

SUBDIVISION REGULATIONS

FOR

LEWISBURG, TENNESSEE

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PREPARED FOR THE LEWISBURG PLANNING COMMISSION

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AMENDMENTS

LEWISBURG SUBDIVISION REGULATIONS

<u>DATE</u>	<u>RESOLUTION NO.</u>	<u>AMENDMENTS</u>
May 15, 2007	----	Amended Article V, Section 5-104.3, Plat Certificates, by Adding Number 10, Certification of Marshall County 911 Communications.
March 2007	----	Amended Article VI, Definition of "Minor Subdivision" to include subdivisions of five lots or less rather than less than five lots.
July 22, 2008	----	Amended Article II, Section 2-103.1, Item 2 by removing the 200 foot requirement from the item. --
January 20, 2015	----	Amended Multiple Sections of the Regulations to include allowances for Runoff Reduction Requirements of the Stormwater Management Ordinance. --

ARTICLE I

GENERAL PROVISIONS

1-101 Title

These regulations shall hereinafter be known and cited as the Subdivision Regulations of Lewisburg, Tennessee.

1-102 Authority

These subdivision regulations are adopted by the Lewisburg Planning Commission (hereinafter referred to as "planning commission"), in pursuance of the authority and powers granted by Sections 13-3-401 and 13-4-301 through 13-3-411 and 13-4-309, Tennessee Code Annotated. Having adopted a major street or road plan for the jurisdictional area, and filed a certified copy of the plan with the County Register of Deeds (hereinafter referred to as "county register"), as required by Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, and having held a public hearing as indicated in Section 7-101 of these regulations and as required by Sections 13-3-403 and 13-4-303, Tennessee Code Annotated, the planning commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

1-103 Jurisdiction

These subdivision regulations shall apply to all subdivisions, as herein defined, located within Lewisburg, Tennessee. No land shall be subdivided within the jurisdictional area until the subdivider submits a plat as required by these regulations, obtains planning commission approval of the plat, and files the approved plat with the county register.

1-104 Policy and Purpose

It is hereby declared to be the policy and guidelines of the planning commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use or community development plan (hereinafter referred to as "land development plan") of the jurisdictional area for orderly, planned, and efficient physical and economical development.

Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace.

Land shall not be subdivided until proper provisions have been made for runoff reduction, drainage, water, sewerage, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be

properly related to the proposals shown in the land development plan.

The regulations herein shall supplement and facilitate the enforcement of the provisions and standards contained in the Zoning Ordinance of Lewisburg, Tennessee (hereinafter referred to as "zoning ordinance").

These regulations are adopted for the following purposes:

- A. To promote the public health, safety, and general welfare of the jurisdictional area.
- B. To guide the development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- D. To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- E. To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- F. To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- G. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.
- K. To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.

- L. To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in any zoning ordinance.
- M. To encourage subdivision design which would maximize the conservation of all forms of energy.

1-105 Interpretation, Conflict, and Severability

1-105.1. Interpretation

These regulations shall be held to be the minimum requirements for the promotion of health, safety, and general welfare.

1-105.2 Conflict with Public and Private Provisions

1-105.201 Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1-105.202 Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and as such is beyond the jurisdiction of the planning commission.

1-105.3 Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The planning commission hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

1-106 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the planning commission under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the planning commission, except as expressly provided otherwise in these regulations.

1-106.1 Previously Approved Subdivisions

1-106.101 Unexpired Preliminary Approval

The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

1-106.102 Expired Preliminary Approval

In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the planning commission may:

- (1) permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- (2) stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the planning commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the planning commission's deliberation on this question.

1-107 Amendments

1-107.1 Enactment

For the purpose of providing for the public health, safety, and general welfare the planning commission may from time to time amend these regulations. Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the planning commission, as required by Chapter 3,

Title 13, Tennessee Code Annotated, at least thirty (30) days notice of the time and place of which shall be given in a newspaper of general circulation.

1-107.2 Codification and Distribution

Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner.

1. Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of the last revision of the page.
2. In Article VII, of these regulations, each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner which fully states any language deleted from these regulations and any language added and the place in the text of each such change.

1-108 Resubdivision of Land

1-108.1 Procedures for Resubdivision

If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the planning commission by the same procedure, rules, and regulations as for a subdivision.

1-108.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for any zoning district in which the lot is located, and the planning commission has reason to believe that any such lot(s) will be resubdivided into smaller building sites, the planning commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public road ways. The planning commission may also require that dedications providing for the future opening and extension of such public ways be indicated on the plat.

1-109 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the planning commission.

The developer has the duty of compliance with reasonable conditions imposed by the planning commission for design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1-110 Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. The planning commission shall follow the same procedure for approval of plats. The planning commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or public road ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public road ways and public grounds and all dedications laid out or described in such plat. When any lot or lots have been sold the plat may be vacated in the manner herein provided only if all of the owners of lots in such platted area join in the execution of such writing.

1-111 Variances

1-111.1 General

If the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted; provided, such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the planning commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

1. the granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
2. the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and

4. the variance will not in any manner alter the provisions of the land development plan, the major street or road plan, or any zoning ordinance.

Where the planning commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

1-111.2 Procedures

Each and every variance or modification of these subdivision regulations sought by a subdivider shall be specifically applied for in the numerical order of the subdivision regulations, in writing by the subdivider in letter form. Any condition shown on the plat which would require a variance or modification shall constitute a grounds for disapproval of the plat unless such special application for modification variance is made. In approving any variation from these regulations the planning commission shall state fully in the minutes the grounds for the variation and all of the facts upon which the decision is made.

1-111.3 Conditions

In approving variations, the planning commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

1-112 Enforcement, Violation, and Penalties

1-112.1 General

1-112.101 Authority

The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Tennessee Code Annotated.

1-112.102 Enforcing Officer

It shall be the duty of the codes enforcement officer (hereinafter referred to as "the enforcing officer") to enforce these regulations and to bring to the attention of legal council any violations or lack of compliance herewith.

1-112.103 Recording of Plats

Pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the county register until the plat has received final approval of the planning commission in accordance with

these regulations, and such approval has been endorsed in writing on the plat by the planning commission secretary in the manner prescribed by Section 2-105 of these regulations.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in Subsections 1-112.2 and 1-112.3 of these regulations.

1-112.104 Use of Unapproved Plats

Pursuant to Sections 13-3-410 and 13-4-306 Tennessee Code Annotated, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in Subsections 1-122.2 and 1-112.3 of these regulations.

1-112.105 Metes and Bounds Subdivisions

The subdivision of any lot or parcel of land by use of metes or bounds description without complying with the plat provisions of these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements of these regulations.

1-112.106 False Statements About Roads

Pursuant to Sections 13-3-410 and 13-4-306, Tennessee Code Annotated, no owner or agent of the owner of any land shall falsely represent to a prospective purchaser of real estate that roads or streets will be built or constructed by any city, county, or any other political subdivision.

1-112.107 Public Roads and Utilities

Pursuant to Sections 13-3-406 and 13-4-307, Tennessee Code Annotated, the planning commission shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public roadway, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public roadway located within the jurisdictional area unless such roadway shall have been accepted, opened, or otherwise received the legal status of a public roadway prior to the attachment of the planning commission's jurisdiction, or unless such

roadway corresponds in its location and lines to a roadway shown on a subdivision plat approved by the planning commission or on a public roadway plat made by the planning commission.

However, the chief legislative body of the municipality may override the planning commission as provided in Sections 13-3-406 and 13-4-104, Tennessee Code Annotated.

In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the planning commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the planning commission.

1-112.108 Building Permits

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

1-112.109 Access to Lots by Public Roadway or Permanent Easement

Pursuant to Sections 13-3-411 and 13-4-308, Tennessee Code Annotated, no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public roadway giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public roadway as provided by law, or unless such lot fronts upon a permanent easement which conforms to the provisions set forth in these regulations.

Provided, further, that when a permanent easement to a public roadway is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50) feet in width from and after the time of adoption of these regulations and shall not be used to provide access to more than one lot or tract of land.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private roadways when such development is in the form of condominium ownership or such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

1-112.2 Penalties for Violations

1-112.201 Recording of Unapproved Plats

No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Any county register, receiving, filing or recording a plat of a subdivision in violation of Subsection 1-112.103 of these regulations shall be deemed guilty of a violation of the above cited provision of the Tennessee Code.

1-112.202 Use of Unapproved Plats

Section 13-3-410 and 13-4-306, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land transfers, or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city or county through its attorney may enjoin such transfer or sale or agreement by action of injunction.

1-112.203 Illegal Buildings

Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure; and the building official or other official designated by the chief legislative body may bring action or enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411 and 13-4-308, Tennessee Code Annotated.

1-112.3 Civil Enforcement

1-112.301 General

Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Subsection 1-112.2 of these regulations.

1-112.302 Specific Statutory Remedies

- a. Use of Unapproved Plats -- The city or county, through its attorney or other official designated by the chief legislative body, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection 1-112.104 of these regulations.
- b. Erection of Unlawful Buildings - Where any building or structure is erected or being erected on any lot in violation of the road or easement frontage requirements of Subsection 1-112.109 of these regulations, the building official, the legal counsel or other official designated by the chief legislative body may bring action to enjoin such erection or cause the building or structure to be vacated or removed.
- c. Enforcement of Bonds or other Surety Instrument -- Where a bond or irrevocable letter of credit is accepted in lieu of completion of subdivision improvements and utilities, the applicable city or county authority may enforce such instrument in the manner prescribed by Article III of these regulations or those prescribed by state law.

1-113 Repeal of Previous Regulations

Upon the adoption and effective date of these regulations, the Municipal Subdivision Regulations of Lewisburg, Tennessee, adopted June 1, 1968, as amended, are hereby repealed.

ARTICLE II

PROCEDURES FOR PLAT APPROVAL

2-101 General Procedure

2-101.1 Plat Approval Requirements

Before any contract is executed for the sale of any parcel of land which is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure the planning commission's approval of the proposed subdivision in accordance with the procedures of this article.

2-101.2 Classification of Subdivisions

The planning commission shall classify each subdivision proposal as either major or minor as defined herein.

2-101.201 Review Procedure

The subdivider shall follow the procedure described below in order to secure plat approval.

a. Minor Subdivision

- (i) Preapplication conference with the enforcing officer including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.
- (ii) Securing of approvals from other public agencies and any affected utility districts or companies.
- (iii) Submittal of a final plat, prepared, in accordance with the specifications in Section 5-104, herein, for approval by the planning commission.

b. Major Subdivision

- (i) Preapplication conference on the subdivision with the planning commission, enforcing officer, and/or staff assistant to the planning commission, generally including a sketch plat, and discussion of the proposed area to be subdivided.
- (ii) Submittal of a preliminary plat, prepared in accordance with Section 5-102, herein for planning commission approval.

(iii) Securing of approval from other public agencies.

(iv) Submittal of the final subdivision plat, prepared in accordance with Section 5-104, herein for planning commission approval.

2-101.3 Official Submission Date

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the planning commission at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required in Section 13-3-404 and 13-4-304, Tennessee Code Annotated, for formal approval or disapproval of the plat shall commence.

2-101.4 Policy on Flood-Prone Areas

In determining the appropriateness of land subdivision at any site containing a flood-prone area, the planning commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104 of these regulations and, additionally:

1. the danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses;
2. the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;
3. the adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
5. the importance of the services provided by the proposed facility to the community at large;
6. the requirements of the subdivision for a waterfront location;
7. the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
8. the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;

9. the relationship of the proposed subdivision to the land development plan and the floodplain management program for the area;
10. the safety of access to the property for emergency vehicles in times of flood;
11. the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
12. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
13. the effect of the proposed subdivision upon the planning commission's participation in the National Flood Insurance Program, if such planning commission is, or elects to be, in the program.

No subdivision or part thereof shall be approved by the planning commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the (FEMA Flood Insurance Study of Marshall County, Tennessee and Incorporated Areas, February 17, 1988), latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the planning commission.

In any instance in which the planning commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood-prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood-prone areas, the planning commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by any applicable zoning ordinance. The planning commission shall also ensure that development within any floodway fringe area (within the one

hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article IV of these regulations.

The planning commission shall disapprove the subdivision of any land containing a flood-prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

2-101.5 Special Provisions Governing Unit Ownership
 (Condominium) Subdivisions

2-101.501 General Provisions

- a. Intent -- This section is intended to augment the general legislation of Sections 66-27-101 through 66-27-123, Tennessee Code Annotated, entitled "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Section 66-27-121, Tennessee Code Annotated.
- b. Applicability -- Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Sections 66-27-101 through 66-27-123, Tennessee Code Annotated, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations.

2-101.502 Submission of Plat Required

Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the planning commission a subdivision plat of such property in the manner prescribed by this article; such plat, if approved, shall be filed with the county register in the manner prescribed by this article.

2-101.503 Determination of Subdivision Type

Condominium subdivisions shall be classified by the planning commission during the plat review process as either horizontal condominiums or vertical condominiums as defined in Article VI of these regulations.

2-101.504 Procedure

An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this article.

2-101.505 Contents of Plans and Documents

The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform with the specifications set forth in Article V of these regulations.

2-102 Sketch Plat (Major Subdivisions Only)

2-102.1 Purpose of Sketch Plat

The applicant may submit a sketch plat to the planning commission for approval. The sketch plat is to be a concept plan for design purposes and should be used to discover all factors which may have an impact on the proposed development and to advise the subdivider of various possibilities before substantial amounts of time and money have been invested in a very detail proposal which may contain elements contrary to these regulations.

2-102.2 Sketch Plat Requirements

The sketch plat shall include the information set forth in Section 5-101.

2-102.3 Approval of Sketch Plat

When a sketch plat is submitted for planning commission approval, the number of copies required and timing of the submission shall be as for a preliminary plat. Approval of the plat shall constitute authorization to prepare detailed plans and specifications.

2-102.4 Expiration of Approval

The approval of the sketch plat shall expire within one (1) year if no further progress is made toward the development. An extension may be granted upon proper application.

2-103 Preliminary Plat (Major Subdivisions Only)

2-103.1 Application Procedure and Requirements

The applicant shall file with the planning commission a preliminary plat. The failure of the applicant to satisfy the requirements of this section with full and correct information

shall be cause for disapproval of a preliminary plat. The preliminary plat shall be prepared in accordance with Section 5-102 and:

1. be presented at the office of the enforcing officer at least 10 working days prior to a regular (officially opened) meeting of the planning commission;
2. include all land which the applicant proposes to subdivide
3. be accompanied by a minimum of 5 copies of the preliminary plat as described herein; and
4. be accompanied by a minimum of 5 copies of construction plans as described in Section 5-103, of these regulations.

2-103.2 Administrative Review

An administrative review meeting shall be conducted on the preliminary plat, construction plans, and any exhibits submitted in conformance with these regulations. This review may include the staff assistant to the planning commission and any other appropriate governmental representative. The planning commission may retain the expertise of a licensed civil engineer to review any such calculations and/or computations when determining increases in natural flood height. The review shall be held prior to the regularly scheduled planning commission meeting at which the plat is to be reviewed. The findings of the review committee shall be presented to the planning commission.

With expert assistance, as necessary, the subdivider shall prepare a report, on any proposed subdivision containing or abutting a flood prone area. Such report shall estimate the discharge of the regulatory flood; determine the specific flooding threat at the site of the proposed subdivision; and indicate whether the subdivision is located in a floodway or floodway fringe area by:

1. calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
2. computation of the flow required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one (1) foot at any point; and
3. unless otherwise established, computation of increase in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any

river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

2-103.3 Notice of Hearing

The planning commission shall hold a hearing as required by Sections 13-3-404, and 13-4-304, Tennessee Code Annotated, on each plat brought before it.

