

City of Whitwell Subdivision Regulations

Adopted August 30, 2012

By the

Whitwell Municipal Planning Commission

**City of Whitwell, Tennessee
Marion County**

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Subdivision Regulations

Whitwell Municipal Planning Commission
(Hereinafter Referred to as the Planning Commission or the Commission)

Article I.

PREAMBLE AND ENACTMENT CLAUSE

PURSUANT TO THE AUTHORITY SET FORTH IN SECTION 13-4-301 THROUGH SECTION 13-4-310, **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 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 WHITWELL, TENNESSEE, THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF WHITWELL, 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 City of Whitwell, Tennessee.”

Article III.

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 3.01. 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 3.02 Jurisdiction These regulations govern all subdivision of land as defined by Tennessee Code Annotated 13-4-301 within the corporate limits of the City of Whitwell as now or hereafter established. The corporate limits are referred to in this document as the planning region.

Section 3.03 Relation to other ordinances No final *plat* of land within the force and effect of an existing or future zoning ordinance will be approved unless it conforms with 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 standards shall apply; however, whenever any zoning district contained within the Zoning Ordinance of the City of Whitwell specifically requires a different standard for development than those noted herein, the requirements of the zoning district shall govern regardless of which standard is more stringent.

Section 3.04. 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 3.05. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be filed or recorded by the Marion 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 3.06. 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 Commissioners 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 Commissioners.

Section 3.05. 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 city attorney or other official designated by the Whitwell Board of Mayor and Commissioners may bring action to enjoin such erection or cause it to be vacated or removed.

Section 3.06. 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 City, through its attorney or other official designated by the Board of Mayor and Commissioners, may enjoin such transfer or sale or agreement by action or injunction.

Article IV.

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.

Architect, Engineer, Surveyor: An individual licensed and registered by the State of Tennessee to practice architecture, engineering, or surveying, respectively, the State of Tennessee.

Block: A tract of land bounded by roads, or by a combination of roads.

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.

Community Wastewater Treatment System: A type of decentralized wastewater treatment system or “On-Site Sewage Facility (OSSF).” However, unlike an individual septic system, in which effluent from a septic tank is absorbed into the soil by means of an absorption field, a community wastewater treatment system routes effluent to a dispersal field, which may be a drip field or a spray field. Such a system is designed to service a subdivision of homes or businesses. The installation and maintenance of such a facility in Meigs County shall be regulated and permitted by the Tennessee Department of Environment and Conservation (TDEC) and the Tennessee Regulatory Authority (TRA).

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

Completed Preliminary Plat: A completed preliminary plat shall contain all items as specified in Article V, Section 5.03. The subdivision fee in conjunction with the plat is also required for a completed submission.

Completed Final Plat: A completed final plat shall contain all items as specified in Article VI, Section 6.02.

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.

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any activity that alters a shore, beach, river, stream, lake, pond, canal, marsh, dune area, woodlands, wetland, endangered species habitat, aquifer or other resource area, or other activity.

Easement: The right given by the owner of land to another party (either public or private) for specific limited use of that land.

1. **Easement, Drainage.** A perpetual, unobstructed easement across property reserved to carry surface water drainage along specified routes to natural water courses. Drainage easements shall not be filled or built upon in any way that will impede the flow of surface water.
2. **Easement, Utility.** The right granted by the owner of land to allow utilities to be constructed, maintained, or preserved. Utility Easement shall include, but is not limited to, easement for storm drainage, water lines, sewer lines, electric power lines, and pipe lines.
3. **Easement, Vehicular.** 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.

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

1. **Channel:** A Natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing lines between the channel and the floodplain.
2. **Floodplain:** The relatively flat area or low lands adjoining a watercourse or other body of water which has been or may be covered by water.
3. **Floodway:** One hundred (100) feet on each side, measured from the bank, of each river or stream--unless the developer demonstrates that a lesser distance, but not less than ten (10) feet, is adequate.
4. **Floodway Fringe:** That part of the flood plain located between the floodway and the designated outline of the 100-year flood which would be covered by flood waters of the 100-year flood. Uses are permitted if they are protected by fill, flood-proofed, or otherwise protected.
5. **Regulatory Flood:** A large flood selected for regulatory purposes and a basis for floodplain management. In Marion County, as in most places, the 100-year flood is the regulatory flood or base flood and there are no flood restrictions outside its limit. The 100-year flood statistically has a one-percent chance of occurring each year.

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.

Grade (Slope): The slope of a road, or the ground, specified by the percentage that the vertical rise is to the horizontal distance in which the vertical rise takes place.

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 (TDEC).

