

SUBDIVISION REGULATIONS

FOR THE

TOWN OF POWELLS CROSSROADS

TENNESSEE

May 12, 2003
(as amended through 4/9/13)

PREPARED

BY THE

POWELLS CROSSROADS MUNICIPAL PLANNING COMMISSION

In the adoption and administration of subdivision regulations the Town of Powells Crossroads, the Powells Crossroads Municipal Planning Commission has sought and will seek to do that which is for the greatest good of the greatest number of citizens. It does not propose to make elaborate plans just for the sake of planning, nor does it propose to burden the developer of new residential areas and the builder of new houses with unreasonably costly or unnecessary requirements. It does propose to carry out the instructions that the Legislature gave in 1935 by prescribing reasonable and proper minimum standards to be complied with in the opening and development of any new residential subdivision within the town.

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

PURSUANT TO THE AUTHORITY SET FORTH IN SECTION 13-4-301 THROUGH SECTION 13-4-309, **TENNESSEE CODE ANNOTATED**, AND FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY, AND GENERAL WELFARE OF THE TOWN; 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 DEVELOPMENT 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 POWELLS CROSSROADS, TENNESSEE, THE MUNICIPAL PLANNING COMMISSION OF THE TOWN OF POWELLS CROSSROADS, TENNESSEE, DOES ADOPT AND ENACT THE FOLLOWING CHAPTERS AND SECTIONS.

ARTICLE II

SHORT TITLE

This document shall be known and may be cited as the “Subdivision Regulations of the Town of Powells Crossroads, 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.

Bond. A letter of credit, certified check or cashiers check in a form satisfactory to the planning commission for the amount of the estimated construction cost plus 50 percent. The bond is to guarantee the timely completion of physical improvements to be dedicated to the town, according to plans and specifications.

Buffering. A strip of land not less than ten (10) feet in width planted in grass, ground covers, shrubs and/or trees. This strip may be provided through the preservation of existing vegetation or the planting of evergreen shrubs or trees that will attain a minimum height of eight (8) feet at maturity. No structures (except for fences and approved signs) shall be permitted in the green strip.

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

Developer. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity effecting a subdivision of land hereunder for him/herself or for another. This includes the terms applicant, owner and subdivider.

Drainage Easement. A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural watercourses or that is a natural watercourse. Drainage easements shall not be filled-in or built upon in any way that will impede the flow of surface water.

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

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

Floodway. The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to provide for the passage of flow from the

regulatory flood (the 100-year Flood). This area must be left unobstructed in order to preserve the flood-carrying capacity of the stream and its flood plain without appreciably increasing the height of the floodwaters.

Frontage. The side of a lot abutting on a street. For a flag lot, frontage is measured at the narrowest width of the lot, excluding the stem of the lot extending to a street.

Health Authority. The environmentalist of the Marion County Health Department or his duly authorized representative, usually a sanitarian or environmentalist employed by the Tennessee Department of Environment and Conservation..

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 at the time of adoption of these regulations.

Minor Subdivision. All divisions of a tract into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The following are not included within this definition: any division of land involving a new street; a change in an existing street; or the extension of water, sewer or gas lines.

Monument. A permanent concrete or iron marker or natural object used to definitely establish all lines on the plat of subdivision including all lot corners and points of change in street alignment. Monuments shall meet or exceed the standards of section 0820-3-.07(1)(h) *Tennessee Land Surveyors Laws and Regulations, 2000* (as amended). See also section 9.01 of these regulations.

Planning Commission. The Town of Powells Crossroads Municipal Planning Commission.

Simple Land Splits. All Divisions of a tract into two (2) lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. Provided that there are no new utility or street extensions and/or a request for a variance in the strict application of the Powells Crossroads Subdivision Regulations.