2-103.4 Preliminary Approval

After the planning commission has reviewed the preliminary plat, construction plans, exhibits, and the results of administrative review, the applicant shall be advised of any required changes. The planning commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after date of the regular meeting of the planning commission at which the hearing on preliminary approval, including adjourned date thereof, is closed.

A certificate of preliminary approval shall be issued by the secretary of the planning commission, upon demand, and the applicant may proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-104 of these regulations.

After the planning commission approves, conditionally approves, or disapproves the preliminary plat, one copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval thereon. If a preliminary plat is disapproved the planning commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting.

Before the planning commission approves a preliminary plat showing land for any public use, the planning commission shall obtain approval for the land reservation from the planning commission or appropriate governmental agency.

2-103.5 Public Improvements

The planning commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the secretary of the planning commission. If the planning commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, an adequate performance bond or an irrevocable letter of credit shall be approved. The amount of such bond shall be established by the planning commission based upon the recommendation of the appropriate governmental representative or by receipt of cost bids from two (2) or more independent licensed contracting firms equal to the cost of all necessary improvements plus an additional ten (10) percent to cover inflation shall be added. It is the

subdivider's responsibility to furnish these estimates to the planning commission.

Such surety instrument shall be submitted by the applicant at the time of application for final subdivision plat approval. The planning commission shall require the applicant to indicate on the plat all public road ways and improvements to be dedicated; all districts for water, fire, and utility improvements which shall be required to be established or extended; and any other special requirements deemed necessary by the planning commission in order for the subdivision plat to conform to the major street or road plan and the land development plan for the jurisdictional area.

2-103.6 Effective Period of Preliminary Approval

The approval of a preliminary plat shall be effective for a period of 12 months, at the end of which time final approval of the subdivision plat must have been obtained from the planning commission, although the plat need not have been signed and filed with the county register. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new plat for approval subject to any zoning provisions and the subdivision regulations currently in effect. Prior to the expiration of the preliminary approval and upon proper request by the developer, the approval may be extended up to one (1) additional year if the commission deems such to be advisable based upon progress made in developing the subdivision.

2-103.7 Zoning Regulations

Every plat shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to such zoning ordinance or these regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval set forth in Subsection 2-103.6, herein.

2-104 Final Subdivision Plat (Minor and Major Subdivision)

2-104.1 Application Procedure and Requirements

A subdivider shall file with the planning commission a final plat. The plat shall be prepared in accordance with Section 5-104 and:

1. include the entire subdivision, or section thereof, for which final approval is sought;
2. be accompanied by a minimum of 5 copies of the final subdivision plat as described herein.
3. comply substantially with the preliminary plat, where such plat is required;
4. be presented at the office of the enforcing officer at least 10 working days prior to the regular meeting of the commission at which it is to be considered;
5. be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Article V of these regulations.);
6. be accompanied by a performance bond, or irrevocable letter of credit, if required, in a form satisfactory to legal counsel and in an amount adequate to complete the required improvements. It shall include provisions that the principal of such instrument shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the planning commission, including, but without limitations, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the planning commission free and clear of all liens and encumbrances on the premise(s);
7. be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the planning commission upon preliminary plat approval; and

8. be accompanied, if the final plat contains open space, or recreational facilities, or if any portion of the site is in common ownership, by the following documentation for approval by the planning commission:
- (a) plans for improvement and maintenance of the open space or facilities located thereon;
 - (b) articles of incorporation and bylaws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association by similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and
 - (c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.

2-104.2 Endorsement of Notations

The notations and certifications required by Subsection 5-104.3, of these regulations to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of planning commission approval shall be signed at the time specified in Section 2-105 of these regulations.

2-104.3 Hearing and Decision on Final Plat

The planning commission shall hold a hearing as required by Section 13-3-404 and 13-4-304, Tennessee Code Annotated, on each final plat brought before it. The planning commission shall, within 60 days after submission of the plat, approve, modify, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. The period of time stipulated by the planning commission for completion of required improvements shall not exceed one (1) year from the date of final resolution unless otherwise approved.

Failure of the planning commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed as specified in Subsection 2-104.4 and Section 2-105, of these regulations shall be issued, upon demand, by the secretary of the planning commission. The applicant, however, may agree to an extension of the time for planning commission review.

One (1) copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

2-104.4 Vested Rights

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the secretary of the planning commission. All requirements, conditions, or regulations adopted by the planning commission, applicable to the particular subdivision or to all subdivision generally, shall be deemed a condition of approval for any subdivision prior to the time of the signing of the final plat by the secretary of the planning commission. Where the planning commission has required the installation of improvements prior to the signing of the final plat, the planning commission shall not modify unreasonably the conditions set forth in the resolution of final approval.

2-105 Signing and Recording of Subdivision Plat

2-105.1 Signing of Plat

1. When a bond or other surety instrument is required, the secretary of the planning commission shall endorse approval on the plat after the surety instrument has been approved by the planning commission and after all the conditions of the resolution pertaining to the plat have been satisfied.
2. When installation of improvements is required, the secretary of the planning commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the planning commission as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished.
3. When the conditions of this section are satisfied, the secretary shall sign the permanent reproducible original of the subdivision plat.

2-105.2 Recording of Plat

It shall be the responsibility of the developer to file plats with the county register's office within 30_days of the date of signature.

2-105.3 Sectionalizing Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the planning commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision.

The planning commission may require that a surety instrument be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required surety instrument principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the planning commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total number of lots contained in the proposed plat unless a specific waiver of this requirements is granted by the planning commission.

ARTICLE III

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3-101 Improvements and Surety Instruments

3-101.1 Completion of Improvements

Before the final subdivision plat is signed by the planning commission officer specified in Subsection 2-105.1 of these regulations, all applicants shall complete, in accordance with the planning commission's decision and to the satisfaction of the appropriate governmental representative, all public roadway, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the planning commission, and shall dedicate such improvements to the planning commission free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

3-101.2 Surety Instrument

The planning commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat by providing that, as an alternative, the applicant post a bond or irrevocable letter of credit at the time of submission for final subdivision approval in an amount estimated by the planning commission as sufficient to guarantee to the appropriate governing body the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. (See Subsection 2-103.5).

Such instrument shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the planning commission in the resolution approving the final subdivision plat and shall be incorporated in the instrument and shall not exceed one (1) year from date of final approval (unless otherwise stipulated).

Such instrument shall be approved by the planning commission as to amount and conditions. The planning commission may, upon proof of difficulty, extend the completion date set forth in such instrument for a maximum period of one (1) additional year. The planning commission may accept at any time during the period of such instrument a substitution of principal.

3-101.3 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the planning commission, and shall maintain them to a reasonable satisfaction for the period specified by the planning commission. Prior to construction of any temporary facility or improvement, the applicant may be required to file with the planning commission a separate suitable instrument for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

3-101.4 Costs of Improvements

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the appropriate governing body or any utility agency shall be stipulated clearly in the provisions of any instrument.

3-101.5 Governmental Units

Governmental units to which these instruments and contract provisions apply may file, in lieu of said contract or instrument, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this article.

3-101.6 Failure to Complete Improvements

In subdivisions for which no instrument has been posted, if the improvements are not completed within the period specified by the planning commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases in which an instrument has been posted and required improvements have not been installed within the terms of such instrument, the planning commission thereupon may declare the instrument to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the instrument is declared to be in default. It shall be the responsibility of the developer to notify the planning commission prior to the expiration of the instrument to request an extension.

3-101.7 Acceptance of Dedication Offers

Acceptance of improvements such as public roadways, easements, and parks shall be by formal action of the governing body. Such action may be in the form of a resolution recommended by the planning commission to the appropriate governing body. The approval by the planning commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public roadway, easement, or other ground shown on the plat. The planning commission may require the plat to be endorsed with appropriate notes to this effect.

3-102 Inspection of Improvements

3-102.1 General Procedure

The planning commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate governmental representative finds upon inspection that any of the required improvements have not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a surety instrument, the applicant and bonding company or financial institution if applicable, shall be liable severally and jointly for guaranteeing funds for completing said improvements according to specifications.

3-102.2 Release or Reduction of a Surety Instrument

3-102.201 Certificate of Satisfactory Completion

The planning commission shall not recommend dedication of required public improvements nor shall the planning commission release nor reduce a surety instrument until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the planning commission and the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision indicating location, dimensions, construction materials, and any other information required by the planning commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in Subsections 1-112.107 and 3-101.7 of these regulations.

3-102.202 Reduction of Surety Instrument

A surety instrument may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall an instrument be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the instrument.

3-103 Maintenance of Improvements

The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of the public improvements by the appropriate governmental body.

The applicant may be required to file a maintenance bond or additional irrevocable letter of credit with the planning commission prior to dedication, in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the appropriate governmental body.

3-104 Deferral or Waiver of Required Improvements

The planning commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the planning commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the developer shall either pay his share of the costs of the future improvements to the planning commission prior to signing of the final subdivision plat by the appropriate governmental representative(s) or post a bond or other surety instrument ensuring completion of said improvements upon demand of the planning commission.

3-105 Escrow Deposits for Lot Improvements

3-105.1 Acceptance of Escrow Funds

Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the enforcing officer nevertheless may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the appropriate governmental representative for the cost of such improvements; provided, there otherwise is no danger to the health, safety, or general welfare. The instrument covering such lot improvements shall remain in full force and effect.

3-105.2 Procedures on Escrow Fund

All required improvements for which escrow moneys have been accepted by the enforcing officer at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been installed properly at the end of the time period, the enforcing officer shall provide written notice of two (2) weeks to the developer requiring him to install the improvements, and in the event they are not installed properly, in the judgment of the enforcing officer,

he may request the planning commission to proceed to install or to contract for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow moneys are being deposited, the applicant shall obtain and file with the enforcing officer, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the enforcing officer to install the improvements at the end of the nine (9) month period in the event the improvements have not been installed properly by the developer.

3-106 Issuance of Building Permits and Certificates of Occupancy

- A. Where a surety instrument has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision or section thereof shall be issued prior to the completion and dedication of the improvements to the appropriate governmental unit, as required in the planning commission's resolution of final approval of the subdivision plat.
- B. The extent of public roadway improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy certificate. The developer shall at the time of the dedication submit moneys in escrow to the planning commission in a sum to be determined by the appropriate governmental representative.
- C. No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent be less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the planning commission's resolution of final plat approval have been fully completed, dedicated, and accepted by the governmental body.

ARTICLE IV

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

4-101 General Requirements

4-101.1 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

1. all applicable provisions of Tennessee Law, regulations, or policy;
2. the Lewisburg zoning ordinance, any building and housing codes, and all other applicable laws or policies of the planning commission;
3. the adopted general plan and major road or street (public roadway) plan;
4. the rules of the county health department and the applicable state departments (Tennessee Department of Environment and Conservation);
5. the rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a nonlocal highway
6. the standards and regulations adopted by all other boards, commissions, and agencies of the planning commission, where applicable, and
7. the Lewisburg Stormwater Management Ordinance.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Section 1-104 of these regulations.

4-101.2 Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any zoning ordinance or these regulations, such restrictions or reference thereto shall be recorded with the county register on a separate form, along with the final subdivision plat in the office of the county register.

4-101.3 Monuments

The subdivider shall place permanent reference monuments on the subdivision as required herein and as approved by a licensed surveyor. Monuments shall be located and set as follows.

1. Monuments shall be located on public roadway right-of-way lines, at public roadway intersections, and sections, and at the beginning and ending point of curves. All monuments shall be spaced so as to be within sight of each other.
2. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete not less than two feet-six inches (2'-6") in length; nor less than four (4) inches square or five (5) inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. These monuments shall be placed not more than fourteen hundred (1,400) feet apart in any straight line and at all corners or breaks at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a public roadway or proposed future public roadway, the monuments shall be placed on the side line of the public roadway.
3. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. Such monuments shall be placed at each end of all curves, at a point where a river changed its radius, and at all angle points in any line. All lot corners not falling on any of the above described points shall be marked by iron rods, pipe, or pins at least eighteen (18) inches long and one-half (1/2") inch in diameter.
4. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and one-half (1/2") inch in diameter or by round or square iron bars at least eighteen (18) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
5. All monuments and pins shall be properly set in the ground and approved by a surveyor or an engineer engaged in the practice of civil engineering prior to the time the planning commission recommends approval of the final plat or release of the bond where bond is made in lieu of improvements.

4-101.4 Character of the Land

Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of any staff assistant serving the planning commission and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger.

Where protection against flood damage is necessary, in the opinion of the planning commission, flood-damage protection techniques may include, as deemed appropriate by the planning commission:

1. the imposition of any surety and deed restrictions enforceable by the planning commission to regulate the future type and design of uses within the flood-prone areas; and
2. flood protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway.
3. installation of flood warning systems.
4. the use of fill, dikes, levees, and other protective measures.
5. the use of floodproofing measures, which may include:
 - (a) anchorage to resist flotation and lateral movement.
 - (b) installation of watertight doors, bulkheads, shutters, or other similar methods of closure.
 - (c) reinforcement of walls to resist water pressures.
 - (d) use of paints, membranes, or mortars to reduce seepage through walls.
 - (e) addition of mass or weight to structures to resist flotation.
 - (f) installation of pumps to lower water levels in structures.

- (g) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
- (h) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
- (i) building design and construction to resist rupture or collapse caused by water pressure of floating debris.
- (j) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwater into buildings or structures.
- (k) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.
- (l) location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood protection methods formulated by the subdivider or his agent shall be determined by the planning commission, which shall be guided by the policies set forth in Section 1-104 and Subsection 2-101.4, of these regulations.

All such flood protection measures shall be designed so as not to increase, either individually or collectively, flood flows, heights, duration, or damages so as not to infringe upon the regulatory floodway.

4-101.5 Subdivision Name

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The planning commission shall have authority to designate the name of the subdivision which shall be determined at sketch or preliminary plat approval.

4-102 Lot Requirements

4-102.1 Lot Arrangement

4-102.101 General

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in securing building permits to build on all lots in compliance with any zoning ordinance and state and county public health department regulations and in providing driveway access to buildings on such lots from an approved public roadway.

4-102.102 Solar Access

Where reasonably feasible lot arrangement shall be such that building sites will afford maximum utilization of energy conservation measures, such as providing for solar access.

4-102.103 Lots Subject to Flood

Where a lot in any flood-prone area must be improved to provide a building site free from flooding, such improvements shall be made outside the floodway by elevation or fill to at least the regulatory flood protection elevation (one hundred-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

In nonresidential building sites outside a floodway but subject to flooding, the use of structural floodproofing methods specified in Subsection 4-101.4 of these regulations, as an alternative to landfill, may be approved by the planning commission, as provided in Subsection 2-101.4, of these regulations.

4-102.104 Lots Located on Steep Slopes

Due to the potential threat to health and safety posed by development located on lands with slopes in excess of fifteen (15) percent, the following regulations shall apply.

- a. Site Development Plan Required -- No building permit shall be issued for a building or any lot with slopes fifteen (15) percent or over until a site

plan meeting the following requirements has been approved by the planning commission. Said site plan shall show:

- (i) The exact size, shape, and location of the lot,
- (ii) The proposed location of all buildings, driveways, drainageways, and utilities,
- (iii) Proposed contours at vertical intervals of no more than five (5) feet,
- (iv) The extent of natural tree cover and vegetation,
- (v) The location of any on-site soil absorption sewage disposal systems,
- (vi) The type and location of erosion control methodology.
- (vii) The surveyor's or engineer's stamp that prepared the plan,
- (viii) Certification as to the stability of the structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered civil or geotechnical engineer.

b. Site Development Standards -- The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in Subsection 4-102.104, a, (viii), above, shall address these standards.

