



**City of Millersville Planning Commission
Regular Meeting Agenda
Tuesday, April 10, 2018 5:00 pm
Commission Chambers**

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Disclosure of Ex-parte Communications
- 5) Approve the Minutes of the Planning Commission Meeting(s):
 - a) March 13, 2018
- 6) Public Comments (Limited to 3 minutes per speaker for items on this agenda)
- 7) Action Item(s): None
- 8) ~~Discuss Declaring the Surety Bond for Cimmaron Trace Section 5 Subdivision in DEFAULT and Direct the City to Complete the Public Improvements~~
- 9) Review & Discussion of portions of Subdivision Regulations Minimum Standards & Requirements
- 10) Development Services Department Report
 - a) Board of Zoning Appeals Meeting Summary - None
 - b) Planning & Zoning Activities
 - c) Other Department Activities
- 11) Commissioners Comments & General Discussion
- 12) Public Comments (Limited to 3 minutes per speaker for only items not on this agenda)
- 13) Next Planning Commission Meeting is scheduled for May 8, 2018.
- 14) Adjournment

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Recorder at 615-859-0880 at least 72 hours prior to the meeting.



**City of Millersville Planning Commission
Meeting Minutes
Tuesday, March 13, 2018 5:00 pm
Commission Chambers**

- 1) **Call to Order:** Chairman Fox called the March Meeting of Planning Commission to order at 5:15 pm.
- 2) **Pledge of Allegiance:** Lead by Chairman Fox
- 3) **Roll Call:** Secretary Gregory called the roll of the Commission; a quorum was present and included the following:

Commission Present:

**Mr. Frank Fox
Mr. Larry Petty
Mr. David Gregory
Mr. Keith Bell
Mrs. Deborah Wade
Mr. Brent Uldrich
Mr. Lee Smith**

Staff Present:

**Mr. Michael Barr
Mr. Rob Wheeler
Mrs. Michelle Bernard**

- 4) **Disclosure of Ex-parte Communications:** Chairman Fox asks the Commission members if anyone has anything to disclose. No comments were made. (**Mr. Lee Smith arrives & joins the meeting**)
- 5) **Approve the Minutes of the Planning Commission Meeting(s):**
 - a) **February 13, 2018**
Chairman Fox requests the Commission to approve the February 13, 2018 minutes. Mrs. Wade made the motion to “approve the February 13, 2018 meeting minutes as presented.” Mr. Uldrich seconded the motion.
Motion by Unanimous Vote. (7-aye, 0-nay)
- 6) **Public Comments (Limited to 3 minutes per speaker for items on this agenda):**
No comments were made.

7) **Action Item(s):**

a) **1201 & 1205-1213 Louisville Hwy Crouch Minor Subdivision Plat / Replat:**

The owner of the subject parcels is requesting to relocate a shared property line between the two parcels. This realignment will increase the size of Parcel 157.00 to approximately 1.76 acres and reduce Parcel 158.00 to approximately 9.74 acres. Both proposed parcel's dimensions will continue to conform to each parcel's respective zoning designation.

Mr. Barr is recommending approval by the Planning Commission to replat the parcels per the Final Plat. Secretary Gregory made the motion to approve the Minor Subdivision Replat of two parcels known as 1201 & 1205-1213 Louisville Hwy (SC Map 121 Parcel 157.00 & 158.00. Mr. Bell seconded the motion.

Motion carried by Unanimous vote. (7-aye, 0-nay)

b) **7560 – 7578 South Swift Rd – Stubblefield Minor Subdivision Plat / Replat for Utility Easement:**

The owners of the subject parcels are requesting to dedicate a 15 ft Utility Easement along the front of the subject parcels. This Easement is for the placement of City Sewer Forcemain and other appropriate utilities. This revised plat also corrects the front setback dimension to the minimum requirements for the approved Residential R-5 Zoning District. No other changes are proposed with this revised plat.