Street. 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 "streets" are divided into the following categories:

- a. Arterials - principal traffic carriers connecting distant points. The streets designated as such as shown on the Powells Crossroads, Tennessee Major Road Plan
- b. Collectors - A street that carries traffic from local streets to arterial streets. The streets designated as such in the Powells Crossroads, Tennessee Major Road Plan;
- c. Local Streets - a neighborhood street used primarily for access to the abutting properties;
- d. Marginal Access Street - a minor street parallel and adjacent to major thoroughfares which offers access to abutting properties;
- e. Alley - a minor way used for service access to the back or side of properties otherwise abutting on a street, and
- f. Cul-de-sac - a local street with only one outlet, sometimes called a dead-end street.

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

Subdivision: According to Tennessee Code Annotated Section 13-4-301, as amended a subdivision is:

The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

The following types of “divisions” of land are not “subdivisions within the meaning of these regulations: 1) the testamentary division of property or a partnership division of property between two (2) or more owners of an undivided interest either among themselves or by court order.

2) Divisions where the resulting tracts are all over five (5) acres, all have frontage on an existing publicly maintained roads, and where no extension of public water or sewer lines is required.

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

Yard, Front. The open space unoccupied by any building between the street right-of-way line and the principal building.

ARTICLE IV

PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

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

Section 4.01. Platting Authority. From and after the passage of these regulations, the Planning Commission shall be the official platting authority, and no plat of a land subdivision as defined in these regulations shall be entitled to record in the office of the Marion 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.

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

Section 4.03. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Sec. 13-4-302, *Tennessee Code Annotated*.

Section 4.04. Opening and Improving Public Streets (Roads). As provided in Sec. 13-4-307, *Tennessee Code Annotated*, no public officer, authority or chief legislative body of the municipality shall accept, layout, open, improve, grade, pave, or light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a 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. The Mayor and Board of Aldermen may accept or lay out any other road provided the ordinance for such acceptance, laying out or adoption shall first be submitted to the Planning Commission, for its approval and, if disapproved by the Planning Commission, shall receive at least a majority vote of the entire membership of the Mayor and Board of Aldermen.

Section 4.05. Erection of Buildings. As provided in Section 13-4-308, *Tennessee Code Annotated*, no building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Planning Commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations and Section 13-4-307, *Tennessee Code Annotated*.

Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the town attorney or other official designated by the Powells Crossroads Board of Mayor and Aldermen may bring action to enjoin such erection or cause it to be vacated or removed.

Section 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 Section 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.

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

ARTICLE V

PRELIMINARY PLATTING REQUIREMENTS

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

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

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

Section 5.02. Preliminary Plat Approval

5.02.01. Application for Preliminary Plat Approval. Following the preapplication review of a proposed subdivision, the subdivider shall inform the planning commission's professional staff of his readiness to request preliminary plat approval. This contact should be made at least ten (10) days prior to the next scheduled meeting of the Planning Commission that is the second Monday of every month. The subdivider shall provide six (6) copies of the preliminary plat to the to be distributed to the following agencies:

- 1) Planning commission (3);
- 2) Marion County Health Department;
- 3) Town building inspector
- 4) Marion County E-911 Office

5.02.02. Review of Preliminary Plat. During its scheduled meeting, the planning commission shall check the plat for conformance to these regulations.

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

The Planning Commission shall give approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. The minutes shall contain the reasons for disapproval or the conditions and variances for approval. One (1) copy shall be returned to the subdivider or his agent and two (2) copies added to the records of the Planning Commission.

The Planning Commission shall act on the preliminary plat within thirty (30) days after the plat is presented at a planning commission meeting.

Section 5.03. Preliminary Plat Specifications.

5.03.01. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch unless the unusually large size of the lots allows a smaller scale without an appreciable loss of legibility.

5.03.02. Sheet Size. Sheet size shall be eighteen (18) by twenty-four (24) inches from trim lines, with a two (2) inch binding edge on the long side. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

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

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

- a. Name of subdivision (Note: do not duplicate or closely approximate the names of existing subdivisions in the county);
- b. Name and address of owner of record, subdivider, and surveyor;
- c. North point, graphic or bar scale and date plat was designed;
- d. Vicinity map showing location and acreage of subdivision;
- e. Exact boundary lines of the tract by bearings and distances;
- f. Names of all adjoining property owners and/or subdivisions;
- g. Existing streets, buildings, railroads, culverts, utilities and easements on and adjacent to the tract, as well as natural features such as sink holes, water courses, and rock outcroppings;

