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**SUBDIVISION REGULATIONS
FOR
Etowah, Tennessee**

TITLE

REGULATIONS CONTROLLING THE SUBDIVISION OF LAND IN ETOWAH, TENNESSEE, AND ITS PLANNING REGION: 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.

PURPOSE

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore in the interest of the public, the developer and the future owner that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

In pursuance of authority set forth in Sections 13-3-401 through 13-3-411 and 13-4-301 through 13-4-309, Tennessee Code Annotated, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the city; 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 to assure that land is developed in conformity with the Comprehensive Plan of Etowah, the Regional Planning Commission of Etowah, 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 Etowah, 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 purpose 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 include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Access. The right to cross between public and private property, permitting pedestrians and vehicles to enter and leave a lot.

Bond. Any form of security (including, but not limited to, a cash bond, surety bond, undated letter-of-credit, cashiers check, or certified check) in an amount and form satisfactory to the planning commission for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developers agreement with the planning commission.

Dedication. The transfer of a property interest(s) from private ownership to the city (or county) for a public purpose, whether in fee-simple or as an easement.

Developer. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, building, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Easement. The right of a person to make lawful and beneficial but limited use of a designated part of the land of another person, created by an express agreement or by prescription.

Access Easement. The right granted by the owner of land to another party, by deed or prescription, to allow vehicular access across one parcel of land to another.

Drainage Easement. 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.

Utility Easement. 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.

Flag Lot. An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the road (“the flag stem”). The narrow portion of the lot extending to the road shall be suitable for ingress, egress and utilities. It shall not be included in the calculation of minimum lot area and yard setbacks.

Flood. A general overflow of a stream which results in inundation of lands not normally covered by water.

Floodway. The channel of the stream and that portion of the adjoining floodplain designated to reasonably provide for passage of flood waters. Along Cane Creek the floodway is the area outlined on the chart "Proposed Floodway, Cane Creek, Vicinity of Etowah, Tennessee" (Etowah Regional Planning Commission and Tennessee State Planning Commission, April 1972, see Appendix 1), which chart is made a part of this ordinance. On other streams the floodway shall be that area extending to each side of the stream a distance equal to five (5) times the width of the stream at top of banks, unless the subdivider demonstrates that a smaller area is reasonable.

Health Department. The director of the county or district health department having jurisdiction over the county health and sanitation, or his duly authorized representative, usually a county sanitarian employed by the Tennessee Department of Environment and Conservation.

Land Subject to Flood. Along Conasauga and Cane Creeks land below the elevation of the Regional Flood shall be considered subject to flood. The Regional Flood is shown on the chart "High Water Profiles, Conasauga and Cane Creeks, Vicinity of Etowah, Tennessee" (Tennessee Valley Authority, September 1962, see Appendix 2), which chart is made a part of these regulations. Along other streams land less than six (6) feet above normal streamflow, unless a lower elevation is determined by a registered engineer to be a reasonable level. Land outside the floodway raised to above the level of the Regional Flood shall no longer be considered subject to flood.

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 of Record. A designated tract of land (lot) as shown on a plat or other document recorded in the county register’s office or the county assessor of property’s office.

Monument. A permanent concrete or iron marker used to establish definitively all lines on the plat of a subdivision, including all lot corners, boundary lines, corners, and points of change in road alignment. Monuments shall meet or exceed the standards of section 0820-3-.07(1)(h), *Tennessee Land Surveyors Laws and Regulations, 1992* (as amended). Pins shall be of metal, not less than ½ inch in diameter and 18 inches in length, with the surveyor’s registration number stamped on a non-corrosive cap.

100 Yr. Flood Plain Schematic

Offer of Dedication. The act of granting land , roads, or other improvements to an entity such as the City of Etowah, the Etowah Utilities Board, or the McMinn County Government. The offer of dedication shall not constitute the acceptance of such land or roads by the local government or board.

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 to be subdivided under these regulations.

Planning Commission. The Etowah Regional Planning Commission.

Planning Region. The land within an area identified by and approved by the Local Government Planning Advisory Commission (or its successor) as under the jurisdiction of the Etowah Regional Planning Commission for planning purposes. For the purposes of these regulations, the incorporated area of the City of Etowah and the planning region may be considered separately.

Plat, Plan, Plot, or Replat. An accurate graphical representation of a finite piece of surveyed land property, including pertinent and important data and information pertaining thereto and any changes proposed from earlier plats.

Private Development or Improvement. Any proposed development, wherein ownership of roads, utilities or any combination thereof will be retained by the developer or his designee, e.g. a homeowners association. Responsibility for maintenance of the roads or utilities must be clearly delineated, shown on or attached to the final plat, and recorded with the approved final plat in the county register's office.

Private Road. An access to a lot or lots by a permanent easement which is not part of the city/county maintained street or road system. Private roads are not allowed within the corporate limits of Etowah, provided that internal circulation within an apartment complex or a shopping mall shall not be considered as a private road. Private roads within the planning region shall be governed by state law and such standards as are adopted by the McMinn County Commission.

Road. (Added 4/19/10) A way for vehicular traffic, whether designated as an avenue, arterial, collector, boulevard, road, highway, expressway, lane, alley, or other way, and for the purpose of these regulations "roads" are divided into the following categories:

1. **Rural Principal Arterials** - the rural principal arterial system consists of a connected rural network of continuous routes having the following characteristics:
 - a. Serve corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.
 - b. Serve all, or virtually all, urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over.

Road Types

- c. Provide an integrated network without stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g., international boundary connections and connections to coastal cities).

In the more densely populated States, this system of highway may not include all heavily traveled routes which are multi-lane facilities. It is likely, however, that in the majority of States the principal arterial system will include all existing rural freeways.

2. **Rural Minor Arterials** - the rural minor arterial road system should, in conjunction with the principal arterial system, form a rural network having the following characteristics:

- a. Link cities and larger towns (and other traffic generators, such as major resort areas, that are capable of attracting travel over similarly long distances) and form an integrated network providing interstate and inter-county service.
- b. Be spaced at such intervals, consistent with population density, so that all developed areas of the State are within a reasonable distance of an arterial highway.
- c. Provide an integrated network without stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g., international boundary connections and connections to coastal cities).

3. **Collectors** - the rural collector routes generally serve travel of primarily intra-county rather than statewide importance and constitute those routes on which (regardless of traffic volume) predominant travel distances are shorter than on arterial routes. Consequently, more moderate speeds may be typical, on the average.

In order to define more clearly the characteristics of rural collectors, this system should be sub-classified according to the following criteria:

a. *Rural Major Collector*

These routes should: (1) Provide service to any county seat not on an arterial route, to the larger towns not directly served by the higher systems, and to other traffic generators of equivalent intra-county importance, such as consolidated schools, shipping points, county parks, important mining and agricultural areas, etc. ; (2) link these places with nearby larger towns or cities, or with routes of higher classification; and (3) serve the more important intra-county travel corridors.

b. *Rural Minor Collectors*

These routes should: (1) Be spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; (2) provide service to the remaining smaller communities; and (3) link the locally important traffic generators with their rural hinterland.

4. **Local Streets (Neighborhood)** – the purpose of a local street is to provide access to property abutting the public right-of-way. This includes vehicular and pedestrian access. Local streets are included in the rural local road system

The rural local road system should have the following characteristics: (1) Serve primarily to provide access to adjacent land; and (2) provide service to travel over relatively short distances as compared to collectors or other higher systems. Local roads will, of course, constitute the rural mileage not classified as part of the principal arterial, minor arterial, or collector systems.

5. **Marginal Access Street** – 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.
6. **Alley** – a minor street used for service access to the back or side of properties otherwise abutting on a street.
7. **Cul-de-sac** – a local street with only one outlet, called a “dead-end” street.

Setback Line. A line established by zoning ordinance or 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.

Subdivider. See Developer.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions 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 subdividing or to the land or area subdivided.

The following types of “divisions” of land are not “subdivisions” within the meaning of these regulations: 1) The testamentary division of property and partnership division of property between two (2) or more owners of an undivided interest either among themselves or by court order is excluded. 2) Divisions where the resulting tracts are all over five (5) acres, all have frontage on an existing publicly-maintained road, and where no extension of public water or sewer lines is required.