- (i) Natural vegetation shall be preserved to the maximum extent possible,
- (ii) Natural drainageways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques,
- (iii) Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible which will permit reasonable development of the site. These include filling, irrigation systems, accessory buildings, and on-site soil absorption sewage disposal systems,

- (iv) Where sanitary sewers are not available any on-site sewage disposal system shall be shown on the site plan and located to avoid slide-prone areas. Said system shall be approved by the county health department prior to the planning commission's review taking into account these requirements,
- (v) Erosion control measures shall be employed to prevent soil material from leaving the site (i.e. siltation fences. Additionally, soil from excavation on the site shall not be disposed as fill on a potential slide area,
- (vi) Construction which would cut the top of the slope shall be prohibited to the maximum extent possible. This shall apply as well to subdivision roads constructed in compliance with these regulations.

4-102.2 Lot Dimensions

Lot dimensions shall comply with the minimum standards of any zoning ordinance, where applicable. Where lots are more than double the minimum area required by any zoning ordinance, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future public roadways where they would be necessary to serve such potential lots, all in compliance with any zoning ordinance and these regulations. Generally side lot lines shall be at right angles to street lines or radial to curving street lines.

The minimum lot frontage on a public roadway or permanent easement shall be fifty (50) feet except for radius of a cul-de-sac which shall be thirty (30) feet.

Dimensions of the corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback requirements from both public roadway rights-of-way.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, and as established in any zoning ordinance.

4-102.3 Building Setback Lines

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

<u>Voltage of Line</u>	<u>Building Setback</u>
7.2 KV	15 feet
13 KV	25 feet
46 KV	37.5 feet
69 KV	50 feet
161 KV	75 feet

4-102.4 Double Frontage Lots and Access to Lots

4-102.401 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation.

4-102.402 Access from Arterial or Collector Public Roadways

The planning commission may require that lots shall not derive access exclusively from arterial or collector public roadways. Where driveway access from such public roadways may be necessary for several adjoining lots, the planning commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector public roadways.

4-102.5 Soil Preservation, Grading, Erosion Control, and Seeding

4-102.501 (Reserved)

4-102.502 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area which includes subsurface drainage. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

The planning commission reserves the right to set minimum elevations on all floors, patios, and building equipment. This prerogative to establish elevation exists in addition to any ordinances that refer to floodplain

elevation requirements. The content of the preceding paragraph is to give summary review powers over any calculated or historical evidence of storm water presence in overland or channel conditions.

The subdivision developer will insure that all artesian ground waters of a permanent or temporary nature will be intercepted and carried away to primary drainage conduits along swaled ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept will be allowed by the planning commission at the point of artesian surfacing. The intent of this paragraph is to prevent flooding by overland flow. The developer is obligated to perform this work upon evidence of artesian water for a period of one (1) year following acceptance of all roads and utilities.

Any sinkhole or natural channel which serve at any time as a means of moving ground water into the subterranean will be protected by structure as approved by the planning commission. The allowed alternative to this is the construction of an alternative means of storm water relief as approved by the planning commission. In any event, location and elevation of future construction will be designated to allow for the worst possible conditions.

Nothing contained in these requirements is meant in any way to supercede the requirements of the Stormwater Management Ordinance as it pertains to runoff reduction requirements.

4-102.503 Erosion and Sediment Control

There shall be a minimization of changes in the rate of natural erosion and sedimentation which result from the development process. An erosion and sediment control plan shall be presented with the construction plans submitted in conformance with Section 5-103 of these regulations. Such plans shall incorporate the following principals:

- a. clearing and grading shall be integrated with layout design;
- b. clearing shall be minimized and existing vegetation shall be preserved to the maximum feasible degree;
- c. grading shall be strictly limited to those areas involved in current construction activities;
- d. disturbed areas shall be protected and stabilized as soon as possible with such measures as siltation fences;

- e. structural and vegetative measures to control the velocity and volume of runoff shall be required;
- f. sediment basins and traps shall be required as necessary;
- g. adequate maintenance of all planting and structures measures shall be assured.
- h. all requirments of the Stormwater Management Ordinance shall be considered a requirement of the Planning Commission

4-102.6 Debris and Waste

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or public roadway at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the surety instrument or dedication of public improvements, whichever is sooner.

4-102.7 Fencing

Each subdivider or developer shall be required to furnish and install all fences wherever the planning commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the planning commission, as appropriate, and shall be noted on the final plat as to height and required materials. No certificate of occupancy shall be issued for any affected lot until such fence improvements have been installed.

4-102.8 Water Bodies and Watercourses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The planning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

No more than ten (10) percent of the minimum area of a lot required under any zoning ordinance may be satisfied by land which is under water. Where a watercourse separates a buildable area of a lots from the roadway by which it has access, provisions shall be made for installation of culvert or other structure approved by the planning commission and no certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the planning commission and/or the appropriate governmental representative.

Waterbodies that serve as treatment structures necessary to comply with the requirements of the Stormwater Management Ordinance shall be located such that they are owned by a single entity, as allowed by the Stormwater Management Ordinance.

4-103 Roadways

4-103.1 General Requirements

4-103.101 Frontage on Improved Public Roadways

No subdivision shall be approved unless the area to be subdivided shall meet the requirements for access set forth in Subsection 1-112.109 of these regulations. If any new street construction or improvements are involved, such shall be approved and, where public dedicated as provided in Articles 2 and 3 of these regulations. Any such public roadway must be suitably improved to the standards required by this article or be bonded by a surety instrument required under these regulations, with the roadway and right-of-way widths required by this article or the major street or road plan.

4-103.102 Grading and Improvement Plan

Public roadways shall be graded and improved to conform to the standards required by this section and shall be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No surface shall be applied to the base of any proposed public roadway prior to the approval of the final plat of the subdivision or of the final approval of any section of the subdivision in question without having been properly inspected.

4-103.103 Improvements in Floodable Areas

The finished elevation of proposed roadways subject to flood shall be no more than one foot below the regulatory flood protection elevation. The planning commission may require profiles and elevations of roadways to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any roadway to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

4-103.104 Private Roads/Streets/Easements

- a. General Development Standards -- Where the ownership, control and maintenance of any road is

proposed to remain in private ownership such roads shall be constructed to the design and construction standards as herein provided. A permanent, common access easement over such roads shall be provided to each and every parcel or lot which is to gain access therefrom. All such private improvements shall be maintained by the developer/owner or by a legally established homeowners association or other similar group approved by the planning commission. The legal documents establishing ownership and maintenance of the easement shall be submitted with the final plat for review and approval and shall be recorded with the final plat identifying the permanent access easement as a private road owned and to be maintained by the said group/entity approved by the planning commission.

All subdivision developments with such private roads or easements shall post a sign with a maximum area of fifteen (15) square feet at all ingress/egress points on a public roadway or road identifying the development's roads as being "private." The sign shall be placed and maintained in such a manner as to be visible and readable from the public roadway.

b. Conversion of a Private Road/Street/Easement to a Public Road/Street

The following is required to change a private road/street/easement to a public road/street.

- (i) Legal endorsement of the entity that owns the private road certifying that such a change in status is desired.
- (ii) Submission to the Planning Commission (3 copies) of a road plat and "as built" construction plans including utilities and drainage improvements.
- (iii) Based upon a determination to be made by the planning commission in consultation with the Lewisburg and/or Marshall County Road Superintendent, the upgrading of the private road to the current public subdivision road standards specified in the Lewisburg Subdivision Regulations. Submission of construction plans in accordance with subdivision regulations. Utility improvements may also be included.
- (iv) Construction of the private road to the beforementioned current subdivision regulations standards or the posting of a surety instrument to guarantee completion of required improvements.

- (v) Approval of the constructed road by the appropriate Road Superintendent.
- (vi) Recommendation by the appropriate Road Superintendent to the appropriate governmental authority that the road be accepted as a public road.
- (vii) Acceptance of the road as a public road by the appropriate governmental authority.

4-103.105 Topography and Arrangement

- a. All roadways shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the roadways. Grades of roadways shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in Subsection 4-103.2 of these regulations.
- b. The use of roadways running in a east-west direction and lots on a north-south axis is encouraged for energy conservation of developments.
- c. All roadways shall be properly integrated with the existing and proposed system of roadways and dedicated rights-of-way as established on the major street or road plan or the land development plan.
- d. All roadways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
- e. Minor roadways shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to property.
- f. The use of curvilinear streets, cul-de-sac, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
- g. Proposed roadways shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the planning commission, such extension is not necessary or desirable for the coordination of the subdivision

design with the existing layout or the most advantageous future development of adjacent tracts.

- h. In business and industrial developments, roadways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

4-103.106 Blocks

- a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major roadways, railroads, or waterways.
- b. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (i) provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (ii) any zoning requirements as to lot sizes and dimensions;
 - (iii) needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
 - (iv) limitations and opportunities of topography.
- c. Block lengths in residential areas shall not exceed two thousand (2,000) feet nor be less than two hundred (200) feet, except as the planning commission deems necessary to secure efficient use of land or desired features of the roadway pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than one thousand (1,000) feet in length.
- d. Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the planning commission.
- e. In any long block, the planning commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.
- f. A pedestrian walkway, not less than ten (10) feet wide, may be required by the planning commission

through the approximate center of any block more than eight hundred (800) feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility.

4-103.107 Access to Arterials and Collectors

Where a subdivision borders on or contains an existing or proposed arterial or collector route, the planning commission may require that access to such roadway be limited by:

- a. the subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route;
- b. a series of cul-de-sac, "U" shaped roadways, or short loops entered from and designed generally at right angles to such a parallel roadway, with the rear lines of their terminal lots backing onto the arterial or collector route; or
- c. a marginal access or service roadway, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points.

The number of residential or local roadways entering on arterial or collector routes shall be kept to a minimum.

4-103.108 Reserve Strips

The creation of reserve strips adjacent to a proposed roadway in such a manner as to deny access from adjacent property to such roadway shall generally not be permitted.

However, in extraordinary circumstances the planning commission may allow creation of a reserve strip to enable a more appropriate pattern of lots or roadways. Where such is created the planning commission must agree to any and all future depositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto.

4-103.109 Arrangement of Continuing and Dead-End Roadways

- a. Arrangement of Continuing Roadways -- The arrangement of roadways shall provide for the continuation of major roadways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provisions of utilities, and when such continuation is in accordance with the

major street or road plan. If the adjacent property is undeveloped and the roadway must be a dead-end roadway temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-, or L-shaped turnabout shall be provided on all temporary dead-end roadways as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal roadway right-of-way shall revert to abutting property owners whenever the roadway is continued.

- b. Dead-End Roadways -- Where a roadway does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end roadway in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end roadways shall, in general, be limited in length in accordance with the design standards of these regulations.

The planning commission may require an emergency access easement(s) at or near the cul-de-sac because of excessive lengths on dead-end roadways. These such easements shall be used by emergency vehicles only and shall be indicated on the final plat.

4-103.2 Design Standards

4-103.201 Purpose

In order to provide roadways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate roadways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, the roadway design standards set forth in this section are hereby required. (Roadway classification shall be as indicated on the land development plan or major street or road plan; otherwise, the roadway shall be classified by the planning commission according to the definitions in Article VI of these regulations.)

4-103.202 General Design

The general design of all roadways shall conform to the standards in the tables entitled "General Design Standards for Roadways", which follow hereafter.

4-103.203 Intersections

- a. Roadways shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roadways at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique roadway should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) roadways shall intersect at any one point unless specifically approved by the planning commission.
- b. Proposed new intersections along one side of an existing roadway shall coincide, wherever practicable, with any existing intersections on the opposite side of such roadway. Jogs within roadways having center line offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected roadways have separated dual drives without median breaks at either intersection. Where roadways intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector roadways shall be at least eight hundred (800) feet apart.
- c. Minimum curb radius at the intersection of two (2) minor roadways shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector roadway shall be thirty (30) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- d. Where a roadway intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance.
- e. Intersections shall be designed with a flat grade wherever practical, in hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting roadway.

- f. The cross-slope on all roadways, including intersections, shall be three (3) percent or less.

4-103.204 Excess Right-of-Way

A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less than three to one (3:1). Where solid rock is encountered slopes shall be one-half to one (1/2:1).

4-103.205 Railroads and Limited Access Highways

Railroad right-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- a. In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."
- b. In commercial or industrial areas, the nearest roadway extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial usage.
- c. Roadways parallel to a railroad, when intersecting a roadway which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

GENERAL DESIGN STANDARDS FOR ROADWAYS

IMPROVEMENT	RESIDENTIAL ROADWAY	NONRESIDENTIAL ROADWAY (INDUSTRIAL, COMMERCIAL, OTHER)
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Minimum Right-of-Way Width (in Feet)

Minor	50	60
Collector	60	60
Arterial	80	80 to 200

Pavement Crown

Pavement or surfacing crown should be adequate to provide proper drainage. Normally the pavement crown shall be in the range of 1.5 to 2.0 percent of cross slope.

Minimum Width of Roadway or Paved Area (in Feet) not Including Parking Requirements

	<u>Ditch Section</u>	<u>Curb & Gutter</u>	<u>Ditch Section</u>	<u>Curb & Gutter</u>
Minor	22	28	24	38
Collector	24	32	24	38
Arterial	(See * Below)			(See * Below)

Minor exceptions to the pavement width requirements will be considered by the Department of Public Works and the Planning Commission where necessary to meet the Runoff Reduction Requirements of the Stormwater Management Ordinance.

Maximum Percentage Grade

Minor	15	6
Collector	8	6
Arterial	6	5

Minimum Center Line Radius of Curve (in Feet)

Minor	100	200
Collector	300	300
Arterial	500	500

As determined by appropriate governmental representative.

IMPROVEMENT	RESIDENTIAL ROADWAY	NONRESIDENTIAL ROADWAY (INDUSTRIAL, COMMERCIAL: OTHER)
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Minimum Length of Tangents Between Reverse Curves (in Feet)

Minor	100	200
Collector	100	200
Arterial	300	400

Minimum Sight Distance (in Feet)**

Minor	200	250
Collector	250	250
Arterial	300	400
Intersection	Across Corners 75 feet back	Across Corners 75 feet back

Minimum Turnaround on Cul-de-sacs on Minor Roadways (in Feet)

Right-of-way Diameter	100	160
Pavement Diameter	80	140

Minor exceptions to the cul-de-sac diameter requirements will be considered by the Department of Public Works and the Planning Commission where necessary to meet the Runoff Reduction Requirements of the Stormwater Management Ordinance. Alternative cul-de-sac designs that include a green infrastructure BMP, such as those described in the Tennessee Permanent Stormwater Management and Design Guidance Manual are encouraged.

Length of Cul-de-sac

Permanent	2,000 Feet
Temporary	2,000 Feet

Minimum Radius (in Feet) of Return at Intersections

At Right-of-way	25	30
At Pavement	30	50

Minimum Length of Vertical Curves*

Minor	100 feet
Collector	100 feet
Arterial	300 feet

- * Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical, may be required by the planning commission.
- ** The sight distance is measured from a point 4 1/2 feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface.

4-103.206 Bridges

Bridges of primary benefit to the subdivider, as determined by the planning commission, shall be constructed at the full expense of the subdivider without reimbursement from the planning commission. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the planning commission, shall be fixed by special agreement between the planning commission and the subdivider. The cost shall be charged to the subdivider pro rata as to the percentage of his development so served.

4-103.3 Right-of-Way Width Dedication on Existing Roadways

Where a subdivision adjoins an existing narrow roadway or where the major street or road plan or any zoning setback provisions indicate plans for realignment or widening of a roadway that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such roadway as set forth below:

1. the entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing roadway; or
2. when the subdivision is located on only one side of an existing roadway, one-half (1/2) of the required right-of-way, measured from the center line of the existing pavement, shall be provided.

4-103.4 Roadway Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required by the planning commission, and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. No roadway shall be surfaced until preliminary approval of the subdivision plat and construction plans have been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be according to the specifications of the planning commission, but in no event shall such construction be below the construction specifications set

forth in Appendix B, of these regulations. Adequate provisions shall be made for culverts or other drains, and bridges, as required.