- h. Proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- i. Lot numbers, which shall be consecutive;
- j. Outlines of existing and proposed utility layouts and easements (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems. When connections to certain public utilities are not practical, any proposed individual sewage disposal system must be approved by the county health department;
- k. Minimum building front yard, sideyard and rearyard setback lines;
- l. The present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- m. Contour lines at least for every five (5) foot change in elevation;
- n. For land believed to have unusual topographic features, street centerline (vertical curve) profiles may be required by the Planning Commission to show that the proposed streets after grading and construction will not exceed the maximum street grades;
- o. Street cross-section profiles as may be required by the Planning Commission to indicate proper crowning for drainage purposes, and
- p. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limits of such flood shall be shown.

Certificate of Approval of Preliminary Plat

Pursuant to the Subdivision Regulations of the TOWN OF POWELLS CROSSROADS, TENNESSEE, all of the requirements of preliminary approval have been fulfilled. Therefore, the "Preliminary Plat of _____ Subdivision: has been approved by the Powells Crossroads Municipal Planning Commission on _____, _____, 20__ subject to the following modifications:

 _____.

This approval does not constitute approval of a final plat. This Certificate of Preliminary Approval shall expire and be null and void on _____, 19 _____. (One year from approval.)

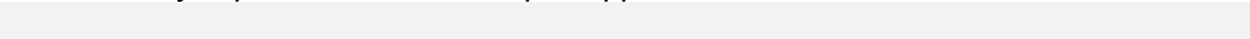
Variances granted if any: _____

_____.

Signed: _____
Secretary

Planning Commission

Note: After the subdivider has received preliminary plat approval, he may begin work on necessary improvements for final plat approval.



ARTICLE VI

FINAL PLATTING REQUIREMENTS

Section 6.01. Final Plat Approval

6.01.01. Application for Final Plat Approval. After the preliminary plat of a proposed land subdivision has been given approval by the Planning Commission, the subdivider may, within one (1) year from preliminary approval, contact the planning commission chairman, secretary, or staff to request review and approval of a final plat. This contact should be made at least fifteen (15) days prior to the next scheduled meeting of the Planning Commission.

The seven (7) prints required here would provide:

- 1) one to be recorded in the files of the County Register;
- 2) two copies for the records of the Planning Commission;
- 3) one copy for the Marion County Road Commissioner;
- 4) one copy for return to the subdivider with inscriptions of the Planning Commission;
- 5) one copy for the Powells Crossroads Building Inspector; and
- 6) one copy for E-911

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

Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on six (6) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. The Planning Commission shall act on the final plat within thirty (30) days after the plat is presented at a planning commission meeting. If the commission fails to take action within this time the final plat shall be considered approved and the secretary shall sign the certificate of approval. Provided however, the applicant for approval may waive this requirement and consent to an extension of time.

To expedite the review process, all divisions of land into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, can be reviewed by planning staff prior to the planning commission meeting. If the plat is in total compliance staff may recommend approval and the secretary of the commission sign the plat approval. The planning staff shall report to the Powells Crossroads Planning Commission, at the commission's next regularly scheduled meeting, all simple land splits, which have received prior staff approval. All plats submitted under this section

are required to have the Planning Commission Secretary's certification block and the staff certification block placed on the plat. (6.02.08 & 6.02.09).

Note: See Article III Definition of Certain Terms Used herein for a complete definition of what constitutes a simple land use split.

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

Note: All certifications with appropriate signatures shall be placed on all seven (7) copies of the plat and any others that may be deemed necessary. No certification or signature shall be placed on the reproducible copy (i.e. mylar).

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

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

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

- a. Date, title, name and location of subdivision, graphic scale, and true north point;
- b. Location and sketch map showing site in relation to area;
- c. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
- d. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;
- e. The lines of all streets and roads, alley lines, property lines, building setback lines, and lots numbered in numerical order;
- f. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true

north point. This shall include the radius, central angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.