Lot: A portion or parcel of land separated from other portions or parcels by description as on a subdivision plat or record or 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.

A. **Lot Dimensions:**

1. **Lot Area.** The total area of a lot calculated from surveyed boundaries or other reliable means. The lot area of a flag lot shall not include its access strip.
2. **Lot Width.** The width of the lot measured along a straight line between side lot lines (generally parallel to the road) and measured at the front building setback line as indicated on the plat.
3. **Lot Depth.** The linear distance from the front lot line measured perpendicularly to the rear lot line.

B. **Lot Types:**

1. **Corner Lot:** A lot located at the intersection of two or more streets.
2. **Double Frontage Lot:** A lot, other than a corner lot, with frontage on more than one street.
3. **Flag Lot:** A lot with access to an approved street provided to the bulk of the lot by a narrow strip of land that is part of the lot. The access stem, or strip, shall not be included in calculating setbacks or lot size or frontage requirements.
4. **Interior Lot:** A lot with frontage on only one street.

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

Lot of Record: A designated tract of land (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.

Monument: A permanent concrete or iron marker 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 the *Tennessee Land Surveyors Laws and Regulations* in its latest addition with all subsequent amendments.

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

Open Space: Land that is designated to be a non buildable area within a subdivision and stated on a plat as open space. This land can consist from untouched forests to landscaped parks.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Phase Development: The development of a subdivision or shopping center or other large scale land development project in two or more stages. The planning commission will need to review preliminary plans of the entire development and will grant final approval by stage.

Planning Commission: The City of Whitwell Municipal Planning Commission.

Planning Staff: Staff hired directly by or contracting with the City of Whitwell to provide planning services.

Plat: The scaled drawing or map of a subdivision, including plat, plan, plot or replot.

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

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

Roadway: The actual road surface which is utilized for transportation; including necessary road shoulders and drainage facilities including ditches, curbing, and guttering.

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

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

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. Arterials may be designated as major or minor based on their traffic volume. The streets designated as such as shown on the Whitwell, Tennessee Major Road Plan
- b. Collectors - A street that carries traffic from local streets to arterial streets. Collectors may be designated as major or minor based on their traffic volume. The streets designated as such in the Whitwell, 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.
- f. Cul-de-sac Road - a local street with only one outlet, sometimes called a dead-end street.
- g. Private Road - a privately maintained road constructed on a recorded permanent easement.

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: The division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose whether immediate or future, of sale or building development. Subdivisions which fall under these regulations include subdivisions in which at least one of the resultant lots is less than five (5) acres and any subdivision in which a new road or utilities are installed regardless of resultant lot sizes.

For the administrative purposes of these regulations a subdivision is further defined as:

1. Minor Subdivision. A subdivision having four (4) or less lots, building sites, or other divisions and does not involve the construction of a new road or public water or sewer extensions.
2. Simple land Split. A division of a tract into two (2) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. Provided that there are no new utility or street extensions and no request for a variance from the Whitwell Subdivision Regulations is needed.

Surety Instrument: Any form of security (including a cash bond, surety bond, undated letter-of-credit, cashier's check, or certified check) in an amount and form satisfactory to the planning commission for the amount of the estimated construction cost plus 50 percent guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement with the Planning Commission.

Variance: The modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where, only to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Yard:

- a) **Front:** The open space unoccupied by any building between the street right-of-way line and the front of the principal building.
- b) **Rear:** The open space unoccupied by any building between the rear property line and the principal building. The rear yard shall be opposite of the front yard.
- c) **Side:** The open space unoccupied by any building between the side property lines and the principal building and between the front yard and the rear yard.

Article V.

PRELIMINARY PLATTING REQUIREMENTS

Section 5.01. Pre-application Review. Whenever a subdivision of a tract of land within the City of Whitwell is proposed, the subdivider shall consult early and informally with the Planning Commission's professional staff at the Southeast Tennessee Development District 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 pre-application review and no formal application shall be required.

The purpose of the pre-application 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:

1. The Marion County Health Department;
2. Any lending institution that will be participating in the financing of the proposed development. The developer should also consult with any governmental agency being asked to insure mortgages on houses that may be built in a subdivision.

Section 5.02. Preliminary Plat Approval

5.02.01. Application for Preliminary Plat Approval. Following the pre-application review of a proposed subdivision, the subdivider shall inform the planning commission's professional staff of his readiness to request preliminary plat approval. Plats should be submitted to the Whitwell City Hall no later than twelve (12) noon two weeks before the Planning Commission meeting. The Planning Commission meets on the final Thursday of each month. In no case will a plat be reviewed or receive action that is submitted on the day of the scheduled meeting or once the meeting has begun. The subdivider should provide copies of the preliminary plat to the Whitwell City Hall to be distributed to the following:

- Two copies for the Planning Commission
- One Copy for the Staff Planner
- One copy for the Subdivider (for eventual signature if approved)
- One Copy for Whitwell Public Works

Plats should also be provided to the following agencies:

- Marion County Health Department
- 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.