What is a S/D?

ARTICLE IV

PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

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

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 shall be entitled to record in the office of the McMinn County Register of Deeds unless it shall have the approval of the planning commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the planning commission, as required by these regulations, is declared to be a misdemeanor, punishable by law.

4.02. USE OF PLAT. The transfer of, sale of, 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 McMinn 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.

4.03. ENFORCEMENT. No plat or plan of a subdivision located within the city limits or the area of planning jurisdiction shall be filed or recorded by the McMinn County Register of Deeds until said plat or plan has received final approval in writing by the planning commission as provided in Sections 13-3-402 and 13-4-302, *Tennessee Code Annotated*. (See also Sec. 9.12)

4.04. OPENING AND IMPROVING PUBLIC STREETS (Roads). 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 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 public 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 as provided in Sections 13-3-406 and 13-4-307, *Tennessee Code Annotated*.

4.05. ERECTION OF BUILDINGS. 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 public street in accordance with these regulations, or unless such street has been accepted as a public street prior to the effective date of these regulations. Provided that in the planning region, such building permit may be issued if the building is to be on a private road as defined.

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 city attorney or other official designated by the Etowah City Board may bring action to enjoin such erection or cause it to be vacated or removed.

4.06. PENALTIES. No county register shall receive, file or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Sections 13-3-402 and 13-4-302, *Tennessee Code Annotated*, and any county recorder so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

Sections 13-3-410 and 13-4-306, *Tennessee Code Annotated*, provides that whoever being the owner or agent of the owner of 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 or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city, through its attorney or other official, designated by its chief legislative body, may enjoin such transfer or sale or agreement by action or injunction.

ARTICLE V

PRELIMINARY PLATTING REQUIREMENTS

5.01. PREAPPLICATION REVIEW. Whenever the subdivision of a tract of land within the Etowah Planning Region is proposed, the subdivider is encouraged to consult early and informally with the city and the Local Planning Office. The subdivider may submit sketch plans and data showing existing conditions within the site and in 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.

NOTE: (1) The purpose of the preapplication review is to afford the subdivider an opportunity to avail him/herself of the advice and assistance of the planning commission in order to facilitate the subsequent preparation and approval of plans.

At this stage, the subdivider should also consult with any lending institution that will be participating in the financing of his proposed development and with the Federal Housing Administration of the Department of Housing and Urban Development that may be insuring mortgages on houses that may be built in this land subdivision.

(2) The various plat reviews required by these regulations may properly be made by the city building inspector or staff planner from the Local Planning Assistance Office. It is a waste of effort for the entire planning commission membership to review a proposed land subdivision, except in cases of conflict or unusual and difficult problems. Approval or disapproval in every case must be by action of the commission. This note applies only to pre-application reviews.

5.02. PRELIMINARY PLAT APPROVAL. The regulations shown below must be complied with in order to secure preliminary plat approval:

5.03. Exemptions. A subdivider may omit the submission of a preliminary plat, if all the following conditions are met:

- a. the proposed subdivision contains less than six (6) lots, sites, or divisions;
- b. all public improvements as set forth in these regulations are already installed, or because of the nature of the development are not deemed necessary by the planning commission, or the developer posts a bond to ensure public improvements are installed;
- c. the subdivider has consulted informally with the planning commission or its staff for advice and assistance before preparation of the final plat and its formal application for approval.
- d. the plat of subdivision divides the tract into no more than two (2) lots, then approval may be endorsed in writing on the plat by the secretary of the commission without the approval of the planning commission, upon certification by planning staff of the planning commission the subdivision complies with the *Etowah Subdivision Regulations* and that no request for a variance from such regulations has been requested or is needed. **(Added 05-20-02)**

5.04. Application for Preliminary Plat Approval. (amended 10/16/06)

Following the pre-application review of a proposed subdivision, the subdivider shall submit to the chairman of the planning commission, at least ten (10) business days prior to the next regular meeting of the planning commission, five (5) copies of the preliminary plat and other documents.

NOTE: Five (5) copies of the preliminary plat and other documents are required for review and record. The copies are for the following government entities: (A) planning commission; (B) subdivider; (C) public utility department or company (for record); (D) county health officer; and (E) city building inspector. A sixth copy may be required for the county road superintendent, where applicable.”

5.05. Review of Preliminary Plat. The planning commission shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat.

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. If the preliminary plat is disapproved, two (2) copies of a list containing the reasons for disapproval, 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 and granted by the planning commission.

If action on a preliminary plat is not taken by the planning commission within thirty (30) 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.

5.06. Certificate of Tentative Approval. Two (2) Certificates of Tentative Approval of the Preliminary Plat by the planning commission shall be issued: one (1) copy for the subdivider or his agent and one (1) for the planning commission records. The certificate shall contain the following:

Pursuant to the Subdivision Regulations of Etowah, Tennessee, all the requirements of tentative approval have been fulfilled.

Therefore, the Preliminary Plat of _____ Subdivision has been approved by the Etowah Regional Planning Commission on _____, 19 ____, subject to the following modifications. This approval does not constitute approval of a final plat. This Certificate of Tentative Approval shall expire and be null and void on _____, 19 _____. (one year later).

*Secretary, Etowah Regional
Planning Commission*

5.07. PRELIMINARY PLAT SPECIFICATIONS. When required, all preliminary plats shall be prepared to meet the following specifications:

5.07.01. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.

5.07.02. Sheet Size. Sheet size shall be twenty (20) by twenty (20) inches, or shall be the sheet size required by the County Register for recording purposes. 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 separate sheet of the same size.

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

- a. name of subdivision;
- b. name and address of owner of record, subdivider, and surveyor;
- c. north point, graphic scale and date;
- d. vicinity map showing location and acreage of subdivision;
- e. exact boundary lines of the tract by bearing and distances; city limits and other political subdivision lines, where applicable.
- f. names of adjoining property owners and/or subdivisions;
- g. existing streets and other rights-of-way, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
- h. proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be used for purposes other than single-family dwellings;
- i. block numbers and lot numbers.
- j. plans of proposed utility layouts (sewers, water, gas and underground electric) showing the anticipated connection(s) to the existing or any proposed utility systems and drainage. 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 on the final plat;
- k. rock outcroppings, marshes, springs, sinkholes, natural storm drains and other outstanding topographical features; and
- l. minimum building front yard setback lines; see section ____.
- m. the present zoning classification, if any, on the land to be subdivided and on adjoining land;
- n. spot elevations and contour lines at least for every five (5) foot change in elevation, unless specifically waived by the planning commission;
- o. street cross-section and centerline profile; and

- p.** if any portion of the land being subdivided is subject to flood, as defined in these regulations, the floodplain and floodway shall be shown and the FIRM identified.
- q.** location of all water courses; location and size of needed drainage structures.
- r.** tax map and parcel number.
- s.** the city or district, county, and the state where the property is located.
- t.** surveyor's seal and signature.

SAMPLE PRELIMINARY PLAT

**CHECKLIST FOR
PRELIMINARY PLAT CONSIDERATION**

Name of Subdivision _____

Location _____ Civil District _____ Zoning District _____

Owner of Record _____ Address _____ Tel. _____

Subdivider _____ Address _____ Tel. _____

Surveyor _____ Address _____ Tel. _____

Date submitted for preliminary approval _____

* * * * *

- [] 5 copies submitted 15 days prior to meeting.
- [] Name of subdivision.
- [] Drawn to a scale of not less than one inch equals 100 ft.
- [] Name and address of owner of record, subdivider and surveyor.
- [] North point, graphic scale and date.
- [] Vicinity map showing location and acreage of subdivision.
- [] Boundary lines by bearing and distances.
- [] Names of adjoining property owners and/or subdivisions.
- [] Location of all existing physical features on land and nearby properties.
- [] Location of watercourses, drainage easements, location & size of drainage structures
- [] Names, locations and dimensions of proposed streets, alleys, easements, parks and reservations, lot lines, etc.
- [] Block numbers and lot numbers.
- [] Plans of proposed utility layouts showing connections to existing or proposed utility systems.
- [] Minimum building front yard setback line.
- [] Present zoning classification, if any, on land in subdivision and adjacent land.
- [] Tax map and parcel number(s)
- [] Cross-section and centerline street profiles at suitable scales as may be required by street superintendent and/or planning commission.
- [] Conforms to general requirements and minimum standards of design.
- [] Floodplain and FIRM No. _____.

