

**SUBDIVISION  
REGULATIONS**

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**LINCOLN COUNTY,  
TENNESSEE**

## AMENDMENTS

### LINCOLN COUNTY SUBDIVISION REGULATION

ADOPTED FEBRUARY 21, 2012

EFFECTIVE MARCH 2, 2012

- Amendment 1. Article V. Section 102.3 & 104.3 Certifications  
**Adopted January 5, 2017**
- Amendment 2. Article II. Subsection 2-102.2 Procedures for Plat Approval  
Article V. Subsection 5-101 Subpart 5-101.2 Specifications for documents to be submitted  
**Adopted April 6, 2017**
- Amendment 3. Article I. Subsection I-108.1 Re subdivision of Land  
Article II. Subsection 2-101.201 Minor Subdivision  
**Adopted June 1, 2017**
- Amendment 4. Article IV. Section 4-102.7 Waste & Debris  
**Adopted March 1, 2018**
- Amendment 5. Replace current County Flood Damage Prevention Resolution with the Revised County Flood Damage Prevention Resolution  
**Approved and Replaced March 20, 2018**
- Amendment 6. Article IV. Section 4.113 Development Standards for Multi-Family Dev.  
**Adopted April 5, 2018**
- Amendment 7. Article I. Section 113 Planning Commission Schedule of Fees  
**Adopted December 6, 2018**
- Amendment 8. Article IV. Section 4-106. Subpart 2 - Water Facilities, Amend Text  
**Adopted July 11, 2019**
- Amendment 9. Article I. Section 1-108.2 Procedures for Subdivision where future re-subdivision is foreseen  
**Adopted May 7, 2020**  
**Effective Date July 1, 2020**
- Amendment 10. Article IV. Section 4-102.401 General Setbacks-Corner Lots  
**Adopted November 5, 2020**
- Amendment 11. Article IV, Section 4-102.3 Lot Dimension  
**Adopted September 2, 2021**

- Amendment 12. Article V. Section 5-102.3, 103,103.3 and 104.3 Amending Preliminary, Construction and Final Certificates and Construction Plan  
**Adopted April 7, 2022**
- Amendment 13. Article I. Section 1-102 Authority, General Provisions  
**Amended September 1, 2022**
- Amendment 14. Article II. Section 2-101.201 (a-iv) Procedures for Plat Approval  
**Amended September 20, 2022**
- Amendment 15. Article V. Section 5-104.2, subpart 23 & 25 Final Plat requirements  
**Amended March 2, 2023**
- Amendment 16. Article IV. Section 4.106.1 Water Facilities-Flow test and water meter location  
**Amended October 5, 2023**  
**Effective Date January 1, 2024**
- Amendment 17. Article VI. Section 6-102 Words and Terms Defined-Definition of Vacant Lot  
**Adopted October 5, 2023**  
**Effective Date January 1, 2024**
- Amendment 18. Article I. Section 1-112.109 Access to Lots by Public Way  
**Amended October 5, 2023**  
**Effective Date January 1, 2024**
- Amendment 19. Article I. Section 1-108.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen  
**Amended November 2, 2023**  
**Effective Date January 1, 2024**
- Amendment 20. Article IV. Section 4-106.1 Water Facilities-Water meter location on private roads.  
**Amended November 2, 2023**  
**Effective Date January 1, 2024**
- Amendment 21. Article VI. Section 6-102 Words and Terms Defined-Definition of Parent Parcel  
**Adopted November 2, 2023**  
**Effective Date January 1, 2024**

**Subdivision Regulations  
For Lincoln County, Tennessee  
Table of Contents**

<b>ARTICLE I</b>	<b>GENERAL PROVISIONS</b>	<b>I- 1</b>
1-101	Title	I- 1
1-102	Authority	I- 1
1-103	Jurisdiction	I- 1
1-104	Policy and Purpose	I- 1
1-105	Interpretation, Conflict and Severability	I- 3
1-106	Saving Provision	I- 4
1-107	Amendments	I- 5
1-108	Resubdivision of Land	I- 6
1-109	Conditions	I- 6
1-110	Vacation of Plats	I- 7
1-111	Variances	I- 7
1-112	Enforcement, Violation, and Penalties	I- 8
1-113	Planning Commission Schedule of Fees	<i>Adopted 12/06/2018</i> I-12
1-114	Repeal of Previous Regulations	I-12
<b>ARTICLE II</b>	<b>PROCEDURES FOR PLAT APPROVAL</b>	<b>II- 1</b>
2-101	General Procedure	II- 1
2-102	Sketch Plat (Major Subdivisions Only)	II- 5
2-103	Preliminary Plat (Major Subdivisions Only)	II- 7
2-104	Construction Plans (Major Subdivisions Only)	II-11
2-105	Final Subdivision Plat (Minor and Major Subdivision)	II-14
2-106	Signing and Recording of Subdivision Plat	II-18
<b>ARTICLE III</b>	<b>ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS</b>	<b>III- 1</b>
3-101	Improvements and Performance Bond	III- 1
3-102	Inspection of Improvements	III- 3
3-103	Maintenance of Improvements	III- 4
3-104	Deferral of Waiver of Required Improvements	III- 4
3-105	RESERVED	III- 4
3-106	RESERVED	III- 4

<b>ARTICLE IV</b>	<b>REQUIREMENTS FOR IMPROVEMENTS, AND RESERVATIONS, AND DESIGN</b>	<b>IV-1</b>	
4-101	General Requirements	IV- 1	
4-102	Lot Requirements	IV- 4	
4-103	Public Ways	IV-10	
4-104	Road Construction Specifications	IV-20	
4-105	Drainage and Storm Sewers	IV-21	
4-106	Water Facilities	IV-24	
4-107	Sewage Facilities	IV-25	
4-108	Pedestrian Ways	IV-26	
4-109	Utilities Easements	IV-27	
4-110	Public Uses	IV-28	
4-111	Preservation of Natural Features and Amenities	IV-29	
4-112	Nonresidential Subdivisions	IV-29	
4-113	Development Standards for Multi-Family Dev.	<i>Adopted 4/5/2018</i>	IV-30
4-114	RESERVED		IV-35
<b>ARTICLE V</b>	<b>SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED</b>	<b>V- 1</b>	
5-101	Sketch Plat	V- 1	
5-102	Preliminary Plat	V- 2	
5-103	Construction Plans	V- 6	
5-104	Final Plat	V- 9	
5-105	Form of Offer of Irrevocable Dedication	V-19	
5-106	Performance Bond	V-22	
<b>ARTICLE VI</b>	<b>DEFINITIONS</b>	<b>VI- 1</b>	
6-101	Usage	VI- 1	
6-102	Words and Terms Defined	VI- 1	
<b>ARTICLE VII</b>	<b>ADOPTION OF REGULATIONS AND AMENDMENTS</b>	<b>VII-1</b>	
7-101	Original Enactment	VII-1	
7-102	Amendments	VII-1	
<b>APPENDIX A</b>	<b>FORMS</b>	<b>A</b>	
Form Number 1	Sketch Plat Submittal Checklist	A-II	
Form Number 2	Preliminary Plat Submittal Checklist	A-III	

**(APPENDIX A, FORMS cont'd)**

Form Number 3	Subdivision Construction Plans Submittal Checklist	A-IV
Form Number 4	Final Plat Submittal Checklist	A-V

**APPENDIX B SPECIFICATIONS FOR PUBLIC ROADWAY AND DRAINAGE IMPROVEMENTS B**

SECTION I	GENERAL	B-I
SECTION II	PLANNING	B-IV
SECTION III	MATERIALS SPECIFICATION AND CONSTRUCTION PROCEDURES	B-V
SECTION IV	MATERIALS SPECIFICATION AND CONSTRUCTION PROCEDURES	B-XVI

Drawing B-1	Minor Residential Public Way (Ditch Section)	B-1
Drawing B-2	Minor Residential Public Way (Curb/Gutter Section)	B-2
Drawing B-3	Collector Residential Public Way (Ditch Section)	B-3
Drawing B-4	Collector Residential Public Way (Curb/Gutter Section)	B-4
Drawing B-5	Minor NON-Residential Public Way (Ditch Section)	B-5
Drawing B-6	Collector NON-Residential Public Way (Curb/Gutter Section)	B-6
Drawing B-7	Typical Cul-De-Sac and Intersection Detail	B-7
Drawing B-8	Concrete Curb and Gutter Detail	B-8
Drawing B-9	Straight Endwall Detail	B-9
Drawing B-10	Winged Headwall Detail (12" to 27" pipe)	B-10
Drawing B-11	Winged Headwall Detail (30" to 60" pipe)	B-11
Drawing B-12	Single Curb Inlet	B-12
Drawing B-13	Area Drain	B-13
Drawing B-14	Typical Stabilized Ditch Section	B-14

## ARTICLE I

### GENERAL PROVISIONS

#### 1-101 Title

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

#### 1-102 Authority

These subdivisions regulations are adopted by the Lincoln County Regional Planning Commission (hereinafter referred to as "Planning Commission"), in pursuance of the authority and powers granted by Sections 13-3-401 through 13-3-413 Tennessee Code. 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 Section 13-3-402, Tennessee Code, and having held a public hearing as indicated in Section 7-101, of these regulations and as required by Section 13-3-403, Tennessee Code, the planning commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

In exercising the powers granted to it by § 13-3-402, a regional planning commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An owner of private property required to make a dedication or pay money in violation of this subdivision may seek relief through a common law writ of certiorari in chancery court.

This subsection does not apply to an assessment, fee, or charge that is imposed on a broad class of property owners by a local governmental entity. *(Amended 9/1/2022)*

#### 1-103 Jurisdiction

These subdivision regulations shall apply to all subdivisions, as herein defined, located within the planning region of Lincoln County, 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 that the subdivision of land and creation of a subdivision plat be conceived, designed and developed in accordance with 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 Resolution to Regulate Special Impact Land Uses in Lincoln County and the Lincoln County Flood Damage Prevention Resolution (hereinafter referred to as “zoning resolution”).

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 the 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 re-subdivisions; 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 resolution.
- 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 resolution, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other resolution, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes 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 circumstance. 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 preliminary 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 under the terms of which 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.

1-106.2 Failure to File Approved Plats

All previously approved final plats shall be filed with the county register's office within one (1) year following the adoption of these subdivision regulations. In the event the owner fails to file a plat within the time period stipulated herein, the approval shall become void until action is taken to reinstate the plat.

At such time as the applicant applies to reinstate the plat, the Planning Commission may:

1. Permit the reinstatement of the plat as originally approved, 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 shall be held by the Planning Commission as required by Title 13, Chapter 3, Tennessee Code. A notice providing the time and location of the public hearing shall be published in a newspaper of general circulation at least thirty (30) days prior to the hearing taking place.

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. When new or changed language is inserted, a notation including the amendment number and date of adoption shall be incorporated after section titles or at the end of paragraphs.
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 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, such amendment shall be approved by the Planning Commission by the same procedure, rules and regulations as for a subdivision. *(Amended 6-1-2017)*

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.

~~There shall be no more than one (1) Minor Plat subdivision submitted for the same parent parcel within a one (1) year period. A secondary Minor Plat consisting of more than one (1) additional lot will require the applicant to submit a master plan in accordance with the guidelines stipulated in this Resolution for Major Plats.~~ (Adopted May 7, 2020) (Effective July 1, 2020)

(Amended 11-2-23)

Following the recording of a Minor Subdivision plat, no additional Minor Subdivision plat(s) involving the Minor Subdivision Lot(s) or the original parent parcel (i.e. the original parcel from which the Minor Subdivision is created) may be approved within a 12 month period, even if the ownership is transferred. The purpose of this provision is to prevent the circumvention of Major Subdivision requirements and to reduce the number of driveways on existing County roads. (Amended 11-2-23) (Effective 1-1-24)

### **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 lot 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 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 variances unless it shall make findings based upon documented 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.
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 resolution; and
5. Any approved variances shall be reflected on the final plat.

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 by the subdivider in a letter specifically citing the numbered regulation(s) from which the variance is sought. Any condition shown on the plat which would require a variance or modification shall constitute grounds for disapproval of the plat unless such special application for modification variance is made. 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, Tennessee Code.

1-112.102    Administrative Officer

It shall be the duty of the Planning Commission and its elected chair (hereinafter referred to as “the Administrative Officer”) to administer these regulations and to bring to the attention of legal council and the County Mayor any violations or lack of compliance. The Administrative Officer may appoint the Building Commissioner, or Planning and Zoning Official to act on his behalf. *(Amended 3-01-2018)*

1-112.103    Recording of Plats

Pursuant to Section 13-3-402, Tennessee Code, 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 of 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 Section 13-3-410, Tennessee Code, no owner or agent of the owner of any land shall transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a plat before it has been submitted to and obtained the approval of the Planning Commission nor before an approved plat has been recorded in the office of the county register.

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.

1-112.105     Metes and Bounds Subdivisions

The subdivision of any lot or parcel of land by use of metes and 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 Section 13-3-410, Tennessee Code, 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 Ways and Utilities

Pursuant to Section 13-3-406, Tennessee Code, the Planning Commission shall not nor shall any public authority accept, lay out, 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 way 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 establishment 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, the governing body may override the Planning Commission as provided in Title 13, Tennessee Code.

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     (RESERVED)

1-112.109     Access to Lots by Public Way

Pursuant to Section 13-3-411, Tennessee Code, 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, 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 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.

*(Amended 10-5-23)*

*(Effective 1-1-24)*

All lots in a major or minor subdivision must abut a public road or a private road that has been approved according to requirements found in Section 2.030 of the Lincoln County Zoning Resolution for a minimum of 50 feet and not be accessed by a temporary or permanent easement. The Planning Commission may grant an exception to this requirement if physical constraints exist that hinders compliance with this requirement.

*(Adopted 10-5-23) (Effective 1-1-24)*

The above section shall not be construed to prohibit the development of buildings on lots or tracts with 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

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 Section 13-3-

402, Tennessee Code 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, Tennessee Code, provides that any owner or agent of the owner of any land that transfers, sells, agrees to sell, or negotiates to sell such land by reference to, exhibition of, or other use of a plat before it has been submitted to an obtained the approval of the Planning Commission or before an approved plat has been recorded in the office of the 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 county, through its county 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 county attorney 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, Tennessee Code.

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 county, through its attorney or other official designated by the county commission, may enjoin by action of

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 is being erected on any lot in violation of the road frontage requirements of Subsection 1-112.109, of these regulations, the county attorney or other official designated by the county commission may bring action to enjoin such erection or cause the building or structure to be vacated or removed.

**1-113 Planning Commission Schedule of Fees**

The following schedule of fees are herein adopted to assist in the incurred expenses of requested reviews and may be amended in accordance with this Subdivision Regulation, Section 1-107 and TCA Title 13.

PRELIMINARY - MAJOR (5 Or More Lots) - FINAL PLATS.....	\$200.00
MINOR PLAT.....	\$100.00
RENEWAL OF EXPIRED PLAT.....	\$150.00
PARKING LOTS, CELL TOWERS, CONSTRUCTION PLATS - PLANS and ALL OTHER SITE PLANS.....	\$150.00
REQUEST TO AMEND TEXT.....	\$200.00

*(Approved 12-06-2018, Effective Date 4-01-2019)*

**1-114 Repeal of Previous Regulations**

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Lincoln County, Tennessee, adopted July 15, 1974, 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, 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) Optional: Pre-application conference with the Planning Commission and/or any Staff Assistant 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. The final plat shall be accompanied by a completed checklist for final subdivision plats as found in Appendix A.
- (iv) Exception: Minor plats not requiring new utilities (excluding typical connections) or streets. These may be reviewed and approved by planning staff. Planning Commission members to be made aware of all approvals.                      *(Amended by PC 6-01-2017)*                      *(Approved by CC 9-20-2022)*

b. Major Subdivision

- (i) Submittal of a sketch plat, prepared in accordance with Section 5-101, herein and a pre-application conference with the Planning Commission Staff Assistant. The sketch plat shall be accompanied by a completed checklist for sketch plats as found in Appendix A.
- (ii) Submittal of a preliminary plat, prepared in accordance with Section 5-102, herein, and if necessary, submittal of construction plans, prepared in accordance with Section 5-103, herein, for Planning Commission approval. The preliminary plat shall be accompanied by a completed checklist for preliminary plats as found in Appendix A, and if necessary, the construction plans shall be accompanied by a completed checklist for construction plans as found in Appendix A.
- (iii) Securing of approval from other public agencies and any affected utility districts or companies.
- (iv) Submittal of the final plat of the subdivision, prepared in accordance with Section 5-104, herein for planning commission approval. The final plat shall be accompanied by a completed checklist for final subdivision plats as found in Appendix A.

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 hearing on the sketch plat, preliminary plat, or final plat of any subdivision, 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, Tennessee Code, 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 development 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 development 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 but not limited to the 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 County's participation in the National Flood Insurance 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 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 zoning resolution. 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 food 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, 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.
- 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, 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 this normal procedure for approval of a major subdivision, as set forth in this article.

2-101.505 Contents of Plans and Document

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 shall submit a sketch plat to the Planning Commission Chairman for administrative review by the Planning Commission staff. 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 detailed proposal which may contain elements contrary to these regulations.

2-102.2 Application Procedure and Requirements

The applicant shall file a minimum of twelve (12) printed copies of a sketch plat with the Planning Commission as described herein. Planning Commission staff will review the sketch plat and schedule a pre-application conference with the applicant (if needed). The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a sketch plat. *(Amended 4-06-2017)*

Sketch plats shall:

1. Be prepared in accordance with Section 5-101;
2. Be presented to the Planning Commission chairman and/or the designated Staff Assistant at least fourteen (14) days, or as designated by schedule made available by planning staff, prior to the regularly (officially opened) meeting of the Planning Commission at which it is to be considered; *(Amended 4-06-2017)*
3. Include all land which the applicant proposes to subdivide; and
4. Display the lot pattern of all immediately adjacent land located within two hundred (200) feet of the proposed subdivision.

#### 2-102.03 Administrative Review and Pre-Application Conference

An administrative review shall be conducted on the sketch plat. This review shall be conducted by the staff assistant to the Planning Commission and any other appropriate governmental or public utility representative. If deemed necessary by the Staff Assistant, a pre-application conference may be scheduled with the applicant to further discuss the proposed development. The administrative review and the pre-application conference shall be held prior to the regularly scheduled Planning Commission meeting at which the sketch plat is to be considered. The finding of the administrative review and the pre-application conference shall be presented to the Planning Commission.

#### 2-102.4 Approval of Sketch Plat

After the Planning Commission has reviewed the sketch plat and the findings of the administrative review and/or the pre-application conference as presented by the staff, the Planning Commission shall approve, conditionally approve, or disapprove the sketch plat within sixty (60) days after the date of the regular meeting of the Planning Commission at which the hearing on approval of the sketch plat, including adjourned date thereof, is closed.

The Planning Commission shall ensure that the approval, stipulations of conditional approval, or the specific reasons for disapproval are entered into the minutes of the meeting.

Approval of the sketch plat shall constitute authorization to prepare the Preliminary Plat in accordance with Section 2-103 and the Construction Plans (if required) in accordance with Section 2-104

2-102.5        Expiration of Approval

The approval of the sketch plat shall expire within one (1) year of its approval if the preliminary plat for the development has not been obtained. Prior to the expiration of the sketch plat and upon written request by the developer, the sketch plat approval may be extended for one (1) additional year at the discretion of the Planning Commission.

**2-103 Preliminary Plat (Major Subdivision Only)**

2-103.1        Application Procedure and Requirements

The applicant shall initially file an electronic file of the plat or one (1) printed copy to the planning staff for review of completeness. Upon approval of planning staff, minimum of twelve (12) printed copies of the preliminary plat shall be filed with the planning staff for distribution to the Planning Commission as described here. Any necessary construction plans may be filed simultaneously according to the requirements of Section 2-104. 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. Furthermore, the submittal of a preliminary plat may not be accepted for initial review if it significantly lacks the required information as outlined in these regulations.

*(Amended 4-06-2017)*

Preliminary Plats shall:

1. Be prepared in accordance with Section 5-102;
2. Be initially presented to the Planning Commission Chairman and/or the designated Staff Assistant at least fourteen (14) days, or as designated by schedule made available by planning staff, prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered.

*(Amended 4-06-2017)*

3. Be revised in accordance with any administration review comments and resubmitted to the Planning Commission Chairman and/or any Staff Assistant at least three (3) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered;
4. Include all land which the applicant proposes to subdivide; and
5. Display the lot pattern of all immediately adjacent land located within two hundred (200) feet of the proposed subdivision.

#### 2-103.2 Flood Report

At the discretion of the Planning Commission, the subdivider of any proposed subdivision containing or abutting a flood prone area may be required to prepare a flood report, with expert assistance as necessary. This 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 protection elevations based upon a hydraulic analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood;
2. Computation of the floodway 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 encroachment 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 Administrative Review and Revised Submittal

An administrative review shall be conducted on the preliminary plat, any required flood report, and any other exhibits submitted in conformance with these regulations. This review shall be conducted by the Staff Assistant to the Planning Commission and any other appropriate governmental or public utility representative. The review shall be held

prior to the regularly scheduled Planning Commission meeting at which the plat is to be considered.

