

ARTICLE II**PROCEDURE FOR SUBDIVISION APPROVAL****SECTIONS**

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2-101 GENERAL PROCEDURE**2-101.1 Plan Approval Requirements**

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

2-101.2 Classification of Subdivisions

The Enforcing Officer shall determine utilizing the following definitions whether the application is a major subdivision, a minor subdivision, or a land partition.

2-101.201 Major Subdivision

A division of land into two (2) or more lots that include any of the following:

- a. A new or extended street or street right-of-way, but not including future street alignments illustrated in the plan of resubdivision required by Subsection 1-109.2,(Subdivision Procedures Where Future Resubdivision is Foreseen);
- b. Improvements within an existing street right-of-way, other than repair or construction of sidewalks or other pedestrian connections required by these regulations, fire hydrants and other minor improvements to the lots being created;
- c. A future public school site, park site, greenway corridor open space site shown on the adopted Community Long Range Development Plan;
- d. The dedication of a right-of-way or easement for construction of a public water distribution or sewerage collection lines; and

- e. Dedications, reservation, improvements or environmental conditions that, in the opinion of the Enforcing Officer, require construction documents to be reviewed prior to Final Plan approval in order to insure the public health, safety and welfare.

2-101.202 Minor Subdivision

A division of land where the conditions for major subdivision review, as set out in Subsection 2-101.201, are not present.

2-101.203 Partition

A division of land, fronting on an existing standard street and no new streets are proposed, creating not more than two lots and not requiring public facilities or utility extensions. Partitions that require a variance or waiver from these regulations shall be deemed to be a minor or a major subdivision.

2-102 REVIEW PROCEDURE

2-102.1 Coordinated Review of Planned Developments

The purpose of this segment is to eliminate unneeded duplication of plans within Planned Unit Developments. The Final Planned Unit Development Plan required in accordance with applicable provisions of the Zoning Ordinance provides sufficient information to meet the needs for Conceptual Plan approval. No separate submission of a Conceptual Plan shall be required provided all information required for Conceptual Plans is included upon the PUD Final Development Plans.

2-102.2 Approval Procedure for Partitions

A partition may be accomplished in accordance with the following procedure:

2-102.201 Partitioning Procedure

- a. Submission to the Secretary of the Commission of a final subdivision plat that shall be:
 - Made on forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
 - Provided in the form of an original plat of survey, signed and sealed by a Registered Surveyor containing all information described on the Submittal Checklist.
- b. Upon determination by the Enforcing Officer that the Final Plat meets the provisions of these regulations in every respect, the Secretary may sign said plat on behalf of the Commission and release the same for recordation.

2-102.202 Partitioning Large Tracts Into Not More Than Two (2) Lots

a. Two (2) Lots Greater Than Five (5) Acres

When partitioning a tract into two (2) lots where each lot will be greater than five acres, no action by the Planning Commission is required if no street or utility extensions are required.

b. Two (2) Lots of Less Than Five (5) Acres Each

When partitioning a tract into two (2) lots of less than five (5) acres each, the procedure outlined in Subsection 2-102.201, (Partitioning Procedure), shall be utilized.

c. One (1) Lot Less Than five (5) Acres and One (1) Lot Greater Than Five (5) Acres

When partitioning a tract into one (1) lot less than five (5) acres and one greater, the procedure outlined in Subsection 2-102.201, shall be followed except the plat drawing shall not require a detailed survey description of the lot greater than five (5) acres unless the easements supporting the lot being created are granted within the tract in excess of five (5) acres.

2-102.3 Approval Procedure for Minor Subdivisions

A Minor Subdivision may be accomplished in accordance with the following procedure:

1. Pre-Submission Conference (optional).
2. Filing of Final Plan showing proposal in detail.
3. Public Hearing on Final Plan.
4. Planning Commission action on Final Plan.
5. Planning Commission Secretary signs Final Plan.
6. Final Plan is filed in County Clerk's Office.

2-102.4 Approval Procedure for Major Subdivision

A Major Subdivision may be accomplished in accordance with the following procedure:

1. Pre-Submission Conference.
2. Site Inspection.
3. Conceptual Plan submission and review. **(NOTE: Items 2 and 3, may be reversed in sequence, at the discretion of the Planning Commission.)**
4. Development Plan submission and review.
5. Public Hearing before Planning Commission on Development Plan.

6. Planning Commission action on Development Plan.
7. Final Plan submission and review.
8. Planning Commission action on Final Plan.
9. Completion of improvements or posting of bond, or suitable alternative surety.
10. Planning Commission Secretary signs final plat.
11. Final Plan is filed in County Clerk's Office.

2-102.5 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 where the public hearing on the Final Plan, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plan at which the statutory period required in Section 13-4-304, Tennessee Code, for formal approval or disapproval of the plan shall commence

2-103 GENERAL CONDITIONS

2-103.1 Site Alterations

During the subdivision review process no site disturbance shall take place, such as road construction or grading, except that directly related to obtaining any required approvals (e.g., surveying, test pits and the location of stakes), that would alter, remove or relocate any existing features including, but not limited to, stone walls, steep slopes, rock outcroppings, trees, general vegetation, streams or water courses.

2-103.2 Concurrent Review by Other Agencies

When approvals by other agencies of government are required such may be achieved concurrently with the review processes required by these regulations.

2-104 PRE-APPLICATION MEETING

- A. The purposes of the pre-application meeting are to introduce the applicant to the zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Map (See Section 5-102.202) at this meeting.
- B. The applicant or a duly authorized representative shall attend an initial meeting with City Staff to discuss the requirements of these regulations for the "gray infrastructure", such as street improvements, drainage, sewerage, water supply, fire protection, and related matters. In addition, a related purpose of this meeting is to discuss the potential for conserving important natural and cultural features of the property and for creating links in an interconnected network of protected open spaces.

2-105 CONCEPTUAL PLAN PROCEDURES

2-105.1 Application Procedure and Requirements

A request to subdivide land shall be made by the owner of the land, or an authorized representative, by filing an application for approval of a Conceptual Plan with the Planning Commission. The application shall:

1. Be made on forms available from the Enforcing Officer and shall be accompanied by a fee as determined by the Planning Commission.
2. Be accompanied by the Conceptual Plan Overlay Sheet and include all information described in Section 5-102, (CONCEPTUAL PLANS), of these regulations
3. For major subdivisions, be presented to the Enforcing Officer at least fifteen (15) days prior to a regular meeting of the Planning Commission.
4. For miscellaneous platting situations described in Section 2-110, (MISCELLANEOUS PLATTING SITUATIONS), be presented to the Enforcing Officer at any time.

When an application for a major subdivision includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current regulations and with appropriate access.

2-105.2 Conceptual Plan Content and Pre-submission Procedures

2-105.201 Plan Preparation and Content

The Conceptual Plan shall be prepared by persons licensed to perform the required design services. As a minimum such plan shall contain the information contained in Section 5-102, (CONCEPTUAL PLANS), of these regulations.

2-105.202 Site Context Map

Applicants shall submit the information required by Subsection 5-102.201, (Site Context Map). The purpose of this map is to illuminate discussion as to the most appropriate places to design linkages to adjacent properties and open space resource lands for efficient farming, contiguous wildlife habitat, trails, etc.

2-105.203 Existing Resources and Site Analysis Map

Applicants shall submit an Existing Resources and Site Analysis Map in its context, containing the information required by Subsection 5-102.202, (Existing Resources and Site Analysis). The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract, and to provide a complete and factual reference for them in making a site inspection. This map shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the diagrammatic Conceptual Plan.

2-105.204 Site Inspection

After preparing the Existing Resources and Site Analysis Map, applicants shall arrange for a site inspection of the property by the Planning Commission and other officials, and shall distribute copies of the site analysis plan at an on-site meeting, which shall be publicized in the same manner as all other Planning Commission meetings and workshops. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. Abutting landowners shall also be notified in writing and invited to attend. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design including the general layout of designated conservation lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by City officials or staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the Site Inspection, which is essentially an outdoor workshop session.

2-105.205 Pre-Submission Conference

Following the site inspection and prior to submission of a Conceptual Plan, the applicant shall meet with the Planning Commission to discuss findings of the site inspection and to develop a mutual understanding on the general approach for subdividing the tract. At the discretion of the Commission, this conference may be combined with the site inspection.

2-105.3 Review of Conceptual Plan

Copies of a Conceptual Plan meeting the requirements set forth of Subsection 5-102.2, (Conceptual Plan Requirements), shall be submitted to the Enforcing Officer for distribution to the Planning Commission and any other appropriate governmental representative(s), at least fifteen (15) days prior to the Planning Commission meeting where the Conceptual Plan is to be discussed. The Conceptual Plan diagrammatically illustrates initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Map. Where the provisions of Article VI, (CONSERVATION SUBDIVISIONS), are to be utilized, the Conceptual Plan shall also be designed in accordance with the four-step design process and the Greenway Standards set forth in Sections 6-104, (DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS), and in accordance with Section 6-108, (GREENWAY STANDARDS), respectively.

The Planning Commission shall review the Conceptual Plan in accordance with the criteria contained in these regulations and with other applicable laws of the City. The Planning Commission shall informally advise him/her of the extent to which the proposed subdivision or land development conforms to the relevant standards of these regulations, and may suggest possible plan modifications that would increase its degree of conformance. The review shall include but is not limited to:

1. the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Map and on the City's Map of Potential Conservation Lands;
2. the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;

3. the location of proposed access points along the existing road network;
4. the proposed building density and impervious coverage;
5. the compatibility of the proposal with respect to the objectives and policy recommendations of the City Development Plan and the Open Space Plan; and
6. consistency with the local zoning law.

The Commission shall submit its written comments to the applicant within sixty (60) days of the first public meeting at which a complete Conceptual Plan was first submitted, advising him/her of modifications that are highly recommended prior to submitting a Development Plan.

2-105.4 Expiration of Approval

2-105.401 Effective Period of Conceptual Plan Approval

The approval of the Conceptual Plan shall expire within one (1) year unless during such time period a Development Plan is filed for all or a portion of the land included within the approved Conceptual Plan. A one (1) year extension may be granted if application is made no less than sixty (60) days prior to the expiration date. In the event the Conceptual Plan expires such plan shall become null and void and be no further effect.

2-105.402 Reapproval for Expired Conceptual Plans

Should the Conceptual Plan expire for any reason, any submittal for Planning Commission reapproval may be, at the discretion of the Planning Commission, subject to current Zoning and Subdivision Regulations in effect at the time reapproval is sought.

2-106 THE DEVELOPMENT PLAN

2-106.1 Purpose of Development Plan

The Development Plan presents detailed engineering information concerning the design and ultimate operation of the proposed development. Such plan will reflect results of decisions that have been made in the process of adapting the general concepts contained within the Conceptual Plan to actual physical conditions of the site. **Prior to approval of construction drawings, and signing of a Development Agreement no clearing of trees (with the exception of those required to facilitate surveying activities) or site grading in any form shall be undertaken.**

2-106.2 Application Procedure and Requirements

Following approval of a Conceptual Plan an applicant may file with the Planning Commission a Development Plan. Failure of the applicant to provide full and correct information shall be cause for disapproval of such plan. The Development Plan shall contain the information presented in Section 5-103, (DEVELOPMENT PLANS) and:

1. Be presented at the office of the Enforcing Officer at least fifteen (15) days prior to a regular (officially opened) meeting of the Planning Commission; and

2. Include the entire subdivision, or, when phasing is being requested, section thereof, for which approval is sought and all land immediately adjacent, extending five hundred (500) feet therefrom, or of that directly opposite thereto, extending five hundred (500) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within the area located within five hundred (500) feet of the proposed development; and
3. Be accompanied by a minimum of fifteen (15) copies of the development plan as described herein.

2-106.3 Plan Preparation and Content

The Development Plan shall be prepared by individuals who are licensed to perform the necessary design services. As a minimum such plan shall contain the information contained in Section 5-103, (DEVELOPMENT PLANS), of these regulations.

2-106.4 Design Certification

A "Development Design Certification" shall accompany any Development Plan submitted under authority of these regulations. Such certification shall indicate that the plan either fully complies with all provisions the zoning ordinance and subdivision regulations or that the plan complies with such provisions with specifically noted exceptions. Any variance(s) requested from these regulations shall conform to the provisions of Section 1-112, (VARIANCES). This certification requirement is meant to provide assurance that the proposed plan can be accomplished within the current regulations of the community.

2-106.5 Administrative Review

The Enforcing Officer shall initiate an administrative review of the Development Plan and any exhibits submitted in conformance with these regulations. This review shall include the City Engineer and any other appropriate official. The findings of the review shall be presented to the applicant and the Planning Commission.

2-106.6 Planning Commission Review and Action

Following the administrative review of the Development Plan, the applicant shall be advised of any recommendation for changes. The Planning Commission shall approve, conditionally approve, or disapprove the Development Plan within sixty (60) days following the date of the regular meeting of the Planning Commission at which the hearing on approval, including adjourned date thereof, is closed. The Planning Commission shall review the plan and any recommendations made by members of the reviewing staff, to determine conformance of the plan to these regulations, the Zoning Ordinance, and any other relevant regulations of the City. The Commission may specify conditions, changes, modifications or additions that it deems necessary or appropriate, and may make its decision to grant approval subject to such conditions, changes, modifications or additions. Whenever the approval of a Development Plan is subject to conditions, the written action of the Commission shall (1) specify each condition of approval; and (2) request the applicant's written agreement to the conditions within thirty (30) days of receipt of the Commission's written decision. If the Plan is not approved, the Commission's decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall cite in each case the provisions of these regulations relied upon.

2-106.7 Certificate of Approval

Upon approval of Construction Plans required by Section 2-107, of these regulations a "Certificate of Development Plan Approval" may be issued by the Secretary of the Planning Commission and the applicant may proceed to apply for Final Plan approval in the manner prescribed by Section 2-108, (FINAL SUBDIVISION PLANS), of these regulations.

When the Secretary of the Planning Commission has signed the Certificate of Development Plan Approval, one (1) copy of the Development Plan, Construction Plans and development agreement with the date of approval noted thereon shall be returned to the applicant. If a Development Plan is disapproved the Planning Commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting wherein such action was taken.

2-106.8 Public Improvements

Prior to initiating grading within any major subdivision (or portion thereof) or installation of any public improvements a "Certificate of Development Plan Approval" as required by Subsection 2-106.7, above, shall have been obtained for that portion of the development. The Planning Commission may require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat an adequate performance bond (see Article III) shall be approved.

2-106.9 Effective Period of Approval

1. Construction shall commence within two years after approval of the Development Plan is granted, or such plan is void.
2. A major subdivision shall not be subject to Development Plan expiration when the following conditions are met:
 - (a) The subdivision has been divided into two or more phases for final approval purposes, in compliance with Subsection 2-108.604, (Sectionalizing of Major Subdivisions), and.
 - (b) At least one of those phases has a Final Plan recorded with the Register of Deeds and has all public improvements bonded.

2-106.10 Application of Changes Within Land Use Regulations to Approved Development Plans

Every Development Plan shall conform to all existing zoning provisions and subdivision regulations applicable at the time of approval, except that any plan which has received approval shall be exempt from any subsequent amendments to such zoning provisions or these regulations that may render the plan non-conforming as to bulk, use, or development standards, provided, that final approval of the development or affected portion thereof is obtained within the effective period of preliminary approval set forth in Subsection 2-106.9, (Effective Period of Approval). Should approval of the Development Plan expire for any reason, any submittal for Planning Commission reapproval may be, at the discretion of the Planning Commission, subject to current Zoning Ordinance and Subdivision Regulations in effect at the time reapproval is sought.

2-106.11 Revisions to Approved Development Plans

The applicant shall submit proposed revisions to the approved Development Plans to the Enforcing Officer. The Enforcing Officer shall initiate a review of the proposed revisions. The review is to be performed by the Development Review Committee. For all revisions determined to be major revisions, Planning Commission approval shall be required.

2-106.1101 Minor Revisions

If the Enforcing Officer, on the advice of the Development Review Committee deems the revision(s) to be minor, he or she is authorized to approve the revisions to the Development Plan. Minor revisions are insignificant shifts in street and open space locations, minor changes to lot size, minor changes to unit size and distribution of intensity not inconsistent with a final PUD approval and its associated plan.

2-106.1102 Major Revisions

All other revisions, including revisions that are determined by the Enforcing Officer, on the advice of the Development Review Committee, to constitute a public interest, shall be deemed to be major revisions. At the request of the applicant, any revised Development Plan shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Enforcing Officer. The Enforcing Officer may, at his or her discretion or on the advice of the Development Review Committee, direct any revised Development Plan to the Planning Commission.

2-107 CONSTRUCTION PLANS

2-107.1 Application Procedure and Requirements

Construction Plans may be prepared and presented with the Development Plan or at any point in time following approval of a Development Plan by the Planning Commission. Construction Plans shall:

1. Be presented at the office of the Enforcing Officer;
2. Include the entire subdivision, or, when phasing has been approved in the Development Plan, the entire section which shall correspond to the territory incorporated within the Development Plan; and
3. Be accompanied by a minimum of five (5) copies of the Construction Plans as described, herein.

2-107.2 Construction Plan Preparation and Content

Construction Plans shall be prepared by a Tennessee Licensed Engineer engaged in the practice of civil engineering. As a minimum, such plans shall contain the information required in Section 5-104, (CONSTRUCTION PLANS), of these regulations.

2-107.3 Plan Review and Approval

A plan review meeting shall be conducted for the purpose of assuring a coordinated review of Construction Plans. This meeting shall include the Enforcing Officer and any other appropriate governmental representative(s). The purpose of this meeting is to assure that the Construction Plans are in compliance with the provisions of these regulations, other appropriate laws and sound engineering practice. The committee shall approve or disapprove the Construction Plans. The Plan Review Committee shall notify the Planning Commission in writing of all actions on plans submitted. In any case where revisions may be required for unconditional approval, such revisions shall be made prior to such notice being forwarded to the Planning Commission. In the event of plan disapproval the committee shall provide notice thereof to the submitter in writing. Such notice shall include specific provisions of these regulations and/or other provisions with which such plans do not comply.

2-107.4 Preparation of Development Agreement

A completed "Development Agreement" and accompanying performance bond, shall have been prepared and executed prior to initiation of any "land development activity" within any development to which these regulations are applicable. A draft development agreement shall be prepared following approval of the Construction Plans. The draft agreement shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum standards established by these regulations. The draft development agreement and an estimate of the amount of the performance bond shall be sent to the applicant for approval. Upon acceptance of the agreement by the applicant, the proposed development agreement accompanied by the approved Construction Plans and performance bond shall be forwarded to the Planning Commission for approval. Land development activity may begin upon approval of the agreement and establishment of the required bond.

2-107.5 Dispute Resolution

In the event a dispute should arise concerning interpretation or application of these regulations to the information contained within Construction Plans, the Planning Commission shall act to resolve such dispute. The Development Plan shall present written recommendations and the applicant shall be afforded an opportunity to present supporting data and information with regard to the specific disputed issue. The Planning Commission shall act to decide the issue and its action shall be final, subject to legal review.

2-108 FINAL SUBDIVISION PLANS

2-108.1 Purpose of Final Plan

The purpose of a Final Plan is threefold. First, such plan provides the legal instrument whereby ownership of lots may be transferred. Secondly, Final Plans constitute a means whereby the person subdividing property may offer streets and other infrastructure for acceptance and maintenance by the public. Thirdly, the accompanying Covenants, Conditions and Restrictions and other legally binding commitments associated with such plan become a matter of public record upon filing of the plan.

*Performance
Bond*

2-108.2 Application Procedure and Requirements

The applicant shall file with the Enforcing Officer an application for approval of a Final Plan. The Final Plan application shall:

1. Contain such information as described in Section 5-105.
2. Be made on application forms available from the Enforcing Officer.
3. Include the entire subdivision, or section thereof, for which final approval is sought.
4. Be a reproducible record plat the size, material, and inking of which shall be as specified by the Register of Deeds. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence. Any shading placed on the plat face to add clarity shall not cover any words or figures.
5. Comply with the approved Development Plan in street locations, drainage design and the number of lots except for minor locational adjustments for field conditions.
6. Be presented to the Enforcing Officer at least fifteen (15) days prior to the regular meeting of the Commission at which the Final Plan is to be considered. No application shall be deemed filed unless all requirements have been met and all fees paid in full.
7. 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 Final Plan shall be marked with a notation indicating the formal offers of dedication as required by Subsection 5-105.6, (Formal Irrevocable Offers of Dedication), of these regulations.)
8. Be accompanied by written assurance from any utility companies serving the area of the subdivision that necessary utilities will be installed as required by the Planning Commission upon approval of the Development Plan.
9. Be accompanied by final drafts of Covenants, Conditions and Restrictions proposed by the applicant.
10. Be accompanied, if the Final Plan contains jointly held open space, recreational facilities, or any portion of the site that is held in common ownership, by the following documentation for approval by the Planning Commission.
 - (a) Final Open Space and Management Plan containing the information required by Subsection 5-105.4, (Final Open Space Ownership and Management Plan); and
 - (b) Final Community Association Documents in accordance with Subsection 5-105.5, (Final Community Association Documents).

2-108.3 Staff Review

The Enforcing Officer shall initiate a review of the Final Plan and any exhibits submitted in conformance with these regulations. The review shall be performed by the Enforcing Officer or the Enforcing Officer may send it to the Development Review Committee. The review shall be conducted in accordance with the published review schedule.

2-108.4 Hearing and Decision on Final Plan

The Planning Commission shall hold a hearing as required by Section 13-3-404, Tennessee Code, on each Final Plan brought before it. The Planning Commission within sixty (60) days after submission shall approve, modify, or disapprove the Final Plan. In any instance where special conditions are attached to any plan approval, the Commission shall set forth in detail such conditions. If a Final Plan is disapproved specific reasons for such action shall be noted in the minutes of the meeting where such action is taken.

Failure of the Planning Commission to act upon a Final Plan within the prescribed time shall be deemed approval of the plan, and in such event, a certificate of approval, entitling the applicant to proceed shall be issued, upon demand, by the Secretary of the Planning Commission. The applicant, however, may agree to an extension of the time for Planning Commission review. One (1) copy of the Final Plan shall be returned to the applicant with the date of approval, conditional approval, or disapproval noted thereon.

2-108.5 Notations and Certifications

The notations and certifications required by Subsection 5-105.303, (Plat Notations), of these regulations, to appear upon the Final Plat shall be endorsed by appropriate officials and other persons prior to Final Plan approval except that the certificate of Planning Commission approval shall be signed at the time specified in Subsection 2-108.6.

2-108.6 Signing of Final Subdivision Plats and Recording of Final Subdivision Plans

2-108.601 Signing of Plat

- a. When a performance bond is required, the Secretary of the Planning Commission shall endorse approval on the Final Plat after the Planning Commission has approved the development agreement and accompanying bond.
2. When installation of improvements is required prior to signing of the Final Plat, the Secretary of the Planning Commission shall endorse approval on the Final Plat after all conditions of the resolution of approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the accepting body as shown on certifications by the appropriate governmental representative(s) and that necessary land dedications and improvements have been accomplished.
3. When the conditions of this section are satisfied, the Secretary may sign the permanent reproducible original of the Final Plat.

2-108.602 Recording of Plan

It shall be the responsibility of the property owner to obtain the required signatures and to file the Final Plan in the county register's office within two (2) years of the date of final approval by the Planning Commission. When the Final Plan is filed, the property owner shall simultaneously record the agreement of dedication together with such legal documents as the City Attorney shall require to be recorded. Any plan not filed within the time period set forth herein shall be considered null and void. In the event such Final Plan is not filed in a timely manner and becomes null and void the applicant shall be required to submit new plans of subdivision and obtain approval of such plans subject to any new zoning restrictions and/or subdivision regulations.

2-108.603 Plan Void if Revised Following Approval

Unless the Final Plan is first resubmitted to the Planning Commission and the Commission approves any modifications, no changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Planning Commission and endorsed in writing on the plat. In the event that any such Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Commission shall institute proceedings to have the plan stricken from the records of the County Register.

2-108.604 Sectionalizing of Major Subdivisions

When sectioning is approved within a Development Plan, a Final Plan may be approved in two (2) or more sections. The Planning Commission 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 shall require that appropriate development agreements and surety instruments guaranteeing performance of such agreements, be in such amount as is commensurate with the section or sections of the Final Plan to be filed and may defer the remaining required principal amount of such surety until the remaining sections of the plan are offered for filing. Where certain improvements are in the opinion of the Planning Commission necessary to facilitate traffic movement, water distribution, sewer collection, stormwater drainage, detention and conveyance and any other infrastructure within future sections of a development the Commission may require that such systems be constructed as part of any section of a subdivision.

2-109 REQUIREMENT FOR IMPROVEMENTS.

2-109.1 Basic Requirement

The Planning Commission may require that all improvements be installed and dedicated prior to the signing of the final plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of such plan, adequate performance bonds must be approved. The amount of any bond shall be established by the Enforcing Officer based upon recommendations of the Development Review Committee. The Enforcing Officer shall require the applicant to indicate on the final plat all streets and public improvements to be dedicated or reserved; and any other special requirements deemed necessary by the Enforcing Officer in order for the subdivision plat to conform to the Major Street Plan, the City Development Plan and the most recent, detailed plan(s) adopted by the Planning Commission.

2-109.2 Authorization to Construct Improvements

Construction may proceed following approval of a Development Plan by the Planning Commission and, when improvements are to be constructed as a result of such approval, approval of Construction Plans and accompanying Development Agreement as required by Subsection 2-107.4, (Preparation of Development Agreement).

2-109.3 Construction of Improvements.

Construction shall be completed to the approved Construction Plans, construction specifications, and construction inspection requirements of the applicable departments and agencies. Inspections during the construction process shall meet the requirements of Subsection 2-109.4, (Construction Inspection Procedures). If construction has not started for a subdivision phase within two (2) years of the date of approval of Construction Plans, such plans shall be resubmitted to the applicable departments or agencies for re-approval.

2-109.4 Construction Inspection Procedures

2-109.401 Inspections During Construction

All infrastructure construction is to be completed as described in the approved Construction Plans, construction specifications, and Development Agreement.

2-109.402 Pre-Construction Conference Required

A pre-construction conference will be held with the Enforcing Officer prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

2-109.403 Inspection Schedule

The contractor shall give twenty-four (24) hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure to obtain the required inspections and approvals may require work to be removed, certifications and testing by a licensed geotechnical engineering firm to be provided or any future acceptance by the applicable department or agency to be jeopardized.

2-109.5 Modification of Improvement Design

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the City Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the City Engineer may authorize modifications, provided these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Commission. The City Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at the next regular meeting. No change shall be implemented and no construction associated therewith shall be initiated until revised Construction Plans have been submitted to the office of the Enforcing Officer and approved so as to reflect the proposed change.

2-109.6 Proper Installation of Improvements

If the City Engineer shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report to the Planning Commission. The Commission shall then notify the subdivider and, if necessary, the bonding company, and take all steps necessary to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plan.

2-109.7 "As Built" Drawings Required

Required improvements shall not be considered to be completed until installation of the improvements has been approved by the City Engineer and a map satisfactory to the Planning Commission has been submitted, indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements then said map shall be submitted prior to endorsement of the Final Plan by the Secretary of the Planning Commission. However, if the subdivider elects to provide a bond, or other surety satisfactory to the Planning Commission, for all required improvements as specified, such surety shall not be released until such map is submitted.

2-109.8 Completion and Maintenance of Improvements

2-109.801 Streets Designated as Construction Routes

Permanent streets designated as construction routes within a subdivision shall be maintained for a time period specified in the Dedication Agreement submitted in accordance with the offer for street dedication.

2-109.802 Other Streets

Streets other than those designated as construction routes shall be maintained as provided herein. Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses fronting along a street are completed. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street, the enforcing officer may permit final paving to occur and the City may allow the subsequent release of the performance bond provided a maintenance bond is substituted, therefor. The maintenance bond may be released after a period of one (1) year or when at least seventy-five (75) percent of the houses fronting along a street have been satisfactorily completed, inspected and released by the inspecting departments. The maintenance bond shall be in an amount and for a term as recommended by the City and shall be posted in conformance with the procedures presented in Article III, of these regulations.

2-110 MISCELLANEOUS PLATTING SITUATIONS

2-110.1 Combination of Two (2) or More Lots

Any number of lots may be combined into an equal or lesser number of lots by submittal of a Final Plan, as described in Section 2-108, (FINAL SUBDIVISION PLANS). The Final Plan shall show the original lot lines as dash lines and proposed lot lines as solid lines. Combining lots shall require an approval process as set forth herein based on the initial number of lots and manner of conveyance. Any lots resulting from such recombination shall meet all applicable regulations.

2-110.2 Shifting Lot Lines

Shifting of lot lines is subject to the same procedures as described in Subsection 2-110.1. Shifting of lot lines within a Planned Unit Development shall require submittal of a document showing approval by the homeowners' association.

2-110.3 Dedication of Right-of-way, Public Use Lands, or Easements

The dedication of land or use of land for public purposes may be accomplished by one of the following methods, both of which require Planning Commission approval:

2-110.301 Dedication by Plat

A reproducible plat shall be prepared depicting the area to be dedicated by lines and survey description. The location of surrounding property lines, streets and public utilities shall be shown for reference. The placing of monuments and the location of such shall be shown on the plat. Signatory data shall also be included in the same manner as for a final plat. If the dedication is for a street right-of-way that, by the location of the dedication area, would divide a tract into two parcels, the plan shall be created as a Final Subdivision Plan in conformance with Section 2-108.

2-110.302 Dedication by Written Document (Deed or Instrument)

A written document in the form acceptable to the City Attorney may be used for dedications in lieu of a plat. The document shall contain the following minimum information:

- Statement of purpose for the dedication
- A narrative survey description of the area to be dedicated
- Conditions, if any imposed by Grantor
- The document shall contain the same signatory data as required for a final subdivision plat.

ARTICLE III

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTIONS

- 3-101 The Development Agreement
- 3-102 Bonding and Recording of Final Plats
- 3-103 Bond Standards and Requirements
- 3-104 Completion of Improvements
- 3-105 Release or Reduction of Reclamation or Performance Bond
- 3-106 Acceptance of Dedication Offers
- 3-107 Deferral or Waiver of Required Improvements
- 3-108 Issuance of Building Permits and Certificates of Occupancy

3-101 THE DEVELOPMENT AGREEMENT

A completed "Development Agreement" shall have been prepared and executed prior to initiation of any "land development activity" within any "major subdivision" to which these regulations are applicable. A draft development agreement shall be prepared following approval of the Construction Plans. The draft agreement shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum established standards. The draft development agreement and an estimate of the amount of bond (as prepared by the City Engineer) shall be sent to the applicant for approval. Development activity may begin upon acceptance of the development agreement by the applicant and acceptance of the required bond by the Planning Commission.

