots be in sequential/*logical* order; changed nearest minute to nearest second; clarified that surveyor show distance to nearest intersection;
  - Culvert sizing for minor plats: left this requirement unchanged
  - Clarified that deeds can be submitted electronically



# 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 direct access to major roads if other means of access are available/feasible
  - Provides cross sections and ROW widths for all street types identified in the County's Comprehensive Plan/Major Thoroughfare 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, with multiple points of access to public roads
  - 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 (Westbrook Crossing)
  - Alters language re: Flag Lots to require all subdivisions containing a flag lot to submit a sketch plat for Planning Commission review and comment (**clarified that subdivisions of 5 lots or more may have max of 20% flag lots per existing requirements**)



# PROPOSED REVISIONS TO REGULATIONS

- **Article III: Minimum Design Standards (Continued)**
  - 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 (**removed “volunteer fire department” language, and clarified that dedication may be to any end that will further fire protection in the judgement of the Planning Commission**)
    - 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, although they once were)
- 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 (placeholder).
- Clarified that payment must be made at final plat application, rather than prior to final plat recording
- Clarified 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, which the Planning Commission may require. (Added following last Planning Commission study session.)



# PROPOSED REVISIONS TO REGULATIONS

- **Article IV: Assurance for Completion and Warranty of Improvements**
  - Clarifies that there are two options as far as timing for when public improvements are to be installed:
    - After being granted preliminary plat approval, but before application for final plat approval (this is standard among peer counties and cities in the region)
    - After final plat approval, provided that the applicant bonds the full cost of all public improvements + 10% (**Added language discouraging this option, and encouraging option #1**)
  - 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
  - Clarifies requirements for one year warranty period
  - 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; "no sooner than" 75%



# 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 (some engineers had concerns with their liability with these certificates; Planning Commission has recommended leaving these unchanged)
  - Both are to be signed by Professional Engineer.
  - Goal of these two signature areas is to ensure that engineering work is done on the front end, and that someone is held as the responsible party if issues arise.
  - Clarifies 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 requirements for how roads are to be designed, constructed, inspected, etc.
  - Provides specifications for drainage structures related to road construction (culverts, headwalls, curbs and gutters)
  - Provides guidance for traffic signs and markings
  - **Clarified that ditch cross sections may be appropriate in certain contexts (previous language strongly discouraged them)**



# 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 staff can rely 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.



# PUBLIC NOTICE, GALLATIN NEWS, 1/17/2018



THURSDAY, JANUARY 17, 2019

THEGALLATINNEWS

## PUBLIC NOTICE

### PUBLIC NOTICE

THERE WILL BE A PUBLIC HEARING AT THE SUMNER COUNTY REGIONAL PLANNING COMMISSION MEETING ON **TUESDAY, FEBRUARY 26, 2019, AT 5:00 P.M.** RELATED TO PROPOSED REVISIONS OF THE COUNTY SUBDIVISION REGULATIONS. THIS MEETING SHALL BE HELD AT THE SUMNER COUNTY ADMINISTRATION BUILDING IN THE COUNTY COMMISSION CHAMBERS, LOCATED AT 355 NORTH BELVEDERE DRIVE, GALLATIN, TENNESSEE.

AT THIS MEETING, THE SUMNER COUNTY REGIONAL PLANNING COMMISSION WILL DISCUSS AND VOTE ON PROPOSED REVISIONS TO THE SUMNER COUNTY SUBDIVISION REGULATIONS. A STAFF PRESENTATION SUMMARIZING THESE PROPOSED REVISIONS WILL BE CONDUCTED. THE PUBLIC IS INVITED TO ATTEND AND OPPORTUNITY FOR PUBLIC COMMENT WILL BE PROVIDED. A COPY OF THE PROPOSED REVISIONS IS AVAILABLE FOR REVIEW AT THE SUMNER COUNTY PLANNING & STORMWATER DEPARTMENT AND IS AVAILABLE ON THE PLANNING & STORMWATER DEPARTMENT'S WEBSITE.

A COPY OF THIS NOTICE IS ON FILE AT THE SUMNER COUNTY PLANNING AND STORMWATER DEPARTMENT IN THE SUMNER COUNTY ADMINISTRATION BUILDING LOCATED AT 355 NORTH BELVEDERE DRIVE, ROOM 202 GALLATIN, TN, 37066.

ANYONE HAVING ANY INTEREST OR DESIRING TO ASK QUESTIONS CONCERNING THIS ITEM IS INVITED TO ATTEND THIS MEETING OR CALL 615-451-6097.





**THANK YOU!**

**Questions?**

