## FOREWORD

The basic and fundamental principle followed by the Marion County Regional Planning Commission in its adoption of subdivision regulations was set forth nearly a half century ago by the Tennessee Legislature in Chapter 45, Public Acts of 1935 as amended (now Sections 13-3-101 through 13-3-412, Tennessee Code Annotated).

A further and fuller look at this legislative "birth certificate" of subdivision regulations discloses that local planning commissions are authorized and directed by said Act to adopt such regulations as will accomplish the following objectives:

1. Harmonious development of the county;

2. Coordination of streets within subdivisions and with other existing or planned streets and with the comprehensive plan of the county, and

3. Adequate open spaces for traffic, recreation, light and air, and the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Said Act also authorizes municipal and regional planning commissions to prescribe requirements as to the extent and manner in which streets shall be graded and improved. Water, sewer and other utility mains shall be installed according to these regulations as a condition precedent to the approval by the commission of any subdivision plat.

Subdivision regulations are intended to be realistic in their provisions and are designed to benefit all concerned (the developer, the builder, the home owner, and the taxpayer). Their impartial enforcement will be an important factor in promoting the growth and prosperity of the entire area. Such regulations are needed in order to assure that Marion County will become a more prosperous and more attractive area. New industry will have greater inducements to locate here, and prospective home owners will have a wider and better choice of more attractive and desirable home sites.

## ANSWERS TO QUESTIONS OFTEN ASKED ABOUT SUBDIVISION REGULATIONS

**I. ARE SUBDIVISION REGULATIONS FAIR TO EVERYONE?**

Yes. The written regulations provide the local planning commission with uniform procedures and standards of design and construction by which to appraise equally and fairly all plans for land subdivision.

**2. WHO IS AFFECTED BY THE REGULATIONS?**

Every owner of land within the planning region who divides land into smaller parcels, or changes the size or shape of existing lots.

**3. AM I AFFECTED IF I RESUBDIVIDE MY TRACT INTO TWO PARCELS?**

Yes. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites or divisions for immediate or future sale or building development and includes resubdivision (see page 3 for definition of subdivision).

**4. WHAT IS TO PREVENT ME FROM RECORDING A SUBDIVISION PLAT WITHOUT APPROVAL?**

The county register of deeds is prevented by law from recording land subdivisions lying within planning regions without final approval in writing.

**5. CAN I SELL AN UNAPPROVED PLAT AND THEN RECORD MY LOTS BY METES AND BOUNDS?**

No. State law makes it a misdemeanor, punishable by law, to use an unapproved subdivision plat even if metes and bounds description is used in the instrument of transfer or sale.

**6. WHAT HAPPENS IF I SELL UNAPPROVED AND UNRECORDED LOTS FROM MY SUBDIVISION?**

a. A state law has been broken (Tennessee Code Annotated 13-3-410).

b. Some cloud would exist on the title to the lot.

c. Most lending agencies will not approve or guarantee loans.

d. State law requires that public bodies shall not extend sewers, water mains, lighting, or other utilities in unauthorized roads.

e. Any building or structure erected in violation may be forced to be vacated or removed.

f. The legislative body of a county or municipality may stop sales by injunction or other legal action.

**7. WHAT IMPROVEMENTS WILL I NEED TO INSTALL IN MY SUBDIVISION?**

Most subdivision regulations will require the developer to grade and improve streets, and install monuments, sewers, and water mains in accordance with adopted specifications.

**8. WHY DOESN'T THE LOT BUYER INSTEAD OF THE DEVELOPER PAY FOR IMPROVEMENTS?**

The lot buyer does--at the time he purchases his property. If lots are sold before improvements are in, the community bears the expense of providing needed improvements that should have been originally planned for and installed by the developer.

**9. WON'T SUBDIVISION REGULATIONS CAUSE EXPENSIVE DEVELOPMENT AND COST ME A LOT OF MONEY?**

Quite the contrary! Properly planned subdivisions make the most of land with a minimum of construction and operating cost. Good design takes advantage of all capabilities of the site and results in a minimum amount of streets and utilities with a maximum number of well-arranged and easier sold lots. Good land subdivision affects the value of the land and the immediate return to the investor, while saving the developer money.

**10. HOW DO I GO ABOUT HAVING A SUBDIVISION APPROVED?**

Marion County's printed set of regulations includes the procedure for having a plat approved. The Planning Commission meets monthly (1st Tuesday of each month, 4:00 P.M. Central, Marion County Courthouse, Courtroom). For your preliminary and/or final plat to be considered at the meeting, it must be submitted no later than Plan Review Day which is held on the Tuesday two weeks prior to the Planning Commission's Meeting. Plat Review is held at the Marion County Planning Office from 9:00 A.M. to Noon Central. It is suggested that you consult your planning commission early so as to become familiar with the official plans that might affect your area.

Your local planning commission's printed set of regulations includes the procedure for having a plat approved. The planning commission meets at regular intervals, and your preliminary sketch is submitted in advance of the meeting at which it is to be considered.

**11. WHAT IF I WISH TO LAY OUT A COMMERCIAL OR INDUSTRIAL SUBDIVISION?**

The provisions of subdivision regulations apply to all subdivisions of land, including that for use of business and industry. Since space, parking, and service requirements will vary greatly, it is impossible to establish standards for all types of uses. For that reason, specific requirements for lot sizes and area are set forth only for residential areas.

**12. WHERE CAN I GET TECHNICAL SITE PLANNING ASSISTANCE?**

Your planning commission will help by recommending several competent subdivision designers who can contribute much to the financial success of your subdivision. Although they will not prepare final plans for you, trained planners are available at the nearest office of the Local Planning Assistance Office of the State Department of Economic and Community Development.

## SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION

- Confer with the planning commission and its staff representative to become thoroughly familiar with the subdivision requirements, the major street plan, and other public improvements which might affect the area to be subdivided. Copies of the subdivision regulations are available at either:

  a) Marion County Planning Office, 24 Courthouse Square, Room 105, Courthouse Annex, Jasper, TN (423)-942-3527 and on the web at www.marioncountyplanningbuilding.com.

  b) the Local Planning Assistance Office 540 McCallie Ave., Suite 690, State Office Building, Chattanooga, TN (423)-634-6446.

- Have a preliminary sketch plat prepared by a reputable engineer or surveyor.

- Discuss the preliminary plat with staff representative. This pre-application review by a trained land planner may save the subdivider time and costly revisions, as well as possible savings through better design.

- Submit required copies of the sketch plat to the planning commission for preliminary approval in advance of its regular monthly meeting.

**WHEN PRELIMINARY APPROVAL HAS BEEN GRANTED:**

- See county engineer or designated approving agent(s) for street and utility specifications; contact county health officials for septic tank specifications if public sewers are not available.

- Develop subdivision according to preliminary plat and required modifications, if any. Install improvements.

- Obtain certificates from street and health officials certifying that improvements have been made or that a bank letter of credit, cashier's check, cash deposit or wire transfer securing same has been posted.

- Prepare final plat.

- Submit final plat to the planning commission for approval. When approved, the planning commission secretary will sign the certificate of approval for recording.

- The subdivider now records the plat with the county register's office. The subdivider is now ready to sell his lots.

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# SUBDIVISION REGULATIONS

# FOR

# MARION COUNTY, TENNESSEE

PREPARED

BY THE

MARION COUNTY REGIONAL PLANNING COMMISSION

# MARION COUNTY SUBDIVISION REGULATIONS

REGULATIONS CONTROLLING THE SUBDIVISION OF LAND IN MARION COUNTY, TENNESSEE: REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL DESIGN STANDARDS; REQUIRING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

*In the adoption and administration of subdivision regulations for the Marion County Planning Region, the Marion County Regional Planning Commission has sought and will seek to do that which is for the greatest good of the greatest number of citizens. It does not propose to make elaborate plans just for the sake of planning, nor does it propose to burden the developer of new residential areas and the builder of new houses with unreasonably costly or unnecessary requirements. It does propose to carry out the instructions which the Legislature gave it by law in 1935 and to prescribe and require reasonable and proper minimum standards to be complied with in the opening and development of any new residential subdivisions within the area over which the law gives it jurisdiction.*

## ARTICLE 1

## PREAMBLE AND ENACTMENT CLAUSE

IN PURSUANCE OF AUTHORITY SET FORTH IN SECTION 13-3-401 THROUGH 13-3-412, TENNESSEE CODE ANNOTATED, AND FOR THE PURPOSES OF PROMOTING THE HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY AND GENERAL WELFARE OF THE COUNTY; TO ENCOURAGE ECONOMICALLY SOUND AND STABLE LAND DEVELOPMENT; TO ASSURE THE PROVISION OF REQUIRED STREETS, UTILITIES AND OTHER FACILITIES AND SERVICES TO LAND DEVELOPMENTS; TO ASSURE THE ADEQUATE PROVISION OF SAFE AND CONVENIENT TRAFFIC ACCESS AND CIRCULATION, BOTH VEHICULAR AND PEDESTRIAN, IN LAND DEVELOPMENT; TO ASSURE THE PROVISION OF NEEDED PUBLIC OPEN SPACES AND BUILDING SITES IN LAND DEVELOPMENTS THROUGH THE DEDICATION OR RESERVATION OF LAND FOR RECREATIONAL, EDUCATIONAL AND OTHER PUBLIC PURPOSES; AND THAT LAND SUBDIVIDED SHALL BE OF SUCH CHARACTER THAT IT CAN BE USED SAFELY FOR BUILDING OR OTHER PURPOSES WITHOUT DANGER TO HEALTH OR PERIL FROM FIRE, FLOOD, OR OTHER MENACE, AND THAT LAND SHALL NOT BE SUBDIVIDED UNTIL PROPER PROVISION HAS BEEN MADE FOR ADEQUATE WATER AND ELECTRICAL SERVICE, DRAINAGE, ACCESS, AND ACCEPTABLE METHOD FOR SEWAGE DISPOSAL; AND TO ASSURE THAT LAND IS DEVELOPED IN CONFORMITY WITH THE COMPREHENSIVE PLAN OF MARION COUNTY, THE PLANNING COMMISSION OF MARION COUNTY, TENNESSEE DOES ORDAIN AND ENACT THE FOLLOWING ARTICLES AND SECTIONS.