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 sixty (60) days after the plat is presented at a planning commission meeting.

A preliminary plat shall be null and void one (1) year from the date on which the Planning Commission approved the plat.

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 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.

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 city or county);
- b. Name and address of owner of record, subdivider, surveyor, date, title, name and location of subdivision, graphic scale, and true north point;
- c. North point, graphic or bar scale shown and stated and date plat was designed;
- d. Vicinity map showing location, north point, site label, 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. An on-site community sewage treatment system should seek approval from the Tennessee Department of Environment and Conservation.
- k. Minimum building front yard, side yard and rear yard 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 drawn by an engineer may be required by the Planning Commission to indicate proper crowning for drainage purposes, and
- p. 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.
- q. Certificate of preliminary plat is to be placed on preliminary plat before submittal to planning commission.

Certificate of Preliminary Plat

Pursuant to the Subdivision Regulations of the CITY OF WHITWELL, TENNESSEE, all of the requirements of preliminary approval have been fulfilled. Therefore, the “Preliminary Plat of _____ Subdivision: has been approved by the Whitwell Municipal Planning Commission on _____, _____, 20__.

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

Variances granted if any:

Date

Secretary

Whitwell Municipal Planning Commission

Article VI.
FINAL PLATTING REQUIREMENTS

Section 6.01. Final Plat Approval

- a. 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. The subdivider shall provide six (6) copies of the plat at least two weeks prior to the next scheduled meeting of the Whitwell Municipal Planning Commission in order to be included on the next meeting's agenda. Plats must be delivered to City Hall by twelve (12) noon two weeks prior to the next Planning Commission meeting. In no case will a plat be reviewed or receive action that is submitted on the day of the scheduled meeting or once the meeting has begun.

The six (6) copies of the plat are for the following:

- 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 Planning Staff;
- 4) One copy for return to the subdivider with inscriptions of the Planning Commission;
- 5) One copy for Marion County E-911 Office

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 approval or disapproval. The Planning Commission shall act on the final plat within sixty (60) 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.

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. The signature of the Planning Commission secretary shall be the final signature on each plat after all other required signatures are obtained.

Note: All certifications with appropriate signatures shall be placed on all six (6) copies of the plat and any others that may be deemed necessary. No certification or signature shall be placed on a 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. Vicinity map showing location, north point, site label, and acreage of subdivision;
- c. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining property;
- d. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute and acreage of all lots;
- 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).
- l. Drainage and existing natural drainage easement locations shall be shown on the final plat.

6.02.02. 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.

Section 6.03 Certifications The following *applicable* certifications should be on each copy of the final plat with the appropriate signatures (see the appendix for a guide to certifications).

Certification of Owner

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

_____ Owner: _____
 Date Address: _____

Certification of Surveyor

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

_____ By: _____
 Date

Seal:

Certificate of Dedication

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 plan of subdivision with my (our) free consent, establish the minimum subdivision requirements, and dedicate all roads, alleys, walks, parks and other open spaces to public or private use as noted.

Date

Owner

Owner

Certificate of Approval by Gas Utility

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

Date

Natural Gas Company

Certificate of Approval by Electric Power Utility.

I hereby certify that this subdivision plat shows adequate easements for needed electric power lines, (and electrical service is available to all lots shown. **Or** agreement has been made between the utility and the developer to provide electrical service to all lots shown.)

Date

ELECTRIC POWER OFFICIAL

Certification of E-911 Approval

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

Date

Marion County E-911 Representative

Certification of Final Plat Approval by the Planning Commission

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of Whitwell, Tennessee, this final plat was given final approval by the Whitwell Municipal Planning Commission effective

_____.

Date
Commission

Secretary,
Whitwell Municipal Planning

Simple Land Split Certificate

I hereby certify that the subdivision plat shown hereon includes no more than two (2) lots, and has been reviewed by the Staff Planner, and has been found to comply with the Subdivision Regulations of Whitwell, Tennessee, and no variances from the Subdivision Regulations and no improvements are required.

