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MCMINN COUNTY SUBDIVISION REGULATIONS

TITLE

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

ARTICLE 1

SHORT TITLE, PREAMBLE AND ENACTMENT CLAUSE

THIS DOCUMENT SHALL BE KNOWN AND MAY BE CITED AS THE "SUBDIVISION REGULATIONS OF MCMINN COUNTY."

IN PURSUANCE OF AUTHORITY SET FORTH IN SECTION 13-3-401 THROUGH 13-3-411, TENNESSEE CODE ANNOTATED, AND FOR THE PURPOSES OF PROMOTING THE HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY AND GENERAL WELFARE OF THE COUNTY; TO ENCOURAGE ECONOMICALLY SOUND AND STABLE LAND DEVELOPMENT; TO ASSURE THE PROVISION OF REQUIRED STREETS, UTILITIES AND OTHER FACILITIES AND SERVICES TO LAND DEVELOPMENTS; TO ASSURE THE ADEQUATE PROVISION OF SAFE AND CONVENIENT TRAFFIC ACCESS AND CIRCULATION, BOTH VEHICULAR AND CIRCULATION, BOTH VEHICULAR AND PEDESTRIAN, IN LAND DEVELOPMENT; TO ASSURE THE PROVISION OF NEEDED PUBLIC OPEN SPACES AND BUILDING SITES IN LAND DEVELOPMENTS THROUGH THE DEDICATION OR RESERVATION OF LAND FOR RECREATIONAL, EDUCATIONAL AND OTHER PUBLIC PURPOSES; AND LAND SUBDIVIDED SHALL BE OF SUCH CHARACTER THAT IT CAN BE USED SAFELY FOR BUILDING OR OTHER PURPOSES WITHOUT DANGER TO HEALTH OR PERIL FROM FIRE, FLOOD, OR OTHER MENACE, AND LAND SHALL NOT BE SUBDIVIDED UNTIL PROPER PROVISION HAS BEEN MADE FOR ADEQUATE WATER AND ELECTRICAL SERVICE, DRAINAGE, ACCESS, AND ACCEPTABLE METHOD FOR SEWAGE DISPOSAL; AND TO ASSURE THAT LAND IS DEVELOPED IN CONFORMITY WITH THE COMPREHENSIVE PLAN OF MCMINN COUNTY, THE PLANNING COMMISSION OF MCMINN COUNTY, TENNESSEE DOES ORDAIN AND ENACT THE FOLLOWING ARTICLES AND SECTIONS.

ARTICLE 2

DEFINITION OF CERTAIN TERMS USED HEREIN

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

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

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

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

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

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

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

Easement, Utility. An easement for the installation, operation, inspection, maintenance, repair, or replacement of public utility lines, cables, poles, ditches, pipes, manholes, etc. and the appurtenances belonging thereto.

Easement, Vehicular. 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.

Flag Lot. An interior lot located to the rear of another lot but with a narrow portion of the lot extending to the road. The narrow portion of the lot that extends to the road shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area.

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

Other FLOOD-RELATED TERMS are defined as follows:

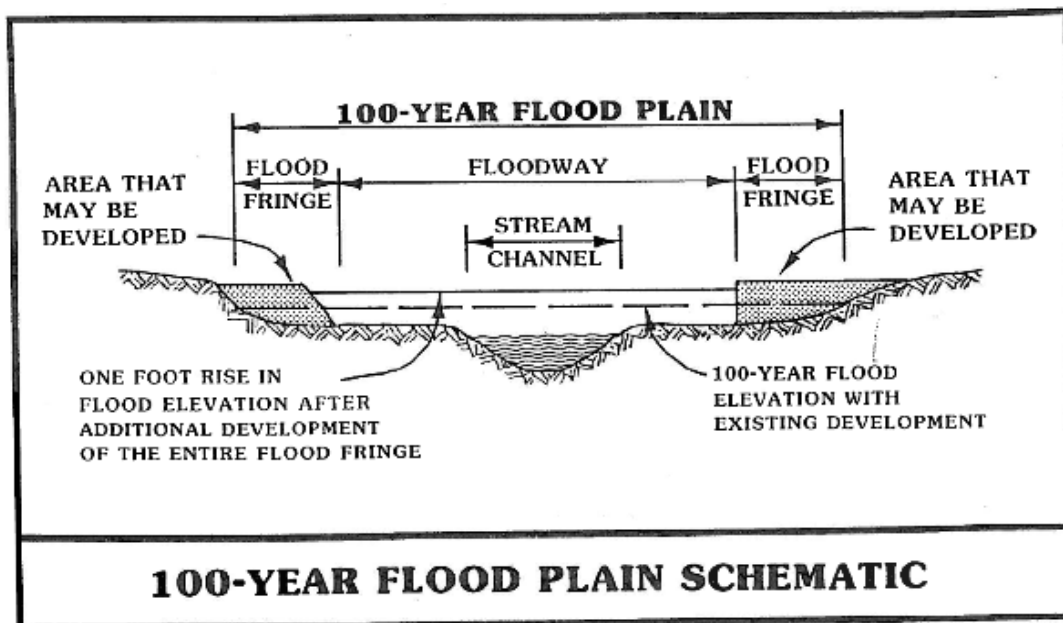
Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing lines between the channel and the floodplain.

Floodplain. The relatively flat area or lowlands adjoining a watercourse or other body of water which has been or may be 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.

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.

Regulatory Flood. A large flood selected for regulatory purposes and a basis for floodplain management. In McMinn 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.



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

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

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

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

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

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

LOT DIMENSIONS are defined as follows:

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

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

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

MCRPC-PLANNING COMMISSION. McMinn County Regional Planning Commission

Mineral Aggregate 303-02. For the purpose of these regulations refers to Class A mineral aggregate as shown in Section 303-02 of the Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition.

Mobile Home-Manufactured Home. A factory-manufactured structure or housing unit at least eight feet in width and 40 feet in length, which is not self-propelled, but which is built as a single unit and is transportable. It is built on a permanent single chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

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

NOI. Notice of Intent for Construction Activity

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

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

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

Planning Region. The land within the McMinn County Planning Region. More specifically, all land in McMinn County which is outside of incorporated municipalities and their planning regions, if any.

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

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

Preliminary Plat. A subdivision plat showing the proposed lot arrangement and with the provisions contained in Article 9. It is generally submitted to the MCRPC for approval prior to the preparation of the final plat.

Final Plat. A subdivision plat prepared in accordance with the provisions contained in Article 12. The final plat is designed to be placed on record with the County Register after approval by the planning commission.

Regional Flood (or its equivalent). A flood used in the most recent flood study comparable to the largest floods known to have occurred on streams of similar physical characteristics in the same geographic region.

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 subdivisions.

Right-Of-Way (R.O.W). A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. Such rights-of-way shall not become a governmental responsibility until accepted, however.

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

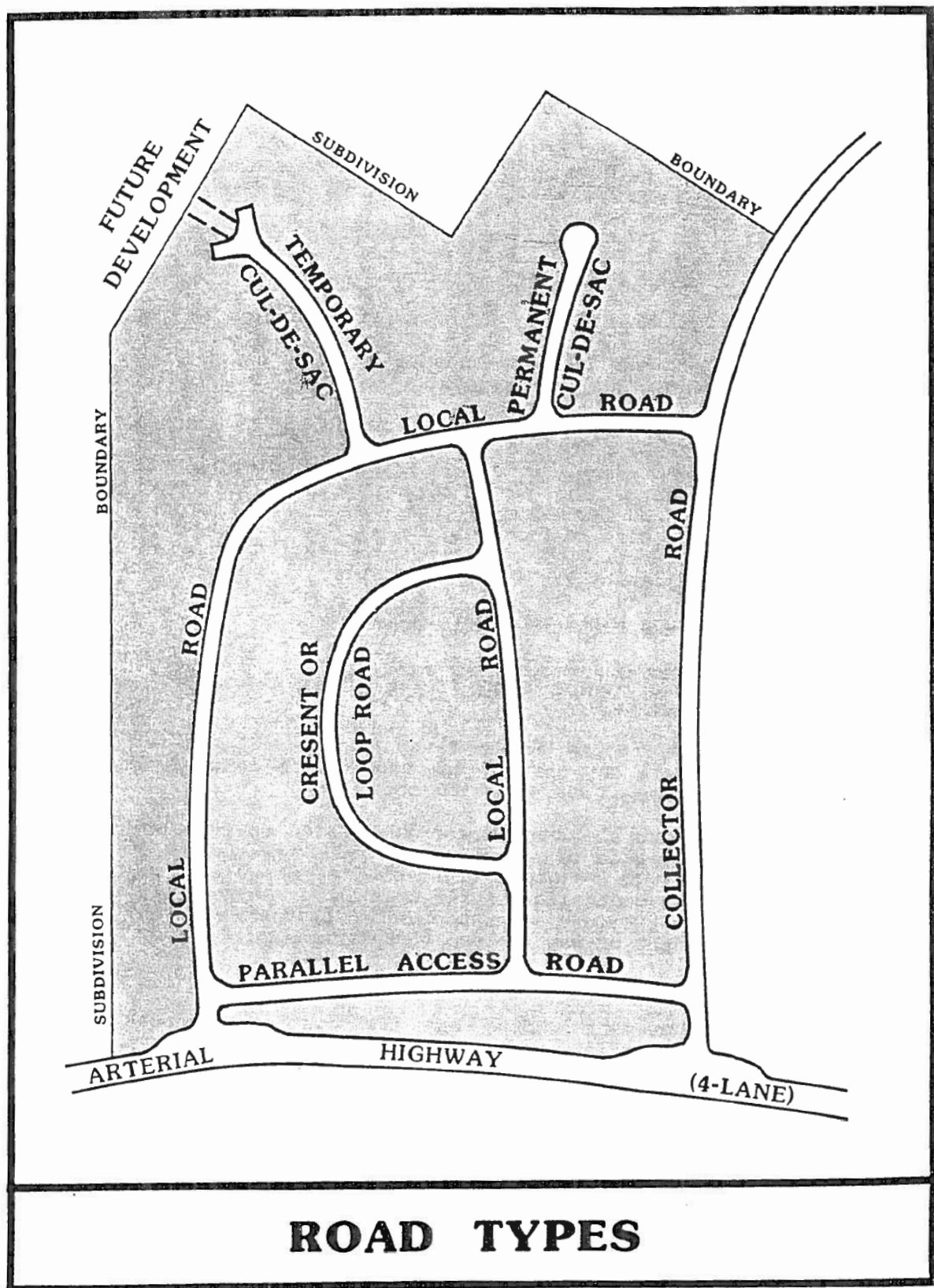
For the purpose of these regulations, ROADS are divided into the following categories:

- a. Interstate - the road designated as such in the Transportation Plan of McMinn County
- b. Major and Minor Arterials - the roads designated as such in the Transportation Plan of McMinn County.
- c. Collectors - a road which primarily carries traffic from local roads to arterials. Collector roads include those designated as such in the Transportation Plan of McMinn County.
- d. Local Road - a neighborhood road used primarily for access to the abutting properties.
- e. Marginal Access Road - a minor road parallel and adjacent to major thoroughfares which offers access to abutting properties and is used to limit access points on an arterial.
- f. Alley - a minor way used for service access to the back or side of properties otherwise abutting on a road.
- g. Cul-de-sac - a local road with only one outlet, sometimes called a "dead-end" road. A cul-de-sac is measured from its dead-end or vehicular turn around back to the first intersection.
- h. Private Road - a privately-maintained road, right-of-way, and/or easement serving as primary access to one or more properties not fronting on a publicly maintained road with no other means of access to a County Road or City Street.

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

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

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



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

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

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 (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres, for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. Further, the term "utility construction" does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains.

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

TDEC. Tennessee Department of Environment Conservation

TDOT. Tennessee Department of Transportation

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

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

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

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

ARTICLE 3

PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

The enforcement of these regulations and penalties for the unapproved recording or transfer 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 shall be entitled to record in the office of the McMinn County Register 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, with each day of noncompliance being a separate offense.

Section 3.02. Use of Plat. The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the Planning Commission and recorded in the office of the McMinn County Register 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 3.03. Enforcement. No plat or plan of a subdivision located within the area of planning jurisdiction shall be admitted to the land records of the county or received or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Secretary of the Planning Commission as provided in Section 13-3-402, Tennessee Code Annotated.

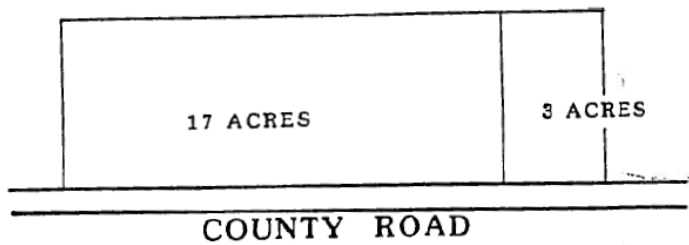
Section 3.04. Opening and Improving Public Roads. No public officer, authority or county governing body shall accept, layout, open, improve, grade, pave or light any road, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any road located within the area of planning jurisdiction unless such road shall have been accepted, opened, or otherwise received the legal status of a public road prior to the adoption of these regulations, or unless such road corresponds in its location and lines to a road shown on a subdivision plat approved by the Planning Commission, or on a road plan made and adopted by the Commission as provided in Section 13-3-406, Tennessee Code Annotated.

Section 3.05. Erection of Buildings. No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Regional Planning Commission unless the road giving access thereto has been accepted as a public road in accordance with these regulations, or unless such road has been accepted as a public road prior to the effective date of these regulations.

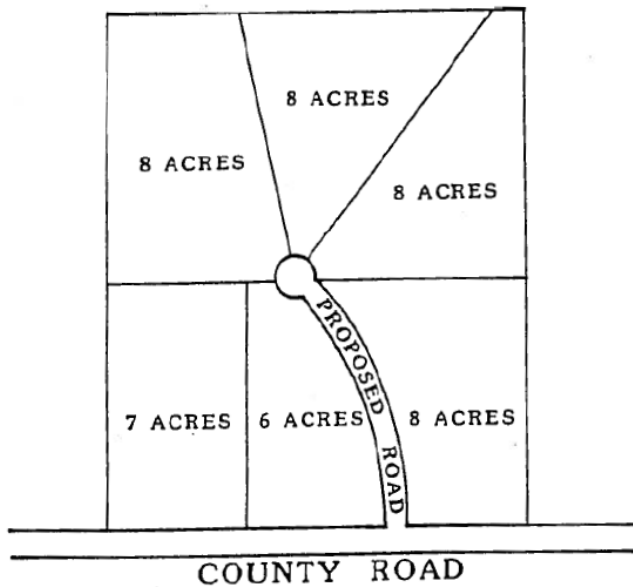
Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building commissioner or the county attorney or other official designated by the McMinn County Council may bring action to enjoin such erection or cause it to be 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 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

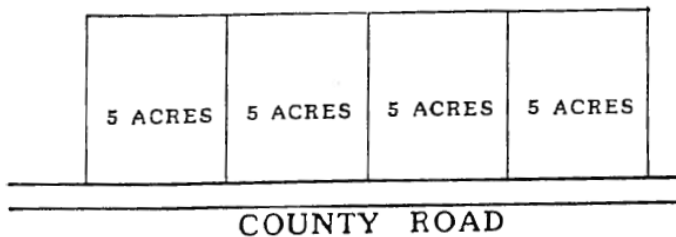
Tennessee Code Annotated, Section 13-3-410, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat 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 of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The county, through its county attorney or other official designated by its chief legislative body, may enjoin such transfer or sale or agreement by action or injunction.