- g. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- h. Accurate location, material and description of existing and proposed monuments and markers;
- i. The FEMA Flood Insurance Rate Map (FIRM) Community and Panel Numbers reflecting the land being subdivided and if any portion of the property being subdivided is subject to flood, as defined in these regulations, the limits of such flooding;
- j. Contour lines only if so specified by the Planning Commission;
- k. Deed book reference by volume and page number, i.e. "Deed Book Vol. __, page ____ as recorded in the Marion County Register of Deeds Office," and the tax map and parcel number of the tract(s) being subdivided as shown on the Marion County tax map(s).

6.02.02. Certificate of Ownership and Dedication

I (we) hereby certify that I am (we are) the owners of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and hereby dedicate to the public use all the streets as shown on this plat.

| | |
|------|-------|
| Date | Owner |
| | Owner |

6.02.03. Certificate of Registered Surveyor

I (we) hereby certify that to the best of my (our) knowledge and belief this is a true and accurate survey of the property shown hereon; that this is a class " _____ " _____ Land Survey as defined in Title 62, Chapter 18, *Tennessee Code Annotated*, and that the ratio of precision is greater than or equal to 1: _____.

| | |
|---------------------|--|
| _____, 20 __, _____ | _____ |
| DATE | REGISTERED LAND SURVEYOR LICENSE NUMBER |

6.02.04. Certificate of Approval of Sewage Disposal

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

_____ Date _____ Public Sewer System Official

OR

Marion County Division of Groundwater Protection
Certificate of Sewage Disposal

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

Restrictions: **LIST RESTRICTIONS HERE**

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

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

_____ Environmental Specialist _____ Date
Division of Ground Water Protection

6.02.05. Certificate of Approval of Water System

I hereby certify that each lot shown is served by public water system extensions designed and installed in accordance to applicable local and state regulations.

_____ Date _____ Local Water Utility

6.02.06. Certificate of Approval of Streets and Drainage System

I hereby certify that the streets and drainage facilities shown on this plat have been installed in an acceptable manner in accordance to required specifications or that an adequate bond has been posted.

Date

6.02.07. Certificate of Approval by Gas Utility (if applicable)

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

Date

Natural Gas Company

6.02.08. Certificate 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.

_____, 20 __, _____
Date 911 Board Representative

6.02.09. Certificate by Planning Commission on Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Powells Crossroads, Tennessee, with the exception of such variances, if any, as may be noted on this plat; and that all required improvements have either been completed or covered by an approved bond large enough to complete the required improvements in case of default; and that this plat has been approved for recording in the office of the county register.

Date

Planning Commission Secretary

6.02.10. Certificate by Planning Staff on Approval of Minor Plat

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

Date

Planning Staff

Note: Both Certificates (6.02.08 and 6.02.09) must be placed on Simple Land Split Plats.

6.02.11. Sheet Size. Sheet size shall be no larger than eighteen (18) by twenty-four (24) inches from trim lines, with a two (2) inch binding edge on the long side. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

6.02.12 Private Road/Easement Certification (amended 7/11/05)

"It is hereby certified that the road labeled on this plat is private and not dedicated to the Town of Powells Crossroads. The Town of Powells Crossroads does not accept any responsibility for the maintenance of this private road.

_____ Date _____ Developer

6.02.13 Certificate for Electricity (amended 4/9/13)

This plat shows adequate easements for power lines. Electric power is available to cover all lots shown on this plat based on Sequatchie Valley Electric Cooperative's line extension policies.

_____ Date _____ Electric Power Official

NOTE: The electrical service provider may elect, at its option, to calculate the cost of providing electrical service to all lots in a subdivision and have such cost added to the performance guarantee set forth in Section 9.10.

Section 6.03 Minor Plat

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

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

Section 6.03.02. The subdivider shall submit to the Town seven (7) copies of the survey (hereafter called the “plat”) of the proposed minor subdivision prepared by an approved land surveyor or registered engineer. The plat shall be submitted to the Recorder, Town of Powells Crossroads or the Local Planning Office at least fifteen (15) days prior to the next regular meeting of the Planning Commission in order to receive consideration at said meeting.