Date

City Recorder

Sewage Certifications
*Or Certifications as required by TDEC

Certificate of Existing Septic System

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

Date

Owner

Certificate of Individual Sewage Disposal System (septic tank)

"I hereby certify that each lot shown on this subdivision plat is adequate for individual septic tanks, or 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

County Health Department

Certificate of Current Public Sewage System Connection

I hereby certify that each lot shown on this subdivision plat is adjacent to a properly installed extension of an approved public sewerage system.

_____ Date _____ PUBLIC SEWERAGE SYSTEM OFFICIAL

Certificate of Public Sewage System Connection Pending Construction

I hereby certify that the plans for the construction of approved sewerage system extensions to all lots for the _____ subdivision have been designed in accordance with applicable local and state regulations AND a certified check or adequate letter of credit in the amount of \$ _____ has been posted to cover such sewerage system extensions. After the construction is completed the _____ Utility will be responsible for maintenance of all sewerage system lines and appurtenances.

_____ Date _____ PUBLIC SEWERAGE SYSTEM OFFICIAL

Community Sewage Disposal System (include all certifications)

Certificate of Approval for Operating and Maintaining Community Sewage Disposal Systems

I hereby certify that _____ [Utility] assumes full responsibility for the operation and maintenance of the community sewerage system serving Lots _____ of the _____ [Subdivision or Development]. It is further certified that _____ [Utility] agrees to operate and maintain this system under the supervision and guidelines of the Tennessee Regulatory Authority and the Tennessee Department of Environment and Conservation. The Government of the City of Whitwell will not be expected to accept any responsibility for the operation or maintenance of this system.

_____ [Name of Public/Private Utility] _____ Date

Certificate of Approval for Community Sewage Disposal System Design

I hereby certify that a _____ [Type of Sewerage System] has been designed and installed in an acceptable manner under the supervision and guidelines of the Tennessee Regulatory Authority and the Tennessee Department of Environment and Conservation. I further certify that this system will adequately serve Lots _____ as the primary means of sewage disposal. All necessary permits have been obtained from the State of Tennessee, and the system will function correctly according to its intended design.

[Licensed Engineer and License #]
Affix Seal Here Date

Certificate of Approval of Community Sewage Disposal System

I hereby certify that these lots are served by a sewer system designed to meet the requirements of the Tennessee Department of environment and Conservation.

_____, 20____, _____
DATE LOCAL HEALTH AUTHORITY

Water System Certifications

Certificate of Approved Public Water System

I hereby certify that the _____ subdivision is served by public water system extensions designed and installed in accordance to applicable local and state regulations;

Date LOCAL WATER UTILITY

Certificate of Approved Construction of Public Water System

I hereby certify that the plans for the construction of a public water system for the _____ subdivision have been designed in accordance with applicable local and state regulations AND a certified check or adequate letter of credit in the amount of \$ _____ has been posted to cover such water system extensions.

Date LOCAL WATER UTILITY

Road and Drainage Certifications

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

"I hereby certify that the streets and drainage facilities shown on this plat have been installed (constructed) in an acceptable manner in accordance to required specifications and that an adequate maintenance bond has been posted. A maintenance bond in the amount of \$_____ (***40% of the total value of all road and drainage improvements installed***) has been figured to cover any necessary repairs for the next eighteen (18) months after construction.

Date	<i>Whitwell City Manager</i>
Date	<i>Whitwell City Recorder (for bond)</i>
Date	<i>Developer's Engineer (for design/construction)</i>

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

I hereby certify that the streets and drainage facilities for the _____ subdivision have been **designed** in an acceptable manner in accordance to required specifications AND a bond or adequate letter of credit in the amount of \$_____ has been posted to cover the construction of streets and drainage. (Bond Amount Shall be 150% of total Cost of improvements)

***The following signatures required if public road.**

Date	<i>Whitwell City Recorder (for bond)</i>
Date	Whitwell City Manager (Engineer's plans received)
Date	Developer's Engineer (for design / construction)

Section 6.04. Minor Subdivision

Section 6.04.01. Whenever a minor subdivision is proposed, the requirements of the applicable sections of Articles VI, VII and IX must be met. The requirements of Articles V shall not apply except as herein provided. The following procedures for application review and approval shall govern.

Section 6.04.02. The subdivider shall submit to the City five (5) copies of the survey (hereafter called the “plat”) of the proposed minor subdivision prepared by an approved land surveyor. The plat shall be submitted to the Whitwell City Hall by twelve (12) noon two weeks prior to the Planning Commission meeting the subdivider wishes to have the plat considered. The Planning Commission meets on the final Thursday of each month.

Section 6.04.03. 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 6.04.04. 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; and
- b. Vicinity map showing location, north point, site label, and acreage of subdivision; and
- 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.
- e. The acreage and dimensions of each lot.