3-102 BONDING AND RECORDING OF FINAL PLANS

3-102.1 Construction Prior to Recording Final Plan

Reclamation Bond

When the developer desires to proceed with construction of a portion or all of the required improvements prior to recording the Final Plan, a development agreement conforming with the terms of these regulations shall be executed and a reclamation bond shall be provided in an amount determined by the City Engineer to be sufficient to reclaim the property should the developer not complete the required improvements. Such reclamation is to include filling trenches, closing off streets, performing drainage work, re-seeding and other actions necessary to make the property safe and to remedy any nuisance, such as stagnating water or soil erosion, the property may be causing to surrounding property owners or the public in general.

After completion of a portion of the required improvements, the developer may elect to replace the reclamation bond with a performance bond as specified in Section 3-104, (COMPLETION OF IMPROVEMENTS), to guarantee completion of the remaining required improvements. Under such terms, the approved Final Plan may be signed and recorded thereby allowing the sale of lots and issuance of building permits.

3-102.2 Recording of Final Plat Prior to Construction

When the applicant wishes to record a Final Plan prior to completion of required improvements, the applicant shall provide a performance bond conforming to Section 3-103, (BOND STANDARDS AND REQUIREMENTS), guaranteeing installation of such improvements. The amount and form of such bond shall in all regards be sufficient to guarantee to the governing body or other agency ultimately responsible for acceptance of the facilities satisfactory construction, installation, and dedication, free and clear of any encumbrances, of the incomplete portion of required improvements.

3-103 BOND STANDARDS AND REQUIREMENTS

3-103.1 General

In order to insure that the work will be completed in accordance with approved plans and specifications, all improvements proposed in conjunction with any subdivision must be covered by adequate bond unless such work is to be totally completed prior to filing of any Final Plan for any portion of the development site. When the work is to be completed prior to filing of a Final Plan, a reclamation bond sufficient to insure that the building site may be stabilized in the event of the failure of the applicant to complete the work shall be provided.

3-103.2 Amount of Bond

125%
The applicant shall post good and sufficient bond with the Planning Commission in the amount of one hundred twenty-five (125) percent of the City Engineer's estimate of cost to assure completion of the work. Good and sufficient surety shall include the types of bond specified in Subsection 3-103.3, Types of Bond. Each bond shall be accompanied by a "Development Agreement", as found in Section 3-101, (THE DEVELOPMENT AGREEMENT), whereby the applicant agrees to make and install the improvements in accordance with the approved plans and specifications.

3-103.3 Types of Bond

Subject to the standards and requirements of this Article and acceptance by the Planning Commission, the following types of bond may be accepted for purposes of guaranteeing completion of improvements required by the regulations:

- Irrevocable Standby Letter of Credit.
- Cash Escrow or bank assignment of certificates of deposit with a federally insured bank having assets of at least \$100 million.
- Surety or performance bond.

3-103.301 Irrevocable Standby Letters of Credit

An irrevocable standby letter of credit may be utilized as the means of providing bond for improvements required under the various provisions of these Regulations. Any letter of credit shall be drafted so as to represent an obligation of the financial institution to the City and not an obligation to the permittee. All Letters of Credit, and each provision thereof, shall be governed and construed in accordance with the Uniform Customs and Practice for Documentary Credits (1983 Revision and subsequent revisions), International Chamber of Commerce, Publication 400 and Sections 47-5-101 through 47-

5-118, Tennessee Code. Such letters shall be for one (1) year and shall be automatically renewable for successive one (1) year periods without any effort on the part of the City. They shall be renewed until released by the City. However, said letters may be revoked after giving the City written notice with ninety (90) days opportunity to cash the letter. Such notice shall be by certified mail, return receipt requested.

3-103.302 Escrow Deposits for Improvements

a. Acceptance of Escrow Funds

The term "Cash Escrow" as used in these regulations refers to two types of performance guarantees, cash escrows and bank assignment of funds. In the case of either cash or other near cash (i.e., certificates of deposit) guarantees, all funds shall be maintained in accounts that are beyond the reach of the developer and subject to an escrow agreement.

b. Procedures on Escrow Fund

All escrows shall be held by the City, kept in its bank accounts, and totally under control of the City. A detailed "Escrow Agreement" shall be prepared and appropriately endorsed by all parties to such agreement at the time of creation of any escrow account. The developer's tax identification shall be used for the escrow and the developer shall be responsible for paying tax on any interest credited to the escrow account.

3-103.303 Performance Bonds

A performance bond may be used as the means of providing bond for improvements required under the various provisions of these Regulations. In no instance shall any performance bond be accepted as a guarantee unless a "Development Agreement" required by the provisions of Section 3-101, (DEVELOPMENT AGREEMENT), accompanies such bond. Such agreement shall detail the specific nature and estimated cost of all improvements. All performance bonds shall provide a location within Sumner County or a county adjoining Sumner County where such bond(s) may be drawn upon. All performance bonds shall be drafted so that the only requirement for the City to draw upon such bond is to notify the financial institution (grantor) that:

"We have incurred liability by reason of the failure of the applicant/developer/ owner to complete the construction of their project _____

[insert name of subdivision and plans] in accordance with the definitive subdivision plans and development agreement and the rules and regulations governing the subdivision of land within Portland, Tennessee." The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is, otherwise, let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor."

3-104 COMPLETION OF IMPROVEMENTS

Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses in the subdivision, or phase thereof, fronting along a street are completed. Where maintenance, safety or an unforeseen problem is created by the absence of the final paving course, paving may be allowed of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street. The City may permit final paving to occur and the City Engineer may allow

subsequent reduction of the performance bond to an amount sufficient to guarantee maintenance of the streets as specified below. The City Engineer may permit the maintenance bond to be renewed if additional time is needed to complete further build-out of the subdivision. The City Engineer may require that the final paving course be applied one (1) year or longer after the date of the issuance of the first Use and Occupancy Permit in said subdivision or phase thereof irregardless of the number of houses built. Under no circumstances shall final paving occur until all utility installations, including service lines to individual lots, are complete.

3-104.1 Failure to Complete Improvements

In those cases where development agreements have been established, surety instruments have been posted and required improvements have not been installed within the terms of such agreements, the Planning Commission, thereupon, may declare the surety 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. If the improvements are not completed within the time period specified, including any extension thereof, no additional building permits shall be issued for any lot or portion of such property until such facilities are completed to the satisfaction of the governing body. The applicant and the financial institution issuing the bond shall be severally and jointly responsible for completing said improvements according to specifications.

3-104.2 Maintenance of Improvements

The applicant shall be required to maintain all improvements for one (1) year after acceptance by the governing authority. Additionally, the applicant shall be required to file a maintenance/warranty bond with the governing body prior to dedication. This bond is established for purposes of assuring the quality of the materials and construction of such facilities. Such bond shall be in an amount considered adequate by the City Engineer to assure satisfactory condition of the required improvements. In no event, will this bond be set below an amount equal to ten (10) percent of the estimated original cost of such improvements.

3-104.3 Inspection of Improvements

The City may provide for inspection of required improvements during construction. If the appropriate governmental representative finds upon inspection that any of the required improvements have not been constructed in accordance with the accepting body's construction standards and specifications, the applicant shall be responsible for completing such improvements to the required standards. The fact that the City inspects the facilities in no way relieves the developer from designing or installing such facilities in accordance with the provisions of these regulations and the established development agreement.

3-105 RELEASE OR REDUCTION OF RECLAMATION OR PERFORMANCE BOND

3-105.1 Certificate of Satisfactory Completion

Prior to release of any performance surety the engineer in charge of construction of such improvements shall be required to certify that such improvements have been installed in accordance with provisions of these regulations, the completed development agreement and the approved Construction Plans and specifications. Upon receipt of such certification and "as-built drawings" required by Section 2-109.7, As-Built Drawings Required, the governing body may accept the dedicated improvements in accordance with the procedures set forth in Section 3-106, (ACCEPTANCE OF DEDICATION OFFERS), of these regulations.

3-105.2 Reduction of Performance Bonds

The surety instruments guaranteeing installation of improvements may be reduced upon completion of the base asphalt and again upon completion, dedication and acceptance of such improvements and then only to the ratio that the cost of the public improvements dedicated bears to the total cost of public improvements included in said plan. In no event shall a performance bond be reduced below fifteen (15) percent of the principal amount prior to final acceptance of all items covered under such instrument.

3-106 ACCEPTANCE OF DEDICATION OFFERS

Acceptance of offers of dedication of improvements for public maintenance shall be by action of the governing body. Such action shall be in the form of a resolution recommended by the Planning Commission to the accepting body. Approval by the Planning Commission of a subdivision plan shall not be deemed to constitute or imply an acceptance by the local government or other agency ultimately responsible for acceptance of the facilities of any public way, easement, or other ground shown on the plan. The Planning Commission may require the plan to be endorsed with appropriate notes to this effect.

3-107 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

The Planning Commission may defer or waive at the time of Final Plan 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 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 governing body prior to signing of the Final Subdivision Plat or post a bond ensuring completion of said improvements.

3-108 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Where development agreements and surety instruments have been required for a subdivision, or any section of a subdivision, and such are determined to be in default, no building permit or certificate of occupancy shall be issued for any building in the subdivision or any affected section thereof prior to completion and dedication of the improvements to the appropriate governmental unit, as required in the Planning Commission resolution of approval. The extent of public way improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of a building permit.

No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent is less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission's resolution of final plan approval have been fully completed, dedicated, and accepted by the governing body.

ARTICLE IV

GENERAL REQUIREMENTS AND DESIGN STANDARDS

SECTIONS

- 4-101 General Requirements
- 4-102 General Lot Requirements
- 4-103 Requirements for Dedications, Reservations and Improvements
- 4-104 Requirements for Pedestrian Ways
- 4-105 Streets
- 4-106 Street Design Standards
- 4-107 Street Name, Regulatory and Warning Signs
- 4-108 Private Streets
- 4-109 Blocks
- 4-110 Lot Requirements
- 4-111 Open Space Requirements
- 4-112 Reservations and Easements
- 4-113 Drainage and Storm Sewers
- 4-114 Water Facilities
- 4-115 Sewage Facilities
- 4-116 Public Uses
- 4-117 Nonresidential Subdivisions

4-101 GENERAL REQUIREMENTS

4-101.1 Compliance

Unless otherwise specified in these regulations, all subdivisions shall comply with the requirements of this Article.

4-101.2 Conformance to Applicable Rules and Regulations

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

1. All applicable provisions of Tennessee Law, regulations, or policy;
2. All applicable provisions of the zoning ordinance, any building and housing codes, and all other applicable laws or policies of the governing body;
3. The adopted City Comprehensive Plan and Major Street (thoroughfare) 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 governing body, where applicable.

Plan approval may be withheld if a subdivision is not in conformity with the above rules or with provisions set forth in Section 1-105, (POLICY AND PURPOSE), of these regulations.

4-101.3 Self-Imposed Restrictions

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

4-101.4 Debris and Waste

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy for any lot. Nor shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

4-101.5 Fencing

Each subdivider or developer shall be required to furnish and install fences where the Planning Commission determines that a hazardous condition may exist. Such fences shall be constructed according to standards established by the Planning Commission, as appropriate, and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until such fence improvements have been installed.

4-102 GENERAL LOT REQUIREMENTS

4-102.1 Suitability of the Land

Land located within the boundary of a proposed subdivision which the Planning Commission finds unsuitable for subdivision or development due to flooding, steep slopes, rock formations, problem soils, sinkholes, other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health, and general welfare of inhabitants of the land may be included within such developments as follows:

1. Such land may be incorporated within lots but shall not be included within the "minimum lot area" of such lots.
2. Within developments subject to the provisions of Article VI of these regulations, such land may be included as "open space".

Additional technical evaluation, plans, and analysis of a proposed subdivision by a professional engineer specializing in geotechnical evaluations, soils, hydrology, and/or structures may be required.

4-102.2 Critical Lots

When a proposed lot contains natural or manmade features that affect the feasibility of construction, it shall be designated a critical lot during the conceptual plan or partition review process and subsequent subdivision submittals.

1. A lot shall be designated critical when the lot is created on a natural slope of twenty-five (25) percent or greater or when it contains natural floodplain.
2. A lot may be designated critical on the basis of any other lot feature(s) that affects the feasibility of construction as listed in Subsection 4-102.1.
3. Lots on steep slopes shall be subject to the hillside development standards of Subsection 4.070.1 C, (Hillside Development Standards), of the Zoning Ordinance.
4. Lots in floodplains shall be subject to the floodplain/floodway development standards of Subsection 4.070.1, D, (Development Standards for Flood Hazard Areas), of the Zoning Ordinance.
5. Lots with problem soils shall be subject to the development requirements of Subsection 4.070.1 E, (Development Standards for Areas of Problem Soil), of the Zoning Ordinance.
6. A star symbol shall be used to identify critical lots on the face of the conceptual plan, development plan, and final plat.

4-102.3 New Critical Lots

Any lot that will be created as a result of the grading process that meets the definition of a critical lot, shall also be identified as such on the final plat, and shall be subject to the applicable development standards of Subsections 4-102.9, (Grade Changing), and 4-102.10, (Grade Changing Devices).

4-102.4 Prior to Conceptual Plan Approval

Prior to approval of a Conceptual Plan for a subdivision that includes lots designated as critical, the applicant shall provide the Enforcing Officer with a preliminary grading study and a description of the measures to be taken:

1. To protect the natural features of the critical lots.
2. To minimize changes in grade, cleared area, and volume of cut or fill, and to control adverse impacts on the critical lots during and following the period of site disturbance.
3. To align streets to minimize disturbance of slopes.
4. To identify easements along property lines to meet future drainage needs.

4-102.5 Critical Lot Plan Required

Prior to application for a building permit on a lot designated as critical, a plan shall be submitted to the Enforcing Officer for approval as described in Appendix B. The Enforcing Officer may direct a critical lot plan to the Planning Commission for decision.

4-102.6 Conformity to Major Street Plan and City Development Plan

Subdivisions shall conform to the adopted Major Street Plan and the City Comprehensive Plan.

4-102.7 Preservation of Natural Cover

Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. No topsoil shall be removed from any lots shown on any subdivision plat, except for the purpose of improving such lots and for the layout out of streets shown thereon. Topsoil so removed shall be restored on areas of such lots not occupied by buildings or structures.

4-102.8 Preservation of Existing Features

Existing features that enhance the attractiveness of the site or the community as a whole, such as meadows, fields, woodlands, hedgerows, individual trees, watercourses, ponds, wetlands, vernal pools, stone walls, historic buildings or sites, scenic viewsheds (into the property) and vistas (from the property), and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the subdivision.

4-102.9 Grade Changing

Where grade changing is required in any subdivision, contour grading techniques shall be used, to provide a natural-appearing transition between grades. The angle of any graded slope shall be gradually transitioned to the angle of the natural terrain. Slopes of thirty-three (33) percent or less may contain turf but, wherever practicable, vegetation other than turf that increases the natural appearance shall be used. All vegetated embankments shall have a check swale at the top. No reinforced embankment shall exceed sixty-six (66) percent.

4-102.10 Grade Changing Devices

Where development of the land requires grade-changing devices such as retaining walls, they shall be designated on the preliminary grading study and a description, including illustrations, of each device shall be included. For interlocking walls, vines and groundcover to provide a more natural finish to coarse walls is encouraged. Grade changing devices shall:

1. Avoid obstructing driveway connections between building lots for non-residential development.
2. Avoid creating precipitous grade changes, including through the use of retaining walls, that could result in safety hazard(s) to occupants of the development or to the general public.
3. Generally limit the height retaining walls in or abutting residential development. Excessive grade changes shall be managed with terraces formed by a series of low retaining walls or by a combination of contoured slopes and low retaining wall(s).

4-102.11 Monuments

Permanent reference monuments of non-degradable material shall be placed in all subdivisions where new streets are to be constructed. All monuments shall be placed on property corners or referenced to property lines or street alignments. Certification by a licensed surveyor of placement of monuments shall be required. Monuments will generally not be required within minor subdivisions (as defined by these regulations) when the subdivision occurs along existing streets. The Planning Commission retains the right, however, to require monuments within minor subdivisions where flooding or other extraordinary conditions are found to exist. Monuments shall be located and set as follows:

1. Control Monuments

At the discretion of the Enforcing Officer, a minimum of three (3) permanent control monuments, containing both vertical and horizontal data, shall be located within each subdivision where new streets are to be constructed. Such monuments shall be constructed of concrete not less than thirty (30) inches in length; or less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. Iron Bar Monuments may be used and shall be no less than five-eighths (5/8) inch in diameter and not less than twenty-four (24) inches in length. Both shall have a permanent metal cap with a minimum diameter of two and one-half (2 1/2) inches with the Land Surveyor's name and license number. Monuments shall have horizontal coordinates and vertical elevations shown on the final plan. Reference notes (field ties) defining magnetic bearings and distances to the nearest established street line or official benchmark shall be accurately described on the plan. All control monuments shall be located within dedicated right-of-way along curve points or lot lines and within line of sight of one another. All horizontal and vertical data shall be referenced to TN NAVD83 4100 State Plan Coordinates and North American Vertical Datum 1988 (NAVD88) or current acceptable equivalent. These monuments are to be placed near the entrance to the subdivision and, if possible within a non-fill area or be affixed to natural rock outcrops. The location of all control monuments shall be described on the final plan with words and symbols that facilitate locating them at the site.

2. Internal Monuments and Lot Pins

One (1) internal monument for each four (4) lots located within the subdivision shall be placed within line of sight of one another. Such monuments shall be placed within dedicated right-of-way, when possible, and shall be located within non-fill areas or affixed to rock natural outcrops. An internal monument shall be constructed to the same standards as a control monument minus the elevation data. In all subdivisions, lot corners and all lot line breaks shall be staked by iron rods, pipes, or pins at least eighteen (18) inches long and five-eighths (5/8) inch in diameter. Placement of iron pins under sidewalks should be avoided.

3. Along Rivers and Streams

The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and five-eighths (5/8) inch in diameter or by round or square iron bars at least eighteen (18) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot

line, with a meander line established not more than forty (40) feet back from the bank of the river or stream. At the discretion of the Planning Commission, a control monument meeting the specifications of Subpart 1, above, may be required upon any lot affected by the 100-year floodplain of any stream.

4-102.12 Driveways/Access to Lots

4.102.1201 Minimum Separation Between Residential Driveways

For each permitted residential driveway there shall be a corresponding minimum road frontage of:

- a. at least two hundred (200) feet along routes designated in the Major Thoroughfare Plan as rural arterial highways and six (6) lane urban arterial highways; and
- b. at least one hundred fifty (150) feet along routes designated in the Major Thoroughfare Plan as five (5) lane and three (3) lane urban arterial highways; and
- c. at least one hundred (100) feet along routes designated in the Major Thoroughfare Plan as four (4) lane urban arterial highways; and two (2) lane collector routes.

There shall be not more than one (1) driveway for all other residential lots except circular driveways shall be permitted.

4-102.1202 Minimum Corner Clearance

The minimum corner clearance between proposed new non-residential driveways shall be two hundred-eighty (280) feet for streets designated as "local access" and three hundred-thirty-five (335) feet for streets designated as "secondary and primary collector" streets. In order to ensure adequate storage space for vehicles stopped at a signalized intersection, the City Engineer may require additional corner clearance. All residential driveways shall be a minimum of fifty (50) feet from the nearest point of curvature.

4-102.1203 Design Standards for Nonresidential Driveways

For access to thoroughfares where the posted speed limit is 35 mph or less, all nonresidential driveways shall be constructed with a minimum horizontal width of twenty-five (25) feet. All drives serving nonresidential property shall be paved with concrete or an asphalt surface. Lanes shall be clearly designated and lane uses shall be clearly and permanently marked. The minimum separation from an intersection and between drives shall be two hundred (200) feet along local access streets and three hundred-thirty-five (335) along all other streets.

Where the posted speed limit is 45 mph or greater, nonresidential driveways shall be constructed with a right turn deceleration lane.

The City Engineer will review proposed driveway designs for access to other thoroughfares on a case by case basis.

*Deceleration
lane
must match
SMT is 35mph*

The centerline of every nonresidential two (2) way driveway shall intersect the centerline of the public way at an angle between seventy-five (75) and ninety (90) degrees.

For other nonresidential driveways, the intersection angle shall be subject to the approval of the Planning Commission

4-102.1204 Design Standards for Residential Driveways

Where permitted, residential driveways fronting collector and arterial routes designated in the Major Street Plan shall be designed so as to avoid requiring vehicles to back onto these highways. Any driveway should be constructed in a manner such that the drive has a maximum slope of eight (8) percent for the first fifteen (15) feet (measured from the back of the approved sidewalk). Driveways greater than eight (8) percent slope shall be reviewed and approved by the City Engineer prior to a building permit being issued. In no case shall the driveway slope exceed ten (10) percent in the first fifteen (15) feet from the street. Where the potential exists for gravel or soil to be washed from a driveway onto the public right-of-way such driveways shall be paved or otherwise stabilized for a distance sufficient to prevent material from migrating onto public property.

4-103 REQUIREMENTS FOR DEDICATIONS, RESERVATIONS, OR IMPROVEMENTS

Where a proposed subdivision adjoins or encompasses either a substandard street, or a route depicted upon the Major Street Plan that is to be opened, widened or realigned, the following shall apply.

4-103.1 Undeveloped Property

4-103.101 Substandard Streets

Substandard streets encompassed by or adjacent to the proposed subdivision shall be improved by the developer in accordance with the minimum standards set forth in Table 4-1, General Design Standards for Streets. This provision shall apply to the portion of such street that is located within the boundaries of the subdivision or the abutting street half.

4-103.102 Planned Routing

When applicable, the layout of a street(s) within a subdivision shall conform to the routing depicted upon the Major Street Plan. The amount of right-of-way for the required street type shall be dedicated up to a maximum of that required for construction of "collector" routes. Where any street so depicted requires a right-of-way greater than that required for construction of a collector route, the developer shall show on the face of the Final Plan an additional area "reserved for future right-of way" and any required yard area shall be measured from such reservation line.

Regardless of the proposed width or functional character of the planned streets adjacent to or encompassed by a proposed subdivision, the developer will not be required, (except as may be necessitated as a result of an approved traffic impact study), to improve or construct any street greater than that of a "collector street" as defined and depicted in these regulations.

4-103.103 Developed Property

When property containing existing structures is being divided simply to place each structure on a separate lot and a future right-of-way will fall within the footprint of an existing structure, then the subdivider shall be required to note on the face of the plan: "reserved for future right-of-way" any additional area necessary for compliance with the Major Street Plan. The Final Plan shall also contain a note stating, when any existing structure is demolished, the setback requirements for any new structure shall be measured from this reservation line.

4-103.104 Required Improvements or Dedications

All on-site traffic improvements identified as being required in a traffic impact study prepared in accordance with the requirements of Subsection 4-105.2, (Traffic Impact Study), shall be made by the developer upon land the developer controls. Any off-site improvements identified in such study shall be made on a pro-rata basis to the extent the subdivision contributes to the requirement for such improvement(s).

4-104 REQUIREMENTS FOR PEDESTRIAN WAYS

Sidewalks

4-104.1 Sidewalks Along New Streets

Sidewalks shall be required along both sides of all streets.

4-104.2 Sidewalks Along Existing Streets

Sidewalks shall be required along the proposed subdivision's frontage on existing public streets.

4-104.3 Sidewalk Width

The width of sidewalks shall be as follows. Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc.

SIDEWALK WIDTH

Street Classification	Land Use Classification		
	Residential	Commercial	Industrial
Local Access	5 feet	5 feet	5 feet
Secondary Collector	5 feet	5 feet	5 feet
Primary Collector	5 feet	6 feet	6 feet
Arterial Public Way	5 feet	6 feet	6 feet

4-104.4 Design Criteria

could present problem from utilities

Sidewalks shall be included within the dedicated non-traffic way portion of the right-of-way or public access easement. A grassed "tree lawn" at least five (5) feet wide shall separate all sidewalks from adjacent streets.

1. Where extraordinary difficult topographic conditions exist, other design solutions, such as a wider separation, may be used.

2. Where necessary, the Planning Commission may require pedestrian access ways from a public way to schools, parks, playgrounds, or other nearby public ways. To accomplish this purpose, the Planning Commission may require perpetual unobstructed easements at least twenty (20) feet in width.
3. Sidewalks shall be designed and constructed so as to comply with ADA Standards for Accessible Design as published by the U.S. Department of Justice and excerpted from 28 CFR Part 36 (Revised July 1, 1994) and any subsequent amendments or supplements.

4-104.5 Waivers and Alternative Pedestrian Ways

Developers and the Planning Commission may reach alternative arrangements concerning sidewalks where strict compliance with the provisions of this section would be unfair or cause an undue hardship due to previously approved plats and/or development plans. Such alternative provisions may include: (1) payment to a City fund for construction of the sidewalks by the City at this location at a later date; or (2) the actual construction of sidewalks at another location. In the absence of mutual agreement, the developer shall construct the sidewalks in the manner provided herein.

4-104.6 Maintenance

The lot owner shall maintain grass and vegetation between the roadway and the property line.

4-105 STREETS

4-105.1 General Requirements

4-105.101 Street Names

All streets shall be named and such names shall be subject to approval by the Planning Commission. Names shall be sufficiently different in sound and spelling from other street names in the City to avoid confusion. A street that is a continuation of an existing street shall bear the same name. As general policy, the use of personal names for new roads is discouraged. Historical names are preferred or names appropriate to the particular development or general neighborhood.

4-105.102 Grading and Improvement Plan

Streets 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 City Engineer in accordance with the specifications required herein.

4-105.103 Streets in Floodable Areas

The finished elevation of proposed streets subject to flood shall be no more than one (1) foot below the regulatory flood protection elevation. 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 street to the required elevation, such fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by City Engineer.

4-105.104 Reserve Strips

Creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall not be permitted.

4-105.2 Traffic Impact Study

The purpose of a traffic impact study shall be to identify what improvements, if any, are necessitated to offset the additional traffic generated by a proposed level of development. Such improvements might include the provision of traffic signals, turning lanes or road widenings.

4-105.201 Requirements for a Traffic Impact Study

A traffic impact study (TIS) may be required by the Planning Commission or City Engineer for any development that contains:

- Residential developments with more than one hundred (100) dwelling units;
- Nonresidential developments of more than fifty thousand (50,000) square feet; or
- Combinations of residential and nonresidential uses that would be expected to generate one thousand (1,000) vehicle trips or more per day, or one hundred (100) or more peak-hour trips;
- Or in the opinion of the City Engineer a TIS is needed.

4-105.202 Levels of Traffic Impact Study Required

Three levels of traffic impact studies have been identified based on the number of trips that a development is projected to generate in a twenty-four (24) hour period (See Table 4-105.2).

TABLE 4-105.2

LEVEL OF TRAFFIC IMPACT STUDY REQUIRED	
Twenty-Four Hour Trip Generation	Level of Study Required
1,000 to 3,000 average daily trips	Level 1
3,000 to 6,000 average daily trips	Level 2
6,000 and higher average daily trips	Level 3

- **Level 1**, studies require analysis of each access that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements, and private driveways.
- **Level 2**, studies require the analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where a traffic-control device does not exist, the City Engineer will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, the City Engineer will determine if ramps need to be included in the study.

- **Level 3**, studies require a complex traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by the City Engineer. The exact area to be studied will be determined by the City Engineer with input from the individual who is to prepare the study.

4-105.203 Approval of Traffic Impact Study

The traffic impact study shall be approved by the Planning Commission, with all applicable performance requirements incorporated into any site and building plans.

4-105.204 Implementation of a Traffic Impact Study

The traffic impact study may take into account the capital improvements budget and may rely on improvements for which the City has adopted a resolution appropriating funds. Any required traffic improvements that have not been funded or otherwise completed by the City shall be completed by the developer prior to the issuance of a use and occupancy permit. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Planning Commission may require a pro-rata contribution. The City Engineer will certify that all traffic improvements to be provided by the developer or property owner have been properly bonded prior to building permit issuance and completed before a use and occupancy permit shall be issued.

4-105.3 Arrangement of Streets

1. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be avoided.
2. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the Major Street Plan or the City Development Plan.
3. All streets shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
4. Minor streets 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 number of streets necessary to provide convenient and safe access to property.
5. The use of an interconnected street system shall be encouraged to broadly disperse internal traffic and provide maximum alternatives for access to property.
6. The use of curvilinear streets, cul-de-sac, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.

7. Street designs such as loop streets or closes shown in Figure 4-1, are preferred to the use of a cul-de-sac design. Cul-de-sacs may be permitted where topographic features or configuration of property boundaries prevent street connections.
8. Proposed streets 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 layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Where streets are extended to property lines, temporary turnarounds shall be required unless the street segment is less than three hundred (300) feet in length. In all cases drainage and utility easements shall be extended to the property lines.
9. In business and industrial developments, the streets and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

4-105.4 Access to Arterial and Collector Routes

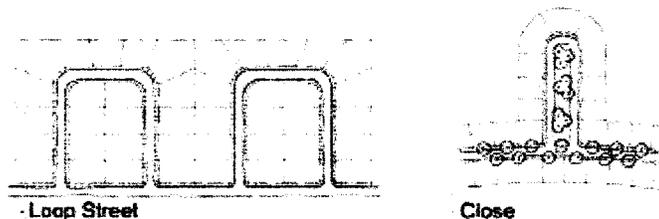
Where a subdivision borders on or contains a proposed arterial or collector route, the Planning Commission may require that access to such streets be limited by one of the following means:

4-105.401 In Residential Areas

Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In general, in open field situations, reverse frontage lots with screen planting are to be employed only when it can be demonstrated that it is completely infeasible to construct a "single-loaded" street set back from the existing thoroughfare, with homes facing the thoroughfare across a "foreground meadow".

Figure 4-1

ALTERNATIVES TO CUL-DE-SACS



4-105.402 In Business Areas

In areas zoned or designed for commercial use, or where a change of zoning is contemplated for commercial use, the Planning Commission may require that the street width be increased or that a service road be constructed to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial area.