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

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

- a. The name and address of owner of record;
- b. Vicinity map showing the location and acreage of the subdivision;
- c. The existing streets, buildings, water courses, utilities and easements;
and,
- d. The present zoning classification, if any, on the land to be subdivided and on the adjoining land.

Certificates that shall be required are: (1) certificate of ownership and dedication; (2) certificate of registered surveyor; (3) certificate of approval of sewage disposal system; (4) certification of the Planning Commission’s approval directly on the plat as prescribed for subdivision plats in Article VI (Six); and any other certificates deemed necessary by the Planning Commission.

NOTE: Where septic tanks are to be used in a minor subdivision, the Planning Commission shall require certificates of approval by the environmentalist/TDEC in which instance all requirements regarding submission of data review and approval procedures as applicable to major subdivisions shall apply.

Section 6.03.05. The Planning Commission shall check the plat for conformance to the subdivision regulations. Thereafter, the Planning Commission shall approve or disapprove the plat. A notation of action shall be made on all copies of the plat, including a statement of the reasons for disapproval, if the plat is disapproved. One (1) copy shall be returned to the subdivider or his agent, and two (2) copies added to the records of the Planning Commission, one (1) copy to be recorded in the County Registers Office, one (1) copy for the Road Commissioner, one (1) copy for the Building Inspector and one (1) copy for the E-911 Office.

If action is not taken by the Planning Commission within thirty (30) days from the date of submittal, the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

ARTICLE VII

DESIGN REQUIREMENTS FOR SUBDIVISIONS

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

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

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

Note: It should be recognized that flooding within the floodway is dangerous to life and property. In floodway fringe areas, waters tend to eddy but do not materially help the flow of water.

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

Section 7.03. Access. Access to every subdivision shall be provided over a public road.

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

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

Note: One of the primary purposes and advantages of planning for the dedication and reservation of property for public use is to indicate areas which may be acquired at present acreage prices rather than at greatly increased prices in the future. Wanting to acquire land for future improvements would increase the expense to the taxpayer and create inconvenience for the individual property owner and for the neighborhood.

Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the dedication of the property should be encouraged. Where the public use is for the public as a whole, the community should pay proportionately for the acquisition of reserved areas within a reasonable time. A reasonable time is to be determined according to the circumstances--the subdivider should not be required to hold his land idle for a lengthy indefinite period.

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

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

- a. Blocks shall be no shorter than four hundred (400) feet nor longer than twelve hundred (1200) feet in length, except in unusual circumstances, and
- b. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impractical.

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

Section 7.08. Lot Sizes. **(amended 6/14/04)** Residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line. Other lot size requirements are as shown in the Powells Crossroads Zoning Ordinance and as follows:

- 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 either public water or sanitary sewer systems shall be at least thirty thousand (30,000) square feet in area or of a size specified by the county health authority. The minimum distance between the septic tank and well shall be one hundred (100) feet;
- c. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be twenty thousand (20,000) square feet. The health authority may require minimum lot sizes greater than the standard contained herein;
- d. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets;
- e. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes, and
- f. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
 - 1) A site that does not unduly interfere with through traffic;
 - 2) An integrated parking area;
 - 3) Buffering against any adverse effect on any present or future adjacent residences, and
 - 4) A parcel size sufficient in area to allow future expansion.
- g. 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 that have full frontage on a publicly maintained street or road.
 - 1. Within the portion of the flag lot that 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.
 - 2. There shall be no more than one (1) flag lot per subdivision
 - 3. No more than two access strips shall be located side-by-side.
 - 4. Flag stems shall not exceed six hundred (600) feet.

5. Width:
 - a) For flag lots of two (2) acres or less, the access strip shall be not less than twenty-five (25) feet in width.
 - b) 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.
 - c) For flag lots of over five (5) acres, the access strip shall be a minimum of fifty (50) feet in width.