All roadways pavements, shoulders, drainage improvements and structures, any curb turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the planning commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

4-104 Road Construction Specifications

The road construction specifications are included in these regulations as Appendix B, and are adopted as a part hereof. These specifications shall be the minimum standards for any subdivision within the jurisdictional area.

4-105 Drainage and Storm Sewers

4-105.1 General Requirements

The planning commission shall not approve any plat of a subdivision which does not make adequate provisions for stormwater or floodwater run-off channels or basins. The stormwater drainage system shall be separate and independent from any sanitary sewer system.

It is the intent of the planning commission that all provisions of the Stormwater Management Ordinance be met. The runoff reduction requirements of the Ordinance require that runoff volumes be reduced within the subdivision development and that where reduction cannot be accomplished, the runoff be treated prior to discharge. Nothing contained in this section is meant in any way to supercede the requirements of the Stormwater Management Ordinance.

4-105.2 Nature of Stormwater Facilities

4-105.201 Location

The subdivider may be required by the planning commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities shall be located in the roadway right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.

4-105.202 Accessibility to Public Storm Sewers

- a. Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of

stormwaters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted by the enforcing officer to assure compliance.

- b. If a connection to a public storm sewer will be provided eventually, as determined by the planning commission, the subdivider shall make arrangements for future stormwater disposal by a public system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond or letter of credit required for the final subdivision plat.

4-105.203 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning ordinance.

4-105.204 Effect on Downstream Drainage Areas

The planning commission also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the planning commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

4-105.205 Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the planning commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place roadway elevations at no more than twelve (12) inches below the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the

regulatory flood elevation, shall be determined by the adopted flood studies and/or planning commission based upon the review specified in Subsection 2-103.2 of these regulations and the submission of flood data in construction plans as specified in Section 5-103 of these regulations.

4-105.206 Floodplain Areas

The planning commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains flood-prone land shall be subject to the special provisions set forth in Subsections 2-101.4; 4-101.4; Section 4-104; and Subsection 4-105.2, of these regulations.

4-105.3 Dedication of Drainage Easements

4-105.301 General Requirements

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainageways are utilized they shall be designed for the twenty-five (25) year frequency flood.

4-105.302 Drainage Easements

- a. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a roadway right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the roadway lines and with satisfactory access to roadways. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the roadway to a natural watercourse or to other drainage facilities.
- b. When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

- c. The applicant shall dedicate, when required by the planning commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse to a distance to be determined by the planning commission.
- d. Along watercourses, low-lying lands within any floodway, as determined by the planning commission and/or adopted flood studies pursuant to Section 2-103 of these regulations, whether or not included in areas for dedication, shall be preserved as drainage ways.
- e. Drainage easements conveyed across private property shall be the responsibility of the property owner to maintain. These easements cannot be maintained by the City of Lewisburg.

4-105.303 Ditching, Concrete Ditch Paving, and Culverts and Storm Drains

The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations and the Stormwater Management Ordinance. The design and construction details of all such facilities shall be approved by the appropriate governmental representative.

4-106 Water Facilities

4.106.1 General Requirements

- 1. Necessary action shall be taken by the developer to extend a water supply system to each lot capable of providing domestic water use and fire protection.
- 2. Where a public water main is within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the planning commission, the Tennessee Department of Environment and Conservation and Lewisburg Water and Waste Water Department and these regulations.
- 3. Where required for fire protection water mains shall not be less than six (6) inches in diameter; where water mains are not to be utilized for fire protection, the planning commission may approve smaller lines, as necessary, to meet potable water demand with approval of Lewisburg Water and Waste Water Department.
- 4. All water systems, whether public or private, located in a flood-prone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection

elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

4-106.2 Fire Hydrants

Where fire hydrants are required in subdivisions; they shall be located no more than one thousand (1,000) feet apart and be within five hundred (500) feet of any residential, commercial, or industrial lot. However, the planning commission may require closer spacing where physical conditions or types of structures so warrant. To eliminate future roadway cutting or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a roadway shown on the subdivision plat, unless otherwise approved by the planning commission.

4-107 Sewage Facilities

4-107.1 General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of Lewisburg Water and Waste Water Department and the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

4-107.2 Mandatory Connection to Public Sewer System

1. When public sanitary sewers are within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall provide sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers which meet standards set forth in the regulations of Lewisburg Water and Waste Water Department and the Tennessee Department of Environment and Conservation.
2. All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

4-107.3 Individual Disposal System Requirements

If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in these regulations; all

pertinent soil absorption tests shall be made as directed by the county environmentalist and the results submitted to the county health department for approval.

The individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device, also shall be approved by the county health department.

The planning commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics. The planning commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4-107.4 Design Criteria for Sanitary Sewers

Sanitary sewer systems shall be designed for the ultimate tributary population based upon appropriate plans and zoning regulations.

The minimum size of a public sewer line shall be eight (8) inches in diameter with individual lot service lines a minimum of four (4) inches or as approved by Lewisburg Water and Waste Water Department.

Sanitary sewers shall be located within a public street right-of-way, unless topography dictates otherwise. Public utility easements shall be provided across private property for access to lines and manholes such easements to be of an adequate width for service purposes, but in no case less than twenty (20) feet.

4-108 Pedestrian Ways

4-108.1 Sidewalks and Bicycle Paths

Sidewalks and bicycle paths, where required by the planning commission, shall be included within the dedicated nonpavement right-of-way of all roadways as indicated in the following table and shall be improved as required by Subsection 4-103.4 of these regulations. Concrete curbs are required for all roadways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SIDEWALK DESIGN

<u>Class of Street</u>	<u>Sidewalk Width</u>	
	<u>Residential Roadway</u>	<u>Nonresidential Roadway (Industrial, Commercial; Other)</u>
Minor Roadway	4 feet wide	6 feet wide
Collector Roadway	5 feet wide	6 feet wide
Arterial Roadway	5 feet wide	6 feet wide

4-108.2 Pedestrian Accesses

The planning commission may require, in order to facilitate pedestrian access from the roadway to schools, parks, playgrounds, or other nearby roadways, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

4-109 Utility Easements

- A. Easements down rear lot lines or additionally across lots, if deemed necessary by the planning commission, shall be provided for utilities (private or public). Such easements shall be at least twenty (20) feet wide. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within the development.
- B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided along side lot lines with satisfactory access to roadways or rear lot lines. Easements shall be indicated on the plat.
- C. Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

4-110 Public Uses

4-110.1 Plat to Provide for Public Uses

Whenever a tract to be subdivided includes a school, recreation use, a portion of a major roadway, or other public use, as indicated on the land development plan and/or major street or road plan, or any portion thereof, such tract shall

be suitably incorporated by the developer into the plat when first presented for review by the planning commission.

After proper determination of its necessity by the planning commission and the appropriate governmental representative(s) involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the developer into the plat prior to final approval by the planning commission and recording of the plat.

4-110.2 Referral to the Governmental Agency Concerned

The planning commission shall refer any plat presented in accordance with Subsection 4-110.1 to the governmental agency concerned with acquisition of the land. The planning commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency thirty (30) days for reply.

Among the areas which the planning commission may propose for public acquisition, when the commission deems it appropriate and consistent with the policies and purposes set forth in these regulations, is any land within a floodway or floodway fringe determined according to the procedure outlined herein.

The acquiring agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

4-110.3 Notice to Property Owner

Upon receipt of an affirmative report, the planning commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency. Upon such designation by the planning commission, any reserved portion of any floodway or floodway fringe shall not be altered from its natural state by the development in any manner whatsoever, except upon written approval of the planning commission.

4-110.4 Duration of Land Reservation

The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed twenty four (24) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4-111 Preservation of Natural Features and Amenities

Existing features which would add value to residential development or to the area as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the planning commission. No change of grade of the land shall be affected nor shall any natural features be removed or relocated until a preliminary subdivision plat and construction plans have been approved by the planning commission.

4-112 Nonresidential Subdivisions

4-112.1 General

If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the planning commission may require. A nonresidential subdivision also shall be subject to all the requirements of site plan approval set forth in any zoning ordinance. Site plan approval may proceed simultaneously at the discretion of the planning commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards set forth by the planning commission, and shall conform to the proposed land development plan, major street or road plan, and any zoning ordinance.

4-112.2 Standards

In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the roadway, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated;
2. roadway rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated;
3. special requirements may be imposed by the governing body with respect to any roadway, curb, gutter, and sidewalk design and construction specifications;
4. special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and stormwater drainage;

5. every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and
6. roadways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE V

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5-101 Sketch Plat

5-101.1 General

Sketch plats submitted to the planning commission, prepared in pen or pencil, shall be drawn to a convenient scale no smaller than two hundred (200) feet to an inch.

5-101.2 Features

The sketch plat shall show:

1. a scale drawing of the property and the names of the owners of adjoining property;
2. size of the original tract(s) being subdivided;
3. notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
4. approximate topography of the site, at no more than five (5) foot intervals, extended into adjacent properties;
5. any areas which may be affected by flooding;
6. general roadway and lot patterns;
7. proposed phasing, if any;
8. vicinity map of property;
9. date and approximate north point;
10. name of owner;
11. name of licensed land surveyor; and
12. zoning classification.

5-102 Preliminary Plat

5-102.1 General

The preliminary plat shall be prepared by a surveyor, landscape architect, architect, land planner, or engineer engaged in the practice of civil engineering, at a convenient scale no smaller than two hundred (200) feet to an inch. The plat may be prepared in pen or pencil, and the sheets shall be

numbered in sequence if more than one sheet is used. The map prepared for the preliminary plat may be used for the final subdivision plat and should be permanently reproducible.

5-102.2 Features

The preliminary plat shall include:

1. the location of the property to be subdivided with respect to surrounding property(s) and roadway(s);
2. the names of all adjoining property owners of record, or the names of adjoining developments;
3. the names of adjoining roadways;
4. the location and dimensions of all boundary lines of the property, figured to the nearest hundredth (100th) of a foot;
5. the location of existing roadways, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges, as determined by the planning commission;
6. the location, size, and width of all existing and proposed easements, alleys, and other roadways, building setback lines and water and sewer lines;
7. the location, dimension, and area of all proposed or existing lots;
8. culverts, driveway tiles, associated drainage structures sized along with necessary easements; electrical and telephone easements;
9. the position of all existing or proposed buildings within proposed condominium developments;
10. the location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
11. the limits of floodway and flood hazard areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required;
12. the name and address of the owner(s) of land to be subdivided, the subdivider if other than the owner, and the land surveyor preparing the plat;

13. the date of the plat, north point, scale, and title of the subdivision;
14. sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground;
15. name of the subdivision and all new roadways, as approved by the planning commission;
16. the zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider;
17. the distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing roadways and to the original corner of the original survey of which it is a part;
18. vicinity map showing relation of the subdivision to all roadways, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile (suggested scale: one (1) inch to one thousand (1,000) feet);
19. contours at vertical intervals of not less than five (5) feet or less than when required by the planning commission where the proposed subdivision has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission);
20. map parcel numbers as recorded on the land tax maps of the county;
21. The following notations:
 - (a) explanation of drainage easements;
 - (b) explanation of site easements;
 - (c) explanation of reservations; and
 - (d) for any lot where public sewer or water systems are not available, the following:
 - (i) areas to be used for sewage disposal and their percolation results, or if the planning commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
 - (ii) water wells (existing and proposed); and

- (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features;
 - (e) explanation of any areas to be designated to the use of permanent stormwater management
- 22. draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions; and
- 23. a form for endorsement of planning commission approval of the preliminary plat which shall read as follows:

Approved by the Lewisburg Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____.
date

Preliminary plat approval shall not constitute final approval for recording purposes.

5-103 Construction Plans

5-103.1 General

Construction plans shall be prepared for all improvements required by these regulations. Plans shall be drawn at a scale of no more than one hundred (100) feet to an inch. Plans shall be in compliance with the specifications in Article IV of these regulations. Approval of plans must precede actual construction, and no final plat shall be considered by the planning commission until the required plans have been approved. The construction plans may be prepared by a registered land surveyor who may prepare roadway plans and profiles and all other roadway plans including minor drainage structures if authorized by the planning commission.

A civil engineer must assist they surveyor and stamp all plans where major drainage structures and calculations are involved if required by the planning commission.

5-103.2 Features

The following shall be shown on the construction plans.

1. Profiles showing existing and proposed elevations along center lines of all roadways.
2. Where a proposed road intersects an existing roadway or ways, the elevation along the center line of the existing roadway within one hundred (100) feet of the intersection.
3. Approximate radii of all curves, lengths of tangents, and central angles on all roadways.

4. Proposed roadways, as required by the planning commission; where such are required, horizontal stationing shall be at fifty (50) foot intervals and cross-sectional elevations shall be to an accuracy of one tenth (1/10) foot vertical on a line at right angles to the center line of the roadway at the following points: the center line of the roadway, each property line, and points twenty-five (25) feet inside each property line.
5. Plans and profiles indicating the locations and typical cross-section of roadway pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins.
6. The location of roadway signs.
7. The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility system.
8. Exact location and size of all water, gas, or other underground utilities or structures.
9. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing roadways, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, and features noted on the land development plan or major street or road plan.
10. The water elevations of adjoining lakes or streams and the approximate high- and low-water elevations of such lakes or streams shall be shown. All elevations shall be referred to the U.S.G.S. datum plane.
11. If the subdivision borders a lake, river, or stream, the distance and bearings of the permanent water quality buffer zone, as required by the Stormwater Management Ordinance.
12. The developer shall prepare for any portion of a subdivision containing a flood prone area, or an area known to be subject to flooding, information necessary for the planning commission to determine the suitability of the particular site for the proposed development, as follows:
 - (a) plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of any part of the subdivision within a flood prone area; existing or proposed structures or building sites, fill, storage of materials and floodproofing measures, as specified in these regulations; and the relationship of the above to the location of the

stream channel, floodway, floodway fringe, the regulatory flood elevation, and the regulatory flood protection elevation;

- (b) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information, if required by the planning commission;
 - (c) surface-view plans showing elevations and contours of the ground;
 - (d) pertinent structures, fill, or elevations of roadways;
 - (e) water supply, sanitary facilities, soil types, and other pertinent information, as required by the planning commission; and
 - (f) specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities.
- 13. Contours at the same vertical interval as on the preliminary plat.
 - 14. In addition to the other requirements of this section, construction plans for condominium subdivisions shall contain "as built" drawings of all underground utilities, regardless of proposed ownership, and the construction design of all public facilities which are proposed for dedication to the governing body.
 - 15. A notation of construction plans approval by appropriate persons or governmental representatives.
 - 16. Title, name, address, stamp and signature of engineer who prepared the plans.
 - 17. Date of plans, including any revision dates.
 - 18. An erosion and sediment control plan shall be prepared for each development required to submit construction plans. Such plan shall demonstrate the manner in which the general principals for erosion and sediment control set out in Subsection 4-102.503 are to be implemented on the site covered by the construction plans.
 - 19. Permanent stormwater management infrastructure and BMPs that address the runoff reduction requirements of the Stormwater Management Ordinance.

5-104 Final Subdivision Plat

5-104.1 General

The final subdivision plat shall be prepared on transparent drafting material at a scale no smaller than two hundred (200) feet to the inch on sheets of county register plat book size. The use of an appropriate smaller scale may be permitted for lots larger than two (2) acres. When more than one (1) sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence.

Construction plans, if required as described in Section 5-103 of these regulations, shall have been approved prior to planning commission approval of the final subdivision plat.