## ARTICLE II

## SHORT TITLE

This document shall be known and may be cited as the “Subdivision Regulations of Marion County, Tennessee.”

## ARTICLE III

## DEFINITION OF CERTAIN TERMS USED HEREIN

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purposes of these regulations, certain words or terms are defined as follows:

The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

**Common Plan of Development or Sale.** Is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

**Common Area.** A parcel of land or an area of water, or combination thereof, within a designated development tract, which is designed and intended for the use of all lot owners of the development.

**Deed Restrictions.** A private covenant among the residents of a subdivision or development limiting uses or setting conditions within the subdivision or development.

**Developer.** Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another (see "Subdivider").

**Easement.** The right given by a property owner to another party (either public or private) for a specific limited use of a designated part of his property.

> **Easement, Drainage.** A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.
>
> **Easement, Utility.** An easement for the installation, operation, inspection, maintenance, repair, or replacement of public utility lines, cables, poles, ditches, pipes, manholes, etc. and the appurtenances belonging thereto.
>
> **Easement, Vehicular.** For the purposes of this document, vehicular easements will be referred to as private roads.

**Flood.** A temporary rise or overflow of a body of water onto adjacent lands not normally covered by water.

Other FLOOD-RELATED TERMS can be found in the current effective Marion County Flood Damage Prevention Resolution.

**Governmentally Maintained Road/Street.** The traveled portion of, and the shoulders on each side of, any road or highway maintained for public travel by a county, city, the state, or the United States government, and includes all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road or highway, and includes the entire right-of-way.

**Grade (slope).** The slope of a road, or the ground, specified by the percentage that the horizontal distance is to the vertical rise which occurs within the horizontal distance.

**Health Authority.** The director of the county or district health department having jurisdiction over the county health, or his duly authorized representative, usually a county environmentalist who works for the Tennessee Department of Environment and Conservation.

**Improvements, Subdivision.** Road pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related facilities normally associated with the development of raw land into building sites and which may be required by subdivision regulations.

**Lot.** A portion or parcel of land separated from other portions or parcels by description as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of these regulations, the term does not include any portion of a dedicated right-of-way.

**Lot, Non-residential.** A lot intended to be used for purposes other than residential structures and their accessory uses; such as for commercial or industrial development.

**Lot of Record.** A designated tract of land as shown on a plat or other document recorded in the County Register's Office or the County's Assessor of Property Office.

LOT DIMENSIONS are defined as follows:

**Lot Area.** The total area of a lot calculated from surveyed boundaries or other reliable means. The lot area of a flag lot shall not include its access strip.

**Lot Width.** The width of the lot measured along a straight line between side lot lines (generally parallel to the road) and measured at the building setback line as indicated on the plat.

**Lot Depth.** The average distance from the front lot line measured perpendicularly to the rear lot line.

**Maintenance Guarantee.** A performance guarantee in the form of a bank letter of credit, cashiers check, certified check, or wire transfer in an amount and form satisfactory to the planning commission in the amount of 50% of the original completion guarantee amount to cover any possible repairs such as the deterioration of roads or road drainage systems for the first eighteen (18) months after the completion of road construction.

**Manufactured Home.** A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure (Tennessee Code Annotated 68-126-202(2)).

**MCRPC.** Marion County Regional Planning Commission

**Minor Subdivision.** All divisions of a tract into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

When the following exists, the division of land becomes a major subdivision regardless of the number of lots.

All divisions of land involving a new street (new street includes a governmentally maintained and private street/road); a change in an existing street; or the extension of utilities (i.e. water, sewer, gas lines or electricity)

**Mobile Home.** Mobile home means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C. § 5401 et seq.). It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure (Tennessee Code Annotated 68-126-202(4)).

**Monuments.** Permanent concrete or iron markers used to establish definitely all lines on the plat of a subdivision, including all lot corners, boundary lines, corners, and points of change in road alignment.

**NOI.** Notice of Intent for Construction Activity

**NPDES Storm Water Construction Permit.** (NPDES National Pollutant Discharge Elimination Program) Operators of construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres. Permitted activities include housing subdivisions, commercial and industrial buildings, golf courses, utility lines, sewage treatment plants, and roads.

**Offer of Dedication.** The act of granting land or roads to an entity, such as the government, association, person, etc. The offer of dedication shall not constitute the acceptance of such land or roads by the local government, association or person.

**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 land sought to be subdivided under these regulations.

**Planning Commission.** The Marion County Regional Planning Commission (MCRPC).

**Planning Region.** The land within the Marion County Planning Region. More specifically, all land in Marion County which is outside of incorporated municipalities and their planning regions, if any. Or within incorporated municipalities where an interlocal agreement is in place for the MCRPC to do the planning.

**Planning Staff.** The planner assigned to Marion County from the Tennessee Department of Economic and Community Development, Local Planning Office and staff of the Marion County Planning Office.

**Plat.** The scale drawing or map of a subdivision including plat, plan, plot, or replot.

> **Preliminary Plat.** A subdivision plat showing the proposed lot arrangement and with the provisions contained in Article 9. It is generally submitted to the MCRPC for approval prior to the preparation of the final plat.
>
> **Final Plat.** A subdivision plat prepared in accordance with the provisions contained in Article 12. The final plat is designed to be placed on record with the County Register after approval by the planning commission.

**Private Road.** Every 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

**Resubdivision.** A change in a map of an approved or recorded (with the Register of Deeds) subdivision plat if such change affects any road layout on such map, or 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 (R.O.W).** A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, 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 areas of such lots or parcels. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. Such rights-of-way shall not become a governmental responsibility until accepted, however.

**Road/Street.** Any right-of-way designed for vehicular movement. "Road" includes the full width of the right-of-way between property lines as well as the traveled portion thereof. "Road" includes "street", "highway", or any other designation of a right-of-way designed for vehicular movement.

For the purpose of these regulations, ROADS are divided into the following categories:

a. **Rural Interstate** - (I-24) the road designated as such in the Transportation Plan of Marion County

b. **Rural Major and Minor Arterials** - the roads designated as such in the Major Road Plan of Marion County.

c. **Rural Major and Minor Collectors** - a road which primarily carries traffic from local roads to arterials. Collector roads include those designated as such in the Transportation Plan of Marion County.

d. **Local Road** - a neighborhood road used primarily for access to the abutting properties. In Marion County, these shall be governmentally maintained roads/streets.

e. **Marginal Access Road** - a minor road parallel and adjacent to major thoroughfares which offers access to abutting properties and is used to limit access points on an arterial.

f. **Alley** - a minor way used for service access to the back or side of properties otherwise abutting on a road.

g. **Cul-de-sac** - a local road with only one outlet, sometimes called a "dead-end" road. A cul-de-sac is measured from its dead-end or vehicular turn around back to the first intersection.

h. **Private Road** - Every 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.

**Roadway.** The actual road surface which is utilized to transport motor vehicles including necessary road shoulders and drainage facilities including ditches, curbing and guttering.

**Road Paving Material Class.** "Class" refers to the type and cleanliness of the paving material.

**Road Paving Material Grade.** "Grade" refers to the size of the aggregate in the paving material.

**Sanitary Sewer System.** A municipal or community sewage collection, treatment, and disposal system of a type approved by the Health Department.

**Setback Line.** A line established by the Subdivision Regulations, generally parallel with and measured from the lot lines, delineating the minimum allowable distance between the property line and a building on a lot within which no building or other structure shall be placed except as otherwise provided.

**Simple Land Splits.** All Divisions of a tract into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of

subdividing or to the land or area subdivided. Provided that there are no new utility or street extensions and/or a request for a variance in the strict application of the Marion County Subdivision Regulations.

**Subdivider.** The person, firm or corporation having such a proprietary interest in the land to be subdivided and will authorize the maintenance or proceedings to subdivide such land under these regulations, or the authorized agent, person, firm or corporation for the purpose or proceeding under these regulations.

**Subdivision.** According to Tennessee Code Annotated Section 13-3-401,

> 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.
>
> Subdivision Definition Details
>
> a. All such divisions where one (1) or more of the resulting tracts is less than five (5) acres in size;
>
> b. All such divisions where a new road or public utility installation (water or sewer) is required, regardless of the size of any or all of the parcels.

**Subdivision Regulations.** The "Marion County, Tennessee Subdivision Regulations" in its entirety and future amendments, thereto.

**TDEC.** Tennessee Department of Environment and Conservation

**TDOT.** Tennessee Department of Transportation

**Utility.** Includes, but is not limited to, water (water lines), sewer (sewer lines), phone (phone lines), gas (gas lines), and electricity (electric lines).

**Variance.** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Yard, Front.** The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

**Yard, Rear.** The required space, unoccupied except by an allowed accessory use, extending from the rear of the principal building to the rear lot line the full width of the lot.

**Yard, Side.** The space, unoccupied except as herein provided, measured between side lot line and the nearest point of the principal building and between the front yard and the rear yard.

## ARTICLE IV

## PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

The enforcement of these regulations and penalties for the unapproved recordation or transfers of land are provided by state law in the authority granted by public acts of the State of Tennessee.

Section 4.01. Platting Authority. From and after the passage of these regulations, the Planning Commission shall be the official platting authority, and no plat of a land subdivision as defined in these regulations shall be entitled to be recorded in the office of the Marion County Register of Deeds unless it shall have the approval of the Planning Commission inscribed thereon.

Section 4.02. Use of Plat. The transfer of, sale, agreement to sell or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the Planning Commission and recorded in the office of the Marion County Register of Deeds is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

Section 4.03. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Sec. 13-3-402, Tennessee Code Annotated.

Section 4.04. Opening and Improving of Governmentally Maintained Roads/Streets. As provided in Sec. 13-3-406, Tennessee Code Annotated, no public officer, authority or county governing body shall accept, layout, open, improve, grade, pave, or light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a Governmentally Maintained Road/Street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission or on a street plan made and adopted by the Commission. The County Commission may accept or lay out any other road provided the resolution for such acceptance, laying out or adoption shall first be submitted to the Planning Commission, for its approval and, if disapproved by the Planning Commission, shall receive at least a majority vote of the entire membership of the Marion County Commission.