The findings of the review shall be presented in writing to the applicant at least one (1) week prior to the Planning Commission meeting at which the plat is to be considered. The applicant shall revise the plat in accordance with the administrative review findings and submit twelve (12) printed copies of the revised plat to the Planning Commission Chairman and/or the designated Staff Assistant at least two (2) days prior to the regularly (officially opened) meeting of the Planning Commission at which it is to be considered.

*(Amended 4-06-2017)*

#### 2-103.4      Endorsement of Certifications

The notations and certifications required by Subsection 5-103.3, of these regulations, to appear upon the preliminary plat shall be endorsed by appropriate officials and other persons upon the submittal of the revised preliminary plat as outlined in Section 2-103.3 above.

#### 2-103.5      Notice of Hearing

The Planning Commission shall hold a hearing as required by Chapter 3 of Title 13, Tennessee Code, on each plat brought before it.

#### 2-103.6      Decision of Preliminary Plats

##### 2-103.601      Process

After the Planning Commission has reviewed the preliminary plat, any required flood report, exhibits, and the results of the administrative review, the applicant shall be advised of any required changes. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days after the date of the regular meeting of the Planning Commission at which the hearing on approval of the preliminary plat, including adjourned date thereof, is closed.

The Planning Commission shall ensure that the approval, stipulations of conditional approval, or the specific reasons for disapproval are entered into the minutes of the meeting.

At least one (1) copy of the preliminary plat will be returned to the applicant. The returned plat shall indicate whether it was approved, conditionally approved, or disapproved. If the preliminary plat is conditionally approved, a written list of the stipulations to be met shall be included with the plat that is returned to the applicant. If the preliminary plat is disapproved, the specific reasons for disapproval shall be included with the plat that is returned to the applicant.

Before the Planning Commission approves a preliminary plat showing land for any public use other than public ways, the Planning Commission shall obtain approval for the land reservation from the appropriate governmental agency.

Upon approval of the satisfaction of any stipulations of conditional approval, the applicant may apply for approval of construction plans in the manner prescribed by Section 2-104, if necessary. If construction plans are not required, the applicant may apply for final plat approval in the manner prescribed by Section 2-105, of these regulations.

#### 2-103.602 Effective Period

The approval of a preliminary plat shall be effective for a period of one (1) year. Prior to the expiration of the preliminary plat approval and upon written request by the applicant, the approval may be extended for a period of one (1) year if the Planning Commission deems such to be advisable based upon progress made in developing the subdivision. The Planning Commission shall ensure that the approval or disapproval of any extension requests are entered into the minutes of the meeting.

Any subdivision not receiving Planning Commission approval or conditional approval of a final plat within the initial effective period of the preliminary plat or any extensions granted by the Planning Commission shall be null and void, and the developer shall be required to restart the approval process as described in Subsection 2-101.201. New documents submitted for approval shall be subject to any zoning regulations and subdivision regulations currently in effect. At the Planning Commission's discretion the developer may restart the approval process with the submission of a preliminary plat rather than a sketch plat.

#### 2-103.7 Zoning Regulations

Every plat shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final plat approval, except that any subdivision which has received approval of a preliminary plat shall be exempt from any subsequent amendments to such zoning resolution or these regulations rendering the subdivision nonconforming as to bulk, use, or development standards, provided that approval of the final plat is obtained within the initial effective period or any extensions granted by the Planning Commission as set forth in Subsection 2-103.602, herein.

## **2-104 Construction Plans (Major Subdivisions Only)**

### **2-104.1 Application Procedure and Requirements**

Whenever the developer proposes, or these regulations, or the Planning Commission, requires the construction of public improvements as part of the development of a subdivision, the applicant shall initially submit an electronic file of the construction plans or one (1) printed copy to planning staff for review. Upon approval of planning staff, a minimum of three (3) printed copies of the construction plans shall be submitted with the Planning Commission as described herein. Construction plans may be filed simultaneously with a preliminary plat. The failure of the applicant to satisfy the requirements of these sections with full and correct information shall be cause for disapproval of the construction plans. Furthermore, the submittal of construction plans may not be accepted for initial review if they significantly lack the required information as outlined in these regulations.

*(Amended 4-06-2017)*

Construction plans shall:

1. Be prepared in accordance with Section 5-103;
2. Be presented to the Planning Commission Chairman and/or the designated Staff Assistant at least fourteen (14) days, or as designated by schedule made available by planning staff, prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered;  
*(Amended 4-06-2017)*
3. Be revised in accordance with any administrative review comments and resubmitted to the Planning Commission Chairman and/or any Staff Assistant at least two (2) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered;  
*(Amended 4-06-2017)*
4. Include all land which the applicant proposes to subdivide; and

5. Display the lot pattern of all immediately adjacent land located within two hundred (200) feet of the proposed subdivision.

#### 2-104.2 Administrative Review

An administrative review shall be conducted on the construction plans and any exhibits submitted in conformance with these regulations. This review shall be conducted by the Staff Assistant to the Planning Commission and any other appropriate governmental or public utility representative. The review shall be held prior to the regularly scheduled Planning Commission meeting at which the plans are to be reviewed. The findings of the review shall be presented to the Planning Commission.

The findings of the review shall be presented in writing to the applicant at least one (1) week prior to the Planning Commission meeting at which the construction plans are to be considered. The applicant shall revise the plans in accordance with the administrative review findings and submit twelve (12) if single sheet, or three (3) if complete construction plans, printed copies of the revised plans to the Planning Commission Chairman and/or the designated Staff Assistant at least two (2) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered.

*(Amended 4-06-2017)*

#### 2-104.3 Endorsement of Certifications

The notations and certifications required by Subsection 5-104.3, of these regulations, to appear upon the construction plans shall be endorsed by appropriate officials and other persons upon the submittal of the revised construction plans as outlined in Section 2-104.1 above.

#### 2-104.4 Notice of Hearing

The Planning Commission shall hold a hearing as required by Chapter 3 of Title 13, Tennessee Code, on each set of construction plans brought before it.

#### 2-104.5 Decision on Construction Plans

#### 2-104.501 Process

After the Planning Commission has reviewed the construction plans, exhibits, and the results of the administrative review, the applicant shall be advised of any required changes. The Planning Commission shall approve, conditionally approve or disapprove the construction plans within sixty (60) days after the date of the regular meeting of the Planning Commission at which the hearing on approval of the construction plans, including adjourned date thereof, is closed.

The Planning Commission shall ensure that the approval, stipulations of conditional approval, or the specific reasons for disapproval are entered into the minutes of the meeting.

At least one (1) copy of the construction plans will be returned to the applicant. The returned plans shall indicate whether they were approved, conditionally approved, or disapproved. If the construction plans are conditionally approved, a written list of the stipulations to be met shall be included with the plans that are returned to the applicant. If the construction plans are disapproved, the specific reasons for disapproval shall be included with the plans that are returned to the applicant.

Upon approval or the satisfaction of any stipulations of conditional approval, the applicant may apply for approval of a final plat in the manner prescribed by Section 2-105, of these regulations.

#### 2-104.502 Effective Period

The approval of construction plans shall have an effective period coinciding with the effective period of preliminary plat approval as outlined in Section 2-103.602. This shall be applicable for construction plans that are submitted and approved simultaneously with the preliminary plat as well as construction plans that are submitted and approved at a subsequent date from the preliminary plat.

Any subdivision not receiving approval of a final plat within the initial effective period or any extensions granted by the Planning Commission shall be null and void, and the developer shall be required to restart the approval process as described in Subsection 2-101.201. New documents submitted for approval shall be subject to any zoning provisions and subdivisions currently in effect. At the Planning Commission's discretion, the developer may restart the approval process with the submission of a preliminary plat rather than a sketch plat.

## 2-104.6 Zoning Regulations

All construction plans shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any subdivision which has received approval of a preliminary plat shall be exempt from any subsequent amendments to such zoning resolution or these regulations rendering the subdivision nonconforming as to bulk, use, or development standards, provided that approval of the final plat is obtained within the initial effective period or any extensions granted by the Planning Commission as set forth in Subsection 2-103.602, herein.

## **2-105 Final Plat (Minor and Major Subdivision)**

### 2-105.1 Application Procedure and Requirements

The applicant shall file an electronic file of the plat or one (1) printed copy to planning staff for review of completeness. Upon approval of planning staff, minimum of twelve (12) printed copies of the final plat shall be filed with the planning staff for distribution to the Planning Commission as described herein. The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a final plat. Furthermore, the submittal of a final plat may not be accepted for initial review if it significantly lacks the required information as outlined in these regulations.

*(Amended 4-06-2017)*

Final Plats shall:

1. Be prepared in accordance with Sections 5-104;
2. Be presented to the Planning Commission and/or Staff Assistant at least fourteen (14) days, or as designated by schedule made available by planning staff, prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered.  
*(Amended 4-06-2017)*
3. Be revised in accordance with any administrative review comments and resubmitted to the Planning Commission Chairman and/or any Staff Assistant at least two (2) days prior to the (officially opened) meeting of the Planning Commission at which it is to be considered:  
*(Amended 4-06-2017)*
4. Include the entire subdivision, or section thereof, for which final approval is sought;

5. Display the lot pattern of all immediately adjacent land located within two hundred (200) feet of the proposed subdivision;
6. Comply substantially with the preliminary plat, where such plat is required;
7. Be accompanied by a revised preliminary plat and/or construction plans, if required, whenever design changes were necessary during construction;
8. 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 dedications as shown in Article V, of these regulations.);
9. Be accompanied by a performance bond, if required in a form satisfactory to legal counsel and in an amount established according to the provisions set forth in Section 2-103.6. It shall include provisions that the principal of the bond shall comply with all the terms of final plat approval, as determined by the Planning Commission, including, but without limitations, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the County free and clear of all liens and encumbrances on the premise(s);
10. Be accompanied by written assurance, if required, from any public utility companies serving the area of the subdivision that necessary utilities have been or 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;
11. Be accompanied by a maintenance bond, if required, in a form satisfactory to legal counsel and in an amount adequate to the appropriate governmental representative in order to assure the satisfactory condition of the required improvements; and
12. 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 spaces 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.

2-105.2      Administrative Review

An administrative review shall be conducted on the final plat and any exhibits submitted in conformance with these regulations. This review shall be conducted by the Staff Assistant to the Planning Commission and any other appropriate governmental or public utility representative. The review shall be held prior to the regularly scheduled Planning Commission meeting at which the plans are to be reviewed. The findings of the review shall be presented to the Planning Commission.

The findings of the review shall be presented in writing to the applicant at least one (1) week prior to the Planning Commission meeting at which the final plat is to be considered. The applicant shall revise the plat in accordance with the administrative review findings and submit twelve (12) printed copies of the revised plat to the Planning Commission Chairman and /or the designated Staff Assistant at least two (2) days prior to the regular (officially opened) meeting of the Planning Commission at which it is to be considered.

*(Amended 4-06-2017)*

2-105.3      Endorsement of Certifications

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 upon the submittal of the revised final plat as outlined in Section 2-105.2 above, except that certificate of Planning Commission approval shall be signed at the time specified in Section 2-106 of these regulations.

2-105.4      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 performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond 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 to be filed and defer filing offers of dedication of 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 requirement is granted by the Planning Commission.

2-105.5      Notice of Hearing

The Planning Commission shall hold a hearing as required by Section 13-3-404, Tennessee Code, on each final plat brought before it.

2-105.6      Decision on Final Plat

The Planning Commission shall, within sixty (60) days after submission of the plat, approve, conditionally approve, or disapprove the final plat.

The Planning Commission shall ensure that the approval, stipulations of conditional approval, or the specific reasons for disapproval are entered into the minutes of the meeting.

At least one (1) copy of the final plat will be returned to the applicant. The returned plat shall indicate whether it was approved, conditionally approved or disapproved. If the final plat is conditionally approved, a written list of the stipulations to be met shall be included with the plat that is returned to the applicant. If the final plat is disapproved, the specific reasons for disapproval shall be included with the plat that is returned to the applicant.

The Planning Commission shall include, as a part of their approval or conditional approval, a period of time stipulated for the completion of all required improvements. In no event

shall the period of time stipulated by the Planning Commission for completion of required improvements exceed two (2) years from the date of action.

Failure of the Planning Commission to act upon a plat within the prescribed time shall be deemed approval of the plat entitling the subdivider to proceed as specified in Subsection 2-105.17 and Section 2-106 of these regulations. The applicant, however, may agree to an extension of the time for Planning Commission review.

#### 2-105.7 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 subdivisions generally, shall be deemed a condition of approval for any subdivision prior to the time of 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 final approval.

### **2-106 Signing and Recording of Final Plat**

#### 2-106.1 Signing of Plat

1. When a bond is required, the Secretary of the Planning Commission shall endorse approval on the plat after the bond has been approved by the Planning Commission in accordance with Section 2-103.6 and after all the conditions pertaining to the approval of 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 approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public improvements 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.

4. In the Secretary's absence, the Chairman or Vice-Chairman may temporarily perform the responsibilities as described herein.

*(Amended 4-06-2017)*

2.-106.2      Recording of Plat

It shall be the responsibility of the subdivider to file the plat with the county register's office within thirty-five (35) days of the date of signature. Simultaneously, with the filing of the plat, the subdivider shall record the agreement of dedication together with such legal documents as shall be required to be recorded by legal counsel.

## ARTICLE III

### ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

#### **3-101 Improvements and Performance Bond**

##### 3-101.1 Completion of Improvements

Before the final plat of any subdivision is signed by the Secretary of the Planning Commission, all applicants shall complete, in accordance with the Planning Commission's decision and to the satisfaction of the appropriate governmental representative, all public way, utility 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 appropriate governing body 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 plat by providing that, as an alternative, the applicant post a bond at the time of submission for final subdivision approval in an amount set by the Planning Commission with the aid of the appropriate governmental representative. The bond must be sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. (See Subsection 2-103.6).

Such performance bond 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 motion approving the final plat of the subdivision as recorded in the minutes of the Planning Commission. This period shall be incorporated in the bond and shall not exceed two (2) years from date of final approval.

Such bond 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 bond for a maximum period of two (2) additional years. The Planning

Commission may accept at any time during the period of such bond 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 shall file with the Planning Commission a separate suitable bond 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 governing body or any utility agency shall be stipulated clearly in the provisions of any bonds.

### 3-101.5 Governmental Units

Governmental Units to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a certified resolution 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 performance bond 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 a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Commission may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

### 3-101.7 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the governing body. Such action shall be in the form of a resolution recommended by the Planning Commission to the 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 way, 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 appropriate 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 performance bond, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

#### **3-102.2 Release or Reduction of Performance Bond**

##### **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 performance bond 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. If the dedication is accepted, the performance bond shall be released.

### 3-102.202 Reduction of Performance Bond

A performance bond 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 a performance bond be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the bond.

### **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 governmental body.

The applicant shall be required to file a maintenance bond 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 two (2) years after the date of acceptance of the public improvements by the appropriate 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 plat by the appropriate governmental representative(s) or post a bond ensuring completion of said improvements upon demand of the Planning Commission.

### **3-105 (RESERVED)**

### **3-106 (RESERVED)**

## 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, resolutions, rules, or regulations, including, but not limited to:

1. All applicable provisions of Tennessee Law, regulations, or policy;
2. Any zoning resolution, any building and housing codes, and all other applicable laws or policies of the governing body;
3. The adopted general plan, land development plan and major road or street (public way) 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 non local highway; and
6. The standards and regulations adopted by all other boards, commissions, and agencies of the County, 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 resolution or these regulations, such restrictions or reference thereto shall be recorded with the County Register on a separate form, along with the final plat of the subdivision in the office of the County Register.

#### 4-101.3 Boundaries and Corners

The subdivider shall have iron pins placed in the subdivision as required herein by a licensed surveyor. Iron pins shall be located and set as follows.

1. Iron pins shall be located on public right-of-way lines, at public way intersections, and at the beginning and ending point of curves. Iron pins shall be spaced so as to be within sight of each other.
2. The external boundaries of a subdivision shall be located in the field by iron pins of durable material securely embedded. These iron pins 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, except that when such corners or points fall within a public way or proposed future public way, the iron pins shall be placed on the side line of the public way.
3. All external and internal boundaries and those corners and points not referred to in the preceding paragraph shall be located in the field by like iron pins as described above. Such iron pins shall be placed at each end of all curves, at a point where a curve 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 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 marked 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.
5. All pins shall be properly set in the ground by a surveyor 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. 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.
2. Installation of flood warning systems;
3. The use of fill, dikes, levees, and other protective measures;
4. 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 flotations;
  - (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 storm water 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, and all subdivision names shall be kept as short as possible. It shall be the responsibility of the subdivider to verify with the Register of Deeds that the proposed subdivision name meets these requirements. The Planning Commission shall have the authority to designate the name of the subdivision if a conflict is not resolved prior to 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 building on all lots in

compliance with any zoning resolution and state and county Public Health Department regulations and in providing driveway access to buildings on such lots from an approved public way.

4-102.102 **(RESERVED)**

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 [the 1% annual chance flood (commonly referred to as the 'one-hundred-year flood)] for a distance extending at least twenty-five (25) feet beyond the limits of intended structures. 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 earthen fill, may be approved by the Planning Commission, as provided in Subsection 2-101.4, of these regulations.

4-102.104 **(RESERVED)**

4-102.2 Minimum Acreage

Unless otherwise regulated within any zoning resolution, the minimum acreage of a lot shall be .5 acres.

4-102.3 Lot Dimensions

Lot dimensions shall comply with the minimum standards of any zoning resolution, where applicable. Where lots are more than double the minimum area required by any zoning resolution, 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 resolution 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 way shall be seventy-five (75) feet (unless a permanent easement has been provided in accordance with 1-112.109 of these regulations), except for the following:

- (a) Lot frontage on the radius of a cul-de-sac which shall be fifty (50) feet; and
- (b) Lot frontage of flag lots which shall be fifty (50) feet.

~~Additionally, the minimum lot width at the front building set back line shall be seventy-five (75) feet for all lots, including cul-de-sac lots. These minimum lot dimensions are also applicable to any remnant of an existing parcel(s) that is a result of a proposed division of land.~~ *(Amended 9-2-2021)*

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 resolution.

#### 4-102.4 Building Setback Lines

##### 4-102.401 General Setbacks

Unless otherwise regulated by any zoning resolution, the minimum setbacks for each lot shall be:

<u>Front Yard*#</u>	<u>Rear Yard*</u>	<u>Side Yard*</u>
<b>35 Feet</b>	<b>15 Feet</b>	<b>10 Feet</b>

\*- Corner lots shall observe two front yard setbacks and two side yard setbacks.

*(Amended 11-5-2020)*

#- Flag lots shall have their front yard building setback measured from the front lot line other than the common boundary with the street (i.e. the frontage) which is most parallel and nearest to the public right-of-way from which access is gained except that in the event that the front of the principal existing or proposed structure will not be facing and parallel to said right-of-way, then the front lot line shall be the property line most parallel and adjacent to the front of the existing proposed structure.

#### 4-102.402 Electric Line Setbacks

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:

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 ½ feet
69 KV	50 feet
161 KV	75 feet

#### 4-102.5 Double Frontage Lots and Access to Lots

##### 4-102.501 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. All minimum lot dimension requirements as outlined in Section 4-102.3 shall be applicable to all proposed frontages of a given lot.

##### 4-102.502 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.

#### 4-102.6 Soil Preservation, Grading, Erosion Control, and Seeding

##### 4-102.601 Soil Preservation and Final Grading

Final grading shall be completed in accordance with the approved construction plans and the lot precovered with soil having an average depth of at least six (6) inches and containing no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged.

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between any sidewalks and curbs, and be stabilized by seeding or planting.

##### 4-102.602 Lot Drainage

Lots shall be laid out so as to provide positive draining 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 resolutions 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 resulting from artesian waters. The developer is obligated to perform this work upon evidence of artesian water for a period of one (1) year following formal acceptance of all public roadways.

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 condition.

#### 4-102.603 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 degree feasible;
- 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;
- 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 structural measures shall be assured.

#### 4-102.7 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, and removal of such waste shall be required within ten (10) days upon notification. Failure to comply will result in a summons being issued to appear before the Chancery Court. *(Amended 3-01-2018)*

#### 4-102.8 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.

#### 4-102.9 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 resolution 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.

### 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 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 I and III, 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. Prior to the approval of the final plat of the subdivision or of the final approval of any section of the subdivision in question, the base of any proposed public way must be properly inspected before a surface can be applied.

#### 4-103.103 Improvements in Floodable Areas

The finished elevation of proposed public ways subject to flood shall be no more than one (1) 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 Private Streets

There shall be no private streets platted in any subdivision.

#### 4-103.105 Topography and Arrangement

- a. 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 Subsection 4-103.2, of these regulations.
- b. The use of public ways running in an east-west direction and lots on a north-south axis is encouraged for energy conservation of developments.
- c. 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.
- d. 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.

- e. 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.
- 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 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.
- h. 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 the 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 public ways, 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 sixteen hundred (1,600) 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 public way 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.

A pedestrian walkway, not less than ten (10) feet wide, may be requested 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 public way 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 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
- c. 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.

#### 4-103.108 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. 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 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 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.
- 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 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 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 VI, of these regulations.

#### 4-103.202 General Design

The general design of all public ways shall conform to the standards in Table 4-1 and entitled "General Design Standards for Public Ways", which follow hereafter.