5-104.2 Features

The final plat shall include:

1. The location of the property to be subdivided with respect to surrounding property(s) and roadways.
2. The names of all adjoining property owners of record or the names of adjoining developments.
3. The names of adjoining roadways.
4. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18 of the Tennessee Code Annotated, for the class of survey required by these regulations. The class of survey shall be determined according to the average size of lots (see Table below) within the proposed subdivision. The survey shall be tied into the Tennessee Grid Coordinate System.

ACCURACY OF SURVEYS

<u>Average Lot Size</u>	<u>Unadjusted Accuracy</u>
One (1) Acre or Less	Class "B" Suburban Land Survey
Greater than One (1) Acre but Less than Ten (10) Acres	Class "C" Rural Land Survey
Ten (10) Acres or More	Class "D" Farm land Survey

A distance and bearing shall be provided which will link a point on the boundary of the subdivision to a monument in the right-of-way of the nearest prominent roadway intersection.

5. The location of all roadways, easements, water bodies, large streams or rivers, railroads, parks, and cemeteries.
6. The limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation; as determined from the adopted flood studies.
7. The location and width of all easements and rights-of-way for roadways, as well as the building setback lines on all lots.
8. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot.
9. The location, area, and dimensions, to the accuracy set forth in Item 8 above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
10. The final plat of a condominium subdivision shall contain, in addition to the other information required by this section:
 - (a) an "as-built" building location and boundary survey, to "American Land Title Association" or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;
 - (b) some sort of datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement; and

- (c) copies of deed covenants, the charter and by-laws of any homeowners' association established; and special information which the planning commission may require to protect the rights of future owners of the condominium or the public in general.
- 11. The name and address of the owner(s) of the land being subdivided.
- 12. The name and address of the subdivider if other than the owner.
- 13. The name and stamp of the land surveyor preparing the plat.
- 14. The date of the plat, approximate true north point, scale, and title of the subdivision.
- 15. Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved roadways and curved property lines that are not the boundary of curved roadways. The location of all monuments and pins shall be indicated on the plat.
- 16. The names of all roadways.
- 17. The zoning classification of all lots, as well as an indication of uses other than residential proposed by the subdivider.
- 18. The total acreage within the subdivision.
- 19. Lot numbers, where required.
- 20. The line size and location of water and sewer facilities.
- 21. The location of all fire hydrants.
- 22. The diameter and width of all driveway culverts.
- 23. For any lot where public sewer or water system is not available, the following shall be shown:
 - (a) areas to be used for sewage disposal; and
 - (b) water wells (existing and proposed).
- 24. Applicable certifications in the form reproduced in this section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final

plat approval, except that the form for endorsement of the planning commission's approval for recording shall appear unsigned at the time of application for approval.

25. State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable; also, actual design plans for filing in appropriate governmental representative's office.
26. Commitment notes may be printed or stamped on the final plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the planning commission.

5-104.3 Plat Certificates

1. Certification showing that the applicant is the landowner; that he offers for dedication roadways, rights-of-way, and any site for public use; and that he consents to the subdivision plan.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in Book Number _____, page _____, County Registers Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all roadways, utilities, and other facilities to public or private use as noted.

_____, 20____
Date Owner

Title (if acting for partnership or corporation)

2. Certification by a registered land surveyor as to the accuracy of the land survey.

CERTIFICATE OF SURVEY ACCURACY

I (we) hereby certify that to the best of my (our) knowledge and belief this is a true and accurate survey of the property shown hereon; that this is a Class "_____" Land Survey as defined in Title 62, Chapter 18, Tennessee Code Annotated, and that the ratio of precision is greater than or equal to 1: _____.

_____, 20____
Date Registered Land Surveyor Number ____.

3. Certification by appropriate governmental or quasi-governmental official(s) that sewage disposal and/or water system(s) has/have been installed.

CERTIFICATE OF APPROVAL OF WATER SYSTEM

I hereby certify that the water system(s) outlined or indicated on the final subdivision plat entitled _____ has/have been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

_____, 20____
Date Name, Title and Agency or
Authorized Approving Agent

CERTIFICATE OF APPROVAL OF SEWER SYSTEMS

I hereby certify that the sewer systems outlined or indicated on the final subdivision plat entitled _____ have been installed in accordance with current local and state government requirements or a sufficient bond or other surety has been filed which will guarantee said installation.

Sewer System _____, 20____
Date Name, Title, and Agency of
Authorized Approving Agent

CERTIFICATE OF APPROVAL PRIVATE
SUBSURFACE SEWAGE DISPOSAL

General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions.

Before the initiation of construction, the location of the house or other structures and plans for the subsurface sewage disposal system shall be approved by the local health authority.

_____, 20____
Date Local Health Authority

4. Certification on the final plat by appropriate governmental representative that the subdivider has complied with one of the following:

(a) installation of all roadway improvements in accordance with the requirements of these regulations; or

- (b) in lieu of compliance with subdivision improvement requirements, certification that surety has been posted by the subdivider in an amount approved by appropriate governmental representative to guarantee completion of all improvements.

CERTIFICATE OF APPROVAL OF ROADWAYS FOR BOND POSTING

I hereby certify: (1) that all designated roadways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Lewisburg Subdivision Regulations, or (2) that a performance bond or other surety has been posted with the planning commission to guarantee completion of all required improvements in case of default.

_____, 20____
Date Appropriate Governmental Representative

5. For a subdivision containing common open space or facilities, certification on the final plat of dedication of common areas in accordance with procedures established in these regulations.

CERTIFICATION OF COMMON AREAS DEDICATION

_____ in recording this plat has designated certain areas of land shown hereon as common areas intended for use by the homeowners within (Name of Subdivision) for recreation and related activities. The above described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision.

"Declaration of Covenants and Restrictions," applicable to the above named subdivision, is hereby incorporated and made a part of this plat.

_____, 20____
Date Owner

6. Certification on the final plat of planning commission approval for recording of the plat.

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivisions plat shown hereon has been found to comply with the _____ Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the planning commission, and that it has been approved for recording in the Office of the County Register.

_____, 20____
Date Secretary, Planning Commission

7. Notation of Possible Flooding -- If any portion of the land being subdivided is subject to flooding as defined in these regulations, a notation shall be made on the plat that development or modification of the land within any floodway delineated within plat is prohibited and that development within floodway fringes delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least the regulatory flood protection elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the planning commission upon development within flood prone areas also shall be indicated on the plat.
8. Notation of Health Restrictions -- Any modifications or limitations which may be imposed by the state or county health department shall be clearly indicated on the plat.
9. Notation of Private Restrictions -- Private restrictions and trusteeships and their periods of existence shall be indicated on the plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded.
10. Certification of Marshall County 911 Communications -- A form for endorsement of the Marshall County 911 Communications Office, which shall read as follows:

CERTIFICATION OF MARSHALL COUNTY 911 COMMUNICATIONS

I hereby certify that the Marshall County 911 Communications Office has reviewed and shall receive a copy of said final plat approved by the Lewisburg Municipal Planning Commission.

_____, 20____
Date

Director, Marshall County
911 Communications Office

ARTICLE VI

DEFINITIONS

6-101 Usage

- A. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- C. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

6-102 Words and Terms Defined

Alley -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant -- The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Architect -- An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in Tennessee.

Arterial Street or Road -- A major roadway intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of three thousand (3,000).

Block -- A tract of land bounded by roadways or by a public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond -- An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

Building -- Any structure built for the support shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes a mobile home.

Capital Improvements Program -- A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Collector Street or Road -- A major roadway intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Common Elements -- Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements -- Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Limited Common Elements -- Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code Annotated, which provides the mechanics and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision -- The subdivision of property through the establishment of a condominium or horizontal property regime.

Horizontal Condominium Subdivision -- A subdivision where each unit occupies some ground space.

Vertical Condominium Subdivision -- A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

Condominium Unit -- A space conveyed by separate title and located within a condominium structure.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission.

Contractor -- An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist -- An agent designated to administer local and/or state health regulations.

Cul-de-sac -- A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turn-around, or turn-about.

Design Specifications -- Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer -- The owner of land proposed to be subdivided or his authorized representative.

Driveway - A private roadway which is part of a specific parcel or site for convenience and circulation, providing direct access from the said parcel or site to a public or private road/street.

Dwelling Unit -- A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement -- Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

Enforcing Officer -- The building inspector or such person designated by the city manager to be responsible for enforcing the provisions of these regulations.

Engineer -- An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code Annotated, to practice in Tennessee.

Equal Degree of Encroachment -- The delineation of floodway limits so that floodplain lands on both sides of a stream are capable to conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow -- A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the planning commission.

External Subdivision Boundary -- All points along the periphery of a subdivision.

Final Subdivision Plat -- The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the planning commission for approval and which, if approved by the commission, is recorded with the county register of deeds.

Flood -- A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency -- The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map -- An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood-Prone Area -- The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred years (i.e., that has a one (1) percent chance of being flooded in any year).

Floodplain -- A land area adjoining a river, stream watercourse, bay, or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodplain Management Program -- The overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations, and these subdivision regulations.

Flood Profile -- A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Floodproofing -- Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway -- The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one foot above natural flood levels.

Floodway Encroachment Limits -- The lines marking the limits of floodways on official federal, state, and local floodplain maps.

Floodway Fringe -- The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage -- That side of a lot abutting a roadway ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan -- The official statement of the planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections 13-3-301, 13-3-302, and 13-4-102, Tennessee Code Annotated.

Governmental Agency -- Any public body other than the governing body.

Governing Body -- The chief legislative body of any government.

Governmental Representative -- An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade -- The slope of a roadway specified in percentage terms.

Highway, Limited Access -- A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the trafficway, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Horizontal Property Act -- "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code Annotated.

Individual Sewage Disposal System -- A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary -- All points within a subdivision which do not constitute external boundaries.

Irrevocable Letter of Credit -- A surety instrument guaranteeing completion of all required improvements, the amount of which is set by the planning commission and guaranteed by a licensed banking institution.

Joint Ownership -- Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area -- Planning boundary(s) established in keeping with Sections 13-3-102, 13-3-201, and 13-3-301, Tennessee Code Annotated.

Land Development Plan -- An element of the general plan which sets out a plan or scheme of future land usage.

Land Surveyor -- A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code Annotated, to practice in Tennessee.

Legal Counsel -- The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot - A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership, or for building development.

Lot, Corner -- A lot situated at the intersection of two (2) roadways.

Lot Improvement -- Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Street or Road -- A roadway which is classified as a collector or arterial roadway according to these regulations or by the major street or road plan for the jurisdictional area.

Major Street or Road Plan -- The plan adopted by the planning commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, "the general location, character, and extent of roadways...(and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing roadways..."

Major Subdivision -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood-prone area.

Minor Street or Road -- A roadway which is not classified as an arterial or collector.

Minor Subdivision -- Any subdivision containing five (5) lots or less fronting on an existing roadway; not involving any new or improved roadway, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

National Flood Insurance Program -- A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of

the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

Off-site -- Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood -- A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Owner -- Any person, group of persons, firm or firms corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property.

Performance Bond -- See "Bond".

Perimeter Street -- Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission -- A public planning body established pursuant to Title 13, Chapters 2 or 5, Tennessee Code Annotated, to execute a partial or full planning program within authorized area limits.

Preliminary Plat -- The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the planning commission for approval.

Premise(s) -- A tract of land together with any buildings or structures which may be thereon.

Private Road/Street -- A roadway opened to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent property or properties. This definition shall not apply to driveways.

Public Improvement -- Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Reach -- A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flood or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings typically would constitute a reach.

Regulatory Flood -- The one hundred-year flood.

Regulatory Flood Protection Elevation -- The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

Resubdivision -- A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Right-of-Way -- A strip of land occupied or intended to be occupied by a public or private roadway, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way", for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Roadway -- Any publicly or privately owned street, alley, easement, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Sale or Lease -- Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership -- Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback -- The distance between a building wall and the nearest roadway right-of-way.

Sketch Plat -- A sketch preparatory to the preliminary plat (or final subdivision plat, in the case of minor subdivisions).

Special Flood Hazard Map -- The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission -- The person(s) employed by the local governing body to assist the planning commission in planning and land use regulation activities.

Start of Construction -- For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Stormwater Management Ordinance - The Stormwater Management Ordinance of Lewisburg, Tennessee as most recently amended.

Structure -- Anything constructed above or below ground.

Subdivider -- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision -- "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Sections 13-3-401 and 13-4-301, Tennessee Code Annotated.)

Subdivision Agent -- Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Surety Instrument -- A legal document which when executed shall guarantee construction, maintenance and/or completion of required improvements.

Temporary Improvement -- Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Twenty-Five Year Flood -- A flood having an average frequency of occurrence of once in twenty-five (25) years.

Water Surface Elevation -- The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance or Resolution -- A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code Annotated , for the purpose of regulating by district, land development or use for a designated area.

ARTICLE VII

ADOPTION OF REGULATIONS AND AMENDMENTS

7-101 Original Enactment

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted this 7th day of July, 1992, and immediately shall be in full force and effect. Pursuant to Sections 13-3-403 and 13-4-303, Tennessee Code Annotated, a public hearing was held on these regulations July 7, 1992, at 4:00 p.m., City Administration Building, in
Date Time Place
Lewisburg, Tennessee, notice of which was given by publication
(City or County)
Lewisburg Tribune, on June 4, 1992.
(Name of Newspaper) Date

Arnold Lilly
Chairman

July 7, 1992
Date

ATTEST:

Eddie Fuller
Secretary

July 7, 1992
Date

APPENDICES

APPENDIX A
FORMS

LEWISBURG MUNICIPAL PLANNING COMMISSION

Form Number 1

PRELIMINARY PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ ZONING DISTRICT _____

OWNER _____

SURVEYOR _____

- _____ 1. Five (5) copies of plat.
- _____ 2. The location of the property to be subdivided with respect to surrounding property(s) and roadway(s);
- _____ 3. The names of all adjoining property owners of record, or the names of adjoining developments;
- _____ 4. The names of adjoining roadways;
- _____ 5. The location and dimensions of all boundary lines of the property, figured to the nearest hundredth (100th) of a foot;
- _____ 6. The location of existing roadways, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges, as determined by the planning commission;
- _____ 7. The location, size, and width of all existing and proposed easements, alleys, and other roadways, building setback lines and water and sewer lines;
- _____ 8. The location, dimension, and area of all proposed or existing lots;
- _____ 9. Culverts, driveway tiles, associated drainage structures sized along with necessary easements; electrical and telephone easements;
- _____ 10. The position of all existing or proposed buildings within proposed condominium developments;
- _____ 11. The location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;

LEWISBURG MUNICIPAL PLANNING COMMISSION

Form Number 1

PRELIMINARY PLAT CHECKLIST

Page 2

- _____ 12. The limits of floodway and flood hazard areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required;
- _____ 13. The name and address of the owner(s) of land to be subdivided, the subdivider if other than the owner, and the land surveyor preparing the plat;
- _____ 14. The date of the plat, north point, scale, and title of the subdivision;
- _____ 15. Sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground;
- _____ 16. Name of the subdivision and all new roadways, as approved by the planning commission;
- _____ 17. The zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider;
- _____ 18. The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing roadways and to the original corner of the original survey of which it is a part;
- _____ 19. Vicinity map showing relation of the subdivision to all roadways, railroads, and water courses in all directions to a distance of at least one-half (1/2) mile (suggested scale: one (1) inch to one thousand (1,000) feet);
- _____ 20. Contours at vertical intervals of not less than five (5) feet or less than when required by the planning commission where the proposed subdivision has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission);
- _____ 21. Map parcel numbers as recorded on the land tax maps of the county;

LEWISBURG MUNICIPAL PLANNING COMMISSION
Form Number 1
PRELIMINARY PLAT CHECKLIST
Page 3

_____ 22. The following notations:

- (a) explanation of drainage easements;
- (b) explanation of site easements;
- (c) explanation of reservations; and
- (d) for any lot where public sewer or water systems are not available, the following:
 - (i) areas to be used for sewage disposal and their percolation results, or if the planning commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
 - (ii) water wells (existing and proposed); and
 - (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features;

_____ 23. Draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions; and

_____ 24. A form for endorsement of planning commission approval of the preliminary plat which shall read as follows:

Approved by the Lewisburg Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____.
date

Preliminary plat approval shall not constitute final approval for recording purposes.