Section 4.05. Erection of Buildings. As provided in Section 13-3-411, Tennessee Code Annotated, no building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Planning Commission unless the street giving access thereto has been accepted as a governmentally maintained

road/street or approved private road in accordance with these regulations and Section 13-3-406, Tennessee Code Annotated.

Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the county attorney or other official designated by the Marion County Commission may bring action to enjoin such erection or cause it to be vacated or removed.

Section 4.06. Plat Recording. (TCA 13-3-402c) No county register shall receive, file or record a plat of a subdivision, or an amendment, modification, or correction to a recorded plat of a subdivision, without the approval of the regional planning commission when and as required by this part. Each such plat so filed shall include the most recent recorded deed book number and page number for each deed constituting part of the property being platted. Notwithstanding the provisions of this subsection (c), an easement or survey attached to an easement granted to the state, a county, municipality, metropolitan government, or entity of the state, county, municipality or metropolitan government, shall not constitute an amendment, modification, or correction of a recorded plat of a subdivision.

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

Section 66-24-116, Tennessee Code Annotated, Filing and recording restrictions for maps, plats and surveys.

**(a)** It is unlawful for the recorder of deeds of any county or any proper public authority to file on record any map, plat, survey, or other document within the definition of land surveying which does not have impressed thereon, and affixed thereto, the personal signature and seal of a registered land surveyor, licensed to survey by title 62, chapter 18, or a registered engineer by whom the map, plat, survey or other document was prepared; except that any plat, map, survey or other document covered under this chapter and which was prepared prior to May 7, 1969, may be recorded by the recorder of deeds.

**(b)** Instruments shall not be accepted for registration unless, in the opinion of the register to which the instrument is presented for recording, the map, plat or survey distinctly shows all words and figures necessary for clear and accurate determination of

all metes, bounds, bearings, calls, easements or other information sought to be shown with sufficient clarity for reduction and/or reproduction in the register's office.

**(c)** However, nothing in this section shall be construed as precluding the transfer of title nor the recording of any instrument evidencing such transfer between a willing buyer and a willing seller without survey nor shall this section preclude the use of an earlier recorded survey.

[Acts 1969, ch. 207, § 17; 1971, ch. 337, § 1; T.C.A., § 64-2418.]

## ARTICLE V

## PRELIMINARY PLATTING REQUIREMENTS

Section 5.01. Preapplication Review. Whenever a subdivision of a tract of land within the Marion County Planning Region is proposed, the subdivider shall consult early and informally with the Planning Commission's professional staff at the Marion County Office of Planning and Development and with the Marion County Health Department. The subdivider shall submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the preapplication review and no formal application shall be required.

The purpose of the preapplication review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission and its staff in order to facilitate the subsequent preparation and approval of plats.

At this stage, the subdivider should also consult with any lending institution that will be participating in the financing of his proposed development. He/She should contact the Federal Housing Administration (FHA) of the Department of Housing and Urban Development or the Farmer's Home Administration (FmHA) if either agency is being asked to insure mortgages on houses that may be built in this subdivision.

It is important that the subdivider submit a sketch plat to the Tennessee Department of Environment and Conservation Environmentalist at least thirty (30) days prior to the meeting when he will ask the Planning Commission for preliminary approval.

The Tennessee Department of Environment and Conservation can be reached at the Environmental Field Office. 540 McCallie Avenue, Suite 550 - State Office Bldg, Chattanooga, TN 37402, Phone: (423) 634-5745, FAX: (423) 634-6389.

The Sequatchie Valley Electric Cooperative should also be contacted. They can be reached at 512 South Cedar Ave., P.O. Box 31, South Pittsburg, TN 37380, Phone: (423) 837-8605 or (423) 267-8605 Toll Free: 1-800-923-2203 FAX: (423) 837-9836)

Section 5.02. Preliminary Plat Approval

5.02.01. Application for Preliminary Plat Approval. Following the pre-application review of a proposed subdivision, the subdivider shall submit the items noted in Subsections (a) and (b) of this Section to the Marion County Planning Office or the Local Planning Assistance Office, at least ten (10) business days prior to the next scheduled meeting of the Planning Commission in order to be included on the agenda. Items including plats not submitted by twelve noon on plat review day (10 business days prior to the regularly scheduled Planning Commission meeting) will not be placed on the agenda and will not receive action at the meeting. In no case will a plat be reviewed or receive action that is

submitted on the day of the meeting. All items including plats set to appear on the agenda and that were submitted at least ten (10) business days prior to the regularly scheduled meeting of the Planning Commission shall also be submitted to the Marion County Planning Office in preliminary form (including all corrections) by twelve noon on the day of the scheduled meeting. The subdivider shall provide eight (8) copies of the preliminary plat with corrections made (when corrections are required) on the day of the planning commission meeting before 12:00 P.M. Central to the Marion County Office of Planning and Development to be distributed to the following agencies:

1) Planning Commission (2);
2) Public Utility Department (Water, Gas) (2);
3) Marion County Health Department;
4) Marion County Highway Superintendent;
5) E 911; and
6) Electric Utility

**NOTE: Three (3) copies of a plat will be sufficient when submitting a plat(s) for review by Planner(s) before 12:00 P.M. Central on plat review day 10 business days before the planning commission meeting. When submitting a preliminary plat for review, the subdivider shall accompany the plat with a completed and signed copy of the preliminary plat checklist located in the Marion County Subdivision Regulations. Eight (8) copies with the corrections (if necessary) shall be submitted to the Marion County Planning Office by 12:00 P.M. Central Time on the day of the planning commission meeting.**

5.02.02. Review of Preliminary Plat. During its scheduled meeting, the planning commission shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat.

If the submitted subdivision plat is a minor subdivision, the plat may receive preliminary approval prior to a scheduled meeting based upon planning staff's review and recommendation.

Thereafter, the Planning Commission shall give tentative approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. Two (2) copies of a list containing the reasons for disapproval, if the preliminary plat is disapproved, shall be issued. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the Planning Commission.

**Tentative approval of a preliminary plat does not constitute approval of a final plat.** It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the Planning Commission.

If action on a preliminary plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a

certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 5.03. Preliminary Plat Specifications.

5.03.01. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch unless the unusually large size of the lots allows a smaller scale without an appreciable loss of legibility. (When multiple sheets are used for large subdivisions, a cover sheet with a legible scale will be required showing the entire subdivision.)

5.03.02. Sheet Size. Sheet size shall be a maximum of twenty-four (24) by thirty-six (36) inches from trim lines, with a two (2) inch binding edge on the long side. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

5.03.03. Ground Elevations. Contours shall be shown at vertical intervals of not more than five (5) feet, except when specifically not required by the Planning Commission.

5.03.04. Information to be Provided on Preliminary Plat. The preliminary plat shall contain the following information:

a. Name of subdivision (Note: do not duplicate or closely approximate the names of existing subdivisions in the county);

b. Name and address of owner of record, subdivider, and surveyor;

c. North point, graphic or bar scale and date plat was designed or corrected;

d. Vicinity map showing location and acreage of subdivision with north point;

e. Exact boundary lines of the tract by bearings and distances;

f. Names of all adjoining property owners and/or subdivisions;

g. Existing streets, buildings, railroads, culverts, utilities and easements on and adjacent to the tract, as well as natural features such as sink holes, water courses, and rock outcroppings;

h. Proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;

I. Lot numbers, which shall be consecutive;

j. Plans of proposed utility layouts and easements (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems. When connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the county health department;

k. Where public sewerage and/or water are not available, the plat shall show areas to be used for disposal of sewage and the water source for each lot. (Note: the approval of the County Health Department of the size and shape of the proposed individual lots is critical to the design of the entire subdivision.);

l. Minimum building setback lines;

m. The present zoning classification, if any, on the land to be subdivided and on the adjoining land;

n. Contour lines at least for every five (5) foot change in elevation;

o. For land believed to have unusual topographic features, street centerline (vertical curve) profiles may be required by the Planning Commission and/or the Road Superintendent to show that the proposed streets after grading and construction will not exceed the maximum street grades;

p. Street cross-section profiles as may be required by the Planning Commission and/or Highway Superintendent to indicate proper crowning for drainage purposes;

q. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limits of such flood shall be shown;

r. Proposed culverts and drainage locations and designs shall be shown on the preliminary plat or separately when drainage design is prepared by an engineer. When not submitted with or on the preliminary plat, this information can be submitted at the pre-construction conference; and

s. Existing natural drainage locations shall be shown on the preliminary plat.

5.03.05. Preliminary Plat Notes and Certificate. The preliminary plat shall also contain the following notations:

a. Preliminary Plat Certificate

**Certificate of Approval of Preliminary Plat**

Pursuant to the Subdivision Regulations of MARION COUNTY, TENNESSEE, all of the requirements of preliminary approval have been fulfilled. Therefore, the "Preliminary Plat of _____ Subdivision: has been approved by the Marion County Regional Planning Commission on _____, _____, 20 __ subject to the following modifications:

_____

_____

_____.

This approval does not constitute approval of a final plat. This Certificate of Preliminary Approval shall expire and be null and void on _____, 20 ____. (One year from approval.)

Variances granted if any: _____

_____

_____

_____

__.

*Note: After the subdivider has received preliminary plat approval, he/she should schedule a pre-construction meeting with the Marion County Highway Superintendent, utility providers, and obtain all proper local and state permits including TDEC Stormwater permits, prior to beginning work on necessary improvements for final plat approval.*

## ARTICLE VI

## FINAL PLATTING REQUIREMENTS

Section 6.01.Final Plat Approval

6.01.01. Application for Final Plat Approval. The final plat should be submitted within one year of the preliminary plat approval, otherwise a preliminary plat shall be resubmitted. To submit a final plat, submit the items noted in Subsections (a) and (b) of this Section to the Marion County Planning Office or the Local Planning Assistance Office, at least ten (10) business days prior to the next regular meeting of the Planning Commission in order to be included on the agenda.

a. Items including plats not submitted by twelve noon central time on plat review day (10 business days prior to the regularly scheduled Planning Commission meeting) will not be placed on the agenda and will not receive action at the meeting. In no case will a plat be reviewed or receive action that is submitted on the day of the regularly scheduled Planning Commission meeting. All items including plats set to appear on the agenda and that were submitted at least ten (10) business days prior to the regularly scheduled meeting shall be submitted to the Marion County Planning Office in final form (including all corrections and appropriate certificates with signatures) by twelve noon central time on the day of the scheduled meeting. These requirements also include Minor Subdivisions as defined in these regulations.