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

Section 7.10. Building Setback Lines. **(amended 6/14/04)** Lots shall meet the setbacks required in the Powells Crossroads Zoning Ordinance. In the absence of a zoning ordinance the front yard setback shall be a minimum:

- a. Forty (40) feet from the street right-of-way lines on a state highway
Twenty (20) feet on other streets. See also Sec. 8.11 Additional Width on Existing Streets.
- b. Other minimum setback lines shall be as follows:
 1. From the side property lines 10 feet
 2. From rear property lines 15 feet
 3. From side property line which abuts 20 feet
a minor street (corner lot) or as may be required.

Section 7.11. Lot Abutting Public Streets. Each lot shall abut for at least 50 feet upon a dedicated public street, except for flag lots under section 7.08g above and lots on the turnaround on a cul-de-sac.

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

ARTICLE VIII

DESIGN REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

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

Section 8.02. Continuation of Existing Streets. Existing streets shall be continued at the same or greater width--unless they become cul-de-sacs but in no case less than the required width.

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

Section 8.04. Street Elevations. The Planning Commission may require, where necessary, profiles and elevations of streets in areas subject to flooding or of steep grades, as defined in these regulations. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights. The minimum street elevation shall be no lower than the elevation for a flood of 100-year frequency or occurrence as shown on the Current FEMA Flood Insurance Rate Map (FIRM),

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

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

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

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

Section 8.09. Easements. Easements shall be required along the lines of or across, lots where necessary for the extension of existing or planned utilities or for drainage.

Where a water course, drainageway, channel or stream transverses a subdivision a drainage easement of adequate width shall be provided.

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

- a. Arterials..... 80 feet
or more as may be required

Arterials are major thoroughfares designed to move large volumes of vehicles

- b. Collector Streets 60 feet

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

- c. Local Streets..... 50 feet

- d. Marginal Access Streets 50 feet

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

- e. Alleys 20 feet

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

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

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

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end roads, shall not be greater in length than two thousand (2,000) feet. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an

outside pavement radius of at least forty (40) feet (thirty (30) feet where shoulders are used).

- g. Temporary Cul-de-sacs 50 feet

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

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

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

- a. The entire right-of-way shall be dedicated where any part of the subdivision is on both sides of the existing street; and
- b. Where the subdivision is located on only one (1) side of an existing street, the amount of right-of-way to be dedicated is as follows:
 - 1) If the land across the roadway from the proposed subdivision has not been subdivided or developed, the subdivider is only required to dedicate one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway.
 - 2) If the land across the roadway has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width. In no case shall the right-of-way be less than fifty (50) feet
- c. In cases where rights-of-way in excess of fifty (50) feet are required, additional widths shall be reserved, and when used, just compensation therefore shall be paid by the condemning authority.

Section 8.12. Minimum Pavement Widths; Curbs Required.

Minimum surface widths shall be as follows:

- a. Minor Residential Streets..... 20 feet
- b. Marginal Access Streets 20 feet
- c. Cul-de-sac Streets 20 feet
- d. Collector Streets 24 feet
- e. Arterial Streetsas may be required,
not usually paved by developer

Curbing is required unless specifically waived by the planning commission. Pavement width shall be measured from face of the curb to face of the curb.

Section 8.13. Street Grades. In general, streets shall be planned to conform to existing topographic conditions. Grades may exceed twelve (12) percent but not more than fifteen (15) percent for a distance of up to four hundred (400) feet. Grades at street intersections shall not exceed five (5) percent for a distance of not less than twenty-five (25) feet from the intersection

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

- a. Arterial streets..... 300 feet
- b. Collector streets..... 200 feet
- c. Local Streets..... 100 feet

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

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

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

street corner to less than normal width, the property line at such street corner shall be rounded or otherwise setback sufficiently to permit such construction.