4-106 STREET DESIGN STANDARDS

4-106.1 Purpose

The public way design standards set forth in this section are hereby required 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. These provisions are intended to establish appropriate standards for the design of streets in residential subdivisions that will:

- Promote the safety and convenience of vehicular traffic,
- Protect the safety of neighborhood residents,
- Minimize crime in residential areas,
- Protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and fumes,
- Encourage the efficient use of land,
- Promote construction methods and criteria that provide high quality and efficient design; to provide for initial cost concerns, future maintenance cost and general liability cost for the community.
- Minimize the construction of impervious surface thereby protecting the quantity and quality of the community's water resources.
- Provide satisfactory access for emergency vehicles.

4-106.2 General Design

The design of all streets shall conform to the general design standards presented within this section and to the detailed criteria found in Tables 4-1 and 4-2 (below).

1. New streets proposed to be created as a part of any development proposal shall be integrated closely with the City's Major Street Plan. The Major Street Plan shall show the realignment and redesign of certain intersections and road segments to facilitate traffic flow and improve safety.
2. Rectilinear street layouts are generally preferred, with occasional diagonal elements to enhance visual interest, although curvilinear layouts shall be acceptable when designed to interconnect and to produce terminal vistas of protected open space or prominent structures.
3. Residential streets shall be aligned so that their terminal vistas are of greens, other open space, or civic or institutional buildings, wherever possible. Where this is not possible, every effort shall be made to terminate those streets with buildings of above-average size, whose architecture shall be encouraged to be special in one way or another.

TABLE 4-1

**MINIMUM RIGHT-OF-WAY OR EASEMENT AND
PAVEMENT WIDTH (in feet) BY STREET TYPE AND
INTENSITY OF DEVELOPMENT**

	Total Lanes	Parking Lanes	Pavement Width	Shoulders	R.O.W
Primary Collector					
No Parking	2	0	20' (22' curbed)	4' grassed	50'
Lots 80'+	2	0	22' (24' curbed)	4' grassed	50'
Lots 40' - 80'	3	1	28' (30' curbed)	4' grassed	50'
Lots <40'	4	2	34' (36' curbed)	4' grassed	50'
Secondary Collector					
Lots 80'+	2	0	20' (22' curbed)	4' grassed	50'
Lots 40' - 80'	3	1	26' (28' curbed)*	4' grassed	50'
Lots <40'	4	2	32' (34' curbed)*	none	60'
Local Access					
Lots 80'+	2	0	20' (22' curbed)	3' grassed	50'
Lots 40' - 80'+	3	2	24' (26' curbed)	4' grassed	50'
Lots <40'	3	2	26' (28' curbed)*	4' grassed	50'
Lanes or Alleys	1	0	12'	2' grassed	20'
Shared Drives	1	0	10'	3' grassed	N/A

* The paved width may be reduced by 6 feet when streets are "single-loaded" (lots on one side only), or when driveways are accessed only from rear service lanes or alleys.

TABLE 4-2

GENERAL DESIGN STANDARDS FOR STREETS

	RESIDENTIAL STREET	NONRESIDENTIAL STREET	Kc	Ks
Design Speed (MPH)				
Local Access Street	30	30	30	40
Sub-Collector Street	35	35	45	50
Collector Street	40	40	70	65
Arterial	*	*	*	*
Maximum Percentage Grade				
Local Access Street	12%	10%		
Sub-Collector Street	10%	7%		
Collector Street	7%	7%		
Arterial	6%	6%		
Minimum Percentage Grade				
All Streets	1%	1%		
Maximum Super-Elevation (foot/foot)				
	0.08	0.08		
Minimum Stopping Sight Distances (in feet)				
Local Access Street	200	200		
Sub-Collector Street	250	250		
Collector Street	300	300		
Minimum Radius of Return at Intersections				
At Right-of-Way	25 ft.	40 ft.		
At Pavement	30 ft.	45 ft.		
Maximum Grade at Intersections				
Local Access Street (Within 50 ft. from E.O.P.)	6%	6%		
Sub-Collector Street	3%	3%		
Collector Street (Within 100 feet from E.O.P.)	3%	3%		
* = As determined by the Major Road and Street Plan				
Pavement Crown				
The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side at a rate of two (2) percent or as specified by the City Engineer.				
Stopping Sight Distance				
Measured from a driver's eye (three and one-half (3 1/2) feet above pavement) to a point six (6) inches above the pavement at a required distance based on miles per hour				

4. Streets shall be interconnected as far as practicable (employing cul-de-sacs only where essential), and they may also be supplemented with back lanes or alleys. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation shall be provided by connecting sidewalks that link the end of the cul-de-sac with the next street (or open space).
5. To the greatest extent practicable, streets shall be designed to have maximum lengths of six hundred (600) feet between intersections, and maximum lengths of twelve hundred (1,200) feet before terminating at three-way "T" intersections or angling off in a diagonal direction. Blocks greater than six hundred (600) feet long shall generally be provided with cross-block pedestrian connections at mid-block locations.
6. Streets shall be laid out to promote pedestrian circulation and ease of access from all points in the residential areas to commercial or institutional facilities.
7. Easements shall be reserved to permit streets to be extended to allow adjoining properties to be connected in the future, if so desired.
8. The street width standards listed below take into account the need for on-street parking spaces, which generally increase as lot widths decrease.

4-106.3 Street Trees

1. The coordinated planting of deciduous shade trees within the right-of-way of all streets is a central unifying feature of development in villages and hamlets.
2. Such trees shall be 2" to 2.5" in diameter, measured at chest height, when planted, and shall be spaced at intervals no greater than forty feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
3. Species shall be selected according to the following criteria:
 - cast moderate shade to dense shade in summer;
 - long-lived (over sixty (60) years);
 - mature height of at least fifty (50) feet;
 - be tolerant of pollution and direct or reflected heat;
 - require little maintenance, by being mechanically strong (not brittle) and insect-and disease-resistant;
 - be able to survive two (2) years with no irrigation after establishment; and
 - be of native origin, provided they meet the above criteria

Among the species that are recommended are sycamore or London Plane, sweet gum, red maple, green ash, Shademaster golden locust, littleleaf linden and Village Green Zelkova. For further relevant information, readers are specifically referred to Street Tree Factsheets, Henry Gersholt, Editor, School of Forest Resources, Pennsylvania State University, 1989.

New Tree Ordinance would dictate this if passed

4-106.4 Intersections

1. Pavement shall intersect as nearly as possible to a ninety (90) degree angle for a minimum of one hundred (100) feet from the stop bar. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (75) degrees shall not be permitted. Not more than two (2) public ways shall intersect at any one point, unless specifically approved by the Planning Commission.
2. Centerline off-sets of less than three hundred fifty (350) feet between T-type intersections within public ways shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, the alignment of such streets shall be continuous. Intersections of arterial or community collector streets shall be at least eight hundred (800) feet apart.
3. Minimum curb or edge of pavement radius shall be determined according to the specifications for the street of higher classification in the street system hierarchy, as specified below.
4. Whenever a proposed street intersects an existing or proposed street of higher order in the street hierarchy, the street of lower order shall be made a stop street. The street of lower order shall also be designed to provide a minimum corner sight distance as specified in Table 4-3. The City Engineer reserves the right to revise sign placement.
5. 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 sub-divider 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. The developer shall provide assurance of continuing maintenance for sight triangle concerns.
6. Intersections shall be designed as shown in Table 4-2, with a grade of one to six percent (1% - 6%).
7. The cross-slope on all public ways, including intersections, shall be two (2) percent or otherwise specified in this document.

TABLE 4-3

MINIMUM INTERSECTION SIGHT DISTANCE "Y"

Major Road Type	Design Speed	Y (in feet)
Higher Order Street	55 mph	610
Higher Order Street	50 mph	555
Higher Order Street	45 mph	500
Primary Collector	40 mph	445
Secondary Collector	35 mph	390
Residential Access Street	25 mph	280

NOTE: The entire area of the clear sight triangle, shall be designed to provide an unobstructed view across it from three and one-half (3 1/2) to all points three and one-half (3 1/2) feet above the roadway along the centerline.

4-106.5 Acceleration and Deceleration Lanes

1. Deceleration or turning lanes may be required along existing and proposed streets as determined by a traffic impact study.
2. Deceleration Lanes Shall Be Designed to the Following Standards:
 - (a) On a State Route the lane shall be designed in conformance with the requirements of the Tennessee Department of Transportation or as approved by the City Engineer, whichever is greater.
 - (b) The lane width shall be the same as the required width of the roadway moving lanes for its full stacking length.
 - (c) A taper shall begin at the end of the deceleration lane and shall be 8:1 up to thirty (30) mph and 15:1 up to fifty (50) mph.
 - (d) The minimum lane length shall be as follows:

Design Speed of Road	Minimum Deceleration Lane Length
30 mph	235 feet
40 mph	315 feet
50 mph	435 feet

3. Acceleration lanes are also required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the City Engineer. As necessary, a paved taper shall be provided for right turns.

4-106.6 Frontage Streets and One-Way Streets

1. Classification and Design of Marginal Access Streets

Frontage or marginal access streets may be utilized as an alternative to creating a row of lots along existing or proposed collector or higher order streets. Marginal access streets shall be classified and designed to conform to the design standards of "Local Access Streets".

- (a) Intersection Spacing

The minimum distance between intersections of the marginal access street with collector streets shall be three hundred-thirty-five (335) feet. Minimum distances with higher order streets shall be determined by the City Engineer based upon the traffic characteristics of the higher order street.

- (b) Distance Between Travelways

A minimum green space of thirty (30) feet shall be provided between the right-of-way of the marginal access street and the right-of-way of the higher order street.

2. Utilization and Design of One-Way Streets

One-way streets may be permitted as loop streets or marginal access streets where there is need to separate the directional lanes to preserve natural features and/or to avoid excessive grading for street construction on steep slopes. One-way streets shall have a minimum of a twenty (20) foot paved surface and a forty (40) foot right-of-way. Pavement and curb transitions shall be designed and constructed in accordance with standards provided by the City Engineer.

4-106.7 Arrangement of Dead-End Streets

1. Temporary Stub Streets

(a) Temporary Turnarounds

A temporary turnaround, approved by the City Engineer, shall be provided on all temporary stub streets exceeding three hundred (300) feet in length, with a notation on the final plat that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued. The reconstruction of the temporary turnaround into the normal right-of-way shall be the responsibility of the attaching developer. Temporary turnabouts shall have a minimum slope of one (1) percent as measured from the center. Additionally, a sign shall be placed, in accordance with the requirements of Section 4-107, (STREET NAME, REGULATORY AND WARNING SIGNS), at the terminus of the temporary cul-de-sac that reads as follows: "Temporary Dead-End Street, Street to be extended by the authority of the City of Portland"

(b) Local Access Stub Streets

Local Access stub streets may be required, or, such may be permitted but only within subsections of phased development for which the proposed street extension in its entirety has been approved as part of a conceptual plan.

(c) Collector and Lane Stub Streets

Stub streets may be permitted or required by the City on collector streets provided that the future extension of the street is deemed desirable by the City and conforms to the adopted Major Street Plan.

2. Permanent Dead-End Public Ways

(a) General Design Standards

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 one hundred-fifty (150) feet. 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.

(b) Design of Turn-A-Rounds

Permanent dead-end or cul-de-sac streets shall normally not serve more than twenty-four (24) residences. A depth suitable for an adequate building lot may be required to be retained between the terminus of the road and adjoining property. The Planning Commission may require the reservation of a twenty (20) foot wide easement through this property to facilitate pedestrian traffic or utilities. Central planting islands shall be located within the turnarounds of permanent culs-de-sac. These planting islands shall contain plantings of canopy shade trees. The design of the cul-de-sac shall be such that storm water drains to this central planting island. No curbs are required along the perimeter of these turnarounds. The Planning Commission will consider alternative shapes for terminations when the street is located upon steep slopes and excessive cut or fill will be required to meet the design standards of the typical sections.

4-106.8 Alleys

Alleys may be required where appropriate in all commercial and industrial districts. Alleys are appropriate in residential districts to improve lot access, reduce the number and frequency of driveways entering public or private streets, or reduce the need for topographic disturbance.

4-106.9 Railroads and Limited Access Highways

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

1. In residential areas, a buffer strip at least 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."
2. In business, commercial or industrial areas, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
3. Streets parallel to a railroad, when intersecting a street 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.

4-106.10 Bridges

Bridges of primary benefit to the subdivider, as determined by the Planning Commission, shall be constructed at the full expense of the subdivider without reimbursement from the City. 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 City and the subdivider.

4-107 STREET NAME, REGULATORY AND WARNING SIGNS

4-107.1 Signs for Public Streets

4-107.101 Signage Requirements

All signage shall conform to the current edition of the Manual of Uniform Traffic Control Devices published by the United States Department of Transportation. Temporary signs may be installed and maintained in lieu of permanent signs until curbs are installed and backfilled. Such signs shall meet the same standards for mounting height, size, and legibility as permanent signs but may be mounted on temporary structures. The installation of temporary street name signs shall be verified by written developer/contractor certification to the Enforcing Officer before authorization for building permits may be granted.

4-107.102 Street Name Signs

a. Street Names

All new street names shall be verified with local 911 officials prior to recording the Final Plan.

b. Installation Requirements

The developer shall purchase and install appropriate signs. Written confirmation shall be required from the City Engineer of this placement prior to recording a Final Plan.

c. Notes

All subdivision plats that require street name signs, or temporary dead-end street signs shall require a note stating: **"No building permit shall be issued for any lot until street name, regulatory and warning signs are installed and verified on all streets on which such lot depends for access."**

4-107.103 Regulatory and Warning Signs

a. Installation Requirements

The developer shall purchase and install appropriate signs. Written confirmation of this placement shall be required from the City Engineer prior to recording a Final Plan.

b. Bond

Regulatory and warning signs may be included as a part of the original bond covering streets, drainage and other public improvements.

c. Notes

All subdivision plats that require street name signs, or temporary dead-end street signs shall require a note stating: "No building permit shall be issued for any lot until street name, regulatory and warning signs are installed and verified on all streets on which such lot depends for access."

4-107.2 Street Names, Regulatory and Warning Signs for Private Streets

1. Installation Requirements

The developer shall purchase and install appropriate street name and traffic control signs. Written confirmation of this action shall be required prior to issuance of any building permit or filing of a Final Plan.

2. Notes

All subdivision plats that require street name signs, or temporary dead-end street signs shall require a note stating: "No building permit shall be issued for any lot until street name, regulatory and warning signs are installed and verified on all streets on which such lot depends for access."

4-108 PRIVATE STREETS

4-108.1 Generally

Where the ownership, control and maintenance of any street is proposed to remain in private ownership, such street shall be designed and constructed to the standards provided in these regulations. A permanent access easement over such streets shall be provided to each and every parcel or lot that is to gain access therefrom. All such private improvements shall be maintained by the developer/owner or by a legally established Homeowner's Association or similar group approved by the Planning Commission. The legal documents establishing ownership and maintenance of the easement shall be submitted with the Final Plan for review and approval and shall be recorded with the Final Plan. A bond may be posted to guarantee such improvements in a like manner as required for public streets.

4-108.2 Additional Regulations for Private Streets

Private streets may be included in any subdivision in conformity to these standards so long as the subdivision is included within a PUD, or Conservation Subdivision as defined in Section 8-102, (WORDS AND TERMS DEFINED). The private street (or streets) shall be identified on the face of the plat as an easement for lot access and as a public utility easement.

1. Unless otherwise approved by the Planning Commission, private streets shall conform to the provisions of Subsection 4-106.2, (General Design), of these regulations and in addition the following:
 - (a) All hardware such as catch basins, inlets, etc. and all drainage structures shall meet the requirements of these regulations.
 - (b) Up to eight (8) side-by-side parking spaces may be allowed to back directly into the travelway of a loop or permanent dead-end roadway provided that:

- (i) Such parking is located a minimum of twenty-five (25) feet from any other parking spaces backing into the travelway.
 - (ii) The sight distance along the travelway is adequate for the design speed of the street.
 - (iii) All other parking shall be provided with adequate off-street maneuvering to allow forward entry to the street.
- (c) All vehicular access to the private street shall be shown on the Development Plan and Final Plan.
 - (d) A bond may be posted in lieu of completion of the required improvements in accordance with the provisions of Article III.
2. The Master Deed, or declaration of covenants, shall contain, in its description of the common element(s), a specific designation of the private street as the responsibility of the Owner's Association and not the City or County. The Master Deed, or declaration of covenants, shall also provide for a sufficient level of funding to offset the reasonable and foreseeable costs of maintaining the private street.

4-109 BLOCKS

4-109.1 Block Widths

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width may be permitted in blocks adjacent to major streets, railroads, waterways, or for double frontage lots along collector or arterial streets.

4-109.2 Block Lengths

Block Lengths in residential areas shall not exceed 1,200 feet nor be less than 200 feet or four lot widths whichever is greater, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the street pattern. Wherever practicable, blocks along arterial streets shall not be less than 1,000 feet in length and blocks along collector streets should not be less than 1,000 feet in length.

4-109.3 Considerations for Block Length, Width, and Shape

The lengths, widths, and shapes of blocks shall be determined with due regard to:

- 1. Zoning requirements as to lot sizes;
- 2. Needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
- 3. Limitations and opportunities of topography.

4-109.4 Easements Through Blocks

The Planning Commission may require the dedication of an easement through blocks to accommodate utilities, drainage facilities, or pedestrian traffic.

4-110 LOT REQUIREMENTS

4-110.1 Lot Arrangement

Lot arrangement shall be such that there shall be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in providing a building site and yard area. Lots proposed for creation on steep slopes, or with limited acceptable soil for private sewage disposal system (if applicable), shall be designated on the face of the plat as critical lots in accordance with the provisions of Section 4-102.2, (Critical Lots).

4-110.2 Lot Dimensions

Lot area shall comply with the minimum standards of the Zoning Ordinance.

1. Lot Lines. Residential side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
2. Frontage. Each lot shall have frontage on a public street or, where permitted, on a private street to enable vehicular access to be provided. Lots in commercial zones may be excepted where a joint access driveway provides better access management.
3. Flag Lots. Residential flag lots shall generally not be permitted except the Planning Commission may waive the requirement if it finds that, due to unusual conditions, limited area for lot frontage on a street is available, or if all of the following conditions are met:
 - The proposed lots fit into the character of the area and are consistent with the general plan.
 - All minimum standards of the Zoning Ordinance shall be met.
 - Up to three lots are proposed.
 - The residential unit on the lot with frontage comparable to other lots in the area shall face the street.
 - The flag lot private drive and/or access easement shall connect to a street.
 - The flag lot private drive and/or access easement shall be at least ten feet wide for its entire length.
 - The flag lot shared access easement shall be part of one non-frontage lot and under the same ownership as that lot.
4. Corner Lots. Dimensions of corner lots shall be large enough to allow for street intersection radii and for erection of buildings, as stipulated by the requirements of the Zoning Ordinance.
5. Lot Width. Lot width, at the front property line stipulated in the Zoning Ordinance, shall be not less than 25 percent of the average lot depth. This provision shall not apply to residential lots greater than two acres in size or to property within commercial or industrial zones.

6. **Additional Yard Area.** Residential lots, including double frontage and corner lots, shall be platted so that the depth of any yard abutting an arterial or collector street, limited access highway or railroad can conform to any additional yard requirements established by the zone district requirements.
- In residential areas, a buffer strip at least 25 feet in depth adjacent to a railroad right-of-way or limited access highway may be required for partitions and minor subdivisions and shall be required for major subdivisions. This strip shall be designated as common open space and shall be used for screening
 - In commercial or industrial areas, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

4-110.3 Double Frontage Lots

Creation of lots with double frontage (street abutment front and rear) shall be avoided. Exceptions may be made where necessary to provide access to residential development from other than arterial or collector streets, or to overcome specific disadvantages of topography and orientation.

4-110.4 Access from Arterial or Collector Streets

When property is subdivided along an arterial or collector street dwelling units are encouraged to face the arterial or collector wherever practicable with vehicular access via a shared frontage road, driveway easement, or rear alley. There shall be a separation area between the arterial or collector and the edge of the frontage road or shared driveway easement.

4-110.5 Lot Drainage

Lots shall be arranged in a manner to permit coordination of lot drainage with the general storm drainage system for the area, including subsurface drainage.

1. Drainage systems shall be designed to avoid concentration of flow from each lot onto adjacent lots.
2. The applicant shall insure that all artesian ground waters of a permanent or temporary nature discovered during the subdivision planning, development and construction process shall be intercepted and carried away to primary drainage conduits by swale ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept shall be allowed at the point of artesian surfacing. The applicant shall be obligated to perform this work upon evidence of any artesian water discovered during the planning, development, and construction phase of the subdivision.
3. Any sinkhole or any natural channel serving as a means of moving ground water into the subterranean system shall be identified on the final plat and shall be protected as approved by the Storm Water Division and the Tennessee Department of Environment and Conservation. All sinkholes in residential subdivisions shall be platted as open space.

4. An erosion and sediment control plan shall be presented with the Construction Plans submitted in conformance with Section 2-107, (CONSTRUCTION PLANS), of these regulations. All properties adjacent to the site of land disturbance shall be protected from sediment disposition. The developer shall submit copies of any required permits issued by other government agencies such as, but not limited to Notices of Intent and Aquatic Resource Alteration Permits. Copies of supplemental information such as Storm Water Pollution Prevention Plans that are used to obtain these permits shall also be submitted.

4-110.6 Relationship to Watercourses

Generally, if a tract being subdivided contains a water body, or portion thereof, such area shall be within jointly held open space. However, 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 portion of the minimum area of a lot required under any zoning ordinance may be satisfied by land that is underwater. Where a watercourse separates the buildable area of a lot from the public way to which such lot has access, provisions shall be made for installation of a culvert of adequate overflow size or other structure approved by the Planning Commission.

4-110.7 Lot Subdivision Comparability

4-110.701 Lot Subdivision Comparability

In areas previously subdivided and predominantly developed, lot sizes resulting from a proposed subdivision shall be generally in keeping with the lot frontage and lot area of surrounding lots, as defined in Sections 4-110.702– 4-110.705.

- a. This rule encourages consistent and compatible subdivision of land in existing neighborhoods.
- b. This rule shall apply to properties zoned residential and which are intended to remain largely for residential use, as defined by the General Plan including its constituent elements.
- c. This rule shall not apply in agricultural zones, to lots created on a new street, or to the consolidation of lots. Lot frontage comparability shall not apply to lots at the terminus of permanent dead end streets with 35 feet of street frontage or more.

4-110.702 Exceptions

Lot comparability may not be required if, in the opinion of the Planning Commission, a smaller lot size is consistent with the General Plan including its constituent elements.

4-110.703 Comparable Lots.

The following properties shall be used to determine the block character for purposes of establishing lot comparability:

- a. Lots on the same and opposing block face that are within 300 feet of the boundary of the property proposed to be subdivided.

- b. Lots abutting each quadrant of an intersection when the proposal involves a corner lot; and
- c. Lots that abut or are directly across a public way, but not to the rear of the property, from the property proposed to be subdivided.

4-110.704 Excluded Lots

The following properties shall not be used to determine the block character for purposes of establishing lot comparability:

- a. Properties zoned non-residential or multi-family.
- b. Properties zoned residential, but used for non-residential purposes (i.e. daycare, school, religious institution, or a non-conforming, non-residential use).
- c. Properties where development continuity cannot be provided due to a natural or man-made barrier, including but not limited to, arterial or collector streets, public land, railroad right-of-way, waterways, or
- d. Properties that face a block face within a non-residential zoning district.

4-110.705 Lot Comparability Procedures

To determine if a proposed subdivision meets the requirements of this Section, the average lot frontage and area of the surrounding comparable lots shall be calculated as follows:

- a. The surrounding lot frontages and areas shall be stratified and any lot varying more than 50 percent from the median shall not be included in the calculations.
- b. Determine the average frontage of the applicable surrounding lots and multiply the result by 90 percent. This result then is the minimum lot frontage required for comparability.
- c. Determine the average area of the applicable surrounding lots and multiply the result by 75 percent. This result then is the minimum lot area required for comparability.

4-111 OPEN SPACE REQUIREMENTS

4-111.1 Reservation of Land for Recreational Purposes

Areas for parks and playgrounds of reasonable size for neighborhood playgrounds or other recreational uses shall be required. No arbitrary percentage of area shall be insisted upon by the Planning Commission, but in general the developer should set aside not less than ten (10) percent of the area for these purposes. Upon a determination by the Planning Commission that a park of suitable size or location cannot be located in the development or is otherwise not practical a recreation fee may be paid in lieu of a reservation of land per the fee schedule established by the governing body.

4-111.2 Basic Criteria.

The configuration of proposed Open Space Lands set aside for common use in residential subdivisions shall:

1. Be free of all structures except historic buildings, stone walls, and structures related to the open space uses. The Planning Commission may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space provided that such facilities would not be detrimental to the intended use of the open space. The Planning Commission may also grant permission to construct small, modest buildings for recreational uses, such as park shelters, etc.
2. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four to one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
3. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe and convenient pedestrian access to Open Space Land.
4. Be suitable for active recreational uses to the extent deemed necessary by the Planning Commission.
5. Be interconnected wherever possible to provide a continuous network within and adjoining the subdivision.
6. Provide buffers to adjoining farmland, parks, preserves or other protected lands.
7. Open Space Lands shall provide for pedestrian pathways. Consideration shall be given to providing public access if such trails are linked to other publicly-accessible pathway systems within the City. Provisions should be made for access to the Open Space Lands, as required for land management and emergency purposes.
8. Be undivided by public or private streets, except where necessary for proper traffic circulation.
9. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or landscaping with native trees, shrubs, and wildflowers.
10. Be made subject to such agreement with the City and such conservation easements as may be required by the Planning Commission for the purpose of preserving the common open space for such use, and
11. Be consistent with the City's Development Plan and its Open Space Plan.

4-111.3 Open Space Land Ownership and Maintenance Standards

4-111.301 Permanent Protection

All Open Space Land shall be permanently restricted from future subdivision and development. With the exception of those uses listed in Subsection 4-111.2, (Basic Criteria), above no development shall be permitted in the Open Space at any time.

4-111.302 Ownership Options

The following methods may be used, either individually or in combination, to own common facilities. However, Open Space Land shall be initially offered for dedication to the City. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

a. **Fee Simple Dedication to the City**

The City may, but shall not be required to, accept any portion of the common facilities that the applicant may wish to offer voluntarily, provided that:

- i. There is no cost of acquisition to the City; and,
- ii. The City agrees to and has access adequate to maintain such facilities.

b. **Condominium Association**

Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common elements".

c. **Homeowners' Association**

Subject to the provisions set forth in the following regulations, common facilities may be held by a homeowners' association:

- i. The applicant shall provide the City a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
- ii. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
- iii. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

- iv. The association shall be responsible for maintenance and insurance of common facilities.
- v. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
- vi. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the City no less than thirty days prior to such event.
- vii. The association shall have adequate staff to administer, maintain, and operate such common facilities.

4-111.303 Private Conservation Organization or the City

With permission of the City, an owner may transfer fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the City provided that:

- The conservation organization is acceptable to the City and is a bona fide conservation organization intended to exist indefinitely;
- The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or the City becomes unwilling or unable to continue carrying out its functions.
- The Open Space Land is permanently restricted from future development through a conservation easement and the City is given the ability to enforce these restrictions; and,
- A maintenance agreement acceptable to the City is established between the owner and the organization or the City.

4-111.304 Dedication of Easements to the City

The City may, but shall not be required to, accept easements for public use of any portion of the common land or facilities voluntarily offered by the Applicant. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the City holds the easements. In addition, the following regulations shall apply:

- There shall be no cost of acquisition to the City.
- Any such easements for public use shall be accessible to the residents of the City.
- A satisfactory maintenance agreement shall be reached between the owner and the City.

4-111.4 Open Space Land Maintenance

4-111.401 Responsibility for Maintenance

Unless otherwise agreed to by the governing body, the cost and responsibility of maintaining common facilities and Open Space Land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

4-111.402 Open Space Maintenance Plan

The applicant shall, at the time of Development Plan submission, provide a Plan for Maintenance of Open Space Lands and Operation of Common Facilities in accordance with the following requirements. (This Plan may be based on the model by the Natural Lands Trust, Media, PA.)

- a. The Plan shall define ownership;
- b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);
- c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
- d. At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,
- e. Any changes to the maintenance plan shall be approved by the Planning Commission.

4-111.403 Failure to Maintain

In the event that the organization established to maintain the Open Space Lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility for maintenance.

4-111.404 Corrective Action in Event of Failure to Maintain

The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties.

4-112 RESERVATIONS AND EASEMENTS

4-112.2 Easements for Utilities and Drainage

4-112.201 Basic Requirement

Where topography or other conditions are such as to make impractical inclusion of utilities or drainage facilities within street rights of way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.

4-112.202 Explanation of Drainage Easements

In any instance where drainage easements are indicated upon a final plat the following notation shall appear:

"The drainage easements (or the drainage discharge points) shown hereon establish the perpetual right to discharge storm water runoff from the highway and from the surrounding area onto and over the affected premises by means of pipes, culverts, or ditches, or a combination thereof, together with the right of the holder of fee title to the highway, or his authorized representatives, to enter said premises for purposes of making such installations and doing such maintenance work as said holder of fee title may deem necessary to adequately drain the highway and surrounding area."

4-112.3 Easements for Pedestrian Access

The Planning Commission may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width. Where blocks exceed 800 feet in length, such pedestrian facilities shall be installed by the developer as mid-block connectors.

4-112.4 Easements for Maintenance of Slopes

4-112.401 Basic Requirement

Where steep slopes beyond the street right of way may require maintenance, an easement may be required for such purpose.

4-112.402 Explanation of Slope Easement

In any instance where drainage easements are indicated upon a final plat the following notation shall appear:

"The slope easements shown hereon convey to the City of Portland the right to enter said premises for the purpose of cutting and maintaining a stable earth slope."

4-112.5 Easements for Maintenance of Visibility Triangles

4-112.501 Basic Requirement

Where conditions beyond the street right of way may require protection of visibility triangles, an easement may be required for such purpose.

4-112.502 Explanation of Slope Easement

In any instance where sight easements are indicated upon a final plat the following notation shall appear:

"The slope easements shown hereon establish the perpetual right of the holder of fee title of the highway, or his authorized representatives, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between an observer's eye at an elevation of three and one-half (3 1/2) feet above the surface at the nearest edge of the road and an object one (1) foot above the nearest edge of pavement on the intersecting road."