Mr. Barr is recommending approval by the Planning Commission to revise the Subdivision Plat as the Final Plat. Mr. Bell made the motion to approve Minor Subdivision Replat for four parcels for a 15 ft Utility Easement on land known as 7560, 7562, 7566, and 7578 South Swift Rd (RC Map 126 Parcels 23.01, 23.02, 23.03, and 23.04). Secretary Gregory seconded the motion.

Motion carried by Unanimous vote. (7-aye, 0-nay)

c) **South Williams Rd - Bethel Farms Phase 1 Minor Subdivision Plat:**

The owners of the subject property are proposing to subdivide the Master or Parent Parcel by Minor Subdivision Plat into 3 @ 10,000+ sq ft parcels and the remaining single 16.84 +/- acre parcel. This is Phase 1 of a proposed Major Subdivision Plat consisting of 53 lots, Drainage Areas and Right-of-Way. The Master Parcel of 18.58 acres is zoned Residential R-5. All four of the proposed lots meet the minimum standards for R-5 zoning. The Master Parcel's Preliminary Subdivision Plat and associated Construction Plans are currently under review. The proposed Preliminary Plat for the overall parcel follows this item.

Water, sewer and other utilities necessary to serve the 3 parcels are included in the Master Subdivision Plans. While Residential Building Permits may be issued after the recording of this Plat, Certificates of Occupancy for each new home on these lots will not be issued until adequate utilities and services are installed, accepted, and placed into use or as provided by surety.

Roadway, drainage and other improvements for South Williams Rd will be constructed with the Final Subdivision Plat for the remaining portion of the Master Parcel.

Mr. Barr is recommending approval by the Planning Commission of the Minor Subdivision Plat. Mr. Bell made the motion to approve the Minor Subdivision Plat for Phase 1 of the proposed Bethel Farms Subdivision located on South Williams Rd (RC Map 125 Parcel 165.01). Mr. Uldrich seconded the motion. Secretary Gregory asks Mr. Barr regarding sidewalks, to which Mr. Barr stated that it is not necessary on this lot. **Motion carried by Unanimous vote. (7-aye, 0-nay)**

d) South Williams Rd - Bethel Farms Preliminary Plat:

This portion of the meeting is under review to provide accuracy to these Meeting Minutes

8) Development Services Department Report

a) Board of Zoning Appeals Meeting Summary:

Mr. Barr has no updated news to share with the board.

b) Planning & Zoning Activities:

Mr. Barr stated that the City is seeing positive activities of new subdivisions and projects coming in. We have a number of developers who are calling the City regarding different parcels. Mr. Barr also stated we are still working through some City projects that this board has seen in the past that is moving forward.

9) Commissioners Comments & General Discussion:

Mr. Bell expresses his gratitude towards Mr. Barr and the hard work that goes into putting the agenda's together. Chairman Fox makes mention of the City getting a bond together for the water in efforts of trying to make things better for the City.

10) Public Comments (Limited to 3 minutes per speaker for only items not on this agenda):

Mr. Suggs expresses his appreciation for being heard and the approval of his project.

11) Next Planning Commission Meeting is scheduled for April 10, 2018.

12) Adjournment:

Vice Chairman Petty made the motion to adjourn, seconded by Mr. Uldrich.

Motion carried by Unanimous vote. (7-aye, 0-nay)

Meeting adjourned at 7:20pm

Chairman Frank Fox

Board of Secretary David Gregory

Recording Secretary Michelle Bernard

Approval Date



**City of Millersville Planning Commission
Regular Meeting Agenda**

Item 9

Michael Barr

From: Rob Wheeler <robwheeler1966@gmail.com>
Sent: Monday, April 02, 2018 11:40 AM
To: Michael Barr
Subject: Planning Commission vis'a vis' subdivision regulations

§ 13-4-303. Subdivision regulations

Currentness

(a) In exercising the powers granted to it by this part, **the planning commission shall adopt regulations governing the subdivision of land within the municipality.** Such regulations may provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined the services are necessary in order for development to occur.