**NOTE**: **Three (3) copies of a plat will be sufficient when submitting a plat(s) for review by Planner(s) prior to a meeting (on Plat Review Day). The subdivider shall accompany the plat for review with a completed and signed copy of the final plat checklist located in the Marion County Subdivision Regulations. Nine (9) copies with the corrections (if necessary) shall be submitted to the Marion County Planning Office by 12:00 P.M. Central Time on the day of the planning commission meeting.**

b. The nine **(9)** copies of the final plat (after review by Staff and all corrections have been made) and other documents, as specified, shall be provided to the following:

1) one to be recorded in the files of the County Register;
2) one copy for the records of the Planning Commission;
3) one copy for the public (water/gas) Utility Department;
4) one copy for the Highway Superintendent;

5) one copy for return to the subdivider with inscriptions of the Planning Commission;
6) one copy for TDEC (Division of Ground Water Protection);
7) one copy for the Building Inspector;
8) one copy for 9-1-1; and
9) one copy for Electricity Provider

6.01.02. Review of Final Plat. The Planning Commission shall check the final plat for conformance with the approved preliminary plat, and with the rules and regulations of this document.

Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on the nine (9) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. If action on a final plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

To expedite the review process, all divisions of land into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, can be reviewed by planning staff prior to the planning commission meeting and if in total compliance receive final approval and circulated for signatures. The planning staff shall report to the Marion County Regional Planning Commission at the planning commission's next regularly scheduled meeting, all simple land splits, which have received prior staff approval. All simple land splits are required to have the Planning Commission Secretary's certification block and the staff certification block placed on the plat. (6.02.08 & 6.02.09).

While the plat can be recorded as a legal instrument, the full planning commission still bears the responsibility of final approval and will therefore approve by reference the submitted plat at the next planning commission meeting.

*Note: See Article III Definition of Certain Terms Used Herein for a complete definition of what constitutes a simple land use split. All simple land splits are required to have the planning commission Secretary's Certification block and the Staff certification block placed on the plat.*

6.01.03. Certificate of Approval of the Final Plat by the Planning Commission. If the subdivision is approved, the Secretary of the Planning Commission shall sign the certificate of approval of the final plat directly on the copies of the plat, as outlined in 6.02.08.

*Note: All certifications with appropriate signatures shall be placed on all nine (9) copies of the plat and any others that may be deemed necessary. No certification or signature should be placed on the reproducible copy (i.e. mylar).*

6.01.04. Recording of Final Plat. Upon approval of a final plat, the subdivider shall have the final plat recorded in the Office of the Marion County Register of Deeds.

Section 6.02. Final Plat Specifications. The preliminary plat is a working drawing showing how the streets and lots will be laid out upon the land; the final plat is intended to be a legal instrument suitable for recording. It contains information needed to prepare deeds and also contains signed statements certifying that required improvements have been made. The final plat will contain the following information and certifications:

6.02.01. Final Plat Specifications. The final plat conforms to the preliminary plat which was previously approved. The final plat shall show:

a. Date, title, name and location of subdivision, graphic scale, and true north point;

b. Location and sketch map showing site in relation to area with north point;

c. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;

d. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;

e. The lines of all streets and roads, alley lines, lines, building setback lines, and lots numbered in numerical order;

f. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets;

g. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;

h. Accurate location, material and description of existing and proposed monuments and markers;

i. A statement, either directly on the plat or in an identified attached document, of any private covenants or deed restrictions;

j. * Federal Insurance Rate Map Community and Panel Numbers reflecting the land being subdivided and if any portion of the property being subdivided is subject to flood, as defined in these regulations, and the limits of such floods;

k. Contour lines only if so specified by the Planning Commission;

l. Deed book reference by volume and page number, i.e. “Deed Book Vol. _, page ____ as recorded in the Marion County Register of Deeds Office, Marion County Courthouse” to be filled in by the Register of Deeds at the time of recording; and

m. Drainage and existing natural drainage easement locations shall be shown on the final plat.

06.02.01.A. Additional Requirements for Subdivisions in Previously Approved Subdivisions. If any one lot in a previously approved and/or recorded subdivision is being further resubdivided into two (2) or more lots, the following conditions shall be met.

a. It shall be the responsibility of the property owner or developer to research and obey any and all legal restrictions, public or private, controlling the use of said property.

b. A final plat shall be prepared that meets those minimum standards required of such by these regulations.

c. A vicinity map showing the location and acreage of the property in relation to the existing subdivision shall be included on the plat.

d. The name of the existing subdivision shall be utilized and it shall state this resubdivision is an "amended" version.

e. There shall be a note on the plat citing the plat book and page number(s) of the original subdivision plat as well as any subsequent plats or amendments thereto as filed in the County Register of Deeds Office.

f. Any pre-existing restrictions, applying to the land or deed, shall be noted on the plat by Deed Book and Page Number.

## 6.02.02. Certificates

### 6.02.02.A. Certificate of Ownership and Dedication

I (we) hereby certify that I am (we are) the owners of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my

(our) free consent, establish the minimum building setback lines, and hereby dedicate to the public use forever all the streets as shown on this plat.

_____ _____
Date Owner

**6.02.02.B. Certificate of Registered Surveyor**

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown.

_____ By: _____
Date

Seal:

**6.02.02.C. Certificate of Approval of Sewage Disposal**

a. Public Sewer
I hereby certify that each lot shown on this subdivision plat is adjacent to a properly installed extension of an approved public sewage system, or that an adequate bond has been posted with the proper utility provider for such sewer extensions.

_____ _____
Date Public Sewer System Official

b. Septic Systems-Certificate as required by the Tennessee Department of Environment and Conservation. See Appendix for current examples.

c. Existing Septic System

The existing septic system is located as shown on the plat (Lot(s) _____). The location included the septic tank and all field lines. To the best of my knowledge the septic system is in proper working order on this date and the septic system(s) is/are contained within the boundary of the individual lot.

_____ _____
Date Owner

**6.02.02.D. Certificate of Approval of Water System**

a. This lot (s) is served by public water system extensions designed and installed in accordance to applicable local and state regulations or an adequate bank letter of credit, cashier's check, cash deposit or wire transfer has been posted with the proper utility provider for such water extensions.

_____ _____

Date Local Water Utility

*To be left off plats not served by public water*

**6.02.02.E. Certificate(s) of Approval of Streets and Drainage System**

**a. Certification of Approval of Streets and Drainage System (for roads completed at time of final plat)**

"I hereby certify that the streets and drainage facilities shown on this plat have been installed (constructed) in an acceptable manner in accordance to required specifications and that an adequate bank letter of credit, cashier's check, cash deposit or wire transfer has been posted. A maintenance bank letter of credit, cashier's check, cash deposit or wire transfer in the amount of $_____ ***(50% of the total value of all road and drainage improvements installed)*** has been figured to cover any necessary repairs for the next eighteen (18) months after construction.

_____

Date Marion County Road Superintendent

**b. Certification of Approval of Streets and Drainage System (for roads NOT completed at time of final plat)**

I hereby certify that the streets and drainage facilities for the _____ subdivision have been **designed** in an acceptable manner in accordance to required specifications AND a bank letter of credit, cashier's check, cash deposit or wire transfer in the amount of $_____***(150% of the total value of all road and drainage improvements installed)*** has been posted to cover the construction of streets and drainage.

_____

Date Marion County Road Superintendent

*Also added to plats with private roads*

**c. Certification of Road Status (Private Road)**

"It is hereby certified that the private road shown on this plat has been designed in an acceptable manner in accordance to required specifications in the Marion County Subdivision Regulations. The government of Marion County will not accept any responsibility for the construction or maintenance of this private road."

_____

Date Owner

**6.02.02.F. Certificate of Approval by Gas Utility (if applicable)**

I hereby certify that this subdivision plat shows adequate easements for available natural gas lines.

_____ _____

Date Natural Gas Company

**6.02.02.G. Certificate by Planning Commission on Approval for Recording**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Marion County, Tennessee, with the exception of such variances, if any, as may be noted on this plat; and that all required improvements have either been completed or covered by an approved bank letter of credit, cashier's check, cash deposit or wire transfer large enough to complete the required improvements in case of default; and that this plat has been approved for recording in the office of the county register.

_____ _____

Date Planning Commission Secretary

**6.02.02.H. Certificate by Planning Staff on Approval of Minor Plat**

I hereby certify that the subdivision plat shown hereon includes only two lots, has been found to comply with the subdivision regulations of Marion County, Tennessee, does not require any variances from the subdivision regulations and no improvements are required.

_____ _____

Date Planning Staff

*Note: Both Certificates (6.02.02.G and 6.02.09.H) must be placed on Simple Land Split Plats.*

**06.02.02.I. Certificate for Electricity**

I hereby certify that this subdivision plat shows adequate easements for needed electric power lines, (and electrical service is available to all lots shown. **Or**

agreement has been made between the utility and the developer to provide electrical service to all lots shown.)

_____

Date Electric Power Official

**06.02.02.J. Certification of E-911 Approval**

I hereby certify that I have reviewed this plat and find that it conforms to the county's E-911 Requirements, including appropriate road names/numbers.

_____

Date Marion County E-911 Representative

**06.03 Minor Plat Specifications**

Section 6.03.01. Whenever a minor subdivision is proposed, the requirements of the applicable sections of Articles VI (Six), VII (Seven) and IX (Nine) must be met. The requirements of Articles V (Five) shall not apply except as herein provided. The following procedures for application review and approval shall govern.