THIS IS A SUBDIVISION
BECAUSE ONE LOT IS LESS
THAN FIVE (5) ACRES.



THIS IS A SUBDIVISION
BECAUSE A NEW ROAD IS
NEEDED FOR ACCESS.



THIS IS NOT A SUBDIVISION
BECAUSE ALL LOTS ARE FIVE
(5) ACRES AND NO NEW ROADS
OR PUBLIC UTILITIES ARE
REQUIRED

WHAT IS A SUBDIVISION ?

ARTICLE 4

GENERAL DESIGN REQUIREMENTS

Section 4.01. Suitability of the Land. The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land within any designated floodway as shown on Tennessee Valley Authority (TVA) Flood Maps as noted below (A-E), or the McMinn County Flood Insurance Rate Map (FIRM), shall not be platted for residential occupancy or building sites. Fill may not be used to raise land within any designated floodway. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

- a. Along Hiwassee River below Mile 29.3, land lying below the elevation of the TVA Structure Profile as shown on the chart, "High Water Profiles, Hiwassee River Vicinity of Charleston-Calhoun, Tennessee, Tennessee Valley Authority Division of Water Control Planning, Hydraulic Data Branch, September 1961.
- b. Along Hiwassee River above Mile 29.3, land lying below the elevation of the Regional Flood (Regulated) as shown on the chart, "High Water Profiles, Hiwassee River Vicinity of Charleston-Calhoun, Tennessee," Tennessee Valley Authority Division of Water Control Planning, Hydraulic Data Branch, September 1961. Said chart is made a part of these regulations.
- c. Along Conasauga Creek below Mile 15.90 and Cane Creek below Mile 6.75, land lying below the elevation of the Regional Flood as shown on the chart, "High Water Profiles, Conasauga and Cane Creeks, Vicinity of Etowah, Tennessee", Tennessee Valley Authority Division of Water Control Planning, September 1962. Said chart is made a part of these regulations.
- d. Along Oostanaula Creek between Miles 29.3 and 36.1, land lying below the elevation of the 9,000 cfs flood as shown on the chart, "High Water Profiles, Oostanaula Creek, Vicinity of Athens, Tennessee", Tennessee Valley Authority Division of Water Control Planning, July 1957. Said chart is made a part of these regulations.
- e. Any portion of land within one hundred (100) feet of a stream bank, except those streams or portions of streams mentioned in subsections a to d of this section. Where subdivision development is proposed within one hundred (100) feet of a stream for which detailed flood data has not been published, the Planning Commission shall require detailed flood information for the particular area before deciding whether or not such subdivision development can occur.

Section 4.02. 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 unless such subdivision is a resubdivision according to Section 11.04 of these regulations.

Section 4.03. Access. Access to every subdivision shall be provided over a public road. Access may also be provided over a private road according to Section 5.08 of these regulations.

Section 4.04. 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 uses) 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 presently acquired at acreage prices rather than at greatly increased prices in the future, where 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, because the subdivider should not be required to hold his land idle for a lengthy indefinite period.

Section 4.05. Large-Scale Development. The requirements of these regulations may be modified in the case of large scale community or neighborhood units, such as housing project, mobile home park or shopping center which is not subdivided into customary lots, blocks and roads. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

The requirements and regulations of the "Manufactured Homes and Recreational Vehicles" chapter of the Tennessee Code Annotated, Sections 68-36-101 through 68-36-411, and those of the McMinn County Mobile Home Resolution, must be satisfied and the approval of the local health authority must be secured prior to approval by the Planning Commission.

ARTICLE 5

GENERAL REQUIREMENTS FOR ROADS AND OTHER RIGHTS-OF-WAY

Section 5.01. Conformance to Adopted Major Thoroughfare Plan. All roads and other features of the Major Thoroughfare Plan of McMinn County, Tennessee, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Thoroughfare Plan adopted by the Planning Commission.

Section 5.02. Continuation of Existing Roads. Existing roads shall be continued at the same or greater width, but in no case less than the required width.

Section 5.03. Road Connections. Where proposed roads are to adjoin existing roads, the developer must make the connection at his expense and meet all road design requirements set forth in these regulations.

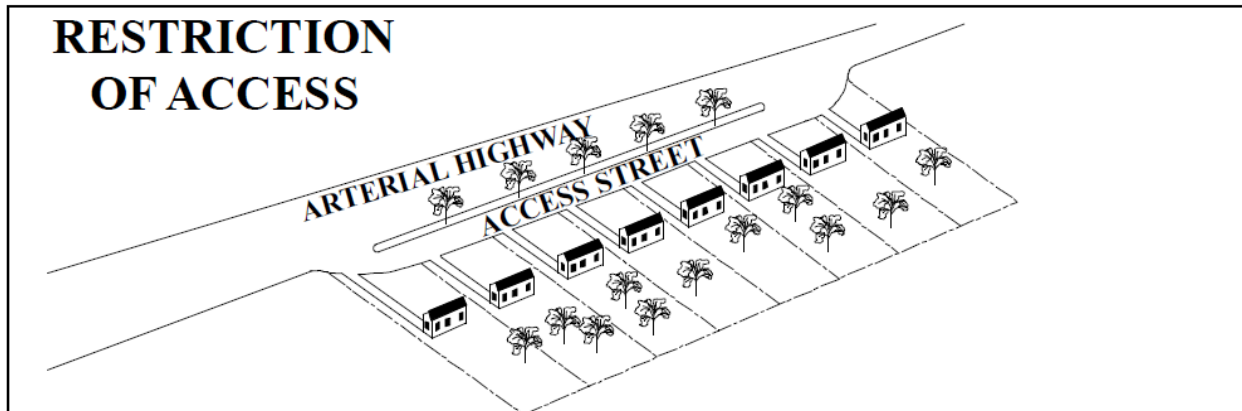
- a. Connection to county roads will require a permit that will be discussed at or prior to the pre-construction conference and connections to state highways will require a State Highway Entrance Permit from TDOT which must be presented at the pre-construction conference.
- b. Roads shall be named and/or numbered at each intersection.
- c. Connection between two or more county roads must be approved by the McMinn County Commissioner of Highways.

Section 5.04. Road Elevations. The Planning Commission may require, where necessary, profiles and elevations of roads in areas subject to flood, as defined in these regulations. Fill may be used for roads 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 road elevation shall be no lower than the elevation for a flood of 50-year frequency of occurrence.

The authority for establishing the 50-year frequency of occurrence flood elevation shall be the Tennessee Valley Authority's Flood Control Branch.

Section 5.05. Road Names. The road names shall require the approval of the Planning Commission. Roads that are obviously in alignment with roads already existing and named shall be given the name of the existing road. Lot numbers shall be assigned to all parcels and shown on the final plat. Lots on the left side of the road while traveling north or west shall have odd numbers. Lots on the right side of the road while traveling south or east shall have even numbers. Roads that are obviously in alignment with roads already existing shall continue the existing numbering system. Before assigning any road or lot a number, the developer shall first contact the E-911 Director of McMinn County in order to locate the correct road number.

Section 5.06. 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 road or may require reverse frontage lots.



Section 5.07. 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 5.08. Requirements for Permanent Vehicular Easements & Private Roads.

A permanent easement or private road may be permitted under certain conditions. It shall meet the following minimum requirements, including any special conditions attached by the Planning Commission, and the requirements and special conditions for the easement or private road shall be placed on the final plat for recording.

The following standards shall apply to all private easements and/or private roads based on the numbers of lots the private access will serve (current or future). At a later date if the property is to be further subdivided, the easement or private road must be upgraded to meet the requirements below based on the total number of individual lots that use this non-public access as a means of primary ingress/egress to these properties. A lot that has at least fifty (50') feet of road frontage on publicly maintained road, for which the fifty (50') feet of frontage is not located underneath a deeded easement/ROW, shall not count toward the number of lots considered to be using the private access when determining which of the standards below must be met. In other words, to not be counted as a lot having access to private road/easement, the fifty (50') of frontage must be separate and in addition to the required fifty (50') feet for the private access.

# of Lots Using Private Access	Right-of-Way Required (Minimum)	Road Base Requirements	Road Frontage of Each Lot	Plat Requirements
1 – 2 Lots	50' Wide Easement or ROW	No Requirement	50'	Final
3 – 6 Lots	50' Wide ROW	Gravel = 20' Wide	50'	Preliminary + Final
> 6 Lots	At Least 50' Wide ROW	Standard County Road	50'	Preliminary + Final

1 – 2 Lots (Easement or Right-of-Way)

Access that will serve no more than a maximum of two (2) lots shall only be required to have a fifty (50') feet wide right-of-way or deeded easement upon which each lot served must front on the right-of-way or easement by at least fifty (50') feet; exceptions to the fifty (50') feet lot frontage requirement may be waived by the Planning Commission for flag lots of one (1) acre or less that meet the minimum flag lot width requirements. However, in no case shall a flag lot have a flag stem that is less than the minimum easement width if the access strip connects to the end of a private easement. In special circumstances, the Planning Commission may allow an access easement rather than a dedicated right-of-way, and in such cases, shall have the authority to set conditions on the easement and special statements to be listed on the plat. However, in no case shall the required right-of-way or permitted easement be less than fifty (50') feet in width.

3 – 6 Lots (Right-of-Way + Gravel Road)

Access that will serve at least three (3) lots but no more than six (6) lots shall have at least a fifty (50') feet wide right-of-way within which a twenty (20') feet wide road base consisting of at least six (6") inches of compacted pug material will provide access to each lot (if the road is chip sealed, the McMinn County Highway Department may consider taking the road in as a county owned roadway). Adequate storm water drainage shall be included as specified in Section 10.07 of the McMinn County Subdivision Regulations. The Planning Commission and/or Commissioner of Highways may require engineering and/or design plans to ensure the road is built to the appropriate standards, and that adequate storm water drainage is provided.

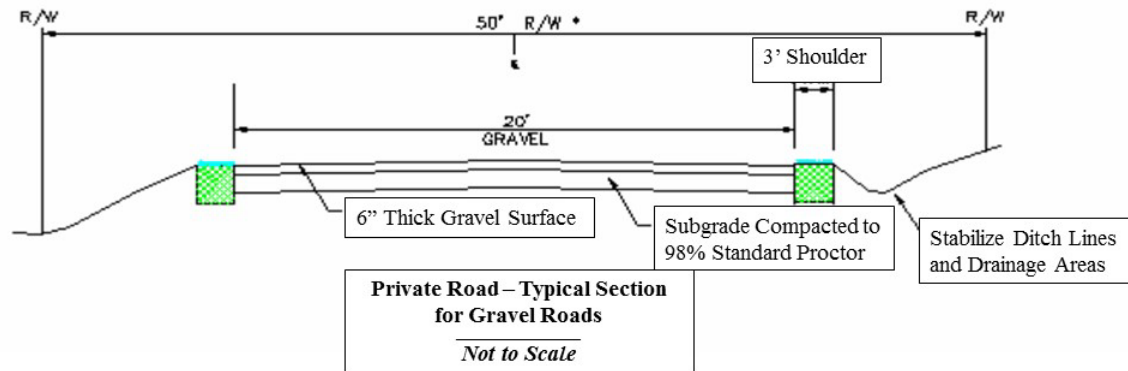
All lots using this access must front upon it by at least fifty (50') feet; exceptions to the fifty (50') feet frontage requirement may be waived by the Planning Commission for flag lots of one (1) acre or less that meet the minimum flag lot width requirements. However, in no case shall a flag lot have a flag stem that is less than the minimum easement width if the access strip connects to the end of a private easement.

The maximum length for such private road shall not exceed eight-hundred-fifty (850') feet, unless the entire roadway is brought up to the same standards as county built roads found in Articles 6 and 10 of the McMinn County Subdivision Regulations. The Planning Commission has the authority to grant variances for private road lengths greater than eight-hundred-fifty (850') feet when it is decided that there are topographical, geographical or other conditions peculiar to the property.

Further, a maintenance agreement shall be recorded in the office of the McMinn County Register of Deeds governing the use and maintenance of this private road by all current and future property owners that will use this road as a means of access. The maintenance agreement shall prescribe how maintenance costs are to be allocated among adjoining

property owners and how costs will be reevaluated in the case of the lots being further subdivided. The maintenance agreement shall also be referenced on the final plat, and presented to the Planning Commission prior to the final plat being approved. The gravel road base shall be laid out and have been inspected by the McMinn County Highway Department prior to receiving approval of a final plat by the McMinn County Regional Planning Commission.

Gravel Road Typical Profile



More than 6 Lots (Right-of-Way + Road Built to County Specifications)

Access that will serve more than six (6) lots shall have at least a fifty (50') feet wide right-of-way within which a two-lane road built to the standards found in Articles 6 and 10 of the McMinn County Subdivision Regulations shall be constructed prior to approval of a final plat by the McMinn County Regional Planning Commission. Engineering plans for the roadway will be required, and shall be presented to and reviewed by the McMinn County Planning Commission, McMinn County Commissioner of Highways, and Staff prior to construction. The Planning Commission will require a statement from the engineer to be submitted along with the final plat stating the road has been constructed and completed in accordance with the standards found in the McMinn County Subdivision Regulations. All lots using this access for ingress/egress shall front upon it by at least fifty (50') feet. Further, a maintenance agreement governing the use and maintenance of this private road by all current and future property owners using this road as a means of access shall be submitted to the Planning Commission for review prior to receiving final approval of a plat, and then recorded in the office of the McMinn County Register of Deeds. The maintenance agreement shall prescribe how maintenance costs are to be allocated among adjoining property owners and how costs will be reevaluated in the case of the lots being further subdivided. The recorded maintenance agreement shall also be referenced on the final plat. The road must be finished in final form in conformance with the standards set for public roads, and shall have been inspected and found to meet the specified requirements by the McMinn County Highway Department before a final plat is to be considered for approval by the McMinn County Regional Planning Commission.

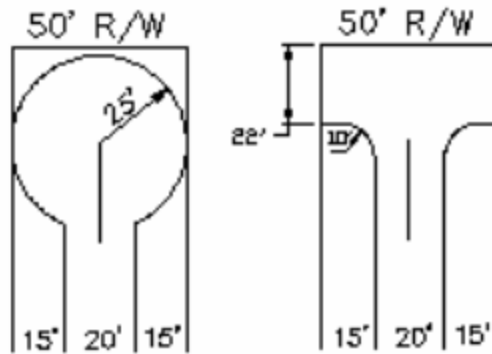
General Conditions for all Private Roads Requiring Right-of-Way (3 + Lots)

- a. Permanent easement improvements shall be maintained either by the owner, a legally established home-owner's association, or other similar group approved by the planning commission, and not by the Government of McMinn County. The legal documents establishing the easement shall

be submitted with the final plat for review and approval and shall be recorded with the final plat and deed for each property.