LEWISBURG MUNICIPAL PLANNING COMMISSION

Form Number 2

FINAL PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ ZONING DISTRICT _____

OWNER _____

SURVEYOR _____

Construction plans, if required as described in Section 5-103, of these regulations, shall have been reviewed and approved prior to planning commission approval of the final subdivision plat.

- _____ 1. Five (5) copies of plat.
- _____ 2. The location of the property to be subdivided with respect to surrounding property(s) and roadways.
- _____ 3. The names of all adjoining property owners of record or the names of adjoining developments.
- _____ 4. Reproducible original.
- _____ 5. The names of adjoining roadways.
- _____ 6. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code Annotated, for the category of survey required by these regulations.
- _____ 7. The location of all roadways, easements, water bodies, large streams or rivers, railroads, parks, and cemeteries.
- _____ 8. The limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation; as determined from the adopted flood studies.
- _____ 9. The location and width of all easements and rights-of-way for roadways, as well as the building setback lines on all lots.
- _____ 10. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot.

LEWISBURG MUNICIPAL PLANNING COMMISSION
Form Number 2
FINAL PLAT CHECKLIST
Page 2

- _____ 11. The location, area, and dimensions, to the accuracy set forth in Item 10, above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- _____ 12. The final plat of a condominium subdivision shall contain, in addition to the other information required by this section:
- (a) an "as-built" building location and boundary survey, to "American Land Title Association" or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;
 - (b) some sort of datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement; and
 - (c) copies of deed covenants, the charter and by-laws of any homeowners' association established; and special information which the planning commission may require to protect the rights of future owners of the condominium or the public in general.
- _____ 13. The name and address of the owner(s) of the land being subdivided.
- _____ 14. The name and address of the subdivider if other than the owner.
- _____ 15. The name and stamp of the land surveyor preparing the plat.
- _____ 16. The date of the plat, approximate true north point, scale, and title of the subdivision.
- _____ 17. Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved roadways and curved property lines that are not the boundary of curved roadways. The location of all monuments and pins shall be indicated on the plat.

LEWISBURG MUNICIPAL PLANNING COMMISSION
Form Number 2
FINAL PLAT CHECKLIST
Page 3

- _____ 18. The names of all roadways.
- _____ 19. The zoning classification of all lots, as well as an indication of uses other than residential proposed by the subdivider.
- _____ 20. The total acreage within the subdivision.
- _____ 21. Lot numbers, where required.
- _____ 22. The line size and location of water and sewer facilities.
- _____ 23. The location of all fire hydrants.
- _____ 24. The diameter and width of all driveway culverts.
- _____ 25. For any lot where public sewer or water system is not available, the following shall be shown:
 - (a) areas to be used for sewage disposal; and
 - (b) water wells (existing and proposed).
- _____ 26. Applicable certifications in the form reproduced in this section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the planning commission's approval for recording shall appear unsigned at the time of application for approval.
- _____ 27. State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable; also, actual design plans for filing in appropriate governmental representative's office.
- _____ 28. Commitment notes may be printed or stamped on the final plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the planning commission.

LEWISBURG MUNICIPAL PLANNING COMMISSION

Form Number 3

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That We, _____, as
Principals, _____, State of _____, and
the _____ INSURANCE COMPANY, a _____
Corporation authorized to do business in the State of Tennessee, having an
office and place of business at _____, as
Surety, are held and firmly bound unto the City/County of _____, as
obligee, in the sum of _____ Dollars (\$_____) lawful
money of the United States, for the payment whereof to the Obligee, the
Principal and the Surety bind themselves, their heirs, executors,
administrators, successors, and assigns, jointly and severally, firmly to
these presents:

SIGNED, SEALED, AND DATED, This ____ day of _____, 20____.

WHEREAS, application was made to the _____ Municipal Planning
Commission for approval of a subdivision shown on plat, entitled,
"_____", filed with the chief enforcing officer of the
City/County of _____ on _____, 20____, said final
plat being approved by the _____ Municipal Planning Commission
upon certain conditions, one of which is that a performance bond in the amount
of _____ DOLLARS (\$_____) is to be filed
and accepted with the planning commission to guarantee certain improvements in
the subdivision named above.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above
named Principal shall within one (1) year from the date hereof (time may be
extended for one (1) year only beyond this period by the planning commission
with the consent in writing signed by all parties prior to expiration date of
the original performance bond period) will and truly make and perform the
required improvements and construction of public improvements in said
subdivision in accordance with the local government specifications and the
resolution of _____, 20____, then this obligation is to
be void otherwise to remain in full force and effect.

LEWISBURG Municipal Planning Commission
Form Number 3
Performance Bond
Page 2

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided by said resolution, within the term of this performance bond, the governing body may thereupon declare this bond to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the county government shall install such improvements as are covered by this bond and commensurate with the extent of building development that has taken place in the subdivision but not exceeding the amount of such proceeds.

Principal

Principal

Insurance Company

BY _____
Attorney-in-Fact

BOND NO. _____

LEWISBURG Municipal Planning Commission
Form Number 3
Performance Bond
Page 3

ACKNOWLEDGEMENT:
COPARTNERSHIP

STATE OF TENNESSEE

(COUNTY OF _____) SS.:

On this ____ day of _____, 20_____, before me personally appeared _____, to me known and known to me to be one of the partners of _____, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

My commission expires: _____

CORPORATE

STATE OF TENNESSEE

(COUNTY OF _____) SS.:

On this ____ day of _____, 20_____, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and say that he resides in _____; that he is the _____ of _____, corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

My commission expires: _____

LEWISBURG Municipal Planning Commission
Form Number 3
Performance Bond
Page 4

INDIVIDUAL

STATE OF TENNESSEE

COUNTY OF _____) SS.:

On this ____ day of _____, 20_____, before me personally
appeared _____, to me known and known to me to be the
individual described in and who executed the foregoing instrument, and he
acknowledged to me that he executed the same.

My commission expires: _____

LEWISBURG MUNICIPAL-REGIONAL PLANNING COMMISSION

Form Number 4

IRREVOCABLE DOCUMENTARY LETTER OF CREDIT

1. DATE OF ISSUE _____
2. CREDIT NO. OF ISSUING BANK _____
3. CREDIT NO. OF ADVISING BANK _____
4. ADVISING BANK _____
5. ACCOUNTTEE _____
6. BENEFICIARY, MAIL TO _____
7. LATEST PERFORMANCE DATE _____
8. LATEST DATE FOR NEGOTIATION _____
9. MAXIMUM AMOUNT _____
10. We hereby issue this documentary letter of credit in your (the beneficiary's) favor which is available against your drafts at _____, drawn on _____ Bank, Credit No. _____", accompanied by the following document: A certificate of default signed under oath by the Chairman of the _____ Municipal-Regional Planning Commission and the Mayor of the City of _____, certifying that the accountee has not complied with the terms of the agreement between the planning commission and the accountee and the amount of approximate damage to the local government, which amount shall be identical to the face amount of the accompanying draft.
11. SPECIAL CONDITIONS

We hereby engage with the bona-fide holders of all drafts or documents presented under and in compliance with the terms of this letter of credit that such drafts or documents will be duly honored upon presentation to us.

The amount of each drawing must be endorsed on the reverse of this letter of credit by the negotiating bank.

The advising bank is requested to advise this letter of credit without engagement of their part.

Bank

Authorized Signature, Issuing Bank

Authorized Signature, Issuing Bank

APPENDIX B
TYPICAL CROSS SECTIONS
AND
SPECIFICATIONS FOR SUBDIVISION STREETS

SECTION I

GENERAL

A. JURISDICTION

These rules and regulations governing the construction of roads and streets shall apply within the planning jurisdiction.

B. PURPOSE

The purpose of these specifications is to establish standards of design and construction, including construction procedures and quality of materials that are adequate to assure the safety, convenience, and welfare of the people within the planning jurisdiction.

C. DEFINITIONS

1. Local Government - The city or county government having jurisdiction within the area where a development is located.
2. Plans Reviewer - That individual designated by the local government to receive and review plans submitted in conformance with the provisions of this section.
3. Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code annotated.
4. Enforcing Officer - That individual designated by the chief executive officer of the local government to enforce these provisions.
5. Standard Specifications - Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, Bureau of Highways, Nashville, Tennessee, March 1, 1981, and subsequent revisions and additions.
6. A.A.S.H.T.O. - American Association of State Highway and Transportation Officials.
7. A.S.T.M. - American Society for Testing Materials.
8. Basic Regulations - The basic subdivision regulations of Lewisburg to which this material is attached as an appendix.

D. APPROVALS

All construction plans shall be prepared and submitted to the plans reviewer. The content and submission procedure shall be as set forth in SECTION II, PLANNING.

E. ACCEPTANCE

Acceptance for public maintenance of any facilities or improvements located within any subdivision may only be accomplished by formal action of the governing body in the manner established in Subsection 3-101.7, Basic Regulations. Any approval of plans, etc., submitted in conformance with these provisions, shall not in any manner bind or presuppose acceptance of these facilities by the governing body.

F. RESPONSIBILITY FOR COMPLIANCE

In all matters involving enforcement of, or compliance with, the provisions contained herein, the subdivider (as defined in Basic Regulations, Section 6-102) is considered as the party legally responsible for performance; and the use of engineers, contractors, or other agents shall in no way diminish or absolve the subdivider of this basic responsibility.

G. COMPLETION

The developer shall complete the installation of the Binder Course prior to the Final Plat of the subdivision being recorded. The surface course shall be installed when seventy-five (75) percent of the subdivision is built out or within three (3) years of the recording of the final plat or whichever comes first.

H. PERFORMANCE BOND

A performance bond shall be required to be submitted by the Developer to cover the anticipated cost of the surface course construction. The bond amount shall be estimated based on the current Marshall County Highway Department annual bid for asphalt plus ten (10) percent. The bond may be in the form of cash or an irrevocable bond. No building permits will be issued within the subdivision until the bond is in place. The bond will be released when the surface course is accepted by the enforcing officer.

SECTION II

PLANNING

A. PLAN PREPARATION

All construction plans for improvements within land subdivisions (i.e., water, sewer, bridges, box culverts, or other storm water structures) shall be prepared by engineers and/or surveyors registered to practice within the State of Tennessee. The plans shall bear the stamp and signature of the individual responsible for their preparation.

B. CONTENT

The information set forth in Section 5-103, Basic Regulations, shall be required upon each and every plan submitted hereunder. In any instance where special conditions may warrant, additional data may be required.

C. SUBMISSION, REVIEW, AND APPROVAL

When the plans are complete, with all required data entered thereon, six sets shall be submitted to the plans reviewer for review and comment prior to formal presentation before the planning commission. If the plans reviewer finds that the plans are in order and all required information is presented, he shall forward the plans to the planning commission for review and approval. Should any disagreement between the plans reviewer and the subdivider (or his engineer) arise as to the nature of, or requirement for, any particular improvement or facility, the plans may be forwarded to the planning commission for arbitration of the dispute.

Action by the planning commission may come in the form of unconditional approval of the plans as submitted, conditional approval, or disapproval. Should the commission's action come in the form of conditional approval, the applicant may modify and resubmit the plans to the plans reviewer for further review. Should the plans reviewer find that the conditions established by the commission have been met, he may so certify in which instance the plans shall be considered approved. Should the commission act to conditionally approve the plans and no subsequent action is pursued by the subdivider (or his engineer) for a period of six (6) months following the date on which action was taken by the planning commission, the plans shall become null and void and any subsequent action shall require submission of new plans.

D. ACTION UPON APPROVAL

Once the plans have received approval as set forth above, construction may begin.

SECTION III
TYPICAL SECTIONS AND DRAWINGS

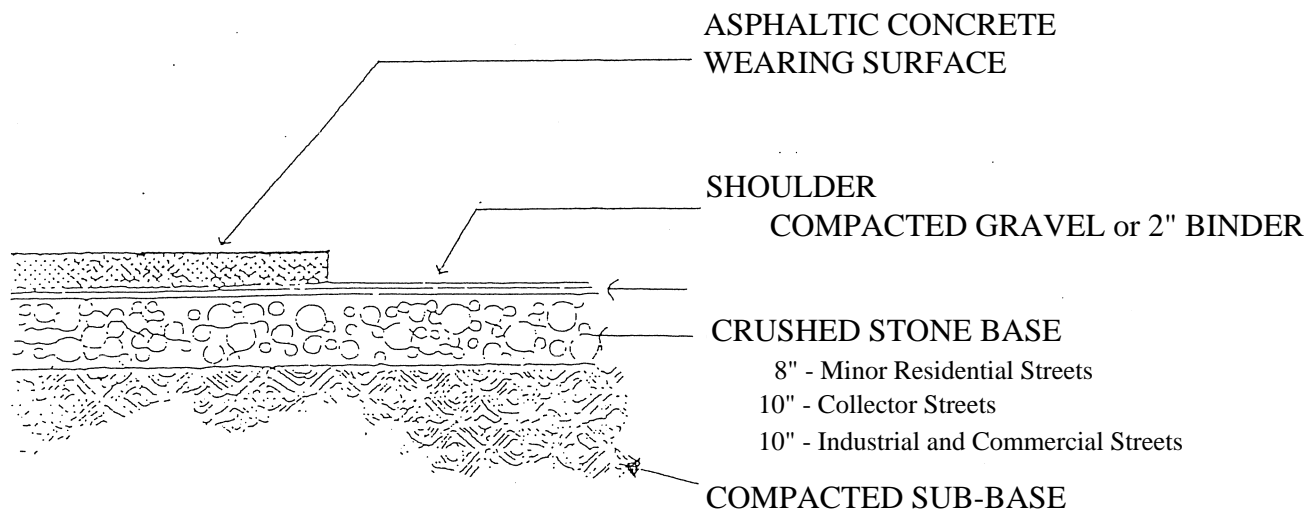
ASPHALTIC CONCRETE WEARING SURFACE - WITH OPEN DITCH - WITH
CURBS