A developer or property owner who wishes to divide a tract or lot into four (4) or less lots, all of which will have the required access to a governmentally maintained road, and does not involve any new roads or extensions of utilities, may prepare a combined preliminary and final plat which meets all of the platting requirements and submit it to the Marion County Regional Planning Commission.

*Note: A subdivision is considered minor when it contains four (4) or less lots and no streets, utilities or other improvements are to be made; see Article III (Three) for definition.*

Section 6.03.02. The subdivider shall submit to the Marion County Planning Office three (3) copies of the survey (hereafter called the "plat") of the proposed minor subdivision prepared by an approved land surveyor or registered engineer for review. The plat for review shall be accompanied by a completed and signed final plat checklist. The plat shall be submitted for review to the Marion County Planning Office by 12:00 P.M. Central at least ten (10) working days prior to the next regular meeting of the Planning Commission in order to receive consideration at said meeting. Nine (9) copies with the corrections (if necessary) shall be submitted to the Marion County Planning Office by 12:00 P.M. Central Time on the day of the planning commission meeting.

Section 6.03.03. If any portion of the land being subdivided is subject to flood, as defined in Article III (Three) of these regulations, the limit of such flood shall be shown.

Section 6.03.04. The plat shall be clearly and legibly drawn at a suitable scale and shall contain all information normally required in an official survey with an engineer's or surveyor's certification plus:

a. The name and address of owner of record;

b. Vicinity map showing the location and acreage of the subdivision;

c. The existing streets, buildings, water courses, utilities and easements;

d. The present zoning classification, if any, on the land to be subdivided and on the adjoining land, and

e. The elevation and bench marks in notes.

Certificates that shall be required are the same certificates required for Final Plats.

*NOTE: Where septic tanks are to be used in a minor subdivision, the Planning Commission shall require certificates of approval by the Tennessee Department of Environment and Conservation (TDEC) Division of Ground Water Protection in which instance all requirements regarding submission of data review and approval procedures as applicable to major subdivisions shall apply.*

Section 6.03.05. The Planning Commission shall check the plat for conformance to the subdivision regulations. Thereafter, the Planning Commission shall approve or disapprove the plat. A notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the plat is disapproved. One (1) copy shall be returned to the subdivider or his agent, and one (1) copy added to the records of the Planning Commission, one (1) copy to be recorded in the County Registers Office, one (1) copy for each Public Utility Department, one (1) copy for the Highway Superintendent, one (1) copy for the Division of Ground Water Protection one (1) copy for the Building Inspector and one (1) copy for 911 Office.

If action is not taken by the Planning Commission within sixty (60) days from the date of submittal, the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section.6.03.06. Minor Subdivision (Simple Land Splits). For divisions of land into no more than two (2) lots, approval may be endorsed in writing on the plat by the secretary of the Planning Commission without the approval of the Planning Commission, upon review and certification by planning staff of the Planning

Commission that the subdivision complies with the Subdivision Regulations. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer or gas lines, and provided that no request for a variance from such regulations has been requested or is needed.

## ARTICLE VII

## DESIGN REQUIREMENTS FOR SUBDIVISIONS

Section 7.01. Suitability of the Land. The Planning Commission shall not approve the subdivision of land if it is deemed to be topographically unsuitable or if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

Land within the floodways shall not be platted for residential occupancy or building sites but may be used in calculating overall lot size. Such land shall be set aside for uses as shall not be endangered by periodic or occasional inundation and high velocities. Land located in floodway fringe areas may be platted for residential occupancy or for such other uses which will not increase the flood hazard, endanger health, life or property, or aggravate erosion provided a notation of the flood hazard is shown on the plat and provided the lot has a flood-free building site. In applying this provision, land below the elevation of the 100-year flood shall be considered subject to periodic flooding.

The elevation of these controls shall be determined from the charts, "High Water Profiles, Tennessee River in Marion County, Tennessee" (Tennessee Valley Authority, February 1964); "High Water Profiles, Sequatchie River in Marion County, Tennessee" (Tennessee Valley Authority, November 1971); and "High Water Profiles, Town Creek, Standifer-Pryor Cove Branch and Little Sequatchie River in Marion County, Tennessee" (Tennessee Valley Authority, November 1971), and revised flood hazard data on the Sequatchie River, Town Creek, Pryor Cove Branch, West Fork Pryor Cove Branch, and Standifer Branch in the vicinity of Jasper, Tennessee (TVA, September 1985), which charts are made a part of these regulations. Areas included in the floodways are shown on the maps, "Floodways, Sequatchie River and Tributaries in Marion County, Tennessee" (Marion County Regional Planning Commission, Tennessee State Planning Commission, November 1971) and "Floodway, Tennessee River in Marion County, Tennessee" (Marion County Regional Planning Commission, Tennessee State Planning Commission, February 1964), which maps are made a part of these regulations.

Fill may not be used to raise land within the floodway area. In other areas subject to flood, fill may be used provided the proposed fill does not restrict the flow of water and unduly increase flood heights.

> *Note: It should be recognized that flooding within the floodway is dangerous to life and property. In floodway fringe areas, waters tend to eddy but do not materially help the flow of water. In all cases the higher standard applies. In Marion County's Case, The effective Marion County Flood Damage Prevention Resolution would be the higher standard.*

Section 7.02. Name of Subdivision. The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision.

Section 7.03. Access. Access to every subdivision shall be provided over a governmentally maintained road/street or an approved private road.

Section 7.04. Public Use Areas. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks or other land for public use) are located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

Whenever a plat proposes the dedication of land to public uses that the Planning Commission finds not required or suitable for such use, the Planning Commission shall refuse to approve the plat and shall notify the governing body of the reasons for such action.

> *Note: One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be acquired at present acreage prices rather than at greatly increased prices in the future. Wanting to acquire land for future improvements would increase the expense to the taxpayer and create inconvenience for the individual property owner and for the neighborhood.*
>
> *Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined according to the circumstances--the subdivider should not be required to hold his land idle for a lengthy indefinite period.*

Section 7.05. Large-Scale Development. The requirements of these regulations may be modified in the case of large-scale projects, such as apartment houses, mobile home parks or shopping centers. These complexes usually are not subdivided into customary lots, blocks and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

Section 7.06. Block Lengths and Widths. Block lengths and widths shall be as follows:

a. Blocks shall be no shorter than four hundred (400) feet nor longer than twelve hundred (1200) feet in length, except in unusual circumstances, and

b. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impractical.

Section 7.07. Flood Protection Elevation. Each lot in a subdivision shall contain a flood-free building site outside of the limits of any existing easement or the building setback lines as required by these regulations. The finished floor elevation for a concrete slab on grade type of structure or the bottom of the floor joist for a crawl space type of structure shall have a minimum elevation no lower than the elevation for a flood of 100 year frequency plus two (2) feet.

The authority for establishing the 100 year frequency of occurrence flood elevation shall be the Federal Emergency Management Agency (FEMA) and the effective National Flood Insurance Program (NFIP) Flood Maps.

Section 7.07.01 Sanitary Sewer Systems. The following are options for Sanitary Sewer Systems.

a. Individual Sanitary Septic Systems approved by TDEC Division of Groundwater.

b. Public Sanitary Sewer – A sanitary sewer system operated by public utility that includes a sewage treatment plant.

c. Sanitary Septic System – A septic system that serves more than one lot. This system must be approved by the Tennessee Department of Environment and Conservation. (TDEC)

Section 7.08. Lot Sizes. Residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line. Other lot size requirements follow:

a. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than five 5 times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.

b. Lots not served by either public water or sanitary sewer systems shall be at least 43,560 square feet (or one acre) in area or larger if specified by the county health authority. The minimum distance between the septic tank and well shall be one hundred (100) feet.

c. When lots are served by a public water system and a public sewer system, minimum lot size shall be ten thousand (10,000) square feet. The health authority may require minimum lot sizes greater than the standard contained herein.

d. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be twenty five thousand 25,000 square feet. The health authority may require minimum lot sizes greater than the standard contained herein. Each lot on an individual septic system should be able to contain the entire septic system to include the sewage field (field line) within the boundary of said lot. The TDEC Environmentalist shall also prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein. Other options could be public sewer, or other decentralized sewer systems approved by the Tennessee Regulatory Authority (TRA).

e. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.

f. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes, and

g. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:

1) A site that does not unduly interfere with through traffic;

2) An integrated parking area;

3) Insulation against any adverse effect on any present or future adjacent residences, and

4) A parcel size sufficient in area to allow future expansion.

h. Flag Lots

Any and all residential lots that are designed in the shape of a flag are subject to planning commission review; such “flag lot” must have minimum access from a governmentally-maintained road or street with a width of at least 50 feet; the “pole” portion of the flag lot must have a maximum length of 500 feet or less; and only one (1) “flag lot” per “development” will be accepted.

Note: For the purposes of the one flag lot per development rule it is the intent of this requirement to apply to each individual development, and for the purpose of defining this rule will apply to the entire property as presented on the preliminary plat.

1. A lot will be considered a flag lot when the access strip’s boundary lines extend for a distance of 50 feet or more in a parallel manner.

2. The access strip shall be a minimum of 50 feet in width. (This wider access strip will allow room for a public street when and if the flag lot is ever re-subdivided.)

3. The flag lot shall be designed so that the access point is safe (primarily considering visibility and grade) for vehicular ingress and egress. Unlike the owner of a conventional lot, the owner of a flag lot will have no other choice as to the driveway location. The safety of this intersection becomes even more important if the flag lot is ever re-subdivided and contains more than one home.

4. In instances where a fifty-foot wide access strip is required, the developer shall locate it on land having a finished grade of no more than 12 percent. This requirement is needed so that the county does not, at a future date, have a road that is difficult to maintain and dangerous to serve with public vehicles, such as school buses.

5. The building setbacks shall apply only to the flag portion of the lot and not to the access strip.

6. Minimum lot sizes shall be calculated excluding the access strip.

7. For lots larger than one (1) acre with additional or secondary access, the access strip and/or road frontage shall be a minimum of fifty (50) feet in width to include a fifty (50) foot width at all points that abut upon a dedicated governmentally maintained road/ street or approved private road. (This wider access strip will allow proper room for a public street when and if the lot is ever re-subdivided by using the additional or secondary access as the primary access in the re-subdivision.)