4-112.6 Responsibility for Ownership of Reservations

Title to all reservations, if vested in interests other than the subdivider, shall be clearly indicated on the plat. An explanation of such reservations reading as follows shall appear upon the final plat: "Reserved for highway purposes (or recreation purposes, or other approved purpose)"

4-113 DRAINAGE AND STORM SEWERS

4-113.1 General Design Concept

It is the intention of these regulations that both the rate and the total amount of storm water runoff from development sites be minimized. In general, the primary design concept for storm water management within new developments is to be premised on use of open space for detention, retention and aquifer recharge. This approach is intended to maximize on-site infiltration of storm water directly into the community's aquifer recharge system and thereby reduce the need for costly, large-scale storm water collection systems while simultaneously making dual use of open area as "rain gardens" and bio-retention areas.

4-113.2 Nature of Storm Water Facilities

4-113.201 Location

The subdivider may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either or prior to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with approved Construction Plans.

4-113.202 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 City.
- b. If a connection to a public storm sewer will eventually be provided, as determined by the Planning Commission, the subdivider shall make arrangements for future storm water disposal by a public utility system at the time the plan receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the Final Plan.

4-113.203 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. The engineer designing the subdivision shall determine the necessary size of the facility, based on provisions of the City's construction specifications and assuming conditions of maximum potential watershed development permitted by applicable zoning regulations.

4-113.204 Effect on Downstream Drainage Areas – The City also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

4-113.3 Dedication of Drainage Easements

4-113.301 General Requirements

Where a subdivision is traversed by a watercourse, drainageway 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 for the purpose. Where open drainageways are utilized they shall be designed for the twenty-five (25) year design flood.

4-113.302 Drainage Easements

- a. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a street right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the street lines and with satisfactory access to streets. Easements shall be indicated on the Development Plans and Final Plans. Drainage easements shall be carried from the street 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 Final Plans.
- 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 existing watercourses to a distance to be determined by the Planning Commission.
- d. Along watercourses, low-lying lands within any floodway, as has been determined by the Planning Commission pursuant to these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

4-113.303 Ditching

All drainage ditches shall be constructed adjacent to the roadway shoulders and shall feed to and from culverts under or adjacent to the roadway. All such ditches shall be graded in their entirety during the time in which roadways are being graded and such grading is to be completed prior to final inspection of the roadways.

4-113.304 Concrete Ditch Paving

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 material shall be removed and replaced with suitable material and compacted. Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled immediately after the concrete has set and the forms removed. The backfill material shall be thoroughly compacted. Expansion joints shall be appropriately located.

4-113.305 Culverts and Storm Drains

Pipe culverts and storm drains shall be installed as shown on the subdivision plat and Construction Plans. No metal pipe shall be used without specific approval of the Planning Commission and the City Engineer. Reinforced concrete pipes shall conform to minimum standards for Class III Reinforced Pipe, ASTM C76. Concrete headwalls shall be constructed at both ends of cross drains.

4-114 WATER FACILITIES

4.114.1 General Requirements

Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection.

4.114.2 Construction Criteria

All water facilities including fire hydrants shall be subject to the construction standards, material specifications established by the Town. All plans and materials are subject to approval by the City Engineer and the Tennessee Department of Environment and Conservation. Where required for fire protection water mains shall be of such size as to provide required fire flows. In no event shall any water mains utilized for fire protection be less than six (6) inches in diameter. The Planning Commission may approve smaller lines, as necessary, to meet potable water demand.

4.114.3 Special Criteria for Flood Prone Areas

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.

4.114.4 Fire Hydrants

Fire hydrants shall be required in all subdivisions. Hydrants shall be located no more than one thousand (1,000) feet apart by road and be within five hundred (500) feet of all residential, commercial, or industrial building envelopes or structures, whichever is applicable. This distance shall be measured by road or street. The Planning Commission may, however, require closer spacing where physical conditions or types of structures so warrant. To eliminate future public way butting 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.

4-115 SEWAGE FACILITIES

4-115.1 General Requirements

The applicant shall 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.

4-115.2 Mandatory Connection to Public Sewer System

1. When public sanitary sewers are accessible to the subdivision, as determined by the Planning Commission, the subdivider shall provide such facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers that 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.
3. All public sanitary sewer systems shall be constructed utilizing materials that are A.S.T.M. and/or A.W.W.A. approved.

4-115.3 Individual Disposal System Requirements

If public sewer facilities are not available and individual disposal systems are proposed the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device shall be approved by the County Health Department. Unless located within a Conservation Subdivision approved under the authority of Article VI, of these regulations, the entire individual disposal system, including all drainage fields associated therewith, shall be located on the lot with the principal structure such system is to serve.

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 final plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4-116 PUBLIC USES

4-116.1 Plat to Provide for Public Uses

Except when a developer utilizes planned unit development or density zoning, in which land is set aside by the developer as required by provisions of the zoning ordinance, whenever a tract to be subdivided includes a school, recreation use, a portion of a major street, or other public uses, as indicated on the adopted City Development Plan and Major Street Plan or any portion thereof, such tract shall be suitably incorporated by the developer into the design of his subdivision when first presented for review by the Planning Commission. After proper determination of its necessity by the Planning Commission and the appropriate City official or other agency 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 Final Plan.

4-116.2 Referral to Public Body

The Planning Commission shall refer any plan presented in accordance with Subsection 4-116.1, to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency sixty (60) days for reply.

4-116.3 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 public body.

4-116.4 Duration of Land Reservation

The acquisition of land reserved by a public body on the Final Plan 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 the proposed development and a tentative schedule of construction. Failure on the part of the public 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.

4-117 NONRESIDENTIAL SUBDIVISIONS

4-117.1 General

If a proposed subdivision includes land that 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 shall be subject to all the requirements of these regulations; as well as such additional standards as set forth by the Planning Commission.

4-117.2 Standards

In addition to the principles and standards in these regulations that are appropriate to the planning of all subdivisions, the developer 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 area and dimensions to the types of nonresidential development anticipated;
2. Special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications;
3. Every effort shall be made to protect adjacent residential areas from potential nuisances from the proposed nonresidential subdivision, including provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and
4. Public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE V**PLAN CONTENT REQUIREMENTS****SECTIONS**

- 5-101 Purposes and Applicability
- 5-102 Conceptual Plans
- 5-103 Development Plans
- 5-104 Construction Plans
- 5-105 Final Subdivision Plans

5-101 PURPOSES AND APPLICABILITY

The provisions of this Article apply to applications for both "Major and Minor" subdivisions submitted under authority of these regulations. For the convenience of applicants, the City provides a complimentary Plan Requirements Checklist listing all the documents required to be submitted, at each step of the review process. Copies of this checklist are available at the office of the Planning Director. The checklist also facilitates review by staff and officials, as they review each application for completeness and conformance with relevant provisions of these regulations.

5-102 CONCEPTUAL PLANS**5-102.1 General**

Conceptual Plans are required for all "Major Subdivisions" as defined in these regulations. The application for a Conceptual Plan shall provide the name and address of the legal owner or equitable owner of the subject property, and the name and address of the applicant if not the same party, plus the plan contents listed below. A deed or agreement of sale evidencing that the applicant is the legal or equitable owner of the land to be subdivided or developed shall be shown.

5-102.101 Plan Preparation

The Conceptual Plan shall be prepared by individuals who are licensed to perform such design services.

5-102.102 Conceptual Plan Contents

The submission requirements for a Conceptual Plan shall consist of the following elements:

- a. Site Context Map
- b. Existing Resources and Site Analysis
- c. The Conceptual Improvements Plan
- d. Preliminary Studies and Reports as required by Subsection 5-102.204, (Preliminary Studies and Reports).

5-102.103 Drafting Standards

- a. The plan shall be drawn to a scale of 1" = 100'.
- b. Dimensions shall be set in feet.
- c. Each sheet shall be numbered and the plan shall provide an adequate legend indicating clearly which features are existing and which are proposed.

5-102.2 Conceptual Plan Requirements

The following information is to be provided on the plans and maps as indicated.

5-102.201 Site Context Map

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than 1" = 200', and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of one hundred (100) acres or more, the scale shall be 1" = 400', and shall show the above relationships within two thousand (2,000) feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S.D.A. Natural Resources Conservation Service), woodlands (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

5-102.202 Existing Resources and Site Analysis

For all major subdivisions, (except those in which all proposed lots are to be five (5) acres or greater in area) an Existing Resources and Site Analysis shall be prepared to provide the developer and the community with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. Unless, otherwise, specified by the Planning Commission, the graphic portion of such analysis shall generally be prepared at the scale of 1" = 100' or 1" = 200'. The following information shall be included in this document:

- a. A vertical aerial photograph enlarged to a scale not less detailed than 1" = 400', with the site boundaries clearly marked;
- b. A contour base map, the contour lines of which shall generally be at two (2) foot intervals. The source of the topographic information shall be noted on the plan. Where in the opinion of the Planning Commission the topographic information for a site is of critical significance due to exceptionally steep or flat conditions the Commission may require that such information be prepared by a professional land surveyor or engineer from an actual field survey of the site or from stereoscopic aerial photography. In addition to general topographic information, slopes shall be grouped into three classifications;

- slopes of less than fifteen (< 15) percent;
 - slopes between fifteen and twenty-five (15-25) percent; and
 - slopes exceeding twenty-five (25 >) percent.
- c. The location of significant features such as woodlands, tree lines, open fields or meadows, watershed divides and drainage ways, fences and stone walls, rock outcrops, and existing structures;
- d. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales. The following shall be specifically indicated:
- i. All naturally occurring watercourses that normally contain flowing water during all times of the year, including streams that may dry up during periods of extended drought. These shall include, but not be limited to, perennial streams identified in the most recent Soil Survey of the County. (Note: Shown as solid lines on Soil Survey Maps)
 - ii. Perennial streams identified on United States Geological Survey Maps (U.S.G.S.). (Note: Shown as solid blue lines on USGS Maps)
 - iii. All intermittent watercourses otherwise identified in the most recent Soil Survey of the County, or identified on plans submitted by applicants.
 - iv. All streams having an established floodplain shall be indicated as well as the location and extent of the 100-year floodplains along such streams.
 - v. Vernal pools.
- e. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland.
- f. An inventory of existing trees with a caliper in excess of that indicated in the following table for the species indicated:

The Planning Commission may waive these tree locational requirements within wetlands, floodplains, on slopes greater than twenty-five (25) percent, and in other areas proposed to be conserved in their natural state.

Species	Diameter at Breast Height (dbh)
Eastern Redbud or Flowering Dogwood	4 inches
Sassafras or Water Beech	6
Holly	8
Wild Cherry	10
Red or White Oak	12
Green or White Ash	14
Tulip Poplar or Larch	16
Sycamore	18
White Pine	20

- g. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county. Where any form of sewage disposal other than public sewer service is proposed the soil information shall be in the form of a "high intensity soil survey" (as defined by the UDSA NRCS).
- h. Ridge lines and watershed boundaries shall be identified.
- i. A viewshed analysis showing the location and extent of views into the property from public roads and parks
- j. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- k. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- l. Locations of all historically significant sites or structures on the tract, including but not limited to stone walls, earthworks, and graves.
- m. All easements and other encumbrances of property that are or have been filed of record with the County Recorder of Deeds shall be shown.
- n. Total acreage of the tract, plus the Adjusted Tract Acreage (see Section - _____, DENSITY DETERMINATION, of Section 6-300, CONSERVATION DESIGN OVERLAY DISTRICT, of the Zoning Ordinance) and all other information necessary to determine the density, with detailed supporting calculations.

5-102.203 The Conceptual Improvements Plan

Conceptual Improvements Plans shall be prepared in the form of an **overlay sheet**. The purpose of presenting the information in this format is to enable the applicant to demonstrate how well the proposed development avoids impacting the underlying resources and what opportunities have been taken to improve existing site conditions. The Conceptual Plan Overlay Sheet shall include the following information:

- a. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock outcroppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis Plan.
- b. Existing and approximate proposed lot lines and areas of proposed lots.
- c. Approximate location, alignment and width of all proposed streets and street rights-of-way, including all street extensions or spurs that are necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
- d. Approximate location of proposed swales, drainage easements, and other stormwater management facilities.
- e. The conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and any pumping facilities.
- f. The conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- g. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- h. Utilities and Easements
 - i. Exact locations of existing utility easements and approximate locations of proposed utility easements.
 - ii. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)
 - iii. The tentative location of proposed on-site sewage and water facilities.

5-102.204 Preliminary Studies and Reports

When required by the Planning Commission, the Conceptual Plan submission shall include one or more of the following studies to assist in determination of the impact of the application upon municipal services and facilities:

- a. Sewer and water feasibility report.
- b. Traffic Impact Study.

5-103 THE DEVELOPMENT PLAN

5-103.1 General

Development Plans are required for all "Major Subdivisions", as defined in these regulations.

5-103.101 Purpose of Development Plan

The Development Plan is intended to contain sufficient detailed engineering information to divulge the ultimate operation and appearance of the proposed development.

5-103.102 Plan Preparation

Development Plans shall be prepared by individuals who are licensed to perform the necessary design services.

5-103.103 Development Plan Contents

The submission requirements for a Development Plan shall consist of the following elements as described herein:

- a. The Preliminary Improvements Plan
- b. Preliminary Open Space Ownership and Management Plan
- c. Proposed Community Association Documents

5-103.104 Drafting Standards

- a. Graphic portions of the plan shall be drawn to a scale of 1" = 100', unless otherwise approved by the Planning Commission.
- b. Dimensions shall be set in feet.
- c. Each sheet shall be numbered and the plan shall provide an adequate legend indicating clearly which features are existing and which are proposed.

5-103.2 Project Phasing

Where the applicant proposes to install improvements in phases, he shall submit with the Development Plan a drawing of the entire property with the proposed sections or phases delineated thereon.

5-103.3 Development Plan Content

The following information is to be provided on the plans and maps as indicated.

5-103.301 General Information

The following information concerning the site and the individuals submitting the proposed development is required.

- a. the name and address of the owner(s) of land to be subdivided, the developer if other than the owner, and the land surveyor preparing the plan;
- b. A Site Context Map containing the information required by Subsection 5-102.201;
- c. the names of all adjoining property owners of record, or the names of adjoining developments;
- d. the names of adjoining public ways;
- e. the date of the plan, approximate true north point, scale, and title of the subdivision;
- f. the zoning classification of all lots, as well as an indication of all uses other than residential proposed by the applicant;
- g. map parcel numbers of original parcels included within the development as recorded on the land tax maps of the county.

5-103.302 The Proposed Improvements Plan

The following information concerning the proposed development is required.

- a. the location and dimensions of all boundary lines of the property, figured to the nearest one hundredth (1/100) of a foot;
- b. contours at vertical intervals of not more than two (2) feet (contours to be field surveyed or taken from aerial maps or other information acceptable to the Planning Commission);
- c. the location of existing public ways, easements, water bodies, wetlands, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges;
- d. the location and width of all existing and proposed easements, alleys, and other public ways, and building setback lines;
- e. the location, dimension, and area of all proposed or existing lots;
- f. 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;

- g. the limits of floodway and floodplain and the associated one-hundred year regulatory flood elevation and regulatory flood protection elevation, of one (1) foot above the elevation of the 100-year regulatory flood;
- h. the location and dimensions of all required stream buffers;
- i. limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- j. sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines within the area to be subdivided; and
- k. name of the subdivision and all new public ways, as approved by the Planning Commission.

5-103.303 Plan Notations

The following notations shall appear on the Development Plan:

- a. explanation of all easements (drainage, access etc.);
- b. explanation of reservations;
- c. for any lot where public sewer or water systems are not available, the following:
 - i. areas to be used for sewage disposal including acceptable data to show that the site can be served effectively by a septic system;
 - ii. water wells (existing and proposed).
- d. a form for endorsement of Planning Commission approval of the Development Plan that shall read as follows:

This Development Plan was approved by the Portland Regional Planning Commission, with such exceptions or conditions as indicated in the minutes of the commission on _____ (Date)_____.

No grading or construction shall take place until Construction Plans and a Development Agreement required by the Subdivision Regulations are approved.

 Planning Commission Secretary

5-103.304 Design Certification

As an integral element of the Development Plan, the applicant shall submit to the Planning Commission a "Design Certification" stating that the approximate layout of proposed streets, lots, and open space complies with the zoning and subdivision regulations. This certification requirement is meant to provide the Planning Commission with assurance that the proposed plan can be accomplished within current regulations. The certification shall also note any variances needed to implement the plan as presented.

5-103.4 Proposed Open Space Ownership and Management Plan

Within any development where open space is proposed the following shall be provided. Using the Development Plan as a base map, the boundaries, acreage and proposed ownership of all open space areas shall be shown. In addition, the applicant shall also submit a proposed Open Space Ownership and Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property. Where a Community Association is to be responsible for the care and maintenance of the open space, draft documents required by Subsection 5-103.5, (Proposed Community Association Documents), shall be presented as part of the plan.

5-103.5 Proposed Community Association Documents

A Community Association Document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivisions where lands or facilities are proposed to be used or owned in common and not deeded to the City. The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:

1. A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the location of those lands and facilities.
2. Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
3. A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism whereby owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
4. Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
5. Statements requiring each owner within the subdivision to become a member of the Community Association.

6. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
7. Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
8. A process of collection and enforcement to obtain funds from owners who fail to pay required assessments.
9. A process for transition of control of the Community Association from the developer to the unit owners.
10. Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
11. Provisions for the dissolution of the Community Association, in the event the Association should become enviable.

5-104 CONSTRUCTION PLANS

5-104.1 General

Construction Plans drawn at a scale of no more than fifty (50) feet to one (1) inch shall be prepared for all improvements required by these regulations. **Approval of Construction Plans must precede any clearing, grading, or site construction.** The territory included within Construction Plans shall correspond to that included within the Development Plan.

5-104.2 Plan Preparation

All Construction Plans shall be prepared and stamped by a Tennessee Licensed Engineer engaged in the practice of civil engineering.

5-104.3 Development Agreements to Accompany Construction Plans

Drafts of proposed development agreements prepared on forms provided by the City shall accompany all submittals of Construction Plans. The development agreements shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that the methods and materials meet or exceed minimum standards established by the City. The development agreement shall be sufficient to assure construction of the following:

1. All off site improvements required to serve the development.
2. All on-site improvements located within the section of the project contained within the Construction Plans, including improvements that are required to serve future portions of the development not contained within the plans.
3. All improvements required to serve the lots shown on the plan and are not constructed and offered for public acceptance prior to or concurrently with submittal of Final Plans covering such lots.

5-104.4 Storm Water Report

A comprehensive storm water report shall accompany the Construction Plans. Such plans shall be accompanied by a N.O.I. from the Tennessee Department of Environment and Conservation. In any instance where either Aquatic Resource Alteration Permits (ARAP) or 404 Permits are required such shall be obtained and submitted with the Storm Water Report.

5-104.5 Storm Water Pollution Prevention Plan

A draft Storm Water Pollution Prevention Plan meeting the specifications established by the Tennessee Department of Environment and Conservation shall be presented with the construction plan. No grading shall be conducted until such plan is approved.

5-105 FINAL SUBDIVISION PLANS

5-105.1 General

Final Plans are required for both "Major and Minor Subdivisions", as defined in these regulations.

5-105.101 Plan Preparation

All Final Plats shall be prepared by licensed surveyors.

5-105.102 Final Plan Contents

The submission requirements for a Final Plan shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- a. The Final Plat
- b. Final Open Space Ownership and Management Plan
- c. Final Community Association Documents
- d. Formal Irrevocable Offers of Dedication
- e. Final Drafts of Covenants, Conditions and Restrictions

5-105.103 Drafting Standards

- a. Graphic portions of the plan shall be drawn to a scale of 1" = 100', unless otherwise approved by the Planning Commission.
- b. Dimensions shall be set in feet.
- c. Each sheet shall be numbered and the plan shall provide an adequate legend indicating clearly which features are existing and which are proposed.

5-105.2 Project Phasing

When the Final Plan is to be approved in segments or phases such phasing shall correspond to that approved in the Development Plan.

5-105.3 The Final Plat

In the case of major subdivisions, the final plat shall correspond with the design and construction details and standards established within the approved construction drawings and Development Plan. Final plats shall include the following information.

5-105.301 General Information

The following information concerning the site and the individuals submitting the proposed development is required.

- a. the name and address of the owner(s) of land to be subdivided, the developer if other than the owner, and the land surveyor preparing the improvements plat;
- b. A Site Context Map containing the information required by Subsection 5-102.201;
- c. names of all adjoining property owners of record, or the names of adjoining developments;
- d. names of adjoining public ways;
- e. the date of the plat, approximate true north point, scale, and title of the subdivision;
- f. the zoning classification of all lots, as well as an indication of all uses other than residential proposed by the applicant;
- g. map parcel numbers of original parcels included within the development as recorded on the land tax maps of the county.

5-105.302 The Final Improvements Design

The following information concerning the proposed development is required:

- a. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code, for a Category II (Suburban Subdivision).
- b. The location of all public ways, easements, water bodies, streams or rivers, railroads, parks, and cemeteries.
- c. The limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation as determined by the Planning Commission.
- d. The location and width of all easements and rights-of-way for public ways, as well as the building setback lines on all lots.

- e. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth (1/100) of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth (1/10) of a square foot.
- f. The location, area, and dimensions, to the accuracy set forth in Item e, 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.
- g. 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 centerline of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.
- h. The names of all public ways.
- i. The zoning classification of all lots
- j. The total acreage within the subdivision.
- k. Lot numbers and street numbers.
- l. The line size and location of water and sewer facilities.
- m. The location of all fire hydrants.
- n. The diameter and width of all driveway culverts.
- o. For any lot where a public sewer or water system is not available, the following shall be shown:
 - i. areas to be used for sewage disposal; and
 - ii. water wells (existing and proposed).
- p. Applicable certificates shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plan approval, except that the form for endorsement of the Planning Commission's approval for recording shall appear unsigned at the time of application for approval.

5-105.303 Plat Notations

The following notations shall appear on the Final Plat:

- a. Explanation of all easements (drainage, access etc.); (See Section 4-112, (RESERVATIONS AND EASEMENTS).
- b. Explanation of reservations; (See Subsection 4-112.6, (Responsibility for Ownership of Reservations)).

- c. For any lot where public sewer or water systems are not available, the following:
 - i. areas to be used for sewage disposal including acceptable data to show that the site can be served effectively by a septic system;
 - ii. water wells (existing and proposed).

5-105.4 Final Open Space Ownership and Management Plan

Within any development where jointly held land or facilities are proposed, documents creating a Final Open Space and Management Plan shall be an integral element of the Final Subdivision Plan. Such plan shall be accompanied, if the Final Plan contains jointly held open space, recreational facilities, or any portion of the site that is held in common ownership, by the following documentation for approval by the Planning Commission:

1. A survey indicating the precise boundaries, exact acreage, and proposed ownership of all open space areas,
2. A narrative report shall also be prepared indicating how and by whom such open space areas will be managed,
3. Articles of incorporation and by-laws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and
4. Declaration of covenants, conditions 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.

5-105.5 Final Community Association Documents

In any instance where a community association is to be created final drafts of community association documents shall accompany the Final Plan.

5-105.6 Formal Irrevocable Offers of Dedication

Where improvements are to be dedicated the Final Plan shall 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 plan shall be marked with a notation indicating the formal offers of dedication).

ARTICLE VI

CONSERVATION SUBDIVISIONS

SECTIONS

- 6-101 Purposes and Applicability
- 6-102 Approval Procedures
- 6-103 Lot Requirements
- 6-104 Design Process for Conservation Subdivisions
- 6-105 Planning and Design Standards for Conservation Subdivisions
- 6-106 Street Design in Conservation Subdivisions
- 6-107 Conservation Lands
- 6-108 Standards for Conservation Lands
- 6-109 Homeowners' Association
- 6-110 Ownership of Lands and Facilities Held in Common
- 6-111 Conservation Easement Holder
- 6-112 Maintenance of Conservation Lands, Commonly Held Lands and Facilities

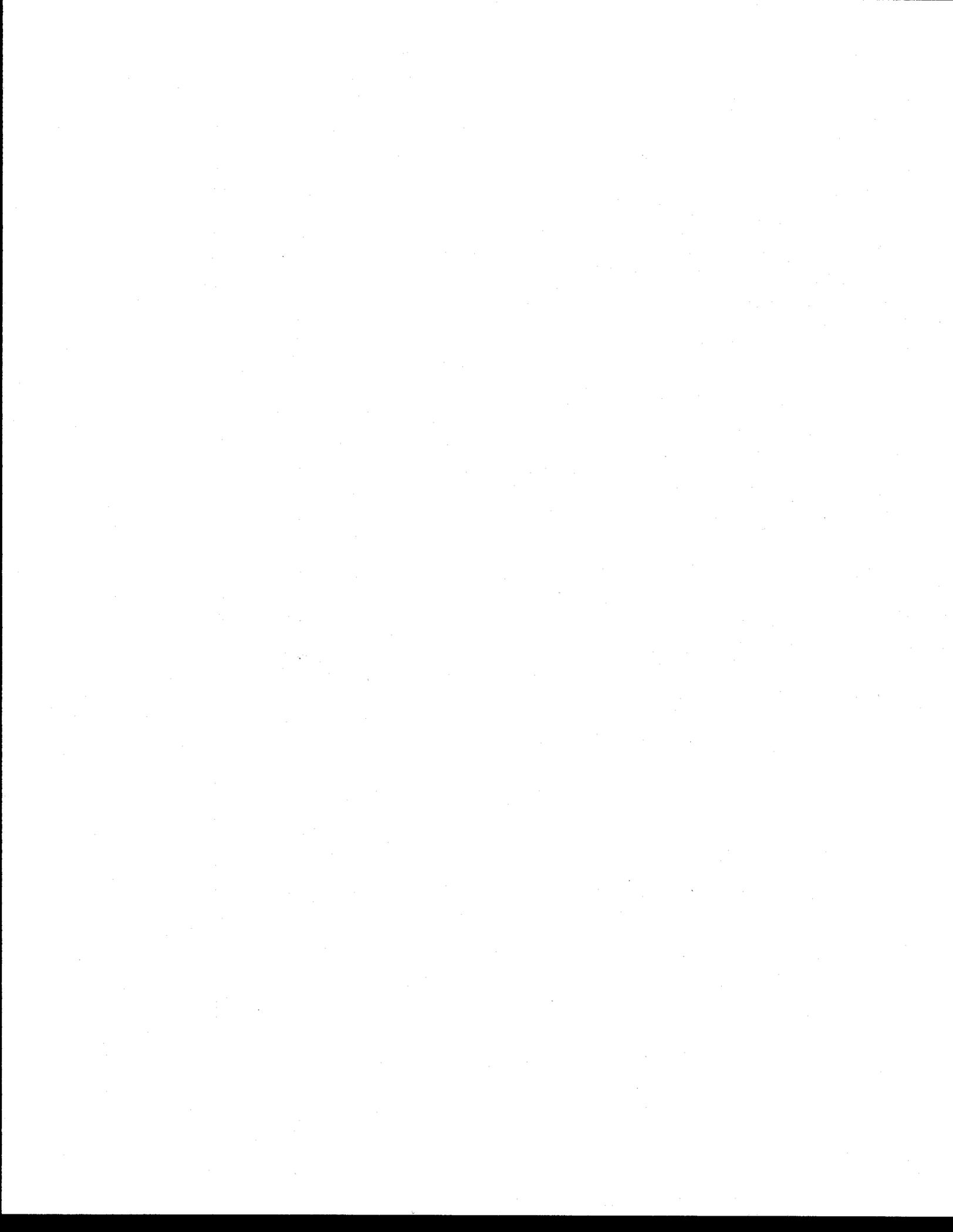
6-101 PURPOSES AND APPLICABILITY

6-101.1 Purpose

These standards are intended to conserve significant Conservation Lands (see definition), both upland and lowland, consistent with the preservation goals and policies contained in the Town's Development Plan, and in a manner that respects the equity of landowners and the ability of developers to subdivide land at the density normally permitted in the underlying zoning district. It accomplishes this objective through the application of conservation design principles in new subdivisions.

In conformance with the Town Development Plan and with state enabling legislation, the purposes of this section also include:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, site grading, and the amount of paving required for residential development;
3. To reduce erosion and sedimentation by retention of existing vegetation, and minimization of development on steep slopes;
4. To promote the infiltration of stormwater on-site, thereby helping to recharge groundwater supplies.



5. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
6. To implement adopted Town policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
7. To minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls); as well as to provide opportunities to enhance or restore existing resources that have been diminished or degraded through past land management practices;
8. To protect areas with productive agricultural soils for continued or future agricultural use;
9. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
10. To provide for the conservation and maintenance of open land within the Town to achieve the above-mentioned goals and for active or passive recreational use by residents;
11. To conserve scenic views and elements of the Town's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

6-101.2 Application

Conservation Subdivisions are subject to the requirements of Section 6-300, entitled, CONSERVATION DESIGN OVERLAY DISTRICT (CDO), of the Zoning Ordinance.

