

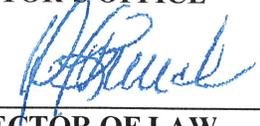
ORDINANCE

AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, AMENDING THE KNOX COUNTY CODE, CHAPTER 54, "ROADS AND BRIDGES", BY ADDING A NEW ARTICLE V TO PROVIDE FOR COUNTY ENFORCEMENT OF PLANNING COMMISSION CONDITIONS REGARDING ROAD IMPROVEMENTS IMPOSED ON SUBDIVISION APPROVALS. (Knox County Code, Chapter 54, establishing Article V, previously reserved).

ORDINANCE: O-23-4-102

REQUESTED BY: ENGINEERING & PUBLIC WORKS

PREPARED BY: KNOX COUNTY LAW DIRECTOR'S OFFICE

APPROVED AS TO FORM AND CORRECTNESS:  \_\_\_\_\_  
DIRECTOR OF LAW

APPROVED 1<sup>ST</sup> READING: April 24, 2023  
DATE

APPROVED 2<sup>ND</sup> READING: May 22, 2023  
DATE

APPROVED EMERGENCY: \_\_\_\_\_  
(YES) (NO)

VETOED: \_\_\_\_\_  
DATE

VETO OVERRIDE: \_\_\_\_\_  
DATE

MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

WHEREAS, Knox County has adopted a comprehensive system of planning and zoning; and

**WHEREAS, as a part of this comprehensive plan, Knox County funds and recognizes the expertise of the Knoxville-Knox County Planning Commission; and**

**WHEREAS, the Planning Commission has adopted a comprehensive set of regulations for the design and approval of Subdivisions; and**

**WHEREAS, from time to time, based on objective traffic study data, the Planning Commission will condition approval of new subdivision developments upon the design and construction of road improvements designed to minimize and ameliorate the impact of new developments upon surrounding traffic infrastructure; and**

**WHEREAS, it is the sense of the Knox County Commission that the Knox County Department of Engineering and Public Works should assist and cooperate with the Planning Commission in enforcing these conditions.**

**NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:**

**SECTION 1. The Knox County Code, Chapter 54, "Roads and Bridges", is hereby amended by adding a new Article V to be titled "COUNTY ENFORCEMENT OF PLANNING COMMISSION CONDITIONS REGARDING ROAD IMPROVEMENTS IMPOSED ON SUBDIVISION APPROVALS."**

**SECTION 2. The Knox County Code is hereby amended by the addition of new Sec. 54-91 under the aforementioned Chapter 54, Article V, to read as follows:**

**Sec. 54-91. – County Enforcement of Planning Commission Approval Conditions Regarding Road Improvements.**

- 1. Whenever as a part of the subdivision approval process the Planning Commission shall condition approval of a subdivision development upon the design and construction of offsite road improvements within the corporate limits of Knox County, the Knox County Department of Engineering and Public Works shall be prohibited from the approval of any final plat or the issuance of any grading or certificate of occupancy until such time as the developer of the subject subdivision has entered into a Memorandum of Understanding with the Knox County Department of Engineering and Public Works, providing for the design and construction of the required improvements at the expense of said developer.**
- 2. Any Memorandum of Understanding as required under Sec. 54-91.1 shall be developed as follows:**

- a. **Knox County shall select a qualified roadway designer to develop preliminary plans, right-of-way acquisition plans (if necessary), and construction plans.**
- b. **Knox County shall hold a public meeting with affected residents to inform and educate them regarding the proposed road project.**
- c. **Knox County will develop a detailed cost estimate for the project and solicit bids for the required improvements. If the apparent low bid is within 20% of the cost estimate, the County shall execute a contract with the low bidder for the project. In the event the low bid is more than 20% higher than the County's estimate the developer may elect to perform the improvements or otherwise negotiate with the County to perform the improvements. If the developer elects to perform the improvements, he/she shall obtain a surety bond naming Knox County as the beneficiary to insure acceptable completion of the project.**

**Upon development and execution of the Memorandum of Understanding between the developer and the County, including the execution of any required surety bonds, the County shall release any and all remaining approvals for the development project, unless existing road conditions with additional traffic result in unsafe conditions, at which point the County may limit the number of lots until safety improvements are completed.**

3. **The Knox County Commission finds that Planning Commission subdivision approvals may impact traffic infrastructure outside of the Planning Commission's planning jurisdiction. Therefore, these regulations shall apply without regard as to whether the recommended road improvements are to be conducted in an area or locality that is outside the planning jurisdiction of the Knoxville-Knox County Planning Commission, so long as they are contained within the corporate limits of Knox County.**
4. **The Knox County Department of Engineering and Public Works is authorized to issue stop work orders or take such other enforcement actions as it deems necessary and proper to enforce compliance with the Memorandum of Understanding.**

**SECTION 3. This Ordinance shall take effect as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.**

Courtney D. Smith 5/22/23  
Presiding Officer of the Commission Date

Shay Witt 5/23/23  
County Clerk Date

Approved: DePacoby 5/24/23  
County Mayor Date

Vetoed: \_\_\_\_\_  
County Mayor Date