(b)(1) As a condition precedent to the final approval of the plat, the regulations may include infrastructure improvement requirements as to the extent to which and the manner in which:

(A) Roads are constructed and improved;

(B) Water, sewer, and other utility mains, piping, and connections are constructed or installed; or

(C) Other infrastructure and facilities are constructed or installed.

(2) The regulations of the planning commission may provide for the preliminary approval of the plat before the infrastructure improvements, but any preliminary approval shall not be entered on the plat.

(3) In lieu of the completion of the infrastructure improvements before the final approval of a subdivision plat, the planning commission may grant final plat approval subject to the submittal and acceptance of a bond, letter of credit, or other method of assurance, in form, in amount, and with conditions and surety satisfactory to the planning commission. The bond, letter of credit, or other method of assurance shall provide for and secure to the public and the local government the actual construction and installation of the infrastructure improvements within a period specified by the municipal planning commission and expressed in the bond, letter of credit, or other method of assurance.

(4) The attorney for the municipality shall enforce any bond, letter of credit, or other method of assurance by all appropriate legal and equitable remedies, and moneys collected on the bond, letter of credit, or other method of assurance shall be paid into the municipality's treasury. Upon the order of the planning commission, the moneys shall be applied to the construction and installation of the infrastructure improvements.

(c) Before adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the commission.

Credits

APPENDIX A - SUBDIVISION REGULATIONS

ARTICLE 1. - GENERAL PROVISIONS

1-101. - Title.

These regulations shall hereinafter be known and cited as the ["Subdivision Regulations of the City of [Millersville,] Millersville, Tennessee.["]

1-102. - Authority.

These subdivision regulations are adopted by the Millersville Planning Commission (hereinafter referred to as "planning commission"), in pursuance of the authority and powers granted by Sections 13-4-301 through 13-4-309, Tennessee Code Annotated [T.C.A. §§13-4-301—13-4-309]. Having adopted a major street plan for the jurisdictional area, and filed a certified copy of the plan with the Sumner County Register of Deeds (hereinafter referred to as "county register"), as required by Section 13-4-302, Tennessee Code Annotated [T.C.A. § 13-4-302], and having held a public hearing as indicated in section 13-4-303 [T.C.A. § 13-4-303], of these regulations, 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 Millersville, 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 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 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 Millersville Municipal Zoning Ordinance (hereinafter referred to as "zoning ordinance").

These regulations are adopted for the following purposes:

- (1) To promote the public health, safety, and general welfare of the jurisdictional area.
- (2) 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.
- (3) 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.
- (4) To enhance the character and the social and economic stability and encourage the orderly and beneficial development of the jurisdictional area.
- (5) 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.

- (6) To guide public and private policy and action adequately providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- (7) To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; to insure proper legal descriptions and proper monumenting of land.
- (9) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- (10) 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.
- (11) To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.
- (12) 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 the zoning ordinance.
- (13) To encourage subdivision design which would maximize the conservation of all forms of energy.

1-105. - Interpretation, conflict, and severability.

105.1. *Interpretation.* These regulations shall be construed as the minimum requirements for the promotion of health, safety, and 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 most restrictive or imposes higher standards shall govern.

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 even 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 local government

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 governing body, 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 Section 13-4-303, Tennessee Code Annotated [T.C.A. § 13-4-303].

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 7, 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. *Procedure for resubdivision.* If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) 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 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 exercise 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 instrument as required for approval of plats. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or public 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 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.* In approving any variance from these regulations, the planning commission shall state fully in the minutes, the grounds for the variance and all of the facts upon which the decision is made.

1-111.3. *Conditions.* In approving variances, 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, Chapter 3, Tennessee Code Annotated [T.C.A. §§ 13-3-101—13-3-411].

1-112.102. *Enforcing officer.* It shall be the duty of 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 Section 13-4-302, Tennessee Code Annotated [T.C.A. § 13-4-302], 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 2-104, of these regulations.