6-102 APPROVAL PROCEDURES

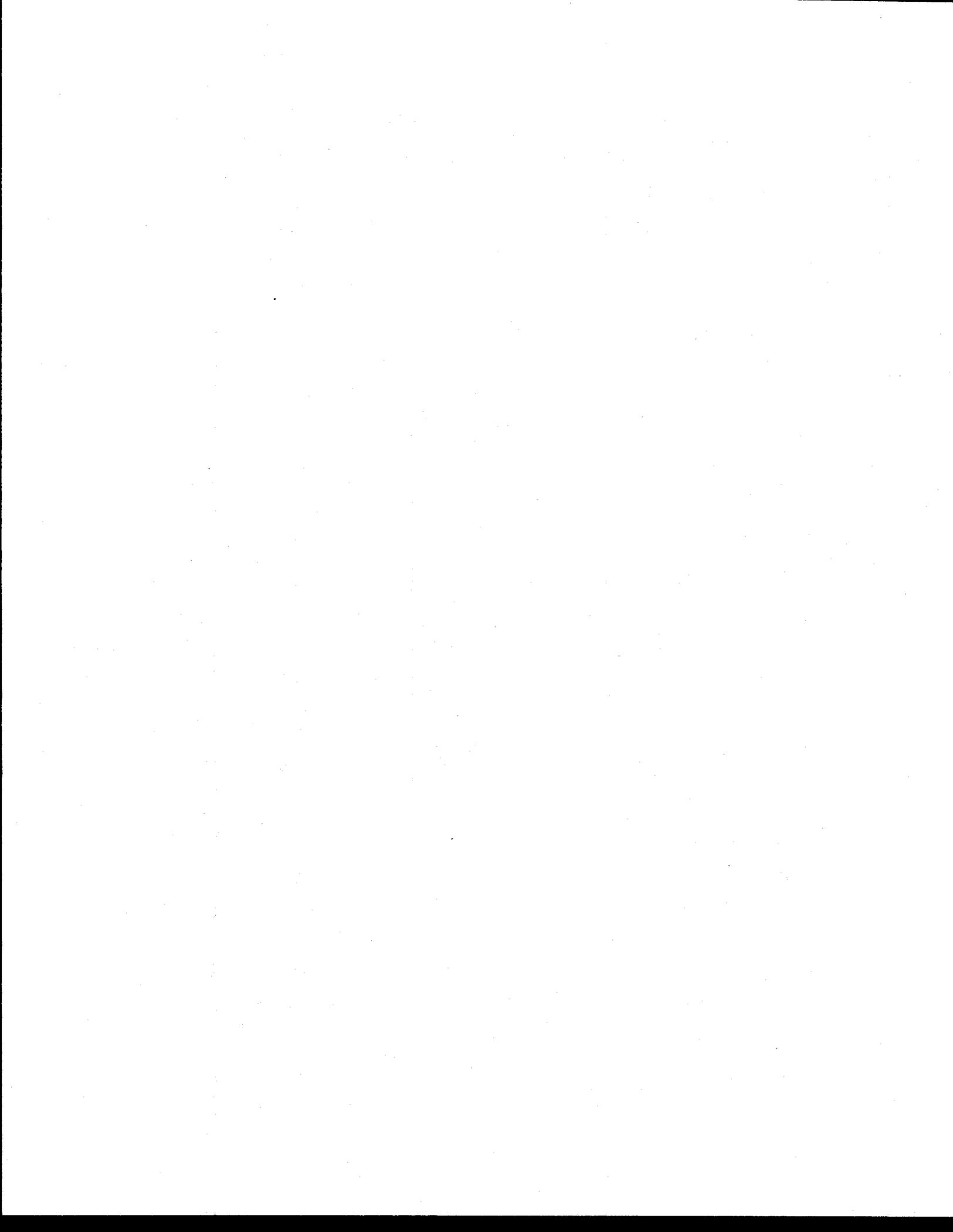
6-102.1 General

Approval of Conservation Subdivisions shall follow the approval procedures set out in Article II, of these regulations.

6-102.2 Additional Requirements and Review for the Conceptual Plan

In addition to standard subdivision review, review of the Conceptual Plan for a Conservation Subdivision shall include:

1. Location of the boundaries of the areas to be included as Conservation Lands as described in Subsections 6-107.1, Primary Conservation Areas, and 6-107.2, Secondary Conservation Areas.



2. Location of all areas proposed for grading and other land disturbance with respect to notable features of natural, historical, or cultural significance identified by the applicant as part of the "Existing Resources and Site Analysis" required by Subsection 5-102.202.
3. Proposal for minimization of development impacts on resources to be conserved.
4. Evaluation of the proposed areas to provide additions to the existing open space network and greenway systems and to provide parks, green spaces and other open spaces.

6-102.3 Additional Requirements and Review for the Development Plan

In addition to standard subdivision review, review of the Development Plan for a Conservation Subdivision shall include:

1. A description of the measures to be taken to minimize and control adverse impacts on the Conservation Lands during and following the period of site disturbance and construction.
2. Evaluation of the Preliminary Conservation Ownership and Management Plan outlining the entities proposed to be responsible for maintaining various elements of the property and describing proposed management objectives and techniques.

6-102.4 Additional Requirements and Review for the Final Subdivision Plan

In addition to the Final Plan requirements listed in Article V, a Final Conservation Ownership and Management Plan, detailing the precise boundaries and exact acreage of all proposed Conservation Lands and the entities to be responsible for maintaining various elements of the property and describing proposed management objectives and techniques shall be required. Conservation Lands shall be shown as open space on the final plat. The location of all operating parts of any individual sewage disposal systems situated on lands held in common and any easements shall be shown on the final subdivision plat.

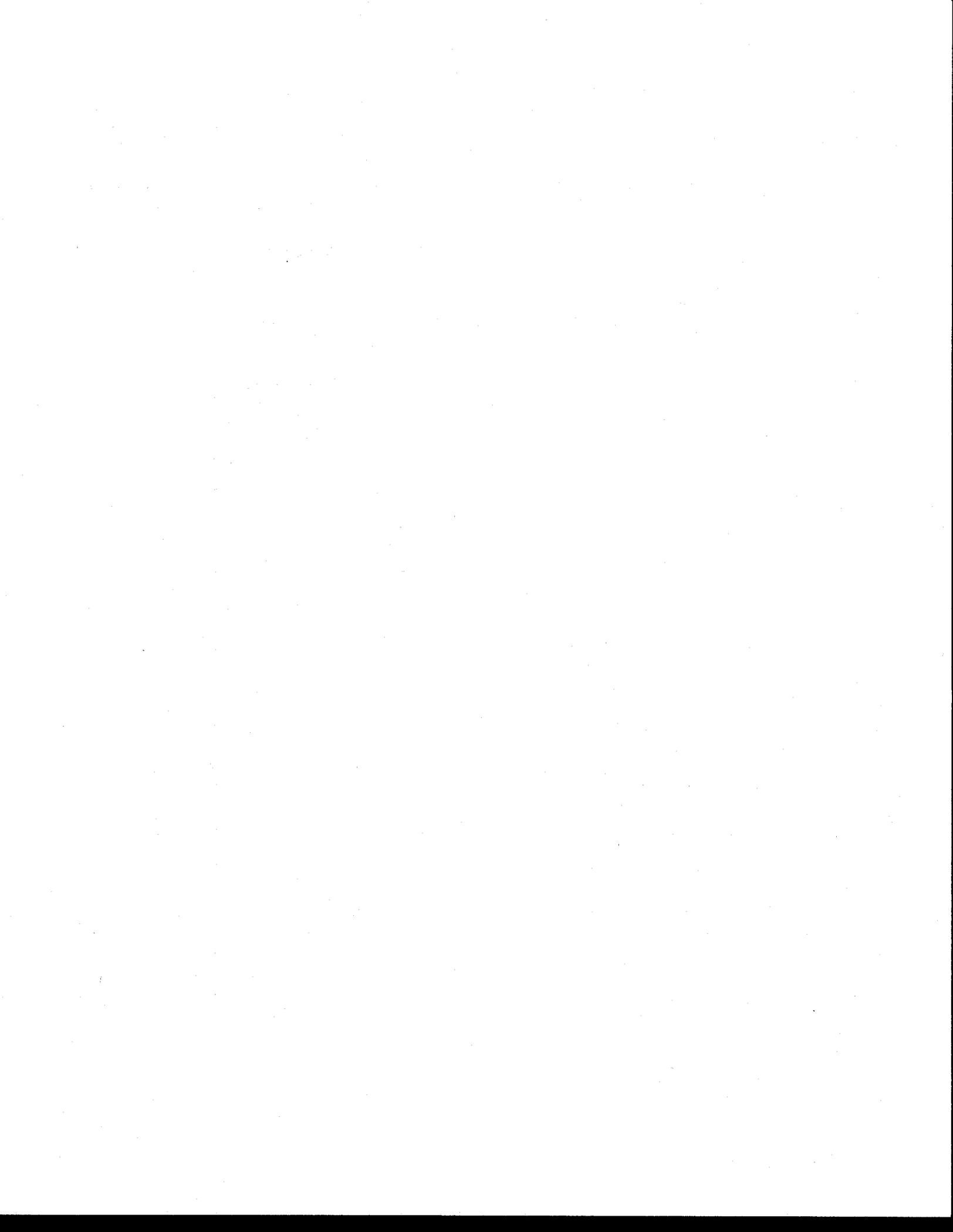
6-103 LOT REQUIREMENTS

6-103.1 Lot Yield

To determine the maximum density of the Conservation Subdivision see Section 6-305, DENSITY DETERMINATION, of the Zoning Ordinance.

6-103.2 Lot Dimensions

The lot dimensions shall be as described in Section 6-304, DIMENSIONAL STANDARDS, of the Zoning Ordinance.



6-103.3 Lot Frontage

Each lot shall have frontage on a street or onto Conservation Lands. The street frontage on the Conservation Lands shall be of sufficient width to allow direct pedestrian access from each lot to the street. Lots fronting onto Conservation Lands shall have convenient vehicular access to a street or to a permanent easement via an alley or shared driveway.

6-103.4 Lot Frontage on Open Space

The Planning Commission may consider a Conservation Subdivision with lots fronting onto Conservation Lands with vehicular access from an alley, as illustrated in Figure 6-1. All alleys in Conservation Subdivisions are subject to the requirements of Subsection 6-106.3, Requirements for Alleys.

6-103.5 Multiple Lots on a Common Access Easement

Multiple lots may share a common access easement when doing so is the only way to develop permitted densities without disturbing Conservation Lands as described in Subsections 6-107.1 and 6-107.2. Each of the following restrictions shall apply:

1. Up to ten (10) lots may share a common access easement.
2. The lots shall be designed to ensure the health, safety, and welfare of future residents of the development in terms of access by service and emergency vehicles, pedestrian safety, and compliance with other applicable sections of the zoning ordinance.
3. For common access easements longer than one-hundred fifty (150) feet that terminate in a dead-end, a vehicle turnaround shall be provided.

6-103.6 Front Setbacks for Residential Buildings

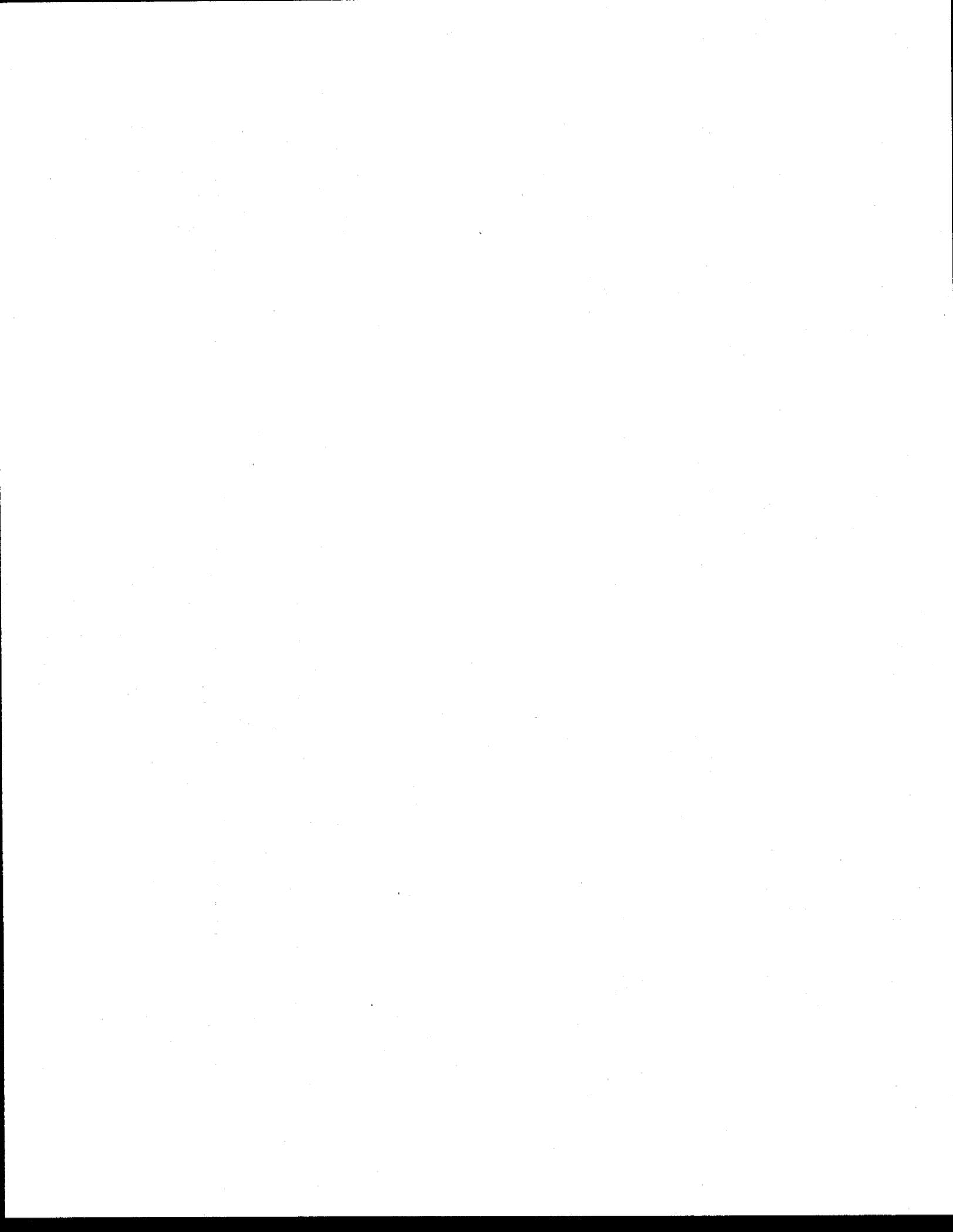
The minimum front setback for residences with front-facing garages shall be the greater of forty (40) feet or that required by the applicable zoning provision. Except as provided for residences with front-facing garages, the **maximum** front setback shall be twenty (20) feet.

6-104 DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS

All Conceptual Plans for Conservation Subdivisions shall include documentation of a four-step design process in determining the layout of proposed Conservation Lands, house sites, streets and lot lines as described below and illustrated in Figure 6-2.

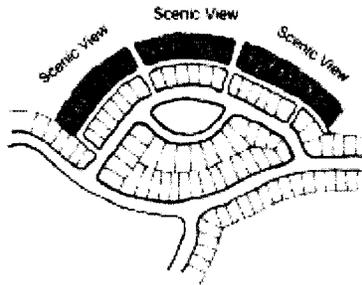
Step 1: Delineation of Conservation Lands

- 1) The percentage and acreage of required Conservation Lands shall be calculated by the applicant and submitted as part of the Conceptual Plan. Street rights-of-way shall not be counted towards the required minimum Conservation Lands.



- 2) Lands to be included as Conservation Lands shall be determined in the following manner:
- a) All Primary Conservation Areas
 - b) If the Primary Conservation Areas do not make up at least fifty (50) percent of the tract, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements. Secondary Conservation Areas shall be chosen for inclusion based on the priorities determined in Subsection 6-107.2, the configuration of the tract, the tract's context to adjacent resource areas, and the applicant's subdivision objectives.

FIGURE 6-1
LOT FRONTAGE ON CONSERVATION LANDS



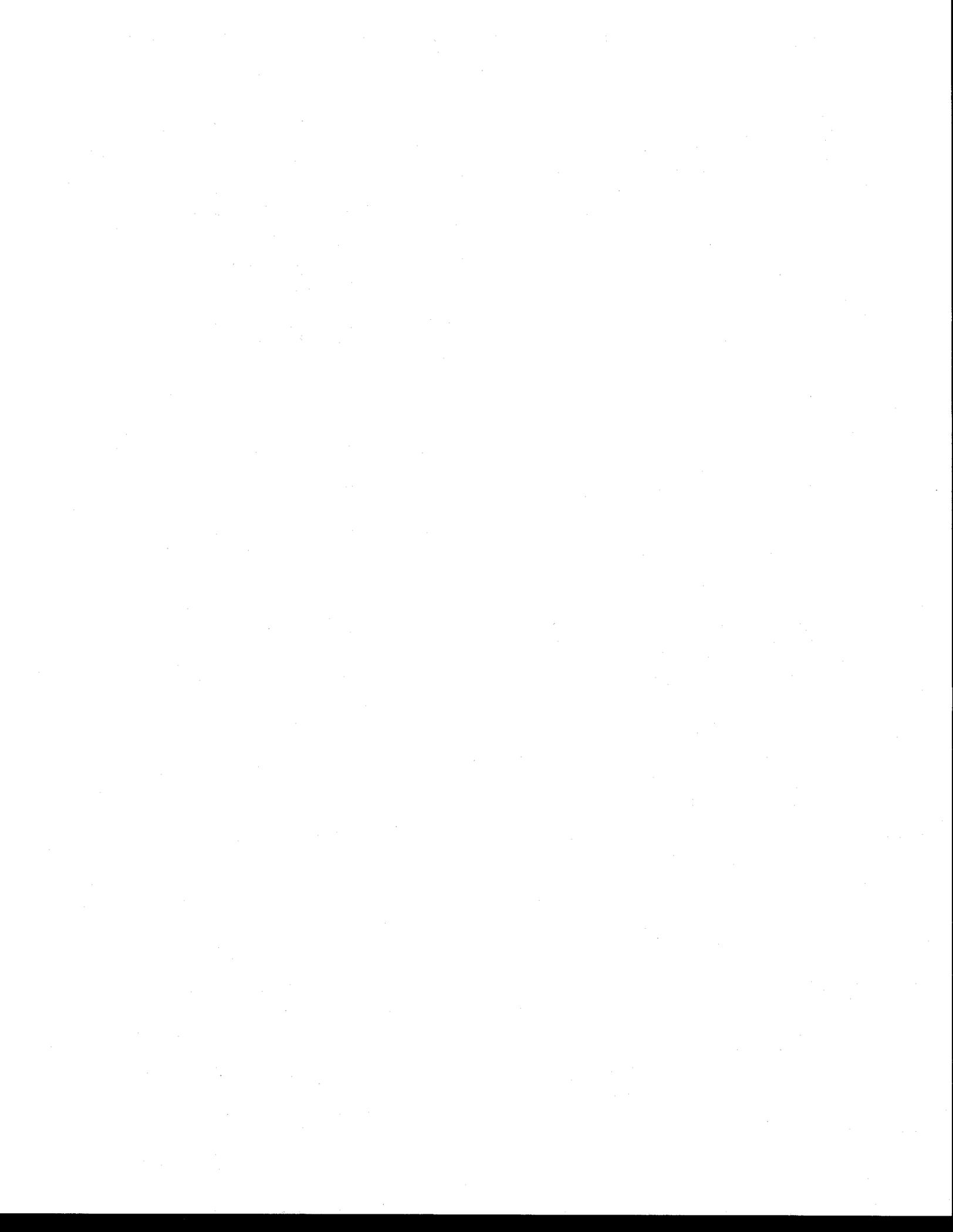
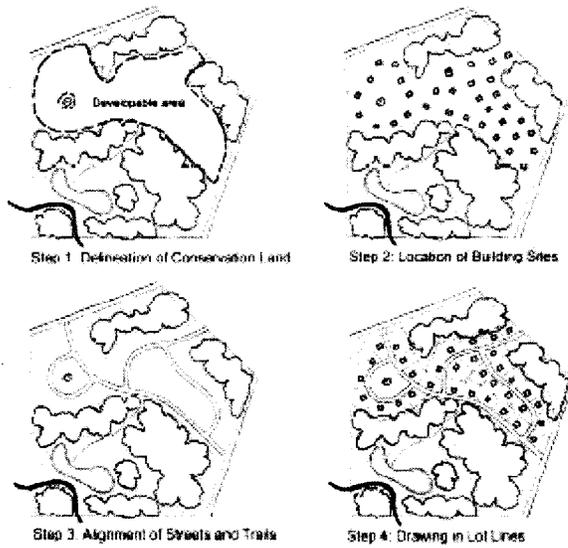


FIGURE 6-2

FOUR STEP DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS





- c) Conservation Lands situated outside of individual development lots shall be delineated in a manner clearly indicating their boundaries as well as types of resources included within them.

Step 2: Location of Building Areas

Potential building areas shall be tentatively located using the map delineating Conservation Lands, supplemented by existing conditions data required for Conceptual Plan approval. Buildings should generally be located no closer than one-hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences. Locating building areas on ridges, hilltops, along peripheral public streets or in other visually prominent areas should be minimized.

Step 3: Alignment of Streets and Trails

After designating the building areas, a street plan shall be designed to provide vehicular access to each building area, complying with the standards in these Subdivision Regulations and bearing a logical relationship to the topography of the property. Impacts of the street plan on proposed Conservation Lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, streams, and slopes exceeding fifteen (15) percent. Street connections shall minimize the number of cul-de-sacs and facilitate access to and from building areas in different parts of the property and adjoining properties.

Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots.

6-105 PLANNING AND DESIGN STANDARDS FOR CONSERVATION SUBDIVISIONS

In addition to the requirements contained in the Articles I through V, for all subdivisions, the following standards shall apply to Conservation Subdivisions.

6-105.1 General Standards to Minimize Adverse Impacts

All subdivisions and land developments shall avoid or minimize adverse impacts on the Town's natural, cultural, and historic resources, as defined below.

6-105.2 Groundwater Resources

To ensure that the Town's limited groundwater resources are protected for purposes of providing water supplies to its residents and businesses and to protect the base flow of surface waters, these standards shall be applied in conjunction with those provided for in other sections of this regulation, dealing with groundwater conservation and replenishment.



The proposed subdivision and development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of land disturbance activities and the placement of streets, buildings, and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Map as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

6-105.3 Stream Valleys, Swales, Springs, and Other Lowland Areas

The Town's Open Space Plan describes and maps stream valleys (which include stream channels and flood plains), swales, springs, and other lowland areas as resources that warrant restrictive land use controls because of flooding hazards to human life and property, their groundwater recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

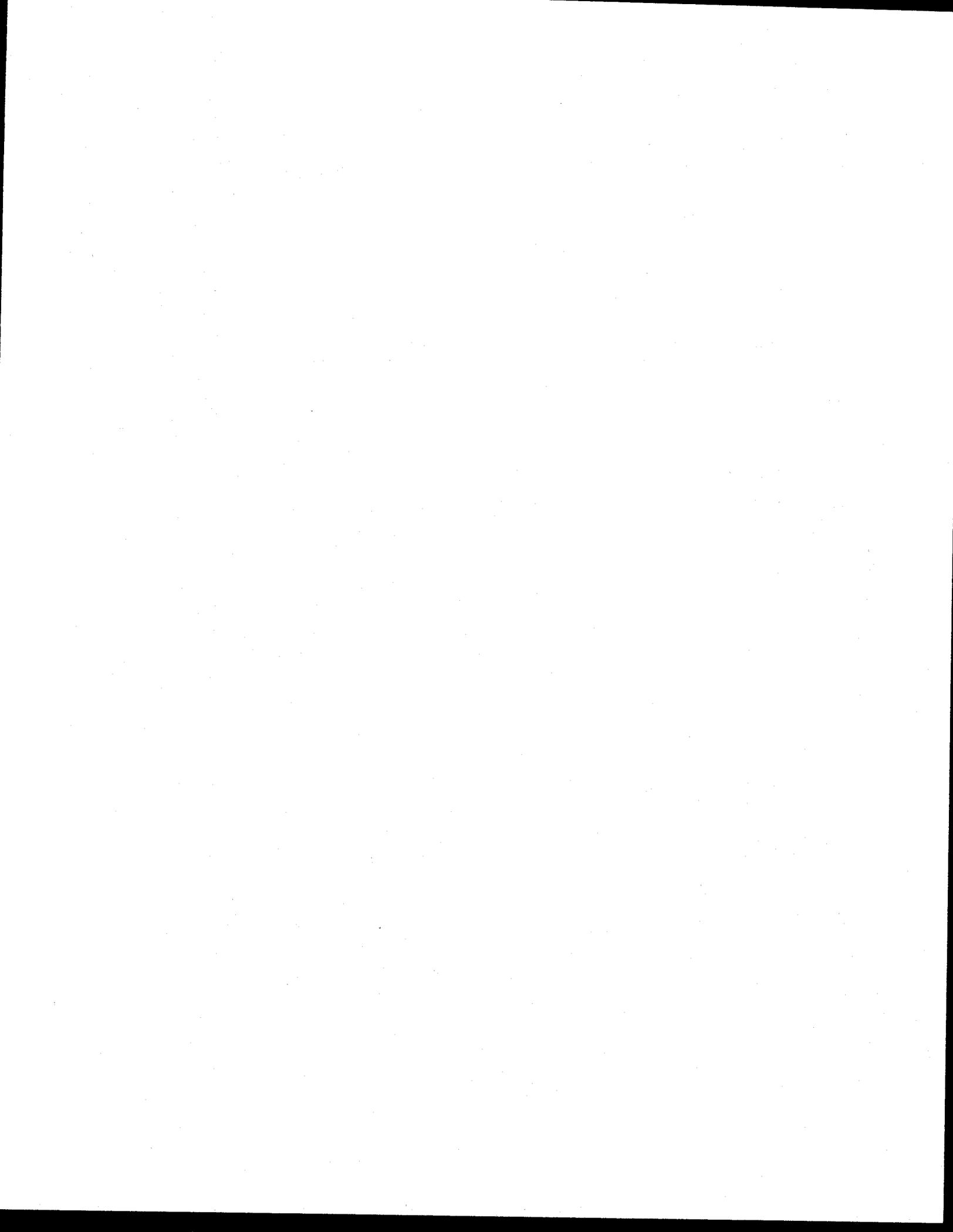
The following activities shall be minimized:

1. Disturbance to streams and drainage swales.
2. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
3. Because of their extreme limitations, stream valleys, swales, and other lowland areas warrant designation as Conservation Lands. They may also require adjoining buffer lands to be included in the open space as determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, seasonal high water table soils may be excluded from the open space where it can be demonstrated that they are suitable for low-density residential uses and conventional on-site sewage systems.

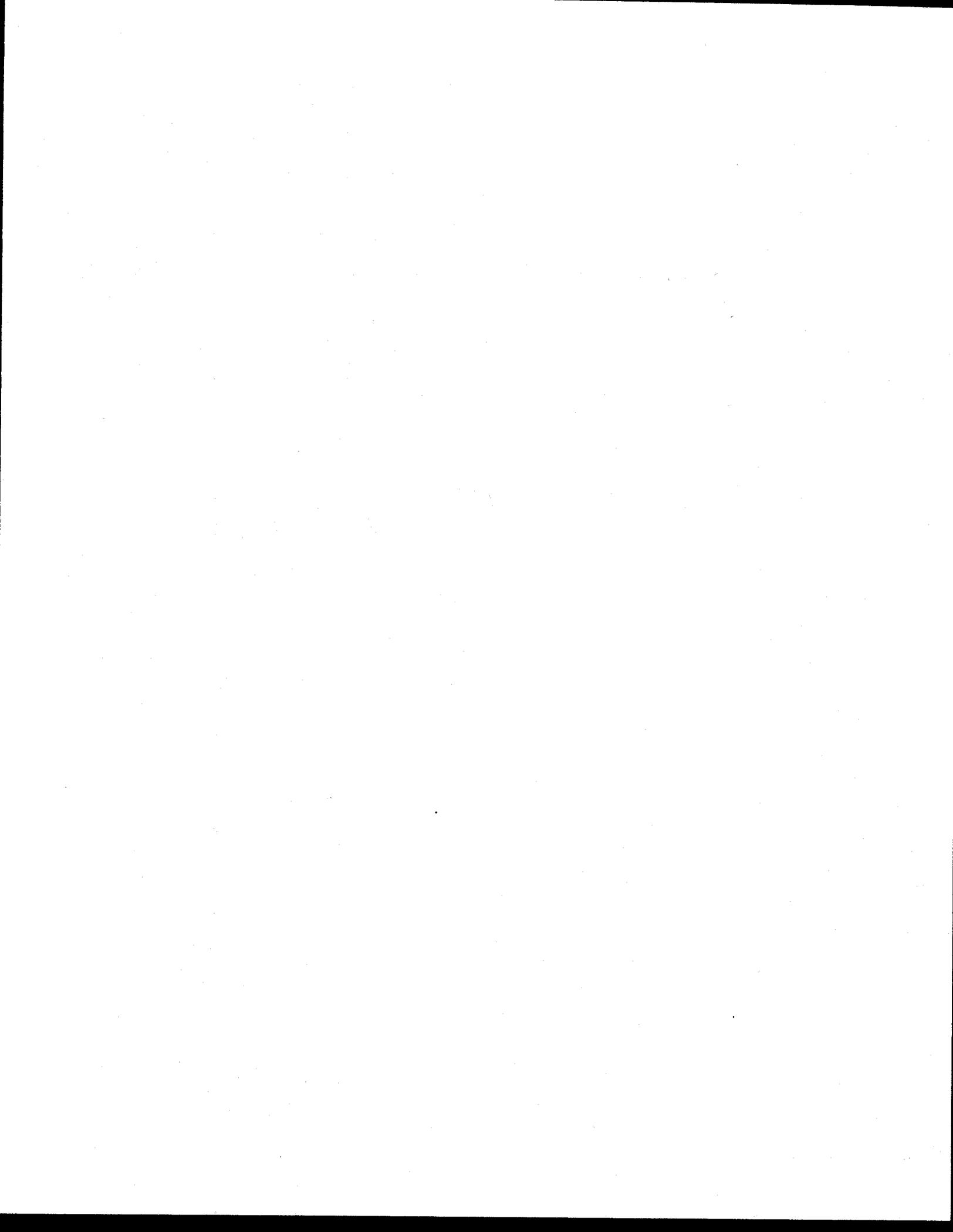
6-105.4 Woodlands

Woodlands occur extensively throughout the Town, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.

1. Woodland conditions within the Town vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Town represent one or more of the following resource values.
 - (a) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments, and roads. A closely related function is their enhancement of groundwater recharge.



- (b) As a means of ameliorating harsh microclimatic conditions, in both summer and winter.
 - (c) As a source of wood products (i.e., poles, sawtimber, veneer, and firewood.)
 - (d) As habitats for woodland birds, mammals, and other wildlife.
 - (e) As recreation resources for walkers, equestrians, picnickers, and other related outdoor activities.
 - (f) As visual buffers between areas of development and adjacent roads and properties.
2. Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as either Conservation Lands or as development lands. Evaluation criteria shall include:
- Configuration and size.
 - Present conditions (i.e., stocking, health, and species composition).
 - Site potential (i.e., the site's capabilities to support woodlands based on its topographic, soil, and hydrologic characteristics.)
 - Ecological functions (i.e., in protecting steep slopes and erodible soils, maintaining stream quality, and providing for wildlife habitats).
 - Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
3. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
- (a) To the maximum extent possible healthy woodland exceeding one (1) acre shall be preserved and designated as Conservation Lands. Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas.
 - (b) Subdivisions shall be designed to preserve woodlands along roadways, property lines, and lines occurring within a site such as streams, swales, stone fences, and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory, and canopy vegetation.



