

DRAFT AMENDMENTS FOR PUBLIC COMMENT

Note: The entirety of Section 3-5 of the Metro Subdivision Regulations is provided for context. Proposed changes to the regulations are shown in **bold underline** (new or additional language) and **~~bold strikethrough~~** (alterations or deletions).

3-5 Infill Subdivisions

1. *Infill Subdivisions.* In areas outside of T2 Rural Neighborhood and/or T2 Conservation policies that are previously subdivided and predominantly developed, residential lots resulting from a proposed subdivision within the R, R-A, RS, and RS-A zoning districts on an existing street shall be compatible with the General Plan as outlined in Sections 3-5.2 through 3-5.6.
2. *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists.* The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels. For the purposes of this section, “surrounding parcels” is defined as the five R, R-A, RS, or RS-A parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. Parcels may be excluded if used for a non-residential purpose, including but not limited to a school, park or church. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO, PUD or cluster lot subdivision by approval of the rezoning or concept plan.
 - a. All minimum standards of the zoning code are met.
 - b. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.
 - c. The resulting density of lots does not exceed the prescribed densities of the policies for the area. To calculate density, the lot(s) proposed to be subdivided and the surrounding parcels shall be used. For a corner lot, both block faces shall be used.
 - d. The proposed lots are consistent with the community character of surrounding parcels as determined below:
 1. Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and
 2. Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. For a corner lot, only the block face to which the proposed lots are to be oriented shall be used; and
 3. Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used. For a corner lot, both block faces shall be used; and
 4. Orientation of proposed lots shall be consistent with the surrounding parcels. For a corner lot, both block faces shall be evaluated.
 - e. The current standards of all reviewing agencies are met.

- f. If the proposed subdivision meets subsections a, b, c and e of this section but fails to meet subsection d, the Planning Commission, following a public hearing in accordance with the Planning Commission Rules and Procedures, may consider whether the subdivision can provide for the harmonious development of the community by otherwise meeting the provisions of TCA 13-4-303(a). In considering whether the proposed subdivision meets this threshold, the Commission shall specifically consider the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information. The Commission may place reasonable conditions, as outlined in Section 3-5.6, necessary to ensure that the development of the subdivision addresses any particular issues present in an infill subdivision and necessary to achieve the objectives as stated in TCA 13-4-303(a).
3. *Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Evolving and/or Special Policies, except within Designated Historic Districts:*
 - a. All minimum standards of the zoning code are met.
 - b. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.
 - c. **Each lot oriented to an existing street shall meet minimum lot frontage requirements as follows:**
 1. **Within T3 Suburban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 50 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.**
 2. **Within T4 Urban Neighborhood Evolving policy areas, each lot oriented to an existing street shall have a minimum frontage of 40 feet. Lots oriented to the terminus of an existing permanent dead-end shall have a minimum frontage of 35 feet.**

The Commission may grant an exception to the minimum lot frontage requirements of this subsection by considering the development pattern of the area, any unique geographic, topographic and environmental factors, and other relevant information.
 - e.d. The current standards of all reviewing agencies are met.
 - d.e. The proposed lots comply with any applicable special policy. If the property is also within Neighborhood Maintenance policy and the special policy was adopted to preserve community character, not create infill opportunities, then the standards of Section 3-5.2 also apply.
 4. *Criteria for Determining Compatibility for Designated Historic Districts.*
 - a. As defined in Chapter 7, Designated Historic Districts shall include all Historic Overlay Districts adopted in accordance with Chapter 17 of the Metropolitan Zoning Code and any National Historic Register districts officially listed on the National Register of Historic Places as designated by the National Park Service.
 - b. All minimum standards of the zoning code are met.
 - c. The proposed lots are consistent with the design character of the district. To assist the Commission with this determination, the Metropolitan Historical Commission or its designee shall provide a recommendation for the consideration of the Commission as to whether or not the proposed subdivision is consistent with the historical development pattern of the district and compatible with the character of the district in terms of lot size, lot frontage and lot orientation.
 - d. The current standards of all reviewing agencies are met.

5. *Infill Subdivision Frontage.* Infill lots shall have rear or side access via an existing improved alley. For infill lots with a street frontage of less than 50 feet in width and where no improved alley exists, these lots shall be accessed via a shared drive. For infill lots less than 35 feet in width at the terminus of a permanent dead-end street where no improved alley exists, a shared drive shall be required. Where there is an odd number of lots, one lot may have its own access. The Planning Commission may grant an exception if existing conditions prevent alley access or shared drive access.
6. *Reasonable Conditions.* The Commission may place reasonable conditions necessary to ensure that the development of the infill subdivision addresses any particular issues present and may be necessary to achieve the objectives as stated in TCA 13-4-303(a). Such conditions may include, but are not limited to, setback or build-to designation, identification of a specific building envelope location, building and garage orientation access and easement locations and maximum building height.