Section 7.09. Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

Section 7.10. Building Setback Lines. The front yard setback shall be a minimum of forty (40) feet from the street right-of-way lines. Other minimum setback lines shall be as follows:

a. From the side property lines .....15 feet

b. From rear property lines.....15 feet

c. From side property line which abuts .....20 feet
a minor street (corner lot) or as may be required

Section 7.11. Lot Abutting Governmentally Maintained Roads/Streets. Each lot shall abut for at least 50 feet upon a dedicated governmentally maintained road/street or approved private road.

Section 7.12. Double and Reverse Frontage Lots. Double frontage lots shall be avoided, except where essential to provide separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Reverse frontage lots shall have a depth of not less than one hundred and fifty (150) feet.

Section 7.13. Multi-Phase Developments. Final Plat approval in multi-phase developments will only be granted for one phase at a time. Subsequent approval of additional phases will be granted only when completion or substantial progress of the initial phase is shown.

## ARTICLE VIII

## DESIGN REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

Section 8.01. Conformance to Major Road Plan. All streets and other features of the Major Road Plan of Marion County, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Road Plan.

Section 8.02. Continuation of Existing Streets. Existing streets shall be continued at the width specified in the Marion County Subdivision Regulations.

Section 8.03. Street Connections. Where proposed streets are to adjoin existing streets, the developer must make the connection at his expense and meet all street design requirements set forth in these regulations.

Section 8.04. Street Elevations. The Planning Commission may require, where necessary, profiles and elevations of streets in areas subject to flood, as defined in these regulations. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights. The minimum street elevation shall be no lower than the elevation for a flood of 100-year frequency or occurrence. The authority for establishing the 100-year frequency flood elevation is to be the Federal Emergency Management Agency (FEMA).

Section 8.05. Street Names. The street names shall require the approval of the Planning Commission and the E-911 Department. Streets that are obviously in alignment with the streets already existing and named shall be given the name of the existing street.

Section 8.06. Restriction of Access. When a tract fronts on an arterial or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street or may require reverse frontage lots.

Section 8.07. Alleys. Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one and two-family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.

Section 8.08. Reserve Strips. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the county under conditions approved by the Planning Commission.

Section 8.09. Easements (Utility). Easements having a minimum width of twenty (20) feet shall be provided with a distribution of ten (10) feet on each property line or where deemed necessary by the participating utility for utility lines and underground mains and

cables. Easements of the same or greater width shall be required along the lines of, or across, lots where necessary for the extension of existing or planned utilities.

Where a subdivision is transversed by a water course, drainage way, channel or stream, there shall be provided a drainage right-of-way of adequate width.

Section 8.10. Street Right-of-Way Widths. The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

a. Rural Major and Minor Arterials .....100 feet
or as may be required

Arterials are major thoroughfares designed to move large volumes of vehicles

b. Rural Major and Minor Collector Streets.....80 feet

Secondary or Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.

c. Local Streets.....50 feet

d. Marginal Access Streets .....50 feet

Marginal Access Streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

e. Alleys .....20 feet

Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

f. Cul-de-sacs.....50 feet

Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end roads, shall not be greater in length than three thousand (3,000)

feet. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet (thirty (30) feet where shoulders are used).

g. Temporary Cul-de-sacs .....50 feet

Where in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedicating to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround approved by the Planning Commission

Where deemed necessary by the Planning Commission, adequate rights-of-way shall be dedicated to connect with any temporary dead-end street adjoining the subdivision.

Additional Guidelines for Temporary Cul-de-sacs

1. Temporary cul-de-sacs must have a minimum of Grading D, Class A base stone in place (minimum of 6 inches in depth).
2. The temporary cul-de-sac must be a continuous part of the right -of-way that is becoming permanent.
3. Construction of the next phase of the subdivision must begin at least 60 days prior to the maintenance bond's expiration, otherwise the permanent cul-de-sac must be completed OR There must be a final plat approved with a bond in place to cover the cost of extending the road.

Section 8.11. Additional Width on Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

a. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street; and

b. Where the subdivision is located on only one (1) side of an existing street, the amount of right-of-way to be dedicated is as follows:

1) If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway.

2) If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way

on his side of the roadway to bring the total right-of-way to the required width. In no case shall the right-of-way be less than fifty (50) feet

c. In cases where rights-of-way in excess of fifty (50) feet are required, additional widths shall be reserved.

Section 8.12. Minimum Pavement Widths. Due to the diversity of development in the planning region, ranging from sparsely populated agricultural areas to densely populated urban areas, required pavement widths will necessarily vary with the character of building development and the amount of traffic encountered.

Minimum surface widths shall be as follows:

a. Minor Residential Streets.....20 feet

Minor (Neighborhood) Two Options 1. Type One and 2. Type Two.

1. 20 feet (with 3 foot gravel shoulders on each side of paved road) See Exhibit ***Typical Tangent Section – Type One.***

2. 22 feet (curbed street measured from inside to inside face of curbs) See Exhibit ***Typical Tangent Section – Type Two.***

b. Marginal Access Streets .....20 feet

c. Dead-end Streets.....20 feet

d. Major and Minor Collector Streets .....24 feet

e. Major and Minor Arterial Streets .....as may be required, not usually paved by developer

f. Cul-de-sacs 50 foot radius or turnaround.

Section 8.13. Street Grades. In general, streets shall be planned to conform to existing topographic conditions. The maximum percent of grade allowed is 12%. Exceptions can be made upon review by the Road Superintendent, but in no case shall grade exceed 15% for more than five hundred (500) linear feet per development.

*Note: These street grade limits are considered to be the optimum requirements to provide adequate safety. Different topographical situations may necessitate adjustment*.

Section 8.14. Horizontal Curves. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the street shall have a centerline radius of not less than the following:

a. Major thoroughfares.....300 feet

b. Minor thoroughfares.....200 feet

c. Local Streets.....100 feet

Section 8.15. Vertical Curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one half (4 1/2) feet above the pavement, to an object four (4) inches high on the pavement. Where, in the opinion of the Planning Commission, topography warrants it, profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.

Section 8.16. Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

Curb radii at street intersections shall not be less than twenty (20) feet, and where the angle of a street intersection is less than seventy-five (75) degrees, the Planning Commission may require a greater curb radius. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise setback sufficiently to permit such construction.

Section 8.17. Tangents. Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

Section 8.18. Road Jogs. Street jogs with centerline off sets of less than one hundred fifty (150) feet shall not be allowed.

Section 8.20. Private Roads. * Private Roads shall be defined as any street serving one or more lots whereby the access shall be dedicated as an exclusive and perpetual right-of-way for the benefit of those being served by it and shall be privately maintained. A Private Road shall be jointly owned by the property owners utilizing the street or by a Property Owners' Association.

All Private Roads shall meet the following standards:

a. For subdivisions that develop along Private Roads **all** standards for the construction of governmentally maintained streets/roads shall apply.

b. The final subdivision plat must indicate that the right-of-way is for a private road.

c. The private road shall be open to public safety vehicle and utility vehicle access.

d. Rights-of-way used for access shall be further defined and described by notes added to the plat which set forth the limits of public liability and responsibility to properties and citizens which are served by such access ways. These notations shall include, but shall not be limited to, the following:

1) The Private Road is to be privately constructed and maintained by the owners and not by the Government of Marion County.

2) The property owners are responsible for providing all required utilities and services along the Private Road. The Government of Marion County is not responsible for providing services beyond the limits of the governmentally maintained street/road.

## ARTICLE IX

## IMPROVEMENTS PREREQUISITE TO FINAL PLAT APPROVAL

Prior to the approval of a final plat, an agreement shall be reached between the subdivider or his agent and the county government with regard to the installation of any road improvements or utility construction called for in the subdivision plat. The subdivider shall be required to have installed at his expense the following improvements.

NOTE: The subdivider at his expense, may contract with any Tennessee Licensed Construction Company to install the necessary improvements. Lists of said companies may be obtained from the State of Tennessee or the Marion County Highway Department.

Section 9.01. Pre-Construction Requirements.

a. Prior to any construction activity, the developer shall submit design drawings to the Marion County Road Superintendent for review (additional copy to Planning Staff, for records). This information will be presented at a pre-construction conference that shall include the Highway Superintendent, developer, and engineer.

b. Prior to any road construction activity, the developer shall obtain a permit/written permission to connect to a county road (from Marion County Highway Department) or if a state highway (from TDOT). A copy of the TDOT State Highway Entrance Permit shall be given to the Marion County Highway Superintendent and additional copy to Planning Staff, for records.

Prior to the approval of a final plat, an agreement shall be reached between the subdivider or his agent and the county government with regard to the installation of any road improvements or utility construction called for in the subdivision plat. The subdivider shall be required to have installed at his expense all required improvements.

Section 9.02. Monuments.

a. (2) Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all road corners, and at all points where the road lines intersect the exterior boundaries of the subdivision. The top of the monument shall have an indented cross to identify properly the location and shall be set one (1) inch above the finished grade or equivalent construction. Monuments shall have the elevation on them (NAVD Data).

*Note: Concrete monuments shall be set with reference to section lines, recognized geological marks or other acceptable surveying techniques.*

b. All other lot corners shall be marked with rebar not less than one half (1/2) inches in diameter and twenty-four (24) inches long and driven so as to be one (1) inch above the finished grade. Lot corners fronting on public roads shall be marked with numbered wooden lot stakes.

c. Each major subdivision (5 lots or greater or whenever a new road is constructed) shall have two (2) control markers placed by the surveyor, using the Tennessee Coordinate System (NAD 1983). Control markers shall be placed by the surveyor as feasibly possible and locations shall be identified on the final plat.