- (c) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Planning Commission and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to vegetation performing important soil stabilizing functions on wet soils, stream banks, and sloping lands.
- (d) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before approval of the Development Plan and accompanying land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on site prior to Final Plan approval.

6-105.5 Upland Rural-Agricultural Areas

These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses, and hedgerows, typically bordered by stream valleys and upland woodlands. These constitute the Town's historic working landscape, dotted with historic houses, barns, and other structures. They give the Town much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. They sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development.

1. Several elements of these working landscapes lend themselves to incorporation into the Town's open space network. These include prime agricultural soils and natural features that visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops.
2. These areas can also accommodate development, with preferred locations being the nonprime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

6-105.6 Steep Slopes

Moderately sloping lands (fifteen (15) to twenty-five (25) percent) and steeply sloping lands (over twenty-five (25) percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds, and public roads are detrimental to water quality and aquatic life and a potential hazard to public safety. Areas of steep slope shall be preserved as required below.



1. All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.
2. No site disturbance shall be allowed on slopes exceeding twenty-five (25) percent, except grading for a portion of a driveway accessing a single-family dwelling when it can be demonstrated that no other routing that avoids slopes exceeding twenty-five (25) percent is feasible.
3. On slopes of fifteen (15) to twenty-five (25) percent, the only permitted grading beyond the terms described above shall be in conjunction with the siting of a single-family dwelling, its access driveway, and the septic system (which should typically be designed with a long, narrow drainage field following the land contours).
4. Grading or earth moving on all sloping lands shall be in accordance with the standards established in Subsection 4-102.9, Grade Changing. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

6-105.7 Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance, exist throughout the Town. Some of these have been carefully documented, whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Town's map of potential conservation areas or by the applicant's "Existing Resources and Site Analysis Map" by incorporating them into proposed Conservation Lands or avoiding their disturbance in areas proposed for development.

6-105.8 Historic Structures and Sites

Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include conservation of the landscape immediately associated with and significant to preservation of the historic resource in its context. Where, in the opinion of the Planning Commission, a plan will have an impact on a historic resource, the developer shall mitigate that impact to the satisfaction of the Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or using other approved means.

6-105.9 Historic Rural Road Corridors and Scenic Viewsheds

The Town contains a number of historic rural roads in various locations. All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by incorporating them into greenway areas or otherwise providing site designs to minimize their intrusion. In instances where such designs fail to protect the viewsheds along these corridors, applicants will be required to provide naturalistic landscape buffers to minimize their adverse visual impacts.



6-105.10 Rural Siting Principles

The following guidelines shall apply to the siting of residential and non-residential uses.

1. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
2. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
3. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in the ecologically least significant parts of wooded areas. Septic systems and leach fields should, however, generally be located in open fields, when possible, where soil conditions are likely to be better.
4. Use existing vegetation and topography to buffer and screen new buildings if possible. Site buildings in groups or tuck them behind treelines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.
5. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Create curves in driveways to increase the screening of buildings.
6. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
7. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.



6-105.11 Location of Utility Systems

Since the most suitable conditions for wells and sewage disposal systems are generally not well distributed throughout a site, conservation design allows smaller lots to be concentrated where the best conditions exist. To facilitate the creation of smaller lots which can comply with Health Department standards for wells and sewage disposal systems, such facilities may be located within the Conservation Lands. The systems may be owned and maintained by individual property owners or by a homeowners' association.

6-106 STREET DESIGN IN CONSERVATION SUBDIVISIONS

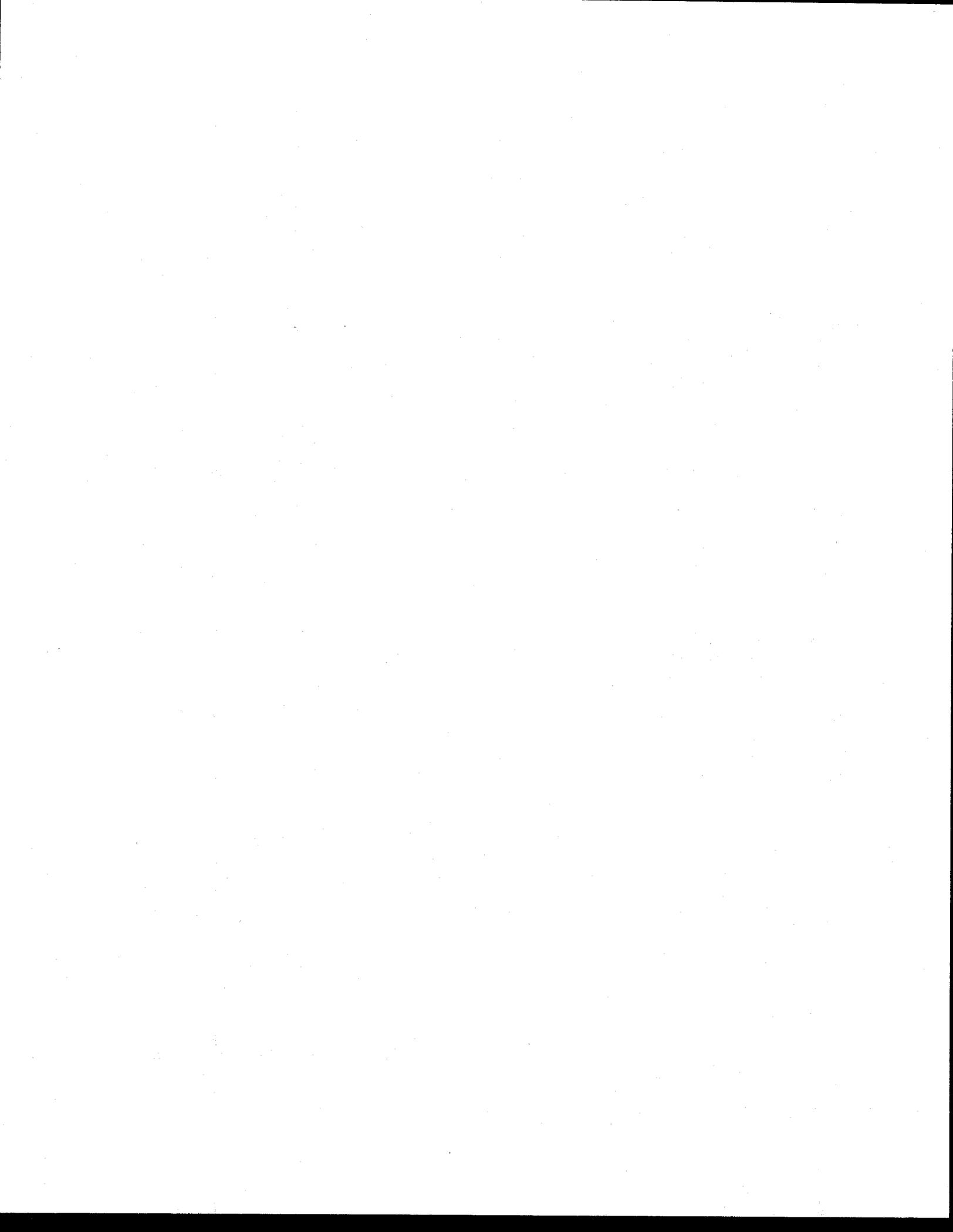
6-106.1 General Design Parameters

The street network shall be designed to:

- Preserve existing tree lines, hedgerows, and watercourses.
- Minimize alteration of natural, cultural, or historic features.
- Promote pedestrian movement.
- Secure the view to prominent natural vistas.
- Minimize crossing of Primary Conservation Areas.

6-106.2 Detailed Design Elements

1. The street network shall form a connected pattern.
2. The street pattern shall be designed to respect and follow existing terrain as much as possible to minimize earthmoving and disturbance of the existing topography.
3. Streets may take the form of a two way street, a pair of one-way streets on either side of a landscaped median or a one-way loop street around a small neighborhood green.
4. Streets may be designed using the appropriate street types contained in these regulations. (See Subsection 4-106.2, General Design, and accompanying Tables 4-1 and 4-2.)
5. Connections shall be provided to existing or proposed through-streets or collectors adjacent to the subdivision, wherever practicable.
6. Cul-de-sacs are generally prohibited and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in Figure 6-3, are not feasible and one of the following two conditions exists:
 - Where natural features such as wetlands or steep slopes exist or other primary or secondary conservation areas that are not desirable to remove.



- Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned freeway, or a protected open space area.

6-106.3 Requirements for Alleys

Alleys shall be strongly encouraged where practicable to reduce the need for curb cuts. The following standards shall apply to alleys within conservation subdivisions:

- Alleys, wherever practicable, shall connect with streets at their ends and dead-end alleys shall be avoided.
- Turnarounds shall be provided if a dead-end alley is longer than one hundred-fifty (150) feet.
- Alleys may contain turn and intersections with other alleys provided service vehicles can be accommodated.
- Alleys shall serve as a utility corridor and wherever practicable, utilities shall be located to the rear of buildings.
- The right-of-way of the alley shall be a minimum of twenty (20) feet.
- Public alleys shall be approved by the Town.
- For all lots where the distance from the dwelling unit to the street via the alley may be greater than one hundred-fifty (150) feet, the alley shall serve as a fire lane as well as providing vehicular access to dwelling units.

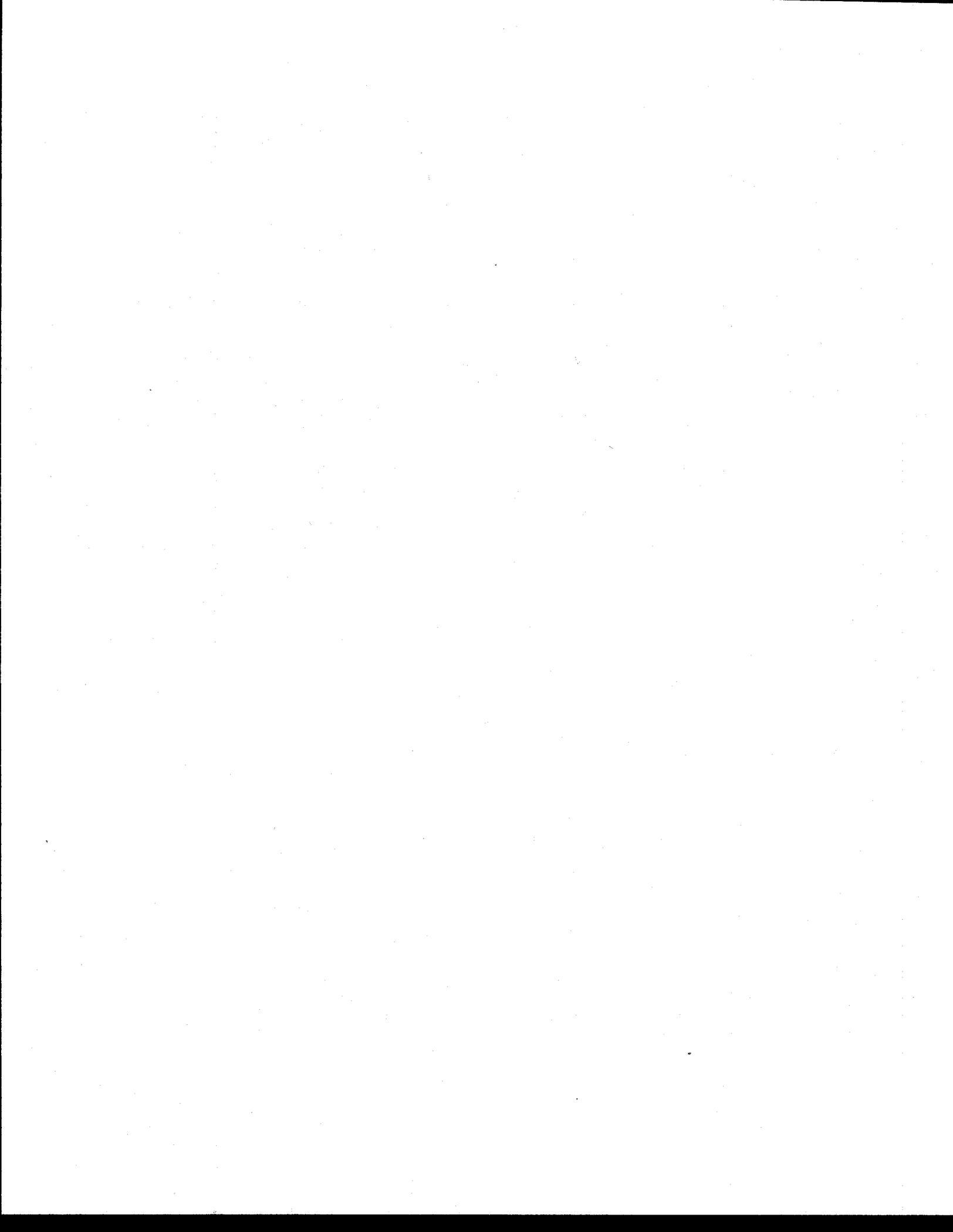
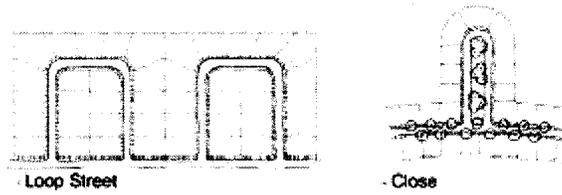
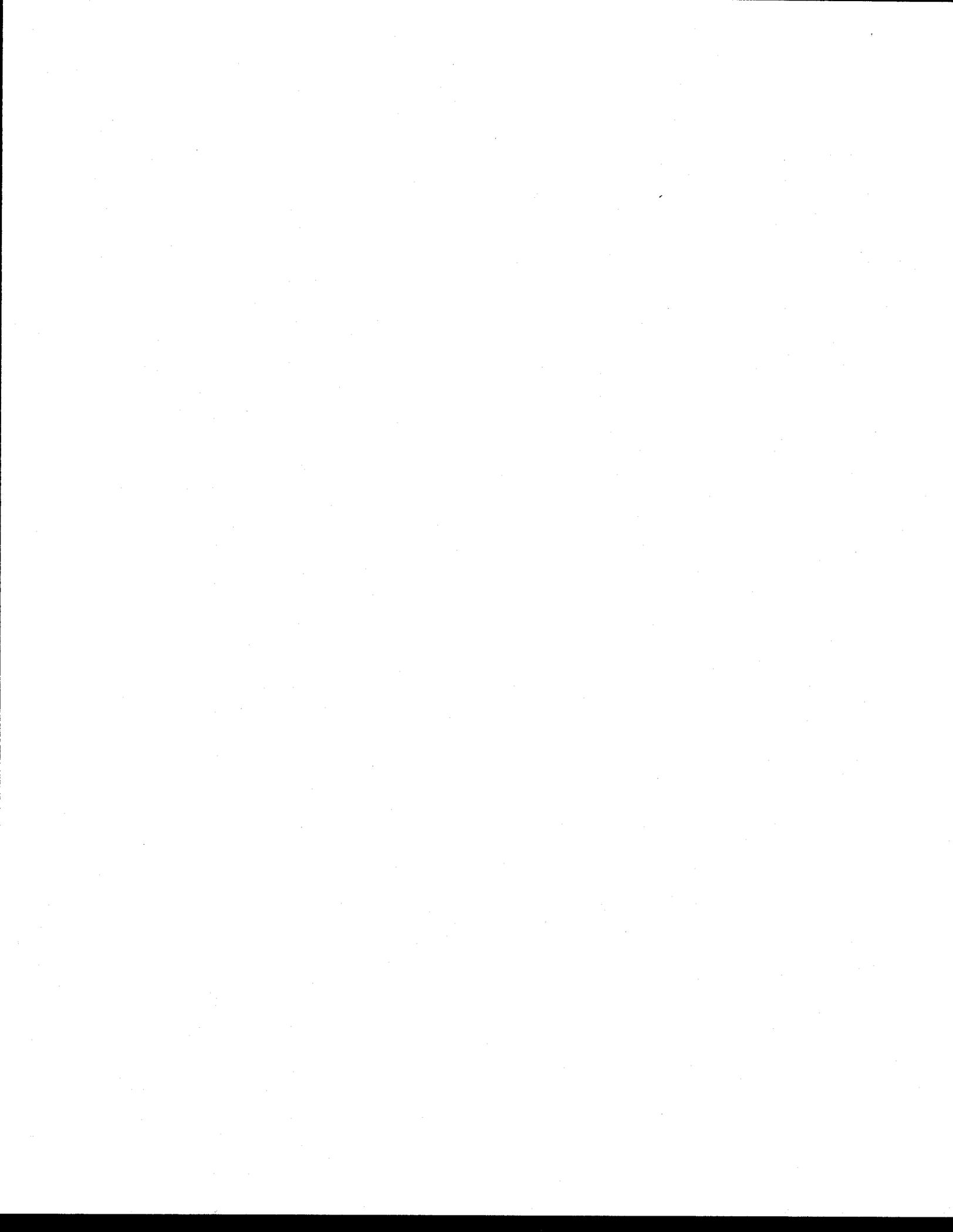


FIGURE 6-3

ALTERNATIVES TO CUL-DE-SACS





6-107 CONSERVATION LANDS

Conservation Lands are the undisturbed areas of at least fifty (50) percent of the tract to be set aside. Conservation lands are made up of Primary and Secondary Conservation Areas. All lands identified as Primary Conservation Areas shall be designated as Conservation Lands. If the Primary Conservation area makes up less than fifty (50) percent of the tract, the balance of the required Conservation Lands shall be made up of Secondary Conservation Areas.

6-107.1 Primary Conservation Areas

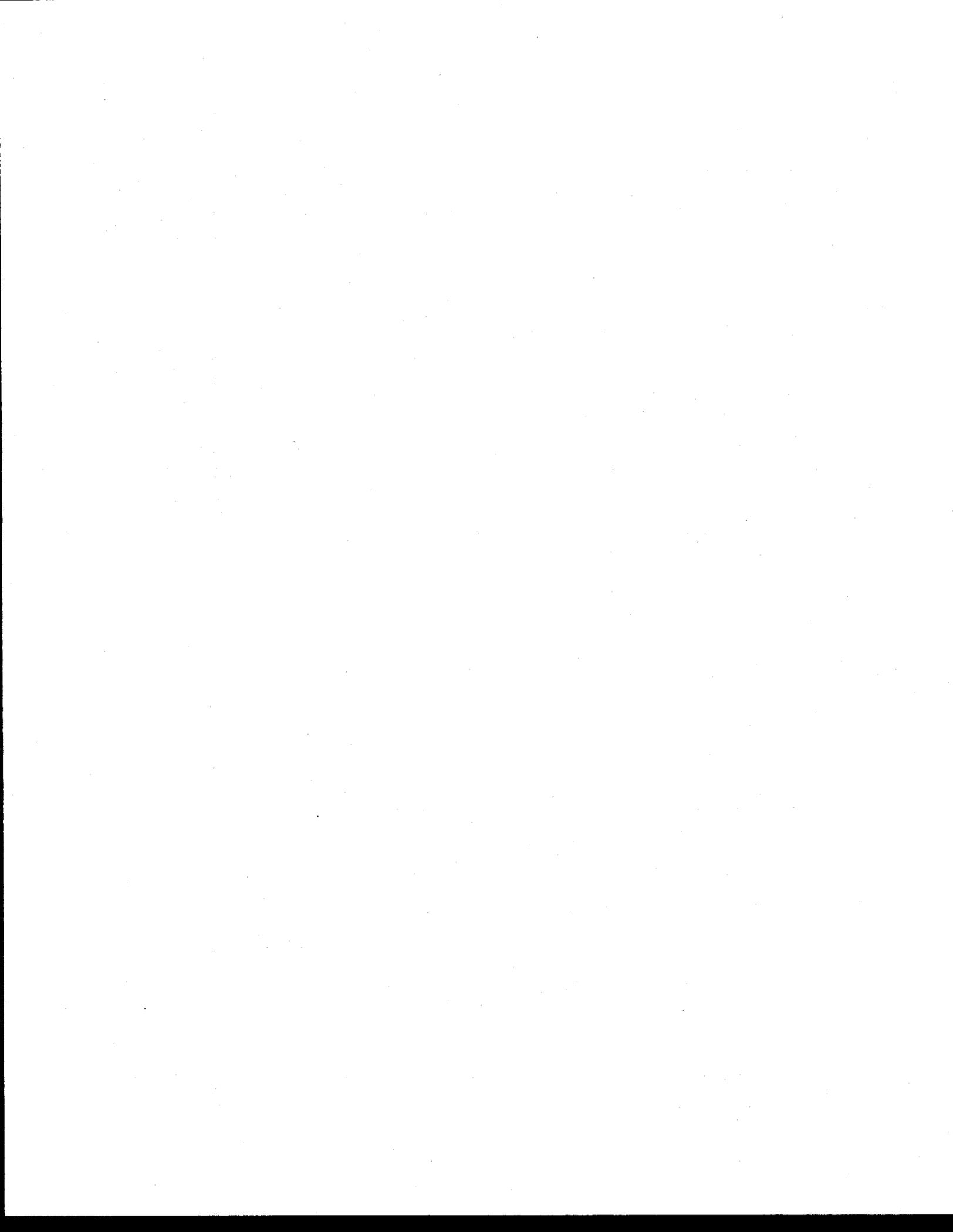
The following shall be considered Primary Conservation Areas and shall be included as Conservation Lands, unless the applicant demonstrates that this provision would be counter to the purposes of a Conservation Subdivision:

- The 100-year floodplain.
- All perennial and intermittent streams and associated floodways with a seventy-five (75) foot corridor measured from the outer edge of the floodway.
- Contiguous slopes over twenty (20) percent.
- Wetlands.
- Known habitat for rare, threatened, or endangered species.
- Archaeological sites, cemeteries and burial grounds.

6-107.2 Secondary Conservation Areas

Secondary Conservation Lands shall be prioritized on the tract in terms of their highest to least suitability for inclusion in the Conservation Lands. The following shall be considered Secondary Conservation Areas and shall be included in the Conservation Lands to meet at least minimum area percentage requirements for conservation lands:

- Existing healthy, native forests of a least one (1) acre contiguous area.
- Prime farmland soils and land in agricultural use.
- Designated historic and specimen trees.
- Other significant natural features and scenic viewsheds.
- Existing and planned trails that connect the tract to neighboring areas
- Contiguous slopes between fifteen (15) and twenty (20) percent.
- Significant historical and cultural sites.



6-108 STANDARDS FOR CONSERVATION LANDS

A major element of conservation subdivision design is to identify sensitive natural features of a site and to protect them and preserve their continuity both within the site and where they continue into adjacent lands. These lands should be delineated on the subdivision maps and permanently preserved as "open space". Conservation Lands shall be subject to the following standards.

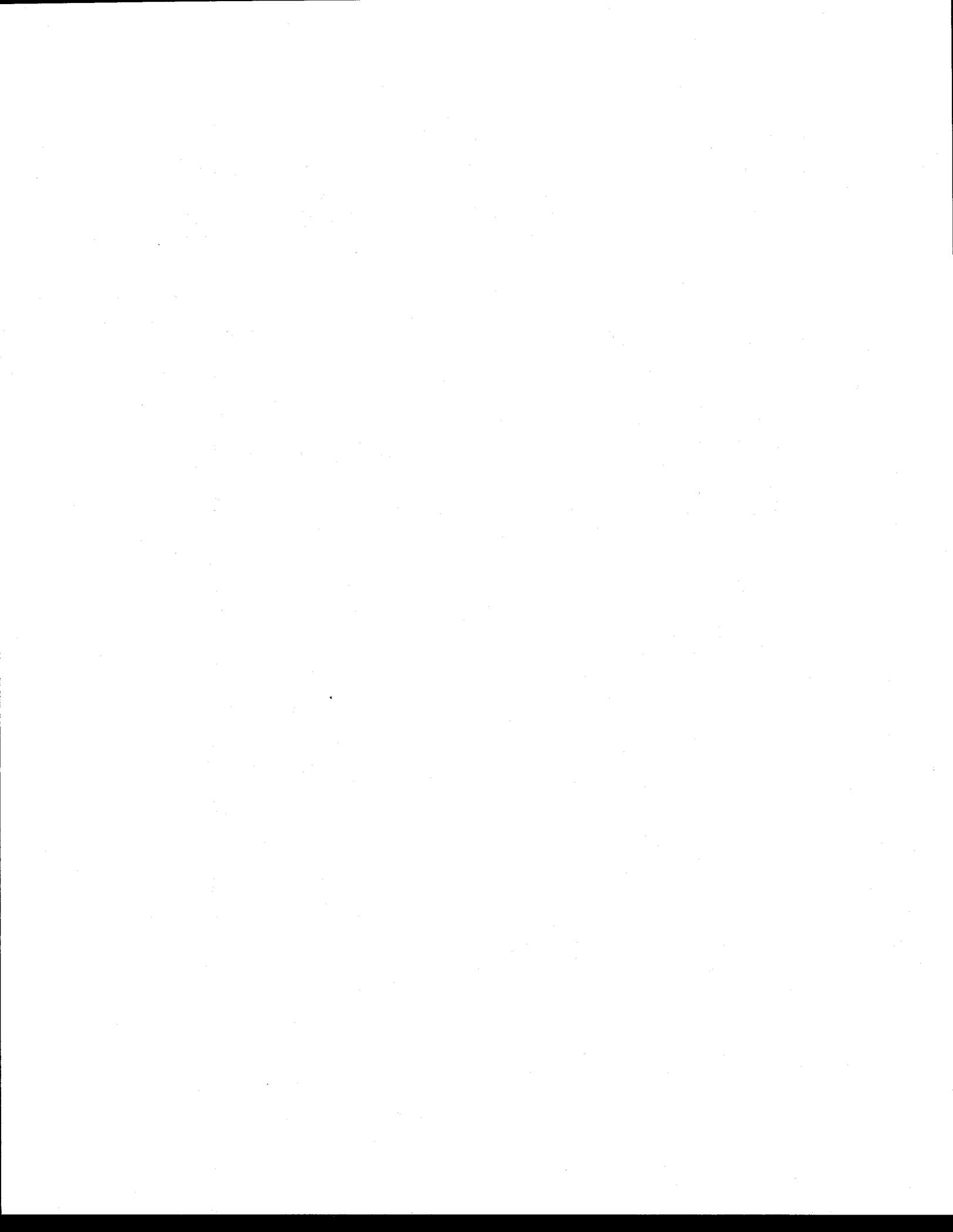
6-108.1 Minimum Area

Designated Conservation Lands shall include at least the minimum percentage of the site required by Section 6-107, CONSERVATION LANDS.

6-108.2 Uses Permitted on Conservation Lands

The following uses are permitted on Conservation Lands:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);
2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required Conservation Lands.
4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Commission.
6. Active non-commercial recreation areas, such as playingfields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required Conservation Lands or five acres, whichever is less. Playingfields, playgrounds, and courts shall not be located within two hundred (200) feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.



7. Golf courses may comprise up to half of the minimum required Conservation Lands, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the minimum Conservation Lands requirement; their parking and access ways may be paved and lighted.
8. Water supply, sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space.
9. Easements for drainage, access, sewer or water lines, or other public purposes;
10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required Conservation Lands.
11. Single-family residences on large "conservancy lots" of at least ten acres. Such lots may also have one accessory dwelling unit.

6-108.3 Design Standards for Conservation Lands

1. Conservation Lands shall be laid out to ensure that an interconnected network of open space will be provided, to the greatest extent practicable, considering both lands within the proposed subdivision and lands adjacent to it. The required Conservation Lands shall consist of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary areas include those areas listed in Subsection 6-107.1, Primary Conservation Areas. Secondary areas include other special features of the property that would ordinarily be overlooked or ignored during the design process.
2. Conservation Lands may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the Town, or by a private individual (when properly protected by an approved conservation easement). In no case, however, shall less than thirty (30) percent of the land comprising the "Adjusted Tract Acreage" be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the Conservation Lands may be owned by different entities.
3. Up to ten (10) percent of the total tract acreage may be subject to the Town's public land dedication requirement (typically to provide potential connections with the Town's long-range trail network).



4. **Buffers for Adjacent Public Parkland:** Where the proposed development adjoins public parkland, a natural buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is not wooded, the Town may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

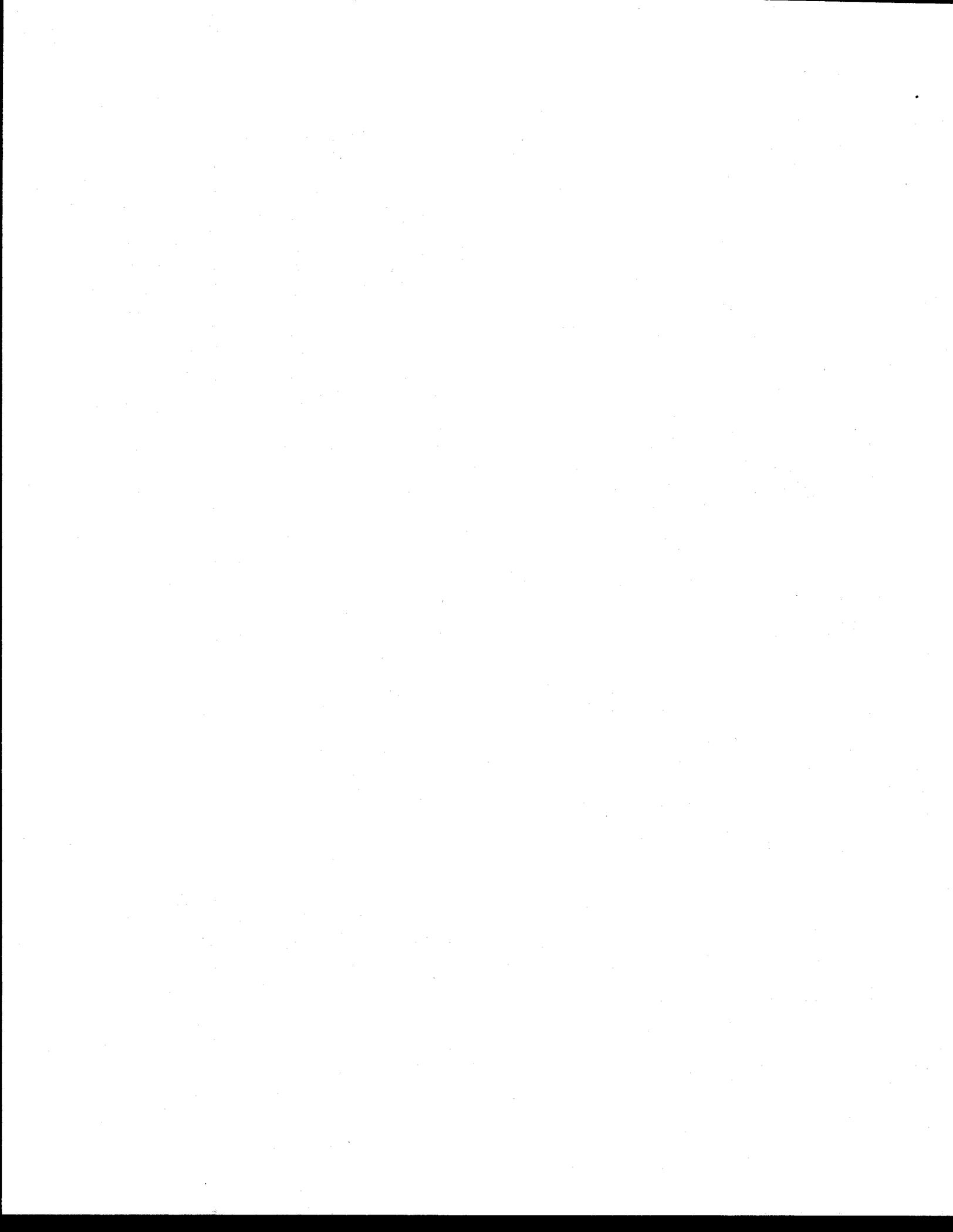
6-108.4 Other Requirements

1. No portion of any building lot may be used for meeting the minimum required Conservation Lands, except within "conservancy lots" of at least ten (10) acres on approved conservation easements. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required Conservation Lands.
2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to Conservation Lands in accordance with the following requirements.
 - (a) Each neighborhood shall be provided with at least one centrally located access point a minimum of thirty-five (35) feet in width per fifteen (15) lots.
 - (b) Access to Conservation Lands used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
 - (c) All Conservation Lands that are not wooded or farmed shall be suitably landscaped.