Disapproved _____, 19 ____, because of incomplete items above or other reasons as stated: _____

Signed: _____
Planner

ARTICLE VI

FINAL PLATTING REQUIREMENTS

6.01. FINAL PLAT APPROVAL. (amended 10/16/06)

After the plat of a proposed subdivision has been given preliminary plat approval by the planning commission, the subdivider may, within one (1) year from preliminary plat approval, submit a final plat on the development, or a phase of the development to the planning commission. Six (6) copies of the final plat and other documents as shown in this article shall be submitted at least ten (10) business days prior to the next regular meeting of the planning commission. The copies shall be made from the original which shall be drawn in permanent reproducible material, no larger than sixteen and one-half (16 1/2) inches by twenty-two (22) inches. The certificates shall be placed on the original reproducible plat to avoid hand lettering each copy, however, only the six (6) copies shall have signatures.

NOTE: The original plat is to be kept by the developer for his use. The six (6) prints will be distributed as follows: one (1) copy for the County Register to be recorded; two (2) copies to the planning commission; one (1) copy for Local Planning Assistance Office; one (1) copy for the city building inspector; and one (1) copy to the McMinn County E-911 Office.

6.02. REVIEW OF FINAL PLAT. Except for staff approved, two lot subdivisions as shown in Sec. 5.03.d., the planning commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations in 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 six (6) 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 thirty (30) 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. **(Amended 05-20-02)**

NOTE: All certifications with appropriate signatures shall be placed on all six (6) copies of the plat and any other that may be deemed necessary. Certifications could possibly be placed on the plats by means of rubber stamps, leaving a blank for the appropriate signature. No certification or signatures should be placed on the reproducible copy.

6.03. A CERTIFICATE OF APPROVAL OF THE FINAL PLAT BY THE PLANNING COMMISSION. If the subdivision is approved, the secretary of the planning commission shall include a certificate of approval of the final plat directly on the copies of the plat as follows:

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Etowah, Tennessee, this final plat was given approval by the Etowah Regional Planning Commission effective _____, 19____."

Date

Secretary, Etowah Regional
Planning Commission

6.04. RECORDING OF FINAL PLAT. Upon approval of a final plat and the Secretary's signature certifying the plat has been approved, the subdivider shall record said plat in the Office of the McMinn County Register. The act of recordation legally creates the lots within the subdivision.

6.05. FINAL PLAT SPECIFICATIONS. The final plat shall conform to and meet the specifications of the preliminary plat (Article V) with the following additions:

- a. bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3) shall be accurately described on the plat);
 - b. municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
 - c. exact boundary lines of the tract, determined by a Category II field survey, giving distances to the nearest minute, which shall be balanced and closed with a linear error of closure not to exceed one (1) foot per 7,500 feet of perimeter (1:7,500). (**Amended 05-20-02**)
 - d. name of subdivision, exact location, widths and names of all streets and alleys within the immediately adjoining tract;
 - e. street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
 - f. lot lines with dimensions to the nearest one-tenth (1/10) of a foot and bearings;
 - g. lots numbered in numerical order and blocks lettered alphabetically;
 - h. location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use, statement of dedication;
 - i. accurate location, material and description of existing and proposed monuments and markers;
 - j. a statement, either directly on the plat or in an identified attached document, or any private covenants;
 - k. if any portion of the land being subdivided is subject to flood, as defined in these regulations; the limit of such flood shall be shown and the FIRM identified;
 - l. modification, limitations and approval by health authority;
- NOTE: "As built" plan and profile of all streets and sewers and storm drains shall be furnished the city upon completion of the project.*
- m. contours shall not be required on final plats unless deemed necessary by the planning commission.

- n. A note stating the McMinn County Tax Map and Parcel Number, county deed book and page number(s) for the tract subdivided.

6.06. SURVEYOR'S CERTIFICATION. A licensed land surveyor's certification shall be placed directly on the final plat as follows: **(Amended 05-20-02)**

"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; and that all requirements of the Etowah Subdivision Regulations have been fully complied with. Further, I certify this is a Category _____ land survey as defined in Standards of Practice issued by the Tennessee State Board of Examiners for Land Surveyors and the ratio of precision of the unadjusted survey is 1: _____ as shown hereon.

Surveyor: _____

Tenn. Reg. No. _____

6.07. OWNER'S CERTIFICATION. An owner's certification shall be placed on the final plat, as follows:

OWNER'S CERTIFICATION:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through as duly authorized agent, certifies that this plat was made from an actual survey and that all state, county and city taxes or other assessments now due on this land have been paid."

Date _____ Agent/Owner _____

Address: _____ City: _____

Tel: _____

6.08. STREET CERTIFICATION. The appropriate certificates shall be placed on the final plat as follows:

a. Approval of Streets and Drainage System

I hereby certify that the streets, surface drainage systems and related improvements shown on the plat have been completed to proper specifications and according to required design standards or that a performance bond in the amount of \$ _____ has been posted. A maintenance bond in the amount of \$ _____ (40% of the value of all road and drainage improvements installed) is submitted to cover any necessary repairs to these improvements for eighteen months after acceptance for maintenance by the city/county.

Date _____

City Inspector/County Road Supt.

b. Certification on Drainage and Road Maintenance Bond.

I hereby certify that a maintenance bond has been issued to the City of Etowah/McMinn County for 40 percent of the value of the drainage and road improvements shown on this plat. Said bond will remain in the possession of this office eighteen months, unless called upon by The City of Etowah/McMinn County for any repairs or improvements to the drainage system and/or street(s) shown on this plat.”

_____ Date _____ Director of Finance

c. Private Road Status (McMinn County only)

This certifies the road (s) labeled on this plat is (are) private and not dedicated to the McMinn County Government. The McMinn County Government has no responsibility for maintenance of this road(s). The road shall be maintained by

_____.

6.09. CERTIFICATION OF THE ETOWAH UTILITIES BOARD OR COUNTY HEALTH AUTHORITY.

The Etowah Utilities Board, or other their designee, shall certify that the water or sewage disposal system and other utility improvements indicated on the preliminary plat have been completed to proper specifications and design standards. Where the required improvements have not been completed, the Etowah Utility Board shall certify that approved bond, or security, has been posted to insure their completion.

"UTILITY CERTIFICATE"

I hereby certify that the water and sewage systems indicated on the plat have been installed according to the required specifications and design standards of the subdivision regulations.

Date _____ Etowah Utilities Board

Where septic tanks are to be used in lieu of public sewerage, the local health authority shall certify that lot areas shown on the plat are adequate to accommodate individual septic tank systems as restricted.

A certificate signed by the county health authority shall be placed on the final plat as follows:

I hereby certify that each lot shown on this subdivision plat is adequate to accommodate individual septic tank systems according to the restrictions stated on the plat.

Date _____ County Health Officer

6.10. GAS CERTIFICATE. A certificate signed by the manager of the utility gas system shall be placed on the final plat as follows:

GAS CERTIFICATE

I hereby certify that adequate easements have been allowed where needed for gas lines in this subdivision.

Date _____
_____ *Manager, Gas System*

6.11. CERTIFICATE OF DEDICATION. A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating shall be placed on the final plat.

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, establish the minimum subdivision requirements, and dedicate all roads, alleys, walks, parks, other open spaces and other improvement to public or private use as noted.

Date _____
_____ *Owner*

6.12. E-911 CERTIFICATE OF APPROVAL. A certificate shall be placed on the final plat as follows:

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.