#### 4-103.203 Intersections

- a. Public ways shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (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 one hundred (100) feet therefrom. Not more than two (2) public ways shall intersect at any one point unless specifically approved by the Planning Commission.
- b. 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 one-hundred-fifty (150) feet shall not be permitted, except where the intersected public way has driving lanes separated by a continuous median without any 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 eight hundred (800) feet apart.
- c. Minimum pavement radius at the intersection of two (2) minor public ways shall be thirty (30) feet, and minimum curb radius at an intersection involving a collector public way shall be fifty (50) 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 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.

- 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 public way.
- f. The cross-slope on all public ways, 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 parts horizontal to one part vertical (3:1). Where solid rock is encountered slopes shall be one-half parts horizontal to one part vertical (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 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 usage.
- c. 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 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.

4-103.206

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.

(Table 4-1 Following)

**TABLE 4-1:  
GENERAL DESIGN STANDARDS FOR PUBLIC WAYS**

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL, OTHER)
-------------	---------------------------	--------------------------------------------------------------

Minimum Right-of-Way Width (In Feet)

Minor	50	60
Collector	60	60 or (See * Below)
Arterial	*	*

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

	<u>Ditch Section</u>	<u>Curb &amp; Gutter</u>	<u>Ditch Section</u>	<u>Curb &amp; Gutter</u>
Minor	20**	28	24**	38
Collector	24**	38	24**	38
Arterial	(See * Below)			(See * Below)

Maximum Percentage of Grade (calculated by dividing the change in elevation by the horizontal length of roadway between the high and low elevation points)

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 a minimum of 2%.

Minimum Center Line Radius of Curve (In Feet)\*\*\*

Minor	100	200
Collector	300	300
Arterial	500	500

\* As determined by appropriate governmental representative

\*\* Additionally, 3' wide shoulders are required on both sides of the roadway for proposed ditch sections.

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

**TABLE 4-1 (Continued)**  
**GENERAL DESIGN STANDARDS FOR PUBLIC WAYS**

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL, OTHER)
-------------	---------------------------	--------------------------------------------------------------

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 back	Across corners 75 back

Minimum Turnaround on Cul-de-sacs on Minor Public Ways (In Feet)

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

Maximum Length of Cul-de-sac

Permanent	500 Feet
Temporary	500 Feet

Minimum Radius (In Feet) of Return at Intersections

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

\*The sight distance is measured from a point 4 ½ feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface.

#### 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 (1/2) 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 preliminary approval of the subdivision plat has been obtained. 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 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**

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 storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system.

### 4-105.2 Nature of Storm Water 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 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 storm waters, subject to the specifications of the appropriate governmental representative.
- 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 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 plat of the division.

#### 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 resolution.

#### 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 incidental 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 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 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, drainage-way, channel, or stream, there shall be provided a storm water 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 drainage-ways 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 public way right-of-way, perpetual unobstructed easements at least ten (10) 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.
- 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 pursuant to Section 2-103, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

#### 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. 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.

a. When a new subdivision, containing two (2) or more vacant lots, is proposed and requires public water service, the developer shall provide a flow test ensuring adequate water pressure and volume are available. The flow test shall be performed by the Lincoln County Board of Public Utilities (LCBPU).

*(Amended 10-5-23) (Effective 1-1-24)*

b. When water service is required to a new subdivision, with two (2) or more vacant lots, the water meter shall be located within the property boundaries of the lot the meter serves.

*(Amended 10-5-23) (Effective 1-1-24)*

c. Parcels/lots accessed by a private road may have water meters located in utility easement areas.

*(Amended 11-2-23) (Effective 1-1-24)*

i. The Planning Commission may grant an exception to this requirement, if the parcel contains physical constraints that does not permit the water meter to be located within the boundaries of the parcel.

*(Amended 10-5-23) (Effective 1-1-24)*

2. Connection Required:

a. Minor Subdivisions (less than 4 lots) – Where a public water main is located within one hundred (100) feet of the subdivision.

*(Amended 7-11-2019)*

b. Major Subdivisions (5 or more lots) – All lots located within a major subdivision shall connect to public water.

*(Amended 7-11-2019)*

c. Private Wells – Minor subdivisions containing existing wells are not required to connect to public water as defined above.

*(Amended 7-11-2019)*

3. Water mains shall not be less than six (6) inches in diameter. Where water mains are not to be utilized for fire protection (such as short cul-de-sacs having lots that are served by fire protection of an adjacent hydrant and 6-inch main that is within the distance requirements of 4-106.2), the Planning Commission may approve smaller lines, as necessary, to meet potable water demand. If smaller lines are proposed, detailed hydraulic engineering analysis shall be provided to the Planning Commission by the applicant/developer.
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 and Fill Stations

Fire Hydrants of three-way type shall be required in all subdivisions where the system

will provide adequate fire flow and pressure; 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.

In cases where the system does not provide adequate fire flow and pressure, fill stations of the two way variety 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.

To eliminate future public way 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 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 may be required by the Planning Commission to install sanitary sewer facilities in a manner prescribed by the regulations of 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 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 minimum specified in Subsection 4-102.2 unless otherwise regulated within any zoning resolution. 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.

All components of any proposed or existing individual disposal system shall be located wholly within the boundaries of the individual lot for which each system will serve.

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.

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

Pursuant to Section 13-7-301, Tennessee Code, where both public water and sewage

systems are to be made available within eighteen (18) months after the subdivider requests approval of a final plat, sidewalks and bicycle paths may be required on at least one side of the roadway within the dedicated non pavement right-of-way of all public ways as indicated in the following table and shall be improved as required by Subsection 4-103.4, of these regulations. Where both public water and sewage systems shall be present, concrete curbs and gutters are required for all public ways where sidewalks are to be constructed.

Where both public water and sewage system shall not be present, sidewalks and bike paths are strongly encouraged, and curbs and gutters should be provided to protect the sidewalks and bike paths from excessive run-offs.

In both cases, a median strip of grassed or landscaped area at least four (4) feet wide shall separate all sidewalks from adjacent curbs.

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**SIDEWALK DESIGN**

**Class of Street**

**Sidewalk Width**

**Residential Public Way**

**Nonresidential Public Way**

<b>Minor Public Way</b>	<b>5 Feet Wide</b>	<b>6 Feet Wide</b>
<b>Collector Public Way</b>	<b>5 Feet Wide</b>	<b>6 Feet Wide</b>
<b>Arterial Public Way</b>	<b>5 Feet Wide</b>	<b>6 Feet Wide</b>

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4-108.2 Pedestrian Access

The Planning Commission may request, in order to facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, perpetual unobstructed easements at least twenty (20) feet wide. 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 his 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 public ways 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 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 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 Planning 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 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 resolution. Site plan approval may proceed simultaneously with plat approval 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 resolution.

##### **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 Planning Commission with respect to any public way, curb, gutter, and sidewalk design and construction specifications;

4. Special requirements may be imposed by the Planning Commission 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 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DEVELOPMENT**

*(Amended 4/05/2018)*

The provisions set forth herein are intended to provide design criteria for multi-family developments located on a single zoned lot or tract. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of

multiple buildings located on a single site but may include a single building. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan.

**4-113.1 Development Standards**

**1. General Standards**

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

**2. Detailed Standards**

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of twenty (20) feet shall be maintained between buildings.
- b. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features. The planting plan shall be submitted with the site development plan for Planning Commission review and approval.

*(Amended 4-05-2018)*

- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type, and number to the needs of the residents.
- g. Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Lincoln County Subdivision.
- i. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two

(2) or more residents will be suitable paved and maintained as a condition of approval of the project.

- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view by a fence or wall of no less than six (6) feet in height. Access shall be appropriately provided. Walls shall be constructed of natural stone, brick, or other weatherproof materials arranged in a linear or serpentine alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of building. All hardware is to be galvanized, or otherwise, rustproofed. All walls or fences shall have a minimum opacity of eighty (80) percent. Chain link may not be used to meet the requirements of this chapter, unless privacy screening is inserted within the chain link, meeting the opacity of eighty (80) percent. Fences and walls shall be maintained in good repair, as well as pavement surrounding refuse area.

*(Amended 4-05-2018)*

Disposal area shall be paved and of sufficient thickness to withstand combined weight of container, refuse and removal equipment. Area to be kept free of loose waste and neglected odor.

#### 4-113.2 Access and Parking Requirements

##### 1. Access

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 3.013 of the zoning resolution.
- b. Access and circulation routes shall adequately provide for firefighting, other emergency equipment, service deliveries, furniture moving vans, and refuse collection.

##### 2. Parking

- a. Parking spaces shall be provided in accordance with Section 3.010 and 3.013, of the Zoning Resolution.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close

proximity to the dwelling units they are designed to service. At least one (1) of the two (2) required parking spaces per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

#### 4-113.3 Open Space Requirements

Any common open space established within a multi-family dwelling development shall be subject to the following:

##### 1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water, and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability and amenity of the development.

##### 2. Maintenance of Open Space

In an instance where units are to be sold or leased with intent to sell, common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association.

This document is to be submitted with the application for final approval of the development plan. The provisions shall include, but not limited to, the following:

- a. The maintenance organization must be established and operational before any unit is sold or leased.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes, and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of the fees to meet changing needs.

3. Maintenance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

4-114 RESERVED

## ARTICLE V

### SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

#### 5-101 SKETCH PLAT

##### 5-101.1 General

Sketch plats submitted to the Planning Commission, prepared by hand or in pen or by computer aided drafting and printed, 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. Location and width of any existing or proposed legal rights-of-way or easements, or other encumbrances affecting the property; *(Amended 4-06-2017)*
4. Approximate topography of the site, at no more than five (5) foot intervals, extended at least one-hundred (100) feet into adjacent properties;
5. Any areas which may be affected by flooding;
6. General layout of proposed public way(s) and lot patterns, including approximate number and average size of proposed lots;
7. Proposed phasing, if any;
8. Vicinity map of property;
9. Date and approximate north point;
10. Name of owner;
11. Name of licensed Surveyor and/or Engineer; *(Amended 4-06-2017)*
12. Zoning classification; and *(Amended 4-06-2017)*

13. Location of existing utilities and sizing.

*(Amended 4-06-2017)*

## **5-102 PRELIMINARY PLAT**

### 5-102.1 General

The Preliminary Plat shall be prepared by a licensed surveyor, at a convenient scale no smaller than two-hundred (200) feet to an inch (200':1"). The plat may be prepared by hand in pen or pencil or by computer aided drafting and printed, and the sheets shall be numbered in sequence if more than one sheet is used.

### 5-102.2 Features

The Preliminary Plat shall include:

1. A vicinity map showing relation of the subdivision to all public ways, railroads, and watercourses in all directions to a distance of at least one-half (1/2) mile (suggested scale, one inch to one-thousand feet (1":1000')).
2. The names of all adjoining property owners of record, or the names of adjoining developments;
3. The names of adjoining public ways;
4. The location and dimensions of all boundary lines of the property, figured to the nearest hundredth (100<sup>th</sup>) of a foot;
5. The location of existing easements, water bodies, streams and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, and sinkholes, as determined by the Planning Commission;
6. The location and width of all existing and proposed public ways, access and utility easements, all existing utilities and sizing, alleys, and building setback lines;  
*(Amended 4-06-2017)*
7. The location, dimension, and area of all proposed and existing lots;
8. The size and location of existing and proposed culverts, driveway tiles, associated drainage structures, and any other drainage system element, along with necessary easements. Proposed elements shall be designed and sized according to Section III(D) of Appendix B of these regulations;

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 floodway fringe 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 licensed surveyor preparing the plat;
13. The date of the plat, approximate true north point, graphic 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. The name of all new public ways, 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 public ways and to the original corner of the original survey of which it is a part;
18. Existing and proposed contours at vertical intervals of not more than two (2) feet (contours to be field surveyed or taken from aerial photographs acceptable to the Planning Commission);
19. A map and parcel numbers as recorded on the land tax maps of the county;
20. 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) all areas approved to be used for sewage disposal and their percolation results for each lot, or if the Planning Commission desires, any other acceptable data to show that the lot can be served effectively by an individual septic system;

(ii) water wells (existing and proposed); and

(iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features.

21. A draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions; and

22. Applicable certifications in the form shown in Section 5-102.3 below.

5-102.3 Certificates - Preliminary

1. A form for endorsement of Planning Commission approval of the preliminary plat which shall read as follows:

**PLANNING COMMISSION APPROVAL**

Approved by the *(check appropriate jurisdiction)* \_\_\_ City of Fayetteville; \_\_\_ Lincoln County Regional Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on \_\_\_\_\_, 20\_\_\_

Date

*(Amended 4-7-2022)*

Preliminary plat approval shall not constitute final plat approval for recording purposes. No construction shall begin until construction site plans have been reviewed and approved by the respective Regional Planning Commission.

*(Amended 4-7-2022)*

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Planning Commission

2. A form for endorsement certifying that the Lincoln County Road Superintendent is aware of the proposed new public ways contained on the preliminary plat which shall read as follows:

**CERTIFICATE OF AWARENESS OF NEW PUBLIC WAYS**

I hereby certify that I have reviewed this preliminary plat and that I am aware of the proposed new public way(s) as shown hereon.

\_\_\_\_\_, 20\_\_\_\_  
Date \_\_\_\_\_  
\_\_\_\_\_  
City of Fayetteville Public Works Director  
\_\_\_\_\_  
Lincoln County Road Superintendent

*(Amended 4-7-2022)*

3. A form for endorsement certifying that the Lincoln County Board of Public Utilities is aware of the proposed new subdivision and that adequate public water supply is available to the proposed new subdivision contained on the preliminary plat which shall read as follows:

**CERTIFICATE OF AVAILABILITY OF PUBLIC WATER SUPPLY**

I hereby certify that *(check appropriate utility)* \_\_\_ Fayetteville Public Utilities (FPU); \_\_\_ Lincoln County Board of Public Utilities (LCBPU) has reviewed this preliminary plat and that an adequate public water supply is available for the proposed subdivision of land shown hereon. Provided, however, that all proposed lines, valves, and fittings, shall be designed and installed in accordance with the respective utility specifications. No water line work may begin until detailed construction site plans have been reviewed and approved by the respective Utility and the Planning Commission.

\_\_\_\_\_, 20\_\_\_\_  
Date \_\_\_\_\_  
Fayetteville Public Utilities Representative

\_\_\_\_\_, 20\_\_\_\_  
Date \_\_\_\_\_  
Lincoln County Board of Public Utilities

*(Amended 4-7-2022)*

4. A form for endorsement certifying that Fayetteville Public Utilities is aware of the proposed new subdivision and that electric service is available to the proposed new subdivision contained on the preliminary plat which shall read as follows:

**CERTIFICATE OF AVAILABILITY OF ELECTRIC POWER**

I hereby certify that Fayetteville Public Utilities (FPU) has reviewed this preliminary plat and that electric power service can be provided by FPU to the proposed subdivision of land shown hereto. Provided however, that the owner/developer complies with all applicable rules and regulations of FPU. No electric power service will be provided until all FPU requirements for electric power service have been met.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Fayetteville Public Utilities Representative

*(Amended 4-7-2022)*

5. Certification that the Floodplain Administrator is aware of the subdivision and the plat complies with the regulations of the Lincoln County Flood Damage Prevention Resolution.

**CERTIFICATE OF FLOOD DAMAGE PREVENTION**

I hereby certify that I have reviewed this subdivision plat and the plat complies with the regulations of the *(check appropriate jurisdiction)* \_\_\_ City of Fayetteville; \_\_\_ Lincoln County Flood Damage Prevention requirements.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_ City of Fayetteville Planning & Codes  
\_\_\_ Lincoln County Planning & Zoning

*(Amended 4-7-2022)*

6. Certification that the name(s) of the public way(s) shown do not duplicate the name(s) of any existing public way(s).

**CERTIFICATION OF APPROVAL OF PUBLIC WAYS NAMES**

I hereby certify that (1) the name(s) of any existing public way(s) shown on this subdivision plat are correct, and (2) the name(s) of any new public way(s) do not duplicate or sound similar to the name(s) of any existing public way(s).

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
LC 911 ECD Representative

*(Amended 4-7-2022)*

7. Certification by the authorized governmental representative that the plat complies with the regulations for gas service.

**CERTIFICATION OF APPROVAL FOR GAS**

I hereby certify that I have reviewed this subdivision plat and adequate easements have been allowed where needed for gas lines for the subdivision. The owner/developer must comply with all applicable rules and regulations of Fayetteville Public Utilities. No natural gas service will be provided until all FPU requirements for gas service have been met.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Fayetteville Public Utilities Representative

*(Amended 4-7-2022)*

*(Subsections 5, 6 and 7 revised 1-05-2017)*

## **5-103 CONSTRUCTION SITE PLAN**

*(Amended 4/7/2022)*

### **5-103.1 General**

Construction plans shall be prepared for all improvements required by these regulations. Typically, plans shall be drawn at a scale of no more than fifty (50) feet to an inch (50':1"). 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 any required construction plans have been approved. The construction plans shall be prepared and stamped by a licensed engineer engaged in the practice of civil engineering.

### **5-103.2 Features**

The construction plan shall include:

1. The date of the plan, approximate true north point, graphic scale, and title of the subdivision;
2. Profiles showing existing and proposed elevations along center lines of all public ways;
3. Where a proposed road intersects an existing public way or ways, the elevation along the center line of the existing public way within one-hundred (100) feet of the intersection;
4. Approximate radii of all curves, lengths of tangents, and central angles on all public ways;
5. Proposed public ways, 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<sup>th</sup>) foot vertical on a line at right angles to the center line of the public way at the following points: the center line of the public way, each property line, and points, twenty-five (25) feet inside each property line, and all points of grade changes in between;
6. Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins;
7. The location of public way signs;

8. The location, size, and invert elevations of existing and proposed sanitary sewers, all storm water drainage system components, fill stations, and fire hydrants, showing connection to any existing or proposed utility system; any proposed storm water drainage system components shall be accompanied by appropriate drainage calculations verifying adequate system design, calculations shall be stamped and signed by a registered engineer licensed in the State of Tennessee.

9. The exact location and sizes of all proposed water, gas, sanitary sewer or other utilities or structures;

10. The location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing public ways, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, sinkholes, and features noted on the land development plan or major street or road plan;

11. 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;

12. If the subdivision borders a lake, river, or stream, the distance and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways;

13. Existing and proposed contours at the same vertical interval as on the preliminary plat;

14. The title, name, address, stamp and signature of engineer who prepared the plans;

15. The date of plans, including any revision dates;

16. 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 public ways;

(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;

17. 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 principles for erosion and sediment control set out in Subsection 4-102.603 are to be implemented on the site covered by the construction plans;

18. 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; and

19. Applicable certifications in the form shown in Section 5-103.3 below. Certifications shall be shown on the cover sheet of the construction plans;

### 5-103.3 Certificates - Construction

1. A form for endorsement certifying that the Lincoln County Road Superintendent has approved the design and location of the proposed new public ways contained on the construction plans which shall read as follows:

**CERTIFICATE OF DESIGN APPROVAL OF NEW PUBLIC WAYS**

I hereby certify that I have reviewed these construction site plans and that I approve the design and location of the proposed new public way(s) as shown hereon.

\_\_\_\_\_, 20\_\_\_\_  
Date  
\_\_\_\_ City of Fayetteville Public Works Director  
\_\_\_\_ Lincoln County Road Superintendent  
*(Amended 4-7-2022)*

2. A form for endorsement of Planning Commission approval of the construction plans which shall read as follows:

**PLANNING COMMISSION APPROVAL**

Approved by the *(check appropriate jurisdiction)* \_\_\_\_ City of Fayetteville; \_\_\_\_ Lincoln County Regional Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on \_\_\_\_\_, 20\_\_\_\_  
Date

Plat approval shall not constitute final plat approval for recording purposes. It is the owner's/ developer's responsibility to obtain any other local, state, or federal approvals as may be required.

\_\_\_\_\_, 20\_\_\_\_  
Date  
Secretary, Planning Commission  
*(Amended 4-7-2022)*

3. A form for endorsement certifying that the Lincoln County Board of Public Utilities has reviewed and approves the construction plans for the proposed public water system shown on the construction plans - plat which shall read as follows:

**CERTIFICATION OF DESIGN OF WATER/ SEWER SYSTEMS**

I hereby certify that the (*check appropriate utility*) \_\_\_ Fayetteville Public Utilities (FPU); \_\_\_ Lincoln County Board of Public Utilities (LCBPU) has reviewed these construction site plans and that the design meets requirements and adequate easements have been allowed where needed for water and sewer (if applicable) lines for the subdivision. Provided, however, that all proposed lines, valves, and fittings, shall be installed in accordance with the appropriate utility specifications. Construction site plans approved by the Tennessee Department of Environment and Conservation (TDEC) shall be provided to the appropriate utility prior to commencing the water system work where a public sewer system is not available. No water or sewer service will be provided until all requirements have been met.

\_\_\_\_\_, 20\_\_\_\_  
Date Fayetteville Public Utilities Representative

\_\_\_\_\_, 20\_\_\_\_  
Date Lincoln County Board of Public Utilities

*(Amended 4-7-2022)*

**CERTIFICATE OF AVAILABILITY OF ELECTRIC POWER**

I hereby certify that Fayetteville Public Utilities has reviewed this construction/development site plan. The owner/developer shall comply with all applicable rules and regulations of FPU. No electric power service will be provided until all FPU requirements for electric power service have been met.