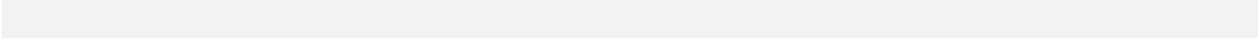
Section 8.17. Tangents. Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

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

Section 8.19. Permanent Easements and Private Streets. (amended 7/11/05)

- a. Permanent easements and private roads under these Regulations are defined as any non-exclusive permanent easement for vehicular access which:
 - 1) serves one lot which does not front on a publicly maintained road and which will contain one, and only one residence, or
 - 2) serving two or more owners or renters for the benefit of those being served by it. A permanent easement utilized by more than one lot or private road shall be owned by (a) the property owner(s) utilizing the easement/road or (b) a property owners association. Said permanent easement or private road may be vacated or closed only by all parties in interest, unless said easement/road is dedicated for public use by the owner(s) *and* accepted by the Powells Crossroads Board of Mayor and Aldermen for maintenance.
- b. Private easements/roads shall meet the following requirements:
 - 1) The maximum number of lots permitted on a private road/easement is four (4). No additional lots or subdivisions are permitted, unless the easement is built to Town standards for a public street and accepted by the Town for maintenance.
 - 2) The permanent easement/private road shall be open to emergency and public safety vehicles.
 - 3) The permanent easement/private road shall not connect two (2) or more public roads.
 - 4) The subdivision plat and individual deeds shall be noted that the permanent easement/private road is a "private road" and a certification shall be noted on the final subdivision plat as shown in section 6.02.12.

- c. The minimum right-of-way width for a private road easement shall be fifty (50) feet. Provided however, where the easement accesses a single lot of less than one acre in size, the planning commission may approve an easement with a right-of-way between 30 and 50 feet.

 - d. For the purpose of these regulations, privately owned and maintained streets within multi-family residential projects, mobile home parks, recreational vehicle parks, shopping malls, and industrial parks connecting to public streets, but where the primary use is for internal circulation by residents or customers, are permitted. The private road/easement certification indicating these are private streets and will not be maintained by the Town of Powells Crossroads shall be shown on the final plat or site plan.
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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.

Section 9.01. Monuments.

- a. All corners shall be established, and shall be metal, concrete, or a natural object. The type of corner (old or new) shall be indicated on the plat. A notation shall be made stating whether the corners were found or set and in addition, the statement shall indicate the material and size of the corner found or set.
- b. Metal corners shall be no less than ½ inch in diameter; concrete corners shall be no less than 4-inches in diameter; and both shall be no less than 18 inches in length unless some impregnable material is encountered.
- c. All new corners place shall have a cap or tag of non-corrosive material with surveyor's registration number or company name stamped. In the case of placement of concrete marker, the marker shall have a permanent mark for the survey point in addition to said cap or tag.

(Ref. Section 0820-3-.07(1)(h) *Tennessee Land Surveyors Laws and Regulations 2000*, as amended)

Section 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 fifteen (15) feet from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

- a. Preparation. Before grading is started, the entire right-of-way areas shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
- b. Cuts. All tree stumps, boulders and other obstruction shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to depth of twelve (12) inches below the subgrade; all

topsoil shall be removed except where deemed not applied to the roadway and not necessarily to the entire right-of-way width.

- c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller accessible to a roller shall be mechanically tamped.
- d. Specifications. Cut and fill slopes shall be no steeper than one (1) foot vertical for every two (2) feet horizontal unless extra measures are taken to assure that the slope will be stabilized so as to prevent soil erosion.

Section 9.03. Installation of Utilities. After grading is completed and approved, and before any base is applied, all utilities shall be installed completely and approved throughout the subdivision.

Section 9.04. Street or Road Base. After preparation of the subgrade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one half (2 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches.

Section 9.05. Pavement. All streets shall be paved using an asphalt concrete surface cover (hot mix). The asphaltic concrete surface shall be constructed with asphaltic concrete compacted to two (2) inches with not less than an average weight of two hundred (200) pounds per square yard.

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

Note: Cross drains should be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen (18) inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of

the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.

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

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

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

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

Where a subdivision is located beyond the service limits as determined by the Planning Commission, the subdivider may elect to have the lots served by individual sewage disposal systems. Should individual sewage disposal systems be proposed, satisfactory evidence of acceptability from soil surveys shall be required. Subdivisions shall also have lot sizes that are adequate for the installation of the proposed individual systems. All such subdivisions must have the approval in writing of the Marion County Health Department/Tenn. Department of Environment and Conservation.