Date _____
_____ *McMinn County E-911 Representative*

6.13. CERTIFICATE FOR STAFF APPROVED PLAT. (Added 05-20-02) A certificate showing that staff has reviewed a two-lot subdivision and recommends the secretary sign his/her approval of the plat.

I hereby certify the subdivision plat shown hereon includes only two-lots, does not require any variances from the subdivision regulations, that no improvements are required, and complies with the Etowah Regional Planning Commission Subdivision Regulations.

Date _____
_____ *Planning Staff*

6.14 CERTIFICATE FOR EXISTING SEPTIC SYSTEMS (Added 2/17/03) Where a plat includes an existing structure on a septic system for wastewater disposal, the following certificate shall be added:

Existing Septic System Certificate

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

Date

Owner

Sample Final Plat

CHECKLIST FOR FINAL PLAT CONSIDERATION

Name of Subdivision _____

Location _____ Civil District _____ Zoning District _____

Owner of Record _____ Address _____ Tel. _____

Preliminary approval granted: _____ (date)

Submitted for FINAL APPROVAL: _____ (date).

* * * * *

- [] Submitted within one year from date of preliminary approval.
- [] 5 copies submitted 15 days prior to meeting.
- [] Name of subdivision.
- [] Drawn to a scale of _____ equals _____ on sheets not larger than 16 1/2" by 22".
- [] Name and address of owner of record, subdivider and surveyor.
- [] North point, graphic scale and date.
- [] Usable vicinity map
- [] Tax map and parcel; deed book and page no.
- [] Bearings of property lines and sufficient engineering data to locate all lines including radii, angles & tangent distances.
- [] Reservations, easements or other non-residential areas.
- [] Dimensions to the nearest 10th of a foot and angles to the nearest minute.
- [] Lot lines, alleys, building setback lines.
- [] 100 year flood boundary and location of all water courses and drainage easements.
- [] Location and description of monuments.
- [] Names, locations of adjacent properties.
- [] Lines, names and widths of all streets and roads.
- [] Lots numbered in numerical order and blocks letters alphabetically.
- [] Location sketch map with flooded areas outlined.
- [] Certificate of ownership and dedication.
- [] Certificates of approval of water and sewerage systems and streets.
- [] Existing Septic System Certificate (If required) **(Added 2/17/03)**
- [] Certificate of engineer or surveyor.
- [] Proposed deed restrictions if not a zoned area.
- [] Conforms to general requirements and minimum standards of design.
- [] Required physical improvements have been made or bond posted in the amount of \$ _____ . Maintenance bond posted in amount of \$ _____ .

ARTICLE VII

DESIGN REQUIREMENTS FOR SUBDIVISIONS

7.01. 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.

7.02. ACCESS. Access to every subdivision shall be provided over a public street.

7.03. 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 not 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 presently acquired at today's acreage prices rather than at greatly increased prices in the future. Also, future improvements and acquisition would increase the expense to the city's taxpayers as well as inconveniencing the individual property owners and the neighborhood in general.

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, because the subdivider should not be required to hold his land idle for a lengthy and indefinite period.

7.04. SUITABILITY OF THE LAND. The planning commission shall not approve the subdivision of land 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. This includes land which is:

- a. Physically unsuitable because of flooding, bad drainage, steep slopes, rock formations, unsuitable soil, and other features which may endanger health, life or property, aggravate erosion, increase the flood hazard, or necessitate expenditure of public funds for supply and maintenance of services and/or which other public agencies have investigated and found to be not in the best interest of the public.
- b. Unsuitably located by reason of being scattered or premature subdivision of land which would involve danger or injury to the health, safety, property or economic utilization because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, or other public services or facilities that would

necessitate an excessive expenditure of public funds for supply or maintenance of such services or elimination of danger.

- c. Subject to flooding as defined in Article III. If a subdivision is proposed within one hundred (100) feet of a stream for which detailed flood data has not been published, the planning commission shall require detailed flood information for the particular area before deciding whether or not such subdivision development can occur.

7.05. INDIVIDUAL MOBILE HOME PARKS AND SUBDIVISIONS. The requirements and regulations of the "Etowah Zoning Ordinance" or the "McMinn County Mobile Home Resolution" as applicable, shall be satisfied and the approval of the local health authority must be secured prior to approval by the planning commission of any mobile home or travel trailer park.

A mobile home subdivision shall meet the general requirements of these regulations prior to the approval of any plat and before the sale or lease of any individual mobile home lot.

7.06. LARGE-SCALE DEVELOPMENT. The requirements of these regulations may be modified in the case of large-scale community or neighborhood units, such as a housing project, apartment complex or shopping center which is 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.

Where deemed necessary by the planning commission, large-scale development which fronts on major or secondary thoroughfares shall be required to provide a frontage access road, of no less than twenty-seven (27) feet in width, with permanent or temporary access to the public thoroughfare to be provided at a location deemed desirable by the planning commission.

Large scale developments in the planning region shall comply with the following standards:

- a. Size. Commercial and industrial lots shall be adequate in size to provide service areas and off-road 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.
- b. Design. 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. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general road system. Minor industrial roads and individual industrial parcels shall be oriented at right angles with the collector road and any adjacent railroad.)
 - 2. An integrated parking area

3. Adequate buffering for any adverse effect on any present or future adjacent residential development.

7.07. BLOCK LENGTHS AND WIDTHS. Block lengths and widths shall be as follows:

- a. blocks shall be no greater than one thousand two hundred (1,200) feet nor less than three hundred (300) 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.

7.08. FLOOD PLAIN BUILDING SITE. Any area within a flood plain as indicated on the appropriate FEMA *Flood Insurance Rate Map* (FIRM) shall be shown on the preliminary and final plats.

In areas subject to flood where no fill is proposed, no building line shall be located any closer to a watercourse, drainageway, stream or channel than the edge of the area subject to flood. In areas where fill is used to raise the elevation of the building site, the fill shall extend streamward fifteen (15) feet beyond the limits of any structure erected thereon, but no fill shall be placed in the floodway.

7.09. LOT SIZES. Residential lots shall meet the lot width and lot area requirements of the zoning ordinance. In the absence of a zoning ordinance, residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line.

- a. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations impractical.
- b. Lots not served by public water and sanitary sewer systems shall be at least twenty-thousand (20,000) square feet in area or of a size specified by the city/county health authority to adequately accommodate both a fresh-water well and septic tank on the same lot. The minimum distance between the septic tank fields and fresh-water well shall be one hundred (100) feet. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be eleven thousand five hundred (11,500) square feet. The health officer shall also prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein.
- c. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets.

7.10. LOT LINES. All lot lines shall be perpendicular or radial to street lines, unless impractical because of topographic or other features.

7.11. BUILDING SETBACK LINES. A building line (setback line) meeting the front yard setback requirements of the zoning ordinance shall be established on all lots. In the absence of a zoning ordinance, the front yard setback shall be a minimum of thirty-five (35) feet from the street right-of-way lines. Other minimum setback lines shall be as established for the zoning district where the property lies; where there is no zoning the minimum setback lines shall be as follows:

- a. from the side property line.....10 feet
- b. from rear property line15 feet
- c. from side property line which abuts.....35 feet
a minor street (corner lot)

7.12. LOT ABUTTING PUBLIC STREETS. Each lot shall abut upon a dedicated public street at least 40 feet, except as provided in section 7.14 below and section 8.08 (private streets in the planning region).

7.13. DOUBLE AND REVERSE FRONTAGE LOTS. Double frontage lots should 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. A planted evergreen screen easement at least ten (10) feet wide, across which there shall be no right-of-access, shall be provided along the line of lots abutting a traffic artery or other incompatible land use.

7.14. FLAG LOTS. Flag lots will not be normally be approved within the City of Etowah. Flag lots in the planning region/urban growth area shall comply with this section. A “Flag Lot” is a lot which, except for a narrow private access lane, does not front on or abut a publicly-maintained street or road. These lots are to provide a building site in the interior or a tract of land behind lots which have full frontage on a publicly maintained street or road.