- b. All desired utilities are the responsibility of the owner, a legally established home-owner's association, or other similar group approved by the planning commission. The Government of McMinn County is not responsible for providing utility services beyond the limits of a public road or public right-of-way. All required utilities shall be installed prior to completion and testing of the subgrade. Proof of utility installation shall be provided to the Planning Commission prior to approval being granted on a final subdivision plat.
- c. If, at any future date, a permanent easement/private road is submitted for acceptance as a public street or road, it shall be submitted to the planning commission for review. In considering the easement/private road for approval as a public street or road, the planning commission shall require the improvements to the easement/private road to meet the minimum street construction standards in effect at the time the request for public acceptance is made. The Commissioner of Highways shall review plans pre-construction and post-construction, and shall have rendered a recommendation to the Planning Commission and County Commission for acceptance as a county road. It shall be stated on the plat and/or the private easement/road certificate that no private access roadway shall be adopted into the county system as a public road until it is brought up to the standards of county built roads as specified in these regulations.
- d. The road base shall be laid out and designed so that it will not exceed a maximum grade of seven (7%) percent for gravel roads and not more than ten (10%) for paved roads. The Planning Commission may grant a variance on road grade after first obtaining a recommendation from the McMinn County Commissioner of Highways.
- e. A maintenance agreement shall be recorded with the McMinn County Register of Deeds prior to a final plat being submitted to the McMinn County Regional Planning Commission for review. The registered maintenance agreement shall be noted on the final plat.
- f. Private road and driveway connections may be required to be paved at the portion where the private road/driveway connects to a county road. The type of paving material, width, and distance of paving on the private road shall be determined by the McMinn County Highway Department.

- g. The private road shall remain accessible to emergency, fire, police, and public utilities. If a gate is to be installed, the County Sheriff and emergency responders must have a key code or other means of access to the roadway.
- h. The McMinn County Regional Planning Commission may require engineering and/or design plans for roads serving three (3) or more lots to ensure the road is constructed in such a manner that it will be safe, provide adequate drainage, and meet the requirements set forth in these regulations. All engineered plans shall meet highway commissioner's requirements.
- i. All private roads in subdivisions containing 6 or greater lots shall obtain a road name from the McMinn County 911 Office, and a stop sign and street name sign(s) shall be installed at the intersection of all roadways to identify them for emergency services. Street signs shall be permanently mounted with reflective lettering. All private street signs shall be marked with "PVT" along the righthand side and highlighted yellow to indicate it as a private road. Proof of the installed signs (i.e. pictures) shall be presented to the Planning Commission prior to receiving approval of a final plat.
- j. The maximum number of lots for the road type being used should be listed on the plat either in the notes or separately.
- k. All maintenance agreements for private roads serving more than two (2) lots shall have a provision included that allows a homeowner's association to place a lien on property of those who do not contribute financially to the maintenance of the shared roadway.
- l. The road centerline of all paved roads shall be surveyed and the road profile shall be shown on the final plat.
- m. The permanent easement must have access to a public road, but shall not connect between two (2) or more public roads.
- n. For cul-de-sacs and dead-end roads, there shall be at least a "Y" turn-around or cul-de-sac circle constructed as shown below.



Road width shown as an illustration. Actual width shall be as required by the McMinn Subdivision Regulations based on size and type of road required.

- o. No lot shall be bought or sold, or deed transferred, until all permanent vehicular easement requirements have been met.

Note: As lots are added to existing easements/private roads the entire right-of-way must meet current standards based on the “new” total number of properties (individual lots) with use of the easement. Previous divisions from the parent tract that abut the private road will be counted as lots toward the requirements in these regulations.

Section 5.09. Street or Road Base Requirement. 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) foot of graveled shoulders on each side (base total width 26 feet). When the base is completed, the developer must notify the Commissioner of Highways and the developer’s licensed civil engineer for inspection.

Section 5.10. Required Site Improvements Before Final Plat Approval (amended 5/24/07)

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

NOTE: The subdivider at his expense, may contract with the county or any Tennessee licensed construction company to install the necessary improvements. Lists of said companies may be obtained from the State of Tennessee or the McMinn County Highway Department.

1. Monuments.

- a. All lot corners shall be marked with iron pipe or rebar not less than one-half (1/2) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.
- b. Each major subdivision (5 lots or greater or whenever a new road is constructed) shall have two (2) control markers placed by the surveyor, using the Tennessee Coordinate System (preferably NAD 1983). Control markers shall be placed by the surveyor as feasibly possible and locations shall be identified on the final plat.

2. Grading.

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

- a. Preparation. Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
- b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be sacrificed to a depth of twelve (12) inches below the subgrade. This provision applies to the roadway and not necessarily to the entire right-of-way width.
- c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped.
NOTE: Excess cut and fill must be approved by the McMinn County Commissioner of Highways.

- 3. **Required Inspections During Road Construction.** Before road construction begins the developer shall contact the McMinn County Commissioner of Highways as notification and to discuss pre-construction project specifics. While road construction is taking place, inspections shall be made by the Commissioner of Highways or his/her representative before, during and after each step or process and prior to the next course or procedure. The Commissioner of Highways or Registered Engineer 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 Commissioner of Highways after the completion of each step.

4. **Street or Road Base.** Mineral Aggregate 303-02 shall be compacted to a minimum of six (6) inches. The road width shall be no less than twenty (20) feet with three (3) feet wide graveled shoulders on each side. When the base is completed, the developer must notify the Commissioner of Highways and the developer's licensed civil engineer for inspection. (also see typical tangent section)
5. **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. The size of the culvert shall be reviewed by the McMinn County Commissioner of Highways. Cross drains should be provided to accommodate all natural water flow and shall be of sufficient length to permit a full width roadway and the required slopes. The size and location of cross drains shall be determined by the licensed engineer, but in no case shall they be less than fifteen (15) inches in diameter. All storm drainage contained in pipes or culverts under the roadway shall have endwalls, headwalls, or rip-rap with a concrete apron wall where necessary to prevent erosion. Drainage engineering data compiled for the development shall be furnished to the Commissioner of Highways at or prior to the pre-construction conference.

NOTE: Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matches 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 5.11. Reserved for Future Use

Section 5.11. Reserve Strips. There shall be no reserve strips controlling access to roads, except where the control of such strips is definitely placed with the county under conditions approved by the planning commission.

Section 5.12. Easements (Utility). Easements having a minimum width of ten (10) feet shall be provided where deemed necessary along each side or rear lot line for utility lines and underground mains and cables. Easements of the same or necessary greater width shall be required along the lines of, or across lots, where necessary for the extension of existing or planned utilities.

Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm-water or drainage right-of-way of adequate width. Parallel roads may be required by the Planning Commission in connection therewith.

ARTICLE 6
SPECIFIC DESIGN REQUIREMENTS FOR ROADS
AND OTHER RIGHTS-OF-WAY

Section 6.01. Road Right-of-Way Widths. (Amended 1/21/10) The right-of-way width shall be the distance across a road from property line to property line. Minimum road right-of-way widths shall be as follows:

- a. Rural Interstate140 feet
(See Major Road Plan) or as may be required
- b. Rural Principal & Rural Minor Arterials.....80 feet
(See Major Road Plan) or as may be required
- c. Rural Major & Rural Minor Collectors.....60 feet
(See Major Road Plan) or as may be required

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

- d. Minor Roads50 feet
- e. Marginal Access Roads50 feet

Marginal access roads are minor roads which are parallel to and adjacent to arterial roads and highways; and which provides access to abutting properties and protection from through traffic;

- f. Alleys20 feet

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

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

Cul-de-sacs are permanent dead-end roads 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 five hundred (2,500) feet. They shall be provided at the closed end with a turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.

- h. Temporary Cul-de-sacs50 feet

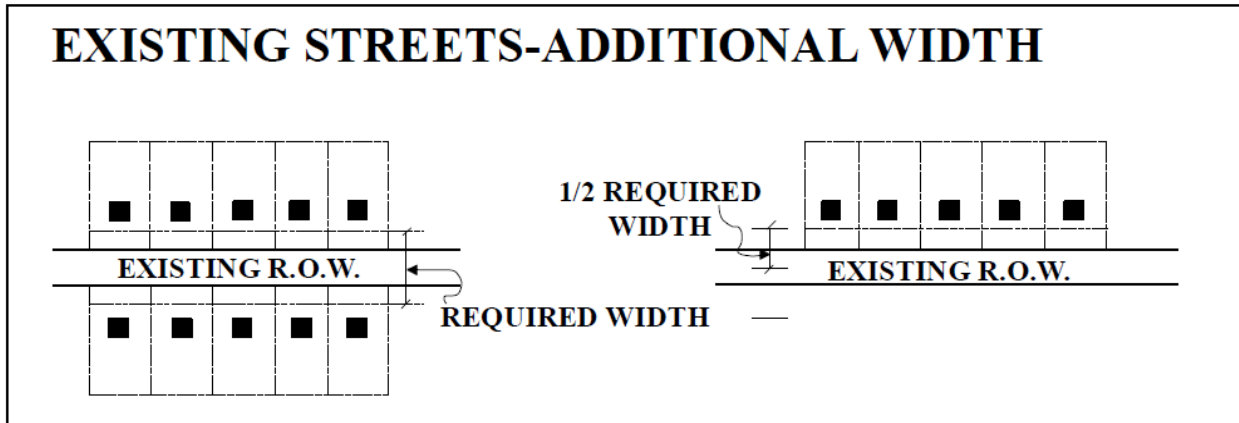
Where, in the opinion of the Planning Commission, it is desirable to provide for road access to adjoining property, proposed roads shall be extended by dedication to the boundary of such property. Such dead-end roads shall be provided with a temporary turn-around having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet.

Additional Guidelines for Temporary Cul-de-sacs

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

Section 6.02. Additional Width on Existing Roads. Subdivisions that adjoin existing roads shall dedicate additional right-of-way to meet the minimum road width requirements.

- a. The entire right of way shall be dedicated where any part of the subdivision is on both sides of the existing road, and
- b. Where the subdivision is located on only one side of an existing road, 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 of the required right-of-way, measured from the center line 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 6.03. Road Pavement Widths. (Amended 1/21/10) Road pavement widths shall be as follows:

- a. Rural Principal Arterials 30 feet or greater,
or as may be required
- b. Rural Minor Arterials 30 feet or greater,
or as may be required
- c. Rural Major Collectors 30 feet or greater,
or as may be required
- d. Rural Minor Collectors 30 feet or greater,
or as may be required
- e. Minor (Neighborhood)...Two Options 1. Type One and 2. Type Two.
 - 1. 20 feet (with 3 foot gravel shoulders on each side of paved road)
See Exhibit ***Typical Tangent Section – Type One.***
 - 2. 22 feet (curbed street measured from inside to inside face of
curbs) See Exhibit ***Typical Tangent Section – Type Two.***
- f. Alleys 16 feet
- g. Cul-de-sacs.....40 foot
radius or turnaround.
- h. Through proposed neighborhood or local business areas the road
widths shall be increased ten (10) feet on each side to provide for
turning movements of vehicles into and out of necessary off-road
parking areas without interference to traffic.

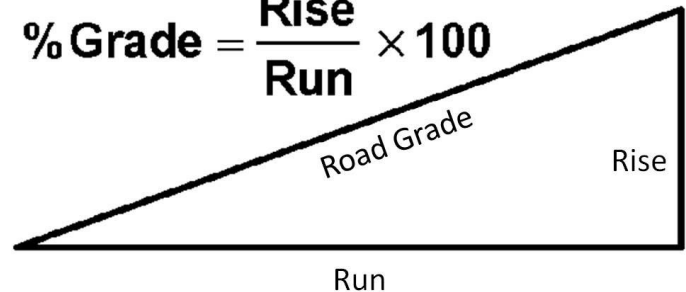
NOTE: The pavement widths are measured from inside of curb to inside of curb. These widths are considered the minimum necessary to accommodate modern traffic. All Arterials and Collectors are designed to be high-volume, high-speed traffic movers. At no time should parking be allowed along Arterials or Collectors; however in the case of Local Roads, road parking must be considered in the pavement width. Where no road parking is permitted or none is anticipated, allowances may be made. A parallel parking lane normally requires eight (8) feet.

Section 6.04. Road Grades. Maximum road grades shall not exceed ten (10%) percent and shall have a minimum of one and one half (1.5) percent grade.

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

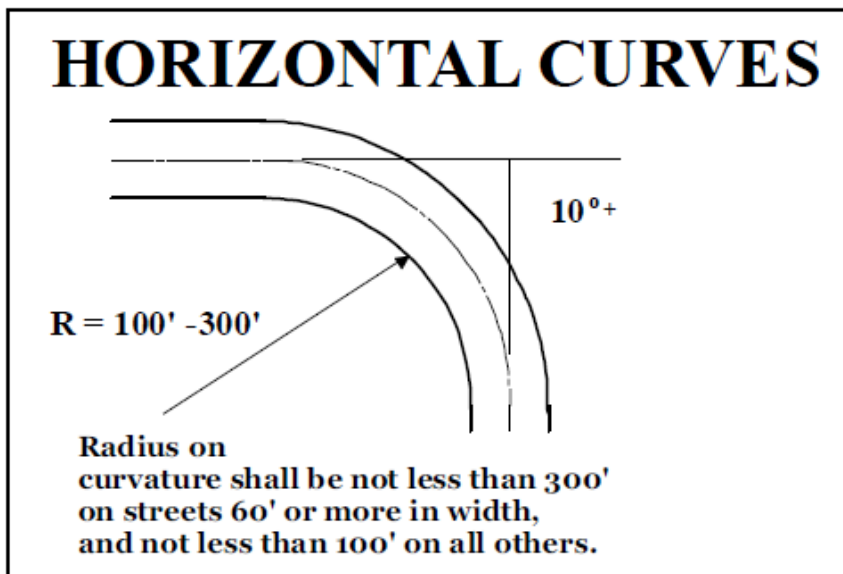
$$\text{Grade} = \frac{\text{Rise}}{\text{Run}}$$

$$\% \text{Grade} = \frac{\text{Rise}}{\text{Run}} \times 100$$



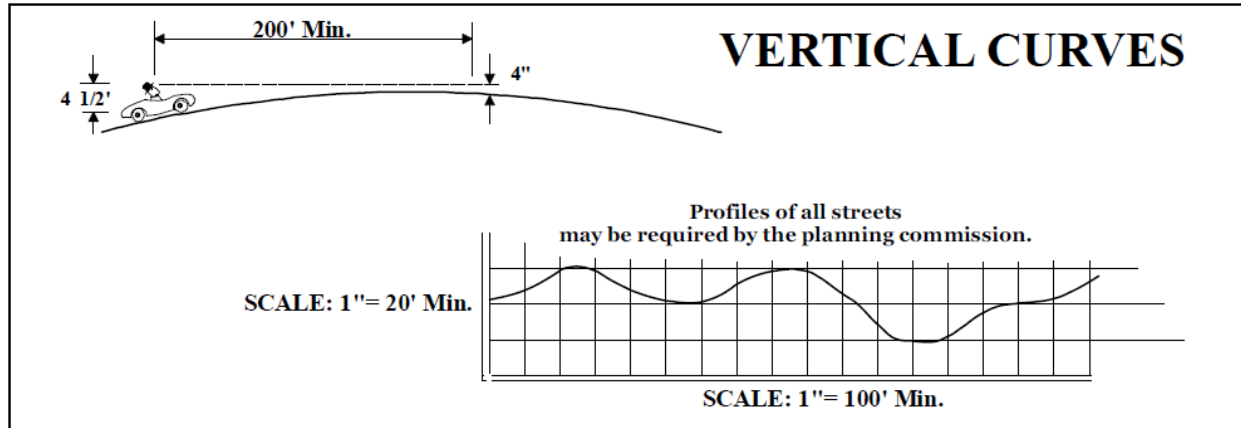
Section 6.05. Horizontal Curves. (Amended 1/21/10) Where a deflection angle of more than ten (10) degrees in the alignment of a road occurs, the road shall have a centerline radius of not less than the following:

