

# SUBDIVISION REGULATIONS

FOR

JASPER, TENNESSEE

1 9 8 3

(As amended through November 6, 2023)

PREPARED BY THE:

JASPER REGIONAL  
PLANNING COMMISSION

MAYOR OF JASPER:

THE HONORABLE  
Paul Wayne Evans

# JASPER, TENNESSEE SUBDIVISION REGULATIONS

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## FOREWORD

One of the most important functions of a local planning commission is to prepare studies, plans, and regulations which will help the community to grow in an orderly manner.

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

For these reasons, one of the most important projects a planning commission can undertake is the formulation and adoption of subdivision standards.

The Jasper Planning Commission has adopted subdivision regulations. These standards are based upon Tennessee experience and principles of good subdivision standards. They should help the Town of Jasper grow in an orderly fashion and help the planning commission in the guidance of this growth. They are within the powers conveyed by state law. (Sections 13-301 to 13-311, Tennessee Code Annotated).

The Jasper Subdivision Regulations provide procedure and minimum standards of design and construction by which the planning commission can equally and fairly appraise all proposed plats for land subdivision. They give the prospective developer of real estate a guide to subdivision plat preparation, review, and approval procedure.

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

## **ARTICLE I**

### **PREAMBLE AND ENACTMENT CLAUSE**

IN PURSUANCE OF AUTHORITY SET FORTH IN SECTIONS 13-301 THROUGH 13-311, TENNESSEE CODE ANNOTATED, AND FOR THE PURPOSE 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 PROVISIONS OF REQUIRED STREETS, UTILITIES AND OTHER FACILITIES AND SERVICES TO LAND DEVELOPMENTS; TO ASSURE THE ADEQUATE PROVISION OF SAFE AND CONVENIENT TRAFFIC ACCESS AND CIRCULATION, BOTH VEHICULAR AND PEDESTRIAN, IN LAND DEVELOPMENT; TO ASSURE THE PROVISION OF NEEDED PUBLIC OPEN SPACES AND BUILDING SITES IN LAND DEVELOPMENTS THROUGH THE DEDICATION OR RESERVATION OF LAND FOR RECREATIONAL, EDUCATIONAL AND OTHER PUBLIC PURPOSES; AND TO ASSURE THAT LAND IS DEVELOPED IN CONFORMITY WITH THE COMPREHENSIVE PLAN OF JASPER, THE REGIONAL PLANNING COMMISSION OF JASPER, TENNESSEE, DOES ORDAIN AND ENACT THE FOLLOWING ARTICLES AND SECTIONS:

## **ARTICLE II**

### **SHORT TITLE**

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

## ARTICLE III

### DEFINITION OF CERTAIN TERMS USED HEREIN

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

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

Certified Check: A form of check for which the bank verifies that sufficient funds exist in the account to cover the check, and so certifies, at the time the check is written. Those funds are then set aside in the bank's internal account until the check is cashed or returned by the payee. **(Amended 10-7-2013)**

Floodway: That portion of the channel and floodplain of a stream designated as a minimum area to provide passage for the 100 year flood, without increasing the elevation of that flood by more than one foot.

Floodway Fringe. The land area located between the floodway boundary line and the maximum elevation subject to inundation by the 100 year flood.

Flood Protection Elevation. The elevation to which structures and uses regulated by these regulations are required to be elevated or flood proofed. Since Jasper’s floodways are calculated to pass the 100 year flood with an increase in water level not more than one (1) foot, the flood protection elevation at any point along a stream is the natural 100 year flood level at that point plus one (1) foot.

Health Authority. The Environmentalist of the Marion County Health Department or his duly authorized representative.

Letter of Credit: An agreement or commitment by a bank made at the request of a subdivider/developer that the bank will honor drafts or other demands of payment from third parties (i.e. the Town of Jasper) if the subdivider/developer deviates from the conditions specified in the letter of credit. **(Amended 10-7-2013)**

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.

Planning Commission. The Jasper Regional Planning Commission.

Planning Region. All lands lying within the Jasper Planning Region. This includes all property within the corporate limits of the Town of Jasper and some property just outside the city limits. A map showing the boundaries of the Jasper Planning Region is available at Jasper City Hall.