- a. Within the portion of the flag lot which excludes the access strip, the building setbacks for front, side and rear yards shall still apply and be measured from the boundaries of the parcel excluding the access strip.
- b. No more than two access strips shall be located side-by-side.
- c. Flag stems shall not exceed six hundred (600) feet.
- d. Width:
 - 1. For flag lots of two (2) acres or less, the access strip shall be not less than twenty-five (25) feet in width.
 - 2. For flag lots of more than two (2) acres, but not more than five (5) acres, the access strip shall be not less then forty (40) feet in width.
 - 3. For flag lots of over five (5) acres, the access strip shall be a minimum of fifty (50) feet in width.

7.15. TOWNHOUSE & PATIO HOME SUBDIVISIONS (Added 3/12/2014)

In the Etowah Planning Region (Urban Growth Boundary), fee-simple townhouses and patio homes are allowed to increase the variety of available housing choices. Within the Planning Region townhouse units and patio homes can be developed and sold as individually-owned lots in fee-simple to those who desire this type of low-maintenance home; provided the developer follows the specific regulations established in this section for "zero lot line" townhouse units or patio homes.

A. REASONS FOR SPECIAL REGULATIONS

1. The narrow lots needed for townhouses and patio homes are not provided elsewhere in the "Etowah, Tennessee Subdivision Regulations." The sizes of these lots are typically well below the minimum square footage that is needed to provide adequate subsurface sewage disposal.
2. The narrow lots to be allowed are not suitable for any other housing type. The townhouses and patio homes must be "in place" before Final Subdivision Plat Approval is granted. Obviously, if such lots were sold to different owners while still "unbuilt," the owners would have great difficulty arranging a coordinated townhouse construction program since many share a lot line and oftentimes a common wall.
3. Etowah wishes to offer residents a variety of housing choices that are affordable, safe, protect the property values of surrounding properties, and that will provide a higher quality of living to those moving into the area.

B. DEFINITIONS (particular to this section):

Developed Area. The combined areas of the Major Lots, Road Rights of Way and Utility Easements

Major Lot. The group of minor lots covered by one complete building

Minor Lot. The land, including front, rear, and side setbacks (where applicable) upon which one individual dwelling unit is placed.

Townhouse. Townhouses in the Etowah Planning Region are defined as all of the following, and townhouse subdivisions shall be approved only for housing units that meet this complete townhouse definition:

- a) a single-family residential dwelling of one, two, or three floors, having at least one bedroom, and having or appearing to have a common wall with an adjacent similar unit or units.
- b) each unit is built within an individually owned parcel of land that is owned by the owner of the townhouse unit, and the sale of the unit includes the sale of the land as well.

- c) single-family units which are built in sets of between three (3) and seven (7) units per building.
- d) units having fire walls constructed in accordance with the provisions of the current edition of the International Building Code regarding building separation and fire-rated separating walls.
- e) units having individual architectural characteristics to the extent feasible, such as different front wall setbacks, different roof heights, and different, but harmonious building materials and/or colors.

Patio Homes. Single-family residential dwelling of one (1) or more floors, which does not have any common walls shared with adjacent dwelling units, but which is located to one side of a less than standard width lot. Often these homes are built on a side property line with a usable area between structures that may contain a yard, landscaped garden, or other outdoor living area.

C. REQUIREMENTS FOR TOWNHOUSE & PATIO HOME LOTS:

- 1. Minimum Minor Lot Area: 2,600 square feet**
- 2. Minimum Minor lot Width: 26 feet**
- 3. Minimum lot Depth: 100 feet, provided front and rear setbacks are met**
- 4. Minimum Building Setback lines.**
 - a) Front: 25 feet from road right-of-way unless the design provides a suitable arrangement of rear parking, in which case lesser front yard setbacks of no less than 10 feet may be allowed if approved by the Planning Commission. All units shall front on interior local roads that will only serve the proposed development (units may not front on existing public roads).
 - b) Rear: 25 feet.
 - c) Side: for townhomes there shall be no side yard setback except for the end units, which shall have a 10 foot setback from the side lot lines adjoining other townhouses or patio homes (20 feet total separation) or a 15 foot setback from the side lot line adjoining a non-townhouse or patio home lot. Side yards abutting a public or private road shall have a side yard setback of 35 feet from the road right-of-way.

Side: for patio homes there shall be no side yard setback on one side of the home, but at least a 10 foot setback from the side lot lines adjoining other townhouses or patio homes (10 feet total separation between patio homes and

20 feet total separation between patio homes and townhouse units) or a 15 foot setback from the side lot line adjoining a non-townhouse or patio home lot. Side yards abutting a public or private road shall have a side yard setback of 35 feet from the road right-of-way.

5. **Maximum Developed Area:** 70% of total site, the remainder being open space, privately maintained by the Homeowners Association and not by McMinn County or the City of Etowah.
6. **Water and Sewerage Systems:** Public water, fire protection, and sewerage systems shall be required for all townhouse and/or patio home subdivisions. If the existing lines are not available, the developer shall run lines to the development, which connects on to a public water and sewerage system. The specifications for line size for water and sewer shall be approved by the utility having jurisdiction. The small narrow lots preclude the use of individual wells and traditional septic systems.
7. **Underground Utilities:** All utilities such as but not limited to water, sewer, gas, electrical, cable, fiber optic cable, etc. shall be located underground with no overhead lines or utility poles other than street lights being visible.
8. **Road Construction and Drainage:** All proposed roads, curbs, and drainage facilities shall be built in accordance with the construction standards for public subdivision roads contained in the Etowah Municipal-Regional Subdivision Regulations with the following exceptions
 - a) Road right-of-ways shall be a minimum of 50 feet wide for streets that connect existing public roads, and a minimum of 40 feet wide for cul-de-sacs and internal horseshoe type loops.
 - b) Pavement widths shall be a minimum of 24 feet wide for travel lanes with curbed shoulders, and an additional 8 feet shall be added on sides where on-street parking will be made available.
 - c) Off-Street Parking: Three (3) spaces shall be provided for each townhouse unit. The spaces shall be a minimum size of 9 feet by 18 feet. At least two spaces shall be located entirely on the townhouse lot within a garage, driveway, etc. rather than on the street. The third space may be located on the townhouse lots, in a public use area, or in the street if where on-street parking is made available.
9. **Flood Protection:** The building sites within the townhouse and/or patio home subdivision shall be located in flood-free areas or shall otherwise be shown to be above the level of the 100-Year Flood in accordance with the Federal Emergency Management Flood Insurance Rate Maps and local flood ordinances.

- 10. Reconstruction:** In the event that one or more townhouse units are destroyed by fire or other cause, no structures shall be placed on any vacant townhouse lots except another townhouse unit which must be built according to the intent of these regulations.

E. SUBDIVISION PLAT APPROVAL PROCEDURE.

To prevent the sale of individual "unbuilt" lots, no individual lots can be recorded with the McMinn County Register of Deeds until the following steps in the subdivision and development process shall have been followed by the developer:

Step 1: Prepare a Preliminary Subdivision Plat for the proposed townhouse/ patio home development.

The Preliminary Plat (drawn to scale) shall provide the following information and show the following elements as they will be arranged on the site of the townhouse/patio home subdivision:

- a) name of subdivision,
- b) name, address, and phone number of owner of record and the applicant,
- c) date of drawing,
- d) scale of drawing (not smaller than one (1) inch equals fifty (50) feet),
- e) north point,
- f) total land area in acres in each phase of the planned subdivision,
- g) locations and dimensions of all property lines including the major lots which will each contain a group of three (3) to seven (7) townhouse units and the minor lots on which they sit, or the lots for the patio homes,
- h) contour lines of five (5) feet vertical intervals shall be required when changes in elevation are less than one-hundred (100) feet. On sites with elevation changes greater than one-hundred (100) feet, vertical contours of twenty (20) feet are permitted,
- i) proposed location of each townhouse group showing number of units in each building, the property lines dividing any common walls, and the location of the proposed structures (conceptual drawings, perspectives, etc., are not required but will assist the Planning Commission in understanding the proposal),
- j) building setback lines,
- k) proposed parking space locations,
- l) existing and proposed sewer and water lines and fire hydrants
- m) existing and proposed public road rights-of-way and pavement widths,
- n) existing and proposed utility easements or other needed easements,
- o) retaining walls, sidewalks, and other similar proposed features,
- p) landscaped areas or other special proposed areas, such as recreation facilities,
- q) natural or proposed water courses or water bodies and drainage

- structures, and
- r) limits of 100-year flood area (as defined by the Federal Emergency Management Flood Insurance Rate Maps), if any.