- a. Rural Principal & Rural Minor Arterials.....300 feet
- b. Rural Major & Rural Minor Collectors.....200 feet
- c. Minor Roads 100 feet

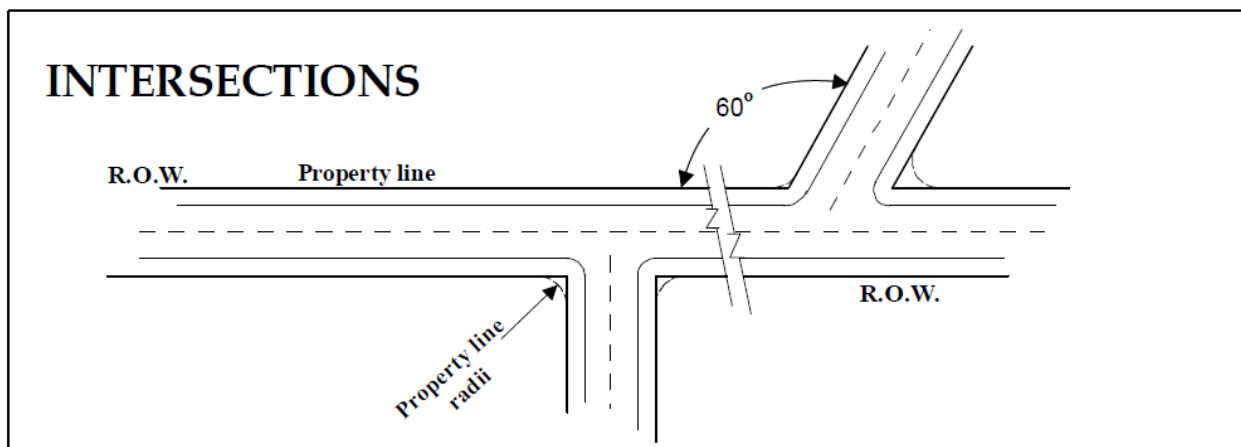


Section 6.06. Vertical Curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement, to an object four (4) inches high on the pavement. Where, in the opinion of the Planning Commission, topography warrants it profiles of all roads showing natural and finished grades drawn to a scale of not less than

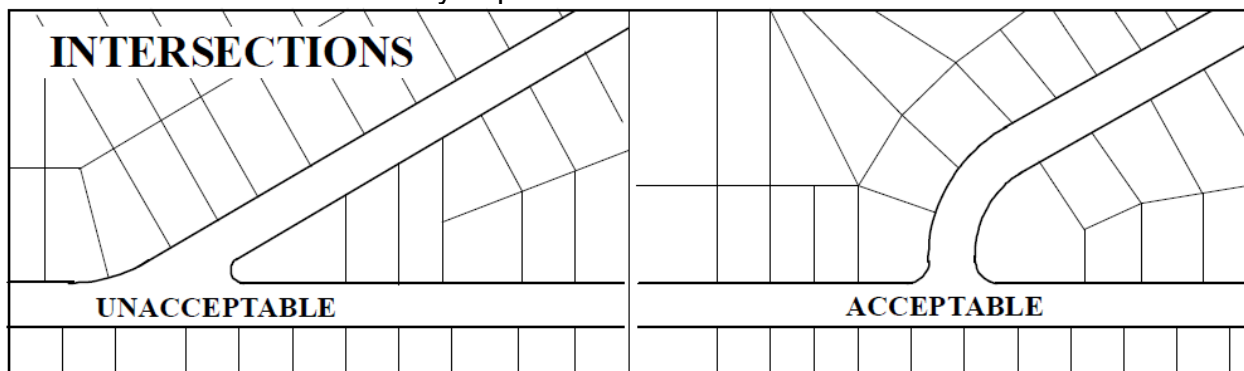
one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.



Section 6.07. Intersections. Road 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.

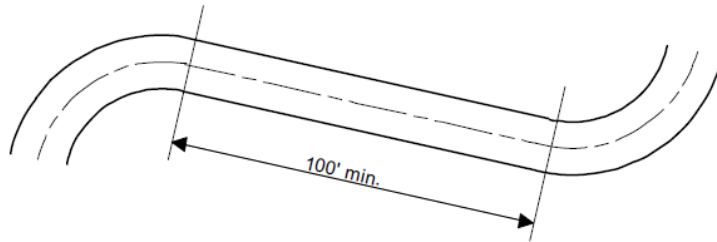


Curb radii at road intersections shall not be less than twenty (20) feet, and where the angle of a road intersection is less than seventy-five (75) degrees, the Planning Commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without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



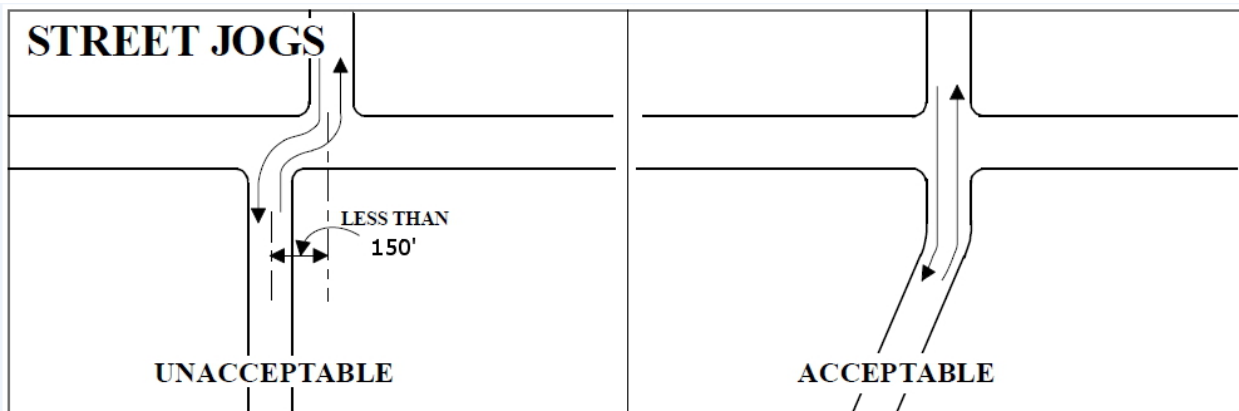
Section 6.08. Tangents. Between reverse curves there shall be a tangent having a length not less than one hundred (100) feet.

TANGENTS



Section 6.09. Road Jogs. Road Jogs with centerline off-sets of less than one hundred fifty (150) feet shall not be allowed.

STREET JOGS



ARTICLE 7

DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 7.01. Block Lengths and Widths. Block lengths and widths shall be as follows:

- a. Blocks shall be no greater than one thousand two hundred (1,200) feet nor less than three hundred (300) feet in length, except in unusual circumstances; and
- b. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major roads or where other situations make this requirement impracticable.

Section 7.02. Flood-Free Building Site. 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. New structures and those meeting the definition of a substantially improved structure shall comply with the requirements of the McMinn County Flood Damage Prevention Resolution, which is attached in the appendix of this document.

The authority for establishing the 100-year frequency of occurrence flood elevation shall be FEMA, with assistance from the Tennessee Valley Authority's Flood Control Branch or the Corps of Engineers, Department of the Army. In the event the site is not in an area covered by one of these agencies or for which a study has not been done, a comprehensive study will be required by a professional engineer licensed to practice in Tennessee.

Section 7.03. Lot Sizes. Residential lots shall meet the lot width and lot area requirements of the Zoning Ordinance. In the absence of a Zoning Ordinance, residential lots shall not be less than seventy-five (75) feet wide at the setback (building) line. Other lot size requirements follows:

- a. New lots shall have a depth of not less than one hundred (100) feet, and not greater than four (4) times the width of the lot at the building line, unless there are circumstances in which topography or floodable land areas inhibit development in portions of the lot, usually the rear.
- b. **(Amended 6/17/10)** Lots not served by public water and sanitary sewer systems shall be a minimum of thirty-five thousand (35,000) square feet in area or larger when specified by the County Health Officer (TDEC) to adequately accommodate both a fresh-water well and septic tank on the same lot. Where individual septic tanks are used and public water is available minimum lot size shall be twenty thousand (20,000) square feet. Each lot should be able to contain the entire septic system to include the sewage field (field line) within the boundary of said lot. The Health Officer shall also prescribe minimum lot sizes to conform to health standards, which may be greater than the standards contained herein. For lots with existing

sewage disposal systems the location of the entire septic system shall be shown on the plat, regardless of lot size. The plat should also contain the Existing Septic System Certificate found in Section 12.02 Certifications Required. When a subdivision of property and/or a final plat involves pre-existing septic systems, a letter of recertification of such systems by TDEC shall be obtained if deemed necessary by the Planning Commission.

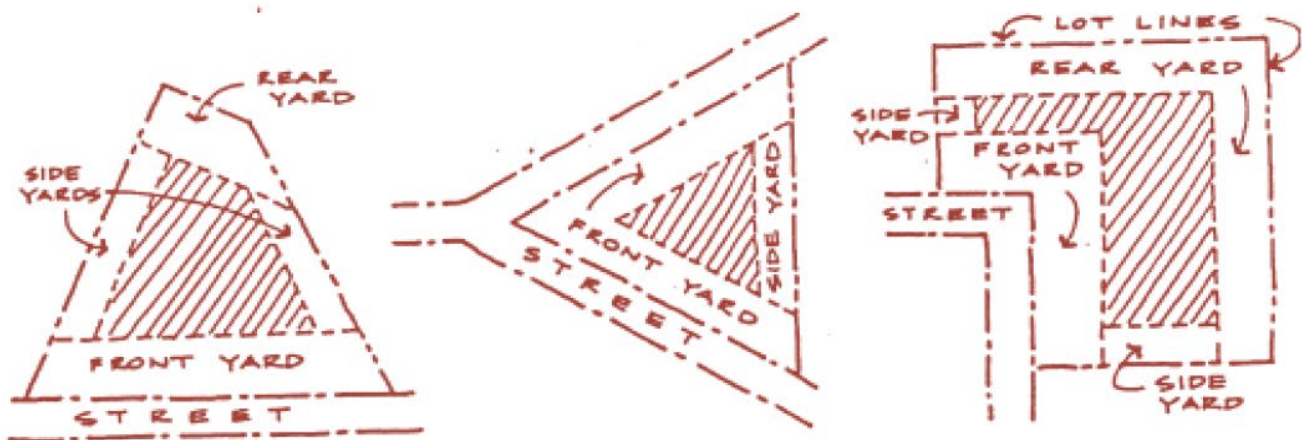
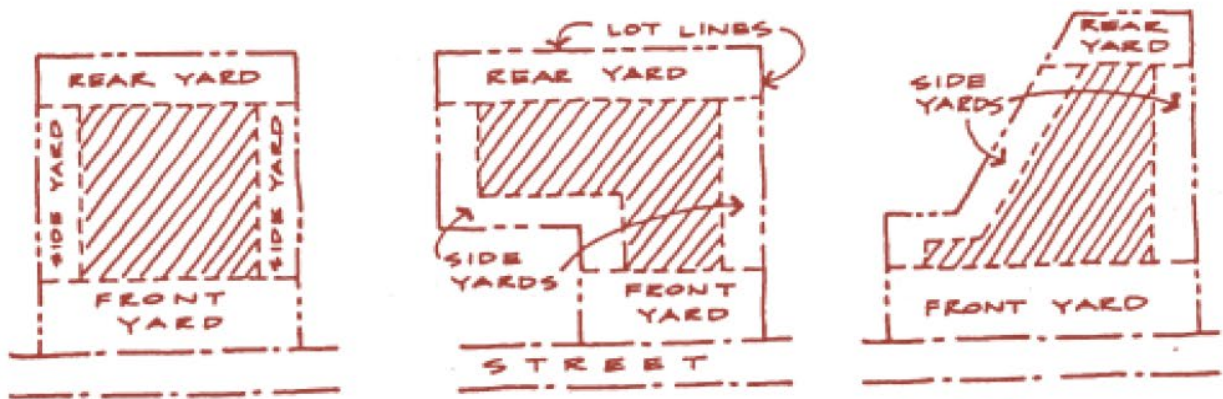
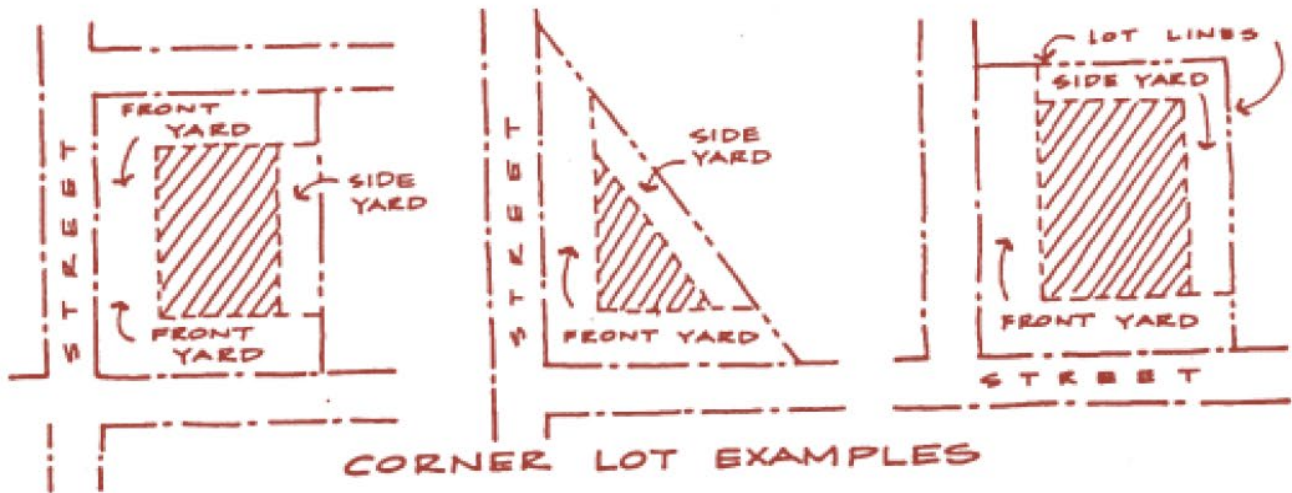
- c. **(Amended 2/16/23)** Lots served by public water and public sanitary sewer shall be at least seven thousand five hundred (7,500) square feet in size.
- d. Commercial and industrial lots shall be adequate in size to provide service areas and off-road parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- e. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
 - 1. A site that does not unduly interfere with through traffic. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general system of roads. Minor industrial roads and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.)
 - 2. An integrated parking area.
 - 3. An insulation against any adverse effect on any present or future adjacent residences.
 - 4. A parcel size sufficient in area to allow future expansion.

