

RESOLUTION NO. 31244

A RESOLUTION TO DELEGATE REVIEW AUTHORITY FOR ELIGIBLE SUBDIVISION PLATS TO THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY STAFF AS DETAILED IN TENNESSEE CODE ANNOTATED SECTION 13-3-402 AND UPDATED BY THE ADOPTION OF PUBLIC CHAPTER 994.

WHEREAS, the Tennessee Code Annotated Sections 13-3-401 thru 13-3-413 establish provisions for power to regulate and adopt subdivision regulations controlling the division of land; and

WHEREAS, the Chattanooga, Hamilton County, Lakesite, Ridgeside, Walden, and Lookout Mountain Subdivision Regulations were adopted and contains provisions for the authority of and the approving agency of the Chattanooga-Hamilton County Regional Planning Commission; and

WHEREAS, Tennessee Code Annotated Section 13-3-402(a)(1) provides requirements that the Regional Planning Commission may delegate approval authority to staff provided that the subdivision of property divides the tract into no more than two (2) lots and there is no need for a variance; and

WHEREAS, Tennessee Code Annotated, as amended in 2022 by the adoption of Public Chapter 994 by the Tennessee State Legislature, amends Section 13-3-402 as follows:

- (2) A regional planning commission may only delegate the responsibility for approval of a subdivision plat to staff of the regional planning commission that includes the following:
 - (A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the municipal planning commission; or
 - (B) No more than five (5) lots if the development did not require preliminary plan approval through the municipal planning commission; provided, that:
 - (i) The subdivision complies with such regulations governing a subdivision of land as adopted by the municipal planning commission pursuant to § 13-4- 303;

- (ii) No request for a variance from such regulations has been requested; and
 - (iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (d) unless the plan received preliminary approval by the municipal planning commission.
- (3) A Regional Planning Commission shall not delegate to its planning staff the authority to preliminarily approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters of this section, unless each county and municipal legislative body, lying in whole or in part within, and subject to, the jurisdiction of the regional planning commission, approved such delegation by a majority vote of their respective legislative bodies.

WHEREAS, a notice of a public hearing has been published in a newspaper in general circulation in Hamilton County.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it does hereby recommend that the City of Chattanooga approves the delegation review authority for eligible subdivision plats to the Chattanooga Hamilton County Regional Planning Agency staff as detailed in Public Chapter 994.

ADOPTED: August 9, 2022

/mem