\_\_\_\_\_, 20\_\_\_\_  
Date Fayetteville Public Utilities Representative

*(Adopted 4-7-2022)*

**5-104 FINAL PLAT**

5-104.1 General

The final plat shall be prepared at a scale no smaller than two-hundred feet to the inch (200':1") 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 plat.

#### 5-104.2 Features

The final plat shall include:

1. A vicinity map showing relation of the subdivision to all public ways, railroads, and watercourses in all directions to a distance of at least one-half (1/2) mile. [Suggested scale: one inch to one-thousand feet (1":1000')].
2. The names of all adjoining property owners of record or the names of adjoining developments.
3. The names of adjoining public ways.
4. The exact boundary lines of the tracts, 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 pursuant to in Title 62, Chapter 18, of the Tennessee Code, for the category of survey required by the regulations. The category of survey shall be determined according to the average size of lots (see Table below) within the proposed subdivision.

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#### ACCURACY OF SURVEYS\*

**Category I**  
**Category II**

**Urban and Subdivision**  
**Suburban and Subdivision**

**NOTE: \*Surveys must meet the minimum accuracy requirements provided above for the category where the survey is located. The category (I, II, or III, as defined above) must be determined by the surveyor to the best of his knowledge and belief at the time of the survey. Nothing in this rule shall preclude a surveyor from using a greater degree of accuracy than that required as a minimum for any category provided above.**

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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 public way intersection;

5. The location of all public ways, easements, water bodies, large streams or rivers, railroads, parks, cemeteries, and sinkholes;

6. The limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation; as determined by the Planning Commission;

7. The location and width of all easements and rights-of-way for public ways, as well as the building setback lines on all lots;

8. The location, dimensions, and area of all lots (including any remnants of an existing parent tract of land if remnant is less than five (5) acres – if remnant is greater than five (5) acres, then only the area of the remnant tract if required to be shown). 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, stamp, and signature of the licensed surveyor preparing the plat;
14. The date of the plat, approximate true north point, graphic 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 public ways and curved property lines that are not the boundary of the curved public ways. The location of all monuments and pins shall be indicated on the plat;
16. The name of all public ways;
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. The total number of lots as well as each lot uniquely numbered;
20. The line size and location of all water and sewer facilities;
21. The location of all fill stations and fire hydrants;

22. The diameter and width of all existing and proposed driveway culverts for each lot (this information can be presented on the plat in chart format if desired);

23. For any lot where a public sewer or water system is not available, the following shall be shown:

(a) ~~Areas to be used for sewage disposal (if a new system is being proposed);~~  
*TDEC regulates the location of a sewage disposal system. The Planning & Zoning Dept. requires a copy of the TDEC permit before a building permit is issued. It is assumed this verbiage was created when there was no check and balance in place and no Planning & Zoning Dept.*

~~(b)~~(a) The field location of any existing subsurface sewage disposal system, including field lines, that is to remain in service. ~~{All existing subsurface sewage disposal systems that are to remain in service must be wholly located within the boundaries of the lot for which it serves}~~. Sewage systems may not be accessed or maintained via an easement. The Planning Commission, at its discretion, may choose to accept a copy of the septic system permit from ~~the County Health Department~~ TDEC Div. of Water Resource ~~of~~ that shows the location of the existing subsurface sewage disposal system as adequate proof of the existing system's field location:

The property owner of the lot being subdivided may certify the location of any existing septic system, including field lines. Certification verbiage may be similar to the following:

SEPTIC NOTE

The current owner of (Lot-Tract)\_\_\_\_\_, hereby certifies that the said Lot-Tract is presently being served by an underground sewage disposal system along with any public utilities and components of the sewerage system being located within the bounds of said Lot-Tract. The surveyor is not responsible as to the location of the underground septic system and components thereof. Existing location of said system are approximate and determined by the ground water division of TDEC or by the current owner of said property and is acknowledged by signature below.

\_\_\_\_\_, 20\_\_\_\_  
Date Owner

The Planning Commission may also grant a variance to this regulation in cases of unusual circumstance where there is no other practical solution. *(Amended 3-2-2023)*

(b) A proposed new stand-alone vacant lot shall display either an approved septic permit or an approved soil analysis by a licensed soil scientist on the plat:

(c) Water wells (existing and proposed).

24. Applicable certifications in the form shown in Section 5-104.3 below shall appear upon the final plat;

25. Upon request, the Planning Commission may consider a variance to this regulation in cases of unusual circumstances where there is no other practical solution. 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;  
*(Amended 3-2-2023)*

26. For minor final plats in which no new independent lots are being created (i.e. revisions to existing boundary lines of adjacent parcels), the existing boundary lines that are to be removed, the proposed new boundary lines, the area of the current lots, the area of the portion to be added/subtracted to the existing lots, the resulting area of the lots upon the addition/subtraction, and designation of which existing parcel will be receiving the additional area. Additionally, a copy of the drafted deed that will be recorded that conveys the added area to the adjacent parcel along with a copy of the drafted deed that will combine the deed of the existing parcel with the aforementioned deed for the added area.

#### 5-104.3 Certificates - Final

1. Certification showing that the applicant is the landowner, that he offers for dedication public ways, 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 \_\_\_\_\_, in the County Register's Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public ways, utilities, and other facilities have been filed.

\_\_\_\_\_, 20\_\_\_\_  
Date Owner (list multiple owners individually)

\_\_\_\_\_  
Title (if acting for Partnership or Corporation) (Amended 4-7-2022)

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 Category “\_\_\_\_\_” Land Survey as defined pursuant to Title 62, Chapter 18, Tennessee Code, 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 or already exist.

**CERTIFICATE OF APPROVAL OF WATER SYSTEM**

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

\_\_\_\_\_  
\_\_\_\_\_  
Date Authorizing Approving Agent (Amended 4-7-2022)

**CERTIFICATE OF APPROVAL OF SEWER SYSTEMS**

~~I hereby certify that the sewer system(s) outlined or indicated on this final subdivision plat entitled \_\_\_\_\_ has/have been installed in accordance with current local and state government requirements, or a sufficient bond has been filed which will guarantee said installation.~~

\_\_\_\_\_  
Date Authorizing Approving Agent  
(Amended 4-7-2022)

**CERTIFICATE OF APPROVAL OF WATER/SEWER SYSTEMS**

I hereby certify that I have reviewed the water and sewer system plans for this subdivision and adequate easements have been allowed where needed for water and sewer (if applicable) lines for the subdivision. The owner/developer must comply with all applicable rules and regulations of (check appropriate utility) \_\_\_Fayetteville Public Utilities (FPU); \_\_\_Lincoln County Board of Public Utilities (LCBPU) and Tennessee Department of Environment and Conservation. No water or sewer service will be provided until all requirements have been met.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Fayetteville Public Utilities Representative

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Lincoln County Board of Public Utilities  
(Adopted 4-7-2022)

The following certification shall only be used when there are no new water lines, sewer lines, or fill stations being required.

**CERTIFICATION OF EXISTING WATER LINES, FILL STATIONS, AND/OR SEWER LINES**

I hereby certify that the water lines, fill stations, and/or sewer lines shown hereon are already in place.

\_\_\_\_\_  
Date Authorized Approving Agent

**CERTIFICATE OF APPROVAL OF  
PRIVATE SUBSURFACE SEWAGE DISPOSAL**

General approval is hereby granted for Lots \_\_\_\_\_ thru \_\_\_\_\_, as shown hereon. The following shall be defined as general restrictions and shall apply to all lots with specific restrictions on each lot following general restrictions.

General Restrictions: Prior to any construction of a structure, permanent or mobile, the plans for the exact house/structure location and the subsurface sewage system must be approved by the Environmental Specialist with the Division of Ground Water Protection in Lincoln County. Any cutting or filling may render the site unsuitable. Drainage ways, gullied areas, cut and fill material and disturbed soil areas are unsuitable for sewage disposal areas. Structures must be properly located to obtain gravity flow to drain field or a pump will be required. Water taps, waterlines and driveways should be located at side property lines unless otherwise noted. The High Intensity Soils Map designating suitable soil areas for this subdivision is on file at the Environmentalist's office.

**S.S.D.S. denotes Subsurface Sewage Disposal System.**

Conditions are as follows:

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Date	Environmental Specialist – TDEC DWP
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NOTE: For minor Final Plats, the Certificate of Approval of Private Subsurface Sewage Disposal may be replaced with a dated letter from the Tennessee Department of Environment and Conservation signed by the County Environmentalist and placed on the plat.

4. Certification on the final plat by the Lincoln County Road Superintendent that:
  - (a) Approval is granted for the installation of all public way improvements in accordance with the requirements of these regulations; or
  - (b) In lieu of compliance with the subdivision improvement requirements, a bond has been posted by the subdivider in an amount approved by the Lincoln County Road Superintendent to guarantee completion of all improvements; or
  - (c) All public ways shown currently exist.

**CERTIFICATE OF APPROVAL OF NEW PUBLIC WAYS**

I hereby certify that all designated public ways, drainage improvements (easements, culverts, etc.) and other supplemental improvements (curbs, sidewalks, street signs, etc.) on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the (*check appropriate jurisdiction*) \_\_\_ City of Fayetteville; \_\_\_ Lincoln County Subdivision Regulations.

\_\_\_\_\_, 20\_\_\_\_

Date

\_\_\_\_ City of Fayetteville Public Works Director

\_\_\_\_ Lincoln County Road Superintendent

(Amended 4-7-2022)

**OR:**

**CERTIFICATE OF BOND POSTING FOR NEW PUBLIC WAYS**

I hereby certify that a Performance Bond has been posted with the (*check appropriate jurisdiction*) \_\_\_ City of Fayetteville; \_\_\_ Lincoln County Regional Planning Commission to guarantee completion of all required public way improvements shown hereon in case of default.

\_\_\_\_\_, 20\_\_\_\_

Date

\_\_\_\_ City of Fayetteville Public Works Director

\_\_\_\_ Lincoln County Road Superintendent

(Amended 4-7-2022)

**OR:**

**CERTIFICATION OF EXISTING PUBLIC WAYS**

I hereby certify that the public way(s) shown on this plat has/have the status of being an accepted public way(s) regardless of its (their) current condition.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lincoln County Road Superintendent

- 5. Certification that the name(s) of the public way(s) shown do not duplicate the name(s) of any existing public way(s).

**CERTIFICATE OF APPROVAL OF PUBLIC WAY NAMES**

I hereby certify that (1) the name(s) of any existing public way(s) shown on this subdivision plat are correct, and (2) the name(s) of any new public way(s) do not duplicate or sound similar to the name(s) of any existing public way(s).

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

6. Certification that the Floodplain Administrator is aware of the subdivision and the plat complies with the regulations of the Lincoln County Flood Damage Prevention Resolution.

**CERTIFICATION OF FLOOD DAMAGE PREVENTION**

I hereby certify that I have reviewed this final subdivision plat, and the plat complies with the *(check appropriate jurisdiction)* \_\_\_ City of Fayetteville; \_\_\_ Lincoln County Flood Damage Prevention Resolution.

\_\_\_\_\_, 20\_\_\_\_

Date

\_\_\_\_ City of Fayetteville Planning & Codes

\_\_\_\_ Lincoln County Planning & Zoning

*(Amended 4-7-2022)*

7. 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**

\_\_\_ (Name of Owner/Subdivider) \_\_\_ 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.

\_\_\_\_\_

Date

\_\_\_\_\_

Owner

8. Certification on the final plat of Planning Commission approval for recording of the plat.

**CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the *(check appropriate jurisdiction)* \_\_\_City of Fayetteville; \_\_\_ Lincoln County 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

*(Amended 4-7-2022)*

9. Certification by the authorized governmental representative that the plat complies with the regulations for gas service.

**CERTIFICATION OF APPROVAL FOR GAS**

I hereby certify that I have reviewed this subdivision plat and adequate easements have been allowed where needed for gas lines for the subdivision.

Date	Name, Title & Agency of Authorized Approving Agent

10. Certification by the authorized governmental representative that the plat complies with the regulations for electrical service.

**CERTIFICATION OF APPROVAL FOR ELECTRIC**

I hereby certify that I have reviewed this subdivision plat and adequate easements have been allowed where needed for service lines for the subdivision.

Date	Name, Title & Agency of Authorized Approving Agent
------	----------------------------------------------------

11. 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 trusteeship are of record, the plat shall note where they are recorded.

12. 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 delineated floodway or 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.

13. 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. *(Amended Subsection 9, 10, 12, and 13, revised 1-05-2017)*

**5-105 Form for Offer of Irrevocable Dedication**

The form of the offer of Irrevocable Dedication, required by Subsection 2-105.1, Item 7, of these regulations, shall be as reproduced in this section and approved by the County Attorney. The form may be modified as required by the County Attorney.

**FORM FOR OFFER OF IRREVOCABLE DEDICATION**

**AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, a \_\_\_\_\_, having its office and place of business at \_\_\_\_\_, Tennessee, hereinafter designated as the “local government”

**WHEREAS**, the Lincoln County Regional Planning Commission is in the process of approving a subdivision plat entitled \_\_\_\_\_, dated \_\_\_\_\_, and made by \_\_\_\_\_; and

**WHEREAS**, said plat designates certain public improvements consisting of \_\_\_\_\_ to be dedicated to the County of Lincoln, free and clear of all encumbrances and liens, pursuant to the requirements of the Planning Commission and the local government; and

**WHEREAS**, the developer, simultaneously herewith, shall post a performance bond with the county for the construction, maintenance, and dedication of said improvements, if required;

**WHEREAS**, the developer is desirous of offering for dedication the said improvements and land to the county more particularly described in Schedule \_\_\_\_\_ attached hereto;

**WHEREAS**, the developer has delivered deeds of conveyance to the county for the said land and improvements as described herein;

**NOW, THEREFORE**, in consideration of the sum of one dollar (\$1.00) lawful money of the United States paid by the county to the developer and other good and valuable consideration, it is mutually **AGREED** as follows:

- A. The developer herewith delivers to the county deeds of conveyance for the premises described in Schedule \_\_\_\_\_, attached hereto, said delivery being a formal offer of dedication to the county until the acceptance or rejection of such offer of dedication by the county.
- B. The developer agrees that said formal offer of dedication is irrevocable and can be accepted by the county at the time.
- C. The developer agrees to complete the construction and maintenance of the land and improvements pursuant to the performance bond and the requirements of the Lincoln County Regional Planning Commission and any regulations, requirements, covenants, and agreements that may be imposed by the county with respect thereto and, upon acceptance by the county of the offer of dedication, furnish to the county a sworn statement certifying that the premises are free and clear of all liens and encumbrances and shall furnish to the county a check for all necessary fees and taxes to record the deeds heretofore delivered.
- D. That this irrevocable offer of dedication shall run with land and shall be binding on all assigns, guarantees, successors, or heirs of the developer.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Developer

**(CORPORATE SEAL)**

ATTEST: FOR THE COUNTY OF: \_\_\_\_\_  
BY: \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_

**ACKNOWLEDGMENT:  
CO-PARTNERSHIP**

**STATE OF TENNESSEE**

**(COUNTY OF LINCOLN) SS.:**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be one of the firm 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.

\_\_\_\_\_

**CORPORATE**

**STATE OF TENNESSEE**

**(COUNTY OF LINCOLN) 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.

\_\_\_\_\_

**INDIVIDUAL**

**STATE OF TENNESSEE**

(COUNTY OF LINCOLN)

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.

\_\_\_\_\_

**5-106 Performance Bond**

The form of the performance bond, required by Subsection 2-105.1, Item 8, of these regulations, shall be as reproduced in this section and approved by the County Attorney. The form may be modified as required by the County Attorney.

**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 County of Lincoln as Oblige, in the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) lawful money of the United States, for the payment whereof to the Oblige, 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 Lincoln County Regional Planning Commission for approval of a subdivision shown on plat entitled " \_\_\_\_\_ " filed with the Lincoln County Regional Planning Commission on \_\_\_\_\_, 20\_\_\_\_, said final plat being approved by the Lincoln County Regional Planning Commission upon certain conditions, one of which is that a performance bond amount of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_) is to be filed with the Planning Commission and accepted by the local governing body 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)/ two (2)] year(s) from the date hereof (time may be extended for [one (1)/two (2)] years only beyond this period by the local governing body upon the recommendation of the Planning Commission with the consent of the parties) 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.

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 local government shall install such improvements as 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.

\_\_\_\_\_  
Insurance Company

BY \_\_\_\_\_  
Attorney-in-Fact

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Principal

BOND NO. \_\_\_\_\_

**ACKNOWLEDGMENT:  
CO-PARTNERSHIP**

**STATE OF TENNESSEE**

**(COUNTY OF LINCOLN) SS.:**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known and known to me to be one of the Firm 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.

\_\_\_\_\_

**CORPORATE**

**STATE OF TENNESSEE**

**(COUNTY OF LINCOLN) 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.

---

**INDIVIDUAL**

**STATE OF TENNESSEE**

**(COUNTY OF LINCOLN) 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.

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**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” and “will” 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**

Administrative Officer – The Planning Commission and its elected chair which shall be responsible for administering the provisions of these regulations and bringing to the attention of legal council and the County Mayor any violations or lack of compliance.

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, to practice in Tennessee.

Arterial Street or Road – A major public way 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 public ways or by 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. The amount of such instrument shall be more than sufficient to guarantee the satisfactory construction, installation, and dedication, free and clear of all encumbrances, of the incomplete portion of required improvements. Such instrument shall comply with all statutory requirements as are set forth within these regulations.

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 operation expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Collector Street or Road - A major public way 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, 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.

Dedication - The setting aside of land by the owner for acceptance by the public for some public use.

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.

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.

Enforcement Officer - The building inspector or such person designated by the chief executive officer 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, 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.

Fill Station – Generally a hydrant connected to a public water system that provides less than 500 gallons per minute and/or less than 20 psi of pressure. Further defined as a Class C hydrant as outlined in Section 1200-5-1 of the Rules of the Tennessee Department of Environment and Conservation- Bureau of Environment- Division of Water Supply.

Final 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.

Final Subdivision Plat – see Final Plat.

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 resolution 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 over-bank 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 public way 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 and 13-3-302, Tennessee Code.

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 public way specified in percentage terms.

Highway, Limited Access - A freeway or expressway providing a traffic way 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 traffic way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Horizontal Property Act - "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 27, Tennessee Code.

Improvements - Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for the activities of man. Typical improvements in these regulations would include but not be limited to grading, street construction, drainage, and utilities.

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.

Inspection - A physical examination of an improvement, or phase of an improvement, required under the provisions of these regulations by an appropriate official to ensure that said improvement meets the required standards. Inspections must be completed on all street, drainage and utility (water and sewer) improvements.

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.

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, 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 an independent unit for the purpose, whether immediate or future, or transfer of ownership, or for building development.

- a. Lot Area: The computed ground area inside the lot lines.
- b. Lot Frontage: The side of the lot nearest the public street. All sides of a lot adjacent to streets shall be considered frontage.
- c. Lot Lines: Boundaries of a lot; includes front, rear, and side lot lines.
- d. Lot Width: The distance between side lot lines measured at the building setback line.

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

Lot, Flag - A lot which the front boundary line, other than the common boundary with the public right-of-way (i.e. the frontage), most parallel and nearest to the public right-of-way from which access is gained abuts one or more rear or side lot lines of adjacent lots. Flag lots may be allowed as warranted by physical conditions or topography, existing lot pattern, unusual size or shape of the parcels or as approved by the Planning Commission. The narrow strip of land (the flag pole) connecting the main portion of a flag lot to the street shall be not less than fifty (50) feet wide at any point.

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.

Lot, Vacant - a lot or parcel zoned for residential or commercial use which contains no buildings or structures of a temporary or permanent nature.

*(Adopted 10-5-23) (Effective 1-1-24)*

Major Street or Road - A public way which is classified as a collector or arterial public way 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, Tennessee Code, showing, among other things, "the general location, character, and extent of public ways...(and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

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

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

Minor Subdivision - Any subdivision containing less than five (5) lots fronting on an existing public way or private road; not involving any new or improved public way, 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 resolution, or these regulations.

*(Amended 11-2-23) (Effective 1-1-24)*

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 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 Sub-chapter B.

Offsite - 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.

Parcel, parent - The parcel of land, lawfully in existence on the effective date of this amendatory definition, from which a land development or subdivision originates. *(Adopted 11-2-23) (Effective 1-1-24)*

Performance Board - 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, to execute a partial or full planning program within authorized area limits.

Plat - The map, drawing, or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record; it includes plat, plan, plot and replot.

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.

Principal Structure - A structure which constitutes the principal activity or use located on the lot on which it is located.

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 of which may affect an improvement for which government responsibility is established.

Public Way - Any publicly owned street, alley, sidewalk, or land right-of-way which provides for movement of pedestrians or vehicles.

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 exists. 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 free-board 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 way 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 for the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease - Any immediate or future transfer of ownership, including contract of sale or transfer, or 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 association, in which a stockholder, partner, associate, or member of this family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback - The distance between a building wall and the nearest public way right-of-way or boundary lot line.

Sketch Plat - A sketch preparatory to the preliminary plat (or final 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 - The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulations 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.

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 Section 13-3-401 Tennessee Code.)