Section 7.04. Lot Lines. All lot lines shall be perpendicular or radial to road lines, unless impractical because of topographic or other features.

Section 7.05. Building Setback Lines. A building line (setback line) meeting the front yard setback requirements of the Zoning Ordinance shall be established on all lots. In the absence of a Zoning Ordinance, the front yard setback shall be a minimum of thirty-five (35) feet from the road right-of-way lines. Other minimum setback lines shall be as follows:

- a. From the side property line 10 feet
- b. From rear property line 15 feet
- c. From side property line 35 feet
which abuts a minor road (corner lots) or greater

FIGURE 1



REQUIRED YARDS



Building Envelope (Two Dimensional)

Section 7.06. Lots Abutting Public Roads. Each lot shall abut upon a dedicated public road or an approved permanent easement. See *Section 7.09 for exceptions/additional requirements.*

Section 7.07. Double and Reverse Frontage Lots. Double frontage and reverse 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. A planted evergreen screen easement of at least ten (10) feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting a traffic artery or other incompatible use.

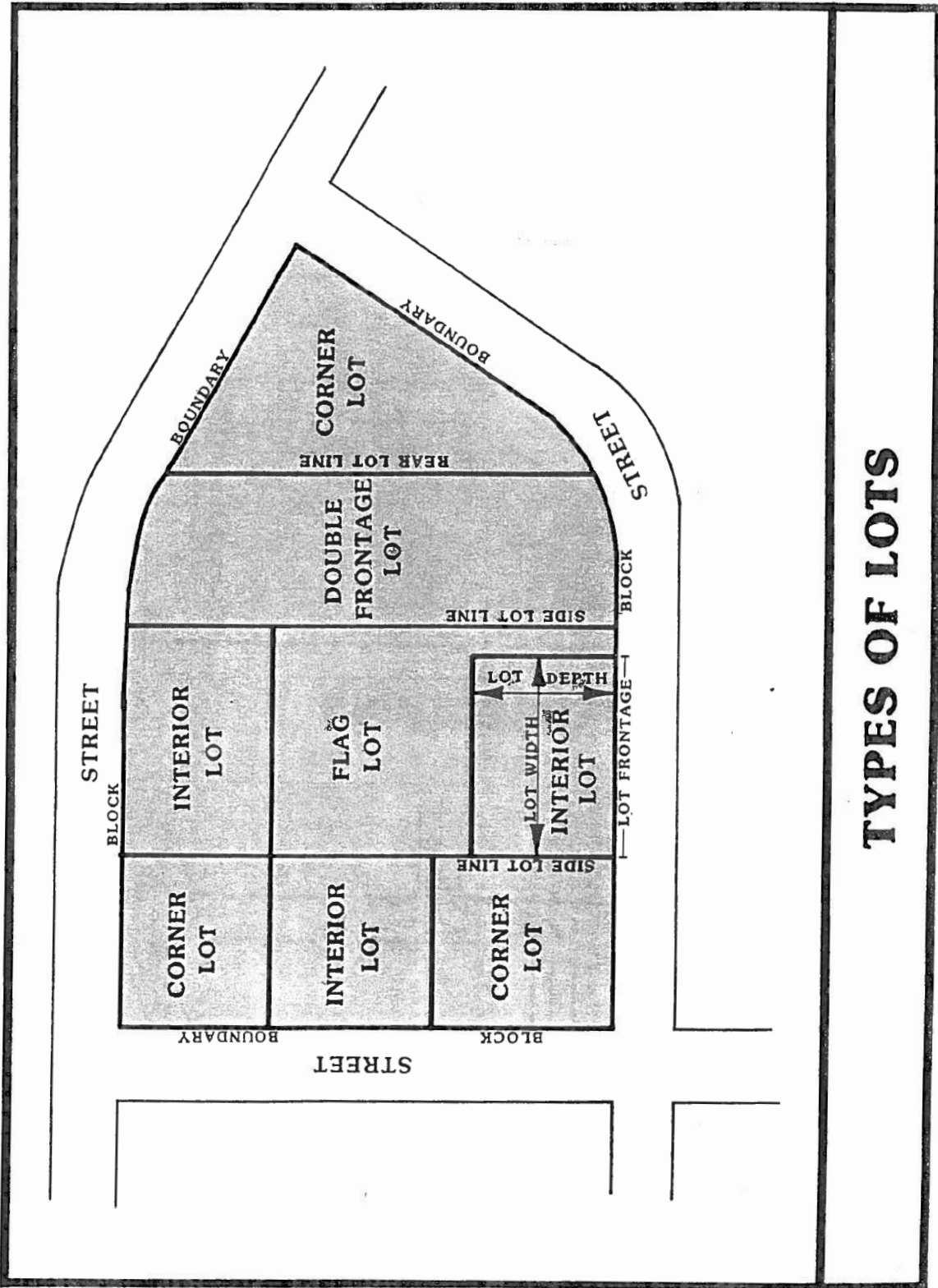
Section 7.08. Flag Lots (amended 4/16/09) In McMinn County, flag lots shall be allowed only if they meet the following requirements:

- A. For flag lots of one (1) acre or less, the access strip shall be a maximum of three-hundred (300) feet in length and a minimum of twenty-five (25) feet in width.
- B. For flag lots larger than one (1) acre, the access strip shall be a maximum of one-thousand (1,000) feet in length and a minimum of fifty (50) feet in width. Further, the access strip shall be limited to a length such that no more than one intervening lot or partial lot lies between the lot served by the access strip and the public or private street providing access to the new flag lot. (An intervening lot is one which lies between any portion of the flag lot and a public or private road providing access to the flag lot.) This wider access strip will allow room for a public/private street when and if the flag lot is further subdivided.
- C. All flag lots shall be designed so that the access point is safe (primarily considering visibility and grade) for vehicular ingress and egress. Unlike the owner of a conventional lot, the owner of a flag lot will have no other choice as to the driveway location. The safety of this intersection becomes even more important if the flag lot is ever re-subdivided and contains more than one home.
- D. All flag stems of any size flag lot shall not be located within one-hundred (100) feet of another flag stem or within one-hundred (100) feet of the intersection of public or private roads and permanent vehicular easements. For flag lots located at the end of cul-de-sacs (those that abut upon the bulb portion of the cul-de-sac), two twenty-five (25) foot flag stems may be permitted side by side, though all flag lots are still subject to the intervening lot rule. It should also be noted that flag stems located on the bulb portion of the cul-de-sac must be separated from all other flag stems by at least one-hundred (100) feet.
- E. The flag stem portion of any flag lot shall not change direction more than once, and it shall not change direction at an angle of less than ninety (90) degrees. In instances where a flag lot is to be located along the exterior property line of the proposed subdivided tract, the flag stem may follow the exterior property line of the original tract; however, it shall not change direction at an angle of less than ninety (90) degrees.
- F. The flag stem shall be located so as to prevent crossing flowing or intermittent streams, ravines, or similar topographic features without the provision of an adequate structure or fill and culvert to carry traffic.

- G. Minimum lot sizes shall be calculated excluding the access strip.
- H. The building setbacks shall apply only to the flag portion of the lot and not to the access strip.
- I. In instances where a fifty-foot (50') wide access strip is required, the developer shall locate it on land having a finished grade of no more than 14 percent. This requirement is needed so that the county does not, at a future date, have a road that is difficult to maintain and is dangerous for public vehicles, such as school buses and fire trucks.
- J. For lots larger than one (1) acre with additional or secondary access, the access strip and/or road frontage shall be a minimum of fifty (50) feet in width to include a fifty (50) foot width at all points that abut upon either a dedicated public street or an approved permanent easement. (This wider access strip will allow proper room for a public street when and if the lot is ever re-subdivided by using the additional or secondary access as the primary access in the re-subdivision.

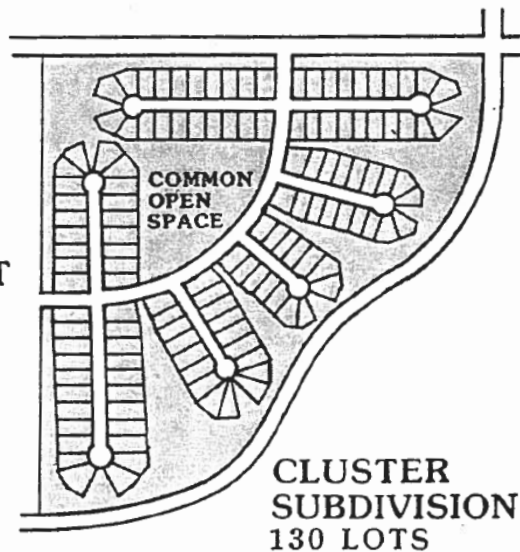
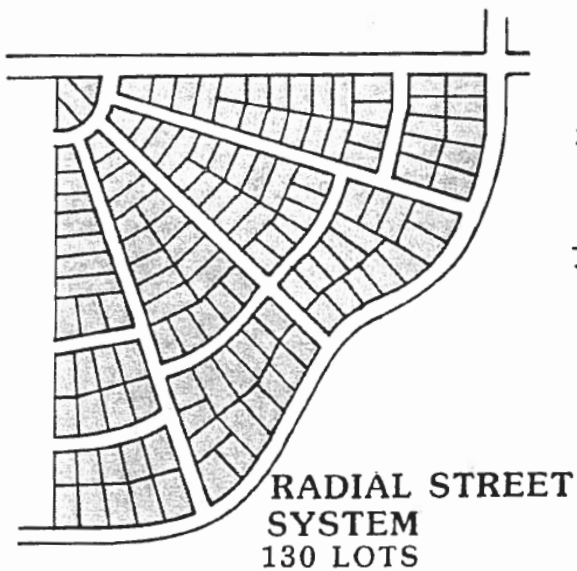
Section 7.09. Minimum Road Frontage. Each lot shall abut for at least fifty (50) feet upon either a dedicated public street or an approved permanent easement. See below exception for flat lots of one (1) acre or less. Where a new road is being constructed to serve lots with secondary access, the lots have to meet the same frontage requirements on both roads, and the new road must meet all requirements of these regulations including right of way and construction requirements.

- A. For flag lots of one (1) acre or less which have a flag stem with the minimum twenty-five (25) feet in width, the road frontage must abut for at least twenty-five (25) feet upon either a dedicated public street or an approved permanent easement.



TYPES OF LOTS

SUBDIVISION DESIGNS



SUBDIVISION DESIGNS

ARTICLE 8

PROCEDURE FOR PRELIMINARY PLAT APPROVAL OF A SUBDIVISION

Section 8.01. Pre-Application Review. Whenever a subdivision of a tract of land within McMinn County is proposed, the subdivider is urged to consult early with the Staff Planners or designated member(s) of the Planning Commission, and when new road construction is involved, consulting with the McMinn County Commissioner of Highways (or representative) is required at a pre-construction conference. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre-application review and no formal application shall be required.

NOTE: (1) 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 in order to facilitate the subsequent preparation and approval of plans.

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

(2) The various plat reviews required by these regulations may properly be made by the Secretary or a designated member of the Planning Commission. It would be wasteful of time for the entire Planning Commission membership to review a proposed land subdivision, except in cases of conflict or unusual and difficult problems. Approval or disapproval in every case must be by action of the Commission. This note applies only to reviews.

Section 8.02. Application for Preliminary Plat Approval. (amended 8/16/07) Following the pre-application review of a proposed subdivision, the subdivider shall submit the items noted in Subsections (a) and (b) of this Section to the McMinn County Planning Office or the Local Planning Assistance Office, at least ten (10) business days prior to the next scheduled meeting of the Planning Commission in order to be included on the agenda. Items including plats not submitted by twelve noon on plat review day (10 business days prior to the regularly scheduled Planning Commission meeting) will not be placed on the agenda and will not receive action at the meeting. In no case will a plat be reviewed or receive action that is submitted on the day of the meeting. All items including plats set to appear on the agenda and that were submitted at least ten (10) business days prior to the regularly scheduled meeting of the Planning Commission shall also be submitted to the McMinn County Planning Office in final form (including all corrections and appropriate certificates with signatures) by twelve noon on the day preceding the scheduled meeting."

- a. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent, and

- b. A maximum of seven (7) copies (**see below to determine necessary # of copies**) of the preliminary plat and other documents as specified in Article 9 are suggested to provide a review and record copy for:

1.¹Planning Commission (held by County Planner); 2.¹State Planner, 3.¹County Health Officer (TDEC), 4.¹Subdivider (keeps 1 copy), 5.²County Engineer, 6.²Public Utility Department or Company (for record), and 7.²The County Road Superintendent.

Notes: 1. Required Copies.

2. Only when necessary, after consulting with the appropriate Department Head, i.e. (6) new utilities, (7) new roads, (7) new access.

NOTE: Two (2) copies of a plat will be sufficient when submitting a plat(s) for review by Planner(s) prior to a meeting. Seven (7) copies with the corrections (if necessary) should be presented at the Planning Commission meeting.

Section 8.03. Review of Preliminary Plat. The Planning Commission shall check the plat for conformance to these regulations and shall afford a hearing on the preliminary plat.

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

Tentative approval of a preliminary plat does not constitute approval of a final plat.

It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his representative and approved by the Planning Commission.

Approval of the preliminary plat does not constitute approval of the final plat. In accordance with Tennessee Code Annotated 13-3-413, tentative approval of the preliminary plat begins a three (3) year vesting period in which the applicant is permitted to operate under the locally adopted development standards in place at the time of approval. However, the applicant shall report to the planning commission annually on progress made during this time, and shall be required to have the preliminary plat renewed each year during the vesting period. Failing to have a preliminary plat approval renewed annually during the vesting period shall require future actions on this development to comply with locally adopted development standards in place at that time. If the applicant obtains local government approval of a final plat, secures necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three (3) year period.