ROAD SECTIONS FOR MINOR RESIDENTIAL STREETS

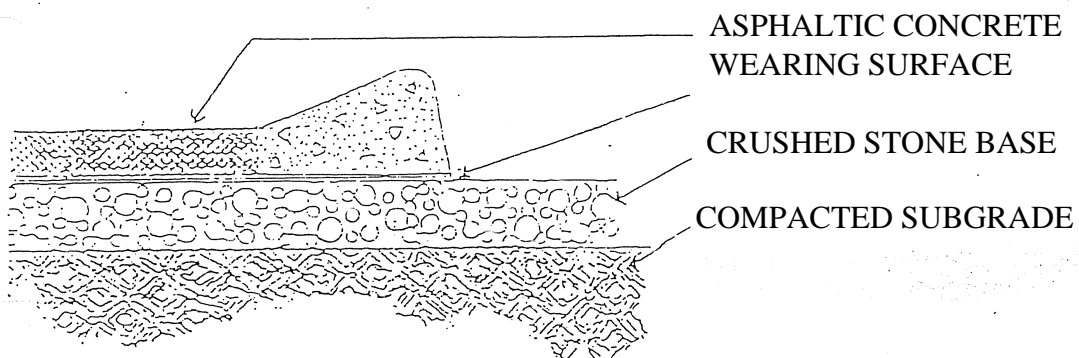
ROAD SECTIONS FOR COLLECTOR STREETS

ROAD SECTIONS FOR ARTERIAL STREETS

ASPHALTIC CONCRETE WEARING SURFACE - WITH OPEN DITCH - WITH
CURBS

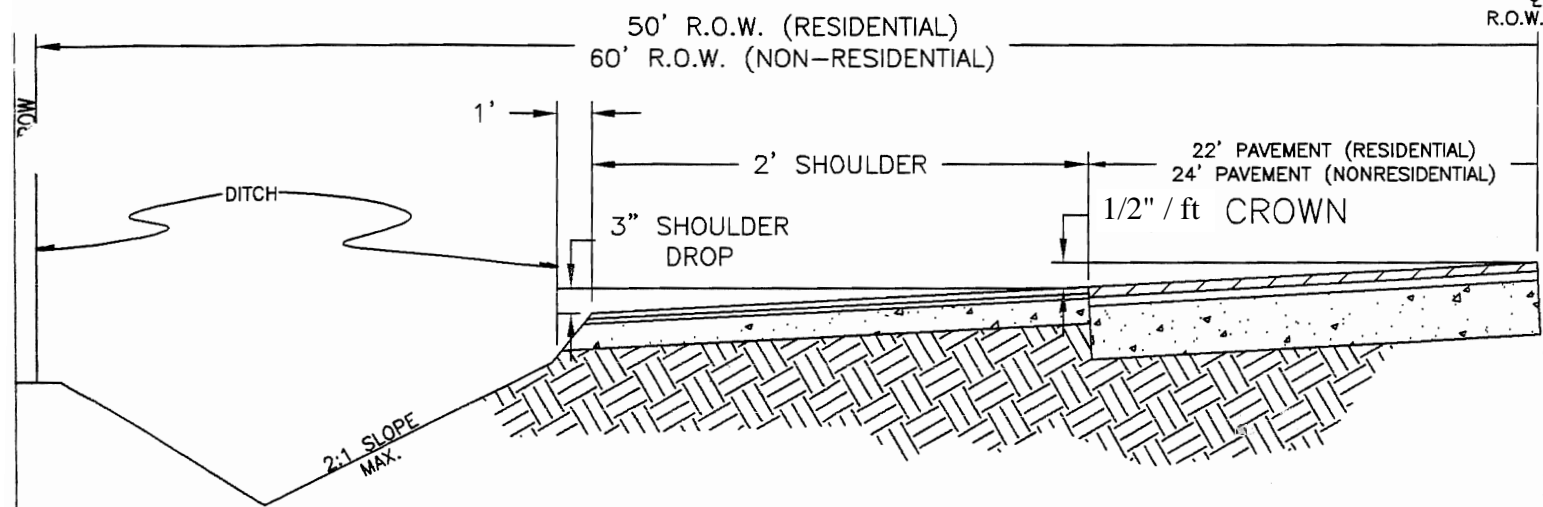


WITH OPEN DITCH

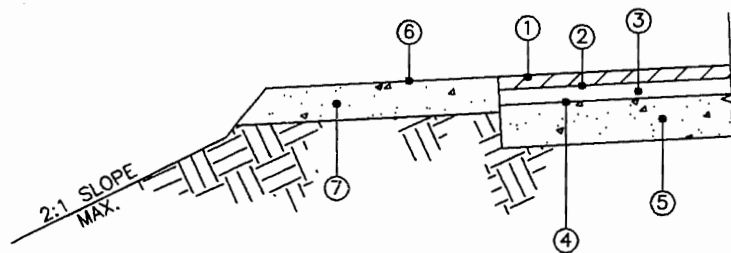


WITH CURBS

ROAD SECTIONS FOR MINOR RESIDENTIAL STREETS



HALF-SECTION



PAVEMENT & SHOULDER COURSES

NOT TO SCALE

PAVEMENT

- ① ASPHALTIC CONCRETE SURFACE (1.25" of 411E or 1.5" of 307CW)
- ② TACK COAT
- ③ ASPHALTIC CONCRETE BASE (307-BM2) - 1.75"
- ④ PRIME COAT
- ⑤ STONE (GRADING D PUG MILL MIX)-8"

SHOULDER

- ⑥ COMPACTED GRAVEL OR 2" BINDER
- ⑦ 7" CRUSHED STONE BASE

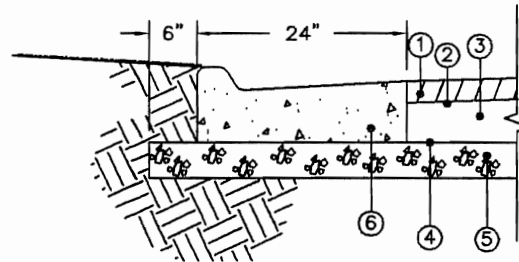
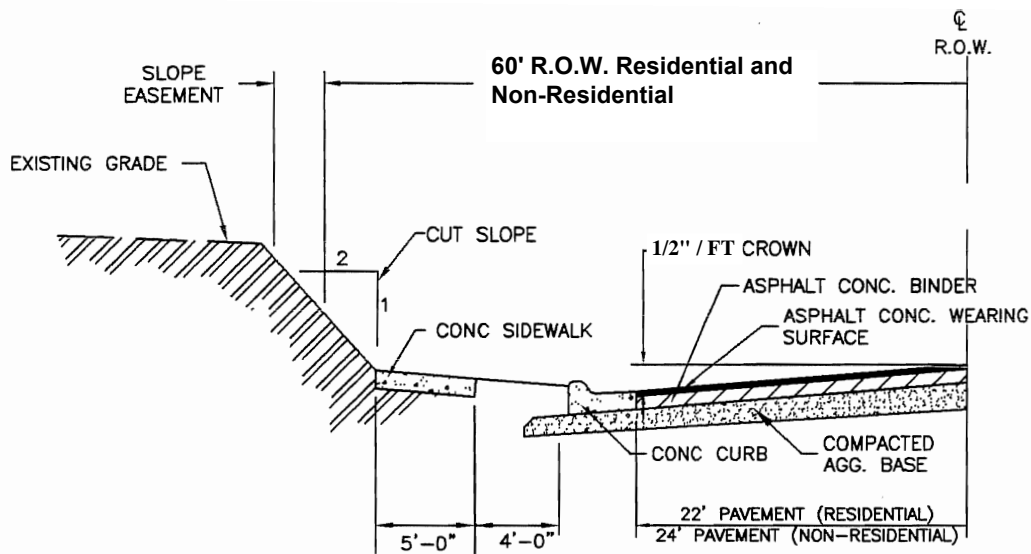
TYPICAL SECTION-MINOR STREET
OPEN DITCH SECTION

SCALE:NONE

DATE: OCTOBER 2015

FIGURE 2

ROAD SECTIONS FOR COLLECTOR STREETS



PAVEMENT

- ① ASPHALT CONCRETE SURFACE (411E)-1 1/2"
- ② TACK COAT
- ③ ASPHALTIC CONCRETE BASE ((307-BM2) - 2 1/2"
- ④ PRIME COAT
- ⑤ STONE (GRADING D PUG MILL MIX)-10"
- ⑥ 24" CONCRETE CURB & GUTTER (

NOTE: OPEN DITCH SECTION IS PERMITTED FOR A COLLECTOR STREET.
3' SHOULDER WIDTH OF COMPACTED GRAVEL OR 2" BINDER IS REQUIRED.
REFER TO FIGURE 2 FOR SHOULDER AND DITCH DETAILS.

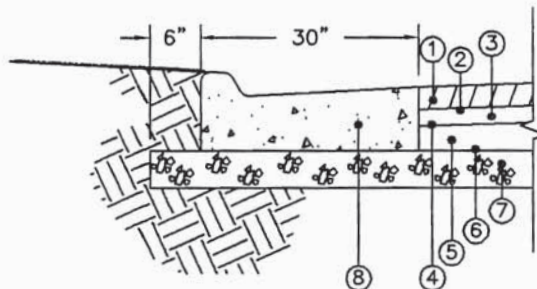
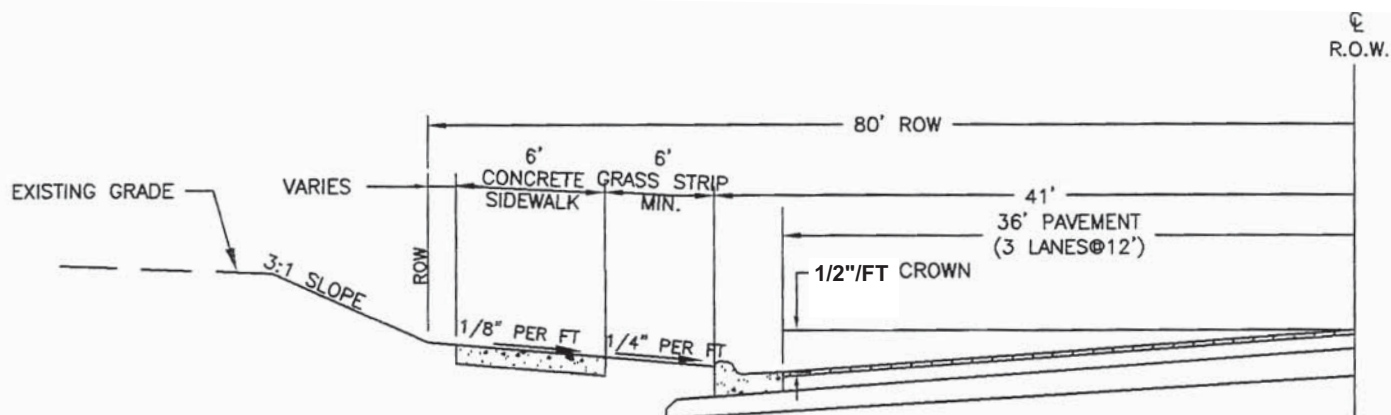
TYPICAL SECTION-COLLECTOR STREET CURBED SECTION

SCALE:NONE

DATE: OCTOBER 2015

FIGURE 3

ROAD SECTIONS FOR ARTERIAL STREETS



PAVEMENT

- ① ASPHALT CONCRETE SURFACE (411E)-1 1/2"
- ② TACK COAT
- ③ ASPHALTIC CONCRETE BASE (307-BM2) - 2"
- ④ TACK COAT
- ⑤ ASPHALTIC CONCRETE BASE (307A BINDER)-2 1/2"
- ⑥ PRIME COAT
- ⑦ STONE BASE (GRADING D PUG MILL MIX)-10"
- ⑧ 30" CONCRETE CURB & GUTTER (SEE STD FIGURE 14)

NOTE: OPEN DITCH SECTION IS TYPICALLY NOT PERMITTED ON ARTERIAL STREETS UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION.

TYPICAL SECTION-ARTERIAL STREET CURBED SECTION

SCALE:NONE

DATE: OCTOBER 2015

FIGURE 4

SECTION IV

MATERIALS SPECIFICATION AND CONSTRUCTION PROCEDURES

A. PRELIMINARY WORK

1. Location and Protection of Underground Utilities

Prior to beginning excavation or grading, the subdivider shall determine, insofar as possible, the actual locations of all underground utilities in the vicinity of his operations and shall clearly mark them so that they can be avoided by equipment operators. Where such utility lines or services appear to lie in the path of construction, they shall be uncovered in advance to determine their exact location and depth and to avoid damage due to excavation or grading operations. Existing facilities shall be protected during construction or removed and replaced in equal condition, as necessary.

Should any existing utility line or service be damaged during or as a result of the subdivider's operations, the subdivider shall take such emergency measures as may be necessary to minimize damage and shall immediately notify the utility agency involved. The subdivider shall then repair the damage to the satisfaction of the utility agency or shall pay the utility agency for making the repairs. In all cases the damaged structure shall be in as good or better condition as before the damage occurred.

2. Surveying and Staking

The subdivider shall be responsible for his own surveys and establish his own grades unless otherwise directed by the enforcing officer.

3. Removal of Obstructions

The subdivider shall be responsible for the removal, safeguarding, and replacement of fences, walls, structures, culverts, street signs, billboards, shrubs, mailboxes, or other obstructions which must be moved to facilitate construction. Such obstructions shall be restored to at least their original condition.

4. Clearing and Grubbing

The subdivider shall be responsible for cutting, removing, and disposing of all trees, brush, stumps, roots, and weeds within the construction area. Disposal shall be by means of chippers, landfills, or other approved methods not in conflict with state or local ordinances.

Care shall be taken to avoid unnecessary cutting or damage to trees not in the construction area. The subdivider shall be responsible for loss or damage to trees outside the permanent easement or rights-of-way. Absolutely no clearing shall be initiated at the site until plan approval has been received. The preservation of some existing vegetation will likely be a part of the approved runoff reduction plans, as required by the Stormwater Management Ordinance.

5. Traffic Control and Safety

The subdivider shall provide and maintain access to and from all properties along the line of his work. The subdivider shall also provide temporary bypasses and bridges where necessary to route traffic and shall maintain them in a safe and usable condition whenever, in the opinion of the enforcing officer, detouring of traffic to parallel routes cannot be done without hardship or excessive increase in travel by the public.

Where single-lane bypasses are provided the subdivider shall furnish signalmen to control traffic operations and minimize delays.

The subdivider shall provide, erect, and maintain adequate barricades, warning signs, and lights at all excavations, closures, detours, points of danger, and uncompleted pavement.

All procedures specified in the most recent revision of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be followed.

B. ROADWAY CONSTRUCTION

1. Stripping, Stockpiling, and Placing Topsoil

All topsoil shall be stripped within the street right-of-way and from any other area designated by the enforcing officer. Topsoil shall be stored in stockpiles. All organic matter within the right-of-way shall be stripped and disposed of unless directed otherwise by the enforcing officer.

A two (2) or three (3) inch layer of topsoil shall be placed where seeding is required or where required by the enforcing officer.

After the stockpiled topsoil has been placed as specified above, the area where the topsoil was stockpiled shall be neatly graded and dressed.

2. Excavation

Excavation shall conform to limits indicated on the plans. Excavation materials shall be removed in such manner that the slopes can be neatly trimmed. Excavation shall not be made below grade except where rock or stone masonry is encountered or undercutting of unstable materials is required. Materials removed below grade shall be replaced with approved materials thoroughly compacted. Where borrow materials are required to complete embankments or fills the subdivider shall be responsible for providing them.

Rock excavation shall be removed to a minimum depth of twelve (12) inches below the subgrade and backfilled with approved materials which shall be thoroughly compacted.

Where a spring or seepage water is encountered that is not provided for on drainage plans it shall be reported to the enforcing officer.

3. Fills and Embankments

Embankment and fill materials shall be free from frost, stumps, trees, roots, sod, or muck. Only materials from excavation or borrow pits, or other materials approved by the enforcing officer shall be used. Materials shall not be placed on frozen ground.

Where excavated materials are used in fill construction and the materials consist of earth and various grades of rock, the fills shall be carefully constructed with the larger or hard rock on the bottom followed by the smaller or soft rock and finally the earth fill to provide a well-compacted and void-free embankment.

All depressions or holes below the natural ground surface, whether caused by grubbing, rock removal, undercutting, or otherwise, shall be filled with suitable materials and compacted to ground surface before fill construction is started.

Pipes shall be installed after rough fill has been completed.

Embankments shall be so constructed that adequate surface drainage will be provided at all times.

Fill areas shall be compacted by a sheep's foot roller, to a density of not less than ninety-five (95) percent of optimum density and each lift of fill materials shall be rolled until the roller "walk out".

The finished grade shall be test rolled with a truck to be selected by the enforcing officer. Any areas found to be soft or "pumping" shall be cut out and replaced with suitable materials in lifts, each lift shall be compacted until the excavation has been brought back to finish grade.

Fill materials shall be placed in eight (8) inch lifts, maximum thickness. Where excavated materials consist mainly of rock too large to be placed in the normal eight (8) inch thickness without crushing or further breaking down the pieces,. such materials shall be placed in the fill in layers not exceeding three (3) feet in depth. No rock larger than eighteen (18) inches in dimension shall be placed in fill. Care shall be taken to fill all voids between large rock and to assure that fill materials are compacted such that settling is minimized. Compaction of the top six (6) inches of cuts or fills shall be accomplished with pneumatic-tire rollers.