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 6.04.05. 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, and (1) copy for the E-911 Office.

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

Section 6.05. Simple Land Split

Section 6.05.01 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 which do not require the construction of new roads or utilities, can be reviewed by planning staff prior to the planning commission meeting and if in total compliance receive approval without consideration by the commission at a regularly scheduled meeting. Such a plat shall conform to the regulations listed in Section 6.04. The plat must contain all required signatures and certifications. A simple land split shall still require the signature of the Planning Commission secretary before it can be recorded with the Marion County Register.

Section 6.06. Requirements for Subdivisions in Previously Approved Subdivisions.

Section 6.06.01 If any one lot in a previously approved and/or recorded subdivision is being further resubdivided into two (2) or more lots, the following conditions shall be met.

- a. It shall be the responsibility of the property owner or developer to research and obey any and all legal restrictions, public or private, controlling the use of said property.
- b. A final plat shall be prepared that meets those minimum standards required of such by these regulations.
- c. A vicinity map showing the location and acreage of the property in relation to the existing subdivision shall be included on the plat.
- d. The name of the existing subdivision shall be utilized and it shall state this resubdivision is an "amended" version.
- e. There shall be a note on the plat citing the plat book and page number(s) of the original subdivision plat as filed in the County Register of Deeds Office.
- f. Any pre-existing restrictions, applying to the land or deed, shall be noted on the plat

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.

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.

Where public use is to be made of the property and where the residents of the subdivision will receive primary benefit, the property should be dedicated to a

duly formed Homeowner's Association. 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 complexes, 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. Cluster Development. Cluster development is where the developer's intention is to leave open space for use by the designated lot owners of the proposed development or by the public at large for use and conservation. To allow for higher intensity residential and commercial use on developable property, forty-five percent open space is required. Please refer to section 7.09e for lot sizes; all setbacks are still in effect and are valid.

- a. Adequate connectivity will be required for both pedestrian and vehicular movement.
- b. All street standards will still apply to a cluster development.
- c. Cluster developments must be served by public water and sewer.
- d. Ten percent (10%) of the required 45% open space must be useable open space.
- e. Open Space within a cluster development should be dedicated either to a homeowner's association or as a public use area pursuant to Section 7.04.

Section 7.07. 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 7.08. 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 7.09. Lot Sizes. Residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line. Other lot size requirements follow:

- a. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than 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 or as may be required by the health authority;
- 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. Where lots served by a public water system and public sewer system, minimum lot size shall be (12,500) square feet. The health authority may require minimum lot sizes greater than the standard contained herein;
- e. Where lots served by a public water system and public sewer system in a conservation subdivision with a minimum area of forty-five percent (45%) set aside for green space, minimum lot size shall be (10,000) square feet or as may be required by the health authority.
- f. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets;
- g. 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
- h. 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.
- i. 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. Flag lots shall be discouraged and unless topographical or other natural features make it impractical, there shall be no more than one (1) flag lot per subdivision.
 3. In no subdivision shall more than two access strips shall be located side-by-side.
 4. Flag stem length
 - a. Flag stems of 25 feet in width shall not exceed two hundred (200) feet in length.
 - b. Flag stems of 50 feet width or greater shall not exceed three hundred (300) feet in length.
 5. Width:
 - a) Flag lot access strip shall be a minimum of twenty-five (25) feet in width for lots of one (1) acre or less.
 - b) Flag lot access strip shall be a minimum of fifty (50) feet in width for lots grater then one (1) acre.

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

Section 7.11. Building Setback Lines. The following setbacks are in effect absence those required by a Zoning Ordinance. At the time a Zoning Ordinance is implemented within the City of Whitwell, the setbacks of that ordinance shall supersede those of the Subdivision Regulations.

- a. Front Yard Setback: Forty (40) feet from the street right-of-way lines on all arterial streets and twenty (20) feet on other streets.
- b. Other minimum setback lines shall be as follows:

1. From the side property lines10 feet
2. From rear property lines.....30 feet
3. From side property line which abuts a street (corner lot) or as may be required.....25 feet

Section 7.12. Lot Abutting Public Streets. Each lot shall abut for at least 50 feet upon a dedicated public street, except for flag lots under section 7.09i above and lots on the turnaround on a cul-de-sac.

Section 7.13 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 Whitwell, 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. Discontinuation of an existing street should be avoided.

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.