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 - An instrument with sum of money fixed as a penalty, binding the party(s) to pay the same; conditioned however, that the payment of the penalty may be avoided by the performance by someone of certain acts. The term surety instrument for the purposes of these regulations shall only include a bond. The amount of such instrument shall be more than sufficient to guarantee the satisfactory construction, installation, and dedication, free and clear of all encumbrances, of the incomplete portion of required improvements. Such instrument shall comply with all statutory requirements as are set forth within these regulations.

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.

Warranty of Improvements - A surety in the form of a bond to warranty improvements made under the provisions of these regulations for a specified period of time. For the purposes of these regulations, surety instruments may be utilized to warranty or ensure the initial installation, as well as the maintenance of required public improvements.

Water Surface Elevation - The heights in relation to mean-sea-level expected to be reached by floods or 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 Resolution - A statute, legally adopted pursuant to Title 13, Chapters 3 or 7, Tennessee Code, for the purpose of regulating by district, land development or use for a designated area. Current resolutions adopted under this authority include the *Resolution to Regulate Special Impact Land Uses in Lincoln County* and the *Lincoln County Flood Damage Prevention Resolution*.

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 \_\_\_ day of \_\_\_\_\_, 20\_\_\_, and immediately shall be in full force and effect. Pursuant to Section 13-3-403, Tennessee Code, a public hearing was held on these regulations on the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_:\_\_\_ at \_\_\_\_\_ in Lincoln County, notice of which was given by publication

Time

Place

\_\_\_\_\_, on \_\_\_\_\_, 20 \_\_\_\_.

(Name of Newspaper)

Date

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

7-102 Amendments

The following amendments to these regulations were made in accordance with Section 1-107:

Amendment Date	Amendment Description

# **APPENDIX A**

## **FORMS**

## Sketch Plat Submittal Checklist Lincoln County, Tennessee

(This checklist is provided as a courtesy to prospective applicants. All applicants are responsible for adhering to the full requirements found in the most current Lincoln County Subdivision Regulations)

Name of Subdivision:	Date of application:
<input type="checkbox"/> Title/Name of Plat	
<input type="checkbox"/> Date	
<input type="checkbox"/> Graphic Scale	
<input type="checkbox"/> Magnetic North	
<input type="checkbox"/> Scale drawing of subject property(s)	
<input type="checkbox"/> Size of original tract(s) being subdivided	
<input type="checkbox"/> Notation of any R.O.W. or easements	
<input type="checkbox"/> Site Topography at no more than 5' intervals, extended at least 100' into all adjacent properties	
<input type="checkbox"/> Any areas affected by flooding identified	
<input type="checkbox"/> General layout of proposed public roadways	
<input type="checkbox"/> General layout of proposed lots	
<input type="checkbox"/> Number of proposed lots	
<input type="checkbox"/> Average size of proposed lots	
<input type="checkbox"/> Proposed development phasing, if any	
<input type="checkbox"/> Vicinity map with north arrow	
<input type="checkbox"/> Name of property owner	
<input type="checkbox"/> Deed book & page number of subject property	
<input type="checkbox"/> Name of licensed surveyor and/or engineer	
<input type="checkbox"/> Vicinity map with north arrow	
<input type="checkbox"/> Lot pattern(s) of all adjacent land located within 200' of proposed subdivision	

## Preliminary Plat Submittal Checklist Lincoln County, Tennessee

(This checklist is provided as a courtesy to prospective applicants. All applicants are responsible for adhering to the full requirements found in the most current Lincoln County Subdivision Regulations)

Name of Subdivision:	Date of application:
<input type="checkbox"/> Vicinity map showing relation of subdivision to all public ways, railroads, and watercourses in all directions to a distance of at least one-half mile	<input type="checkbox"/> Sufficient data to determine readily the general location, bearing & length of all lines necessary to reproduce such lines on the ground
<input type="checkbox"/> Names of all adjoining property owners	<input type="checkbox"/> Name of all new public ways
<input type="checkbox"/> Names of all adjoining public ways	<input type="checkbox"/> Zoning classification of all zoned lots, as well as indication of all uses other than residential proposed by the subdivider
<input type="checkbox"/> Location & dimension of all boundary lines, figured to the nearest hundredth of a foot	<input type="checkbox"/> Distance & bearing of one of the subdivision boundary corners nearest the intersection of existing public ways
<input type="checkbox"/> Location of all existing easements, water bodies streams, swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, & sinkholes	<input type="checkbox"/> Existing & proposed contours at vertical intervals of not more than two (2) feet (contours to be field surveyed or taken from aerial photographs acceptable to the P.C.)
<input type="checkbox"/> Location & width (asphalt width & R.O.W. width) of all existing and proposed public ways, access and utility easements, alleys, & building setback lines	<input type="checkbox"/> Map and parcel numbers as recorded on the land tax maps of the county
<input type="checkbox"/> Location, dimension and area of all proposed & existing lots that are affected by the plat	The following notations: <input type="checkbox"/> explanation of drainage easements; <input type="checkbox"/> explanation of site easements; <input type="checkbox"/> explanation of reservations;
<input type="checkbox"/> Size & location of existing & proposed culverts, driveway tiles, associated drainage structures, & any other drainage system element, along with necessary easements. All drainage elements sized according to Section III(D) of Appendix B of the Subdivision Regulations	For all lots where public sewer or water systems are not available, the following: <input type="checkbox"/> All areas approved to be used for sewage disposal & their percolation results for each lot, or if the P.C. desires, other acceptable data to show that the lot can be served effectively by an individual septic system;
<input type="checkbox"/> Position of all existing and proposed buildings within proposed condominium developments	<input type="checkbox"/> Water wells (existing & proposed);
<input type="checkbox"/> Location & dimension of property to be set aside for park/playground use or other public or private reservation, with designation of the purpose thereof	<input type="checkbox"/> Rock outcroppings, marshes, springs, sinkholes, natural storm drains, & other outstanding topographical features
<input type="checkbox"/> Limits of floodway and floodway fringe areas & the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required	<input type="checkbox"/> Draft of proposed restrictive covenants (if any)
<input type="checkbox"/> Name & address of the owner(s) of land to be subdivided, the subdivider if other than the owner, & licensed surveyor preparing the plat	<input type="checkbox"/> Applicable certifications in the form shown in Section 5-102.3 of the Subdivision Regulations
<input type="checkbox"/> Date of the plat, approximate true north point, graphic scale, & title of the subdivision	

## Subdivision Construction Plans Submittal Checklist Lincoln County, Tennessee

(This checklist is provided as a courtesy to prospective applicants. All applicants are responsible for adhering to the full requirements found in the most current Lincoln County Subdivision Regulations)

Name of Subdivision:	Date of application:
<input type="checkbox"/> Date of the plans (including any revision dates), approximate true north point, graphic scale, & title of the subdivision	<input type="checkbox"/> Water elevations of adjoining lakes or streams & the approximate high & low water elevations, with elevations tied to the USGS datum plane
<input type="checkbox"/> Profiles showing existing & proposed elevations along center lines of all public ways	<input type="checkbox"/> If bordering a lake, river, or stream the distance & bearing of a meander line established at least 20' back from the ordinary high water mark
<input type="checkbox"/> Where a proposed road intersects an existing public way, the elevation along the center line of the existing public way within 100' of the intersection	<input type="checkbox"/> Existing & proposed contours at the same interval as on the preliminary plat
<input type="checkbox"/> Approximate radii of all curves, lengths of tangents, and central angles on all public ways	<input type="checkbox"/> Title, name, address, stamp & signature of engineer who prepared the plans
<input type="checkbox"/> Proposed public ways, including horizontal stationing at 50' intervals & cross-sections with elevations to an accuracy of 0.1' vertical on a line at right angles to the center line of the public way at the following points: center line of the public way, each property line, points 25' inside each property line and all points of grade changes in between	<input type="checkbox"/> For flood prone areas or any areas known to be subject to flooding, necessary information as outlined in <b>Section 5-103.2(16)</b> should be provided to the PC for them to determine the suitability of the particular site for the proposed development:
<input type="checkbox"/> Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs & gutters, sidewalks, drainage easements, R.O.W., manholes, and catch basins	<input type="checkbox"/> Erosion and sediment control plan
<input type="checkbox"/> Location, size, & invert elevations of existing & proposed sanitary sewers, all storm water drainage system components, fill stations & fire hydrants, showing connections to existing or proposed utility systems	<input type="checkbox"/> For plans involving proposed condominiums, "as-built" drawings are required for all underground utilities, regardless of proposed ownership, and the construction design of all public facilities which are proposed for dedication to the governing body
<input type="checkbox"/> Appropriate drainage calculations and analysis for all proposed storm system components verifying adequate system design stamped and signed by a registered engineer licensed in the State of TN	<input type="checkbox"/> Applicable certifications in the form shown in Section 5-103.3 of the Subdivision Regulations
<input type="checkbox"/> Exact location & sizes of all proposed water, natural gas, sanitary sewer, or other utilities or structures	
<input type="checkbox"/> Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing public ways, sewers, drains, water mains, easements, water bodies, streams, swamps, railroads, buildings, and any features noted on the land development plan or major street plan	

## Final Plat Submittal Checklist Lincoln County, Tennessee

(This checklist is provided as a courtesy to prospective applicants. All applicants are responsible for adhering to the full requirements found in the most current Lincoln County Subdivision Regulations)

Name of Subdivision:	Date of application:
<input type="checkbox"/> Vicinity map showing relation of subdivision to all public ways, railroads, and watercourses in all directions to a distance of at least one-half mile	<input type="checkbox"/> Radius, central angle, & tangent distance for the center line of any curved portions of public ways and curved property lines
<input type="checkbox"/> Names of all adjoining property owners	<input type="checkbox"/> Location of all monuments and pins
<input type="checkbox"/> Names of all adjoining public ways	<input type="checkbox"/> Name of all public ways
<input type="checkbox"/> Exact boundary lines of the tracts, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth of a foot	<input type="checkbox"/> Zoning classification of all zoned lots, as well as indication of all uses other than residential proposed by the subdivider
<input type="checkbox"/> Location of all public ways, easements, water bodies, streams, rivers, railroads, parks, cemeteries, & sinkholes	<input type="checkbox"/> Total acreage within the subdivision
<input type="checkbox"/> Limits of floodway and floodway fringe areas & the regulatory flood elevation	<input type="checkbox"/> Total number of lots with each lot numbered in order
<input type="checkbox"/> Location and width of all easements & R.O.W. for public ways, & building setback lines on all lots	<input type="checkbox"/> Line size & location of all water and sewer facilities
<input type="checkbox"/> Location, dimensions, and area of all lots (including any remnants of an existing parent tract of land if remnant is less than 5 acres – if remnant is greater than 5 acres, then only the area of the remnant tract is required to be shown). Dimensions shall be field run to the nearest one-hundredth of a foot and angles to the nearest minute. All lot areas shown to the nearest tenth of a square foot	<input type="checkbox"/> Location of all fill stations and hydrants
<input type="checkbox"/> Location, area, & dimensions to the accuracy stated in above box of all property to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, & conditions, if any, of the dedication or reservation	<input type="checkbox"/> Diameter & width of all existing and proposed driveway culverts for each lot
<input type="checkbox"/> Name & address of the owner(s) of land to be subdivided or the name and address of the subdivider if other than the owner	For any lots where public sewer or water systems are not available, the following: <input type="checkbox"/> Areas to be used for sewage disposal <input type="checkbox"/> Field location of any existing subsurface sewage disposal system, including field lines (or, if acceptable to the P.C., a copy of the County Health Department permit that verifies the location of the existing system)
<input type="checkbox"/> Name, stamp, and signature of the licensed surveyor preparing the plat	<input type="checkbox"/> Water wells (existing & proposed); <input type="checkbox"/> Applicable certifications in the form shown in Section 5-103.3 of the Subdivision Regulations
<input type="checkbox"/> Date of the plat, approximate true north point, graphic scale, & title of the subdivision	For Minor Final Plats in which no new independent lots are being created <input type="checkbox"/> Existing boundary lines being removed & proposed new boundary lines, <input type="checkbox"/> Area of the existing lots, area of the portion to be added/subtracted to the existing lots, and resulting area of the lots upon the addition/subtraction
<input type="checkbox"/> Sufficient data to determine readily the general location, bearing & length of all lines necessary to reproduce such lines on the ground	<input type="checkbox"/> Designation of which existing parcel will be receiving the additional area. <input type="checkbox"/> Copy of the drafted deed that will be recorded that conveys the added area to the adjacent parcel along with a copy of the drafted deed that will combine the existing parcel and the proposed added area.
For Condominium Plats: See Section 5-104.2(10) for additional plat requirements	

## **APPENDIX B**

### **SPECIFICATIONS FOR PUBLIC ROADWAY AND DRAINAGE IMPROVEMENTS**

## SECTION I

### GENERAL

#### A. JURISDICTION

These rules and regulations governing the construction of roads and streets shall apply within the planning jurisdiction of the Lincoln County Regional Planning Commission.

#### 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. Local Government Engineer - That individual designated by the local government to review plans submitted in conformance with the provisions of this section.
3. Engineer - A licensed engineer certified and registered by the Tennessee State Board of Architectural and Engineer Examiners pursuant to Section 62-2-101, Tennessee Code.
4. Enforcing Officer - the County Superintendent of Roads or his designee, unless specified otherwise 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, 2006**, 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.

#### D. APPROVALS

All construction plans shall be prepared and submitted to the local government engineer. 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, Subdivision 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 Subdivision 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.

## SECTION II

### PLANNING

#### A. PLAN PREPARATION

All construction plans for improvements within land subdivisions shall be prepared by engineers 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, Subdivision 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, they shall be submitted to the local government engineer for review and comment prior to formal presentation before the planning commission. If the local government engineer 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 local government engineer 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 at the written request of the Subdivider. The written request shall be submitted to the Planning Commission Chairman.

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 local government engineer for further review. Should the local government engineer 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. Construction must commence within twelve (12) months of approval. If construction is not completed within the twelve (12) months, the applicant must resubmit the project to the planning commission for review and approval.

**SECTION III**  
**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, , 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. The subdivider must also call TN One Call at 1-800-351-1111. 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. All surveys shall be subject to review for compliance with construction plans.

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. Burial shall not be an acceptable method for materials listed.

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.

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 by-passes 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.

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 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.

Backfilling around a structure shall have been completed and thoroughly compacted to ground surface before any embankment materials are placed thereon.

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

Fill areas shall be compacted to a density of not less than ninety-five (95) percent of optimum density and within three (3) percent of optimum moisture content per ASTM 698.

The finished grade shall be proof rolled with a 12 cubic yard tandem axle dump truck, fully loaded with soil or stone; any other proof rolling techniques shall first be approved 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.

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.

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.

5. Subgrade Construction and Preparation

The subgrade shall be prepared in 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.

Subgrade density tests shall be conducted by a testing laboratory, licensed by the State of Tennessee, and shall be furnished at the expense of the subdivider and submitted directly to the Enforcing Officer from the testing laboratory. A minimum of one subgrade density test for every two hundred-fifty (250) feet of roadway will be required, except for undercuts, test interval shall be one hundred (100) feet.

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 or as specified in these regulations. 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 and shall be double bituminous surface treated, with care being taken to protect the surface and edges of pavement. Shoulder materials shall be placed in uniform layers and compacted by overlapped rolling of both base course and pavement. The finished shoulder shall be firm against the pavement.

C. BASE AND PAVING

1. Base Course

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 903.05, 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 eighty (80) 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.

Base course density tests shall be conducted by a testing laboratory, licensed by the State of Tennessee, and shall be furnished at the expense of the subdivider and submitted directly to the Enforcing Officer, from the testing laboratory. A minimum of one base course density test for every two hundred-fifty (250) feet of roadway will be required.

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 the rate of the three-tenths (3/10) gallon per square yard, using 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 eight (8) and twelve (12) pounds per square yard) to prevent damage to the primed surface. An excess of cover materials shall be avoided. No succeeding stage of construction shall be placed upon the prime coat until it has properly cured. Aggregate for cover materials shall be Size No. 7 or 8.

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 402, Standard Specifications.

## 3. Binder Course

A binder course of asphalt shall be applied upon completion of the prime coat. The binder mix shall be asphalt concrete "B" modified in the thickness shown on the detail sheet for that class street. The binder course shall be considered as described in Section 903.11, Standard Specifications.

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 the rate of one-tenth (1/10) gallon per square yard using materials and methods of installation set forth in Section 403, Standard Specifications.

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 the thickness shown on the plans, but in no case shall it be less than what is required in these regulations. All materials and methods of installation shall conform to the technical specifications set forth in Section 411, Standard Specifications for asphaltic concrete surface. The surface course shall be constructed of Grade D or E materials, described in Section 903.11, Standard Specifications, and shall utilize asphaltic cement Grade RT-4 or 5, or TRCB-5 or 6, as set forth in Section 904, Standard Specifications.

6. Testing

The subdivider will provide proper testing and inspection of asphalt material at the plant and at the project site at his expense. Certification that the asphalt meets specifications will be supplied to the Enforcing Officer.

7. Shoulders

Shoulder construction shall be completed by blading, moistening as necessary, and by thoroughly compacting. The shoulders shall be the width and thickness shown on the typical section as required herein and covered with a double bituminous surface treatment. The surface shall be prepared as directed in advance of the surface construction. Upon completion of the prime coat, a double bituminous surface treatment shall be applied with the first course being at a rate of between 0.38 and 0.42 gallons per square yard. If the width of application is wider than the distributor, each width of spread shall not be less than one-half (1/2) the surface to be treated. Areas inaccessible to the distributor shall be treated either with hand sprays or pouring pots. Immediately after each application of bituminous materials has been made, it shall be covered uniformly with Size No. 6, mineral aggregate. The aggregate shall be spread at a rate of between thirty (30) and forty (40) pounds per square yard. This first application shall be allowed to cure for a length of time to be determined by the enforcing officer before the second application is begun.

The second application of bituminous materials shall be applied in the same manner as the first application, at a uniform rate between 0.30 and 0.35 gallons per square yard. Mineral aggregate, Size No. 7, shall then be spread in the same manner as for the first spread at a rate between twenty (20) and twenty-five (25) pounds per square yard.

Immediately after each spread of cover aggregate, uniform coverage shall be achieved by hand brooming. Additional aggregate shall be placed by hand on thin or bare areas.

Immediately after spreading and brooming the cover aggregate, the entire surface shall be rolled, beginning at the edges and progressing to the edge of the pavement. Rolling shall begin within thirty (30) minutes after the aggregate has been spread. The same rolling and curing procedures required in making the first application shall be repeated in making the second application.

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 404, Standard Specifications.

**D. DRAINAGE SYSTEM DESIGN**

1. Design Criteria

Storm facilities shall be designed for a twenty-five (25) year return frequency, with an evaluation of the impact of the one hundred (100) year storm drainage system shall be designed by a registered professional and approved prior to construction.

2. 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.

3. Stabilization of Ditches

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

<b>Size of Nearest Culvert (Upstream)</b>	<b>Seeding Required</b>	<b>Sod Required</b>	<b>To be Concrete Lined*</b>
15"	<b>Grades 1.00%-3.00%</b>	<b>Grades 3.00%-12.00%</b>	<b>Grades Exceeding 12.00%</b>
18" thru 24"	<b>Grades 1.00%-1.50%</b>	<b>Grades 1.50%-7.00%</b>	<b>Grades Exceeding 7.00%</b>
30" thru 36"	<b>Grades 1.00%-1.50%</b>	<b>Grades 1.00%-4.00%</b>	<b>Grades Exceeding 4.00%</b>
42" thru 72"	<b>Grades</b>	<b>Grades 2.50% or Less</b>	<b>Grades Exceeding 2.50%</b>

\* Rip-rap stone may be used in lieu of concrete lining if approved by the Enforcing Officer

4. **Concrete Ditch Pavings**

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 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 shown on the plans or as directed by the Enforcing Officer.

5. **Culverts and Storm Drains**

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

Driveway culverts, where required, 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.

Driveway culverts may be reinforced concrete pipe or corrugated metal pipe. All cross drains or culverts under the roadway shall be reinforced concrete pipe. No plastic pipe will be allowed for driveway culverts or roadway cross drains.

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:

<b>Rounded Corrugated Metal Pipes</b>	
<b>Size</b>	<b>Gage</b>
15" - 24"	16
30"	14
36" - 48"	12
54" - 72"	10
78" - 84"	8

<b>Arch Corrugated Metal Pipes</b>	
<b>Size</b>	<b>Gage</b>
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 crushed limestone 1/2" maximum size (crusher run). Trench back fill may be compacted earth except all trenches under pavement shall be backfilled completely with crushed limestone. Recesses shall be dug in the bedding materials to accommodate the fill. 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 the full depth of the cut.

5. Headwalls

Concrete headwalls shall be constructed at both ends of cross drains as storm and sewer outlets may be precast or formed and poured in place.

6. Catch Basins

Catch basins shall be 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. Catch basins 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 prepared by an Engineer and submitted to the enforcing officer for approval before construction is permitted.

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). All drainage ditches shall be stabilized, as indicated in these specifications.

8. 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 and Extruded

Concrete curbs and gutters shall conform to the standard drawings as detailed herein. Concrete for curbs and gutters shall be Class A, at 3000 psi.