6-108.5 Open Space Design, Connection and Access

When locating Conservation Lands the applicant shall:

1. Clearly delineate through signage or other means boundaries between individual development lots and Conservation Lands
2. Connect proposed Conservation Lands to any neighboring areas of open space or protected areas whenever possible.
3. Develop a pathway system connecting Conservation Lands accessible to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent tracts.
4. Ensure the portion of Conservation Lands designed to provide plant and animal habitat be kept as intact as possible and trails shall be designed to avoid fragmenting these areas.



5. Every effort shall be made to ensure that Conservation Lands are contiguous and narrow or isolated fragments of Conservation Lands shall be avoided.

6-109 HOMEOWNERS' ASSOCIATION

6-109.1 Homeowners' Association Required

A homeowners' association shall be established and membership in the association shall be mandatory for all purchasers of homes in the development and their successors.

6-109.2 By-Laws

The homeowners' association by-laws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions, and restrictions of the homeowners' association shall be submitted for approval to the Enforcing Officer as part of the information required for the Development Plan.

6-109.3 Required Information

The Homeowners' Association by-laws or the declaration of covenants, conditions and restrictions of the homeowners' association shall contain the following information:

- The legal description of the common land including any working agricultural uses as appropriate.
- A description of common facilities.
- The restrictions placed upon the use and enjoyment of the lands or facilities.
- Persons or entities entitled to enforce the restrictions.
- A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
- A mechanism for resolving disputes among the owners or association members.
- The conditions and timing of the transfer of ownership and control of land and facilities to the association.
- Any other matter the developer deems appropriate.



6-110 OWNERSHIP OF LANDS AND FACILITIES HELD IN COMMON

6-110.1 Ownership Alternatives.

The following provisions apply to the ownership of Conservation Lands within Conservation Subdivisions. The designated lands held in common, common open space and common facilities may be owned and managed by a homeowners' association or a combination of homeowners' association and the Town or an individual or group of individuals or wholly by the Town, an individual or group of individuals.

6-110.2 Homeowners' Association

Any land dedicated to a sewage disposal system or a conventional storm-water management device that requires a disturbance to the land shall be owned by the homeowners' association and shall be considered lands held in common.

6-110.3 Individual/Entity Ownership

An individual, a group of individuals, a nonprofit organization or a public body may hold fee simple title to the Conservation Lands not owned by the homeowners' association subject to use of the land in conformance with the Conservation Lands Management Plan, or granting of a permanent conservation easement to a third party.

6-110.4 Legal Instrument for Permanent Protection

Any Conservation Lands for which no conservation easement is granted to a third party (party other than owner of fee simple) shall be protected in perpetuity by a condition in the deed that any use of Conservation Lands not in conformance with the Conservation Lands Management Plan shall cause that land to revert back to its original owner, his heir or assigns, or by restrictive covenants in the deed that require use of Conservation Lands in conformance with the Conservation Lands Management Plan.

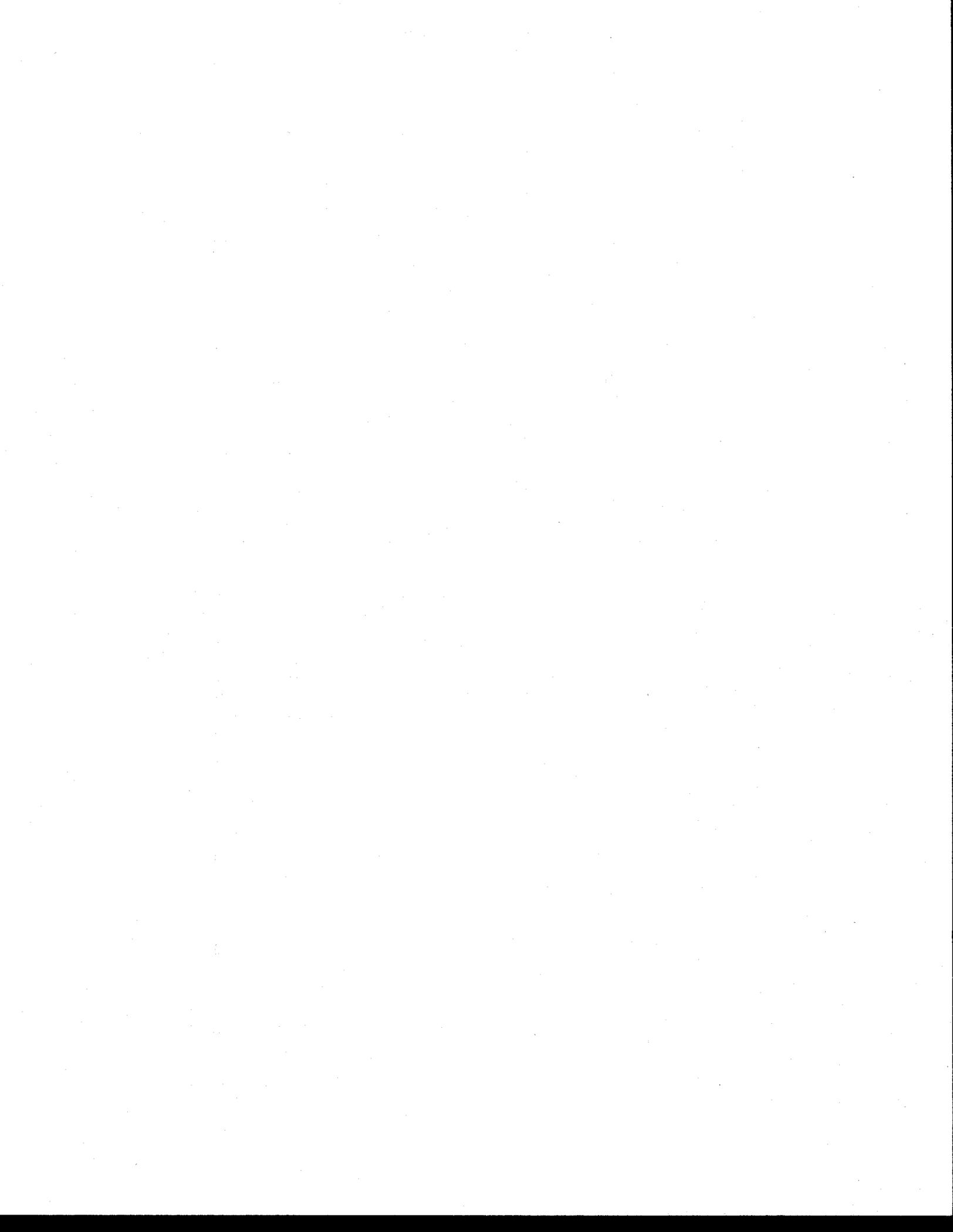
6-111 CONSERVATION EASEMENT HOLDER

6-111.1 Conservation Easement Holder Alternatives

The Conservation Easement on the Conservation Lands not owned by the homeowners' association shall be held by one of the following:

6-111.101 A Nonprofit Organization

A nonprofit organization devoted to conservation and preservation may be designated as the holder of the Conservation Easement for the Conservation Land not owned by the homeowners' association. The organization shall be acceptable to the Town Attorney. The focus of the conservation and preservation activities of the nonprofit shall include one or more of the following:



- i. Historic sites.
- ii. Archeological sites.
- iii. Agricultural uses.
- iv. Natural and hazard areas including:
 - Perennial and intermittent streams and associated floodways.
 - Floodplains.
 - Steeply sloped land.
 - Wetlands.
 - Known habitat for rare, threatened, or endangered species.
 - Forested or meadowlands.

6-111.102 Public Agency

A Public Agency involved in Conservation and Preservation may be designated as the holder of the Conservation Easement for the Conservation Land not owned by the homeowners' association.

6-111.2 Conservation Easement Holder in Place

The conservation easement holder shall be in place before building permits are issued.

6-112 MAINTENANCE OF CONSERVATION LANDS, COMMONLY HELD LANDS, AND FACILITIES

6-112.1 Conservation Lands Management Plan

A Conservation Lands management plan, approved by the Planning Commission shall be required that:

1. Allocates responsibility and guidelines for the maintenance and operation of the Conservation Lands, lands held in common and any facilities, including provision for ongoing maintenance and for long-term capital improvements.
2. Estimates the cost and staffing requirements needed for maintenance, operation, and insurance and outlines the means by which such funding shall be obtained or provided.
3. Provides that any changes to the management plan be approved by the Planning Commission.



4. Provides for enforcement of the management plan.

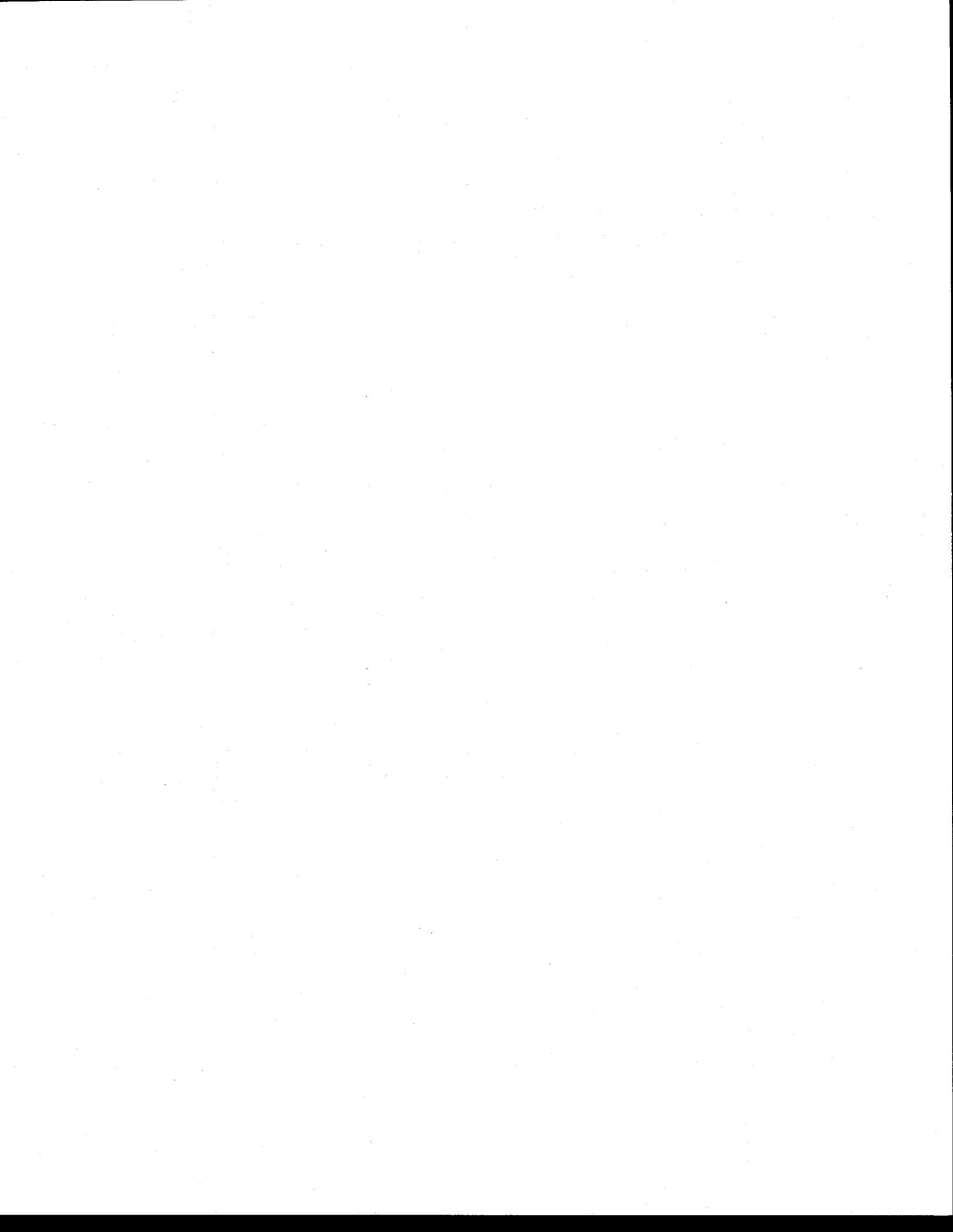
6-112.2 Maintenance of Natural Features

Natural features shall be maintained in their natural condition. The cost and responsibility of maintaining Conservation Lands and any facilities located thereon shall be borne by the property owner(s) as described in Section 6-110, OWNERSHIP OF LANDS AND FACILITIES HELD IN COMMON. Permitted modifications include:

- Reforestation.
- Woodland management.
- Pasture or cropland management.
- Buffer area landscaping.
- Stream bank protection.
- Wetlands management.
- Trails management.

6-112.3 Tax Assessment of Conservation Lands

Once a legal instrument for permanent protection has been placed upon the Conservation Lands, the tax assessor shall be notified of the reduction in development rights in order to initiate reassessment of the conservation lands to reflect the more limited use.



ARTICLE VII
WALKABLE SUBDIVISIONS

SECTIONS

- 7-101 General
- 7-102 Standards for Walkable Subdivisions
- 7-103 Lot Requirements
- 7-104 Requirements for Alleys
- 7-105 Blocks
- 7-106 Minimum Sidewalks Widths
- 7-107 Requirements for Streets and Pedestrian Access
- 7-108 Additional Requirements for Streets and Pedestrian Access in
Nonresidential and Mixed-Use Subdivisions
- 7-109 Variances from Access Standards
- 7-100 Unified Plat of Subdivision
- 7-111 Open Space

7-101 GENERAL

7-101.1 Purpose

The purpose of the requirements of this Article is to promote urban forms of development. The greatest impact that the subdivision regulations have on creating urban development patterns is through the regulation of block size, the scale of the street relative to the anticipated uses, street connectivity, additional pedestrian connections, and requirements for open space such as neighborhood parks or urban plazas. Walkable Subdivisions facilitate creation of more urban, walkable communities through improved pedestrian connections. In addition, through greater street connectivity, Walkable Subdivisions can improve the function of the arterial road system by keeping local trips on local streets.

7-101.2. Intent

This Article is designed to be used for infill subdivisions that are built at urban densities and are intended to be part of a larger, integrated, connected community as well as for subdivisions that may contain single use or a mix of uses, built at urban densities. Developments of this type create a pattern that initiates or adds to a well-connected street system that promotes walkable, urban communities. Walkable Subdivisions contribute to the creation of complete mixed-use neighborhoods. Key features of mixed-use neighborhoods include:

- Street networks, scaled relative to the anticipated uses on a block, that disperse traffic and offer a variety of pedestrian and vehicular routes to destinations while connecting and integrating the neighborhood with surrounding communities.
- A center that ideally includes a mix of uses and building types as well as a central public gathering space.
- A variety of housing choices.

- A diverse mix of activities (residences, shops, schools, workplaces and parks, etc.) occurring in close proximity.
- A range of transportation options including cars, transit, bicycles and walking.
- Well designed open spaces, greens, and parks, accessible and convenient to all.

7-102. Standards for Walkable Subdivisions

7-102.1. Application of Requirements

In addition to the requirements for all subdivisions presented in Articles 1 through 5, the standards of this Article shall apply to Walkable Subdivisions.

7-102.2. Alternative Standards

Where a development is regulated by an Urban Design Overlay, Planned Unit Development or other district governed by urban design standards that set out special design intentions differing from the standards of this Article but meet the purpose and design of Walkable Subdivisions, the Planning Commission may approve the alternative standards.

7-103 LOT REQUIREMENTS

7-103.1 Frontage.

Each lot shall have frontage onto a street or onto a common open space. Lots that front onto a common open space shall have vehicular access from an abutting public or private alley, a shared driveway easement, or a frontage street.

- a. Vehicular access for dwelling units set back no more than one hundred-fifty (150) feet from a street.
 - i. The right-of-way of the alley shall be a minimum width of twenty (20) feet.
 - ii. Alleys shall be approved by the City.
 - iii. A turnaround shall be provided unless the alley extends from street to street.
- b. Vehicular access for all lots where the distance from the dwelling unit to the street may be greater than one hundred-fifty (150) feet.
 - i. The vehicular access shall serve as a fire lane as well as providing access to dwelling units.
 - ii. A public alley shall be approved by the City.
 - iii. A turnaround shall be provided unless the access lane extends from street to street.

7-103.2. Cottage Subdivision (See Section 8-102 for Definition)

- a. All cottage subdivisions shall have access to a street.
- b. There shall be a grouping of up to ten dwelling units fronting onto any one common open space in a cottage subdivision (see Figure 7-1).
- c. Vehicular access shall be from the side or rear of the lots and meet the requirements of Sections 7-103.1 (Frontage).
- d. Attached housing cottage subdivisions shall meet the requirements of Section 7-103.3 (Subdivisions for Attached Housing).
- e. Where a common open space abuts a public sidewalk, the open space shall include design features that distinguish the common open space from the pedestrian connection.
- f. Common open space shall be held in a tract, and owned in common by the owners of property served by the common open space or by a homeowners' association.

7-103.3 Subdivisions for Attached Housing

- a. Attached Housing Subdivisions may be developed in zones that permit multi-family residential uses.
- b. The purpose of the subdivision for attached housing is to provide opportunities for individual home and lot ownership in the multi-family zoning districts by allowing subdivision of land for attached housing development.
- c. The lot dimensions shall be as described in Section _____, of the Zoning Ordinance.
- d. Attached housing fronting onto common open space shall meet the requirements of Section 7-103.2 (Cottage Subdivision).
- e. The lot width restrictions of subpart 5 of Section 4-110.2, (Lot Dimensions) shall not apply to attached single-family housing in Walkable subdivisions.

7-103.4 Residential Lots Fronting on an Arterial or Collector Streets

Creation of residential lots with double frontage shall be avoided wherever practicable. The preferred approach for subdividing residential property along an arterial or collector route is as follows:

- a. Dwelling units face the arterial or collector wherever practicable.
- b. Vehicular access via a shared frontage street, driveway easement, or rear alley to minimize curb cuts on arterial as shown in Figure 7-2.

FIGURE 7-1
COTTAGE SUBDIVISION

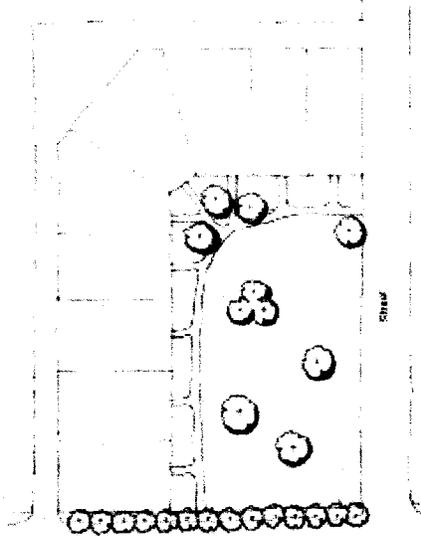
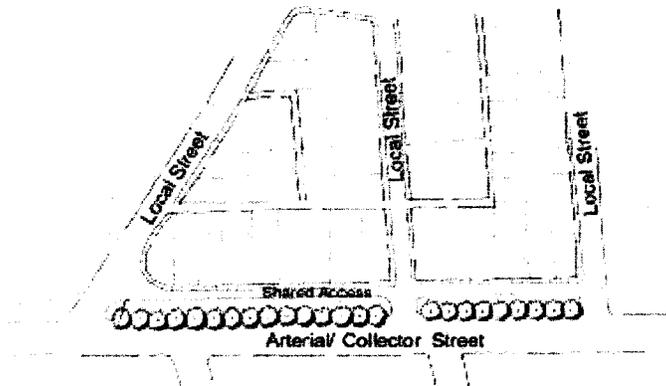


FIGURE 7-2
RESIDENTIAL LOTS FRONTING
AN ARTERIAL OR COLLECTOR STREET



- c. Access to the shared frontage street, driveway easement, or rear alley from a local street.
- d. A commonly held separation area between the arterial or collector and the edge of the frontage street or shared driveway easement or, between the arterial or collector and the front of the lots if access is via a rear alley.
- e. The separation area includes design features that distinguish it from the public sidewalk.
- f. The commonly held separation area be held in a tract, and owned in common by the owners of the abutting properties or by a homeowners' association.
- g. The commonly held separation area may not be needed for large lot subdivisions providing an edge condition for a Walkable Subdivision.

7-103.5 Nonresidential and Mixed-Use Lots Fronting on an Arterial or Collector

The number of access points on arterial and collector streets from a nonresidential or mixed-use development shall be minimized, wherever possible, through the use of driveways common to more than one development, and interior circulation design and connecting parking lots.

7-104 REQUIREMENTS FOR ALLEYS

7-104.1 Requirements for Alleys

Alleys shall be strongly encouraged, where practicable, to reduce the need for curb cuts, increase amount of on street parking, and reduce conflicts between cars and pedestrians. The following standards shall apply to alleys in Walkable Subdivisions:

- a. Alleys, wherever practicable, shall connect with streets at their ends and dead-end alleys should be minimized.
- b. Alleys may contain turns and intersections with other alleys provided service vehicles can be accommodated.
- c. For attached housing fronting onto an arterial or collector, rear access shall be provided, wherever practicable.
- d. If the tract abuts an existing alley, vehicle access shall be from the alley, wherever practicable.
- e. Alleys shall serve as a utility corridor and, wherever practicable, utilities shall be located to the rear of buildings.
- f. Where an alley provides the only vehicle access to a building that is more than one hundred-fifty (150) feet from a street, the alley shall serve as a fire lane.

7-105 BLOCKS

7-105.1 Block Widths

Blocks widths in Walkable Subdivisions shall meet the requirements of Section 4-109.1, (Block Widths).

7-105.2 Block Lengths

Block Lengths in Walkable Subdivisions shall meet the following requirements:

- a. Block lengths shall not exceed six hundred (600) feet except when existing conditions or natural constraints preclude such spacing.
- b. Block lengths shall not be less than two hundred (200) feet or four (4) lot widths, whichever is greater, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the street pattern.
- c. Wherever practicable, pedestrian connections shall be provided every three hundred (300) feet.

7-105.3 Block Perimeters

Block perimeter shall not exceed two thousand (2,000) feet.

7-105.4 Easements Through Long Blocks

The Planning Commission shall require dedication of an easement through long blocks to accommodate pedestrian connections and may require dedication of an easement through long blocks to accommodate utilities or drainage facilities.

7-106 MINIMUM SIDEWALKS WIDTHS

The width of the sidewalk in nonresidential and mixed-use subdivisions that are primarily nonresidential shall be a minimum of twelve (12) feet. This requirement may be waived for infill development on streets predominantly developed with sidewalks less than twelve (12) feet.

7-107 REQUIREMENTS FOR STREETS AND PEDESTRIAN ACCESS

7-107.1 Purpose

Contextual Street Classifications, as defined in Section 8-2, are designed to ensure complete streets in Walkable Subdivisions. The purpose of such streets standards and the pedestrian access standards for Walkable Subdivisions is to:

- a. Support the creation of a highly connected transportation system in order to provide choices for drivers, bicyclists, and pedestrians.
- b. Promote walking and bicycling and safely integrate the pedestrian and auto environment.
- c. Connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers.

- d. Provide a seamless transition from one area to the next.
- e. Reduce vehicle miles of travel and travel times.
- f. Reduce emergency response times.
- g. Increase the effectiveness of municipal service delivery.

7-107.2 Street Pattern

Streets shall be designed in an interconnecting pattern of streets, sidewalks, and alleys.

7-107.3 Street Design Standards

In determining the most safe and appropriate cross-section, the City shall work to ensure that the purpose of the Walkable Subdivision is met and that the key features, as described in Section 7-101.2, Intent, pertaining to streets are addressed.

7-107.4 Through Streets and Pedestrian Access

The following street and pedestrian access standards shall be required in Walkable Subdivisions, wherever practicable:

- a. Through streets shall generally be provided no more than six hundred (600) feet apart and pedestrian access shall generally be provided no more than three hundred (300) feet apart. Through street and pedestrian access shall generally be at least two hundred (200) feet apart.
- b. Where the street pattern in the area immediately surrounding the tract meets the spacing of Section 7-107.4, a, the existing street pattern shall be extended into the tract.
- c. New streets shall align with existing streets on adjoining properties unless topography, requirements of traffic circulation, or other considerations make direct connectivity unfeasible. The applicant shall demonstrate that no practicable alternatives exist to providing the street connections.
- d. Where streets cannot connect, a pedestrian access shall be provided, where practicable.
- e. To ensure connectivity but to discourage through traffic, T-intersections and other devices that dissuade through traffic shall be used where appropriate.

7-107.5 Extension of Existing Temporary Dead-End Streets and Pedestrian Access

Existing temporary dead-end streets and pedestrian accessways adjacent to the tract shall be extended into the tract, wherever practicable.

7-107.6 Future Extension of Proposed Temporary Dead-end Streets and Pedestrian Access

Where the Walkable Subdivision tract is adjacent to tracts that may be subdivided in the future, temporary dead-end streets, and pedestrian accessways shall be extended to the boundary lines of the tract to provide future access to the adjacent tracts. Signage as described in Section 4-106.7, 1, a, shall be provided.

7-107.7 Pedestrian Access Easements

The following approval criteria and standards apply to pedestrian accessways:

- a. The width of the pedestrian access easements shall be sufficient to accommodate expected users and provide a safe environment
- b. Pedestrian accessways shall take the most direct route practicable.
- c. Wherever possible, pedestrian accesses shall be designed so that the pedestrian can see the ending of the access from the entrance point.
- d. Pedestrian accessways that connect or are intended to eventually connect two through streets, shall be designated as public access easements on the final subdivision plat.
- e. Pedestrian accessways that connect or are intended to eventually connect to a public school, park, or library, shall be designated as public access easements on the final subdivision plat.

7-107.8 New Pedestrian Access Easements

In any zoning district, a new pedestrian access easement to a school, a shopping center, a neighborhood park or other likely pedestrian destination shall be provided as a component of the subdivision, if the addition of the accessway would reduce walking or bicycling distance by at least fifty (50) percent over other available pedestrian connections, and the reduced walking or bicycling distance is greater than four hundred (400) feet.

7-107.9 Loop Streets

Loop streets shall be given preference over cul-de-sacs. Standards for loop streets include:

- a. Connections to other streets at both termini shall be required.
- b. To facilitate connections to adjacent future development sites, when one terminus of the loop street does not connect to an existing street, the end shall be stubbed.
- c. Loop streets ending in temporary dead-end streets shall require signage as described in Section 4-106.7, 1, a,

7-107.10 Cul-de-sacs

Cul-de-sacs are generally prohibited and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in Figure 7-3, are not feasible and one of the following two conditions exists:

- a. Where natural features such as wetlands or steep slopes exist.
- b. Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned freeway, or a protected open space area.

7-107.11. Requirements for Cul-de-sacs

Cul-de-sacs shall meet the following requirements:

- a. The length of the cul-de-sac shall not exceed two hundred-fifty (250) feet.
- b. Cul-de-sacs shall include pedestrian connections to abutting streets wherever practicable as shown in Figure 7-4.

7-107.12. Sidewalks Not Required

Sidewalks shall not be required on the planted side of an eyebrow, close, or cul-de-sac terminus as shown in Figure 7-5.

7-108 ADDITIONAL REQUIREMENTS FOR STREETS AND PEDESTRIAN ACCESS IN NONRESIDENTIAL AND MIXED-USE SUBDIVISIONS

7-108.1 Pedestrian Access Required

Where street connections are not practicable, pedestrian accessways are required and shall meet the standards of Section 7-107.7, (Pedestrian Access Easements).

7-108.2. Requirements for Internal Vehicular Circulation

To encourage shared parking and shared vehicular access points on arterial and collector streets all nonresidential and mixed-use developments shall be designed to allow for cross-access to adjacent properties. (See Figure 7-6, for an example of internal vehicle circulation.)

7-108.3. Pedestrian Access

Pedestrian accessways include public sidewalks and walkways within nonresidential and mixed-use developments.

- a. Pedestrian accessways across parking lots shall be clearly marked and separated by curbs or similar devices.
- b. Pedestrian accessways shall be made to adjacent land uses and provide connections through the development to the public street right of way.
- c. All development in nonresidential and mixed-use zoning districts shall provide a system of pedestrian facilities that encourages safe and convenient pedestrian movement within the site and onto adjacent sites.

7-109 VARIANCES FROM ACCESS STANDARDS

7-109.1 Variances

In addition to the requirements of SECTION 1-112, (Variances), in order for a variance to be granted for Sections 7-107 and 7-108, the applicant shall demonstrate why these standards cannot be met.