Section 9.03. Grading. All streets, roads and alleys shall be graded by the subdivider to the required cross section. Due to special topographic conditions, deviation from the above will be allowed only with special approval of the Planning Commission. Where roads are constructed under or adjacent to existing electric transmission lines, the fifteen (15) feet from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

a. Preparation. Before grading is started, the entire right-of-way areas shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.

b. Cuts. All tree stumps, boulders and other obstruction shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to depth of twelve (12) inches below the subgrade; all topsoil shall be removed except where deemed not applied to the roadway and not necessarily to the entire right-of-way width.

c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller accessible to a roller shall be mechanically tamped. Soil testing may be required by the Marion County Highway Superintendent.

c. Specifications. Cut and fill slopes shall be no steeper than one (1) foot vertical for every two (2) feet horizontal unless extra measures are taken to assure that the slope will be stabilized so as to prevent soil erosion.

e. Drains. Cross drains shall be constructed of concrete material which shall meet TDOT specifications. All drains are subject to review by the Marion County Road Superintendent.

Section 9.04. Installation of Utilities. After grading is completed and approved, and before any base is applied, all utilities shall be installed completely and approved throughout the subdivision.

Section 9.05. Required Inspections During Road Construction. Before road construction begins, the developer shall contact the Marion County Road Superintendent as notification and to discuss pre-construction project specifics. While road construction is taking place, inspections shall be made by the Road Superintendent before, during and after each step or process and prior to the next course or procedure. The Road Superintendent shall check the width, depth and crown of the road among other things. Weight tickets showing the type, class, and weight of gravel and surfacing material shall be furnished to the Road Superintendent after the completion of each step.

Section 9.06. Street or Road Base. After preparation of the subgrade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one half (2 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches.

Mineral Aggregate. 303-02 shall be compacted to a minimum of six (6) inches. The roadway width shall be no less than twenty (20) feet with three (3) feet of graveled shoulders on each side (base total width 26 feet). When the base is completed, the developer must notify the Road Superintendent and furnish weight tickets to determine gravel content.

The base shall be tested for thickness and compaction by a Geotechnical Engineer at the developers' expense. Test will be conducted at a maximum spacing of 200 feet, staggered right and left of the centerline. Any areas that do not meet requirements and specifications shall be corrected before asphalt can be laid.

Surface Course**.** All proposed subdivisions shall use a hot mix surface for all new roads. The subdivision roads shall use an asphaltic concrete (hot mix) to include a binder and a topping meeting the following specifications: The course binder (B.M. Grade Hot Mix 307-B) to be placed 2.5 inches and compacted at the rate of 275 lbs. The wearing coat (Grade E Hot Mix 411-E) to be placed 1.5 inches and compacted at a rate of 165 lbs. In all cases, it shall have not less than an average weight of two hundred seventy five (275) pounds per square yard for the binder and no less than one hundred sixty five (165) pounds per square yard for the wearing coat. Bituminous plant-mix base (hot mix) shall be in accordance to the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" (or any subsequent revisions), March 1, 1981. When the surface course binder is completed and again when the topping is completed, the developer must notify the Road Superintendent and allow his office to inspect the surface course in the third and final inspection needed for approval. At the time of notification, the developer is required to

provide a job-mix formula to the Highway Superintendent to ensure that proper materials and standards will be used during construction.

a. Curbs should be constructed using concrete material when the developer chooses to use curbing in a development.

NOTE: Each new road proposed under these regulations shall be inspected by the Highway Superintendent or his duly qualified and appointed official at three or four stages during the construction process. The first inspection will occur after grading has been completed, the second after the road base has been constructed, the third after the Asphaltic Concrete Surface Course (binder) has been completed, and the fourth after the Asphaltic Concrete Surface Course (wearing coat) has been completed (including curbs if used). If desired by the developer the road can be constructed to the binder stage, then the developer shall maintain an 18 month maintenance bond and apply the topping before the maintenance bond expires.

Maintenance Bond: A performance bond for maintenance equal to fifty percent of the original bond or actual construction cost must be provided to the Highway Superintendent after road construction for the maintenance of roads and drainage systems. The maintenance bond will be held for 18 months after final approval of the road has been given by the Highway Superintendent.

Section 9.05. Pavement. All streets shall be paved using asphalt concrete surface cover (hot mix).

Asphalt Specifications:

Binder (307-B)to be placed 2.5 inches compacted or 275 lbs.

Wearing Coat (411-E) to be placed 1.5 inches compacted or 165 lbs.

Section 9.06. Storm Drainage. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. All storm drainage contained in pipes or culverts under roadway shall have endwalls, headwalls or rip-rap with concrete apron wall where necessary to prevent erosion. Where open trench or swales are used, the grades exceeding eight (8) percent up and two (2) percent down shall be paced with 3,000 psi Portland Cement Concrete. Additional information may be required by the planning commission such as engineering and design documents.

*Note: Cross drains should be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than fifteen (15) inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth*

*uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed. Utilities must be installed before asphalt is applied.*

Section 9.07. Water Service. When a proposed subdivision is located within one thousand (1000) feet of an existing public water line, water lines shall be installed to serve all lots within the subdivision. Water mains and appurtenances--properly connected to the appropriate public water system and approved by that water system--shall be constructed in subdivisions with water lines. The water service provided must be adequate both for the domestic use and fire protection of all lots, to require all new subdivisions to have installed a minimum of six (6) inch water lines (i.e. defining "fire protection"). However, the planning commission can grant a variance to this section in accordance with Section 10.1 of these same regulations if need be. In addition, it will be mandatory to have placed on the final plat (under the general notes) not only the name of the water provider, but the size water line installed.

Construction of water lines and appurtenances shall be subject at all times to the inspection and approval of said public water system. If there is a cost for inspections, this cost will be borne by the subdivider. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the water system involved.

The entire cost of installing the required water supply system--including the connection to the existing water supply and including but not limited to the cost of pipe, valves, fittings, trenching, backfilling, and services--shall be borne by the subdivider.

When necessary, the developer shall have an agreement with the local utility for the installation and/or service of fire hydrants.

Section 9.08. Sewage Disposal. When a proposed subdivision is located within one thousand (1000) feet of an existing public sanitary sewer line, sanitary sewers shall be installed to serve all lots within the subdivision. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the public sewer system involved. The entire cost of installing the entire sanitary sewerage system shall be borne by the subdivider.

Where a subdivision is located beyond the service limits of an existing sanitary sewer line as determined by the Planning Commission, the subdivider may elect to have the lots served by individual sewage disposal systems. Should individual sewage disposal systems be proposed, satisfactory evidence of acceptability from soil surveys shall be required. Subdivisions shall also have lot sizes which are adequate for the installation of the proposed individual systems. All such subdivisions must have the approval in writing of the Marion County Health Department. Other options could be public sewer, or other decentralized sewer systems approved by the Tennessee Regulatory Authority (TRA).

Section 9.09. Street Signs and Traffic Control Signs. Street signs and traffic control signs of a type approved by the Planning Commission shall be installed at the intersection of all streets within the subdivision and at the point existing streets are intersected by the streets of the subdivision by the developer.

Section 9.10. Guarantee in Lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county register of deeds until one of the following conditions has been met:

a. All required improvements have been constructed in a satisfactory manner and approved by the various authorities for which certificates are required, or

b. The Planning Commission has accepted a bank letter of credit, cashier's check, cash deposit or wire transfer in an amount equal to one hundred and fifty (150) percent of the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the county or other responsible utility system in the event of default by the developer. Prior to the end of the one-year period, if the improvements are not completed, the Planning Commission may at its own discretion at the request of the developer allow an extension for completion of the improvements. The Developer must submit a new bank letter of credit, cashier's check, cash deposit or wire transfer to the Planning Commission with revised cost estimates. In the event an extension is granted, in no instance shall the installation of the improvements exceed a two year period beginning from the date original final plat approval was granted. In the event the improvements have not been completed, the Planning Commission may exercise its right to collect the entire amount of the bank letter of credit, cashier's check, cash deposit or wire transfer in order for the improvements to be made and refund any amounts unexpended to the financial institution issuing the bank letter of credit or the developer as the case may be. Any deficit, which may result from the completion of the improvements, will be the responsibility of the developer, and Marion County may institute an action against the developer for such deficit. In the event that an action is instituted the developer will be responsible for all costs, including attorney's fees in collection of the deficit. Where a bank letter of credit, cashier's check, cash deposit or wire transfer is provided to extend a utility, the utility provider will be responsible for holding the security. The Marion County Planning Office shall be provided a copy of the security for the utility.

*Note: The Planning Commission shall set the amount of the bank letter of credit, cashier's check, cash deposit or wire transfer based upon the cost of improvements estimated by the County Highway Superintendent or utility official or other authority designated by the planning commission.*

- *The amount of the bank letter of credit(s), cashier's check(s), cash deposit(s) or wire transfer(s) will be determined by the appropriate officials: roads (Road Superintendent) and utilities (appropriate utility provider).*
- *It will be the responsibility of the Planning Staff to notify the MCRPC and the developer of a bank letter of credit expiration date.*

Section 09.11.01. Road Construction Completion and Maintenance Requirements.

a. Procedures when road is constructed (completed) at time of final plat submittal.

1. If the road is completed when the final plat is presented, the developer's engineer and County Road Superintendent will sign the plat stating that the road has been constructed to county specifications.

2. The developer shall post a maintenance bank letter of credit, cashier's check, cash deposit or wire transfer in the amount of 50% of the original bank letter of credit, cashier's check, cash deposit or wire transfer for the first 18 months to cover any possible repairs, such as deterioration in the road including drainage systems. During the 18 month maintenance period, examples of repairs are as follows: (examples: base, pavement, curbs, and constructed drainage elements). The developer can then by written request ask that the county accept the road. The Marion County Highway Dept can then recommend the road to the County Commission; then the road becomes part of the Marion County Highway System with a majority vote of the county commission.

3. Thirty (30) days prior to the expiration of the 18-month maintenance period, the developer's engineer or the developer notifies (written notification) the Marion County Highway Dept and the Planning Staff whether or not the road still meets county specifications. If the road meets specifications, the Marion County Highway Dept can recommend the road to the County Commission.

b. Procedures when Road Not Constructed when final plat is submitted.

1. If the road is not completed when the final plat is presented, an engineer or the developer will sign the plat stating that the road has been designed to county specifications and a bank letter of credit, cashier's check, cash deposit or wire transfer for construction must be posted by the developer (150% of the total cost of the road).

Note: Road construction cost estimates will be determined by the Highway Superintendent.