In accordance with Tennessee Code Annotated 13-3-404, the Planning Commission shall approve or disapprove the preliminary plat within sixty (60) days after the plat is presented at a Planning Commission meeting. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 8.04. Certificate of Tentative Approval. Two (2) Certificates of Tentative Approval of the Preliminary Plat by the Planning Commission shall be issued. One (1) copy for the subdivider or his agent and one (1) for the Planning Commission records. The certificate shall contain the following:

"Pursuant to the Subdivision Regulations of McMinn County, all the requirements of tentative approval have been fulfilled.

Therefore, this "Preliminary Plat" has been approved by the McMinn County Planning Commission on _____, 20____ subject to any of the following modifications listed below. This approval does not constitute approval of a Final Plat. This Certificate of Tentative Approval shall expire and be null and void on (date) _____. This tentative approval is vested for three (3) years from the original date of passage under the subdivision standards in effect at that time, or as stated in Tennessee Code Annotated 13-3-413. Each year during the vesting period, the applicant must report to the planning commission on any progress, and request an extension on preliminary approval during the vesting period. If the approval lapses before the end of the vesting period or prior to the approval of a final plat, then vesting will start over with the current regulations in place at that time. The current regulations in effect are version _____.

Variances or modifications granted (if any): _____

Year 1. Certificate of Preliminary Plat Approval shall expire and be null and void on _____, 20 ____

Date Secretary. McMinn County Regional Planning Commission

Year 2. Certificate of Preliminary Plat Approval shall expire and be null and void on _____, 20 ____

Date Secretary. McMinn County Regional Planning Commission

Year 3. Certificate of Preliminary Plat Approval shall expire and be null and void on _____, 20 ____

Date Secretary. McMinn County Regional Planning Commission

NOTE: After the subdivider has received preliminary plat approval, he may begin work on the necessary improvements for final plat approval or may post a surety bond in the amount needed to install the required improvements.

ARTICLE 9

PRELIMINARY PLAT SPECIFICATIONS FOR SUBDIVISIONS

Section 9.01. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch.

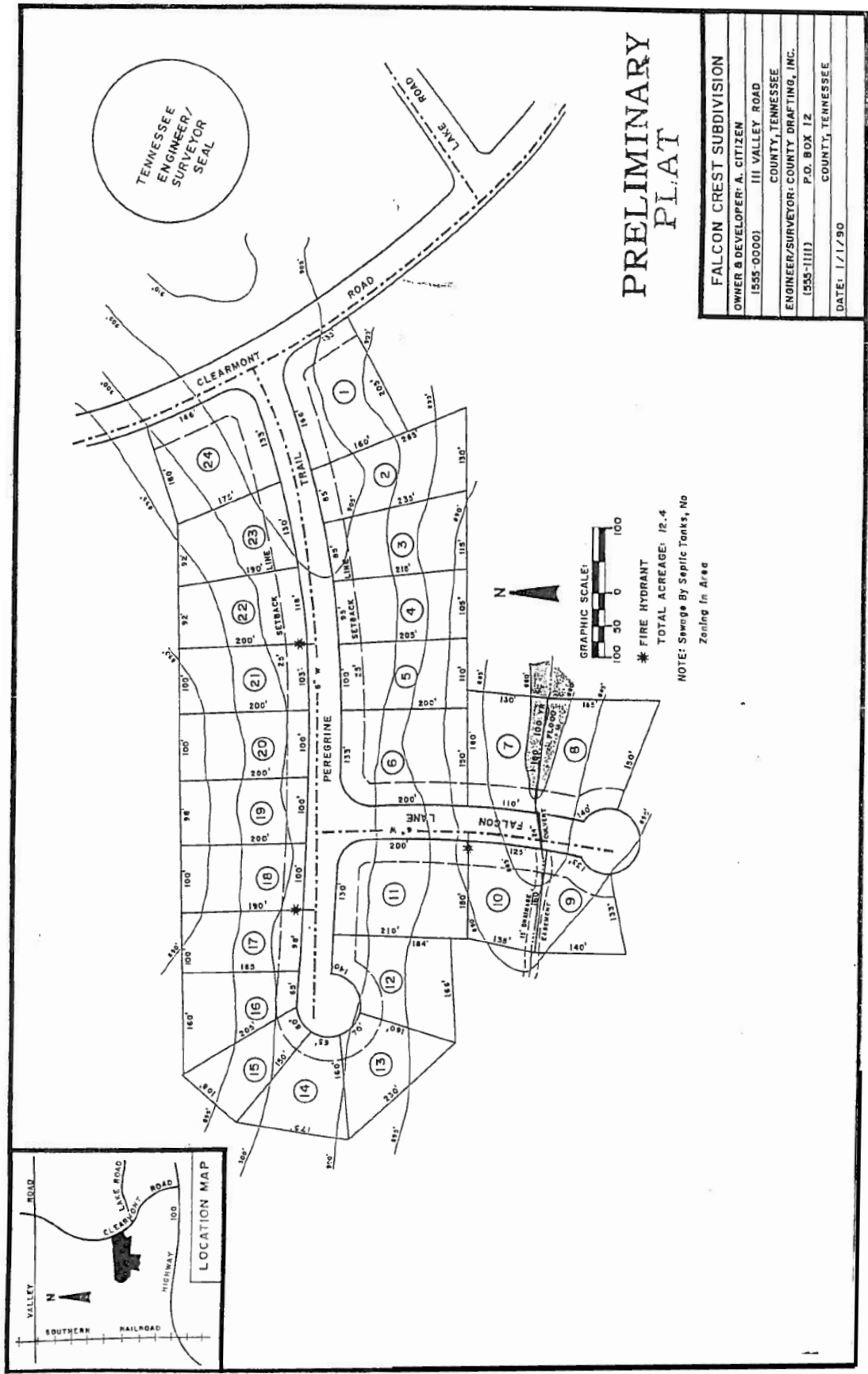
Section 9.02. Sheet Size. Sheet size shall be twenty (20) by twenty (20) inches, or shall be the sheet size required by the County Register for recording purposes. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

Section 9.03. Ground Elevations. Contours shall be shown at vertical intervals of not more than five (5) feet except when specifically not required by the Planning Commission. The method for obtaining the contour lines shall be stated on the preliminary plat. Contours shall not be required on the final plat.

Section 9.04. Information to be Provided on Preliminary Plat. The preliminary plat shall contain the following information:

- a. Name of subdivision
- b. Name, address and phone number of owner of record, subdivider (if different), and surveyor;
- c. North point, date of drawing, graphic scale and date;
- d. Vicinity map showing location and acreage of subdivision;
- e. Exact boundary lines of the tract by bearing and distances;
- f. Names of adjoining property owners and/or subdivisions.
- g. Existing roads, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
- h. Proposed design including all roads and alleys with proposed road names, lot lines with approximate dimension, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single family dwellings;
- i. Block numbers and lot numbers;
- j. Plans of proposed utility layouts (sewers, water *(including fire hydrant locations)*, gas, and electricity) showing feasible connections to the existing or any proposed utility systems and drainage. When connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the county health department (TDEC representative);

- k. Minimum building front yard setback lines as provided in Section 7.05 of these regulations.
- l. The present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- m. Road cross-section and centerline profile.
- n. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown.
- o. Proposed culverts and drainage locations and designs shall be shown on the preliminary plat or separately when drainage design is prepared by an engineer. When not submitted with or on the preliminary plat, this information can be submitted at the pre-construction conference.
- p. Existing natural drainage locations shall be shown on the preliminary plat.



FALCON CREST SUBDIVISION	
OWNER & DEVELOPER: A. CITIZEN	
1555-00001	III VALLEY ROAD
	COUNTY, TENNESSEE
ENGINEER/SURVEYOR: COUNTY DRAFTING, INC.	
1555-11111	P.O. BOX 12
	COUNTY, TENNESSEE
DATE: 1/1/90	

ARTICLE 10

REQUIRED SITE IMPROVEMENTS BEFORE FINAL PLAT APPROVAL

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

NOTE: The subdivider at his expense, may contract with the county or any Tennessee licensed construction company to install the necessary improvements. Lists of said companies may be obtained from the State of Tennessee or the McMinn County Highway Department.

Section 10.01. Pre-Construction Requirements.

- a. Prior to any construction activity, the developer shall submit design drawings to the McMinn County Commissioner of Highways for review (additional copy to County Planner, for records). The design drawings shall include design and drainage information and must be designed by a Licensed Engineer. This information will be presented at a pre-construction conference that shall include the Commissioner of Highways, developer, engineer and staff planning.
- b. Prior to any construction activity that disturbs over 1 acre, the developer shall submit a copy of the NOI from TDEC for a NPDES Storm Water Construction Permit to the McMinn County Commissioner of Highways and (additional copy to County Planner, for records). A copy of the NOI shall be submitted to the County Planner whenever 1 acre or more is disturbed regardless of the property being platted.
- c. Prior to any road construction activity, the developer shall obtain a permit/written permission to connect to a county road (from McMinn County Highway Dept) or if a state highway (from TDOT). A copy of the TDOT State Highway Entrance Permit shall be given to the McMinn County Commissioner of Highways and additional copy to County Planner, for records.

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

NOTE: The subdivider, at his expense, may contract with any Tennessee licensed construction company to install the necessary improvements. Lists of said companies may be obtained from the State of Tennessee or the McMinn County Highway Department

Section 10.02. Specifications

1. Monuments

- a. All lot corners shall be marked with iron pipe or rebar not less than one-half (1/2) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.
- b. Each major subdivision (5 lots or greater or whenever a new road is constructed) shall have two (2) control markers placed by the surveyor, using the Tennessee Coordinate System (preferably NAD 1983). Control markers shall be placed by the surveyor as feasibly possible and locations shall be identified on the final plat.

2. Grading.

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

- a. Preparation. Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
- b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be sacrificed to a depth of twelve (12) inches below the subgrade. This provision applies to the roadway and not necessarily to the entire right-of-way width.
- c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials, including organic materials, soft clays etc., shall be removed from the development site. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller. The filling of

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

3. Drains

Cross drains shall be constructed of concrete material or heavy gauge plastic, both of which shall meet TDOT specifications. Side drains can be constructed of galvanized metal. All drains are subject to the licensed engineer's designs and subject to review by the McMinn County Commissioner of Highways.

Section 10.03. Installation of Utilities. After grading is completed and approved and before any base is applied, all of the required underground work -- water mains, sewer lines, gas mains, etc., and all service connections shall be installed completely and approved throughout the subdivision.

Section 10.04. Required Inspections During Road Construction. As noted in Section 10.01, before road construction begins, the developer shall contact the McMinn County Commissioner of Highways as notification and to discuss pre-construction project specifics. While road construction is taking place, inspections shall be made by the Commissioner of Highways before, during and after each step or process and prior to the next course or procedure. The Commissioner of Highways 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 Commissioner of Highways after the completion of each step.

Section 10.05. Street or Road Base. When Hot Mix is applied (binder and topping meeting the requirements in Section 10.06), Mineral Aggregate 303-02 shall be compacted to a minimum of six (6) inches. When the base is completed, the developer must notify the County Commissioner of Highways and allow his office time to inspect the base before proceeding to the installation of the binder surface course.

Section 10.06. 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: course binder (B.M. Grade Hot Mix 307-03-15) at the rate of 220 pounds per square yard and 2 inches in thickness and then the topping (Grade E Hot Mix 411-03-10) at the rate of 110 pounds per square yard one (1) inch in thickness. In all cases it shall have not less than an average weight of two hundred twenty (220) pounds per square yard for the binder and no less than one hundred ten (110) pounds per square yard for the topping. 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. Materials shall conform to Section 307 (Grading C). When the surface course binder is completed and again when the topping is completed, the developer must notify the Commissioner of Highways 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 Commissioner of Highways to ensure that proper materials and standards will be used during construction.

- a. Curbs should be constructed using concrete material.

NOTE: Each new road proposed under these regulations shall be inspected by the Commissioner of Highways 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(topping) has been completed (including curbs if used). If desired by the developer the road can be constructed to the binder stage, then the developer shall maintain a 18 month maintenance bond and apply the topping before the maintenance bond expires.

Section 10.07. 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. The size of the culvert shall be reviewed by the McMinn County Commissioner of Highways. Cross drains should be provided to accommodate all natural water flow and shall be of sufficient length to permit a full width roadway and the required slopes. The size and location of cross drains shall be determined by the licensed engineer, but in no case shall they be less than fifteen (15) inches in diameter. All storm drainage contained in pipes or culverts under the roadway shall have endwalls, headwalls, or rip-rap with a concrete apron wall where necessary to prevent erosion. Drainage engineering data compiled for the development, shall be furnished to the Commissioner of Highways at or prior to the pre-construction conference.

NOTE: Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matches 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 10.08. Water Supply System. (Amended 3/17/2023) Water mains properly connected with the community water supply system or with an alternate supply approved by the County Health Officer shall be constructed in such a manner as to serve adequately for both domestic use and fire protection, all lots shown on the subdivision plat.

A public water system shall be provided when the proposed subdivision is within 1,000 feet of an existing system. The appropriate size of the water mains shall be recommended by the Planning Commission, and determined by the applicable utility and the developer's engineer.

Plats determined by the County Health Department to be unsuitable for fresh water wells shall provide a public water system before the plat is approved by the planning commission.

Fire hydrants shall be installed in all subdivisions within the Planning Region where an adequate public water supply is available as determined by the applicable utility and the developer's engineer and be installed under the installation specifications of the utility and TDEC. No home or building shall be more than five hundred (500) feet measured along the road from a fire hydrant. Fire hydrants shall not be more than one thousand (1,000) feet apart in order to maintain a good fire insurance rating and safety level. Additional hydrants may be required by the local water district involved or the Planning Commission. Hydrants shall be placed and color coded. Top of hydrant shall be color coded to show flow capabilities (Red – 0 to 499 gpm, Orange – 500 to 999 gpm, Yellow - 1000 to 1499, and Blue – 1500+). Hydrants without fire flow capability shall also be tagged so that pumpers will not connect directly to the hydrant and collapse the water line, but water from the hydrant can still be used to fill reservoir(s).

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

Section 10.09. Sanitary Sewers. When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system.

Where lots cannot be economically connected with a sewerage system, each lot shall be required to pass percolation tests, contain adequate area for the installation of approved septic tank and disposal fields, and be approved in writing by the County Health Officer. All new lots must be able to contain within the boundary of the lot for which is serves, an individual septic system, and all field lines necessary for proper operation.

Section 10.10. Sidewalks. For the safety of pedestrians and of children at play or on approaches to community facilities (schools, parks, etc.) installation of sidewalks on both sides of the roads shall be required of the developer when considered to be necessary by the Planning Commission.

When sidewalks are required the following specifications shall be met: Sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date. In single family residential areas concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In multi-family or group housing development sidewalks shall be five (5) feet wide and four (4) inches thick. In commercial areas, sidewalks shall be ten (10) feet wide and four (4) inches thick.