7-109.2. Circumstances for Variances

Variances may be permitted under either of the following:

- a. Where an applicant can demonstrate that an alternative connection or connections better meet the purpose of the Walkable Subdivision.
- b. Where no practicable alternatives exist to provide access and/or connections and one of the following conditions exist:
 - i. Access and connection standards would violate provisions of leases, easements, covenants, or restrictions in place at the time of adoption of these regulations.
 - ii. Natural constraints, existing buildings or other development adjacent to lands physically preclude a connection now or in the future, considering the potential for redevelopment.

7-110 UNIFIED PLAT OF SUBDIVISION

Applicants seeking design flexibility may use a unified plat of subdivision. The plat shall show all properties to be considered as one unified piece of property. All properties to be included in the unified plat of subdivision shall be within the boundary of the unified plat of subdivision as defined in the Zoning Ordinance. A unified plat of subdivision shall be submitted for review and approval, and may be recorded separately from a final plat, or combined with a final plat. The "Purpose" note on the plat shall clearly state the plat is to be considered a unified plat of subdivision, and the words "Unified Plat of Subdivision" shall be clearly shown above the subdivision name.

7-111 OPEN SPACE

Open spaces appropriate for a Walkable subdivisions include plazas, squares, greens, small parks for passive or active recreational uses and linear open space that incorporates natural elements such as a creek or a significant stand of trees. The planted area of an eyebrow, close or cul-de-sac turnaround may be counted towards the open space requirement.

FIGURE 7-3

ALTERNATIVES TO CUL-DE-SACS

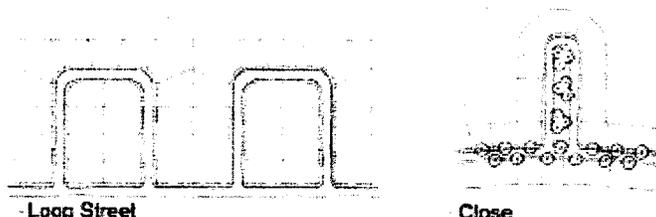


FIGURE 7-4
PEDESTRIAN ACCESS

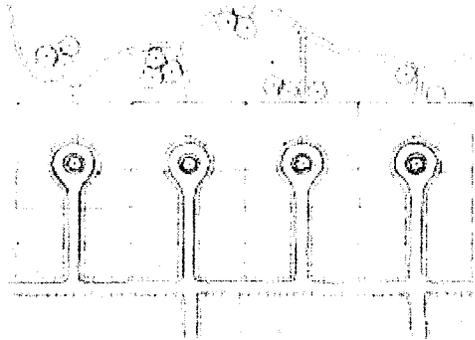


FIGURE 7-5
SIDEWALKS NOT REQUIRED

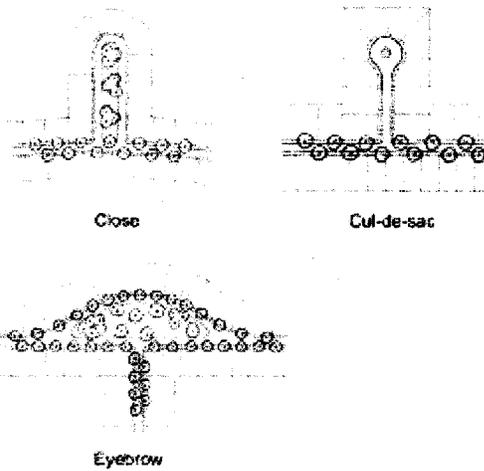
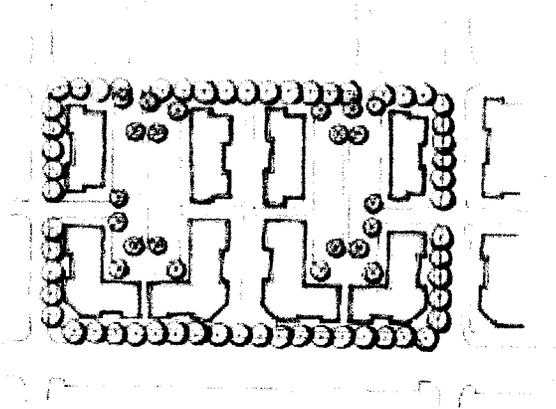


FIGURE 7-6

INTERNAL VEHICLE CIRCULATION



ARTICLE VIII

DEFINITIONS

SECTIONS

8-101 Usage

8-102 Words and Terms Defined

8-101 USAGE

1. 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.
2. 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".
3. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

8-102 WORDS AND TERMS DEFINED

Abutting. Lots that are touching or sharing a common point or line but does not include lots that are across a public way from each other.

Access. The place, means, or way by which pedestrians, bicyclists, and/or vehicles have safe, adequate, and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication, or easement.

Adjacent. Lots that are touching or sharing a common point or line including lots that are across a public way from each other.

Alley. A low volume lane intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Applicant. The owner or optionee of land proposed to be subdivided or his/her authorized representative, also referred to as subdivider or subdivider agent. See "Subdivider and Subdivider Agent".

Arterial Street. See "Street, Arterial."

Block. A tract of land bounded by streets or by a combination of streets and public lands, cemeteries, railroad rights-of-way, shorelines of waterways or any other barrier to the continuity of development.

Block Face. A single boundary of a block described in the definition of a block. A block face is opposing when it is across a public street.

Bond, Performance. An agreement and security to assure construction of roads, water and sewer systems or other public facilities in a form specified by Article III, of these regulations. (See Public Improvements.)

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. The term includes any permanent structure including mobile homes.

Building Envelope. The area formed by the front, side and rear building restrictions or setback lines on a lot within which the principal buildings must be located.

Building Site. Land occupied or intended to be occupied by a building and interrelated buildings, together with all open space required to meet the provisions of any applicable zoning ordinance, which is located on a lot that has been lawfully created and meets all criteria of the local government for the intended use.

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

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

Collector Street. See "Street, Collector."

Common Open Space. Any portion of a condominium site or a subdivision held in joint ownership by property owners or a homeowners' association and intended for the use or enjoyment of the occupants. Common Open Space can include property that is left in a natural state and has primarily scenic value. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips and street medians/islands is excluded from common open space calculations

Common Open Space – Conservation Subdivision. The portion of undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside under a conservation easement that is owned by a homeowners' association and is intended for their use or enjoyment. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips, street medians/islands, and drainage fields for individual sewage disposal systems is excluded from common open space calculations.

Complete Application. The completed form or forms and all accompanying documents, maps, exhibits and fees required of an applicant, including all information required by the Submittal Checklist available from the Enforcing Officer.

Conceptual Plan. A plan drawn to scale that shows street, lot, and open space layouts, public dedications, and reservations, if any, and proposed environmental changes to the tract. It includes topographical information, existing site conditions, analysis, and off-site conditions of a minimum of three hundred (300) feet beyond the property boundaries.

Condominium. Joint domain (joint ownership) also horizontal property regime.

Conservation Easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development. The land may contain historic structures and archaeological sites.

Conservation Land. The portion of undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside under a conservation easement.

Conservation Subdivision. A residential development where at least fifty (50) percent or more of the land area is designated as undivided, permanent open space or farmland, thereby permanently protecting agriculturally, environmentally, culturally or historically significant areas within the tract. The subdivision is characterized by compact lots, common open space, and the preservation maintenance of natural, historical, and cultural resources. Conservation Subdivisions are an alternative approach to the conventional lot-by-lot division of land in rural areas that spreads development evenly throughout a parcel with little regard to impacts on the natural and cultural features of the area.

Construction Plan. The maps or drawings indicating the specific location and design of improvements to be installed in a subdivision or development.

Conventional Subdivision. A lot-by-lot division of land that spreads development evenly throughout a parcel, minimum lot size determined by underlying zoning

Critical Lots. Lots designated as critical during the concept plan review process based on soil conditions, degree of slope, flooding, or other lot features that could affect the feasibility of construction.

Cul-de-sac Street. See "Street, Permanent Dead End".

Deed Restriction. A restriction on the use of a property set forth in the deed.

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

Drive. A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons that is not designed nor eligible to become a public right-of-way in the future.

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

Engineer. See "Registered Engineer".

Equal Degree of Encroachment. The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of 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 deposit of cash with the county in lieu of posting a performance or maintenance bond.

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

Final Subdivision Plan. 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 and which, if approved, may be submitted to the Register of Deeds for recording.

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

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 (100) 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.

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

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

Floodway. The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one (1) foot above natural flood levels.

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 on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Street. See "Street, Frontage."

Grade. The slope of a road, other public facility, or terrain generally specified in percentage terms.

Governing Body. The chief legislative body of the community.

Greenway. An open space conservation area approved by the local government that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or protection of sensitive natural features, farmland, scenic views, and other unique features

Greenway Conservation Easement. A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources; or maintaining air and/or water quality.

Highway, Limited Access. A freeway or expressway providing a traffic-way for through traffic, in respect to which owners or occupants of abutting property 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.

Hollow Core Turn-Around. The turn-around area of a permanent dead-end street (also, referred to as a cul-de-sac) that includes an interior landscaped island in the center of the turn-around.

Homeowners' Association. An incorporated community association responsible for the maintenance and management of commonly owned properties or facilities.

Improvements. See "Lot Improvement" or "Public Improvement".

Individual Sewage Disposal System. A septic tank and disposal field, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system, that serves an individual lot.

Internal Subdivision Boundary. All points within a subdivision such as lot corners, street lines, etc., which do not constitute external boundaries.

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

Lands Held in Common. Lands held in common are all lands held by a Homeowners' Association or equivalent and includes: lands designated as Common Open Space (see "Common Open Space" and "Common Open Space – Conservation Subdivision"); land used for the provision of infrastructure common to all subdivisions such as roads, sidewalks, planting strips, stormwater facilities, planted portion of hollow-core turnarounds, closes and eyebrows; and land used for drainage fields for individual sewage disposal systems.

Land Surveyor. See "Registered Land Surveyor".

Landscape Buffer. A required yard located at the perimeter of the lot containing landscaping, berms, walls, or fences that shield use of adjacent properties from those uses occurring on the subject property.

Level of Service (LOS). A standard comparing a roadways traffic load to the roadways capacity. The Level of Service range, from LOS A (free flow) to LOS F (forced flow). The factors affecting LOS are numerous but include the lane widths, number of lanes, parking, bus stops, percentage of trucks, types of traffic controls, etc., LOS is determined using the procedures described in the Highway Capacity Manual (HCM) published by the Transportation Research Board.

Local Street. See "Street, Local".

Loop Street. See "Street, Loop".

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

Lot, Corner. A lot situated at the intersection of two streets the longest dimension of which is to be considered the side.

Lot, Double Frontage. A lot other than a corner lot that has frontage on two or more streets that do not intersect at a point abutting the property.

Lot, Flag. A lot, which has a minimum frontage on a public or private street that is reached via a private drive or lane and otherwise meets the dimension standards of the Zoning Ordinance.

Lot, Through. See "Lot, Double Frontage".

Lot Improvement. Any building, structure, work of art, or other object or improvement constituting a physical betterment of real property, or any part of such betterment.

Major Street. A street that is classified as a collector or arterial street according to these regulations or by the Major Street Plan. See "Street, Arterial," "Street, Collector," and "Major Street Plan".

Major Street Plan. The plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, 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. See "Subdivision, Major".

Minor Subdivision. See "Subdivision, Minor".

Off-Site (Also Off-Site Improvements). Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Open Space. Open space includes, but is not limited to, parks, plazas, courtyards, playing fields, trails, greenways, and golf courses. Open space may be public or privately held and may be used for active or passive recreation.

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, including contracts to purchase.

Parcel. A single piece of land separately owned, either publicly or privately, and may be converted into a building site.

Pedestrian Access. Pedestrian accesses are accessways that provide direct and continuous pedestrian passage through blocks. They are designed to provide continuous pedestrian routes by connecting a public street to another public street or a residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.

Performance Bond. See "Bond".

Permanent Dead-End Street. See "Street, Permanent Dead-End".

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.

Private Street. See "Street, Private".

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 governing body may ultimately assume responsibility for maintenance and operation.

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

Register of Deeds. The County Register of Deeds.

Registered Engineer. An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code, to practice in Tennessee.

Registered Land Surveyor. A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Section 62-1803, Tennessee Code, to practice in Tennessee.

Registered Landscape Architect. Landscape architect certified and licensed by the State Board of Landscape Architects pursuant to Section 62-203, Tennessee Code, to practice in Tennessee.

Regulatory Flood. The one-hundred (100) year flood.

Regulatory Flood Protection Elevation. The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

Resubdivision. A change of any approved or recorded subdivision plat if such change affects any street layout on such map, or any area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by public facilities such as streets, crosswalks, railroads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer lines, or for another special use. The usage of the term "right-of-way," for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Sanitary Sewer. A system of subterranean conduits that carries liquids or other waste matter to a plant where the sewage is treated, as contrasted with storm drainage systems (that carry surface water) and septic tanks or leech fields (that hold refuse liquid and waste matter on site).

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

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

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

Start of Construction. The first use of permanent construction materials on a site, such as the pouring of slabs or footings or any work beyond the state of excavation.

Street, Arterial. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by government within their respective jurisdictions as part of a major arterial system of streets or highways.

Street, Collector. A street whose principal functions include providing access to abutting properties and collection and distribution of traffic between local streets and the Arterial Street System.

Street, Close. A "U" shaped loop street having two open ends, each end generally connecting with the same street. Property fronts on the outside of the "U" but the interior of the "U" is a natural or landscaped open space. The close street is used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

Street, Cul-De-Sac. See "Street, Permanent Dead-End".

Street Design (Standard Specifications and Details). The standards for engineering design and construction of roads, highways, streets, alleys, and related structures within a public street right of way or in an easement created to grant public use of a street.

Street, Eyebrow. An informal open space created along a street that preserves an existing natural feature that is in the path of the street.

Street, Frontage. A minor street giving access to lots usually running parallel to an arterial street.

Street, Local. A street whose principal function is providing access to individual properties.

Street, Loop. A local service street that originates from and returns to the same street.

Street, Minor Local. A dead-end or loop street providing service to no more than fifty (50) single-family residential lots or sixty-five (65) multi-family units.

Street Plan, Neighborhood. The pattern and hierarchy of streets that provide structure to a compact, walkable neighborhood. The organic network, curvilinear network, orthogonal grid, and diagonal network are types of neighborhood street plans that provide good connectivity, multiple routes, and efficient low-speed vehicular movement.

Street, Permanent Dead-End. A street or a portion of a street with only one vehicular-traffic outlet. Also referred to as a cul-de-sac street. (See also "Hollow Core Turn-Around".)

Street, Private. A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. A private street is not maintained by the local government.

Street Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the road.

Street, Temporary Dead-End. A local or collector, closed-end street that is only acceptable as a temporary street condition. Temporary dead-end streets are similar to cul-de-sacs except that they provide a temporary turnaround circle at their closed end. Temporary dead-end streets are designed to provide for future connections.

Street Trees. Species and varieties of trees identified and acceptable to the local government and utility providers for installation in a planting strip or sidewalk tree well within a street right-of-way. Street trees are a street architecture element and are provided to enhance the pedestrian experience and to enclose the space of the street.

Structure. Anything constructed above or below ground.

Subdivider. Any person who having an interest in land, causes it, directly or indirectly, to be divided, also referred to as applicant. See "Applicant".

Subdivider 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 an attorney-at-law whose representation of another person consists solely of rendering legal service.

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

Subdivision, Major. Any subdivision in which:

- (a) A public or private street is constructed or is required to be widened and no extension of public facilities is required,
- (b) Completion of public improvements (other than individual on-lot storm water management systems) or guarantee thereof is required;
- (c) Earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and
- (d) The dedication of a right-of-way or easement for construction of a public water or sewer distribution lines.

Subdivision, Minor. A division of land where the conditions for major subdivision review, as set out for a "Major Subdivision" are not present.

Subdivision, Partition. A division of land, fronting on an existing standard street and no new streets are proposed, creating not more than two (2) lots and not requiring public facilities or utility extensions. Partitions that require a variance or waiver from these regulations shall be deemed to be a minor or a major subdivision.

Substandard Street. Substandard meaning of less pavement, right-of-way width, construction technique, or otherwise non-conforming with current Standard Specifications and Details as is required by these regulations for the applicable class of street.

Substantial Completion. Where the stage of constructions of public facilities has progressed to the point of rendering the facility usable for the intended purpose. Project or construction activity is complete except for cleanup, minor landscaping, etc.

Temporary Improvement. Any improvement built and maintained by a subdivider during construction not intended to be a permanent structure or facility.

Tract. A specified stretch of land to be subdivided.

Unified Plat of Subdivision. A property plat(s) approved by the Planning Commission and recorded by the Register of Deeds which either creates new lots or rerecords existing lots for the purpose of achieving a coordinated and inter-related form of development and/or manner of operation, utilizing the plat to identify and establish by appropriate notes and legal cross references those development or operational opportunities and/or limitations as authorized by the Zoning Ordinance and assigned to the subject lots by the owner(s) of the property.

Water Body. A standing pool of water such as a lake or pond either natural or manmade with or without a defined inlet or outlet.

Water Course. A natural or manmade channel for the movement of water.

Yard. The area of any lot where building is restricted by the Zoning Code, including front and side yards which shall remain unobstructed by buildings, and rear yard which shall remain unobstructed by the principal building.

Zoning Ordinance. The Zoning Ordinance adopted by the local government.

ARTICLE IX

ADOPTION OF REGULATIONS AND AMENDMENTS

9-101 NOTICE OF PUBLIC HEARING FOR AMENDMENTS TO THE SUBDIVISION REGULATIONS

Prior to the consideration of amendments to the regulations or new regulations, the Planning Commission shall set a date for a public hearing. The public hearing shall be advertised in the body of one newspaper of general circulation thirty (30) days prior to the date of the public hearing. (Section 13-4-303 (c), Tennessee Code Annotated)

9-102 ORIGINAL ENACTMENT

9-102.1 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 the month of _____, 2007, and shall be in full force and effect _____.

9-102.2 Public Hearing

Pursuant to Section 13-4-303 (c), Tennessee Code, a public hearing was held on these regulations on _____, 2007, at _____ p.m., at City Hall in Portland, Tennessee.

9-102.3 Public Hearing Notice

Notice of the Public Hearing was given by publication in the _____ on _____, 2007.

9-102.4 Signatures

Original signatures are on file at the Portland City Hall.

Chairman

Date

ATTEST:

Secretary

Date

PROPOSED SUBDIVISION REGULATIONS

ARTICLE I- GENERAL PROVISIONS

Contents:

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1-101 Title – These regulations shall hereinafter be known and cited as the "Subdivision Regulations of ██████████, Tennessee."

1-102 Authority – These subdivision regulations are adopted by the ██████████ Regional Planning Commission (hereinafter referred to as "Planning Commission"), pursuant to the authority and powers granted by Sections 13-3-401 through 13-3-411 and 13-4-301 through 13-4-309, Tennessee Code. Having adopted a major street or road plan for the jurisdictional area, and filed a certified copy of said plan with the County Register of Deeds (hereinafter referred to as "county register"), as required by Sections 13-3-402 and 13-4-302, Tennessee Code, and having held a public hearing as indicated in Subsection 1-107.1, of these regulations, the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to adoption of these regulations.

1-103 Declaration of Development Preference – . At the time a Conceptual Plan is filed with the Planning Commission, as provided in Section 2-105, (Conceptual Plan Procedures), the applicant shall declare whether the plan shall be reviewed under the requirements of Articles 1 through 5 of these regulations alone or in combination with Article 6 or Article 7. When opting to use Article 6 or 7, the regulations and standards of Articles 1 through 5 and the selected Article shall be applied. The regulations and standards of the Article not selected by the applicant shall not be applied. In case of conflict between Articles 1 through 5 and the selected Article, the regulation or standard of the selected Article shall apply. A declaration of development preference is not required for a partition.

1-104 Jurisdiction – These subdivision regulations shall apply to all subdivisions, as herein defined, located within ██████████, Tennessee and its extraterritorial planning region. No land shall be subdivided within the jurisdictional area until the subdivider submits necessary plans as required by these regulations, obtains Planning Commission approval of such plans, and files the approved final plat with the county register.

1-105 Policy and Purpose – It is hereby declared to be the policy of the Planning Commission to consider subdivision of land and development of a subdivision plan as subject to control of the adopted land use or 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 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 proposals shown in the City Comprehensive Plan.

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

These subdivision regulations are adopted for the following purposes:

- (1) To promote the public health, safety, and general welfare of the jurisdictional area.
- (2) To guide development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- (3) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- (4) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- (5) To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- (6) To insure that public facilities are available and will have sufficient capacity to serve all proposed subdivisions.
- (7) To prevent pollution of air, streams, and ponds; to assure adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of land within the jurisdictional area.
- (8) To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.
- (9) To provide for open spaces through efficient design and layout of the land, including use of average density to provide for reductions in minimum width and area of lots, while preserving the density of land as established in the zoning regulations.

1-106 Interpretation, Conflict, and Severability

1-106.1 Interpretation – These regulations shall be held to be the minimum requirements for promotion of health, safety, and general welfare.

1-106.2 Conflict with Public and Private Provisions

1-106.201 Public Provisions – These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1-106.202 Private Provisions – These regulations are not intended to abrogate any easement, covenant, or 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.

1-106.3 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 where such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

1-107 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 governing body under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the governing body, except as expressly provided otherwise in these regulations.

1-107.1 Previously Approved Subdivisions

1-107.101 Unexpired Preliminary Plans – The approval granted on any preliminary plan 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.

1-107.102 Expired Preliminary Plans – In any instance where the period of preliminary approval shall have passed with some portion of the subdivision not having received approval of the Final Plan, and the applicant wishes an extension of the preliminary approval, the Planning Commission may:

- (1) Permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- (2) Stipulate that the plan is null and void and that a new plan be presented subject to all laws and provisions of these regulations that are in effect at the time such action is considered.

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.

1-107.2 Filing of Approved Plats – All previously approved final plats shall be filed with the county register's office within one (1) year following adoption of these subdivision regulations. In the event the owner fails to file a plat within the one (1) year time period stipulated herein the approval shall become void and no building permit may be issued for any lot located therein until action is taken to reinstate the plat. All Final Plans approved following adoption of these regulations shall be filed with the county register's office as provided in Subsection 2-106.2, (Recording of Plan) of these regulations.

1-108 Amendments

1-108.1 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 adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission, as required by Articles 3 and 4, Title 13, Tennessee Code.

1-108.2 Codification and Distribution – Subsequent to adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner:

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

1-109 Resubdivision of Land

1-109.1 Procedures for Resubdivision – If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before adoption of any subdivision regulations, such amendment shall be approved by the same procedure, rules, and regulations as for a subdivision.

1-109.2 Subdivision Procedures Where Future Resubdivision Is Foreseen – Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than double the minimum required area for the zoning district wherein 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 or that such lots be restricted from further subdivision. The Planning Commission may also require that dedications providing for future opening and extension of such public ways be indicated on the plan.

1-110 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 physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1-111 Vacation of Plats and Abandonment of Right-of-Way Dedications

1-111.1 Vacation of Plats – Any plat or any part of any plat may be vacated by the owner of the premises, at any time before 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. In approving the vacation of plats the Planning Commission shall follow the same procedure for approval of plats. The governing body may reject any such instrument that 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 described in such plat. . When any lot or lots shown on a plat have been sold such plat may be vacated in the manner indicated herein, provided however, all owners of lots located in such plated area must join in the execution of such writing.

1-111.2 Abandonment of Right-of-Way Dedications - Any dedicated right-of-way shown on a recorded subdivision plat can be abandoned only through the resubdivision of such plat, or through the resubdivision of the affected section of such plat, according to the procedures stated in Subsection 1-110.1, (Vacation of Plats) of these regulations. Thereby, the Planning Commission must approve the resubdivision of the initially recorded plat that depicts the dedicated right-of-way or future public way access area, in such a manner

wherein such dedicated right-of-way is deleted from said plat. Once, this revised plat is officially recorded, it acts to supersede the originally recorded plat, and accordingly abandons the respective dedicated right-of-way or future public way access area. No official action shall be made by the Planning Commission in relation to the abandonment of any dedicated right-of-way, pending public notification of adjacent property owners by registered mail as to the time and place of the Planning Commission meeting, when such action is to be officially entertained. Any public way access area or dedicated right-of-way that is abandoned as per the procedures cited herein, shall be deeded solely to the current owners of those lots which were in the originally platted and recorded section of the affected subdivision wherein such public way access area or dedicated right-of-way was depicted.

1-112 Variances

1-112.1 General – If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted; provided, such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the Planning Commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

- (1) 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 where the property is located;
- (2) Conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
- (4) The variance will not in any manner alter provisions of the land development plan, the major thoroughfare plan, or the zoning ordinance.

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

1-112.2 Procedures – Each and every variance or modification of these subdivision regulations sought by a subdivider shall be specifically applied for in the numerical order of the subdivision regulations, in writing by the subdivider. **A separate form provided by the Enforcing Officer shall be utilized to list any and all variance(s) being requested. This form shall accompany the Development Plan.** Any condition shown on the plan, which would require a variance or modification, shall constitute grounds for disapproval of the plan unless application for modification or variance is made. In approving any variation from these regulations the Planning Commission shall state fully in

it's minutes the grounds for the variation and all of the facts upon which the decision is made. The minutes of the meeting where the action approving the variance(s) is taken shall reflect the specific nature and content of such variance(s).

- 1-112.3** **Conditions** – In approving variations, the Planning Commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

1-113 **Enforcement, Violation, and Penalties**

1-113.1 **General**

- 1-113.101** **Authority** – The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Tennessee Code.
- 1-113.102** **Enforcing Officer** – It shall be the duty of the Enforcing Officer to enforce these regulations and to bring to the attention of legal council any violations or lack of compliance herewith. *Building official*
- 1-113.103** **Recording of Plats** – Pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code, no Final Plan of subdivision within the jurisdictional area shall be received or recorded by the county register until such plan has received approval of the Planning Commission in accordance with these regulations, and such approval has been endorsed in writing on the plan by the Planning Commission secretary in the manner prescribed by these regulations.
- 1-113.104** **Use of Unapproved Plats** – Pursuant to Sections 13-3-410 and 13-4-306, Tennessee Code, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.
- 1-113.105** **Public Ways and Utilities** – Pursuant to Sections 13-3-406 and 13-4-307, Tennessee Code, the governing body 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 attachment of the Planning Commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plan approved by the Planning Commission or on a public way plan made by the Planning Commission. The governing body may, however, accept or lay out any other street or adopt any other street location, provided the resolution, ordinance, or other measure for such acceptance, laying out or adoption first shall be submitted to the Planning Commission for its approval and, if disapproved by the Planning Commission, shall receive the favorable vote of a majority of the entire membership of the governing body. A street approved by

the Planning Commission upon such submission or accepted, laid out, or adopted by the Planning Commission shall have the status of an approved street location as fully as though it originally had been shown on a subdivision plat approved by the Planning Commission or on a plat made and adopted by the Planning Commission. In case, however, of any state highway constructed or to be constructed in the jurisdictional area by the State of Tennessee 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.

1-113.106 **Building Permits** – No building permit shall be issued for construction of any building or structure located on a lot or plat that is subdivided or sold in violation of any provision of these regulations. Any individual requesting a building permit for a lot located within an established subdivision shall provide evidence that the plat of subdivision wherein such lot is located has been approved and appropriately recorded.

1-113.107 **Access to Lots by Public Way or Private Easement** – Pursuant to Sections 13-3-411 and 13-4-308, Tennessee Code, no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot whereon 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 prior to that time or unless such way corresponds in its location and lines with a way shown on a subdivision plan approved by the Planning Commission, or on a street plan made and adopted by the commission, or unless such lot fronts upon a permanent easement that conforms to all rules, regulations and specifications set forth, herein.

Except as provided elsewhere in Article VI for Conservation Subdivisions, in any instance where a permanent easement is used to provide access to a lot or tract of land having been or being separated by deed or plan from other property, such easement shall be at least fifty (50) feet in width. Where a permanent easement is proposed to provide access to more than one (1) lot or tract of land, an access way shall be constructed within the easement which will meet or exceed the standards for design and construction of public ways set forth in these regulations, and the Planning Commission shall act to insure that the responsibility for future maintenance of any such access way lying within a permanent easement remains solely with the benefited parties and that in no event shall the maintenance of such access way become a public responsibility.

1-113.2 Penalties for Violations

1-113.201 Recording of Unapproved Plats – No county register shall receive, file, or record a plat of subdivision within the planning region without approval of the Planning Commission as required in Sections 13-3-402 and 13-4-302, 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 plan of a subdivision in violation of Subsection 1-113.103 (Recording of Plats), of these regulations, shall be deemed guilty of a violation of the above cited provision of the Tennessee Code.

1-113.202 Use of Unapproved Plats – Sections 13-3-410 and 13-4-306, Tennessee Code, provides that whoever being the owner or agent of the owner of any land transfers, or sells or agrees to sell or negotiates to sell such land by reference to, exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The local government through its attorney may enjoin such transfer or sale or agreement by action of injunction.

1-113.203 Illegal Buildings – Any building or structure erected or to be erected in violation of these subdivision regulations shall be deemed an unlawful building or structure; and the building official or other official designated by the local government may bring action or enjoin such erection or cause it to be vacated or removed as provided in Sections 13-3-411 and 13-4-308, Tennessee Code.

1-113.3 Civil Enforcement

1-113.301 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 1-113.2 (Penalties for Violations), of these regulations.

1-113.302 Specific Statutory Remedies

- a. **Use of Unapproved Plats** – The City, through its attorney or other official designated by the City, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection 1-113.104 (Use of Unapproved Plats), of these regulations.
- b. **Erection of Unlawful Buildings** – Where any building or structure is erected or being erected on any lot in violation of the street or easement frontage requirements of Subsection 1-113.107, (Access to Lots by Public Way or Private Easement), of these regulations, the building official or the City attorney or other official designated by the Board of Commissioners may bring action to enjoin such erection or cause the building or structure to be vacated or removed.

1-114 Repeal of Previous Regulations – Upon the adoption and effective date of these regulations, the Subdivision Regulations, of Portland, Tennessee, adopted _____, as amended, are, hereby, repealed:

1-115 Fees for Plan Review – Any individual who is seeking to subdivide property within the jurisdictional area where these regulations are applicable shall pay such filing and review fees as are required. These fees shall be paid prior to the item being placed on an agenda for consideration by the Planning Commission.