Curbs and gutters shall be constructed to the lines and grades shown on the plans, or as designated by the enforcing officer. The final subgrade for curbs and gutters shall be carefully graded and compacted to an even density and shall be smooth and true to grade. Curbs and gutters 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 curbed and guttered 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 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 reasonably 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) maximum 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 reseeded required to produce an acceptable grass cover. Rutting and washing shall be restored by reseeded and strawing; in areas of extreme erosion sodding may be required.

The seed shall be as follows:

Name	Percent by Weight
Lespedeza	20
Sericea Lespedeza	15
Kentucky 31 Fescue	40
English Rye	15
White Dutch Clover	5
Weeping Love Grass	5
or	
Kentucky 31 Fescue	55
Redtop	15
English Rye	20
White Dutch Clover	5
Weeping Love Grass	5

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**

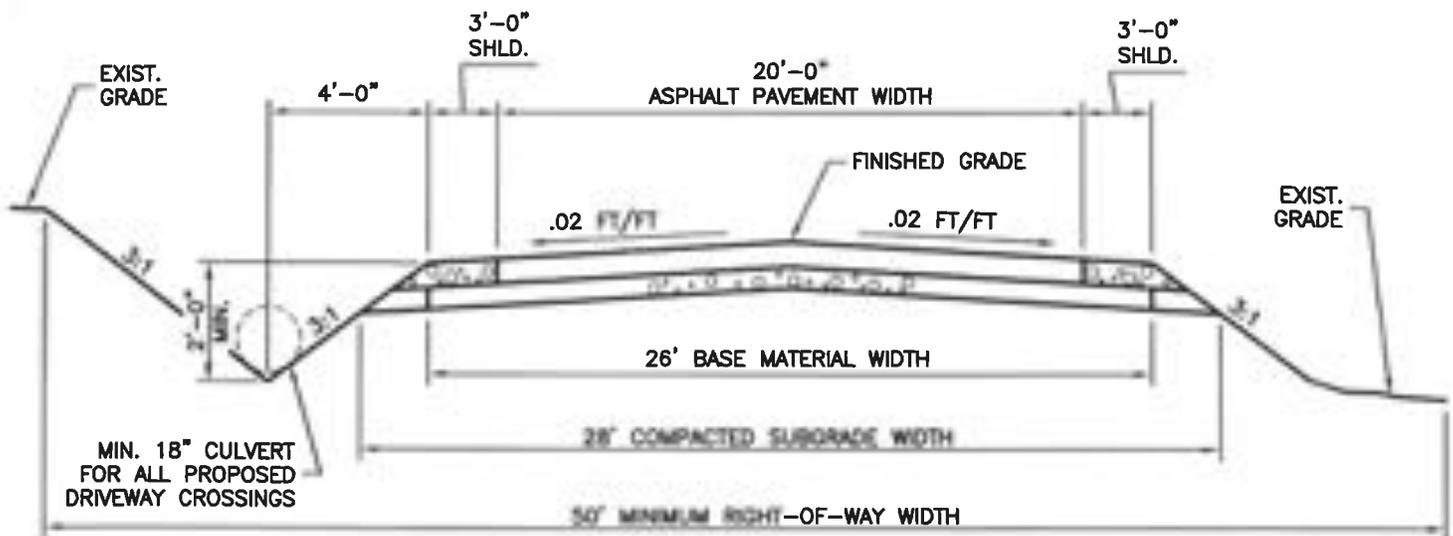
Sodding shall consist of furnishing and placing sod at all locations shown on the plans, or as directed by the enforcing officer. Work shall include the furnishing and placing of new sod, consisting of live, dense, well-rooted growth of permanent grasses free from johnson grass and other obnoxious grasses 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 pounds of Grade 15-15-15, or equivalent, per one thousand (1,000) square feet.

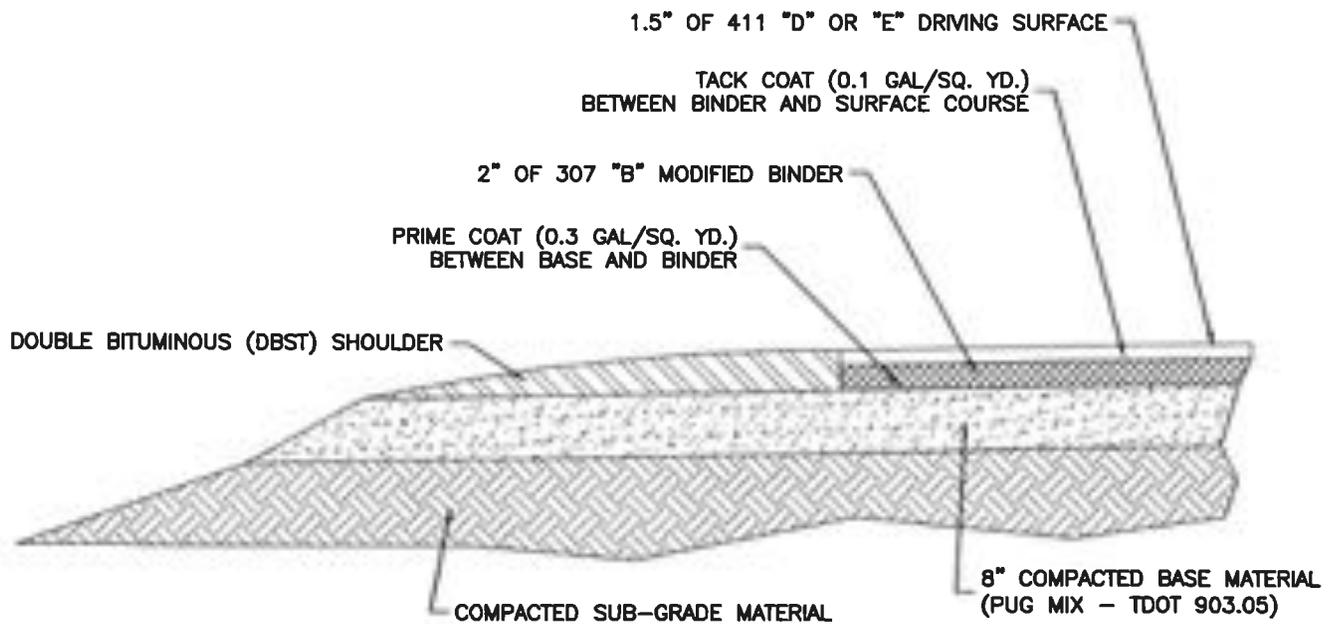
Sod shall be placed as soon as practical after removal from the point of origin, it shall be kept in a moist condition during the interim. Sod shall be carefully placed by hand on the prepared ground surface with the edges in close contact and, as far as possible, in a position to break joints. Each 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.

**SECTION IV**  
**TYPICAL SECTIONS AND DETAILS**

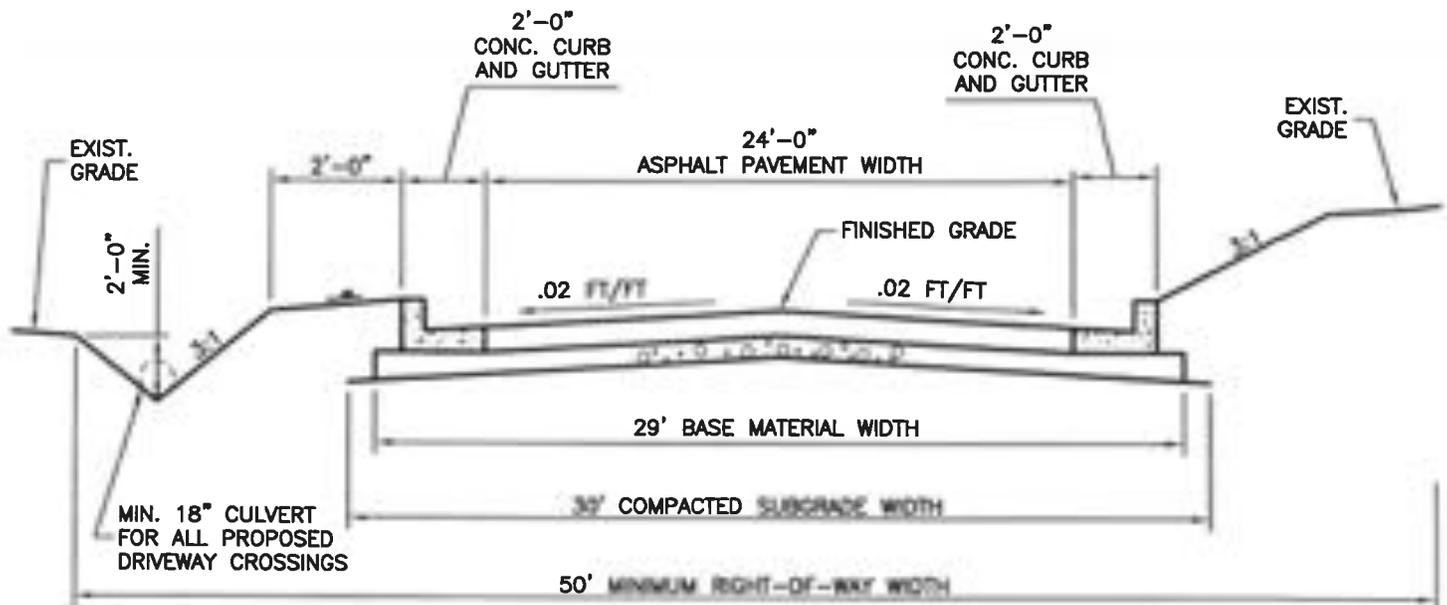


**TYPICAL ROADWAY SECTION**  
N.T.S.



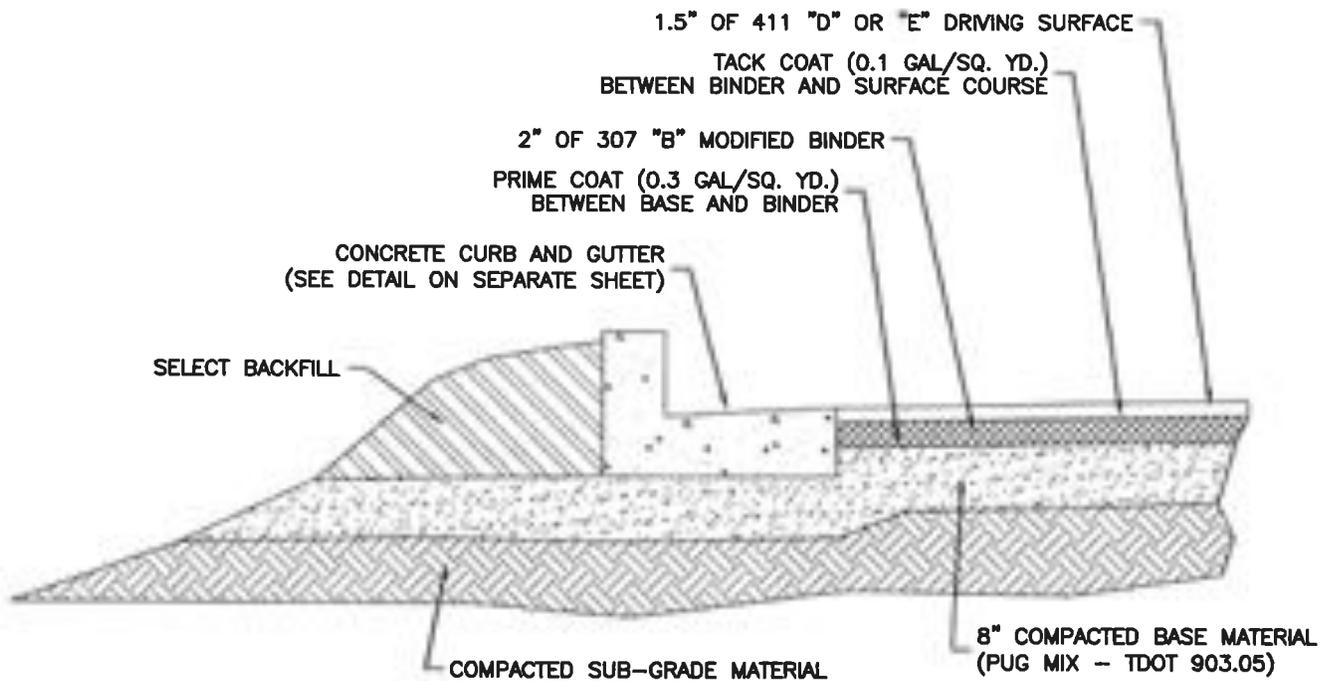
**TYPICAL ROADWAY CROSS SECTION**  
N.T.S.

**MINOR RESIDENTIAL PUBLIC WAY**  
(DITCH SECTION)



**TYPICAL ROADWAY SECTION**

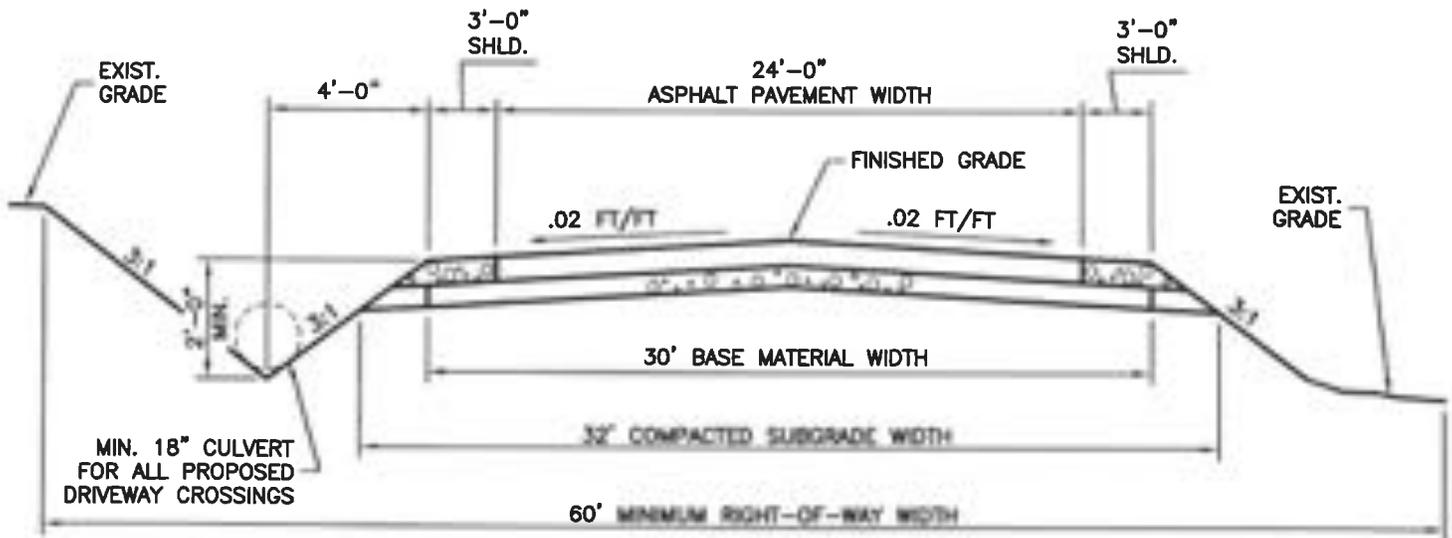
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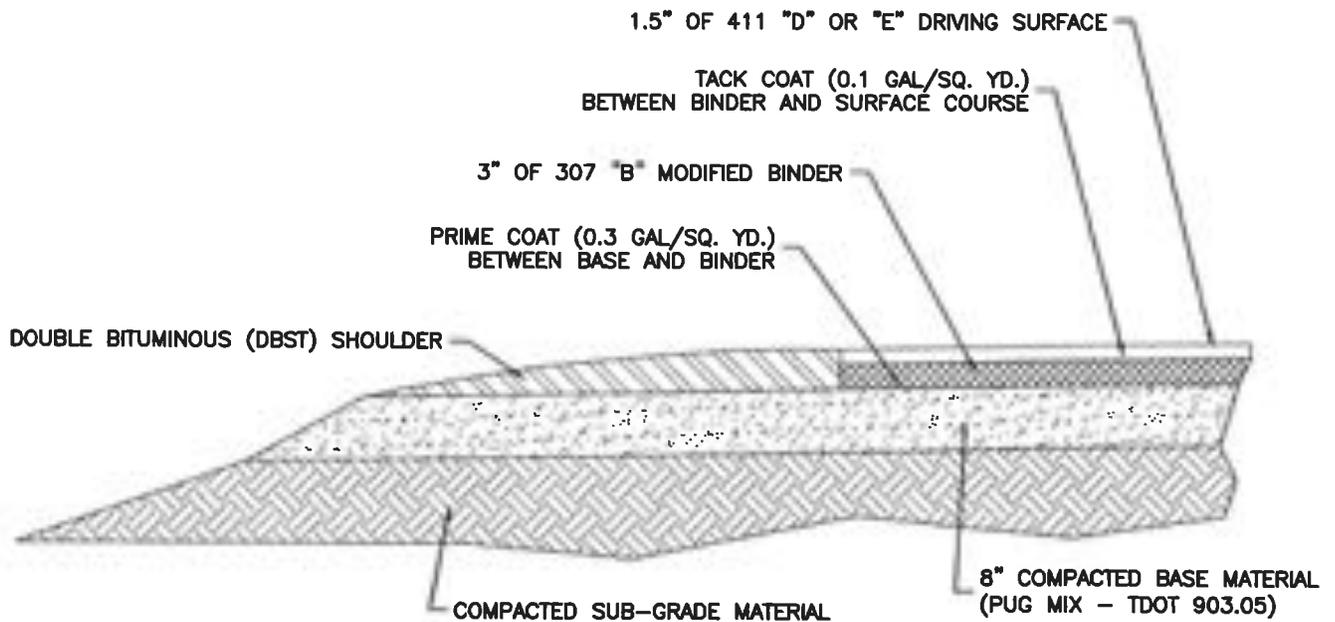
**TYPICAL ROADWAY CROSS SECTION**

N.T.S.

**MINOR RESIDENTIAL PUBLIC WAY  
(CURB AND GUTTER SECTION)**

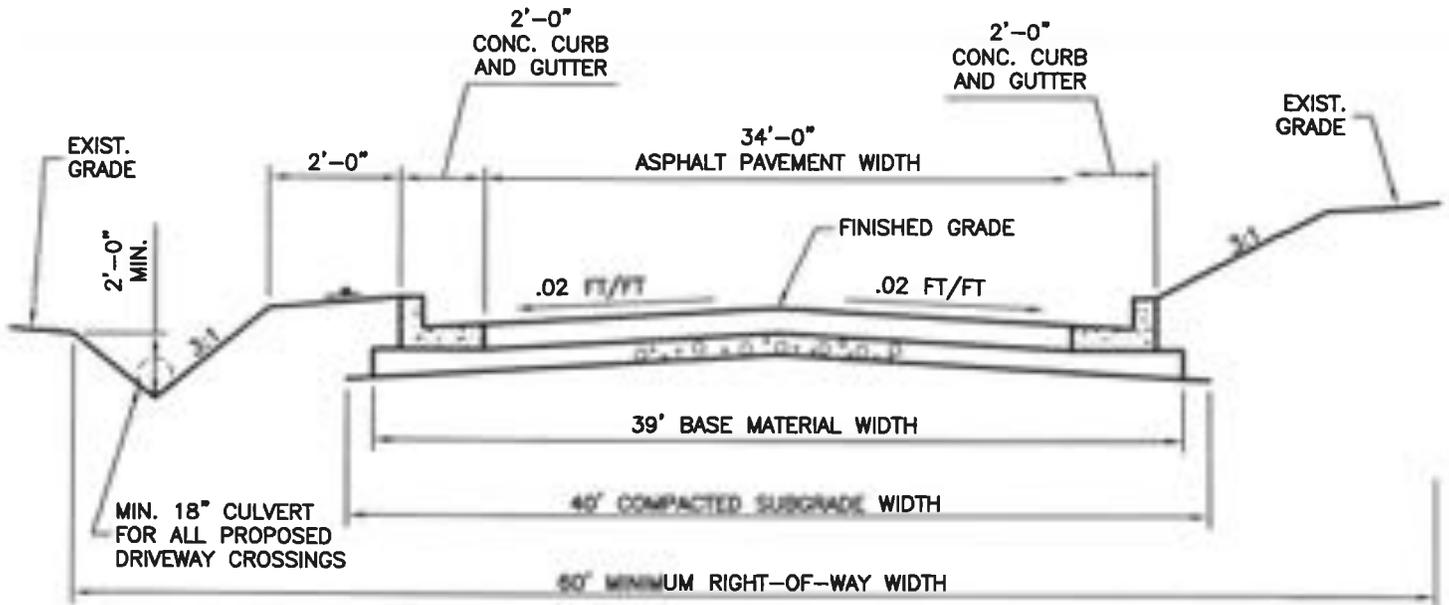


**TYPICAL ROADWAY SECTION**  
N.T.S.



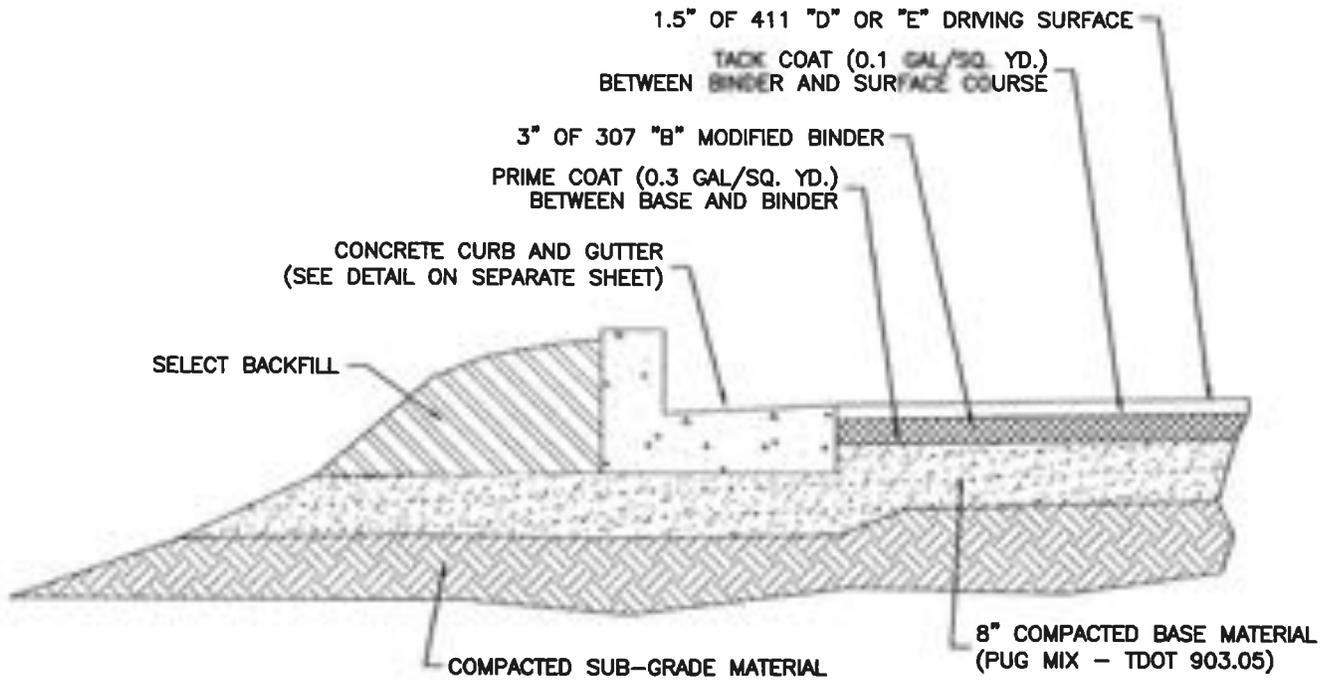
**TYPICAL ROADWAY CROSS SECTION**  
N.T.S.