Street. A way for vehicular traffic, whether designated as an avenue, arterial, collector, boulevard, road, highway, expressway, lane, alley or other way, and for the purpose of these regulations “streets” are divided into the following categories:

- a. Interstate - Interstate 24;
- b. Arterials - the streets designated as such in Jasper, Tennessee Major Road Plan
- c. Collectors - the streets designated as such in the Jasper, Tennessee Major Road Plan;
- d. Local Streets - a neighborhood street used primarily for access to the abutting properties;
- e. Marginal Access Street - a minor street parallel and adjacent to major thoroughfares which offers access to abutting properties;
- f. Alley - a minor way used for service access to the back or side of properties otherwise abutting on a street, and
- g. Cul-de-sac - a local street with only one outlet, sometimes called a dead-end street.

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

Subdivision: **(Amended 1/6/03)** According to Tennessee Code Annotated Section 13-3-401(4)(B), the definition of a subdivision is as follows: (B) “Subdivision” means, 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. The term “subdivision” may be further defined as follows:

1. Major Subdivision: All divisions of land into six (6) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development; and including all division of land into two (2) or more lots involving a new street, or change in existing streets; or divisions of land involving the extension of water, sewer, power, or gas lines and includes re-subdivisions and, where

appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

2. Minor Subdivision A: All divisions of land into six (6) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer, power, or gas lines.
3. Minor Subdivision B (Simple Land Splits): For divisions of land into no more than five (5) lots, approval may be endorsed in writing on the plat by the secretary of the Planning Commission without the approval of the Planning Commission, upon review and certification by planning staff of the Planning Commission that the subdivision complies with the Subdivision Regulations. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer, power, or gas lines, and provided that no request for a variance from such regulations has been requested or is needed. See Minor Subdivision B (Simple Land Split) Certificate Section 6.02.09.

Surety Instrument: A letter of credit or certified check that has been accepted by the Town of Jasper guaranteeing the completion of required water lines, sewer lines, roads, or any other infrastructure project that is required by the Town in order to obtain approval on a final subdivision plat. The subdivider/developer is bound by the terms of the agreement and the timeframe set by the Jasper Municipal-Regional Planning Commission.

**(Amended 10-7-2013)**

## ARTICLE IV

### PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

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

Section 4.01. Platting Authority. From and after the passage of these regulations, the Planning Commission shall be the official platting authority, and no plat of a land subdivision as defined in these regulations shall be entitled to record in the office of the Marion County Register of Deeds unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission as required by these regulations, is declared to be a misdemeanor, punishable by law.

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

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

Section 4.04. Opening and Improving Public Streets (Roads). As provided in Sec. 13-306, Tennessee Code Annotated, no public officer, authority or county governing body shall accept, layout, open, improve, grade, pave, or light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission or on a street plan made and adopted by the Commission. The Jasper Board of Mayor and Aldermen may accept or lay out any other road provided the resolution for such acceptance, laying out or adoption shall first be submitted to the Planning Commission, for its approval and, if disapproved by the Planning Commission, shall receive at least a majority vote of the entire membership of the Jasper Board of Mayor and Aldermen.

Section 4.05. Erection of Buildings. As provided in Section 13-311, Tennessee Code Annotated, no building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Planning Commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations and Section 13-306, Tennessee Code Annotated.



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

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

Section 13-310, Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The City, through its attorney or other official designated by the Board of Mayor and Aldermen, may enjoin such transfer or sale or agreement by action or injunction.

## ARTICLE V

### PRELIMINARY PLATTING REQUIREMENTS

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

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

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

It is important that the subdivider submit a sketch plat to the County Health Department at least thirty (30) days prior to the meeting when he will ask the Planning Commission for preliminary approval.

#### Section 5.02. Preliminary Plat Approval

5.02.01. Application for Preliminary Plat Approval. Following the preapplication review of a proposed subdivision, the subdivider shall inform the chairman or secretary of the planning commission or its professional staff of his readiness to request preliminary plat approval. This contact should be made at least fifteen (15) days prior to the next scheduled meeting of the Planning Commission.

The subdivider shall distribute four (4) copies of the preliminary plat to the following individuals or agencies for their review and records: 1. Planning Commission; 2. Public Utility Department; 3. County Health Department, and 4. Mayor.

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

Then, the Planning Commission shall give approval or disapproval of the preliminary plat. A notation of the action shall be made in the minutes of the meeting. The minutes shall contain the reasons for disapproval if this be the case or the conditions for approval if that be the case. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the Planning Commission.

The Planning Commission shall act on the preliminary plat within sixty (60) days after the plat is presented at a planning commission meeting.