The preliminary subdivision plat shall also meet the requirements for a preliminary subdivision plats as required for typical development under the Etowah Municipal-Regional Subdivision Regulations. In cases of conflict, the more restrictive requirement shall apply.

Step 2: At least ten (10) business days prior to a scheduled Etowah Municipal-Regional Planning Commission meeting, the developer shall submit a copy of the proposed preliminary plat to the planning commission staff. Staff will review the plat and place it on the agenda for the next planning commission meeting.

Step 3: Meet with the Etowah Municipal-Regional Planning Commission and obtain their approval of the preliminary plat. Approval will be based on the requirements mentioned herein.

Step 4: Proceed to construct the required improvements (roads, drainage facilities, and utilities, as well as the townhouse units or patio homes for the whole development or for one or more phases according to the approved preliminary plat.

The standards for subdivision roads, drainage, water supply, and sewerage extensions contained in the Etowah Municipal-Regional Subdivision Regulations shall apply, and only curbed roads with proper drainage will be accepted (no graveled shoulders).

Step 5: Prepare a Final Subdivision Plat of the built phases showing how the major lots on the approved preliminary plat have been divided into minor lots for individual townhouses or patio homes.

NOTE: The Final Subdivision Plat shall show the individual lot lines exactly where the side walls of the townhouse units or patio homes were actually built after any site adjustments were made. Also, the Final Plat shall show the following certificates/certifications:

- a) Certificate of Ownership and Dedication
- b) Certificate of Survey Accuracy
- c) Certification of the Approval of Roads
- d) Certification of E-911 Approval
- e) Certification of Approval for Water System
- f) Certification for Approval for Sewer System

- g) Certificate of Approval for Recording
- h) Certificate of Approval by the Planning Commission

Step 6: Ten (10) business days prior to a scheduled Planning Commission meeting, present the Final Subdivision Plat of the built-up phases to the planning commission staff for careful plat review, as well as a careful field check of the development; and place the requested Final Subdivision Plat review on the official Planning Commission agenda.

Step 7: Be at the scheduled Planning Commission meeting, with four (4) copies of the signed final plat (at least three (3) copies must have original signatures - the others may be copies). If all of the appropriate requirements for the Final Subdivision Plat have been met or adequate bonds, approved by City have been posted to cover incomplete roads or infrastructure, then the Planning Commission shall grant final subdivision approval for the phases which have "finished" townhouse units or patio homes on each lot. The term "Finished" shall mean complete as far as walls, flooring, roofing, windows, and utility systems, lacking only final painting, wallpapering, or other minor work.

Step 8: A guarantee in lieu of completion for the roads or infrastructure in the form of a surety bond or certified check may be held by the City of Etowah (or a homeowners association in the case of private roads) for one-year to assure satisfactory completion. The amount of the surety bond or check shall be sufficient to cover the cost of completing the incomplete infrastructure.

Step 9: Record the final plat and proceed to sell the individual townhouse units or patio homes.

ARTICLE VIII

DESIGN REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

8.01. CONFORMANCE TO ADOPTED TRANSPORTATION PLAN. All streets and other features of the *Transportation Plan of Etowah, Tennessee* or the *Major Thoroughfare Plan of McMinn County* as appropriate, shall be platted by the subdivider in the location and to the dimensions indicated on the adopted Transportation Plan/Thoroughfare Plan.

8.02. CONTINUATION OF EXISTING STREETS. Existing streets shall be continued at the same or greater width, but in no case less than the required width.

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.

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. No street shall be approved which is more than two (2) feet below flood elevation. Fill may be used for streets in areas subject to flood provided such fill does not unduly increase flood heights. The minimum road elevation shall be no lower than elevation level for a flood of 50-year frequency of occurrence, as determined by TVA.

Drainage openings and facilities shall be designed for a ten-(10) year storm event and so as to not restrict the flow of water and unduly increase flood heights.

8.05. STREET NAMES. The street names shall require the approval of the planning commission and the McMinn County E-911 Board. County Road numbers for streets in the planning area shall be obtained from the E-911 director or McMinn County Road Superintendent. Streets that are obviously in alignment with streets already existing and named shall be given the name/number of the existing street.

8.06. RESTRICTION OF ACCESS. When a tract fronts on an arterial or collector street, the planning commission may require such lots to be provided with frontage on a marginal access street or may require reverse frontage lots.

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.

8.08. PRIVATE STREETS AND RESERVE STRIPS. There shall be no private streets platted in any subdivision within the city limits of Etowah. Private roads or easements in the

planning region are permitted, provided they comply with such rules and regulations as may be adopted from time to time by the McMinn County Commission.

There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the city, or in the planning region with McMinn County, under conditions approved by the planning commission.

8.09. EASEMENTS. Easements having a minimum width of ten (10) feet shall be provided where deemed necessary along each side and rear lot line for utility lines and underground mains and cables. Easements of the same or necessary 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 traversed by a water course, drainageway, channel or stream, there shall be provided a storm water or drainage right-of-way (easement) of adequate width (parallel streets may be required by the planning commission in connection therewith). The drainage easement shall be the same as the area designated as the floodway (as defined in Article III).

8.10 STREET RIGHT-OF-WAY WIDTHS. (Amended 4/19/10) 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 Principal Arterials..... 140 feet
or as may be
required**
- b. **Rural Minor Arterials..... 80 feet**
- c. **Rural Major Collectors..... 60 feet**
- d. **Rural Minor Collectors..... 60 feet**
- e. **Local Streets (Neighborhood)..... 50 feet**
- f. **Marginal Access Streets..... 50 feet**
- g. **Alleys..... 15 to 20 feet**
- h. **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 great length unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than seven (700) 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.

i. 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 dedication to the boundary of such property. Such dead-end streets having a length greater than two hundred (200) feet shall be provided with a temporary turnaround of either a circular or back-and-turn design.

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

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 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 and when used, just compensation therefore shall be paid by the condemning authority.

8.12. STREET PAVEMENT WIDTHS. (Amended 4/19/10) Street pavement widths shall be as follows:

- a. **Rural Principal Arterials..... 48 feet, or greater
as may be required**
- b. **Rural Minor Arterials..... 32 feet, or greater
as may be required**
- c. **Rural Major Collectors..... 30 feet, or greater
as may be required**

- d. Rural Minor Collectors..... **30 feet, or greater
as may be required**
- e. Minor Streets..... **28 feet (with one
parallel parking lane)**
- f. Local Streets (Neighborhood)..... **24 feet**
In Planning Region..... **20 feet with 3 foot
gravel shoulders**
- g. Alleys..... **11 to 16 feet**
- h. Cul-de-sacs..... **24 feet with forty
(40) foot radius
for turn-around**
In Planning Region..... **20 feet plus 3 foot
gravel shoulders**
- i. Through proposed neighborhood or local business areas, the street widths shall be increased twelve (12) feet on each side to provide for turning movements of vehicles into and out of necessary off-street parking areas without interference to traffic.

Note: The pavement widths are measured from the face of the curb to the face of the curb. These widths are considered the minimum necessary to accommodate modern traffic. Street parking must, of course, be considered in the pavement widths. Where no street parking is permitted or none is anticipated, allowances may be made. A parallel parking lane normally requires eight (8) feet. On minor streets, a moving traffic lane should have a minimum of ten (10) feet. Neighborhood street where the abutting property had adequate off-street parking and traffic moves slower, provisions for one (1) lane of parking and two (2) nine (9) foot traffic lanes may be adequate. (Pavement widths for major streets are normally a responsibility of the governing body.) (Amended 05-20-02)

8.13. STREET GRADES. Maximum and minimum street grades shall be fourteen (14) percent and five-tenths of one percent (0.5) respectively.