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

Section 9.10. Guarantee in Lieu of Completed Improvements. (Amended 4/9/07) No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county register of deeds until one of the following conditions has been met:

- a. All required improvements have been constructed in a satisfactory manner and approved by the various authorities for which certificates are required, or
- b. The Planning Commission has accepted a letter of credit or certified check (for one-year term) in an amount equal to one hundred and fifty (150) percent of the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the town or other responsible utility system in the event of default by the developer. Prior to the end of the one-year period, if the improvements are not completed, the Planning Commission may at their discretion allow a one-year extension for completion of the improvements. The Developer must submit a new Letter-of-Credit (LOC)/Bond/Certified Check with an updated estimate of project costs equal to or exceeding one hundred and fifty (150) percent of project costs. In the event an extension is granted in no instance shall the installation of improvements, Surety Bond, or LOC exceed a two year period beginning from the date Final Plat Approval was granted. In the event the improvements have not been completed, the Planning Commission may exercise its right to collect the entire amount of the Bond or LOC to complete the improvements and refund any amounts unexpended to the Bonding Company or financial institution issuing the LOC as the case may be. Any deficit, which may result in the completion of the improvements, will be the responsibility of the developer and the Town of Powells Crossroads may institute an action against the developer for such deficit. In the event that an action is instituted the developer will be responsible for all cost, including attorney's fees in collection of the deficit.

Any Certified Check deposited with the Town may be utilized in the same manner as set forth in the fore-mentioned paragraph regarding Bonding or Letter-of-Credits.

Note: The Planning Commission shall set the amount of the bond based upon the cost of improvements estimated by the County Road Commissioner or other authority designated by the planning commission.

Section 9.11. Road Inspection Procedure. It is the responsibility of the developer to advise the planning commission or its designated agent of progress in the construction of any road and to insure that no work advances until each of the following steps are completed and approved in writing by the commission:

1. A road profile is submitted, where deemed as necessary by the planning commission.
2. The clearing and preparation of the site, as described in Section 9.02 (a) of these regulations.

3. The cut and fill process, as described in Section 9.02 (b)(c) of these regulations.
4. The application of the sub-grade.
5. The application of the base, as described in Section 9.04 of these regulations.
6. The application of the double bituminous or asphalt treatment, as described in Section 9.05 of these regulations.
7. A final inspection and grant of approval.

Recorder, Town of Powells Crossroads
 140 Alvin York Hwy
 Whitwell, TN 37397-5684
 (423) 658-6582

| Powells Crossroads Subdivision/Road Inspection Checklist | | |
|--|---------------------------|--------------|
| SUBDIVISION NAME: _____ Location: _____ _____ Developer: _____ Road Name(s) _____ _____ Private ____ Public ____ Bond Posted ____ Yes ____ No Date of Expiration _____ Date Released _____ | | |
| ITEM CHECKED | Date Inspection Requested | Date Checked |
| Road Profile (If Necessary) Date Submitted: _____ | | |
| Clearing/Site Preparation | | |
| Cut and Fill | | |

| | | |
|---|--|--|
| | | |
| SubGrade | | |
| Base | | |
| Dbst or Asphalt | | |
| Final Inspection | | |
| <p>At the time of inspection of each of the above steps, a visual inspection reflected that minimum requirements of the Marion County Subdivision Regulations were met. The undersigned does not guarantee that the road will in the future continue to meet said requirements.</p> <p>Signature of Town Inspector _____ Date _____</p> | | |

ARTICLE X

VARIANCES, AMENDMENTS AND APPEALS

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

Section 10.02. Amendment. These regulations may be amended from time to time by the Planning Commission, who shall hold an advertised public hearing thereon. Notice of the time and place of which shall be published in a newspaper of general circulation in the county in accordance with *Tennessee Code Annotated*, Section 13-4-303.

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

ARTICLE XI

LEGAL STATUS PROVISIONS

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

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

Section 11.03. Adoption and Effective Date. A public hearing was held on _____, 2003. Notice of such hearing was announced in the Jasper Journal, being of general circulation within the area of planning jurisdiction, on _____, 2003.

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

Adopted _____

Effective _____

Secretary

Chairman