Section 10.11. Curbs and Gutters, or Road Shoulders. Within McMinn County, the subdivider shall provide one of the illustrated types of concrete or asphalt curbs and gutters, or three (3) foot gravel shoulders on each side of the paved surface. Where curbs and gutters are installed, backfill shall slope as shown in "Typical Tangent Section, Type 2", and shall be higher than the curb to ensure drainage of surface water into the storm drainage system. Where gravel shoulders are installed, the shoulders shall be constructed as shown in "Typical Tangent Section, Type 1."

Section 10.12. Guarantee in Lieu of Completed Improvements. (Amended 7-19-12) 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 have been met:

- a. All required improvements have been constructed in a satisfactory manner and approved by the various authorities for which certificates are required. These improvements include but are not limited to: roads, storm drainage, the extension of water lines, the installation of fire hydrants, sidewalks when required, and/or the extension of sewer lines when required.

OR

- b. The McMinn County Finance Director has accepted a letter of credit, bond, or other surety instrument deemed acceptable by the Planning Commission that is for a period of twelve (12) months in an amount equal to one-hundred-twenty-five (125%) percent of the estimated cost of installation of

the required improvements, whereby improvements may be made and roads and/or utilities installed without cost to the county, its municipalities or other utility providers in the event of default by the subdivider. The McMinn County Finance Director will hold the surety instrument for the twelve (12) month period, and will be charged with the responsibility of releasing or calling in the letter of credit upon a ruling by the McMinn County Regional Planning Commission. At the end of the twelve (12) month period, the Planning Commission shall have issued a written decision specifying what should be done with the surety instrument based on the status of the improvements for which it was issued.

NOTES:

- The amount of the bond(s) will be determined by the appropriate officials: roads (Highway Commissioner) and utilities (appropriate utility provider).
- Extensions for bonds, letters of credit, or other surety instruments may be granted at the discretion of the McMinn County Planning Commission when they have determined that circumstances necessitate the need for an extension. The Planning Commission will determine what timeframe is considered to be a reasonable extension based on the status of the incomplete improvements, but in no case shall an extension be granted in excess of twelve (12) months.
- It will be the responsibility of the McMinn County Planner to notify the MCRPC and the developer of a bond's expiration.

ARTICLE 11

PROCEDURE FOR FINAL PLAT APPROVAL OF A SUBDIVISION

Section 11.01. Application for Final Plat Approval. (amended 8/16/07)

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

- a. Items including plats not submitted by twelve noon on plat review day (10 business days prior to the regularly scheduled Planning Commission meeting) will not be placed on the agenda and will not receive action at the meeting. In no case will a plat be reviewed or receive action that is submitted on the day of the regularly scheduled Planning Commission meeting. All items including plats set to appear on the agenda and that were submitted at least ten (10) business days prior to the regularly scheduled meeting shall be submitted to the McMinn County Planning Office in final form (including all corrections and appropriate certificates with signatures) by twelve noon on the day preceding the scheduled meeting. These requirements also include Minor Subdivisions as defined in Section 11.03.
- b. The five (5) copies of the final plat and other documents, as specified in Article 12, shall be drawn to the standards required by the County Register and should provide: **1.** One (1) final plat to be recorded in the files of the County Register, **2.** One (1) copy for the records of the Planning Commission (In the County Planner's Office); **3.** One (1) copy for TDEC; **4.** One (1) copy for the Local Planning Assistance Office; and **5.** One(1) copy for return to the subdivider with inscriptions of the Planning Commission. These plats should have all the appropriate original signatures on all five (5) copies in order to receive final approval at the meeting. In no case will a plat be approved subject to signatures.

NOTE: Two (2) copies of a plat will be sufficient when submitting a plat(s) for review by Planner(s) prior to a meeting. Five (5) copies with the corrections (if necessary) should be presented at the Planning Commission meeting. All copies for Planning Commission review and Register of Deeds recording must be clear of all writing and drawings, except for the required signatures in order to be recorded.

Section 11.02. Review of Final Plat. The Planning Commission shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this document, and shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the Secretary of the Planning Commission or Planning Commission Staff to the person designated that is requesting final review and approval, not less than five (5) days prior to the date of the hearing.

In accordance with Tennessee Code Annotated 13-3-404, the Planning Commission shall approve or disapprove the final plat within sixty (60) days after the plat is presented at a Planning Commission meeting. However, the applicant for approval may waive this requirement and consent to an extension of time.

Approval of a final plat as provided herein constitutes a final development plan as set forth in Tennessee Code Annotated 13-3-413. On the date the Planning Commission votes to approve the final plat, two (2) years will be added to the original vesting period of three (3) years which began upon the date of approval of the preliminary plat. This is a total of five (5) years. If all of the necessary permits have been obtained and construction commences within the five (5) year period, then an additional vesting period of five (5) years will be added to the development project for a total of ten (10) years. For multi-phase developments, an additional five (5) years is added to the vesting period for each phase with a maximum total vesting period of fifteen (15) years. The provisions of Tennessee Code Annotated 13-3-413 shall supersede any inconsistencies listed in these regulations. Vesting means that the subdivision regulations in place when the original plan was presented are still in force regardless of any local regulations amendments or changes.

Section 11.03. Procedure for Expeditious Certifications of Minor Subdivisions.

A developer or property owner who wishes to divide a tract or lot into five (5) or less lots may prepare a combined preliminary and final plat provided that the following conditions are met:

- a) The subdivision complies with all standards of the McMinn County Subdivision Regulations; and
- b) No request for a variance from such regulations has been requested; and
- c) The subdivision does not require new road or utility construction.

Subdivisions meeting the previous conditions may be sent to Planning Staff for review. This minor type of subdivision may be reviewed by the Planning Staff and signed by the secretary of the McMinn County Planning Commission, upon staff's recommendation.

In no case, however, shall any tract of land be subdivided under this section more than once in any three (3) month period of time. That time period beginning from the date of recording of a minor subdivision plat involving said property. If disapproved by the McMinn County Planning Staff, the developer may request to be on the agenda of the next Planning Commission meeting provided he meets the plat submittal deadline date (first Thursday of each month.)

Section 11.04. Requirements for Subdivisions in Previously Approved Subdivisions. If anyone 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 and a copy of these restrictions shall accompany the plat.

Section 11.05. Recording of Final Plat. Upon approval of a final plat the developer shall have the final plat recorded in the office of the McMinn County Register of Deeds.

Section 11.06. Road Construction Completion and Bonding Requirements Prior to Acceptance into the County Road System. (Amended 7-19-12)

- a. Procedures when road is **constructed (completed)** at time of final plat submittal.
 1. If the road is completed when the final plat is presented, the developer's engineer will sign the plat along with the McMinn County Commissioner of Highways stating that the road has been constructed to county specifications.
 2. The developer will post a performance/maintenance bond in the amount of 40% of the total cost (amount to be verified by Commissioner of Highways) of the road for the first 18

months to cover any possible repairs, such as deterioration in the road including drainage systems. During the 18 month performance/maintenance period, examples of repairs are as follows: (examples: base, pavement, curbs, and constructed drainage elements). Thirty (30) days prior to the end of the eighteen (18) month period, the developer can then, by written request, ask that the county accept the road. The developer's engineer must also provide written documentation that the road still meets county specifications. The McMinn County Highway Department will inspect the road to ensure it still meets county specifications, and if it does the Commissioner of Highways can then recommend the road to the County Commission for acceptance into the county road system by resolution and majority vote; the road number becomes permanent and the road becomes public. It is the developer's responsibility to contact the county concerning acceptance of a road into the county highway system.

3. If the road does not meet required specifications, the developer must extend the performance/maintenance bond for a minimum of six months and make repairs and obtain a written recommendation from the engineer that the road meets required specifications.

b. Procedures when road is **Not Constructed** when final plat is submitted.

1. If the road is not completed when the final plat is presented, an engineer will sign the plat stating that the road has been designed to county specifications and a bond for construction must be posted by the developer (125% of the total cost of the road).

Note: Road construction cost estimates will be determined by the Commissioner of Highways.

2. Once the road is constructed, an engineer will send a letter to the Commissioner of Highways stating that the road has been constructed to county specifications. The developer will post a performance/maintenance bond in the amount of 40% of the total cost of the road for the first 18 months to cover any possible repairs, such as deterioration in the road including drainage systems. During the 18 month performance period examples of repairs are as follows: (examples: base, pavement, curbs, and constructed drainage elements). Thirty (30) days prior to the end of the eighteen (18) month period, the developer can then, by

written request, ask that the county accept the road. The developer's engineer must also provide written documentation that the road still meets county specifications. The McMinn County Highway Department will inspect the road to ensure it still meets county specifications, and if it does the Commissioner of Highways can then recommend the road to the County Commission for acceptance into the county road system by resolution and majority vote; the road number becomes permanent and the road becomes public. It is the developer's responsibility to contact the county concerning acceptance of a road into the county highway system.

3. If the road does not meet required specifications, the developer must extend the bond for a minimum of six months and make repairs and obtain a written recommendation from the engineer that the road meets required specifications.

Section 11.07. Additional Procedures for Subdivision Road Bonds & Acceptance of Roads into the County Road System. (Amended 7-19-12)

- a. Procedure for performance bonds, letters of credit, and other surety instruments:
 1. 90 days before the surety instrument expires, the McMinn County Planner will write a letter stating the bond or letter of credit will expire in 90 days. The letter will state that unless the roads are completed, the procedure to collect the road bond/letter of credit will begin in 60 days. The letter will also outline the procedure for having the road(s) accepted into the County road system. Both the Finance Director and the Commissioner of Highways will sign the letter.
 2. 30 Days before the expiration, the County Planner will originate a letter, signed by both the Finance Director and the Commissioner of Highways, stating that the procedure to collect on the road bond or letter of credit has begun.
 3. 14 days before expiration, the Highway Commissioner and the Finance Director will sign the default notice allowing the bond to be collected by a designated party appointed by the Board of Commissioners of McMinn County as stated in the letters of credit from each bank.

- b. Should the developer finish the paving before the approval of the final plat, the procedure will be as follows:
1. The Highway Commissioner will notify the Finance Director of the amount of the maintenance bond that the developer is required to post.
 2. The developer will send a bond or letter of irrevocable credit for 18 months to the Director of Finance, as required in the McMinn County Regional Planning) Commission (MCRPC) regulation section 11.06.
 3. The McMinn County Finance director will accept this letter of credit and will sign a copy of the final plat of the subdivision. A memo will be sent notifying the County Planner of the receipt of this bond.
 4. The signed plat will then be submitted to the Commissioner of Highways. After he signs the plat, the Highway Commissioner will then recommend to the County Commission that the roads be accepted into the county road system. A memo of this recommendation will copy the Director of Finance and the County Planner.
 5. The Commissioner of Highways will send a memo notifying the County Planner of the final acceptance of the road into the county road system. The Developer/Owner, the Highway Commissioner, and the County Planner will each hold a copy of the plat, with the signatures accepting it into the county road system.
- c. Should the developer finish the paving in a manner acceptable to the Commissioner of Highways after the approval of the final plat, but during the period the bond, letter of credit, or other surety instrument is in effect, the procedure will be as follows (the cases recently encountered):
1. The Highway Commissioner will notify the Finance Director of the amount of the maintenance bond that the developer is required to post.
 2. The developer will send a bond or letter of irrevocable credit for 18 months to the Director of Finance, as required in the MCRPC regulation section 11.06.
 3. The McMinn County Finance Director will accept this letter of credit or bond and will sign a letter originating with the County

Planner and attached to a copy of the final plat, with the necessary certification as required in the MCRPC regulation section 12.6.

4. The copy of the final plat will then be submitted to the Commissioner of Highways. After he signs the plat, the Highway Commissioner will then recommend to the County Commission that the roads be accepted into the county road system.
5. The Commissioner of Highways will send a memo notifying the County Planner of the final acceptance of the road into the county road system. The Developer/Owner, the Highway Commissioner, and the County Planner will each hold a copy of the letter of certifications, with the signatures, accepting the subdivision roads into the county road system.

Note: When a road is guaranteed for construction on the final plat and a request is made later for acceptance of a road into the county road system, the developer shall submit a notarized letter containing the same language as the certification(s) to the Commissioner of Highways.

- d. When a road is completed, it is the developer's responsibility to make a request to the Commissioner of Highways for acceptance of the road into the county road system. The Commissioner of Highways shall then submit the request to the Planning Commission for review and comment prior to a submittal for acceptance of any new road to the County Commission.

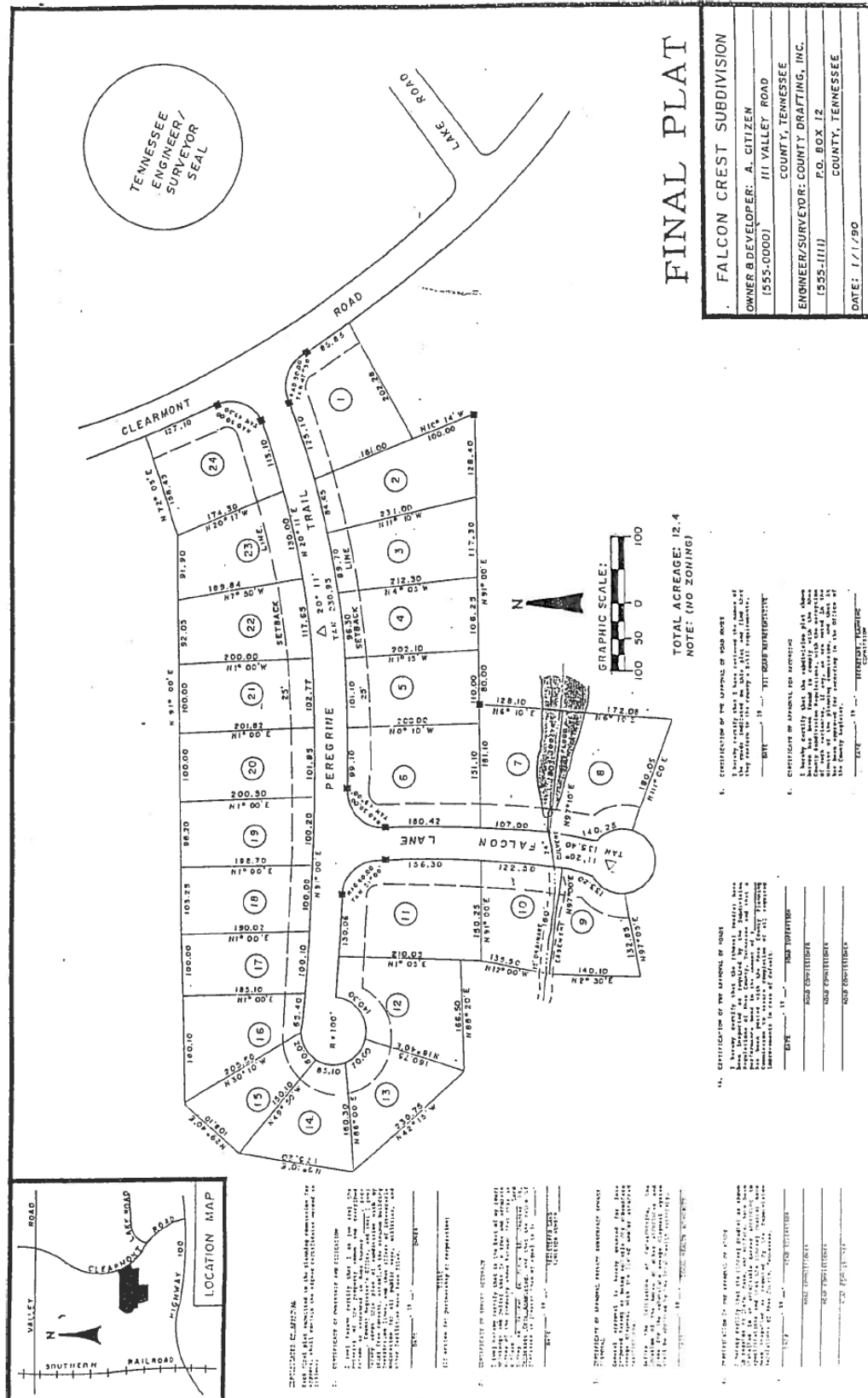
ARTICLE 12

FINAL PLAT SPECIFICATIONS

Section 12.01. Final Plat Specifications. The final plat shall conform to and meet the specifications of the preliminary plat (Article 9) with the following additions:

- a. Bearings and distances to the nearest existing road lines, bench marks or other permanent monuments shall be accurately described on the plat;
- b. Municipal, county and land-lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
- c. Exact boundary lines of the tract, determined by an engineering survey, giving distances to the nearest minute, which shall be balanced and closed with an error closure not to exceed one (1) to five thousand (5,000);
- d. Name of subdivision, exact location, widths and names of all roads and alleys within the immediate adjoining tract;
- e. Road centerline showing angles of deflection, angles of intersection, radii and lengths of tangents;
- f. Lot lines with dimensions to the nearest one-tenth (1/10) of a foot and bearings;
- g. Lots numbered in numerical order and blocks lettered alphabetically;
- h. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- i. Accurate location, material and description of existing and proposed monuments and markers;
- j. A statement, either directly on the plat or in an identified attached document, of any private covenants; and
- k. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limit of such flood shall be shown.
- l. County deed book and page numbers of property being subdivided, and tax map and parcel number(s).
- m. Drainage and existing natural drainage easement locations shall be shown on the final plat.