NOTE: These street grade limits are considered to be the optimum requirements to provide adequate safety. Different topographical situations may necessitate adjustment. The minimum grade requirement is necessary for drainage purposes. In this regard, it should be considered that in addition to accommodating traffic, streets are the heart of the surface drainage system.

Horizontal Curve/Street Profile

Street Jogs/Intersection

8.14. HORIZONTAL CURVES. (Amended 4/19/10) 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. **Rural Principal Arterial.....300 feet**
- b. **Rural Minor Arterial.....300 feet**
- c. **Rural Major Collector.....200 feet**
- d. **Rural Minor Collector.....200 feet**
- e. **Local Streets..... 100 feet**

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 pavement. Where, in the opinion of the planning commission, topography warrant 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 shall be required.

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 set back sufficiently to permit such construction.

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

8.18. STREET JOGS. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.

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 city or county government with regard to the installation of any street 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 the city or a private firm to install the necessary improvements.

9.01. MONUMENTS.

- a. All corners shall be established with a metal or concrete objects. Metal corners (monuments) shall be no less than ½ inch in diameter, concrete corners shall be no less than 4 inches in diameter, both shall be no less than 18 inches in length. Monuments shall be placed so the top is flush with the finish grade.
- b. Concrete markers shall have a permanent mark for the survey point and shall have the surveyor's name or company name attached or stamped. All new monuments shall have a cap or tag of non-corrosive material with surveyor's registration number or company name stamped.

(Ref. Sec. 0820-3-.07 (1) (h) *Rules of Tenn. State Board of Examiners for Land Surveyors*)

9.02. 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 nearest edge of the roadway surface shall be a minimum of 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 area 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 obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade. This provision applies 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. The

filling of utility trenches and other places not accessible to a roller shall be mechanically tamped.

9.03. INSTALLATION OF UTILITIES. After grading is completed and approved and before any base is applied, all of the required underground work, water mains, sewer lines, gas mains, etc., and all service connections, shall be installed completely and approved throughout the subdivision.

9.04. REQUIRED INSPECTIONS DURING ROAD CONSTRUCTION. Before road construction begins the developer shall contact the Public Works Director or McMinn County Road Superintendent as notification and to discuss pre-construction specifics. While road construction is taking place, inspections shall be made by the director/superintendent before, during and after each step or process, and prior to the next course or procedure. The director/superintendent shall check the width, depth and crown of the road and such other aspects of the work as he deems necessary. Weight tickets showing the type, class, and weight of gravel and surfacing material shall be furnished to the director/superintendent after the completion of each step.

9.05. STREET OR ROAD BASE. The base shall consist of crushed stone, Grade D, Class B., compacted to six (6) inches, and constructed as specified in Tennessee Department of Transportation (TDOT) *Standard Specifications for Road and Bridge Construction*, 1981, as revised. If mineral aggregate 303-02 is used, it may be compacted to a minimum of four (4) inches as a base for two (2) inches of asphaltic concrete. When the base is laid, the developer must notify the director/superintendent to inspect the base before proceeding to the installation of the surface course.

9.06. ASPHALTIC CONCRETE SURFACE COURSE (HOT-MIX). The road surface (paved surface) shall consist of two (2) inches of approved asphalt course. The surface course shall have not less than an average weight of two hundred twenty (220) pounds per square yard. Bituminous plant-mix base (hot mix) shall conform to the Tennessee Department of Transportation *Standard Specifications for Road and Bridge Construction* (and any revisions) dated March 1, 1981. Materials will conform to Section 307 (Grading C). When the surface course is completed, the developer shall notify the director/superintendent to inspect as the third and probably, final inspection needed for approval. At the time of notification, the developer shall provide the director/superintendent with the job-mix formula, to ensure that proper materials and standards have been used.

NOTE: Each new street or road proposed under these regulations shall be inspected by the Director of Public Works, City of Etowah or the McMinn County Road Superintendent, or their duly authorized representative, at three stages during the construction process. The first inspection is when grading has been completed, the second after laying the street base, and the third after putting down the asphaltic concrete surface course.

Tangent Section Type 1

Tangent Section Type 2.

9.07. CURBS AND GUTTERS. Within the Etowah Planning Region, the subdivider shall provide one (1) of the illustrated types of concrete curbs and gutters, where public sewer is available. Backfill shall slope towards the curb and be higher than the curb to ensure drainage of surface water into the drainage system. Where public sewer is not available the developer has the option of installing curb or a three foot gravel shoulder (a minimum of 4-inches compacted) on both sides of the pavement.

9.08. STORM DRAINAGE. An adequate drainage system including necessary open ditches, pipes, culverts, intersecting drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

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 a licensed engineer, architect, or surveyor, using Talbot's formula for a ten-year storm event, 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 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.

9.09. WATER SUPPLY SYSTEM. Water mains and appurtenances properly connected with the community water supply and approved by the State of Tennessee Department of Environment and Conservation, shall be constructed in each subdivision to adequately serve all lots for domestic use and fire protection. All construction of water lines and appurtenances may be made by the Etowah Utilities District, either with their own forces, or by contract, upon the subdivider making proper bond or financial arrangements with Etowah Utilities. The subdivider may construct said water lines and appurtenances but said construction shall be subject at all times to the inspection and approval of Etowah Utilities District or local health authority. All inspections will be at the cost of the subdivider.

All water mains, except services, shall not be less than six (6) inches in diameter and of a material approved by the Division of Water Supply, Dept. of Environment & Conservation. Fire hydrants shall be installed in any subdivision within the Etowah city limits. The fire hydrants shall be located at the end of each line and no lot shall be more than five hundred (500) feet from a fire hydrant. No two (2) inch water mains shall be installed under any circumstances and no fire hydrants shall be located on four (4) inch mains.

The specifications of all material, including but not limited to fire hydrants, and the manner in which all lines and appurtenances are laid shall meet inspection and approval of the local health authority.

All water construction plans for subdivisions shall include a service from the main water line to the property line of each proposed lot in order that each proposed lot, at the time of construction, may be served by water without the installing of additional lines. The end of each service shall be properly marked.

The entire cost and expense 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,

Types of curbs

fittings, fire hydrants, trenching, backfilling, and services shall be borne by the subdivider including the stipulated payment for tapping and metering the system to serve each lot.

The provision of this section shall apply to all major subdivisions within 1,000 feet of an existing water supply system, and may apply to minor subdivisions if deemed appropriate by the Etowah Regional Planning Commission.

9.10. SEWAGE DISPOSAL. When any portion of a proposed subdivision is located within five hundred (500) feet of an existing public sanitary sewer line, sanitary sewers shall be installed to serve all the lots within the subdivision. Should the subdivision have elevations which are below those of the nearest public sanitary sewer, a lift station shall be installed by the subdivider provided the public sanitary sewer is within a reasonable distance of any portion of the subdivision. All sanitary sewer construction shall be built in accordance with the rules and regulations of the Tennessee Department of Environment and Conservation. All construction of sanitary sewers and appurtenances shall be by The Etowah Utilities District, either with their own forces or by contract, upon the subdivider making proper bond or financial arrangements with said district. The subdivider may construct such sanitary sewers and appurtenances but said construction shall be subject at all times to the inspection and approval of the Etowah Utilities District. All inspections will be at the cost of the subdivider.

All sewer lines except a house service shall be no less than eight (8) inches of material approved by the Department of Environment and Conservation. Manholes shall be constructed to standard city specifications and located not more than four hundred (400) feet apart and at each change in direction and/or grade. Force mains shall be no less than four (4) inch pipe. Lift stations shall be prefabricated steel ejector type or duplex pump type. All construction in general shall conform to the requirements of and shall meet the approval of the Etowah Utilities District and the Department of Environment and Conservation.

All sewer construction plans for subdivisions shall include a house service from the main sewer line to the property line of each proposed lot in order that each proposed lot at the time of construction may be served by sewer without the installing of additional lines. The end of each house service shall be properly marked.