Section 5.03. Preliminary Plat Specifications.

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

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

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

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

- a. name of subdivision (Note: do not duplicate or closely approximate the names of existing subdivisions in the county);
- b. name and address of owner of record, subdivider, and surveyor;
- c. north point, graphic or bar scale and date plat was designed;
- d. vicinity map showing location and acreage of subdivision;
- e. exact boundary lines of the tract by bearings and distances;
- f. names of all adjoining property owners and/or subdivisions;
- g. existing streets, buildings, railroads, culverts, utilities and easements on and adjacent to the tract, as well as natural features such as sink holes, water courses, and rock outcroppings;
- h. proposed design including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- I. lot numbers, which shall be consecutive;
- j. plans of proposed utility layouts and easements (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems. When

connections to certain public utilities are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the county health department;

- k. where public sewerage and/or water are not available, the plat shall show areas to be used for disposal of sewage and the water source for each lot. (Note: the approval of the County Health Department of the size and shape of the proposed individual lots is critical to the design of the entire subdivision.);
- l. minimum building front yard setback lines;
- m. the present zoning classification, if any, on the land to be subdivided and on the adjoining land;
- n. contour lines at least for every five (5) foot change in elevation;
- o. for land believed to have unusual topographic features, street centerline (vertical curve) profiles may be required by the Planning Commission and/or the Board of Mayor and Aldermen to show that the proposed streets after grading and construction will not exceed the maximum street grades;
- p. street cross-section profiles as may be required by the Planning Commission and/or Board of Mayor and Aldermen to indicate proper crowning for drainage purposes, and
- q. if any portion of the land being subdivided is subject to flood, as defined in these regulations, the limits of such flood shall be shown.

## PRELIMINARY PLAT EXAMPLE

### Certificate of Approval of Preliminary Plat

Pursuant to the Subdivision Regulations of JASPER, TENNESSEE, all of the requirements of preliminary approval have been fulfilled. Therefore, the "Preliminary Plat of \_\_\_\_\_ Subdivision: has been approved by the Jasper Regional Planning Commission on \_\_\_\_\_, \_\_\_\_\_, 19 \_\_ subject to the following modifications:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

Variances granted if any: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Signed: \_\_\_\_\_

Secretary

\_\_\_\_\_  
Planning Commission

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

## ARTICLE VI

### FINAL PLATTING REQUIREMENTS

#### Section 6.01. Final Plat Approval

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

The six (6) prints required here would provide:

- 1) one to be recorded in the files of the County Register;
- 2) one copy for the records of the Planning Commission;
- 3) one copy for the Public Utility Department;
- 4) one copy for the Mayor;
- 5) one copy for return to the subdivider with inscriptions of the Planning Commission, and;
- 6) one copy for the Health Department

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

Thereafter, the Planning Commission shall approve or disapprove the final plat. A notation of the action of the Planning Commission shall be made on the six (6) copies of the final plat, including a statement of the reasons for disapproval if the plat is disapproved. If action on a final plat is not taken by the Planning Commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be considered approved. However, the applicant for approval may waive this requirement and consent to an extension of time.

6.01.03. Certificate of Approval of the Final Plat by the Planning Commission. If the subdivision is approved, the Secretary of the Planning Commission shall sign the certificate of approval of the final plat directly on the copies of the plat, as outlined in 6.02.09.

*NOTE: All certifications with appropriate signatures shall be placed on all six (6) copies of the plat and any others that may be deemed necessary. No certification or signature should be placed on the reproducible copy. Certifications are available from the Planning Commission staff on a reproducible*

*mylar strip which can be added to the original plat to save rewriting them each time.*

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

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

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

- a. Date, title, name and location of subdivision, graphic scale, and true north point;
- b. Location and sketch map showing site in relation to area;
- c. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
- d. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;
- e. The lines of all streets and roads, alley lines, lines, building setback lines, and lots numbered in numerical order;
- f. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
- g. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- h. Accurate location, material and description of existing and proposed monuments and markers;
- i. A statement, either directly on the plat or in an identified attached document, of any private covenants (deed restrictions);
- j. If any portion of the land being subdivided is subject to flood, as defined in these regulations, the limits of such floods;
- k. Contour lines only if so specified by the Planning Commission;

6.02.02. Certificate of Ownership and Dedication

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

_____	_____
Date	Owner
	_____
	Owner

6.02.03. Certificate of Registered Surveyor

I certify that the property shown on this plat was surveyed by me and that the bearings and distances above are accurate as required.