1-112.104. *Use of unapproved plats.* Pursuant to Section 13-4-306, Tennessee Code Annotated [T.C.A. § 13-4-306], no owner or agent of the owner of any land shall convey such land contrary to the provisions stated therein.

1-112.105. *Public ways and utilities.* Pursuant to Section 13-4-307, Tennessee Code Annotated [T.C.A. § 13-4-307], the governing body shall not nor shall any public authority accept, layout, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public ways located within the jurisdictional area unless such way shall have been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the planning commission's jurisdiction or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the planning commission or on a public way plat made by the planning commission.

However, that the governing body may override the planning commission as provided in Title 13, Tennessee Code Annotated [T.C.A. § 13-2-101 et seq.].

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.

1-112.106. *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.

1-112.107. *Access to lots by public way or private easement.* Pursuant to Section 13-4-308, Tennessee Code Annotated [T.C.A. § 13-4-308], no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way 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 way as provided by law; provided, that the provisions of this section relating to access shall not apply to subdivisions of property zoned commercial or industrial and that no building permit shall be withheld in such cases of noncompliance with this section.

Provided, further, that when a permanent easement to a public way 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 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 within permanent access provided by private ways when such development is in the form of condominium ownership of 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.* Any county register receiving, filing, or recording a plat of a subdivision in violation of section 1-112.103, of these regulations shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

1-112.202. *Use of unapproved plats.* Any owner or agent of the owner of any land who violates section 1-112.104, of these regulations shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

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 premises; 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. *Conveyance of unapproved plats.* The governing body may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation 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 these regulations, the enforcing officer or other governmental representative may bring action to enjoin such erection or cause the building or structure to be vacated or removed.
- C. *Enforcement of surety instrument.* Where a bond is accepted in lieu of completion of subdivision improvements and utilities as provided in article 3, of these regulations, the governing body may enforce such surety in the manner prescribed by legal council for the jurisdictional area.

The moneys collected on such surety shall be paid into the treasury of the local government. Upon the order of the planning commission such moneys shall be applied to the construction and installation of the bonded improvements and utilities under guarantee.

APPENDIX A - SUBDIVISION REGULATIONS

ARTICLE 4. - 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) Any zoning ordinance, any building and housing codes, and all other applicable laws or policies of the governing body;
- (3) The adopted general plan and major road or street plan;
- (4) The rules of the county health department and the 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; and
- (6) The standards and regulations adopted by all other boards, commissions, and agencies of the governing body, where applicable.

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.

4-101.3. *Monuments.* The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by a registered land surveyor. These monuments shall be concrete not less than 30 inches in length; not less than four inches square or five inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. Monuments shall be located and set as follows:

- (1) Monuments shall be located on public way right-of-way lines, at public way 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. These monuments shall be placed not more than 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 20 feet back from the bank of any river or stream, except that when such corners or points fall within a public way or proposed future public way, the monuments shall be placed on the side line of the public way.
- (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 18 inches long and five-eighth-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 18 inches long and five-eighth inch in diameter or by round or square iron bars at least 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 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 floodprone areas;
- (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; and
- (5) The use of floodproofing measures, which may include:
 - (a) Anchorage to resist flotation and lateral movement.
 - (b) Installation of watertight doors, bulk 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 floodwaters.
 - (h) Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
 - (i) 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.
 - (j) Building design and construction to resist rupture or collapse caused by water pressure of floating debris.
 - (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 materials, flammable liquids, or other toxic materials which could 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.

All such flood-protection measures shall be designed so as not to substantially increase, either individually or collectively, flood flows, height, duration, or damages and so as not to infringe upon the regulatory floodway. See section 2-103.2(2)(b).

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 sections 1-104 and 2-101.4 of these regulations.

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.* 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 way.

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 purposes.