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 city 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, drainage-way, 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..... 100 feet or more as may be required

Arterials are major thoroughfares designed to move large volumes of vehicles
- b. Collector Streets.....80 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.....40 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. Alleys20 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 Streets.....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 one thousand (1,000) 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-sacs50 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. When a large subdivision fronts an existing public road, the Planning Commission may require that additional Right-of-Way be dedicated along the roadway. Such a dedication will only be required when it conforms to the Whitwell Major Road Plan. Just compensation will be provided by the appropriate authority.

Section 8.12. Minimum Pavement Widths; Curbs Required.

Minimum surface widths shall be as follows:

- a. Alleys.....15 feet
- b. Minor Residential Streets.....20 feet
- c. Marginal Access Streets.....20 feet
- d. Cul-de-sac Streets 20 feet width
50 feet radius for the turnaround
- e. Collector Streets.....24 feet or as may be required
- f. Arterial Streets as may be required

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 fourteen (14) 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. Engineering by a licensed engineer in the State of Tennessee shall be required for grades greater than 12 percent but equal to 14 percent.

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 streets300 feet
- b. Collector streets200 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.

Permanent easements and private streets are not permitted. For the purpose of these regulations, privately owned and maintained streets within apartment projects, mobile home parks, recreational vehicle parks, shopping malls, and industrial complexes connecting to public streets, but for the primary use for internal circulation by residents or customers are permitted. A statement indicating these are private streets and will not be maintained by the City of Whitwell shall be attached to the final plat or site plan.

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 or concrete. 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. Monuments must meet all requirements set forth in the Tennessee Land Surveyors Laws and Regulations Section 0820-3-.07(h) as amended through 2011 and subject to any future amendments.

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. Soil testing may be required by the Marion County Highway Superintendent.

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

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

Section 9.03. 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. Required Inspections During Road Construction. Before road construction begins, the developer shall contact the Whitwell City Manager as notification and to discuss pre-construction project specifics. While road construction is taking place, inspections shall be made by the City Manager before, during and after each step or process and prior to the next course or procedure. The City Manager shall check the width, depth and crown of the road among other things. Weight tickets showing the type, class, and weight of gravel and surfacing material shall be furnished to the Road Superintendent after the completion of each step.

Section 9.05. Street or Road Base. After preparation of the subgrade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as “crusher run stone” from two and one half (2 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six (6) inches.

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

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

Surface Course. All proposed subdivisions shall use a hot mix surface for all new roads. The subdivision roads shall use an asphaltic concrete (hot mix) to include a binder and a topping meeting the following specifications: The course binder (B.M. Grade Hot Mix 307-B) to be placed 2.5 inches and compacted at the rate of 275 lbs. The wearing coat (Grade E Hot Mix 411-E) to be placed 1.5 inches and compacted at a rate of 165 lbs. In

all cases, it shall have not less than an average weight of two hundred seventy five (275) pounds per square yard for the binder and no less than one hundred sixty five (165) pounds per square yard for the wearing coat. Bituminous plant-mix base (hot mix) shall be in accordance to the Tennessee Department of Transportation's "Standard Specifications for Road and Bridge Construction" (or any subsequent revisions), March 1, 1981. When the surface course binder is completed and again when the topping is completed, the developer must notify the City Manager and allow his office to inspect the surface course in the third and final inspection needed for approval. At the time of notification, the developer is required to provide a job-mix formula to the City Manager to ensure that proper materials and standards will be used during construction.

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

NOTE: Each new road proposed under these regulations shall be inspected by the City Manager or his duly qualified and appointed official at three or four stages during the construction process. The first inspection will occur after grading has been completed, the second after the road base has been constructed, the third after the Asphaltic Concrete Surface Course (binder) has been completed, and the fourth after the Asphaltic Concrete Surface Course (wearing coat) has been completed (including curbs if used).

Maintenance Guarantee: A performance guarantee for maintenance in the form of an adequate bank letter of credit, cashier's check, cash, deposit or wire transfer equal to fifty percent of the original bond or actual construction cost must be provided to the Highway Superintendent after road construction for the maintenance of roads and drainage systems. The maintenance guarantee will be held for 18 months after final approval of the road has been given by the Highway Superintendent.

Section 9.06. Pavement. All streets shall be paved using asphalt concrete surface cover (hot mix).

Asphalt Specifications:

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

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

Section 9.07. 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 paved 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.

The Planning Commission shall also consider alternative storm water drainage systems that utilize "green infrastructure" including but not limited to permeable pavers, infiltration trenches, and bioretention cells. A developer wishing to pursue this option should consult with the commission's planning staff.

Section 9.08. 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.

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 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 9.09. 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.

A developer may also pursue an on-site community sewage disposal system. Such a system can only be installed with approval of the Tennessee Department of Environment and Conservation (TDEC). A developer wishing to pursue this option should consult early with the Planning Commission, its staff, and TDEC.