_____	_____
Date	Surveyor

6.02.04. Certificate of Approval of Sewage Disposal

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

_____	_____
Date	County Health Department
_____	_____
Date	Public Sewer System Official

6.02.05. Certificate of Approval of Water and Sewage Systems

I hereby certify that each lot shown is either:

- 1) is served by water and sewer extensions designed and installed in accordance with applicable local and state regulations or an adequate bond has been posted to cover such extensions.

_____	_____
Date	Jasper Water & Sewer Dept.

OR



- 2) is large enough and has adequate soils for an individual septic system if the subdivision is located outside the service area of the Jasper Sewer System.

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Health Department

AND

- 3) is served by water extensions designed and installed in accordance with applicable local and state regulations or an adequate bond has been posted to cover such extensions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jasper Water Dept.

**6.02.06 CERTIFICATE OF APPROVAL OF STREETS (amended 3/2/09)**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street and Sanitation Superintendent

*[or]*

I hereby certify that \_\_\_\_\_ is an existing public street.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street and Sanitation Superintendent

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Natural Gas Company

6.02.08. Certificate by Planning Commission on Approval for Recording

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Secretary

6.02.09 Minor Subdivision B (Simple Land Split) Certificate

I hereby certify that the subdivision plat shown hereon includes no more than five (5) lots, and has been reviewed by the Staff Planner, and has been found to comply with the Subdivision Regulations of Jasper, Tennessee, and no variances from the Subdivision Regulations or no improvements are required.(ADDED 1/6/03) (Amended 1/3/23)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building Inspector

6.02.10 Existing Septic System Certificate (if applicable)

The existing septic system is located as shown on the plat (**lot \_\_\_\_**). The location includes 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.(Added 1/6/03)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

6.02.11 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. (Added 1/6/03)

\_\_\_\_\_, 20 \_\_, \_\_\_\_\_  
Date

\_\_\_\_\_  
E-911 BOARD REPRESENTATIVE

Section 6.03 (Minor Subdivision – Plat Procedure) (Added 1/6/03)

A. Minor Subdivision A – Plat Procedure

Whenever a proposed subdivision contains six (6) or more lots and does not require the construction or installation of new streets, utilities or other improvements, the following procedures for review and approval of the subdivision shall apply. The subdivider may, if he desires, submit only a final plat in securing plat approval provided that the plat submitted complies with all the requirements of the final plat. However, if any corrections or modifications are needed, the Planning Commission shall disapprove the plat and require that it be resubmitted for approval.

Submission of a preliminary plat is **optional** unless topographical or other features justify submission as determined by the Planning Commission. If required, the preliminary plat must meet all standards contained in Article 5 of the Jasper Municipal-Regional Subdivision Regulations (**Amended January 3, 2023**).

B. Minor Subdivision B (Simple Land Split) – Plat Procedure

For divisions of land into no more than five (5) lots and does not require the construction or installation of new streets, utilities or other improvements, approval may be endorsed in writing on the plat by the secretary of the Planning Commission, without the approval of the Planning Commission, provided that upon review and certification by planning staff of the Planning Commission that the subdivision complies with the Subdivision Regulations. Plats should be submitted to City Hall or the Staff Planner for review. The Minor Subdivision B (Simple Land Split) Certificate will be endorsed by City Staff to ensure that the plat has been reviewed by the Staff Planner. (**Amended January 3, 2023**)

Preliminary Plat Specifications (OPTIONAL)

See Section 5.03 of these regulations for the Preliminary Plat Specifications.

Final Plat Specifications (REQUIRED)

See Section 6.02 of these regulations for the Final Plat Specifications and Section 6.02.09 Minor Subdivision B (Simple Land Split) Certificate.

## ARTICLE VII

### DESIGN REQUIREMENTS FOR SUBDIVISIONS

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

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

The elevation of these controls shall be determined from the charts, “High Water Profiles, Tennessee River in Marion County, Tennessee” (Tennessee Valley Authority, February 1964); “High Water Profiles, Sequatchie River in Marion County, Tennessee” (Tennessee Valley Authority, November 1971); which charts are made a part of these regulations. Areas included in the floodways are shown on the maps, “Floodways, Sequatchie River and Tributaries in Marion County, Tennessee” (Jasper Regional Planning Commission, Tennessee State Planning Commission, November 1971) and “Floodway, Tennessee River in Marion County, Tennessee” (Jasper Regional Planning Commission, Tennessee State Planning Commission, February 1964), which maps are made a part of these regulations.