Where a lot in any floodprone 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 (100-year flood) for a distance extending at least 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 section 4-101.4 of these regulations, as an alternative to landfill, may be approved by the planning commission, as provided in section 2-101.4 of 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 ways where they would be necessary to serve such potential lots, all in compliance with any zoning ordinance and these regulations. Where solar access is a primary consideration, side lot lines shall generally run from due north to due south, regardless of the resulting angle of incidence with a public way. A variation of up to 25 degrees east or west of this axis is permitted; further variations may be allowed, but only to provide a better public way or lot plan.

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 way 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.

Where no zoning ordinance is in effect, and public sewerage is not available (as determined by section 4-107.2, of these regulations), the minimum lot area shall be 20,000 square feet; it shall be larger than the minimum, if required by local health authority.

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:

Voltage of Line	Building Setback
46 KV	37½ 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 ways.* The planning commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways 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 ways.

4-102.5. *Soil preservation, grading, erosion control, and seeding.*

4-102.501. *Soil preservation and final grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved construction plan.

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide cover on the lots, cover between any sidewalks and curbs, and be stabilized by seeding or planting.

4-102.502. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings; individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

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 way 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 performance bond 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 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 lot from the public way by which it has access, provisions shall be made for installation of a 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.

4-103. - Public ways.

4-103.1. General requirements.

4-103.101. *Frontage on improved public ways.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from either an existing public way except as provided in section 1-112.107, of these regulations or, if any new street construction or improvement is involved, a street approved and dedicated as provided in articles 2 and 3, of these regulations. Any such public way must be suitably improved to the standards required by this article or be bonded by a performance bond 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 ways 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 way 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 public ways 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 public ways 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 public way 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. Topography and arrangement.

- (1) All public ways shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways 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 section 4-103.2 of these regulations.
- (2) The use of public ways running in a east-west direction and lots on a north-south axis is encouraged for energy conservation of developments.
- (3) All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the major street or road plan or the land development plan.

- (4) All public ways 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.
- (5) Minor public ways 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.
- (6) 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.
- (7) Proposed public ways 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.
- (8) In business and industrial developments, public ways 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.

4-103.105. *Blocks.*

- (1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public ways, railroads, or waterways.
- (2) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (b) Any zoning requirements as to lot sizes and dimensions;
 - (c) Needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
 - (d) Limitations and opportunities of topography.
- (3) Block lengths in residential areas shall not exceed 1,600 feet nor be less than 200 feet, except as the planning commission deems necessary to secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than 1,000 feet in length.
- (4) Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the planning commission.
- (5) 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.

A pedestrian walkway, not less than ten feet wide, may be required by the planning commission through the approximate center of any block more than 800 feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility.

4-103.106. *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 public way be limited by:

- (1) The subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route;
- (2) A series of cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way, with the rear lines of their terminal lots backing onto the arterial or collector route; or
- (3) A marginal access or service public way, 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 public ways entering on arterial or collector routes shall be kept to a minimum.

4-103.107. *Reserve strips.* The creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way 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 public ways. 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.

4-103.108. *Arrangement of continuing and dead-end public ways.*

- (a) *Arrangement of continuing public ways.* The arrangement of public ways shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and when such continuation is in accordance with the major street or road plan. If the adjacent property is undeveloped and the public way must be a dead-end public way 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 public ways as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal public way right-of-way shall revert to abutting property owners whenever the public way is continued.

The planning commission may limit the length of temporary dead-end public ways in accordance with the design standards of these regulations.

- (b) *Dead-end public ways.* Where a public way 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 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 public way in accordance with the design standards of these regulations.

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

4-103.2. *Design standards.*

4-103.201. *Purpose.* In order to provide public ways 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 public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, the public way design standards set forth in this section are hereby required. (Public way classification shall be as indicated on the land development plan or major street or road plan; otherwise, the public way shall be classified by the planning commission according to the definitions in article 6, of these regulations.)

4-103.202. *General design.* The general design of all public ways shall conform to the standards in the table on the following pages.

4-103.203. *Required construction.* All public ways shall be constructed according to the construction specifications contained in appendix B. The required cross-section shall be as indicated in the road section illustrations. Typical intersections with radii are also shown.