2. Once the road is constructed, an engineer or the developer will send a letter to the Highway Superintendent stating that the road has been constructed to county specifications. The developer will post a maintenance bank letter of credit, cashier's check, cash deposit or wire transfer in the amount of 50% of the total cost of the road for the first 18 months to cover any possible repairs, such as deterioration in the road including drainage systems. During the 18 month maintenance period examples of repairs are as follows: (examples: base, pavement, curbs, and constructed drainage elements). The developer can then by written request ask that the county accept the road. The Marion County Highway Dept can then recommend the road to the County Commission; the road becomes permanent and the road becomes part of the Marion County Highway System with a majority vote of the County Commission.

3. Thirty (30) days prior to the expiration of the 18-month maintenance period, the developer's engineer or the developer notifies (written notification) the Marion County Highway Dept and the Planning Staff whether or not the road still meets county specifications. If the road meets specifications, the Marion County Highway Dept can recommend the road to the County Commission.

Section 9.11. Road Inspection Procedure. * It is the responsibility of the developer to advise the Marion County Highway Department of progress in the construction of any road and to insure that no work advances until each of the following steps are completed and approved in writing by the Highway Superintendent:

1. A road profile is submitted, where deemed as necessary by the Superintendent.

2. The clearing and preparation of the site, as described in Section 9.02 (a) of these regulations.

3. The cut and fill process, as described in Section 9.02 (b)(c) of these regulations.

4. The application of the sub-grade.

5. The application of the base, as described in Section 9.04 of these regulations.

6. The application of the asphalt treatment, as described in Section 9.05 of these regulations.

7. A final inspection and grant of approval.

8. At any time during development, the developer shall be able to provide proof of the qualities of the materials used in road construction.

Marion County Highway Department
P.O. Box 46
Jasper, TN 37347
(423) 942-2581

Marion County Planning Office
P.O. Box 789
Jasper, TN 37347
(423) 942-3527

# Marion County Subdivision/Road Inspection Checklist

**SUBDIVISION NAME:** _____

**Location:** _____

**Developer:** _____

**Road Name(s)** _____

_____

**Private** _____ **Public** _____

**Security Posted** _____ **Yes** _____ **No** **Date of Expiration** _____

**Date Released** _____

| **ITEM CHECKED** | Date Inspection Requested | Date Checked |
|---|---|---|
| Road Profile (If Necessary)<br>Date Submitted: _____ | | |
| Clearing/Site Preparation | | |
| Cut and Fill | | |
| SubGrade | | |
| Base | | |
| Asphalt | | |
| Final Inspection | | |

At the time of inspection of each of the above steps, a visual inspection reflected that minimum requirements of the Marion County Subdivision Regulations were met. The undersigned does not guarantee that the road will in the future continue to meet said requirements.

Signature of County Road Superintendent _____ Date _____

## ARTICLE X

## VARIANCES, AMENDMENTS AND APPEALS

Section 10.1. Variances. Variances may be granted where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure is justified set forth.

Section 10.02. Amendment. These regulations may be amended from time to time by the Planning Commission, who shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be published in a newspaper of general circulation in the county in accordance with Tennessee Code Annotated, Section 13-3-403.

Section 10.03. Appeals. Appeal is granted from the final action of the Planning Commission to the Chancery Court but only for the wrongful withholding of approval by its arbitrary, capricious and/or discriminatory conduct or acts.

## ARTICLE XI

## LEGAL STATUS PROVISIONS

Section 11.01. Separability. Should any section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the regulations as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

Section 11.02. Conflict with Other Regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official regulations, the highest or most restrictive standard, shall apply.

Section 11.03. Adoption and Effective Date. Before adoption of these subdivision regulations, a public hearing as required by Section 13-3-403, Tennessee Code Annotated, was afforded interested persons and was held on_____. Notice of such hearing was announced in the _____, being of general circulation within the area of planning jurisdiction, on _____.

These regulations shall take effect and be in force from and after the _____ day of its adoption, the public welfare demanding it.

These regulations shall be in full force and effect from and after their adoption and effective date.

Adopted_____

Effective _____

_____ Secretary

_____ Chairman

## CHECKLIST FOR PRELIMINARY PLAT CONSIDERATION

NAME OF SUBDIVISION: _____

LOCATION: _____

OWNER OF RECORD: _____

Address _____ Tel. _____

SUBDIVIDER: _____

Address _____ Tel. _____

SURVEYOR: _____

Address _____ Tel. _____

DATE SUBMITTED FOR PRELIMINARY APPROVAL: _____

CHECKLIST:

____ 3 copies submitted (**10 business**) days prior to a meeting. (Delivered to staff or appropriate location)

____ 6 corrected copies submitted by noon of the day the planning commission meeting

____ All appropriate forms and plans submitted to TDEC.

____ Name of Subdivision

____ Labeled "Preliminary Plat"

____ Drawn to scale of not less than one inch equals 100 feet (Other scales allowed upon request)

____ Name, address, fax number and phone number for each of the following: owner and/or surveyor on record, subdivider and surveyor.

____ North point, graphic scale, and date of drawing

____ A legible vicinity map showing location, north point, and acreage of subdivision

____ Boundary lines by bearing and distances

____ Contour Lines shown on plat as required by the subdivision regulations

____ Official street names shown; please do not duplicate (Verified by E-911)

____ Names and addresses of adjoining property owners and/or subdivision(s) and deed book and page number of the adjoining property owners

____ Location of all existing physical features and structures on land

____ Show all existing septic systems locations including tanks and field lines (approximate location when necessary)

____ Names, locations, designation and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.

____ Lot numbered consecutively

____ Plans of proposed utility layouts showing connections to existing or proposed utility systems including fire hydrants

____ Note minimum building setback lines or show building envelope (if multiple zones, show location (s) )

____ Cross-section and centerline street profiles at suitable scales as may be required by road superintendent and/or planning commission
____ Conforms to general requirements and minimum standards of subdivision design
____ Drainage Plans
____ Limit of 100-year flood and boundary and elevation of designated floodway
____ Note the FIRM (Flood Insurance Rate Map) ID and panel number and date for the community
____ Show tax map id and parcel numbers of property being subdivided
____ Show all utility easements
____ Conduct preconstruction meeting with appropriate road / street official in community prior to any construction activity
____ File NOI with Tennessee Department of Environment and Conservation prior to any Construction activity

*Preliminary plat approval only good for one year*

## CHECKLIST FOR FINAL PLAT CONSIDERATION

NAME OF SUBDIVISION: _____

LOCATION: _____

OWNER OF RECORD:_____

Address _____Tel._____

DATE PRELIMINARY APPROVAL GRANTED: _____

DATE SUBMITTED FOR FINAL APPROVAL: _____

CHECKLIST:

____ All NOI, SWPPP, and ARAP Permits have been filed and a copy has been given to PC. Contact the Tennessee Department of Environment and Conservation to attain these permits when they are required

____ Submitted within one year from date of preliminary approval

____ Labeled "Final Plat"

____ 3 copies submitted (**10 business**) days prior to meeting. One plat for staff review and one plat for local staff

____ 9 copies of corrected copies submitted by noon of the day the planning commission meeting with all appropriate signatures

____ Name of subdivision

____ Drawn to a scale of one inch equals one hundred feet on the specified sheet as required in the subdivision regulations (If multiple panels submit cover showing entire property at scale to fit page)

____ Name, address, and phone number and fax number of owner and/or surveyor on record, subdivider, and surveyor

____ North point, graphic scale, and date of drawing

____ Bearings of property lines, and sufficient data to locate all lines including radii, angles, and tangent distances

____ Reservations, easements, utilities easements and widths, or other non-residential areas

____ Dimensions to nearest 100$^{th}$ of a foot and angles to nearest second

____ Lot lines, alleys, and building setback lines

____ Location and description of monuments

____ Names, addresses and locations of adjacent properties

____ Lines, names, designation and widths of all streets and roads

____ Lots numbered in numerical order.

____ Location sketch map with north point and any floodable areas outlined

____ FEMA map and panel number stated in notes and all flood limits shown

____ Certificate of ownership

____ List variances granted in notes

____ List in notes if there is a homeowners association and bring a copy of the homeowners

documents for the planning commission to examine

____ List the acreage of the site and the remaining acreage

____ List total water line, sewer line, and new road lengths

____ Certificate for roads (public and private)

____ Certificate for subsurface sewage disposal by the Tennessee Department of Environment and Conservation or and an existing septic certificate

____ Show all existing structures and septic systems locations

____ List date preliminary plat was approved in notes

____ Certificate of approval of water and sewerage systems and streets

____ Certificate of engineer and/or surveyor

____ Certificate of E-911

____ Conforms to general requirements and minimum standards of design

Required physical improvements have been made or a bank letter of credit, cashier's check, cash deposit or wire transfer posted in the amount of $_____

_____ All certificates signed

_____Electricity Certificate

_____ When required, submit all construction plans to community and hold a preconstruction conference with appropriate community personnel

## Appendix:

Certificate for Septic System

CERTIFICATE OF APPROVAL OF SUBSURFACE SEWAGE DISPOSAL SYSTEM,
MARION COUNTY DIVISION OF GROUNDWATER PROTECTION

Approval is hereby granted for Lots _____, defined as _____, Marion County, Tennessee, as being suitable for Subsurface Sewage Disposal (SSD) systems with the listed for attached restrictions. Each buyer and developer should be made aware of these restrictions and understand that failure to follow them may result in disapproval of their individual SSD system by this office.

Restrictions:

Prior to any construction of a structure, mobile or permanent, the plans for the exact house/structure must be approved and an SSD system permit issued by the Division of Ground Water Protection. Water taps, water lines, underground utilities and driveways should be located at the side of property lines unless otherwise noted. Any cutting, filling or alterations of the soil conditions may void this approval.

The following statement applies to lots which have “See Restrictions” placed within the boundaries of the lot on the plat. The statement is “This lot has not been evaluated, pursuant to this plat review, for an SSD system and plat approval does not constitute approval of this lot or the existing SSD system”. The “See Restrictions” statement applies to Lot(s) _____, Marion County, Tennessee.

_____
Environmental Specialist
Division of Ground Water Protection