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

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

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

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

Section 7.04. Public Use Areas. When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks or other land for public use) are

located in whole or in part in a land subdivision, land for such features shall be either dedicated or reserved by the subdivider for acquisition within one (1) year by the appropriate public agency.

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

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

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

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

The requirements and regulations of the “Tennessee Trailer Court Act” (Tennessee Code Annotated, Sections 53-3201 through 53-3220) must be satisfied and the approval of the local health authority must be secured prior to approval by the Planning Commission.

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

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

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

The authority for establishing the 100 year frequency of occurrence flood elevation shall be the Tennessee Valley Authority.

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

- a. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than five (5) the width of the lot at the building line, unless unusual circumstances make these limitations impractical; **(amended 4/7/08)**
- b. Lots not served by either public water or sanitary sewer systems shall be at least thirty thousand (30,000) square feet in area or of a size specified by the county health authority. The minimum distance between the septic tank and well shall be one hundred (100) feet;
- c. Where individual septic tanks are used on lots served by a public water system, minimum lot size shall be fifteen thousand (15,000) square feet. The health authority may require minimum lot sizes greater than the standard contained herein;
- d. Where lots are served by both public water and sanitary sewer systems, minimum lot size shall be ten thousand (10,000) square feet;
- e. Residential corner lots shall have adequate width to meet building setback requirements for both abutting streets;
- f. Commercial and industrial lots shall be adequate in size to provide service areas and off-street parking suitable for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes, and
- g. Land shall not be platted for commercial or industrial purposes unless the subdivider can demonstrate to the Planning Commission that each lot provides the following:
  - 1) A site that does not unduly interfere with through traffic;
  - 2) An integrated parking area;
  - 3) Insulation against any adverse effect on any present or future adjacent residences, and
  - 4) A parcel size sufficient in area to allow future expansion.

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

Section 7.10. Building Setback Lines. 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 forty (40) feet from the street right-of-way lines. Other minimum setback lines shall be as established for the zoning district where the property lies; where there is no zoning the minimum setback lines shall be as follows:

- a. from the side property lines .....10 feet
- b. from rear property lines .....10 feet
- c. from side property line which abuts.....20 feet  
a minor street (corner lot) or as may be required

Section 7.11. Lot Abutting Public Streets. Each lot shall abut for at least 25 feet upon a dedicated public street. Lots larger than 2 acres shall abut for at least 50 feet to allow for possible future roads.

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

Section 7.13 Flag Lots. All residential lots that are designed in the shape of a flag are subject to planning commission review and approval. A lot is considered a flag lot when the access strip's boundary lines extend for a distance of fifty (50) feet or more in a parallel manner. Such flag lots shall meet the following requirements: **(Amended 4.3.23)**

- 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 five hundred (500) 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 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 road providing access to the flag lot.) This wider access strip will allow room for a public 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. Utility easements are required for all flag stems in accordance with the Town of Jasper's Subdivision Regulations.
- E. 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 roads. 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.
- F. 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.
- G. 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.
- H. Minimum lot sizes shall be calculated excluding the access strip.
- I. The building setbacks shall apply only to the flag portion of the lot and not to the access strip.
- J. 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 12 percent. This requirement is needed so that the town 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.
- K. For flag lots larger than one (1) acre, re-subdivision of the flag lot into two (2) or more lots will require the flag stem to be brought up to town road standards and dedicated as a public street at the owner's expense. This dedication of the public street must also be noted in the plat recording the re-subdivision. **Exception:** This does not apply to a re-subdivision of a flag lot into two (2) lots that can conform to Section 7.13 A. However, any further subdivision is prohibited unless the flag stems are brought up to town road standards and dedicated as a public street at the owner's expense. This dedication of the public street must also be noted in the plat recording the re-subdivision.



## ARTICLE VIII

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

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

Section 8.02. Continuation of Existing Streets. Existing streets shall be continued at the same or greater width--unless they become cul-de-sacs but in on case less than the required width.

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

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

The authority for establishing the 50 year frequency of occurrence flood elevation shall be the Tennessee Valley Authority.

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

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

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

Section 8.08. Private Streets and Reverse Strips. There shall be no private streets platted in any subdivision. There shall be no reverse strips controlling access to streets, except where the control of such strips is definitely placed with the county under conditions approved by the Planning Commission.