The entire cost and expense of installing the connection to the existing public sanitary sewer line and including but not limited to the cost of pipe, manholes, lift stations, force mains, trenching, excavation, backfill and services shall be borne by the subdivider including the stipulated payment for tapping the system to serve each lot.

Where a subdivision is located beyond the service limits 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 in the form of certified approved percolation tests shall be required. Subdivisions shall also have lot sizes which are adequate for the installation of the proposed individual system and all such subdivisions shall be approved by the Department of Environment and Conservation representative for McMinn County in writing.

The provisions of this section shall apply to all major subdivisions and may apply to minor subdivisions if deemed appropriate by the Etowah Regional Planning Commission.

NOTE: Upon receipt of a preliminary plat, the Dept. of Environment & Conservation reviews the data and a field investigation of each lot is made. If percolation rates are acceptable, other

topographic features including lot sizes are considered. In addition to unsatisfactory percolation test results, lots may be deemed unacceptable because of rock outcroppings, gullies, natural storm drains, excessive slope and the like. In view of topographic features and percolation test results, the maximum amount of available unusable area for subsurface disposal is determined for each lot. Calculations are made to determine the maximum number of bedrooms for a home and/or the maximum daily flow of sewage from establishments or institutions allowable for each lot. These data limitations and restrictions will be entered on the final plat by the Department of Environment and Conservation. This does not preclude the developer from enlarging lot sizes, combining unsuitable lots with acceptable ones, or designating certain lots for uses not requiring sewage disposal facilities as long as other requirements of the planning commission and other agencies are satisfied and provided that the above named alternatives are reviewed and approved prior to the preparation of the final plat. For lots with existing septic sewage disposal systems, the location of the entire septic system should be shown on the plat, regardless of lot size. The plat containing said lot shall also show the Existing Septic System Certificate as shown in Section 6.14 (Amended 2/17/2003)

9.11. SIDEWALKS. Within the city of Etowah, for the safety of pedestrians and of children at play and on approaches to shopping and community facilities (schools, parks, etc.), installation of sidewalks on both sides of streets shall be required of the developer, unless specifically waived by the planning commission. In the planning region, sidewalks may be required by the planning commission where public sewer is provided to a subdivision, and for commercial developments.

When sidewalks are required, the following specifications shall be met: sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date. In single-family residential areas, concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In multi-family or group housing development, sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas, sidewalks shall be a minimum of six (6) feet wide or larger to conform to adjoining sidewalks, and four (4) inches thick.

9.12. 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 planning commission; or
- b. The planning commission has accepted a surety bond or certified check in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city, county, or other responsible utility system in the event of default by the subdivider.

NOTE: The planning commission shall set the amount of the bond based upon the cost of improvements estimated by the city or other responsible utility district or official designated by the planning commission.

9.13. ACCEPTANCE OF STREET/UTILITY BY CITY/COUNTY COMMISSION.

- a. The procedure for acceptance of streets by the City of Etowah/McMinn County and water/sewer mains by the Etowah Utilities District, for operation and maintenance is as shown below:
1. Construction is complete.
NOTE: For water and sewer Mains two (2) sets of “as built” plans shall be provided to the Etowah Utilities District.
 2. The director of public works/road superintendent conducts a final inspection and determines the street is satisfactory. Water and sewer mains shall be inspected by the manager of the Etowah Utilities District or his designated representative.
 3. A maintenance bond is furnished for the street as described in section “b” below.
 4. The director/superintendent or manager recommends the street/utilities be accepted into the city/county system for maintenance.
 5. The city/county commission approves a resolution accepting the street; the Board of Directors of the Etowah Utilities District accepts the utility mains into the system.
- b. Any street constructed by the developer shall have a maintenance bond to cover the cost of any repairs during the first eighteen (18) months of use after being accepted by the city/county.
1. The amount of the maintenance bond shall be forty (40) percent of the value of the road and drainage improvements accepted by the city/county.
 2. The city/county shall attempt to notify the developer prior to making any repairs, except for repairs deemed to be an emergency, so the developer shall have an opportunity to make the repairs without calling the bond. Emergency repairs will be billed to the developer.
 3. Release of the bond will be made upon expiration of the 18 month period, a final inspection by the director of public works/road superintendent, a favorable recommendation by the Etowah city manger/McMinn county attorney, and approval of the city/county commission.

ARTICLE X

VARIANCES AND AMENDMENTS

10.01. 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.

10.02. AMENDMENTS. These regulations may be amended from time to time by the planning commission. However, before enacting an amendment, the planning commission 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 city.

ARTICLE XI

LEGAL STATUS PROVISIONS

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.

11.02. CONFLICT WITH OTHER REGULATIONS. No final plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such ordinance.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning ordinances, building codes, or other official regulations, the highest, or more restrictive standard shall apply.

11.03. ADOPTION AND EFFECTIVE DATE. These regulations shall take effect and be in force from and after the first day of its adoption, the public welfare demanding it.

Adopted by the planning commission on the ___ day of _____, 19 ____.

CHAIRMAN
ETOWAH REGIONAL PLANNING COMMISSION

APPENDIX

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APPENDIX

Proposed Floodway, Cane Creek, Vicinity
of Etowah, Tennessee

High Water Profiles Conasauga and Cane
Creeks. Vicinity of Etowah, Tennessee

SUBDIVISION REGULATIONS

FOR

ETOWAH, TENNESSEE

AS PREPARED BY THE

ETOWAH REGIONAL PLANNING COMMISSION

**Jim Alsip, Chairman
Chris Watts, Vice-Chairman**

**Burke Garwood Leroy Hershey Evan Ray Don Rogers
Gene Keller**

**MARCH 15, 1999
(As amended through March 12, 2014)
(Originally Adopted October 23, 1972)**

ANSWERS TO QUESTIONS OFTEN ASKED ABOUT SUBDIVISION REGULATIONS

1. Are subdivision regulations fair to everyone?

Yes, the written regulations provide the local planning commissions with uniform procedures and standards of design and construction by which to appraise equally and fairly all plats 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, in most cases. "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 definition in Article 2.)

4. What's 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 planning commission approval in writing.

5. Can I sell by 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 (TCA 13-3-410).
- b. Most lending agencies will not approve or guarantee loans.
- c. State law requires that public bodies shall not extend sewers, water mains, lighting or other utilities in unauthorized roads.
- d. Where building permits or zoning are in effect, a building permit to construct any building will be withheld.
- 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 require the developer to grade and improve roads, install curbs, 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 without regulations, often 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 roads 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?

Your local planning commission's printed set of regulations include the procedure for having a plat approved. The planning commission meets at regular intervals and your preliminary plat is submitted in advance of the meeting at which it is to be considered. It is suggested that you consult your planning commission early so as to become familiar with the official plans that might affect your area.

11. What if I wish to lay out a commercial or industrial subdivision?

The provisions of subdivision regulations apply to all subdivision 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 in detail 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, advice on layout and design is available from the planning staff of the Local Planning Office of the Tennessee Department of Economic and Community Development.

SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION

- * Confer with the planning commission and its staff representatives to become thoroughly familiar with the subdivision requirements, the major street plan and other public improvements which might affect the area to be subdivided.
- * Have preliminary sketch plat prepared by a reputable engineer or surveyor.
- * Discuss preliminary plat with staff representative. The preapplication 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 city engineer or designated approving agent(s) for street and utility specifications; contact city or 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 performance bond 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. He is now ready to sell his lots.

PUBLIC NOTICE

The Etowah Regional Planning Commission will hold a public hearing on proposed changes to the Etowah Subdivision Regulations, which will be applicable to the City and to The Etowah Planning Region. These changes include new definitions, revisions to the certifications required, establishing procedures for taking over streets and utilities, and adding illustrations.

The hearing will be held at 6 p.m. in the Etowah City Hall, 723 Ohio Ave. on Monday, March 15, 1999.

Copies of the proposed regulations are available for review at the Etowah City Hall during normal business hours. All interested persons are urged to attend the hearing.

John Solsbee
City Manager

SUBDIVISION REGULATIONS

Etowah, Tennessee
Amended Through 3/12/2014
(Originally Adopted 10/23/72)