4-103.204. *Intersections.*

- (1) Public ways shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new public ways at an angle of less than 75 degrees shall not be permitted. An oblique public way should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two public ways shall intersect at any one point unless specifically approved by the planning commission.
- (2) Proposed new intersections along one side of an existing public way shall coincide, wherever practicable, with any existing intersections on the opposite side of such public way. Jogs within public ways having center line offsets of less than 125 feet shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector public ways shall be at least 800 feet apart.

General Design Standards for Public Ways

Improvement	Residential Public Way	Nonresidential Public Way (Industrial, Commercial; Other)
<i>Minimum Right-of-Way Width (in Feet)</i>		
Minor	50	50
Collector	60	80 or (See *Below)
Arterial	*	*
<i>Minimum Width of Roadway or Paved Area (in Feet) not Including Parking Requirements</i>		
Minor	20	24
Collector	22	24
Arterial	24 or (See * Below)	36 or (See * Below)
<i>Maximum Percentage Grade</i>		
Minor	10	6

Collector	7	6
Arterial	6	5
Pavement Crown		
The paved surface shall slope downward from the center line of the street outward to the edge of the paved surface on each side two-fifths of an inch per foot.		
Minimum Center Line Radius of Curve (in Feet)**		
Minor	100	200
Collector	200	200
Arterial	500	500
Minimum Length of Vertical Curves		
Minor	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Collector	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Arterial	300 feet, but not less than 50 feet for each algebraic difference in grade.	
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	240	250
Arterial	300	400

Intersection	Across Corners 75 Feet Back	Across Corners 75 Feet Back
Minimum Turnaround on Cul-de-sacs on Minor Public Ways (In Feet)		
Right-of-Way Diameter	100	160
Pavement Diameter	80	140
Length of Cul-de-sac		
Permanent	Serving no more than 14 dwelling units and not exceeding 700 feet in length.	
Temporary	Serving no more than 26 dwelling units and not exceeding 1,000 feet in length.	
Minimum Radius (In Feet) of Return at Intersections		
At Right-of-Way	25	30
At Pavement	35	50

*As determined by appropriate governmental representative.

**Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.

***The sight distance is measured from a point 4½ feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface.

- (3) Minimum curb radius at the intersection of two minor public ways shall be 25 feet, and minimum curb radius at an intersection involving a collector public way shall be 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.
- (4) Where a public way 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.
- (5) 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 percent grade for a distance of 60 feet, measured from the nearest right-of-way line of the intersecting public way.
- (6) The cross-slope on all public ways, including intersections, shall be three percent or less.

4-103.205. *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.

4-103.206. *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:

- (1) In residential areas, a buffer strip at least 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."
- (2) In commercial or industrial areas, the nearest public way 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 sites.
- (3) Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least 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.

4-103.207. *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 governing body. 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 governing body 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 public ways.* Where a subdivision adjoins an existing narrow public way or where the major street or road plan or any zoning setback provisions indicate plans for realignment or widening of a public way 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 public way 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 public way; or
- (2) When the subdivision is located on only one side of an existing public way, one-half of the required right-of-way, measured from the center line of the existing pavement, shall be provided.

4-103.4. *Public way surfacing and improvements.* After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until final approval of the subdivision plat has 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 governing body, 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 public ways 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.

(See appendix B.) 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 provision for stormwater or floodwater run-off channels or basins. The stormwater drainage system shall be separate and independent from any sanitary sewer system.

4-105.2. *Nature of 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 public way 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.*

- (1) 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 storm waters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted by the enforcing officer.
- (2) 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 storm water 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 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 governing body 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 run-off 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 public way elevations at no more than 12 inches below the regulatory flood elevation and first floor elevations (including basements) at no less than 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 planning commission based upon the

review specified in section 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 floodprone land shall be subject to the special provisions set forth in sections 2-101.4; 4-101.4; 4-104; and 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 an 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 25 year frequency flood.