Section 8.09. Easements. Easements having a minimum width of fifteen (15) feet shall be provided where deemed necessary for utility lines and underground mains and cables. Easements of the same or greater width shall be required along the lines of, or across, lots where necessary for the extension of existing or planned utilities.

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

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

- a. Arterials.....100 feet  
or as may be required

Arterials are major thoroughfares designed to move large volumes of vehicles

- b. Collector Streets.....80 feet

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

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

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

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

- e. Alleys .....20 feet

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

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

Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future, with a right-of-way width of 50 feet. **(amended 4/7/08)**

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs, or dead-end streets, shall not be greater in length than 2,000 feet. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet, thirty (30) feet where shoulders are used. **(amended 4/7/08)**

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

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

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

Section 8.11. Dedication of Property. “The planning commission shall not require an owner of private property to dedicate real property to the public or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest (see *Nollan v. California Coastal Commission*) and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property (see *Dolan v. City of Tigard*). An owner of private property required to make dedication or pay money in violation of this subdivision may seek relief through a common law writ of certiorari in chancery court.” **(Amended January 3, 2023).**

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

Minimum surface widths shall be as follows:

- a. Minor Residential Streets.....20 feet
- b. Marginal Access Streets.....20 feet
- c. Dead-end Streets .....20 feet
- d. Collector Streets.....24 feet
- e. Arterial Streets ..... as may be required,  
not usually paved by  
developer

Section 8.13. Street Grades. In general, streets shall be planned to conform to existing topographic conditions. Grades may exceed twelve (12) percent for a distance up to four hundred (400) feet but may not exceed fifteen (15) percent.

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

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

- a. Major thoroughfares.....300 feet
- b. Secondary thoroughfares .....200 feet
- c. Local Streets.....100 feet

Section 8.15. Vertical Curves. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be

four and one half (4 1/2) feet above the pavement, to an object four (4) inches high on the pavement. Where, in the opinion of the Planning Commission, topography warrants it, profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required.

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

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

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

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

Section 8.19 Permanent Easements (Amended 11.6.23). Permanent easements for the purpose of ingress and egress may be allowed on plats subdividing in Commercial and Industrial Zoning Districts if lots are unable to meet frontage requirements or otherwise have no other access to a public road. All other zoning districts are prohibited from allowing permanent easements for the purpose of ingress and egress.

## STREET DESIGN

## ARTICLE IX

### IMPROVEMENTS PREREQUISITE TO FINAL PLAT APPROVAL

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

#### Section 9.01. Monuments.

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

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

- b. All other lot corners shall be marked with iron pipe not less than three-fourth (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be one (1) inch above the finished grade. Lot corners fronting on public roads shall be marked with numbered wooden lot stakes.

Section 9.02. Grading. All streets, roads and alleys shall be graded by the subdivider to the required cross section. Due to special topographic conditions, deviation from the above will be allowed only with special approval of the Planning Commission. Where roads are constructed under or adjacent to existing electric transmission lines, the fifteen (15) feet from any transmission line structure and all grading for the road shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines, the clearance from the road to the nearest conductor shall meet the requirements of the National Electric Safety Code.

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

applied to the roadway and not necessarily to the entire right-of-way width.

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

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

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

Section 9.05. Pavement. All streets shall be paved using either asphalt concrete surface cover (hot mix) or double bituminous surface treatment (double shot).

- a. Asphaltic concrete surface shall be constructed with asphaltic concrete compacted to two (2) inches with not less than an average weight of two hundred (200) pounds per square yard.
- b. The following standards apply for double bituminous surface treatment:

Application	Type Emulsion	Gallons Emulsion per sq. yd.	Mineral Aggregate Size	Amount Aggregate per sq. yd.
1st (prime)	AEP	.30 to .35	#7 Chips	8 to 12 lbs.
2nd (mat)	RS-2	.42	#6 Chips	40 lbs.
3rd (seal)	RS-2	.35	#7 Chips	25 lbs.

(Each coat must be rolled with a 15 ton steel roller.)

Section 9.05.01 Sidewalks and Pedestrians Ways (Amended 11.6.23). In residential and non-residential subdivisions, sidewalks or pedestrian ways are required along all new roads. Sidewalks or pedestrian ways shall meet the following requirements:

In residential areas, sidewalks or pedestrian ways shall be Portland cement concrete, four (4) inches thick and four (4) feet wide. They shall also be made ADA accessible throughout.