**COLLECTOR RESIDENTIAL PUBLIC WAY**  
**(DITCH SECTION)**



**TYPICAL ROADWAY SECTION**

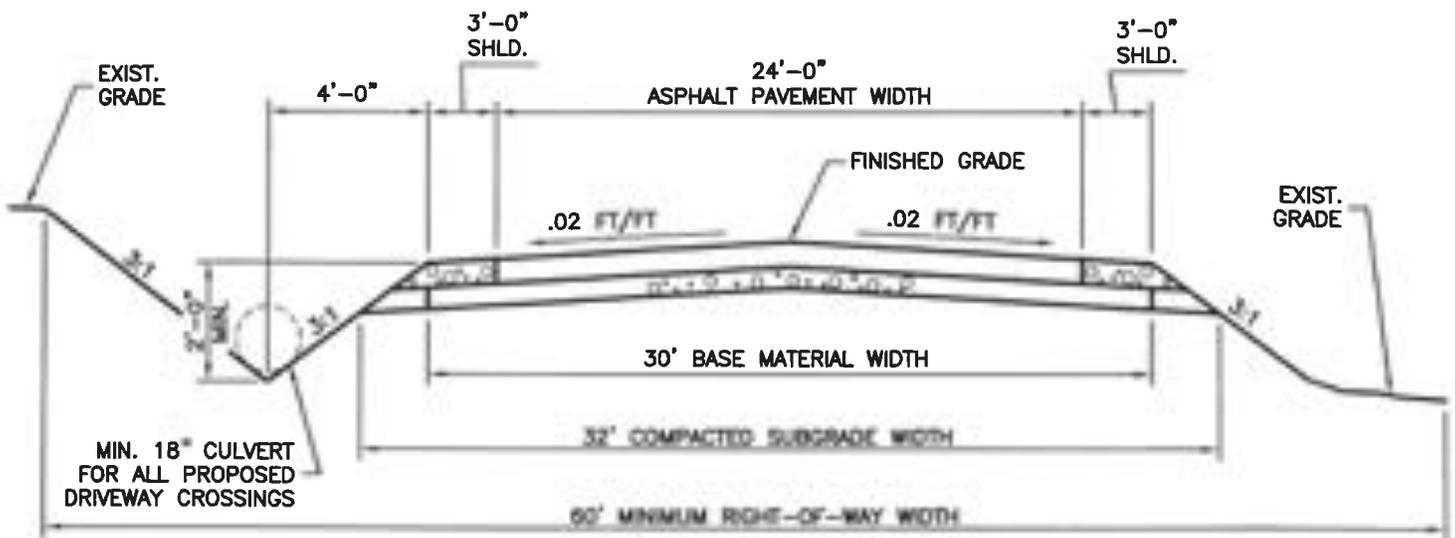
N.T.S.



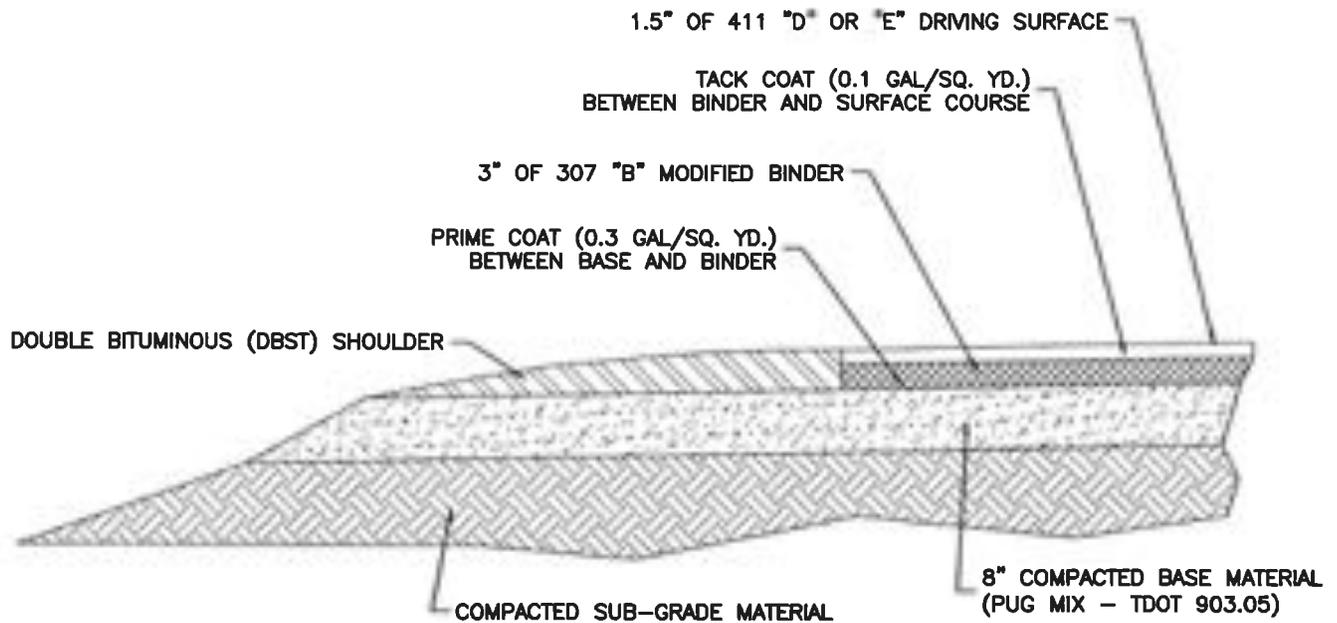
**TYPICAL ROADWAY CROSS SECTION**

N.T.S.

**COLLECTOR RESIDENTIAL PUBLIC WAY**  
**(CURB AND GUTTER SECTION)**

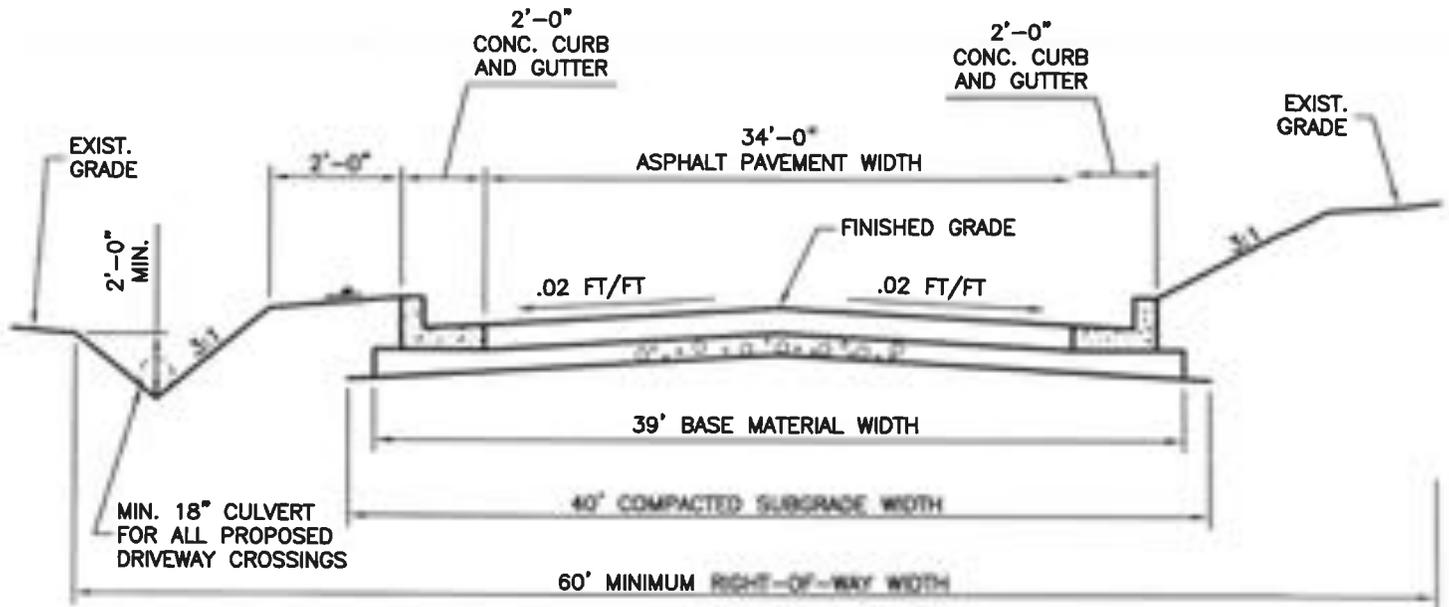


**TYPICAL ROADWAY SECTION**  
N.T.S.

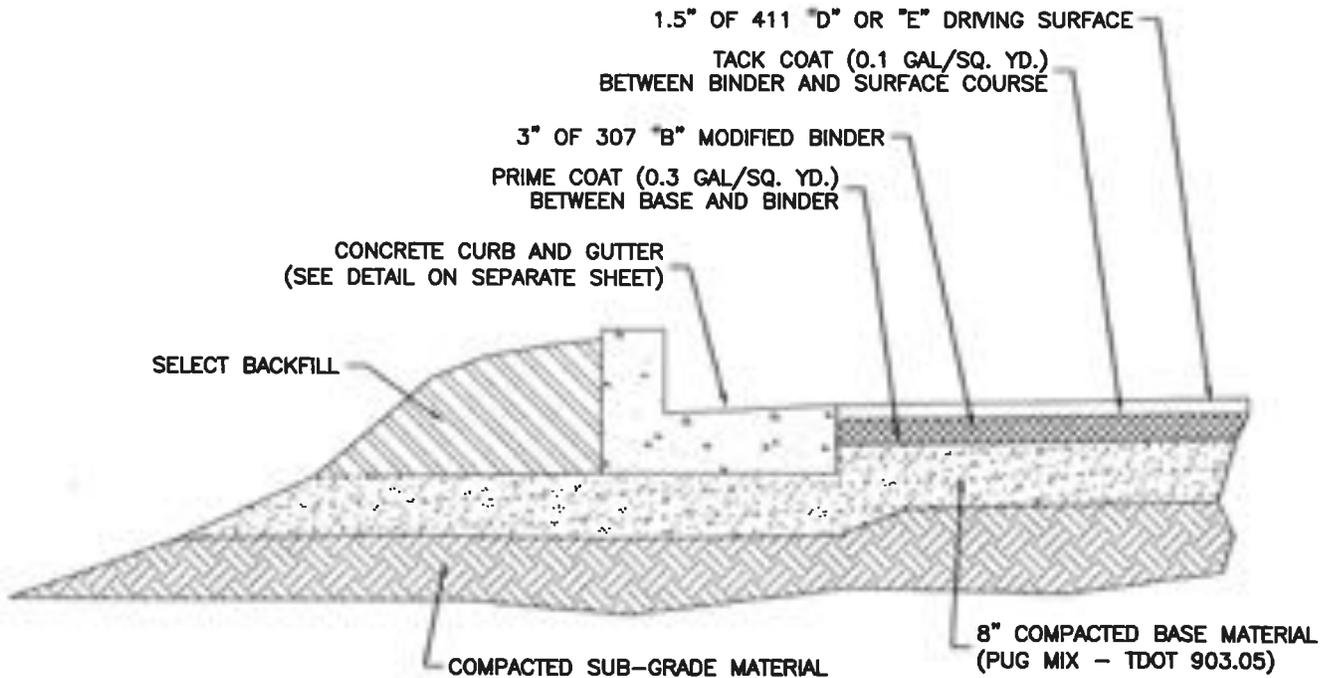


**TYPICAL ROADWAY CROSS SECTION**  
N.T.S.

**MINOR NONRESIDENTIAL  
PUBLIC WAY  
(DITCH SECTION)**



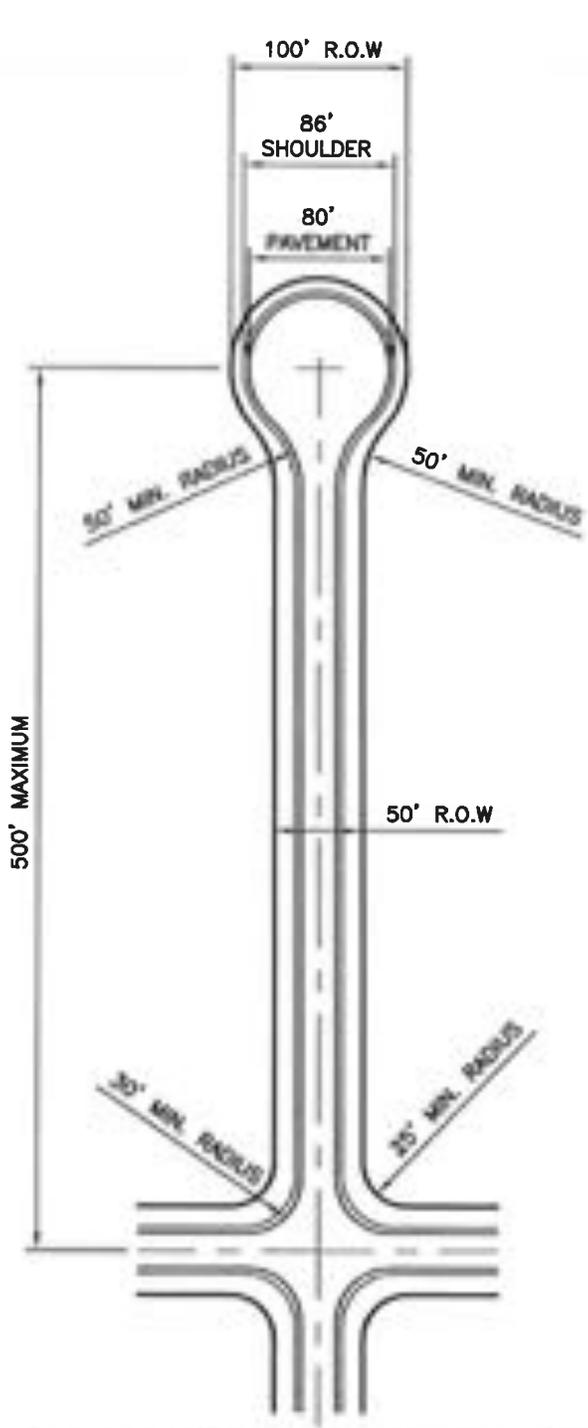
**TYPICAL ROADWAY SECTION**  
N.T.S.



**TYPICAL ROADWAY CROSS SECTION**  
N.T.S.

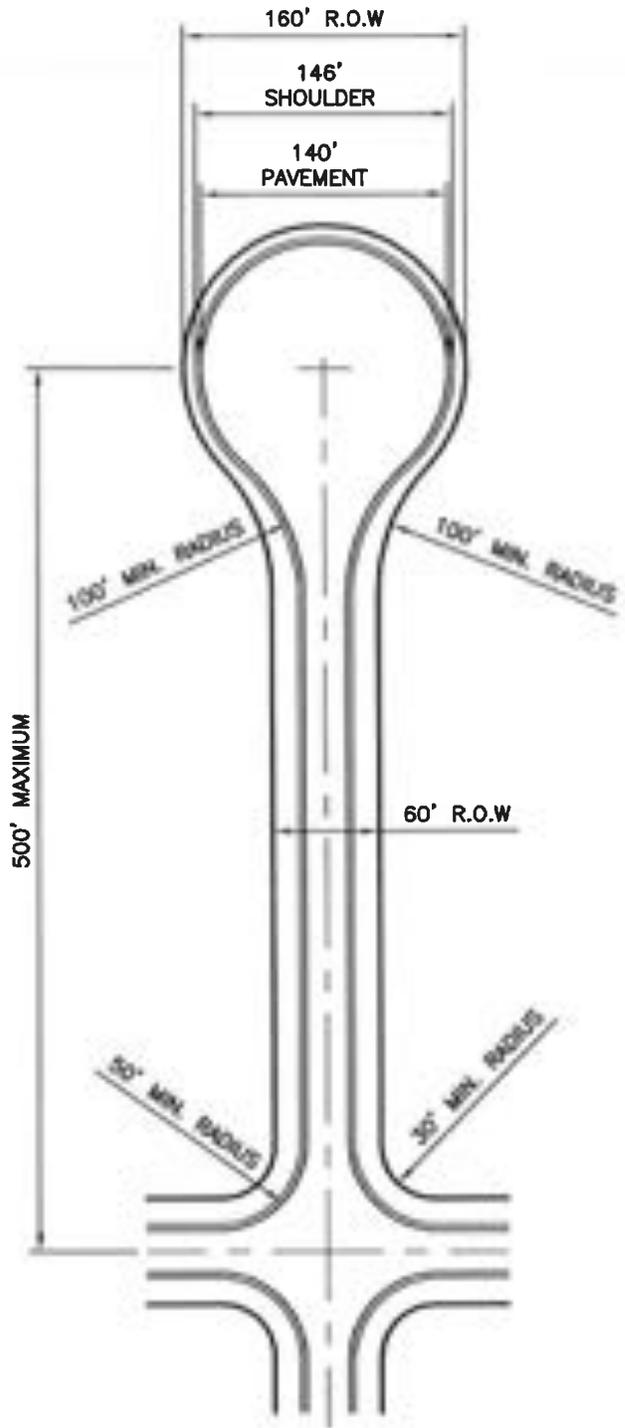
**COLLECTOR NONRESIDENTIAL  
PUBLIC WAY**

(CURB AND GUTTER SECTION)



RESIDENTIAL PUBLIC WAYS

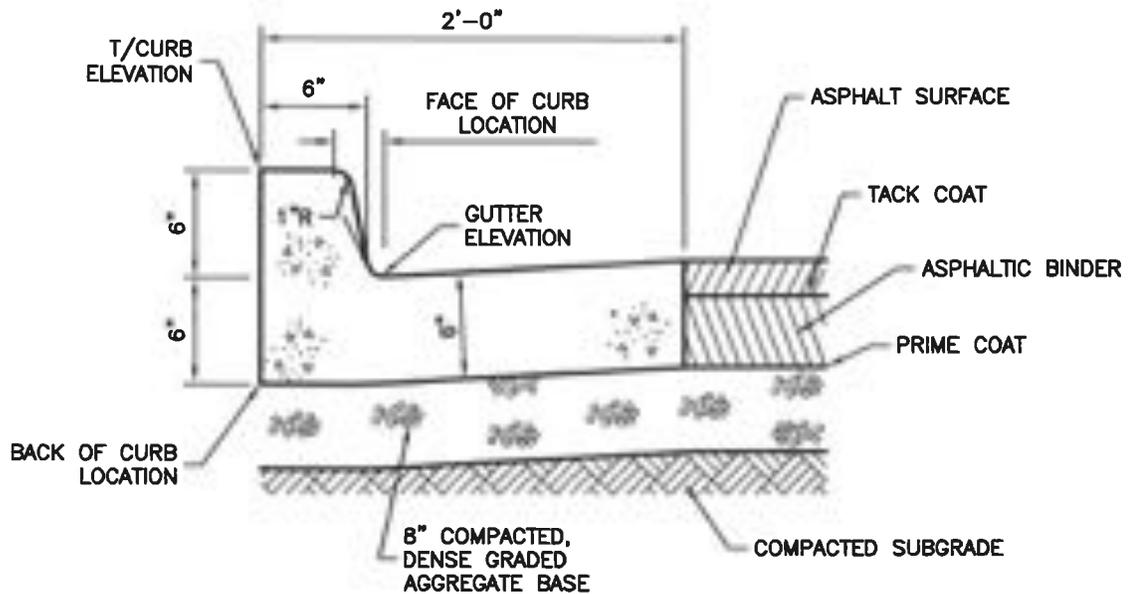
N.T.S.