Section 9.10. 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 9.11. Sidewalks. Typically, installation of sidewalks by the developer on both sides of the road is required. This requirement may be altered to one side of the street if other traffic calming and/or pedestrian amenities are included that adequately promote pedestrian connectivity and multi-modal transportation.

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 five (5) feet wide and six (6) inches thick.

Section 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 various authorities for which certificates are required, or
- b. The Planning Commission has accepted a letter of credit or certified check in an amount equal to one hundred and fifty (150) percent of the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the county or other responsible utility system in the event of default by the subdivider. Where the required improvements have not been completed, the city attorney shall certify that approved letter of credit or certified check has been posted to ensure their completion.

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

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. Any amendment to these regulations shall have no impact on previously approved and platted subdivisions.

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 _____, 2012. Notice of such hearing was announced in the Jasper Journal, being of general circulation within the area of planning jurisdiction on _____, 2012.

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

Adopted: August 30, 2012

Effective _____

Secretary

Chairman

Area reserved for summary of Amendments:

Appendix

Certifications Guide

The following applicable certifications should be on each copy of the final plat with the appropriate signatures. If there is a question as to which certification should apply, the subdivider should consult with the commission's professional staff.

The following information is to serve as a general guideline:

All plats

Certification of Owner

Certification of Surveyor

Certificate of Dedication

*Appropriate certification for sewage disposal

*Appropriate certification for water system

Certificate of E-911 Approval

Certification of Final Plat Approval by the Planning Commission

Other certifications if applicable

Certificate of Approval by Gas Utility

Certificate of Approval by Electric Power Utility

Simple Land Split Certificate

Appropriate roadway certifications if the subdivision requires the construction of roads

Plats served by individual sewage system (septic tanks)

Certificate of Existing Septic System

Or

Certificate of Individual Sewage Disposal System

Plats served by public sewage system

Certificate of Current Public Sewage System Connection

Or

Certificate of Public Sewage System Connection Pending Construction

Plats served by community sewage system

Include all three certifications for Community Sewage Disposal system

Plats served by public water system

Certificate of Approved Public Water System

Or

Certificate of Approved Construction of Public Water System

Typical Subdivision Approval Process

Minor Subdivision Approval Process

1. Subdivider submits the copies of the plat to the Whitwell City Hall two weeks before the next Planning Commission meeting.
2. Staff will review the plat and contact the developer with issues/concerns/questions. Staff will make a recommendation to the Planning Commission to deny or approve the plat.
3. The Planning Commission reviews the plat at its regularly scheduled meeting and votes to approve or disapprove the plat.
4. If approved, the subdivider should file the signed plat with the Marion County Register of Deeds.

Simple Land Split Approval Process

1. Subdivider submits the copies of the plat to the Whitwell City Hall.
2. Staff will review the plat and contact the developer with issues/concerns/questions. Staff will make a recommendation to approve or disapprove the plat.
3. If approved, the plat will be signed and a copy returned to the subdivide to file with the Marion County Register.