In commercial areas, sidewalks shall be six (6) inches thick and six (6) feet wide or wide enough to meet ADA (Americans with Disabilities Act) Standards.

Section 9.06. Storm Drainage (Amended 11.6.23). The design of the storm water drainage system of the subdivision shall include the entire watershed affecting the subdivision and shall be extended to a watercourse of ditch which is adequate to receive the drainage of surface water. The developer may choose to accommodate any additional runoff or increased rate of runoff caused by this development by limiting the rate of runoff with ponding or other methods approved by the Streets Supervisor or town-appointed engineer. The developer shall be responsible for the construction of all improvements to the drainage system shown on the plat.

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

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



*be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed.*

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

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

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

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

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

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

Section 9.10. Guarantee in Lieu of Completed Improvements. (Amended 10-7-2013) No final subdivision plat shall be approved by the Planning Commission or accepted for record by the county register of deeds until one of the following conditions has been met:

- a. All required improvements have been constructed in a satisfactory manner and approved by the various authorities for which certificates are required. These improvements include the extension of water and/or sewer lines and the construction of a road and storm drainage.

OR

- b. The Planning Commission has accepted a letter of credit or certified check that is for a period of twelve (12) months or less in an amount equal to one hundred and fifty (150) percent of the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the Town or other responsible utility system in the event of default by the subdivider. The Town Attorney will be responsible for the execution of the surety instrument, which will be held in a secure place at Jasper Town Hall. At the end of the twelve (12) month period (or time specified in the surety instrument approved by the Planning Commission), 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. Upon a ruling by the Planning Commission, the Town Attorney will be charged with the responsibility of either releasing or collecting the surety instrument on behalf of the Town.

*NOTE: The Planning Commission shall set the amount of the surety instrument based upon the cost of improvements estimated by the Jasper Street Supervisor or the appropriate utility official or other authority designed by the Planning Commission.*

Section 9.11. Required Inspections During Road Construction. Before road construction begins the developer shall contact a city-approved road inspector to discuss pre-construction specifics. A listing of qualified civil engineers that has been approved by the Planning Commission is available at Jasper City Hall. The road inspection fee shall be the responsibility of the developer. While road construction is taking place, inspections shall be made by the chosen road inspector before, during and after each step or process, and prior to the next course or procedure. The inspector shall check the width, depth and crown of the road and such other aspects of the work as is deemed necessary. Weight tickets showing the type, class, and weight of gravel and surfacing material shall be furnished to the inspector after the completion of each step.

9.12 Procedure for Executing and Enforcing Surety Instruments. (Amended 10-7-2013)

Once a final subdivision plat is submitted to the Planning Commission for approval, the developer/subdivider shall have also submitted a letter of credit or a certified check in an amount equal to one-hundred-fifty (150%) percent of the estimated cost of installing and constructing the required improvements. The developer/subdivider then has twelve (12) months to complete the required improvements. The appropriate signed certificates on the plat should recognize that a surety instrument has been secured, and it must state the amount that it will cover. The surety instrument serves as a contract between the developer/subdivider and the Town of Jasper, thus ensuring that the required improvements will be completed in a timely manner and at no cost to taxpayers.

A. Procedure for Completed Improvements

1. If the required improvements are completed within twelve (12) months, then the developer/subdivider shall formally request in writing that the Planning Commission release the surety instrument after an inspection has been performed by the appropriate authority who can certify completion.

2. A letter must also be obtained from the appropriate utility or town official stating that the required improvements have been completed in an acceptable manner and that no further or immediate costs are anticipated as a result of the completion of a particular project.
3. The Planning Commission may require a letter from a certified engineer if there is question about operation or design of the completed infrastructure.
4. The Planning Commission shall certify that all of the required improvements have been installed or constructed in an acceptable manner based on good engineering principles and adherence to state and local regulations. Once satisfied, the Planning Commission shall instruct the Town Attorney in writing to release the surety instrument.
5. In the case of roads, the developer/subdivider shall request that the Jasper Board of Mayor and Alderman accept the road as a public street. Otherwise, the maintenance of the road falls to the developer/subdivider.