FINAL PLAT



Section 12.02. Certifications Required.

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 under my supervision; and that all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of McMinn County, have been fully complied with."

_____ By: _____
Date

Seal:

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: _____

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.

_____ Owner
Date

_____ Owner

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 performance bond has been posted. A performance 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>McMinn County Commissioner of Highways</i>
Date	<i>McMinn County Finance Director (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.

***Signatures required if public road.**

DATE	(for bond) <i>McMinn County Director of Finance</i>
DATE	<i>McMinn County Commissioner of Highways</i> <i>(engineers plans received)</i>
DATE	<i>Developer's Engineer (for design / construction)</i>

***Signatures required if private road / easement.**

DATE	(for bond) <i>McMinn County Director of Finance</i> Or Third Party Trustee
DATE	<i>Owner</i>
DATE	<i>Developer's Engineer (for design / construction)</i>

Certification of Road Status (Owner) Private Road

"It is hereby certified that the road labeled on this plat is private and not dedicated to the government of McMinn County. The government of McMinn County will not be expected to accept any responsibility for the maintenance of this private road.

Date Developer

Certification of Road Status (Completed Private Road)

"It is hereby certified that the road (private easement) shown on this plat has been designed in an acceptable manner in accordance to required specifications. The government of McMinn County will not be expected to accept any responsibility for the maintenance of this private road."

Date Licensed Engineer (for design)

Date Owner

Existing Septic System Certificate

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

Certification of Approval of Water System

"I hereby certify that each lot shown is served

- A. By public water system extensions designed and installed in accordance to applicable local and state regulations."

Date Local Water Utility

- B. By public water system extensions designed and installed in accordance to applicable local and state regulations, and hydrants have been/will be installed and color coded to indicate flow rate as indicated in Section 10.08 of the McMinn County Subdivision Regulations.

Date

Local Water Utility

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

McMinn County E-911 Representative

**Certification of Approval of Final Plat
By Planning Commission**

"All the requirements of approval having been fulfilled pursuant to the Subdivision Regulations of McMinn County, Tennessee, this final plat was given final approval by the McMinn County Regional Planning Commission effective (date)_____.

Date

Secretary, McMinn County

Regional Planning Commission

Tennessee Department of Environment & Conservation (Amended 6/17/10)
TDEC reserves the right to change the wording of the following certificates.

(A) Certificate of Approval for Subsurface Sewage Disposal Systems
Standard Stamp for ALL Subdivisions (2 or more lots).

"Approval is hereby granted for lots _____ defined as _____ in _____, County, Tennessee, as being suitable for subsurface sewage disposal (SSD) with the listed or attached restrictions. Prior to any construction of a structure, mobile or permanent, the plans for the exact house/structure location must be approved and a SSD permit issued by the Division of Ground Water Protection. Water taps, waterlines, underground utilities and driveways should be located at the side property lines unless otherwise noted. Cutting, filling or alterations of the soil conditions may void this approval."

Environmental Specialist

Date

(1) Lot _____ is suitable for subsurface sewage disposal. With proper structure, driveway and utility locations outside the usable soil area; lot can accommodate a structure consisting of _____ bedrooms.

(2) If the subdivision has a lot with an existing system then use this statement:
Lot _____ has not been evaluated pursuant to this plat review approval of this plat does not constitute approval of this lot or the existing system.

(3) This is the restriction for a lot approved with percolation tests:
Lot _____ is approved under the Authority of T.C.A. 68-221-403(C) for subsurface sewage disposal. With proper structure, driveway and utility locations outside the usable soil area; lot can accommodate a structure consisting of _____ bedrooms.

(4) This is the restriction for a lot approved for low-pressure pipe system or any alternative SSDs:
Lot _____ are suitable for a low-pressure pipe system. With proper structure, driveway and utility locations outside the useable soil area; lot can accommodate a structure consisting of _____ bedrooms.

(5) The restriction for shaded areas:
Lot _____ shaded areas are reserved for field-line use only. Any disturbance in these areas may void this approval.

(6) The restriction for DENIED lots:
Lots _____ are not approved for an SSDs at this time.

(B) Certificate of Approval for Subsurface Sewage Disposal Systems
Standard Stamp for Single Lot Approvals.

Plat approval is hereby granted for this property, owned by _____ in _____ County, Tennessee, as being suitable for subsurface sewage disposal with the listed or attached restrictions. Any cutting, filling or alteration of these conditions may void this approval.

Environmental Specialist

Date

(1) This lot is suitable for subsurface sewage disposal. With proper structure, driveway and utility locations outside the useable soil area; lot can accommodate a structure consisting of _____ bedrooms.

ARTICLE 13

VARIANCES AND AMENDMENTS

Section 13.01. Variances. Variances may be granted where the Planning Commission decided 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 13.02. Amendments. These regulations may be amended from time to time by the Planning Commission. However, before enacting an amendment, the Planning Commission shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be published in a newspaper of general circulation in the county.

ARTICLE 14

LEGAL STATUS PROVISIONS

Section 14.01. 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 14.02. Conflict with Other Regulations. No final plat of land within the force and effect of an existing Zoning Ordinance shall be approved unless it conforms to such ordinance

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

Section 14.03. Adoption and Effective Date. These regulations shall take effect and be in force from and after the _____ day of its adoption, the public welfare demanding it.

Adopted by the Planning Commission on (date)_____

Chairman, McMinn County
Regional Planning Commission

APPENDIX

Insert McMinn County Flood Damage Prevention Resolution

SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION

Confer with the planning commission and its staff representative to become thoroughly familiar with the subdivision requirements, the major road plan, and other public improvements which might affect the area to be subdivided.

Have a preliminary sketch plat prepared by a reputable surveyor.

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

WHEN PRELIMINARY APPROVAL HAS BEEN GRANTED:

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

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

Obtain certificates from road and health officials certifying that improvements have been made or that a performance bond has been posted.

Prepare final plat.

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

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

ANSWERS TO QUESTIONS OFTEN ASKED ABOUT SUBDIVISION REGULATIONS

1. Are subdivision regulations fair to everyone?

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

2. Who is affected by the regulation?

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

3. Am I affected if I resubdivide my tract into two parcels

Yes, in most cases. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites or divisions for immediate or future sale or building development, and includes resubdivision. (See definition in Article 2.)

4. What's to prevent me from recording a subdivision plat without approval?

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

5. Can I sell by an unapproved plat and then record my lots by metes and bounds?

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

6. What happens if I sell unapproved and unrecorded lots from my subdivision?

- a. A state law has been broken (TCA 13-3-410).
- b. Some cloud would exist on the title to the lot.
- c. Most lending agencies will not approve or guarantee loans.
- d. State law requires that public bodies shall not extend sewers, water mains, lighting or other utilities in unauthorized roads.
- e. Where building permits or zoning are in effect, a building permit to construct any building will be withheld.
- f. Any building or structure erected in violation may be forced to be vacated or removed.
- g. The legislative body of a county or municipality may stop sales by injunction or other legal action.

7. What improvements will I need to install in my subdivision?

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

8. Why doesn't the lot buyer instead of the developer pay for improvements?

The lot buyer does - at the time he purchases his property. If lots are sold without regulations, often the community bears the expense of providing needed improvements that should have been originally planned for and installed by the developer.

9. Won't subdivision regulations cause expensive development and cost me a lot of money?

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

10. How do I go about having a subdivision approved?

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

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

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

12. Where can I get technical site planning assistance?

Your planning commission will help by recommending several competent subdivision designers who can contribute much to the financial success of your subdivision. Although they will not prepare final plans for you, advice on layout and design is available from the staff of the Local Planning Office of the Tennessee Department of Economic and Community Development.

PRELIMINARY SUBDIVISION PLAT CHECKLIST
(For use with McMinn County Subdivision Regulations)

NAME OF SUBDIVISION _____
LOCATION IN COUNTY _____
OWNER/SUBDIVIDER _____
ADDRESS _____ PHONE# _____
SURVEYOR _____
ADDRESS _____ PHONE# _____
DATE SUBMITTED FOR PRELIMINARY APPROVAL _____
CIVIL DISTRICT _____ ZONING DISTRICT _____

_____ Staff Notified (& 6 copies delivered) 15 days prior to meeting for AGENDA inclusion

PLAT SHOWS CORRECTLY:

- _____ Name of Subdivision (if different from existing S/D)
- _____ Name, Address, & Phone # of Owner, Subdivider (if different) and Surveyor.
- _____ North Point, Date of Drawing, Graphic Bar Scale (not less than 1" = 100')
- _____ Acreage of Subdivision to Nearest 1/10th acre and Acreage of Area Owned for Future Development.
- _____ Vicinity Map Showing Subdivision Location and Nearby Roads with Road Names.
- _____ Contour Lines at Five (5) Foot Intervals.
- _____ Names of Adjoining Property Owners and/or Subdivisions.
- _____ Boundary Lines of Tract.
- _____ Lots Numbered Consecutively Regardless of Number of Sections or Phases.
- _____ Minimum Building Setback Lines
- _____ Existing Roads, Buildings, Water Courses, Railroads, Culverts Utilities and Easements on and Adjacent to the Subdivision
- _____ Plans of Proposed Utility Layouts (water, sewer, gas, elec.)
- _____ Limit of 100-yr. Flood and Boundary and Elevation of Designated "Floodway."
- _____ Road Cross Section (if required)
- _____ Conforms to General Subdivision Requirements and Minimum Design Standards for Lots and Roads.
- _____ Proposed Design including all Roads with Proposed Road Names, Lot Lines with Approximate Dimensions, Easements, Land to be Reserved or Dedicated for Public Uses, and Land to be used for Purposes other than Single-Family Dwellings.
- _____ Certificate of Tentative Approval.
- _____ Owner or agent has been notified that no sale or agreement to sale shall be conducted until final approval is given on the subdivision.

APPROVED (Date) _____ to proceed to Final Plat subject to following modifications: _____

DISAPPROVED (Date) _____ for the following reasons: _____

SIGNED _____
TITLE _____

FINAL SUBDIVISION PLAT CHECKLIST

NAME OF SUBDIVISION _____
LOCATION IN COUNTY _____
OWNER/SUBDIVIDER _____
ADDRESS _____ PHONE# _____
SURVEYOR _____
ADDRESS _____ PHONE# _____
DATE PRELIMINARY APPROVAL GRANTED BY MCRPC _____
CIVIL DISTRICT _____ ZONING DISTRICT _____
DATE SUBMITTED TO STAFF FOR REVIEW AND AGENDA INCLUSION _____

PLAT SHOWS CORRECTLY:

- ___ Name of Subdivision.
- ___ Name, Address, & Phone # of Owner, Subdivider (if different) and Surveyor.
- ___ North Point, Date of Drawing, Graphic Bar Scale (not less than 1" = 100').
- ___ Acreage of Subdivision to Nearest 1/10th acre.
- ___ Vicinity Map Showing Subdivision Location and Nearby Roads with Road Names.
- ___ County Deed Book and Page Numbers for Property being subdivided.
- ___ Lots Numbered Consecutively Regardless of Number of Sections or Phases.
- ___ Minimum Building Setback Lines.
- ___ Correct Sheet Size (20" x 20")
- ___ Private covenants have been prepared for recording with plat.
- ___ Limit of 100-yr. Flood and Boundary and Elevation of Designated "Floodway."
- ___ Bearings and Distance to at least two of the following: Nearest Existing Road Lines, Bench Marks or other permanent monuments.
- ___ Boundary lines to 1/10th of a foot and Angles to the nearest minute (closure error not over 1/5,000th).
- ___ Monuments by type and location.
- ___ Existing Roads, Buildings, Water Courses, Railroads, Culverts, Utilities and Easements on and adjacent to the subdivision.
- ___ Names, locations of adjoining property owners.
- ___ Location, Widths, and Names of all Roads within & Connecting to the Property.
- ___ Sufficient Data Regrading Location, Bearing and Length of every Road Line, whether Curved or Straight.
- ___ Lot Line Dimensions to Nearest 1/10th foot and Bearings to Nearest Minute.
- ___ Location of all Water Courses; Location & Size of Needed Drainage Structures.
- ___ Maintenance Bond has been furnished by developer.
- ___ Owner's Certificate and Dedication.
- ___ Surveyor's Certificate.
- ___ Block with Signatures of:
 - ___ Health Department ___ County Road Department
 - ___ Road Status ___ Planning Commission
 - ___ Director of Finance
- ___ Required Physical Improvements Have Been Made OR Bond Posted in Amount of \$ _____ to Cover Cost of: _____

APPROVED (Date) _____ for recording: _____

VARIANCES GRANTED: _____

DISAPPROVED (Date) _____ for the following reasons: _____

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SUBDIVISION REGULATIONS

McMinn County, Tennessee

Original Adoption November, 1967

Prepared For The

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**As amended and updated through
March 16th, 2023**