NONRESIDENTIAL PUBLIC WAYS

N.T.S.

TYPICAL CUL-DE-SAC AND  
INTERSECTION DETAIL  
(DITCH SECTION)

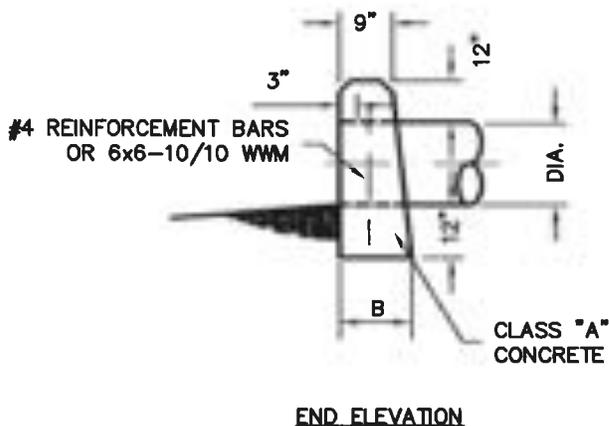
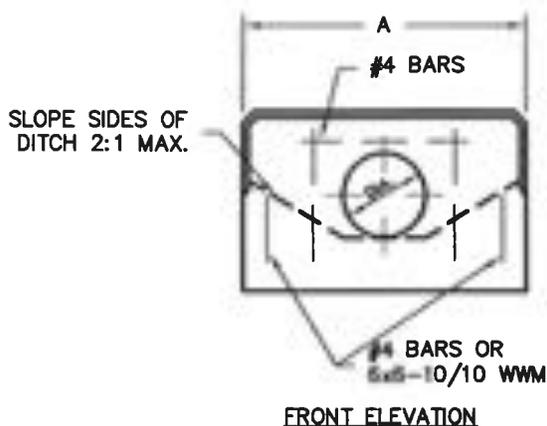


NOTES:

1. CONTRACTION JOINTS: 1" WIDE, FULL DEPTH, AT MAXIMUM OF 50' LONGITUDINAL INTERVALS, AT ALL ABUTTING STRUCTURES, DRIVEWAYS AND TANGENT POINTS OF RADIUS RETURNS.
2. TOOLED CURB CONTROL JOINTS 1" WIDE, 1" DEEP, 5' O.C.
3. ALL CONCRETE TO COMPLY WITH ACI 318 WITH MINIMUM COMPRESSIVE STRENGTH OF 4,000 PSI AT 22 DAY TEST.
4. CONCRETE TO BE AIR-ENTRAINED WITH AN AIR CONTENT OF 4-6%.
5. JOINTS TO BE FILLED WITH BITUMINOUS EXPANSION MATERIAL.

# CONCRETE CURB AND GUTTER DETAIL

N.T.S.



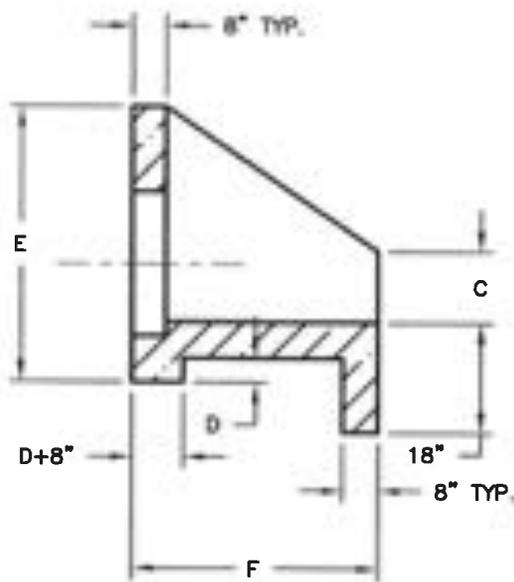
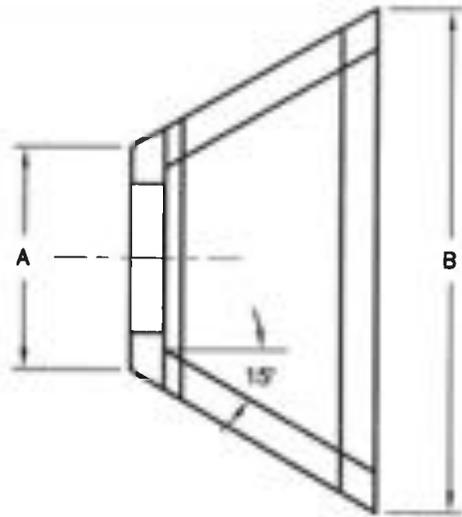
PIPE SIZE DIA. (IN.)	DIMENSIONS	
	A	B
4	4'-0"	1'-10"
5	5'-0"	1'-10"
6	6'-0"	1'-11"
8	8'-0"	2'-0"
10	10'-0"	2'-2"
12	12'-0"	2'-4"
14	14'-0"	2'-6"
16	16'-0"	2'-9"

**NOTES:**

1. SEE PLAN FOR LOCATION, ELEVATION AND SIZE OF PIPE.
2. ALL CONCRETE TO COMPLY WITH ACI 318 WITH A MIN. COMPRESSIVE STRENGTH OF 4,000 PSI AT 28 DAY TEST.
3. ALL EXPOSED EDGES TO HAVE 1" CHAMFERS.
4. REINFORCEMENT: 2" CLEAR WHEN FORMED, 3" CLEAR WHEN POURED ON GROUND.
5. EXTERIOR SURFACES TO HAVE RUB FINISH.

# STRAIGHT ENDWALL DETAIL

N.T.S.



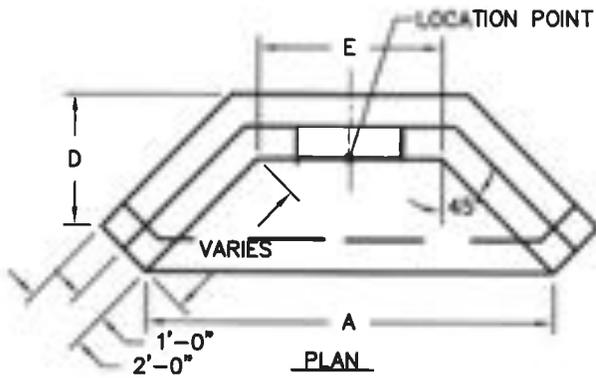
CONCRETE: 3500 PSI AT 28 DAYS  
 REINFORCED WITH #4 REBAR AT 12" C/C  
 EACH WAY (GRADE 40)  
 ALL EXPOSED EDGES HAVE A 3/4" CHAMFER  
 PREFORMED OPENING SIZE CAST IN TO BE  
 PIPE O.D. + 3"  
 NON-SHRINK GROUT TO BE USED AT PIPE INTERFACE

PIPE DIA.	A	B	C	D	E	F	WEIGHT
12"	30"	78 1/2"	6"	2"	31"	42"	2876#
15"	33"	90 1/2"	7 1/2"	2 1/4"	34 1/4"	48"	3605#
18"	36"	100"	9"	2 1/2"	37 1/2"	54"	4415#
21"	39"	108"	10 1/2"	2 3/4"	40 3/4"	60"	5265#
24"	42"	118"	12"	3"	44"	66"	6237#
27"	45"	128"	13 1/2"	3 1/2"	47 1/4"	72"	7250#

# WINGED HEADWALL DETAIL

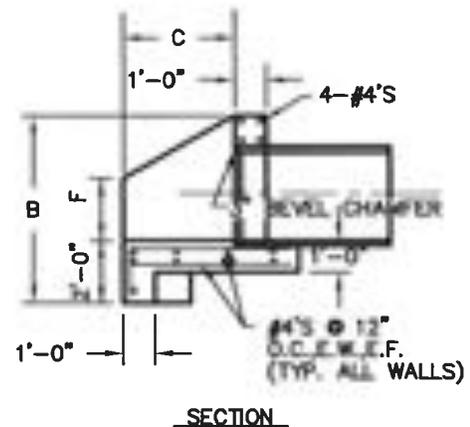
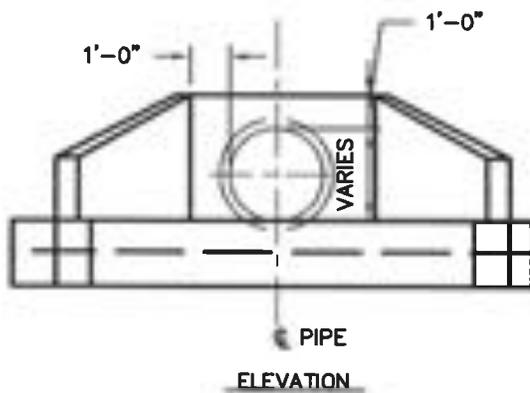
(12-inch to 27-inch pipe)

N.T.S.



**NOTE:**

1. SEE PLAN FOR LOCATION, ELEVATION AND SIZE OF PIPE.
2. ALL CONCRETE TO COMPLY WITH ACI 318 WITH A MINIMUM COMPRESSIVE STRENGTH OF 4,000 PSI AT 28 DAY TEST.
3. ALL EXPOSED EDGES TO HAVE A 1" CHAMFER.
4. REINFORCEMENT: 2" CLEAR WHEN FORMED: 3" CLEAR WHEN POURED ON GROUND
5. EXTERIOR SURFACES TO HAVE RUB FINISH.

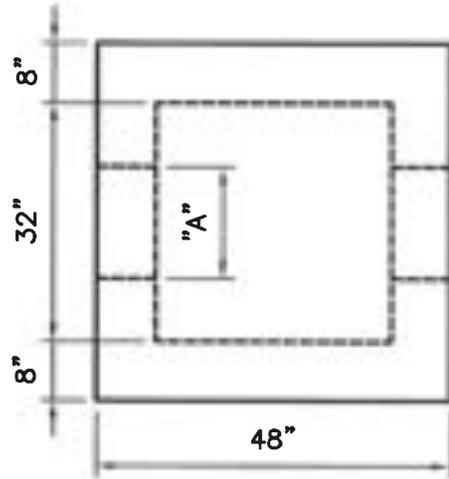


PIPE DIA.	A	B	C	D	E	F
30	7'-6"	5'-6"	4'-5"	4'-4"	3'-0"	1'-3"
36	8'-8"	6'-0"	5'-0"	5'-0"	3'-8"	1'-6"
42	10'-0"	6'-7"	5'-5"	5'-8"	4'-3"	1'-9"
48	11'-2"	7'-1"	6'-2"	6'-4"	4'-10"	2'-0"
54	12'-6"	7'-8"	6'-9"	7'-0"	5'-5"	2'-3"
60	13'-8"	8'-2"	7'-4"	7'-8"	6'-0"	2'-6"

# WINGED HEADWALL DETAIL

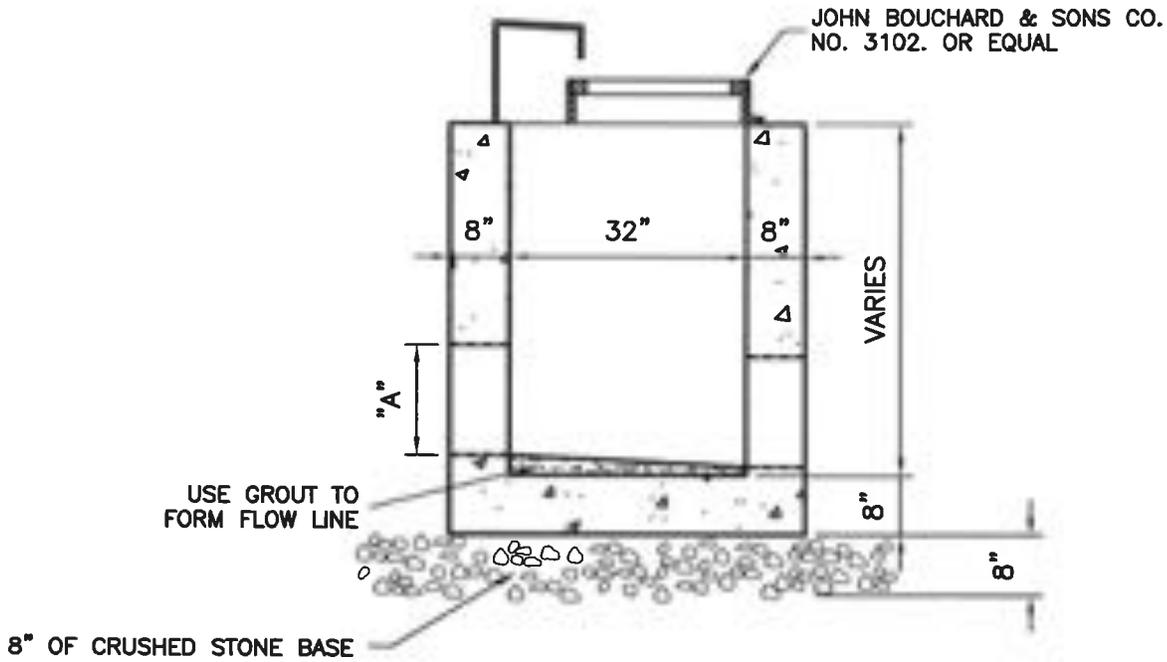
(30-inch to 60-inch pipe)

N.T.S.



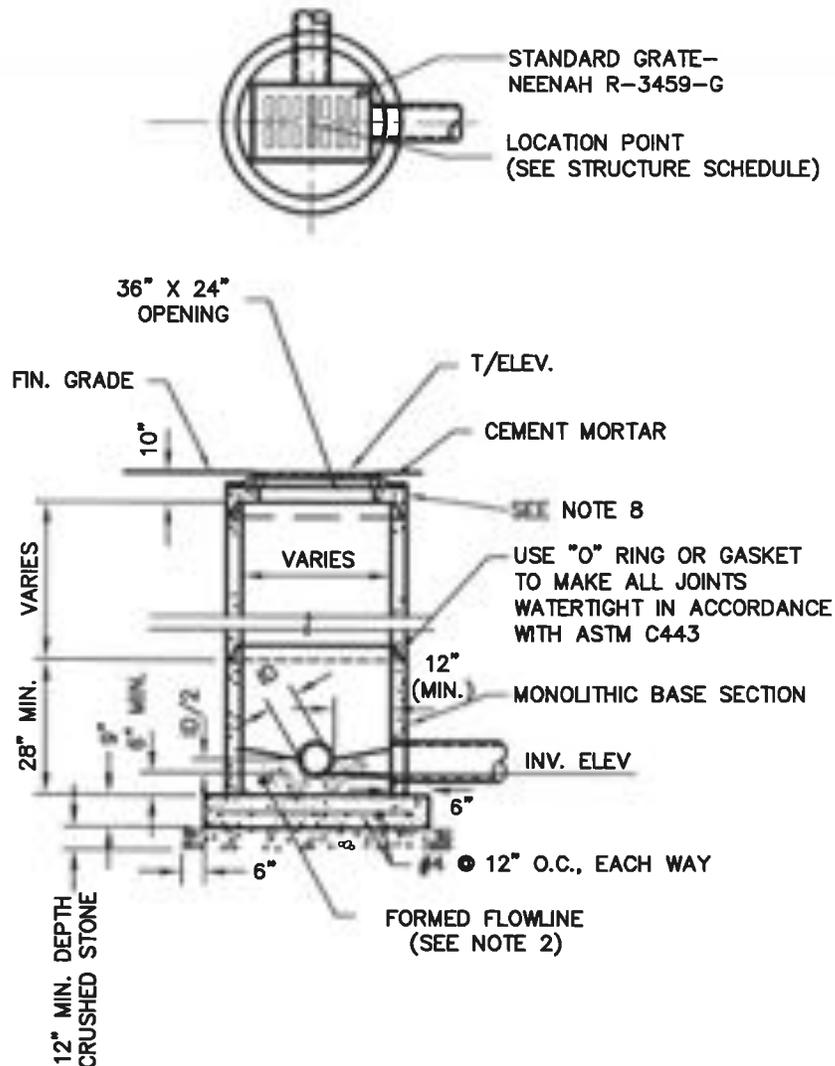
NOTES:

1. CONCRETE STRENGTH:  
4,000 psi MIN.
2. REINFORCEMENT (A-615  
GR, 60 MIN.) 0.20 SQ. IN./SF.  
MIN. EACH WAY.
3. DIMENSION "A" AS  
REQUIRED.
4. FRAME, GRATE, & CURB  
HOOD SHALL BE JBS NO.  
3102, OR EQUAL.



# SINGLE CURB INLET

N.T.S.

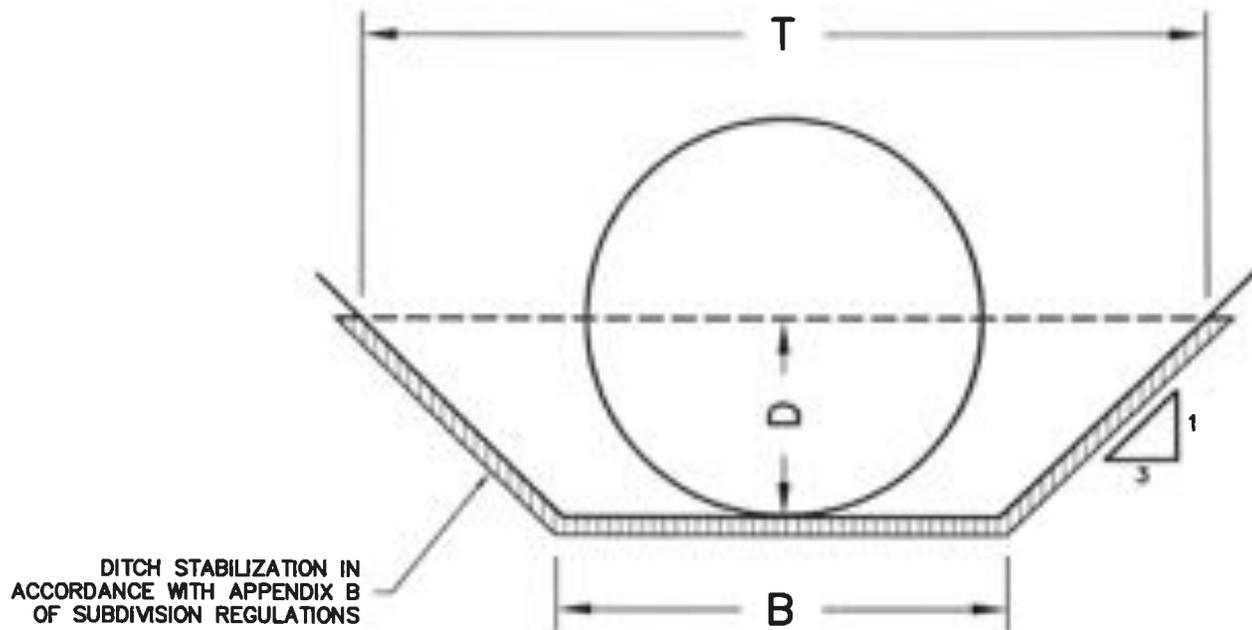


**NOTES:**

1. SEE PLAN FOR LOCATION, ELEVATION AND PIPE INFORMATION.
2. FLOWLINE OF MANHOLE MAY BE FORMED IN CONCRETE; BUILT UP WITH MORTAR; OR BY LAYING A PIPE THROUGH MANHOLE, THE TOP BEING BROKEN OUT LATER.
3. GROUT ANNULAR SPACE BETWEEN WALL AND PIPE WITH NON-SHRINK MORTAR TO INSURE WATERTIGHT SEAL.
4. ALL CONCRETE TO COMPLY WITH ACI 318 WITH A MINIMUM COMPRESSIVE STRENGTH OF 4,000 PSI, AT 28 DAY TEST.
5. ALL PRECAST RISERS AND TOPS TO CONFORM TO ASTM C478.
6. CATCH BASIN TO BE CONSTRUCTED OF SUFFICIENT SIZE TO ACCOMMODATE INLET AND OUTLET PIPES.
7. MANHOLE STEPS TO BE NEENAH R-1982-W, PROVIDED WITHIN 12" OF TOP, 16" O.C.
8. ADJUSTING RINGS OR BRICK ARE REQUIRED TO ADJUST TO TOP ELEVATION PRIOR TO FINAL PAVING.

# AREA DRAIN

N.T.S.



$B = \text{UPSTREAM PIPE DIAMETER} + 2 \text{ FEET}$   
 $D = \frac{1}{2} \text{ PIPE DIAMETER}$   
 $T = B + 4D$

# TYPICAL STABILIZED DITCH SECTION

N.T.S.