**B. Procedure for Calling in a Surety Instrument for Incomplete Improvements**

1. Ninety (90) days prior to the expiration of the surety instrument, the Planning Commission shall send a certified letter to the developer/subdivider and the issuer of the surety instrument notifying them of the deadline for completing the required improvements. If the required improvements are not completed, then the Planning Commission shall begin the process of collecting payment guaranteed in the approved surety instrument beginning thirty (30) days prior to the end of the twelve (12) month period. It should be noted that the end of the twelve (12) month period does not make the letter of credit or certified check invalid; rather it allows the Planning Commission to collect it to fund the completion of the required improvements. The Planning Commission may call in the surety instrument at anytime following the twelve (12) month period. An extension of up to twelve (12) months may, in some cases, be granted by the Planning Commission, but a renewed letter of credit or certified check shall be of a sufficient amount to cover the remaining improvements. The renewed surety instrument must also specify the extended timeframe granted by the Planning Commission.
2. The developer/subdivider and the issuer of the letter of credit or certified check shall be notified at least seven (7) days prior to the hearing in which the Planning Commission will vote to call in the surety instrument.
3. Within thirty (30) days prior to the end of the twelve (12) month period, the Planning Commission shall conduct a hearing either at a special called meeting or a regularly scheduled meeting to vote on calling in the surety instrument if the required improvements are incomplete. A certified letter shall be sent to the developer/subdivider and the issuer of the surety instrument with notification of the Planning Commission's decision.
4. The Planning Commission shall send a letter to the Town Attorney requesting that the surety instrument be dispensed to the Town to cover the cost of completing the required improvements. If improvements are completed in a satisfactory manner, then the Planning Commission shall instruct the Town Attorney to release the surety instrument.

**9.13. Acceptance of Street by Town Board. (Added 10-7-2013)**

Streets shall be accepted by the Town of Jasper for operation and maintenance through the following procedure:

1. Construction is complete.

2. The road inspector conducts a final inspection and determines the street meets the design guidelines specified herein, and further certifies that the street will function properly and has adequate drainage designed to prevent excess water from adversely affecting other streets or adjacent property owners.
3. The Jasper Municipal-Regional Planning Commission has released any surety instrument that was issued to ensure completion of the street.
4. The road inspector recommends in writing that the street be accepted by the Town for regular operation and maintenance.
  4. The Town Board approves by ordinance the acceptance of the street.

## **ARTICLE X**

### **VARIANCES, AMENDMENTS AND APPEALS**

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

Section 10.02. Amendments. These regulations may be amended from time to time by the Planning Commission, who shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be published in a newspaper of general circulation in Jasper

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

## ARTICLE XI

### LEGAL STATUS PROVISIONS

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

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

Section 11.03. Adoption and Effective Date. Before adoption of these subdivision regulations, a public hearing as required by Section 13-303, Tennessee Code Annotated, was afforded interested persons and was held on June 28, 1983. Notice of such hearing was announced in the Jasper Journal, being of general circulation within the area of planning jurisdiction, on May 19, 1983.

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

Adopted July 26, 1983

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Secretary

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Chairman

**ANSWERS TO QUESTIONS OFTEN ASKED ABOUT  
SUBDIVISION REGULATIONS**

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

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

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

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

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

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

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

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

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

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

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

- a. A state law has been broken (Section 10, Chapter 222, Public Acts of 1951).
- 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 zoning is 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 will require the developer to grade and improve streets, install curbs and sidewalks, monuments, sewers, and water mains in accordance with adopted specifications.

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

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

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

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

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

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

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

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



**SUGGESTED STEPS FOR A DEVELOPER OF A SUBDIVISION**

- Confer with the planning commission and its staff representative to become thoroughly familiar with the subdivision requirements, the major street plan, and other public improvements which might affect the area to be subdivided.
- Have a preliminary sketch plat prepared by a reputable engineer or surveyor.
- Discuss the preliminary plat with staff representative. This pre-application review by a trained land planner may save the subdivider time and costly revisions, as well as possible savings through better design.
- Submit required copies of the sketch plat to the planning commission for preliminary approval in advance of its regular monthly meeting.

**WHEN PRELIMINARY APPROVAL HAS BEEN GRANTED:**

- See city engineer or designated approving agent(s) for street and utility specifications; contact city or county health officials for septic tank specifications if public sewers are not available.
- Develop subdivision according to preliminary plat and required modifications, if any. Install improvements.
- Obtain certificates from street and health officials certifying that improvements have been made or that a performance bond has been posted.
- Prepare final plat.
- Submit final plat to the planning commission for approval. When approved, the planning commission secretary will sign the certificate of approval for recording.
- The subdivider now records the plat with the county register's office. The subdivider is now ready to sell his lots.