4-105.302. *Drainage easements.*

- (1) Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a public way right-of-way, perpetual unobstructed easements at least ten feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.
- (2) 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.
- (3) 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.
- (4) Along watercourses, low-lying lands within any floodway, as determined by the planning commission pursuant to section 2-103.2, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands lying within floodway fringe areas may be counted in determining the number of lots to be utilized for average density procedure and shall not be used in determining any minimum yard requirements set forth in any zoning ordinance or these regulations.

4-105.303. *Ditching, concrete ditch paving, curbs, and culverts and storm drains.* The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. 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 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 specification, approval of the governing body, the Tennessee Department of Public Health, and these regulations.

- (3) Water mains to be utilized for fire protection purposes shall be of a size to meet the flow rate requirements established for the area, and the type of development involved. 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.
- (4) All water systems, whether public or private, located in a floodprone 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.* Fire hydrants shall be required in all subdivisions; they shall be located no more than 1,000 feet apart and be within 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 public way cuttings 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 public way 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 the Tennessee Department of Public Health 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 the Tennessee Department of Public Health.
- (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.*

4-107.401. *General.* These design criteria are not intended to cover extraordinary situations. Deviations can be allowed and may be required in those instances where considered justified by the planning commission.

4-107.402. *Design factors.* Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration may be given to any current zoning regulations and approved planning reports, where applicable. Sewer capacities shall be adequate to accommodate the anticipated maximum hourly quantity of sewage and industrial wastes, together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria.

Sewer Design Flows

Building Type		Design Flow
	One and two family dwellings	0.02 cubic feet per second(c.f.s. per acre)
Apartments		
	One and two story	0.02 c.f.s. per acre
	Three through six story	0.03 c.f.s. per acre
Commercial		
	Small stores, offices and miscellaneous business	0.02 c.f.s. per acre
	Shopping centers	0.02 c.f.s. per acre
Industrial		As initially determined by appropriate governmental representative

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall

be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to a design factor of 0.01 c.f.s. per acre for an area of 1,000 acres unless otherwise directed by appropriate governmental representative. Design factors for watersheds larger than 1,000 acres shall be 0.01 c.f.s. per acre unless otherwise directed.

All sanitary sewer materials shall be A.S.T.M. and/or A.W.W.A. approved.

4-108. - Pedestrian ways.

4-108.1. *Pedestrian ways.*

All developers creating major subdivisions of land in the residential zoning districts of: R-5M, R-5, R-4 shall be required to build sidewalks on both sides of all streets. Developers of major subdivisions in the residential zoning districts of R-1, R-2, and R-3 shall build sidewalks on one side of the street. Planning commission may exempt developers of this requirement, or require the lower density subdivisions (R-1, R-2, and R-3) to build sidewalks on both sides of the street.

The planning commission may require additional sidewalks, bicycle paths, and greenways between lots or away from roads to facilitate pedestrian and bicycle access and shortcuts to other streets or open spaces and public facilities. These perpetual and unobstructed easements may be up to 20 feet in width, and shall be indicated on the plat.

The planning commission may require the construction of sidewalks on any new commercial or industrial development to engender long-term community connection. The planning commission may also require the developers of major subdivisions, or commercially and industrially planned developments to widen proposed roads to allow for bicycle pathways, alone or in conjunction with sidewalks.

Concrete curbs and appropriate storm sewers are required for all public ways where sidewalks are to be constructed. The standards of which shall be in accordance with the applicable subdivision regulations for the City of Millersville.

4-108.2. *Design criteria.*

The width of the sidewalks shall be determined by the planning commission, in accordance with proper planning principles, during the sketch plat phase of all major subdivisions in all residential classifications, and the site plan phase for all other developments.

Sidewalks shall be separated from the curb or street by four or more feet under normal conditions. The planning commission may allow a separation of less than four feet, but not less than two feet where extraordinary topographical features would require a retaining wall in excess of three feet in height if other solutions, such as a wider separation, are not desirable. It is the intent of this section to allow for the installation of underground easements to be placed within the median strip created between the sidewalk and the street curb.