Typical Subdivision Approval Process

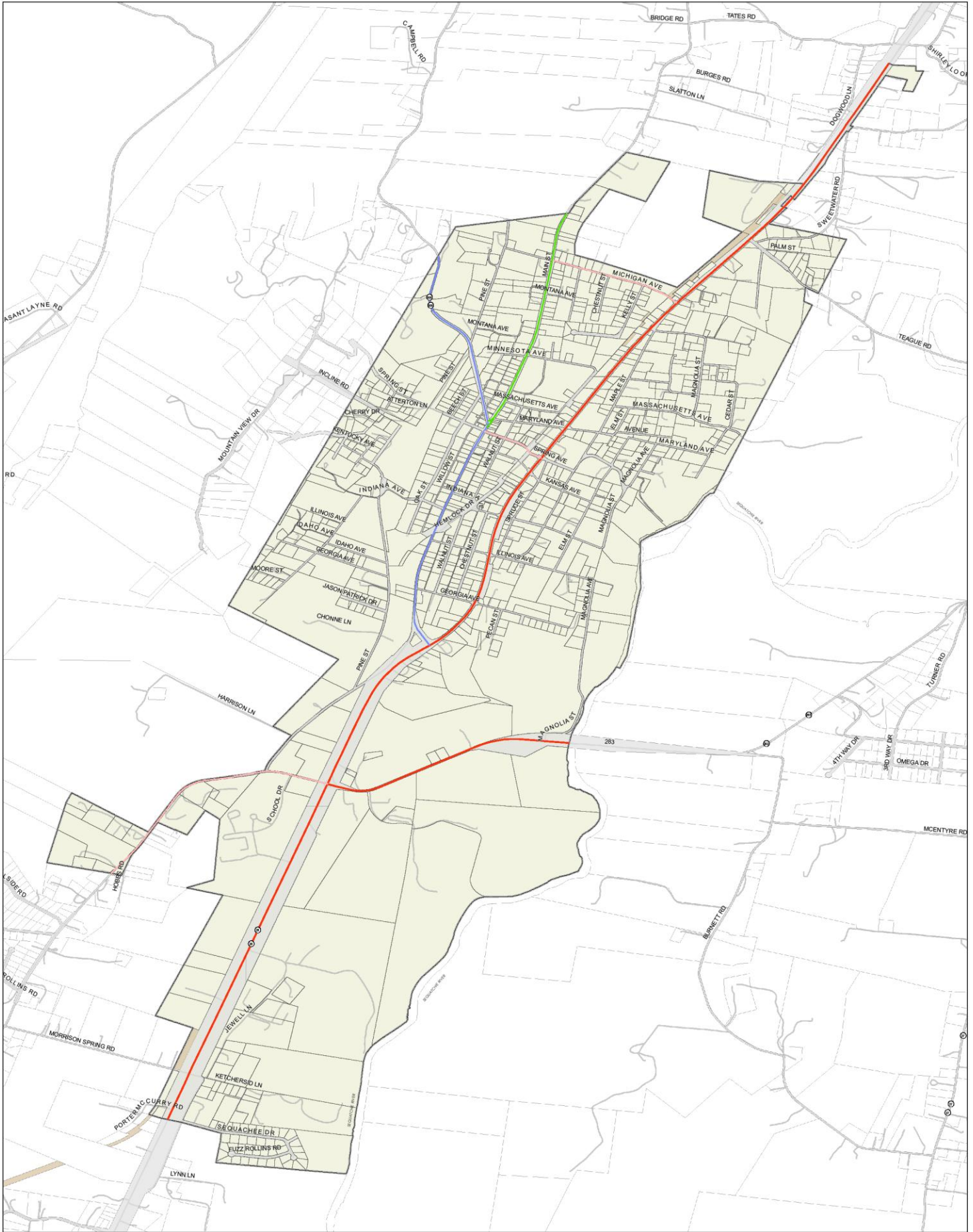
1. Developer consults with Planning Staff regarding subdivision and the city's regulations.
2. Developer prepares preliminary plat and submits it with the appropriate number of copies to city hall two weeks before the Planning Commission meeting.
3. Staff will review the plat and contact the developer with issues/concerns/questions. Staff will make a recommendation to the Planning Commission to deny or approve the plat.
4. The Planning Commission reviews the plat at its regularly scheduled meeting and votes to approve or disapprove the plat.
5. If approved, the developer has one year to complete the required improvements and submit a final plat to the Planning Commission.

6. Once all improvements are completed or the necessary letters of credit or certified checks are posted, the developer submits the appropriate number of copies of the final plat to the Whitwell City Hall two weeks before the Planning Commission meeting.
7. Staff will check the final plat for conformance to the preliminary plat and to the Subdivision regulations. Staff will contact the developer with issues/questions/concerns and then make a recommendation to the Planning Commission.
8. The Planning Commission will review the plat at its regularly scheduled meeting and vote to approve or disapprove the plat.
9. If approved, the developer should file the signed plat with the Marion County Register of Deeds and is able to begin selling lots.

Whitwell Major Road Plan

Approved at the July 26, 2012 Planning Commission
Meeting

Filed with the Marion County Register of Deeds on
August 13, 2012



Legend	
	Whitwell Corporate Limits
	Urban Principal Arterial
	Urban Minor Arterial
	Urban Major Collector
	Urban Minor Collector
	All Other Local Streets
	U.S. Numbered Highway
	State Highway

**Major Road Plan
Whitwell, Tennessee**

This Major Road Plan was officially adopted by the Whitwell Municipal Planning Commission, meeting in regular session on _____ by a majority of the members present. Secretary _____

Whitwell Municipal Planning Commission

Map Prepared By:
Department of Economic and Community Development
Local Planning Assistance Section
Challenge the Odds
Geographic Information Systems

This map is for planning purposes only.
This is not an engineering plan.
Source: LINDA 2000/10/08/01/01




Printed June 2012

Path: Y:\Community_Shared_Files\Community_Files\050606\Whitwell\01\Map\Doc\1 - Official Legal map\Official Major Road Plan\050606\WHMP\01_06_12_SETDG.mxd