Backfill around structures shall be of crushed stone or earth meeting the approval of the enforcing officer; and the fill shall be placed and compacted in eight (8) inch lifts and brought up evenly on all sides of the structure.

Any fill within areas that are to be utilized as permanent storm water best management practices will comply with the specifications for soil preparation related to the specific BMP found in the Tennessee Permanent Stormwater Management and Design Guidance Manual. For stormwater management areas, the specifications contained in this Appendix shall not apply.

4. Undercutting

This work shall consist of the removal and disposal of unsatisfactory materials below grade in cut sections or areas upon which embankments are to be placed. It shall also include undercutting for pipes and box culverts where required.

Known areas to be undercut shall be designated on the materials approved by the enforcing officer. The backfill materials shall be placed in eight (8) inch lifts and compacted as specified for fill construction.

Disposal of unsatisfactory materials shall be approved by the enforcing officer.

5. Subgrade Construction and Preparation

The subgrade shall be prepared in reasonably close conformity with the lines and grades as shown on the plans.

Grading of subgrade shall be performed in such manner as to provide ready drainage of water. Ditches and drains shall be maintained to provide proper drainage during construction.

Hauling over finished subgrade shall be limited to that which is essential for construction purposes and all ruts or rough places that develop in a completed subgrade shall be smoothed and recompacted. Soft areas shall be removed and replaced with crushed stone or as directed by the enforcing officer.

The subgrade shall have a (1/2 to 1) inch per foot crown at the roadway centerline.

The subgrade shall be checked and approved by the enforcing officer for adherence to the plans before any base materials are placed.

6. Shoulders and Slopes

All shoulders and slopes shall be trimmed and shaped to conform with the cross sections shown on the plans and as specified in Section C-5, below. Rock cuts shall be sealed of all loose fragments, projecting points, etc., so as to leave a clean and neat appearance. Shoulders shall be completed where required as shown on the plans. Shoulder materials shall be placed in uniform layers and compacted by overlapped rolling of base course.

C. ROADWAY SURFACE

1. Base Stone

The base course of stone shall be placed and compacted in layers or lifts upon the prepared subgrade to a finish thickness as described and shown on the plans. No single layer or lift shall exceed four (4) inches in depth.

The base course shall be a pugmill mix of mineral aggregate conforming to the technical specifications

set forth in Section 303, Standard Specifications. The aggregate base shall not be spread on a subgrade that is frozen or that contains frost. The base shall be placed and spread in uniform layers or lifts without segregation of size; each layer shall be compacted to a thickness no greater than four (4) inches. The stone shall be mixed with graders or other equipment until a uniform mixture is obtained. Each layer shall be compacted by rolling with alternate blading until a smooth, even, and uniformly compacted finish is obtained.

The base stone shall be graded and rolled while it is still moist from the pugmill mix. If the enforcing officer determines that the mix is too dry, water shall be added with a distributor tank truck while the stone is being graded and rolled. Compaction shall be uniform for the entire width of the roadway until a density of one hundred (100) percent of the solid volume has been achieved. Placement and compaction of each layer shall be approved by the enforcing officer before materials for the next successive layer are placed.

No pavement shall be placed until the stone base has been approved by the enforcing officer.

2. Prime Coat

After the base stone has been prepared as outlined above, a bituminous prime coat shall be applied uniformly over the surface of the base by the use of an approved bituminous distributor. The prime coat shall be applied at a rate of three-tenths (3/10) gallon per square yard of Grade RC-70 or RC-250, or refined tar Grade RT-2, RT-3, or emulsified asphalt, Grade AE-P. If after the bituminous materials have been applied, they fail to penetrate before the time that the roadway is to be used by traffic, dry cover materials shall be spread at a rate established by the enforcing officer, (between 8 and 12 pounds per square yard) to prevent damage to the primed surface. An excess of cover materials shall be avoided. No succeeding state of construction shall be placed upon the prime coat until it has properly cured. Aggregate for cover materials shall be Size No. 78 or 8.

3. Binder Course

Upon completion of the prime coat, an asphaltic concrete binder course shall be applied. The binder course material shall be the mix type and thickness indicated on the detailed drawings in this Appendices. Binder course shall be laid in conformance with Section 307, TDOT Standard Specifications for Road and Bridge Construction, latest edition.

4. Tack Coat

A tack coat shall be applied to old or existing pavement surface or to a previously prepared base or surface to provide bond for an overlaid course. The tack coat shall be applied at a rate of one-tenth (1/10) gallon per square yard using tar Grade RTCB-5 or RTCB-6; cut-back asphalt, Grade RC-70 or RT-250; or emulsified asphalt, SS-1, RS-2 or AE-3. The surface shall be thoroughly cleaned of all dirt and other foreign or loose matter prior to the application of the tack coat. All holes and surface failures shall be repaired prior to applying the tack coat. Immediately after cleaning the surface, the tack coat shall be applied with a pressure distributor at the rate specified herein. The tack surface shall be allowed to dry until it is in a proper condition to receive the surface course. The contractor shall protect the tack coat from damage until the surface course is placed.

5. Surface Course

Upon completion of the application of the tack coat, an asphaltic concrete surface (hot mix) shall be applied. The surface course shall be Tennessee Department of Transportation Specification mix at the thickness shown on the detail sheets in these Appendices for the class of street in question. Initial compaction shall be secured with a ten (10) ton roller or as directed by the enforcing officer. Rolling shall begin as soon after spreading as it will bear a roller without undue displacement or hair cracking. Rolling shall start longitudinally at the extreme sides of the lanes and proceed toward the roadway pavement and overlapping on successive trips by at least one-half (1/2) of the width of the rear wheel of the roller. The mixture shall be rolled diagonally crossing the lines of the first. Rolling shall proceed at a rate of not more than one hundred-fifty (150) square yards per hour and shall continue until all roller marks are eliminated. The initial or breakdown rolling shall be followed by additional rolling of as many complete coverages as the enforcing officer may direct. Any displacements of mixture occurring from any cause shall at once be corrected by the use of rakes and fresh mixture where required. Skin patching on an area that has been rolled will not be permitted. Any defective areas of construction shall be cut out and replaced at the contractor's expense. Joints shall comply with the same uniformity of texture, density, etc. as the other sections of the surface. The outside edges of the pavement shall be hand tamped and neatly trimmed to line or gutter edge while the course is being finished.

6. Shoulders

Shoulder shall consist of compacted gravel, constructed to the specifications provided in these regulations, and approved by the enforcing officer.

D. DRAINAGE SYSTEM DESIGN

1. Ditching and Channelization

This work shall consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches shall be graded in their entirety during the time the roadways are being graded; such grading shall be completed prior to final inspection of the roadways.

2. Stabilization of Ditches

All open ditches shall be stabilized in accordance with the following requirements:

SIZE OF NEAREST CULVERT (UPSTREAM)	SEEDING REQUIRED	SOD REQUIRED	TO BE CONCRETE LINED OR ROCK
15"	Grades 1.00%-3.00%	Grades 3.00%-12.00%	Grades Exceeding 12.00%
18" thru 24"	Grades 1.00%-1.50%	Grades 1.50%-7.00%	Grades Exceeding 7.00%
30" thru 36"	Grades 1.00%-1.50%	Grades 1.00%-4.00%	Grades Exceeding 4.00%
42" thru 72"	Grades	Grades 2.50% or Less	Grades Exceeding 2.50%

Variations from the stabilization requirements in this document will be considered by the Planning Commission where necessary to meet the runoff reduction requirements of the Stormwater Management Ordinance.

3. Concrete Ditch Pavings or Rock

Concrete ditch paving shall consist of the construction of paved ditches on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface. All soft materials shall be removed and replaced with acceptable materials and shall be compacted as directed by the enforcing officer.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled immediately after the concrete has set and the forms have been removed. The backfilled materials shall be

thoroughly compacted. Expansion joints shall be located as directed by the enforcing officer.

Rock size and distribution procedures shall conform to the specifications set forth in Section 709, Standard Specifications.

Paved ditches will generally be discouraged as being in potential conflict with the runoff reduction requirements of the Stormwater Management Ordinance.

4. Culverts and Storm Drains

This work shall consist of the construction of pipe culverts and storm sewers as shown on the plans.

Driveway culverts shall be a minimum diameter of fifteen (15) inches and a minimum length of sixteen (16) feet; cross drains shall be a minimum diameter of eighteen (18) inches.

Reinforced concrete pipes shall conform to minimum standards for Class III, Reinforced Pipes, A.S.T.M. C76. Corrugated metal pipes shall conform to Section 915.02 or 915.04, Standard Specifications and to gage as follows:

ROUNDED CORRUGATED METAL PIPES

Size	Gage
15" - 24"	16
30"	14
36" - 48"	12
54" - 72"	10
78" - 84"	8

ARCH CORRUGATED METAL PIPES

Size	Gage
18" x 11" - 22" x 13"	16
25" x 16" - 36" x 22"	14
43" x 27" - 65" x 40"	12
72" x 44" or Larger	10

For pipes smaller than forty-eight (48) inches in diameter, a minimum cover of one (1) foot, exclusive of base and paving, is required from top of pipes to finished subgrade. A minimum cover of two (2) feet is required for pipes forty-eight (48) inches in diameter and larger. All pipes shall be built on straight line and grade and shall be laid with the spigot end pointing in the direction of the flow, with the ends fitted and matched to provide tight joints and smooth uniform invert.

Pipes shall be bedded on a six (6) inch thickness of Class B materials and backfilled to a depth of thirty (30) percent of the diameter of the pipes. Recesses shall be dug in the bedding materials to accommodate the bell. Class B bedding shall be Size No. 7, as shown in Chart No. 903.23, Standard Specifications. Culverts and storm drains in existing roadways shall be backfilled to the depth of the cut.

5. Headwalls

Concrete or rock headwalls shall be constructed at both ends of cross drains as shown and detailed on the standard drawings included herein.

6. Catch Basins

This work shall consist of constructing catch basins complete within inlets, outlets, and inverts. Tops and inlets shall be constructed to conform to roadway grade so that drainage can easily be caught and no ponding created. Catchbasins shall be constructed as shown and detailed on the standard drawings contained herein.

7. Box Culverts and Bridges

Design of box culverts and bridges shall be submitted to the enforcing officer for approval before construction is permitted and shall conform to the Tennessee Department of Transportation standards or those from a registered civil engineer.

8. Roadside Ditches

Roadside ditches, in conventional sections, shall be built to a grade that will permit good drainage, and in no case shall the slope of the ditch be less than one (1) percent (a fall of 1.00 foot in 100 feet). The planning commission may require curbs or paved ditches for slopes less than 1/2 percent. All drainage ditches shall be stabilized, as indicated in these specifications.

9. Changes in Water Channels

Where the subdivider rechannelizes through a subdivision he will be responsible for replacing cross drains under streets, as directed by the enforcing officer. This work shall be done at the expense of the subdivider.

10. Curb and Gutter (Formed)

Concrete curbs and gutter shall conform to the standard drawings as approved by the planning commission. Concrete for curbs and gutter shall be Class A, at 3,500 psi.

Curb and gutter shall be constructed to the lines and grades shown on the plans, or as designated by the enforcing officer. The final subgrade for curb and gutter shall be carefully graded and compacted to an even density and shall be smooth and true to grade.

Curb and gutter shall be constructed with materials and methods which conform to the technical specifications set forth in Section 702, Standard Specifications.

Concrete driveway ramps shall be required on all curb and gutter streets. The ramps shall extend a minimum of five (5) feet behind the curb. Materials for the remaining portion of the driveway shall be determined by the subdivider. Driveway ramp construction shall conform to detailed standard drawings included in plans approved by the planning commission.

Any driveway ramp to be placed after initial laying of curb shall require a permit and shall be installed in accordance with the standard drawings included herein.

Any ramp not conforming to the foregoing requirements shall be removed and replaced by the subdivider at his expense and shall be enforced under provision of the maintenance bond.

E. FINAL DRESSING, SEEDING, AND SODDING

1. Final Dressing

This work shall consist of dressing all slopes and areas to within reasonable close conformity to the lines and grades indicated on the plans, or as directed by the enforcing officer. Final dressing shall be performed by hand or machine to produce a uniform finish to all parts of the roadway including embankments, ditches, etc. Rock cuts shall be cleaned of all loose fragments; side slopes shall be laid back to a three to one (3:1) slope and seeded as described in these specifications.

The entire right-of-way shall be cleaned of all weeds and brush and all structures both old and new shall be cleared of all brush, rubbish, sediment, or other objectionable materials.

2. Seeding

In all areas damaged or disturbed by the construction operation where established ground cover was present before beginning of construction, the subdivider shall be responsible for restoring the ground cover after completion of construction, unless noted otherwise on drawings. All areas seeded shall be graded smooth prior to seeding and the subdivider shall be responsible for maintenance of the smooth finished grade until grass is established.

After designated areas have been carefully hand graded, soil shall be prepared for fertilizing and seeding. Fertilizer shall be a standard commercial fertilizer Grade 15-15-15 or equivalent, and shall be applied at a rate of not less than ten (10) pounds per one thousand (1,000) square feet. The fertilizer shall be lightly harrowed, raked, or otherwise incorporated into the soil for a depth of approximately one half (1/2) inch. The subdivider shall be responsible for any regrading or reseeding required to produce an acceptable grass cover. Rutting and washing shall be restored by reseeding and strawing; in areas of extreme erosion sodding may be required.

The seed shall be sown uniformly at the rate of one and one-half (1 1/2) pounds per one thousand (1,000) square feet.

3. Sodding

Sodding shall consist of furnishing and placing sod at all locations shown on the plans, or as directed by the enforcing officer. Work shall include the furnishing and placing of new sod, consisting of live, dense, well-rooted growth of permanent grasses free from johnson grass and other obnoxious grasses or weeds, well suited for the soil on which it is placed. All sod shall be cleanly cut in strips having a uniform thickness of not less than two and one-half (2 1/2) inches. Sod shall be set when the soil is moist and favorable to growth. No setting shall be done between October 1 and April 1, without permission of the enforcing officer. The area to be sodded shall be brought to the lines and grades shown on the plans, or as directed by the enforcing officer.

The surface of the ground to be sodded shall be loosened to a depth of not less than one (1) inch with a rake or other device. If necessary, it shall be sprinkled until saturated for a minimum depth of one

(1) inch and kept moist until the sod is placed. Immediately before placing the sod, fertilizer and lime shall be applied uniformly to the prepared surface of the ground. Fertilizer shall be applied at the rate of eight (8) pounds of Grade 15-15-15, or equivalent, per one thousand (1,000) square feet.

Sod shall be placed as soon as practical after removal from the point of origin, it shall be kept in a moist condition during the interim. Sod shall be carefully placed by hand on the prepared ground surface with the edges in close contact and, as far as possible, in a position to break joints. Each strip of sod laid shall be fitted into place and tamped. Immediately after placing, the sod shall be thoroughly wetted and rolled with an approved roller. On slopes of two to one (2:1) or steeper, pinning or pegging may be required to hold the sod in place.

The sod shall be watered as directed by the enforcing officer for a period of two (2) weeks. The subdivider shall not permit any equipment or materials to be placed on any planted area and shall erect suitable barricades and guards to prevent equipment, labor, or the public from traveling on or over any area planted with sod.

F. COMPLIANCE WITH STORMWATER MANAGEMENT ORDINANCE

The Planning Commission recognizes that the runoff reduction requirements of the Stormwater Management Ordinance will result in the submittal of numerous management practices that will require special soil preparations and vegetative management practices. Many of these practices will require specific practices that may be in conflict with the specifications found in this Appendix. The Planning Commission shall have the authority to allow deviations from these specifications as it deems necessary to comply with the requirements of the Stormwater Management Ordinance.