- (1) When sidewalks are to be constructed in a subdivision adjoining a developed area with sidewalks, the sidewalks shall be joined and extended along the same side(s) of the street.
- (2) The median strip shall be grassed or otherwise landscaped.
- (3) Mailboxes shall not be installed, nor or landscaping features placed in the location for the sidewalk.
- (4) The planning commission may require an unobstructed easement of up to ten feet on either side of a sidewalk where reasonable to facilitate pedestrian access to schools, parks, playgrounds or other nearby public ways and may require a street separation of up to ten feet along major arterial streets.

4-108.3. *Construction criteria.*

All sidewalks shall be constructed of concrete or brick. Concrete sidewalks shall rest on not less than four inches of compacted base material and shall be at least four inches in thickness of 3,500 PSI or stronger concrete and shall contain structural reinforcement. Concrete pavers or brick shall be installed in accordance with the Interlocking Concrete Pavement Institute, but not less than six inches of appropriately compacted base. Sidewalks that are likely to be subjected to vehicular traffic shall rest on not less than eight inches of appropriately compacted base

material and shall be at least six inches in thickness of 3,500 PSI or stronger concrete and shall contain such other structural requirements as specified by the city engineer.

4.108.4. *Maintenance.*

Until time of public dedication the developer shall repair and maintain all sidewalks and drainage structures and cut all grass and maintain all vegetation between the roadway and the property line of the individual lot owners.

- (1) Homeowners' associations. In subdivisions with homeowners' associations the developer shall file copies of the recorded covenants and/or homeowner's association charter and bylaws with the city.
 - (a) The developer may dedicate the aforementioned maintenance obligations of subsection 4.108.4, and all public improvements, to the homeowners' association that entity shall be liable for those obligations.
 - (b) The homeowners' association may offer to dedicate the sidewalks, and all public improvements to the City of Millersville, pursuant to their covenant code and bylaws.

4.108.5. *Survey of sidewalk improvements.*

All required sidewalks not constructed at the time a final plat is filed in the office of the registrar of deeds shall be covered by a form of a letter of irrevocable credit that meets the applicable requirements set forth by the city regarding the surety of all public improvements.

A letter of irrevocable credit will be required in commercial districts if a building is occupied prior to construction of sidewalks. This letter will be released following receipt of an engineering certificate of compliance and issuance of a final use and occupancy permit. The bond for sidewalk construction will be released upon construction or at the time of road acceptance by the City Commission of Millersville. Prior to acceptance all sidewalk construction shall be complete.

(P.C. Res. of 11-10-2003; Res. No. 01-05, 9-13-2005)

4-109. - Utility easements.

- (1) 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 ten feet wide, except for across-lot easements which shall be at least 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 his development.
- (2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least ten feet in width shall be provided along side lot lines with satisfactory access to public ways or rear lot lines. Easements shall be indicated on the plat.
- (3) 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 public way, 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 his 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 section 4-110.1. The planning commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency 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 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 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 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 has 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 public way, 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) Public way 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 public way, 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 storm water 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) Public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

4-113. - Underground utilities.

It is [the] intent of this section to ensure community protection from common tornado activity in middle Tennessee.

Subsection 1: General requirements

Subdivisions (two lots or more) will require underground utilities including cable, telephone, electrical lines - there shall be no poles in the subdivision to support these lines. Developers and the planning commission may reach alternative arrangements concerning underground utilities where strict compliance would cause an undue hardship based on topographical or geological realities. The burden of proof concerning hardship requests shall be the sole responsibility of the developer, and the city may allow for review of supporting documentation through the city engineer or an individual selected to fulfill that capacity.

Subsection 2: Retention of a consultant

The planning commission may utilize the city engineer or an outside consultant at the applicant's sole expense to review the "supporting documentation" and make independent determinations and recommendations on the physical features of the property that, in the developer's view, prohibit the installation of underground utilities.

(Res. No. PC 04-01, 2-10-2004)